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Description of document: Department of Labor (DOL) Office of Inspector General (OIG) Office of Inspections and Special Investigations (OISI) Report re Allegations (Title 5 CFR 2635 Standards of Ethical Conduct) Against Department of Treasury (DOT) Assistant Inspector General for Investigations (AIGI) and Deputy Assistant Inspector General of Investigations (DAIGI), 2008

Request date: 2014

Released date: 26-February-2014

Posted date: 01-September-2014

Source of document: FOIA Request  
Department of the Treasury  
Washington, DC 20220  
Fax: 202-622-3895  
[FOIA Online Request Form](#)

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From: "Delmar, Richard K."

Date: Feb 26, 2014 5:31:23 PM

Subject: your FOIA request to Treasury OIG for DOL OIG report - 2014-02-083

Attached is the final investigative report you requested. Names of subjects, witnesses and other persons have been redacted per FOIA Exemption 7C.

If you disagree with this resolution of your FOIA request, you can appeal the matter pursuant to 5 U.S.C. section 552(a)(6)(A)(i). Pursuant to the Department's FOIA appeal process set forth in 31 C.F.R. section 1.5(i), an appeal must be submitted within 35 days from the date of this response to your request, signed by you and addressed to: Freedom of Information Act Appeal, DO, Disclosure Services, Department of the Treasury, Washington, D.C. 20220. The appeal should reasonably describe your basis for believing that Treasury OIG possesses records to which access has been wrongly denied, that the redactions are not appropriate, or that we have otherwise violated applicable FOIA law or policy.

Rich Delmar  
Counsel to the Inspector General  
Department of the Treasury



JAN 14 2008

Mr. Dennis S. Schindel  
Acting Inspector General  
U.S. Department of the Treasury  
Office of Inspector General  
1500 Pennsylvania Avenue, N.W., Room 4436  
Washington, D.C. 20220

RE: Allegations made against Assistant Inspector General for  
Investigations (AIGI) [REDACTED] and Deputy Assistant  
Inspector General for Investigations (DAIGI) [REDACTED]

Dear Mr. Schindel:

Pursuant to the Memorandum of Understanding (MOU) between the U.S. Department of the Treasury, Office of Inspector General (OIG) and the U.S. Department of Labor, OIG, regarding allegations made against senior level Treasury Inspector General Officials, an investigation was conducted. A briefing of our findings was given to you on September 26, 2007. The enclosed report sets forth the evidence we discovered relevant to each allegation as well as our conclusion as to whether or not the allegation was substantiated.

If you have any questions about the report, do not hesitate to contact me or Counsel to the Inspector General, Howard Shapiro at (202) 693-5107.

Sincerely,

A handwritten signature in cursive script that reads "Daniel R. Petrole".

Daniel R. Petrole  
Deputy Inspector General

Enclosure

2008 JAN 14 P 3:31  
OFFICE OF INSPECTOR GENERAL  
DEPARTMENT OF LABOR  
WASHINGTON, D.C.

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Subject  Assistant Inspector General for Investigations ██████████  Deputy Assistant Inspector General for ██████████	Violation Character  Title 5 CFR 2635 Standards of Ethical Conduct	File No.	14-5001-0001-IA
		Report Type	Investigative Memorandum
		By:	SA ██████████
		At:	Washington, DC
		Date:	January 14, 2008
		Approved By:	██████████
		Reviewed By:	██████████

Distribution

OIG Form 110 (OI - 1/98)

This report details the investigation by the U.S. Department of Labor (DOL), Office of Inspector General (OIG), Office of Inspections and Special Investigations (OISI) into allegations made against ██████████ Assistant Inspector General for Investigations (AIGI) and ██████████ Deputy Assistant Inspector General of Investigations (DAIGI) of the Department of Treasury (DOT), Office of Inspector General (DOT-OIG). On June 18, 2007, the DOL-OIG, at the request of acting Inspector General Dennis Schindel, entered into a Memorandum of Understanding (MOU) with DOT-OIG. It was agreed the following allegations made against ██████████ and ██████████ would be investigated:

- A. Alleged inappropriate involvement regarding a contract for the entelliTrak Case Management Tracking System
- B. Improperly Changing Investigative Reports
- C. Theft of Government Funds – Abuse of Transit Subsidy Program
- D. Lack of Objectivity with Investigations
- E. Inaccurate Information Provided to Congress in the Department of Treasury's Semiannual Report to Congress (SAR)

