



May 8, 2012

Ethics at the Metropolitan Washington Airports Authority

It would be helpful to the public discourse for the Examiner to be more careful and factual in publishing allegations about conflicts of interest at the Metropolitan Washington Airports Authority. Consistent with our ordinary sense of transparency, we allowed the Examiner's Liz Essley to review the Statements of Employment and Financial Interest filed annually by each Director. It appears she somehow imagined that each form disclosed an actual or soon-to-occur conflict of interest and wrote about it that way in her May 2 article; in fact, she did not describe a single conflict.

The annual forms only state interests of a Director and the Director's immediate family that could give rise to a conflict, if an action concerning them ever came before the Board for decision. When that happens, the Director in question must recuse him or herself and not participate in discussions on the matter. Board members have been careful to comply. We understand, however, that citizens attending our Board meetings, even beat reporters, might not notice when such a potential conflict turns up; conflicts are rare and quickly addressed. Here are the cases Liz mentioned.

Warner Session, a D.C. lawyer, represented Smarte Carte Inc., a company that provides airport baggage carts, about 20 years ago in a transaction in Kansas City. He was appointed to the Board of Directors in March 2011. Even though the Code of Ethics does not require him to do so, he has fully disclosed who his prior clients were, and has not voted on any matter that would directly affect them. Aviation Business Partners, mentioned in the article, is a name he has used for the occasional consulting services he provides. He has never consulted with the Airports Authority, and has not advised companies doing business with the Authority since his appointment.

Michael A. Curto, the Chairman, is a partner at Patton, Boggs. That firm has represented the Authority in the past, well before Mr. Curto was appointed, and not at all since.

Frank M. Conner III is a partner at DLA Piper, with 4,200 lawyers in 37 countries, one of the world's largest law firms. During his tenure, DLA Piper acquired by merger a Delaware firm with a partner who had represented the Authority in a foreign airline bankruptcy. The Board of Directors was not involved in selecting counsel or overseeing the bankruptcy proceeding, which started well before Mr. Conner joined the Authority in 2009. Another situation, handled by a different lawyer at DLA Piper, involved DLA Piper in representing a company that had protested an Authority contracting decision, which has since been withdrawn. Mr. Conner disclosed both relationships in writing, consistent with the Authority's Code of Ethics, and did not participate with respect to the protest. Finally, other than the bankruptcy matter mentioned above, the firm has never represented the Airports Authority.

Dennis Martire, a vice president of the Laborers International Union of North America, does not represent any workers on the Dulles Rail project; LIUNA locals do represent some of them. In any event, the Board does not make any decisions on construction practices; they are the responsibility of the contractor building the project.

Moreover, the Board does not have a pro-union stance, as the Examiner alleges. It has supported a particular project labor agreement to keep costs down and prevent work stoppages, not to advance union interests. Mr. Martire was advised both by his own and Authority counsel that his vote on the agreement, part of an 11-2 majority, did not constitute a conflict. The PLA itself, as in effect now on Phase 1 of the rail project, is consistent with Virginia law and cannot discriminate against non-union craftsmen or contractors.

Ethical issues at the Metropolitan Washington Airports Authority are closely watched, and the Directors have always disclosed more than is required to assure the integrity of their decision making. Many disagree with decisions they have made; that is not surprising. But that does not mean any of the decisions have been affected in the slightest by self-interests.

Gregory Wolfe
Counsel to the Board of Directors