From:	Norma Jean Shaw
To:	Gray Blanton (blantongray@gmail.com); Gray Blanton
Cc:	gdrescher@wcps.k12.va.us; Bruce Drummond (bluemtnbulldog@gmail.com); mbaker@valleyhealthlink.com; T E patteson iii (patteson@embargmail.com); Ron Llewellyn (beachboy905@gmail.com); Dan Whitten; Doug Stanley
Bcc:	Roger Bianchini; Mike McCool
Subject:	Fw: EDA and County--question
Date:	Friday, February 08, 2019 9:50:46 AM

Mr. Blanton and EDA Board Members:

I, along with a number of readers of the Royal Examiner who have reached out to me, have some serious doubts about the ability of Warren County Attorney Dan Whitten to continue on as the EDA's counsel, due to a conflict of interest.

I recently asked Mr. Whitten if he felt he should represent both the EDA and Warren County, given the current circumstances. You can read his response and reasoning in the email thread below...

Something I ponder: how Mr. Whitten is able to maintain his position that he can represent both the County and the EDA and that he has no conflict of interest representing both sides. The County is obviously in an adverse position to the EDA. The EDA almost admittedly will owe the County and its taxpayers sums of money, the Town and its taxpayers' moneys, and probably will even owe money back to the EDA itself.

Mr. Whitten has been advising Mrs. McDonald in this matter, and now her interests are obviously adverse to both the County and the EDA.

By the Va. Code Sections Mr. Whitten himself cited in denying my FOIA request for the identity of the special consultant, the County contemplates potential litigation against someone, Mrs. McDonald most likely, not unreasonably even other people, to recover moneys owed the County and maybe even the EDA.

Has any of Mr. Whitten’s prior advice to Mrs. McDonald or the EDA individual Board of Directors members run counter to the best interests of the current positions of the County and the EDA?

If it turns out that any individuals associated with the EDA or the County have exposure because of all of this, how can Mr. Whitten possibly handle this without having a conflict of interest?

What if it turns out that the EDA Board of Directors were negligent or reckless or worse in their oversight of Mrs. McDonald or others in allowing this to happen—do the individual Directors have liability?

Can Mr. Whitten ethically advise the County of this? Does he have a conflict of interest even thinking about this and looking into the possibility of this, because he represents the EDA? Conversely, because he represents the County, and the County appoints the EDA Board of Directors, does the County have any exposure for not keeping a closer eye on what the EDA has been doing?

Can Mr. Whitten possibly ethically advise both the County or the EDA about this? Is this something that can even be waived by the parties, or is the conflict of interest so fundamental and pervasive, that under the circumstances the conflicts cannot be waived?

I would appreciate your thoughts on the matter; I look forward to hearing from you.

Thank you for your time.

Norma Jean

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From: Norma Jean Shaw
Sent: Wednesday, January 9, 2019 4:11 PM
To: Dan Whitten
Subject: Re: EDA and County--question

Thanks for the explanation. That makes sense.

Norma Jean

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From: Dan Whitten <Dwhitten@warrencountyva.net>
Sent: Wednesday, January 9, 2019 4:13:21 PM
To: Norma Jean Shaw
Cc: Roger Bianchini
Subject: RE: EDA and County--question

Norma Jean,

It is not a conflict if the County and EDA are not adverse parties to each other, and both political subdivisions agree to my representation of both bodies.

If the County wanted to take action against the EDA for any reason, there would be a conflict, and I would recuse myself.

Thanks,

Dan

Dan N. Whitten, Esq.
County Attorney

County of Warren
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From: Norma Jean Shaw [mailto:njshaw@royalexaminer.com]
Sent: Wednesday, January 09, 2019 9:21 AM
To: Dan Whitten
Cc: Roger Bianchini
Subject: EDA and County--question

Good morning, Dan:

Would you mind explaining to me how it is not a conflict of interest for you, as the attorney for the county, and also as the EDA attorney, to represent both as the county explores the EDA finances?

Why would it not be prudent for any government body attorney who also represents an entity that is under investigation for possible financial misfeasance or malfeasance involving funds of the government body to recuse himself/herself from the procedure?

Thanks for your time,

Norma Jean

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