Specifically it was alleged that ██████████ was improperly involved regarding a contract for the purchase of a case management tracking system and did not follow proper government contracting guidelines and procedures. An allegation was also made that ██████████ improperly changed the factual content of official DOT-OIG Reports of Investigation (ROI's). Allegations were also made that both ██████████ and ██████████ illegally received public transit subsidies while carpooling to and from work with ██████████ of the U.S. Capitol Police and other special agents (SA's). ██████████ was formerly a Special Agent in Charge (SAC) at DOT-OIG. Additional allegations were made that ██████████ and ██████████ steered the findings of official DOT-OIG investigations to suit their personal interests, and that the statistics submitted to Congress in DOT-OIG's SAR were inaccurate. The initial complaints were made by SAC of Operations ██████████ and Assistant Special Agent in Charge (ASAC) ██████████

During our investigation, additional issues surfaced regarding hostile work environment issues at DOT-OIG. Further, DOT-OIG Counsel Richard Delmar requested that OISI look into allegations that [REDACTED] made threatening remarks to [REDACTED]. In addition to the specific allegations described above, the investigation also considered the more general concerns expressed to OISI by witnesses regarding [REDACTED] and [REDACTED]'s approach to management and leadership.

OISI initiated its investigation on June 18, 2007. As part of this investigation, OISI interviewed [REDACTED] (a former SAC at DOT-OIG), the Assistant Inspector General for Management (AIGM) [REDACTED], Deputy Assistant Inspector General for Management (DAIGM) [REDACTED], the Deputy Director of the Administrative Service Division [REDACTED], Technical Information Specialist (TIS) [REDACTED], Office Manager (OM) [REDACTED], SAC [REDACTED], ASAC [REDACTED], ASAC [REDACTED], Senior Special Agent (SSA) [REDACTED], as well as SA's [REDACTED] and General Investigators [REDACTED] and [REDACTED]. We also reviewed numerous documents and other materials, including annual and sick leave records, Memorandum of Activity (MOA) reports, ROI's, parking records, DOT-OIG's Special Agent Handbook Chapter 19 "Use of Official Vehicles," DOT-OIG's Public Transportation Subsidy Policy No. 560-04, Treasury Ethics Handbook and Treasury OIG's Semiannual Report to Congress.

## Allegations, Findings, and Conclusions

### A. Alleged Inappropriate Contracting for the entelliTrak Case Management Tracking System

The initial complainants alleged that [REDACTED] was improperly engaged in the letting of a contract to purchase a case management system by not following proper contracting guidelines. Numerous DOT-OIG staff members refer to the entelliTrak Case Management Tracking System as a program [REDACTED] advocated and promoted.

### Findings

During numerous interviews, witnesses cited AIGM [REDACTED] as being a proponent of the entelliTrak Case Management Tracking System. AIGM [REDACTED] stated that in June 2005, after consulting with Inspector General (IG) Harold Damelein and Deputy Inspector General (DIG) Dennis Schindel, it was decided that DOT-OIG should find a new automated case management tracking system to replace their current Investigative Data Management System (IDMS) which was aging and costly to repair. [REDACTED] related that numerous repairs failed to resolve the malfunctions with the IDMS so he made it a priority to find a new case management system.

AIGM [REDACTED] stated that he personally searched the internet to find potential case tracking systems and reviewed various systems, including Case Info, X- Fire, Case in Point and Hummingbird.

AIGM [REDACTED] further explained that [REDACTED] wanted a more complex and traditional law enforcement tracking system comparable to the Federal Bureau of Investigation's (FBI) tracking system. [REDACTED] said that [REDACTED] wanted a state of the art case tracking system and believed that an off-the-shelf system would not be sufficient. [REDACTED] said that sometime in June 2005, [REDACTED] received either a cold call, or an e-mail from MicroPact who was marketing a case tracking system. [REDACTED] said that [REDACTED] related this information to him. [REDACTED] said that he contacted MicroPact, researched their capabilities and then met with [REDACTED], a salesman for MicroPact. [REDACTED] stated that later, MicroPact gave a demonstration of their case management system to DOT-OIG. [REDACTED] explained that he was very impressed with MicroPact's capabilities and believed that the tracking system would meet the Office of Investigations (OI's) needs. [REDACTED] admitted that the MicroPact case tracking system wasn't the most comprehensive tracking system, but it met the needs of DOT-OIG. [REDACTED] could not remember who attended the demonstration from the DOT-OIG, but recalls that everyone was in agreement that the entelliTrak Case Management System that MicroPact was marketing was the system DOT-OIG needed. [REDACTED] said that after MicroPact's presentation, former DAIGM [REDACTED] and former SAC [REDACTED] prepared a Statement of Work (SOW) for the procurement of the entelliTrak system. [REDACTED] related that after the SOW was completed [REDACTED] began the procurement action. [REDACTED] said that he attempted to keep the procurement of the entelliTrak very simple. [REDACTED] said that with input from [REDACTED] and [REDACTED] he made the decision to select MicroPact's entelliTrak Case Management System.

