

27 September 2014

Subject: Flaws in the Composition of the Seven Corners Visioning Task Force

Dear Supervisor Gross,

This letter has three objectives:

- First, a fourth attempt to secure public disclosure of background information on every member of subject task force
- Second, to demonstrate to you and the county community that the composition of subject task force is severely flawed in a number of aspects, including a glaring conflict of interest
- Third, to offer a recommendation for a county government procedure for task force establishment that would mitigate the risk that future groups are similarly flawed

In support of the second and third objectives, I have provided a copy of this letter to the Planning Commission and the Board of Supervisors.

The conclusion of the letter is that the flaws in the composition of the task force preclude any possibility that the task force plan for Seven Corners can be presented as a *community vision* of the future.

1. Fourth Request for Information on Task Force Members

On 20 August, I asked your office for certain information regarding the people you appointed to serve on subject task force, in particular, information regarding their employers, the neighborhoods where they reside, and the reasons they were selected to represent the community on the task force. Since that time, you and Mr. Aaron Frank have provided incrementally some of the information requested. Other information remains undisclosed despite my several requests. The expectation of this fourth request is that a more comprehensive petition on my part may elicit complete disclosure.

List of the information requested. The following information has been requested on each task force member:

- Member name
- Name of employer and the industry/business in which the employer participates
- The zip code and neighborhood in which a resident member resides
- Your rationale for the member's appointment to the task force in terms of the his/her particular qualifications
- Date the member joined the task force

Table 1 shows the information your office has provided in response to my requests. The table leaves aside details of the several e-mail exchanges required to obtain the information

Notably missing from the information provided is identification of employers of the task force members listed as "residents" and "community member." You explained in your 1 September e-mail that you considered employer information to be "very personal," and that employer information therefore had not been and would not be collected from task force members. Earlier, I had requested that you simply ask each task force member to name his/her employer so that the

information could be made public. If a member were not comfortable revealing his/her employer, s/he obviously would have the right to withhold the information. Your 1 September e-mail told me that you would not ask members for employer information.

Rationale for public disclosure of the information requested. In order to understand the need to publically disclose the information requested, it is sufficient to recognize that a supervisor could change the very character of a community into one of his/her choosing by creating a task force with members sympathetic to that cause. For instance, if the supervisor's objective were to tear down a retail district and build high-rise apartments in its place, it would be in his/her interest to select task force members from businesses that would profit by the project, for example, property owner, real estate development, and construction. The likelihood of objections from retail business owners who would be displaced by the project could be eliminated by excluding them from participating as members of the task force. Under such conditions, a task force would be little more than theater wherein the community as audience watches strangers warp the area into an alien image crafted by the supervisor.

While the propriety of supervisors can protect communities from abuses, the integrity of county government does not rely upon the presumed propriety of supervisors. Rather, it relies upon transparency, checks, and balances. It follows that community residents are entitled to relevant background information on every task force member as well as the supervisor's rationale for appointing each member.

Fourth request for information. Given the above, I am asking you for the fourth time to provide the information listed above.

- Please provide the information to me via e-mail so that I can share it with the community
- Please publish the information prominently on the task force Web site
- Please include the information in any county staff report of task force activity

2. Flaws in the Composition of the Task Force

Mr. Thillman's conflict of interest. When I first asked your office for employer information and the rationale for appointment of each task force member, Mr. Frank's response was that Co-Chair John Thillman's "affiliation" was "community member" and his "background" was "planning" (Table 1). In response to my follow-up request for identification of the neighborhoods in which task force members reside, you stated that Mr. Thillman's residence is in Herndon. For the purposes of subject task force, members of the Herndon community can hardly be considered members of the Seven Corners community. It follows, in this case, that Mr. Thillman is *not* a "community member."

Landmark Atlantic Holdings, LLC, of Arlington, Virginia, invests in and develops a broad range of real estate projects. On its Web site, the company identifies Mr. Thillman as a principal in the firm and Bailey's International Center at Bailey's Crossroads as one of its properties. The company describes itself as follows (<http://landmarkatlantic.com/about>):

Landmark Atlantic Holdings, LLC, founded in 1982 by Scott Herrick, is a diversified real estate development company headquartered in Arlington, Virginia. The company began as a residential home builder and systematically evolved into the innovative real estate development firm that it is today. Landmark Atlantic Holdings, through its investment

affiliates, develops, owns, constructs, manages and invests in a multitude of real estate classes. The company primarily conducts business in the Eastern and South Eastern United States from New York to Texas including Virginia, Washington, D.C., Maryland North Carolina, South Carolina and Florida.

Landmark focuses on a value add, opportunistic investment approach when assessing what projects to undertake. The company relies on its strong ties to the real estate community to source projects and it's strict due diligence to select the proper investment in today's volatile real estate market.

