

Prosecutor: Overlap between city and mayor's church 'raise suspicion', but no evidence found to support criminal charges

BY NED OLIVER and K. BURNELL EVANS Richmond Times-Dispatch | Posted: Wednesday, November 30, 2016 9:31 am

Richmond Commonwealth's Attorney Michael N. Herring said Wednesday his office will not seek criminal charges following a 10-month investigation into potential overlap between city business and the church where Mayor Dwight C. Jones serves as senior pastor.

"Although the investigation raises suspicion and concern about opaque governance, and calls into question the credibility of many of the involved parties, these facts do not constitute probable cause for prosecution under the Commonwealth's public corruption laws," Herring said in his report.

"As a colleague reminded me, 'the governing norm is that the criminal courtroom is not the public square — what may rightly provoke the public ire is not sufficient for criminal prosecution.' "

Herring said his office investigated three potential theories: whether city funds were used to construct the church, whether there was evidence of city employees leveraging their official positions to get better prices from contractors, and whether there was any evidence of a quid pro quo in which city vendors may have been offered city contracts in exchange for better prices on work at the church.

The investigation stemmed from a report issued by city auditor Umesh Dalal in January that found the city's director of public works, Emmanuel O. Adediran, helped oversee construction of First Baptist Church of South Richmond's new church building in Chesterfield County on city time.

City officials said the work was limited to his participation in conference calls and he gave up a corresponding amount of time in vacation leave.

However further scrutiny of emails Adediran sent and received on his city email account showed he sent hundreds of emails about the project, many of which Jones was copied on. Additionally, in at least two cases, contractors who did business with the city sent Adediran quotes for work at the church that listed the city as the billing recipient.

Jones asked for the Virginia State Police to review questions raised by the the auditor's office on Jan. 17.

A joint review between the auditor's office, Herring's office and the state police was launched in February. The Federal Bureau of Investigation also participated in the investigation, according to multiple sources.



Jones

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In a statement, Jones said he cooperated "extensively with the investigation to ensure any concerns were carefully examined."

"After thoroughly reviewing my email, examining City and church records, and interviewing scores of witnesses, the investigation determined that no laws were violated," Jones said. "I was confident my administration strictly adhered to the law, and I am pleased, but not surprised, the Virginia State Police and Richmond Commonwealth's Attorney agree. Although the investigation took longer than expected, it was thorough and conclusive, and I am glad it is behind us."

While Herring's report found no probable cause to support criminal charges, it presents an unflattering description of Jones and Adediran.

Herring writes that investigators found persuasive evidence that Adediran attempted to leverage his position with the city to obtain favorable pricing from vendors working with the church.

Likewise, they found that Jones almost certainly knew of Adediran's efforts, despite his denial.

Investigators found an email to Jones and his son outlining concerns about the budget of the construction project and Adediran's promises to find savings using his city contacts: "As you know, Emmanuel said he could save us roughly \$500,000 based on relationships he has with vendors he worked with in the City."

Jones told investigators he had not read the email, an assertion investigators determined was "implausible," according to the report.

Investigators said that while the located emails show Adediran attempting to use his position with the city to save money on church construction, such actions would not be illegal unless he promised something in return from the city, something they found no evidence of.

Furthermore, the report notes Adediran was entirely unsuccessful in his efforts: The prices he was offered by contractors who also work for the city were higher than those obtained by the general contractor.

"Ultimately, while Mr. Adediran's attempt to obtain favorable pricing is unseemly and significantly undermines public confidence — it was not public embezzlement," the report says. "It was not illegal. This analysis does not change on the assumption that the Mayor was aware of Mr. Adediran's actions."