During his interview, AIGM [REDACTED] explained that he never received a "cold" call or an e-mail from MicroPact in regards to the entelliTrak case management tracking system. [REDACTED] continued that he did not recall who initially made contact with MicroPact. [REDACTED] stated that [REDACTED] and [REDACTED] were all involved in trying to find a replacement for DOT-OIG's aging IDMS. [REDACTED] stated that his recollection was that AIGM [REDACTED] was responsible for finding MicroPact's entelliTrak case management system. According to [REDACTED] he was never a proponent of the entelliTrak system. [REDACTED] stated that he wanted a traditional law enforcement case tracking system.

Contracting Officer (CO), [REDACTED], DOT, Bureau of the Public Debt (BPD), was interviewed and said that in June 2005, a Procurement Request and SOW were received from DOT-OIG, to procure three OIG automated systems. [REDACTED] explained that the procurement would enable DOT-OIG practitioners to perform necessary case tracking, management, and reporting activities in support of their mission. [REDACTED] stated that she contacted DAIGM [REDACTED] and asked her what marketing research had been done to arrive at their decision to purchase the requested system from MicroPact. [REDACTED] stated that [REDACTED] forwarded her an e-mail that she had received from [REDACTED] which described the history of the marketing research that DOT-OIG used to select MicroPact. [REDACTED] gave the reporting agent the e-mail written by [REDACTED] that stated DOT-OIG surveyed over 10 correspondence case tracking systems. [REDACTED] explained that the e-mail satisfied the procurement requirements that DOT-OIG had identified three bidders and then selected the one that suited their needs.

CO [REDACTED] explained that after contact was made with MicroPact, she determined that MicroPact was on the GSA (General Services Administration) schedule as an 8(a) Small and Disadvantaged Business. [REDACTED] stated that under the GSA Streamlined Acquisition Resource (STARS) program, MicroPact could be awarded the contract without further competition. [REDACTED] stated that a proposal was received from MicroPact and it was approved by DOT-OIG.

CO [REDACTED] stated that on July 20, 2005, a delivery order was issued to MicroPact Engineering in the amount of \$327,315.10. On September 19, 2005, a modification was made to the contract at the request of DOT-OIG to increase the delivery order by 10 concurrent users for a total increase of \$93,000. [REDACTED] stated that the total delivery order was increased to \$420,315.10. [REDACTED] explained that the delivery order was issued as a firm, fixed price order. [REDACTED] added that if DOT-OIG had any problems with the MicroPact products, the BPD would have contacted MicroPact to get the issues resolved. [REDACTED] stated that after the procurement was completed, she never heard that DOT-OIG was not satisfied with MicroPact.

CO [REDACTED] stated that [REDACTED] Information Technology (IT) Manager, DOT-OIG, was named as the primary point-of-contact and DAIGM [REDACTED] was named as the secondary. After the award was made and the modification issued, the procurement office had no further contact from all parties concerned regarding this delivery order.

### Conclusions

Our investigation revealed no evidence of any impropriety regarding the contracting of the entelliTrak Case Management System. All indications are that [REDACTED] was never a proponent of an inexpensive case management tracking system like entelliTrak. AIGM [REDACTED] stated that this became a source of disagreement between IG Damelin and [REDACTED] AIGM [REDACTED] explained that IG Damelin and DIG Schindel were both in favor of purchasing an inexpensive off-the-shelf product whereas [REDACTED] was not. [REDACTED] added that once the system was purchased and implemented [REDACTED] began customizing it because he ([REDACTED]) wasn't satisfied with how entelliTrak performed. [REDACTED] stated that he was alarmed with the changes [REDACTED] wanted to make because entelliTrak is a very basic system. AIGM [REDACTED] stated that the only problem with entelliTrak is that it has been customized too much.

When they were interviewed, Senior Special Agent (SSA) [REDACTED] and Technical Information Specialist (TIS) [REDACTED] also stated that [REDACTED] was never satisfied with the capabilities of entelliTrak and was constantly modifying it to suit his needs.