A common definition of “conflict of interest” is a set of circumstances that creates a risk that professional judgment or actions regarding a primary interest will be unduly influenced by a secondary interest. Clearly, Mr. Thillman has a conflict of interest regarding a primary responsibility to lead the task force to a *community vision* of the future of Seven Corners and a secondary interest to further the profitability of Landmark Atlantic Holdings in general and Bailey’s International Center in particular. Plans for future development of Bailey’s Crossroads are closely linked to plans for Seven Corners. While it is recognized that Mr. Thillman contributes his time to a number of county development projects, it would seem appropriate for him to reclude himself from projects closely related to properties owned by his firm.

Taking the Landmark Web site information at face value, it is unconscionable that Mr. Thillman, with his conflict of interest, has been appointed to lead a task force dedicated to creating a community vision of the future of Seven Corners. Even less acceptable is the fact that failure to disclose his employer information has hidden the conflict of interest from public view.

Unrepresented stakeholders. A second principal flaw in the composition of the task force is the fact that you appointed no representative of business owners or of affordable housing residents who would be displaced by the task force plan. Without question, these stakeholders deserve seats on the task force. In particular, the county description of the task force on the Mason District Web site specifically mentions business owners as stakeholders in the future of Seven Corners (<http://www.fairfaxcounty.gov/mason/sevencorners/>). Why are business owners and affordable housing residents not represented on the task force?

3. Need for a Formal County Procedure for Task Force Establishment

The experience with the Seven Corners Visioning Task Force demonstrates that the process used for its establishment was profoundly flawed. It failed to include principal stakeholders as task force members, and it failed to vet adequately conflicts of interest, in particular, conflicts based on employment and financial interests. In addition, the cursory “background” statements in the third column of Table 1 that you provided are hardly sufficient explanation of your rationale for appointing the task force members.

Prior to the formation of another task force similar in purpose to the subject task force, it is recommended that the county establish a formal procedure that would provide the transparency, checks, and balances necessary to avoid the flaws encountered in the current instance. The procedure should require that:

- Adequate information is provided by the supervisor to support the task force membership proposed

- The membership recommended by the supervisor and the supporting information are reviewed by an objective, independent agency of county government
- A task force can be established only by action of the Board of Supervisors based on their review of the supervisor's proposal and the recommendation of the agency that vetted the proposal

The information supporting the supervisor's proposal should include:

- Demonstration that principal stakeholders are represented by task force members
- The information listed in Section 1 above for each member proposed
- Adequate written justification for the appointment of each member
- Description of potential conflicts of interest, including employer and financial interests; people with significant conflicts should not be appointed

This information on each member should be published on the task force Web site prior to the first meeting of the group, and it should be published in any staff report of task force activities.

4. Conclusion

The Seven Corners Visioning Task Force is proposing a titanic change to the Comprehensive Plan, a proposal that alarms many residents. Distressingly, many of the people that you appointed to the task force are unknown to residents, and requests to your office for minimum background information on members have been stoutly resisted. cursory investigation of member backgrounds has revealed a glaring conflict of interest, and you excluded from participation representatives of business owners and affordable housing residents who would be displaced.

The conclusion is that the task force plan cannot be presented as a plan developed by the Seven Corners community. Its origin is in a task force that is not representative of the community and is severely flawed in its composition. A resident opposed to the high-density, high-rise plan developed by the task force easily can conclude that the plan was predetermined by the selection of the co-chair and the exclusion of business owners and affordable housing representatives.

Please provide the information requested in Section 1. In order to allow the community adequate time to prepare for the pending Planning Commission hearing, please provide the information prior to 15 October.

Thank you.

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Table 1. Information Provided on Task Force Members

Member	Affiliation	Background	Neighborhood/ Zip Code	Date Appointed
Property Owners				
Nathan Bath or Devin Corini	Property representative (Regency Centers)	Commercial development	-	8/24/2012
Vincent Burke	Property representative (B.F. Saul)	Commercial development	-	8/24/2012
Jim Edmondson	Property representative (E&G Group)	Affordable housing developer	-	8/24/2012
Dick Knapp	Property representative (Foulger Pratt)	Development	-	3/11/2014 (Replacement)
Mark Silverwood	Property representative (Silverwood Companies)	Residential development	-	8/24/2012
Businesses				
Mary Ellen Ward (Co-Chair)	Seven Corners Children's Center – Exec Director	Experience with Seven Corners community	-	8/24/2012
Residents and Community Member				
Martin Faga	Resident	Commercial development	Ravenwood 22044	8/24/2012
Evelyn Haught	Resident	Marketing, community organization leadership	Skyline 22041	8/24/2012
Patrick Hoar	Resident	Familiar with county planning, cycling, non-profits	Ravenwood Park 22044	8/24/2012
Iqbal Khaly	Resident	Sustainable policy development for Smart Growth America	Jefferson 22044	8/24/2012
Karl Moritz	Resident	Planning	Lee Blvd Heights 22044	8/24/2012
Blake Smith	Resident	Planning and geography	Ravenwood 22044	8/24/2012
John Thillman (Co-Chair)	Community member	Planning	Herndon	8/24/2012
Steve Tillman	Resident	Community organization leadership	Sleepy Hollow 22044	10/17/2013 (Replacement)