

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 335

An Act for the relief of Paul E. Johnson.

[H 1166]

Approved April 1, 2002

Whereas, Paul E. Johnson (Mr. Johnson) is employed by the Virginia Department of Transportation (VDOT) as an Environmental Manager in the Salem District; and

Whereas, in 1999 Mr. Johnson was acting in that capacity during the Route 460 bypass construction project in Montgomery County, Virginia; and

Whereas, in July and August of 1999, a release of sediment in violation of the state and federal law occurred in the North Fork of the Roanoke River; and

Whereas, the release of sediment was alleged to be related to the Route 460 bypass construction project; and

Whereas, VDOT hired a law firm to represent the agency in connection with the investigation conducted by the Virginia State Police to determine the responsibility for the spill; and

Whereas, despite the fact that his involvement in the investigation was based on his status as a VDOT employee, an attorney of the firm representing VDOT informed Mr. Johnson that the firm's representation did not extend beyond his official capacity and that the firm could not provide any legal advice with regard to any possible personal criminal liability, because there is no provision in the Code of Virginia that would allow for Mr. Johnson to be represented by legal counsel; and

Whereas, the attorney also recommended to Mr. Johnson that he consider consulting a personal attorney; and

Whereas, Mr. Johnson subsequently retained personal legal counsel to advise him regarding any potential criminal exposure and to protect his interests during the course of the investigation; and

Whereas, a total of \$842 was spent by Mr. Johnson for the legal representation; and

Whereas, on February 5, 2001, Mr. Johnson submitted a written request for compensation from VDOT for the reasonable costs of his legal expenses, but since there is no provision in the Code of Virginia that would allow VDOT to reimburse Mr. Johnson, that request was denied; and

Whereas, Paul E. Johnson has no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That there is hereby appropriated from the Commonwealth Transportation Fund the sum of \$842 for the relief of Paul E. Johnson, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims he may have against the Commonwealth or any agency, instrumentality, office, employee or political subdivision in connection with the aforesaid occurrence.*