### B. Alleged Improper Changing of Investigative Reports

SA [REDACTED], SA [REDACTED] and ASAC [REDACTED] cited examples of several instances in which [REDACTED] had agents change their MOA's and ROI's. According to the ASAC's and SA's who were interviewed, AIGI [REDACTED] did not limit himself to editorial comments but also required agents to change the factual content of some MOA's and ROI's. ASAC [REDACTED] cited a case involving time and attendance fraud by two Treasury employees who were having an extramarital affair. According to ASAC

SA [REDACTED] said that she did not recall the number of draft ROI's she had to make changes to, but she thought it was between 20-30. [REDACTED] said that the edits were returned to her via e-mail, or hand-written on paper. [REDACTED] stated that the revised drafts were usually passed along through the chain of command (through ASAC [REDACTED], SAC [REDACTED], DAIGI [REDACTED], and up to AIGI [REDACTED]). [REDACTED] said that she later realized that the only edits that really mattered came from [REDACTED] and that no one else had any real input. [REDACTED] said that she signed off on the final ROI after concluding it was factually accurate.

At the conclusion of her interview, SA [REDACTED] acknowledged that she did not believe that the edits made to her reports were a deliberate attempt by AIGI [REDACTED] to change the findings of her investigations.

### Findings - BSA Direct Investigation

SA [REDACTED] related that he was assigned an investigation that involved [REDACTED] the former Director of the FinCEN. [REDACTED] said that he believed that the changes made to his reports by [REDACTED] and [REDACTED] were an attempt to mitigate the findings of his interviews. [REDACTED] reported that AIGI [REDACTED] required that he submit his interview questions to him ([REDACTED]) prior to the interview of [REDACTED]. [REDACTED] stated that [REDACTED] edited his interview questions for [REDACTED] but he ([REDACTED]) received them back from [REDACTED] after the interview with [REDACTED] had taken place.

[REDACTED] said that he was constantly challenged by SAC [REDACTED] about facts that he wanted to report on coming from his interviews. [REDACTED] cited examples of interviews when he was not allowed to report information he had in his MOA's. He cited an instance where he was told by [REDACTED] that he could not write in an interview report what [REDACTED] had said about one of his employees. [REDACTED] related that during his interview, [REDACTED] had mentioned that he did not think that Deputy Director [REDACTED] was a good manager of projects. [REDACTED] said that he was told by [REDACTED] to take the statement out of the MOA report because it reflected negatively on Deputy Director [REDACTED]. On another occasion, [REDACTED] said that he was told by [REDACTED] that he could not report in his Memorandum to the File the fact that a contracting officer was not allowed to fully perform his duties as a contracting officer even though he made the claim during his interview. [REDACTED] said that he was told by [REDACTED] that he was not an expert in the FAR and it would be considered out of his law enforcement knowledge and expertise if he wrote that in the report.

### Findings – Office of Thrift Supervision

ASAC [REDACTED] was interviewed and stated that he conducted an investigation into an allegation that an improper benefit (not further identified) was given to an employee at the Office of Thrift Supervision. [REDACTED] explained that the result of the investigation was that the allegation was unsubstantiated. [REDACTED] related that in the draft ROI he submitted for review, he stated that the employee did not request the benefit in question nor did the employee take any action to receive the benefit. [REDACTED] stated that when he received the edited version of his ROI from AIGI [REDACTED] it had been changed to indicate the employee had stated that if he did not receive the benefit he would leave the

organization. [REDACTED] stated that he took exception to the edits because it did not accurately reflect what he had been told by the employee. [REDACTED] stated that he went to DAIGI [REDACTED] and expressed his concern and [REDACTED] suggested [REDACTED] discuss the matter with [REDACTED]. According to [REDACTED] he brought the matter to [REDACTED]'s attention and after expressing his opinion that the employee never stated his intention to leave, [REDACTED] agreed that his original report would not be changed. [REDACTED] stated that he could not provide any additional information regarding [REDACTED] changing the factual content of official reports.

SA's [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] were interviewed and all related that they were required to re-write reports numerous times but that [REDACTED] never changed the factual content of any of their investigative documents.

### Conclusions

There was no evidence of AIGI [REDACTED] improperly changing investigative reports. The nature of the changes to reports appears to have been due to [REDACTED]'s extreme attention to detail and apparent desire to produce perfect work products. According to the interviews conducted, in an effort to produce a perfect work product [REDACTED] re-wrote SA's reports, and ROI's. ASAC's and SA's confirmed during their interviews that [REDACTED] would re-write Interview Reports and ROI's so many times that oftentimes, the true characterization of the interview or report would be lost. The interviews also revealed that with the constant re-writing of reports the status of the reports was unknown by the ASAC's or the SA's assigned to the cases. Although the initial allegations cited a willful intent by [REDACTED] to change the true nature of the reports for personal or other improper reasons, this was not substantiated.

