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Several months ago, the Office of the Attorney General authorized the Virginia State Police to conduct an investigation into the conduct of Mayor Levar Stoney regarding the removal of certain statues along Monument Avenue. The authorization was broad, which allowed the Bureau of Criminal Investigation to be quite thorough in its inquiry. The specific question at the outset of the matter was whether the Mayor received an improper benefit by awarding the removal contract to a political donor of his.

After an exceptionally thorough, impartial, and professional Virginia State Police investigation, I find no evidence of improper benefit to the Mayor as a result of the contract for removal.

Some of the facts of this matter gave rise to the appearance of impropriety, and served as the impetus for this investigation. First, the City awarded this substantial contract to a political contributor of Mr. Stoney. Second, the contractor concealed his identity through the use of a business entity such that his name was not immediately associated with the deal. Finally, the high cost of the removal created some suspicion as to whether the matter was handled lawfully.

The investigation did not reveal anything criminal regarding the awarding of the contract. Mayor Stoney did not suggest "Team Henry" as the contractor in the first place. Another City employee made that suggestion. In fact, our investigation revealed that the City reached out to a number of contractors to do the work, all of whom refused, due to the politically sensitive nature of the work. In other words, they did not want anything to do with the removal of the monuments because the issue was controversial, and they either (1) personally objected to their removal or (2) feared that removing the monuments posed a security risk with which they did not want to contend. The City's diligent pursuit of other contractors does not support an allegation that the Mayor improperly sent this City business to his campaign donor.

The concealment of the contractor's identity through the formation of a separate business entity led to suspicion as to whether this was done in order to conceal an improper transaction. However, the facts discovered in the investigation do not support such a conclusion. Rather, the available evidence suggests that the controversial nature of the work motivated the contractor to keep his identity out of the public eye. Because tensions were running so high at the time, and many people expressed passionate opinions about the proposed removal, the contractor chose to keep his identity hidden, which is not a crime.

The high value of the contract also attracted a fair amount of scrutiny. Once this investigation was underway, we were contacted by members of the public claiming the contract price was grossly inflated. They insisted that the work could have been done much less expensively. They took the position that, since there was such a significant overpayment made to a campaign contributor, the entire transaction must have involved public corruption. Determining value can be a tricky proposition, one made much more difficult because of the unique circumstances surrounding this particular contract. The utter lack of competition involved here is very likely to have driven up the price. Certainly the \$1.8 million included a substantial profit to the contractor. Taking a profit, even a very substantial one, in a transaction with a government entity is not, however, criminal.

Finally, there is the matter as to whether Mayor Stoney followed the proper procedure in the awarding of this contract. Whether Mr. Stoney was required to follow certain statutorily prescribed procedures is a matter for debate. It could be (and has been) argued that the state of emergency in place at the time gave the Mayor special authorization to act outside of the normal procurement procedures. There is further debate as to whether certain statutes requiring procedural compliance were applicable to the removal of these statues in the first place. I need not express an opinion on this issue. The reason I do not is that I was appointed to investigate this matter in order to find out whether the contract award was a matter of *public corruption*, which is incredibly serious. The goal was to find out if Mr. Stoney had used public money to pay off a campaign contributor and to receive a personal or political benefit from it. After months of scrutiny and effort by a seasoned, motivated, and experienced State Police investigator, we have uncovered no evidence of public corruption. It is clear that once Richmond gained control over the monuments, especially following last year's protests, the City was going to remove them. Therefore, the question of removal was a matter of timing. It is my decision that it would be a misuse of resources to seek charges against the Mayor for what was, at worst, a removal that happened some weeks earlier than it otherwise would have.

My personal opinion with regard to this contract and the removal of these statues is not itself relevant to this inquiry. However, it is of utmost importance that the public have confidence in this process. This is not to say I expect or want the public to *agree* with me. Rather, I want them to have confidence that the decision was based in the law, was free from political consideration, and that I have exercised my discretion in an impartial manner. Because this public confidence is important to me, I would like to make a few things known.

I am an elected Republican from a conservative jurisdiction, and Mayor Stoney is not. I have no bias in favor of him based on some shared ideology or membership in the same political party. I have no personal relationship with him, as the two of us have never met. The tenor of last summer's protests, and the vulgar vandalism of the monuments saddened me. My decision may well be unpopular among many, but it is based on our best effort to investigate this matter, and my sincerest desire to exercise my discretion appropriately.

Thank you,

Timothy A. Martin  
Commonwealth's Attorney for Augusta County