



Councilmember Phil Mendelson's

At-Large Update

Councilmember
Phil Mendelson
(At-Large)

February 24, 2010

The Sosua Fire Truck

You may remember the controversy last year over the donation of a fire truck and an ambulance to the city of Sosua in the Dominican Republic. The Committee on Public Safety and the Judiciary, which I chair, and the Committee on Government Operations and the Environment chaired by Councilmember Cheh, issued investigative reports on the matter late last month.

Both committees first learned of the proposal to donate the surplus fire apparatus from newspaper reports in the *Washington Examiner*.

At an April 1st oversight hearing we attempted to learn more about this from the Chief of the Fire and EMS Department but were unable to obtain an explanation. Indeed, an e-mail obtained later in the course of our investigation revealed that "the company line is that OAG is looking into the situation."

We thought we would be able to get more information at an April 6th hearing with the Office of Contracting and Procurement. However, Attorney General Peter Nickles directed that the requested witness, Mr. Wilbur Giles, not appear to answer questions.

Meanwhile, on April 3rd, the Attorney General issued a report, based on a purported investigation, that revealed nothing more than had been reported already in newspaper accounts.

Because of the refusal to answer questions, withholding of witnesses, and the shabbiness of the Attorney General's report, both Committees launched a formal investigation in order to subpoena witnesses and obtain information.

In its report, the Committee on Public Safety and the Judiciary made three major findings.

First. *There is a lack of well-defined and clearly understood process for donating surplus property to a foreign jurisdiction.* The only way the donation could be made was through a nonprofit intermediary, Peaceaholics.

Moreover, it is apparent that neither the Mayor nor the City Administrator knew of or approved the decision to donate the fire apparatus.

It is also apparent that no agency director made the decision to donate the fire apparatus.

In fact, no witness could identify either who decided to donate the fire apparatus or who ordered them to participate in this donation. Witness after witness testified that they assumed approval had been given for the donation. But no one could say when or by whom.

Indeed, the only major decision by a government employee was the decision by the Attorney General that the fire apparatus be returned to the District after the first press reports - which was a decision for which there appears to be no authority, since title had already been given to Peaceaholics and money transferred by the Sosua government.

Second. *Virtually every aspect of the donation was dictated by a private individual not in the government.* Sinclair Skinner, a private sector entrepreneur, organized the January 2009 trip to Sosua to arrange the donation, accompanied by city officials. Mr. Skinner decided that Peaceaholics would receive the surplus District property and act as the go between.

Mr. Skinner handled the \$11,000 cash payment from the Mayor of Sosua to pay the transportation costs.

Constituent Services Corner

A disabled Northeast woman called Councilmember Mendelson's office frustrated because, after several failed attempts, she was not able to secure handicapped parking in front of her home. This severely effected her ability to go about her daily life.

It was apparent that her request was lost in the bureaucratic abyss. Our office immediately contacted the District Department of Transportation (DDOT) and found that DDOT was doing nothing while waiting to hear from the Department of Motor Vehicles (DMV), and DMV was doing nothing because DDOT was not following up.

We contacted DMV and arranged the transfer of the verifying documents to DDOT. This broke the logjam and as a result, the constituent was able to get handicapped parking in front of her home in 10 short days.

When dealing with the District's bureaucracy feels like you're circling the block for hours, call Councilmember Mendelson's office. We'll help you find a spot.

See Fire Truck, p2

Fire Truck (cont.)

Mr. Skinner made the decision that there would be no press about the donation – nixing the idea when suggested by the city officials who were involved.

It is troubling that a private individual was allowed to be so heavily involved in the disposition of District-owned property – a project that ultimately gave the District a black eye.

Third. *Even though the Committee found no criminal wrongdoing, the Executive stonewalled and covered up as if there was criminal behavior.* At the center of the stonewalling was Attorney General Peter Nickles. Mr. Nickles spared no effort to prevent access to information by the Council, and ultimately, the citizens of the District.

E-mails revealed that Chief Rubin did not answer questions at the Committee's April 1st hearing because "The company line is that OAG is looking into the situation." Mr. Nickles instructed a witness to avoid an April 6th hearing.

When the Committee on April 9th requested from the Mayor documents related to the donation, Mr. Nickles responded that the request was inappropriate and would not be complied with.

When the Committee resorted to subpoenas, and then subpoenaed two government employees (and documents) for May 15th, Mr. Nickles directed them not to appear.

The Committee then proceeded to negotiate with Mr. Nickles for almost a month – with Mr. Nickles demanding that the City Council provide legal counsel for the city witnesses, even though that would be unprecedented, and even though we offered to help find pro bono counsel.

In the end, Mr. Nickles freely sent his own attorneys from the OAG, which led to another month of delay over whether these attorneys were representing the witnesses in their "official" or "individual" capacity.

Underlying the Attorney General's obstructionism was his assertion that he is more fit than the Council to determine what the Legislative Branch can and should pursue. He considered the matter closed since he already looked into the matter and found nothing wrong.

But his April 3rd report was remarkable for its lack of detail. It did not explain the basis for the donation, did not discuss who had made the decision to donate the apparatus, did not identify or explain Mr. Skinner's involvement. Indeed, it mentioned no names at all. Worse, the report was drafted by attorneys in his office who had been involved in the donation.

Finally, the Inspector General is undertaking his own investigation into this matter. There is an obvious expectation that one will fully cooperate with an ongoing investigation of the IG. The Attorney General, however, has gone beyond cooperation to make clear to the IG that an investigation into the matter is a waste of time and resources.

I disagree - District residents have a right to know what its government does with the public dollar.



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Upcoming Hearings of the Judiciary Committee

Feb. 26th at 12:00pm in Rm. 120

"Public Safety & Judiciary Option-Year Contract Review"

Mar. 3rd at 10:00am in Rm. 412

Performance Oversight Hearing on:
Sentencing Commission

Judicial Nominations Commission

Commission on Judicial Disabilities & Tenure
DC National Guard

Office of Victims Services

Justice Grants Administration

Homeland Security & Emergency Management

Criminal Justice Coordinating Council

Office of the Chief Medical Examiner

Mar. 12th at 10:00am in Rm. 500

Performance Oversight Hearing on:

Fire & Emergency Medical Services

Office of Unified Communications

Department of Corrections

Corrections Information Council

Mar. 17th at 10:00am in Rm. 120

"Continuing Overtime and Pay Problems in the
Fire & Emergency Medical Services Department"

Mar. 19th at 10:00am in Rm. 500

Performance Oversight Hearing on:

Office of Police Complaints

Metropolitan Police Department

Forensics Lab

Office of Administrative Hearings

Office of the Attorney General

To sign up to testify, or for more information, call the Committee at (202) 724-7808