It was reported by DAIGI [REDACTED] and AIGM [REDACTED] that [REDACTED] had been reprimanded by IG Damelin for allowing reports containing errors to be sent out. These reports were received by DOT department heads who ridiculed Damelin for his staff forwarding reports containing grammatical and spelling errors. We conclude that there were few instances when reports of SA's were re-written or edited by [REDACTED] and the case agent did not agree that the factual content of the reports was accurate. However, the result of [REDACTED] being so involved in the constant re-writing and editing of the reports appears to have impeded OI's productivity. MOA's and ROI's did not go through a normal process by which the reporting agent would submit reports to the ASAC, SAC, or even the DAIGI. Many SA's and ASAC's reported having a low morale because of [REDACTED] and believed that no matter what they wrote, it would be re-written. Of the numerous ASAC's and SA's interviewed on this matter, only [REDACTED] stated that the factual content of a report was changed and that was done by SAC [REDACTED], not [REDACTED]. While many of the OI staff complained about [REDACTED]'s interference in the writing of their reports, with the exception of [REDACTED], they all reported that the factual content of their ROI's and other investigative documents was correct.

### C. Theft of Government Funds – Abuse of Transit Subsidy Program

According to ASAC [REDACTED], several SA's, OI staff and other witnesses, AIGI [REDACTED] and DAIGI [REDACTED] rode to work with other SA's in the office and/or former DOT-OIG employee [REDACTED] while receiving the maximum amount of metro transit subsidies. [REDACTED] stated that most of the time, [REDACTED] and [REDACTED] rode to/from work with SA [REDACTED]. According to [REDACTED], this has been going on for approximately the last three years. It stopped when the recent General Accounting Office (GAO) investigation into metro transit subsidy fraud came out. According to [REDACTED], [REDACTED] and [REDACTED] both received rides three to five times a week from subordinate SA's who live near them.

#### Findings

Deputy Director of Asset Management, [REDACTED], stated that [REDACTED] and [REDACTED] both participated in the Public Transit Subsidy Program (PTSP) and were required to adhere to DOT-OIG Policy No. 560-04. [REDACTED] provided copies of [REDACTED]'s application dated December 20, 2004 along with DOT-OIG Policy No. 560-04 dated October 16, 2002 and [REDACTED]'s application dated December 5, 2005 with DOT-OIG Policy No. 560-04 dated October 16, 2002. [REDACTED] explained that the applicants are required to read the application and certify to their supervisor that all the information provided is complete and accurate.

Deputy Director [REDACTED] explained that some employees participating in the PTSP receive the Metro fare cards because they are able to convert them to bus fare for the Loudon County Commuter Bus. [REDACTED] explained that he issues the quarterly allotment of fare cards to participants of the PTSP in denominations of \$20 and \$30 fare cards totaling up to a maximum of \$330. [REDACTED] stated that participants of the PTSP are not required to receive the maximum amount of the subsidy. [REDACTED] explained that if an employee is going to take leave or not use their entire subsidy for any given quarter they can receive less than the \$330 the next quarter. [REDACTED] stated that he does not verify where OIG employees live but distributes the subsidies based upon the information on the employee's PTSP application which has been certified by the employee's supervisor as being true and correct.

[REDACTED] said that AIGI [REDACTED] and DAIGI [REDACTED] both removed themselves from the PTSP in May 2007. [REDACTED] explained that he thought that [REDACTED] and [REDACTED] wanted to have a "clean slate" and thereby not be subject to any scrutiny. [REDACTED] also explained that he thought that [REDACTED] and [REDACTED] both commuted by using the Loudon County Commuter Bus. [REDACTED] related that he believed that [REDACTED] and [REDACTED] converted their Metro fare cards to bus fare. [REDACTED] said he could not explain why [REDACTED] returned transit subsidies in the amount of \$700 in March 2007 and then signed and received a subsidy of \$315 in April 2007. [REDACTED] said he had no knowledge of [REDACTED] and [REDACTED] commuting to work any way other than by public transportation. [REDACTED] said that on June 7, 2007, [REDACTED] and [REDACTED] wrote personal checks to the DOT in the amount of \$98.05 and \$100.52, respectively, to reimburse the PTSP.

SA [REDACTED] was interviewed and stated that he has given [REDACTED] rides from home to work and from work to home using his government issued vehicle (GOV). [REDACTED] stated that he initially gave DAIGI [REDACTED] rides from home to work and work to home for approximately 10 days when [REDACTED] injured himself in 2006. [REDACTED] stated that the rides discontinued when, he believed, AIGI [REDACTED] told [REDACTED] that he could no longer accept rides from [REDACTED]. [REDACTED] stated that the rides later resumed and he gave [REDACTED] approximately 30 additional rides from the Loudoun County Commuter Bus, Park and Ride to work and then from work to the Loudoun County Commuter Bus, Park and Ride. [REDACTED] stated that on a few other occasions he may have given [REDACTED] a ride to his residence.

