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WAPA Board Says it Has no Authority to Take Action on WAPA Deputy Legal Counsel Who Ranted 'F*ck Black Lives Matter'; Decision Now in Kupfer's Hands

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Robert Moore **June 22, 2020**

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The Water and Power Authority Governing Board - made up of Government of the Virgin Islands commissioners and prominent community members - held an emergency meeting Monday in response to WAPA Deputy General Counsel Mark Kragel's Facebook proclamation "F*ck Black Lives Matter."

WAPA Board members boldly affirmed that, in fact, "black lives do matter."

After a two hour executive session to called to address the a racially offensive social media post by Kragel, a longtime WAPA attorney, the Board determined it had no authority to take any job action against Kragel. Board Chairman Anthony Thomas said the oversight board controls the job

of CEO Lawrence Kupfer and other high-level executives, but that there is little the Board can do regarding the enforcement of standards of conduct for any WAPA employee outside of the executive suite. Whether Mr. Kragel keeps his job is in the hands of Mr. Kupfer, Chairman Thomas said.

A Facebook post over the weekend by Mr. Kragel, who is white, labeled the Black Lives Matter movement a “domestic terrorist organization” with the “...spoiled mentality of fools (who) have zero idea of what it takes to be an officer.” The online rant ended with “F*ck Black Lives Matter.”

Mr. Kupfer, Mr. Kragel and other WAPA executives participated in Monday’s Emergency Board meeting, conducted via a Zoom conference line. According to the Board, an “investigatory action” is underway by WAPA management. The Board statement went on to say “Racist behavior will not be tolerated. The Board would like to say black lives do matter.”

Clarence Payne, head of the Virgin Islands Alliance for Consumer Justice, said the Board no-decision was “a shame.”

"This was clearly a case of insensitivity, callousness and mean-spirited words that came from deep in the heart of Mark Kragel. If he speaks like this publicly, then what are actions privately when black people are involved?" Mr. Payne said.

Chairman Thomas spoke out forcefully over the weekend, calling Kragel’s remarks “overtly racist and repugnant. ... this behavior will not be tolerated. There is no room in the Authority for this type of thinking.”

In a written statement on Saturday night, Mr. Kupfer chastised WAPA employees who make “unpopular, politically incorrect and or inflammatory statements” on social media. He said nothing about investigating the remarks or whether Kragel would face any consequences on the job.

Kragel has been a well-paid attorney WAPA for at least a decade. As recently as May 2018, he was a senior attorney in the civil litigation unit at the prominent BoltNagi law firm. Kragel has also worked with high school students as recently as 2018, serving as a coach during the V.I. High School Appellate Moot Court competitions.