

## Open Letter Calling for an Independent Investigation of JRWA and Consultants at Rassawek

December 18, 2019

The Honorable Toni Williams  
Chair, Louisa County Board of Supervisors  
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Louisa, VA 23093  
[LCBS\\_JD@louisa.org](mailto:LCBS_JD@louisa.org)

The Honorable John M. Sheridan  
Chair, Fluvanna County Board of Supervisors  
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Dear Supervisors Williams and Sheridan:

The Monacan Indian Nation calls on the Louisa and Fluvanna County Boards of Supervisors to engage a respected third-party to conduct an independent investigation into whether:

- (1) James River Water Authority's ("JRWA") consultants, the Timmons Group ("Timmons") and Circa~ Cultural Resource Management, LLC ("Circa"), defrauded the public during purported archaeological investigations at Rassawek; and
- (2) JRWA used taxpayer dollars to pay for illegal and unethical practices.

On October 16, 2019 whistleblower Eric Mai stepped forward to report illegal and unethical practices by Circa—the firm that is his former employer and JRWA's cultural resources consultant at Rassawek. In summary, Mr. Mai's eight-page sworn declaration<sup>1</sup> alleges that Circa's investigation at Rassawek was designed to destroy, avoid, or minimize meaningful discovery of cultural resources, and to deceive government agencies in the process.<sup>2</sup>

There are strong indications in Mr. Mai's declaration that Circa's improper activities were known to Timmons. Additional documents have now revealed that JRWA itself was fully aware of some of Circa's practices and paid for them knowingly, including Circa's use of untrained, unqualified,

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<sup>1</sup> Sworn Declaration of Eric Mai (October 16, 2019), available at [http://www.culturalheritagepartners.com/wp-content/uploads/2019/12/Mai\\_Declaration\\_10-16-19\\_Notarized.pdf](http://www.culturalheritagepartners.com/wp-content/uploads/2019/12/Mai_Declaration_10-16-19_Notarized.pdf).

<sup>2</sup> Letter from the Monacan Indian Nation to the United States Army Corps of Engineers (October 21, 2019), available at [http://www.culturalheritagepartners.com/wp-content/uploads/2019/10/AnticipatoryDemolition\\_10\\_21\\_2019\\_withexhibits.pdf](http://www.culturalheritagepartners.com/wp-content/uploads/2019/10/AnticipatoryDemolition_10_21_2019_withexhibits.pdf).

unsupervised construction workers to conduct sensitive archaeological testing instead of archaeology field technicians.<sup>3</sup>

When Mr. Mai made his declaration public, legal counsel for JRWA issued a public statement that JRWA “takes these allegations very seriously” and would immediately commence a thorough and independent investigation to protect the interests of the taxpaying public.<sup>4</sup>

It has been seven full weeks since JRWA issued this statement. Nevertheless, the public is still waiting for JRWA to conduct a thorough and independent investigation. In the meantime, JRWA has gone to court to try to compel the Commonwealth to accept Circa’s president as qualified after the state determined that she has falsified her resume to claim degrees required by law but that she had never obtained. *See James River Water Authority v. Va. Dep’t of Historical [sic] Resources*, Case No. 19-CL-702.

The answers to ten simple questions would reveal the extent to which JRWA has used taxpayer dollars to pay for illegal and unethical work against the public’s interest:

1. Did Circa president Carol Tyrer submit a resume to state offices to secure permits on which she claims to have obtained degrees in Archaeology that she does not, in fact, possess?
2. Did Circa plagiarize multiple pages of its report on its investigations at Rassawek from the doctoral thesis of an archaeologist who was never consulted for the project?
3. Was Tyrer absent from the site during weeks on end during which she was required by law to be present to supervise work?
4. Was Circa cited by the Commonwealth for failing to be present to supervise during sensitive archaeological investigations at the site?
5. Did Tyrer direct former employees to lie to state officials about her whereabouts in the case of future inspections when she was absent?
6. Did Tyrer refuse to provide technological tools and training requested by her field crew to do accurate survey work, and did that failure result in crews surveying incorrectly and inadequately portions of the site?
7. Did Tyrer manipulate the resume of Eric Mai, without Mr. Mai’s consent, to assert false claims about his experience and training and submit it to the Commonwealth as proof that appropriate personnel were present at Rassawek?

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<sup>3</sup> Letter from the Monacan Indian Nation to the United States Army Corps of Engineers (December 16, 2019), available at [http://www.culturalheritagepartners.com/wp-content/uploads/2019/12/FinalLetter\\_AnticipatoryDemolition\\_2\\_12\\_16\\_2019-1.pdf](http://www.culturalheritagepartners.com/wp-content/uploads/2019/12/FinalLetter_AnticipatoryDemolition_2_12_16_2019-1.pdf).

<sup>4</sup> James River Water Authority Statement on Allegation Regarding Archaeological Consultant (October 23, 2019), <https://www.fluvannacounty.org/bc-jrwa/page/james-river-water-authority-statement-allegation-regarding-archeological-consultant>.

8. Did Tyrer send untrained construction workers instead of archaeological field technicians to conduct sensitive excavations and testing at Rassawek?
9. Did Tyrer decline to show Circa's draft report to the archaeological field technicians who performed the work to ensure completeness and accuracy in the report?
10. When did Timmons and JRWA become aware of each of the above problems, and why did JRWA approve compensation for Timmons and Circa for their incompetent and destructive work?

Three things should lead your respective boards of supervisors to conclude that JRWA's commitment to investigate itself is not an appropriate way to get to the facts regarding the propriety of the use of taxpayer dollars in these circumstances:

- JRWA's silence as to *any* results of their purported investigation over the past seven weeks.
- JRWA's active defense of Circa's practices in court and in press statements during the period in which it is purporting to investigate allegations of illegal activity.
- Documents that reveal that JRWA knew about and agreed to pay for the activities at the heart of this matter: sending unqualified, untrained, and unsupervised construction laborers to dig for artifacts.

The time has come to acknowledge that JRWA is not in a credible position to investigate Circa and Timmons because in doing so JRWA is conflicted by its desire to protect its plans to locate the water pump station in a place that would destroy Rassawek, and because of JRWA's direct involvement and culpability.

For these reasons we ask you to hire an independent third-party investigator to determine the facts. The Monacan Indian Nation invites members of the public and civic organizations to join in this call for transparency and accountability.

Sincerely,



Marion Werkheiser  
Attorney at Law  
Counsel for the Monacan Indian Nation