During a follow-up interview, SA [REDACTED] stated that he has witnessed AIGI [REDACTED] and DAIGI [REDACTED] occasionally carpooling with former DOT-OIG SAC [REDACTED]. According to [REDACTED] they ([REDACTED], [REDACTED], and [REDACTED]) appear to alternate between their privately owned vehicles (POVs). [REDACTED] stated that he did not know how long they have been carpooling. [REDACTED] stated that he also does not know where they park when they drive into Washington, D.C. but thought they might park in a garage on H St. NW where DOT-OIG leases parking for management personnel.

SA [REDACTED] was interviewed and said that on several occasions he observed [REDACTED] in his personal vehicle on 15th Street NW, Washington DC. [REDACTED] said that it was common knowledge within OI that [REDACTED], [REDACTED], and [REDACTED] sometimes carpooled to work together.

ASAC [REDACTED] was interviewed and said that from 2005 through the latter part of 2006, he personally gave rides to [REDACTED] and [REDACTED] to and from their park and ride site in Loudon County, VA using his GOV. [REDACTED] estimated that he gave rides to [REDACTED] and [REDACTED] at least 10 times during that period. During the same timeframe, on at least three occasions, [REDACTED] said he also gave rides to [REDACTED] to and from the same park and ride location in Loudon County, VA. [REDACTED] added that he also knew of at least three occasions where he witnessed [REDACTED] being dropped off by [REDACTED] using his GOV. [REDACTED] stated that on at least two occasions since January 2007 he has observed [REDACTED] and [REDACTED] getting out of a silver vehicle driven by [REDACTED]. [REDACTED] said that since January 2007, he has occasionally observed [REDACTED], accompanied by [REDACTED] and [REDACTED] driving a burgundy colored Chevrolet pickup truck. They entered the parking garage on H Street (between 15<sup>th</sup> and 14<sup>th</sup> streets NW). [REDACTED] explained that he did not know if [REDACTED], [REDACTED], and [REDACTED] carpooled everyday, but said he has seen them approximately six times either driving into the garage, getting out of the truck, or walking out of the garage.

SA [REDACTED] was interviewed and stated that on two or three occasions after SAC [REDACTED] transferred to the U.S. Capitol Police, she witnessed him dropping off AIGI [REDACTED] and DAIGI [REDACTED] in front of the OI office building. According to [REDACTED], they ([REDACTED], [REDACTED], and [REDACTED]) appeared to be carpooling in [REDACTED]'s POV. [REDACTED] stated that she has heard that [REDACTED] occasionally drives [REDACTED] to and/or from work in his GOV.

SA [REDACTED] was interviewed and said that he never gave a ride to any member of management. [REDACTED] stated that he was not sure of the number of rides, but did know that SA [REDACTED] had given rides to [REDACTED]. [REDACTED] estimated the number of rides to be around 30 to 40. [REDACTED] stated that it was so widely known in DOT-OIG that SA [REDACTED] gave rides to members of management particularly [REDACTED] that it was openly joked about.

General Investigator (GI) [REDACTED] was interviewed and stated that she did not have any detailed information or specific knowledge of [REDACTED] or [REDACTED] participating in a carpool. [REDACTED] stated that she did occasionally overhear former DOT-OIG employee [REDACTED] coordinating rides and departure times with [REDACTED]. [REDACTED] stated that sometimes [REDACTED] was included in conversations about the carpooling, but that she could not recall specific dates or times.

When [REDACTED] was interviewed, he stated that AIGI [REDACTED] and DAIGI [REDACTED] commute to work by riding the Loudon County Commuter Bus. According to [REDACTED] he has witnessed both [REDACTED] and [REDACTED] ride the bus from January 2007 until approximately April 2007. [REDACTED] explained that on a few occasions he would drive to his office near the U.S. Capitol and would give [REDACTED] and [REDACTED] rides from the Loudon County Park and Ride to their office. [REDACTED] stated that since June 2007, both [REDACTED] and [REDACTED] stopped riding the Loudon County Commuter Bus. [REDACTED] explained that [REDACTED] was a large individual and that the bus was too uncomfortable for him. [REDACTED] also explained he, as well as both [REDACTED] and [REDACTED], thought that the bus was unreliable. [REDACTED] stated that [REDACTED] and [REDACTED] now share a parking space at DOT-OIG and ride in together.

