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Congress of the United States
House of Representatives

May 15, 2012

Mr. Michael B. Desanctis
Managing Partner
Jenner & Block
1099 New York Ave NW, Suite 900
Washington DC 20001

Dear Mr. Desanctis:

Last year, your firm issued a legal opinion on behalf of the Metropolitan Washington Airports Authority (MWAA) titled, "Assessment of Recent MWAA Legislation." I would like to draw your attention to several aspects of this issue which you may not have been aware of when your firm agreed to perform the work.

The U.S. Department of Transportation's Inspector General released an interim report today regarding an ongoing audit of MWAA's board. The interim report (enclosed) makes several references to the contract you received from MWAA to perform the work in question. Were you aware that the immediate family member of a member of MWAA's board is an employee of your firm? The interim report states, "At minimum, this created the appearance of a conflict of interest that may have been avoided had the Board member exercised better judgment and fully followed MWAA's ethical procedures."

In addition, the contract for your opinion was awarded before the necessary period of review, as required by MWAA's own contracting procedures. The interim report goes on to state:

...an MWAA senior official awarded a \$100,000 sole source contract to a law firm under a categorical exception for urgent need. The senior official also requested that the contractor proceed with the work before MWAA's Procurement and Contracts Manager gave his required approval for the award. As Table 1 shows, the Procurement and Contracts Manager was unaware of the contract award until we inquired, and the contract was not signed until 3 weeks after the work was completed.

While your firm was likely not privy to the circumstances surrounding the contract, it nevertheless was awarded in a way that runs counter to MWAA's own procurement practices. Regardless of the conclusions of your firm's opinion, MWAA should not have issued the contract in the way that it did.

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Therefore, I ask that your firm return the \$100,000 MWAA spent on the legal opinion produced by this contract. I am sure that had your firm known about the questionable fashion in which it was awarded, you would have recognized you had an ethical duty to decline the contract. I have no doubt that your firm is committed to achieving the highest standards of ethical business practices. Returning the money from a contract award that a U.S. inspector general says raises the specter of a conflict of interest would clearly demonstrate your commitment to these ideals.

The MWAA board has numerous problems in need of immediate correction. While perhaps unknown to you at the time, your firm has contributed to this situation. I believe you can take immediate action toward fixing the problems outlined in the IG's interim report and ask that you do so.

Best wishes.

Sincerely,

Frank R. Wolf
Member of Congress

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enclosure

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