

**Subject:** Re: FW: Outstanding Ethics Concerns - Add one more to the ever growing list  
**From:** Bob Richardson <wwofw@wmburgweb.com>  
**Date:** Wed, 16 Jul 2008 17:00:50 -0400  
**To:** "Bruce C. Goodson" <bgoodson@james-city.va.us>  
**CC:** "BOARD ONLY (BOARD ONLY)" <BOARD@james-city.va.us>, Jack Fraley <jlfraley@cox.net>

Mr Goodson,

1) I made no request for you to ask the county attorney for an opinion. Quite the opposite actually. If you read my e-mail I clearly placed the responsibility "on your shoulders".

2) I did so because that is what the JCC Code of Ethics dictates. If you are familiar with it and embraced it, you would know that:

**Section 17. Implementation** As an expression of the standards of conduct for members expected by the County, the James City County Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with and embrace its provisions.

It continues in:

**Section 18. Compliance and Enforcement** ... The chairs of boards, committees, and commissions and the Chairman of the Board of Supervisors have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention.

I've seen no intervention and anything short of dismissal of Mr. Henderson from the PC and any future assignments leaves you in violation of the Code of Ethics as I see it from a citizens standpoint.

3) Our County attorney is not bound by the code of ethics nor named as the moderator in the COE. Lawyers are certainly not known as bastions of ethics as they defend criminals. You have asked your employee who is; A) dependent on your good graces for his job and paycheck and B) not bound by ethical concerns to come to your defense. Quite a system you have there. Sure seems like a misuse of office to me.

4) So no I am not satisfied you have acted appropriately. Quite the opposite. You have yet again violated the letter and the spirit of the code of ethics by not dealing appropriately with the many violations I have alleged. Instead, you continue to ignore my complaints and back this up with an inappropriate opinion.

BTW: Leo's arguments are weak at best and something I would describe as a smoke screen. I wouldn't hang your hat on it.

I await appropriate response and actions from you, the party responsible to enforce ethic violations on yourself and fellow BOS members. I'm not holding my breath.

Bob R.

Bruce C. Goodson wrote:

Mr. Richardson,

As requested, I have asked the county attorney to give an official opinion on the allegations you alleged in your email message dated Monday July 14, 2008. As you can see below, his professional review of this issue has found no violation of the law or of the board's Code of Ethics policy.

I hope this satisfies your concerns on this matter.

Bruce Goodson  
Chairman

-----Original Message-----

**From:** Leo Rogers [<mailto:lprogers@james-city.va.us>]

**Sent:** Tuesday, July 15, 2008 2:59 PM

**To:** Board Only

**Subject:** RE: Outstanding Ethics Concerns

Chairman Goodson and members of the Board of Supervisors,

I read Mr. Robert Richardson's email below, was present for his comments made to the Board of Supervisors, and I reviewed Mr. Richardson's comments made at the June and July Planning Commission meetings. It is my opinion that there is neither a violation of the Code of Ethics by Planning Commissioner Chris Henderson nor by the members of the Board of Supervisors who voted to appoint Mr. Henderson. In addition, I find no legal basis for Mr. Richardson's proposal to recall the three members of the Board of Supervisors who voted to appoint Mr. Henderson.

Mr. Richardson alleges that Mr. Henderson should not have been appointed to the Planning Commission or any other County position because he, personally and as the then head of the Republican party, helped fund the political campaigns of three members of the Board of Supervisors. Mr. Richardson has provided no evidence that the political contributions were directly tied to Mr. Henderson's appointment. In general, individuals have the right to contribute to any candidate they wish. In addition, being the head of a political party does not disqualify a person from accepting a County appointment. The Board of Supervisors has the discretion to appoint persons to boards and commissions that the Board of Supervisors determines to be best for that position. Based on the facts alleged by Mr. Richardson, it is my opinion that the appointment of Mr. Henderson to the Planning Commission is not unethical and is within the sound discretion of the Board.

Mr. Richardson's allegation of unethical behavior against the three Board members who voted in favor of Mr. Henderson's appointment are equally unfounded for the reasons stated above. In addition, Mr. Richardson has proposed to initiate a recall of those Board members. The procedure to recall a member of the Board is found in Virginia Code Section 24.2-233. The only basis for such an action alleged by Mr. Richardson is "misuse of office." Without something more, the mere appointment of the current or former head of political party and/or a contributor to a political campaign does not constitute a misuse of office. Therefore, it is my opinion that there is no basis for a recall.