DAIGI [REDACTED] was interviewed and stated that on October 16, 2005 when he began working at DOT-OIG he signed-up for the PTSP, signed the certification on the PTSP form indicating he was eligible to receive the subsidy, but never actually read the policy. [REDACTED] said that this was a mistake and that he wished he would have read the policy. According to [REDACTED], [REDACTED] explained the rules of the PTSP to him. [REDACTED] said that [REDACTED] told him that he was not allowed to transfer his subsidy to anyone else, and that he had to turn in any surplus subsidies when he resigned or retired. [REDACTED] explained that in January 2006, he went on worker's compensation because he had injured his knee. [REDACTED] said that he was out of work due to the injury for approximately eight weeks. [REDACTED] stated that during this time, he occasionally came to work because he felt compelled to be in the office since he had just started working at DOT-OIG. [REDACTED] stated that during the time his knee was injured, he began riding to work with SA [REDACTED] until Counsel Delmar stopped [REDACTED] from giving him ([REDACTED]) rides. [REDACTED] said that Delmar told [REDACTED] that it was inappropriate for an SA to pick-up him up from his residence and bring him into the office. Delmar's rationale was that if [REDACTED] was an auditor, no one would give him a ride into the office. [REDACTED] went on to say that he had accumulated excess transit subsidies and told [REDACTED] that he ([REDACTED]) needed to return them. [REDACTED] said that both [REDACTED] and Deputy Director [REDACTED] told him that he did not need to turn in the excess transit subsidies until he quit or otherwise left DOT-OIG. [REDACTED] stated that he wished that he would have read the PTSP policy and checked for himself whether or not he should have turned in his unused subsidies.

DAIGI [REDACTED] stated that he commuted daily mostly by using the Loudon County Commuter Bus. [REDACTED] stated that he also commuted in by receiving rides from ASAC [REDACTED], SA [REDACTED] and carpooling with [REDACTED]. On some occasions he was assigned a GOV. [REDACTED] stated that in early 2007, he read about DOT in a GAO report on metro transit subsidy abuse. [REDACTED] stated that he then read DOT-OIG's PTSP and saw that he should not have continued to take more transit subsidies when he had a surplus from the previous quarter. According to [REDACTED], he went to [REDACTED] and told him that he ([REDACTED]) was in violation of the policy. [REDACTED] said that he asked [REDACTED] to notify, then IG Damelin. According to [REDACTED], IG Damelin told [REDACTED] that this was an administrative issue. [REDACTED] stated that he turned in the surplus transit subsidies to Deputy Director of Administrative Services [REDACTED] who thought he was kidding about the matter and taking it too seriously. [REDACTED] stated that he also talked to Delmar who stated that the PTSP needed to be tightened up. [REDACTED] said that he then went to every employee in OI to make sure they knew what the requirements of the policy were. [REDACTED] stated that when he told ASAC's [REDACTED] and [REDACTED] about the policy. They began to tell the other employees that he ([REDACTED]) had done something wrong.

DAIGI [REDACTED] stated that he had accumulated a surplus of \$700 worth of fare cards for a variety of reasons. [REDACTED] gave the following reasons as to why he had accumulated a surplus of transit subsidies.

- he had been on leave because he injured his knee
- he had attended training at the Federal Executive Institute (FEI)
- he had received rides from ASAC [REDACTED], SA [REDACTED] and [REDACTED]
- he had been assigned a government vehicle on a few occasions.

[REDACTED] stated that he did not know how much of a surplus of transit subsidy fare cards he had until he realized that he had violated the policy. [REDACTED] stated that once he began to look, he had transit subsidy fare cards everywhere.

DAIGI [REDACTED] said that when he began work at DOT-OIG he would park his POV at a park and ride and ride the bus with [REDACTED] and [REDACTED]. [REDACTED] stated that after [REDACTED] transferred to the U.S. Capitol Police in August 2006, [REDACTED] would occasionally ask [REDACTED] and [REDACTED] if they wanted to ride into work. [REDACTED] stated that [REDACTED] did not start riding with them until the summer of 2006. [REDACTED] said that sometimes the rides were round trip to and from the park and ride to DOT-OIG, but other times they were only one-way. [REDACTED] explained that it was always his intention to ride the bus and that the rides he got from [REDACTED] were impromptu. [REDACTED] stated the he did not know how many rides he received from [REDACTED] but stated that the rides were more frequent when the weather was colder.

DAIGI [REDACTED] stated that between the rides he received from ASAC [REDACTED], SA [REDACTED] and his use of a government assigned vehicle, he could not determine how many rides he received. [REDACTED] stated that he did not have any idea how many times he did not use public transportation while receiving the public transit subsidies. [REDACTED] stated that even though he could not remember how many rides he received, he said that they were sporadic. [REDACTED] stated that sometimes he could have ridden into the office with [REDACTED]

[REDACTED], or [REDACTED] ten times a month and other months it could have been two to four times a month.