I should also note that the Code of Ethics which has been signed by Mr. Henderson and the Board members sets a higher standard of conduct than required by law. Although it is my opinion no violation of the Code of Ethics exists based on Mr. Richardson's

allegations, it is up to the Board of Supervisors to determine whether a violation exists and what, if any, action should be taken.

Also, Mr. Richardson included Mr. Henderson's request for a conflict of interest opinion on the Ford's Colony rezoning case with his allegations of illegal or unethical behavior. Mr. Henderson's request for a conflict opinion is based on the facts of a specific case and is consistent with the procedures proscribed by State law. The Commonwealth Attorney's found that no conflict existed and Mr. Henderson made the proper disclosure. The language in the last paragraph of Nate Green's opinion letter (copy attached) is standard language of conflict of opinion letters to let the person making the request know they still have the ability to exercise their own judgment. Such language should not be used to indicate the existence of a potential conflict or potential violation of the Code of Ethics.

Leo P. Rogers  
County Attorney

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**From:** Bruce C. Goodson [<mailto:bgoodson@james-city.va.us>]  
**Sent:** Monday, July 14, 2008 3:10 PM  
**To:** Leo Rogers  
**Cc:** [wwofw@wmburgweb.com](mailto:wwofw@wmburgweb.com); Board Only  
**Subject:** RE: Outstanding Ethics Concerns

Leo,

Attached is a message from a citizen who is charging that members of the Board of Supervisors have violated certain sections of the JCC Code of Ethics with the appointment of an individual to the Planning Commission. I take this complaint seriously and officially ask you to review this appointment action by the board and determine if the members who voted for this appointment violated the JCC Code of Ethics policy. If you believe there has been a violation, please advise me on the action I need to take as chairman to enforce the policy.

Bruce Goodson

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**From:** Bob Richardson [<mailto:wwofw@wmburgweb.com>]  
**Sent:** Monday, July 14, 2008 2:23 PM  
**To:** JCC Board; Jack Fraley  
**Subject:** Outstanding Ethics Concerns

Dear Mr. Goodson (others),

As you well know, I have made my concerns over the unethical appointment of Mr. Chris Henderson to the Planning Commission quite public. It falls upon your shoulder to intervene and resolve this issue. To date and after months of speaking out, I have gotten no acknowledgment of my concerns nor have I seen any actions to stem this continuing unethical behavior. Just the fact that you have chosen to ignore my concerns is in itself a violation of the JCC Code of Ethics.

You should note the following text from the JCC Code of Ethics:

**Preamble**

**The citizens and businesses of James City County Virginia, are entitled to have fair,**

**ethical, and accountable local government which has earned the publics full confidence for integrity. ... comply with both the letter and spirit of the laws and policies affecting the operations of government ...**

The Code of Ethics itself is a policy of JCC. I don't see any accountability here. The appointment of Mr. Henderson to the Planning Commission, and the lack of response to my accusations has eliminated any confidence in the integrity of my local government that I may have had. I am not alone in this opinion as evidenced by support shown at earlier PC meeting where Mr. Henderson was asked to recuse himself from voting on the Villages at Ford's Colony hearing.

### **1. Act in the Public Interest**

**Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of James City County and not for any private or personal interest ... they will assure fair and equitable treatment of all persons, claims and trasactions coming before the James City County Board of supervisors, boards, commissions and committees.**

I've brought a claim of unethical behavior and you have not responded at all, this surely is not "equitable treatment", and thus puts you further in a position of continued unethical behavior.

### **3. Conduct of Members**

**The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. ...**

This is the meat of my argument. The Chris Henderson appointment clearly fails this requirement. The fact that he chose to get a letter from the State indicating he did not have a conflict of interest is proof. Be sure to read this letter, especially the last sentence. If that is not enough evidence for you then you should review his own public statement about this concern. He clearly has admitted that there IS an appearance of impropriety.

### **5. Conduct of Public Meetings**

**Members should prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. ...**

At my last public comment at the Planning commission, I had to stop three times and demand Mr. Henderson's attention, he never once looked up to pay attention, I clearly had all the other Commission members attention for I was able to make eye contact with each and every one except Mr. Henderson. Mr. Henderson is operating in an unethical manner on just this very point and I am bringing it to your attention for resolution.

There is plenty more in the Code of Ethics that I feel is being violated, but I see no reason to elaborate. You have signed a copy and Mr. Henderson has assured me personally that he has read it numerous times and is completely familiar with its content.

As I publicly stated, I do NOT want to petition the court for the removal of the 3 Republican Supervisors, but given the way you are handling this, I see no other choice. This clearly falls on your shoulders Mr. Goodson as detailed in section **18. Compliance and Enforcement.**

For your sake I hope you are standing on solid ground.

Robert Richardson

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