AIGI [REDACTED] was interviewed and stated that he has participated in the PTSP since January 2004. [REDACTED] acknowledged that he filled out the application and read DOT-OIG's policy No. 560-04 governing the use of the subsidy. [REDACTED] stated he recently became aware that his [REDACTED]'s name was listed on his Smartrip card. [REDACTED] explained that his [REDACTED] had purchased the Smartrip card for him and had to show her driver's license to obtain it. According to [REDACTED], he became aware that his [REDACTED]'s name was on his public transit subsidy card when he removed himself from the PTSP in June 2007. [REDACTED] conceded that it was wrong from an appearance standpoint to have his Smartrip card under her name because DOT was electronically transferring the subsidy onto what was technically her Smartrip card. [REDACTED] said that while it was not appropriate to have his [REDACTED]'s name on his subsidy, she has never used his Smartrip card. [REDACTED] explained that he and no one else has ever used his public transit subsidy.

AIGI [REDACTED] said that he commuted to work by taking the Loudon County Commuter Bus which costs him \$12.00 a day. [REDACTED] said that sometimes he would carpool with [REDACTED] to the Dunn Loring Metro Station and then take the Metro train to McPherson Square and that the cost was \$6.00 a day. [REDACTED] said that he could not recall ever using a GOV to commute to work and that only on a few occasions has he received rides from SA's in to work. However, on these rare occasions, these rides were related to official business. [REDACTED] explained on these occasions, he would be picked-up from the Dulles North Parking lot and get a briefing on a particular investigation while commuting into the office.

[REDACTED] said that he never participated in any informal carpool. [REDACTED] said he did ride in with [REDACTED], but could not recall how many times. [REDACTED] said he received rides from [REDACTED] in the fall, but could not recall what year. [REDACTED] said he thought it could have been October, November or December 2006. [REDACTED] said that he carpooled in with [REDACTED] and DAIGI [REDACTED] on rare occasions and that he more frequently used the Metro train. [REDACTED] said that between January 2006 and August 2006 he had his public transit subsidy transferred directly onto his Smartrip card. [REDACTED] said that after he stopped using the Smartrip card, he began receiving the Metro fare cards.

[REDACTED] said that in March 2007 [REDACTED] told him that he ([REDACTED] was in violation of the PTSP. [REDACTED] explained that [REDACTED] told him that he had a surplus of transit subsidies and turned in fare cards valued at almost \$700. [REDACTED] said that he immediately contacted then IG Damelin via a conference call and reported the incident. [REDACTED] said that Damelin told him that it was an administrative issue and that the policy would need to be revised for clarification. [REDACTED] said that he did not think that he was in violation of the PTSP when he called Damelin and added that he did not mention to Damelin that he had accumulated a surplus of transit subsidies.

During his interview AIGI [REDACTED] said, administratively speaking, he was in violation of the policy. However, in his sworn statement, [REDACTED] denied being in violation of the PTSP. Also in his sworn statement, [REDACTED] added that it was his belief that it

was permissible to have excess transit subsidies on his Smartrip card. [REDACTED] stated that he did not believe he was in violation of the policy because of his interpretation of the PTSP. [REDACTED] said that in June 2007 he decided to get out of the PTSP and wrote a personal check in the amount of \$98.05 to cover the cost of the last month of the quarter. When [REDACTED] was asked about the surplus of funds that were on his Smartrip card he said that he had put his own personal funds on the card. [REDACTED] was then shown records received from the Washington Metropolitan Transit Authority (WMATA) and asked what dates he added personal funds to the Smartrip card. [REDACTED] on the advice of his attorney, declined to answer that or any other questions regarding the PTSP. [REDACTED]'s Attorney [REDACTED] intervened and said that they would obtain their own records from WMATA and possibly continue the interview at a later date.

### Conclusions

Our investigation corroborated the allegation that AIGI [REDACTED] and DAIGI [REDACTED] violated the PTSP. [REDACTED] and [REDACTED] should have had sufficient knowledge of the PTSP to know that they violated the rules governing the PTSP. Several Special Agents, ASACs and Office Staff witnessed [REDACTED] and [REDACTED] receiving rides from subordinate SAs and former SAC [REDACTED]. Witnesses also reported that they heard [REDACTED] and [REDACTED] coordinating rides with [REDACTED] on other occasions. During an interview with SA [REDACTED] he admitted to providing [REDACTED] with at least 30 - 40 rides during [REDACTED]'s tenure at DOT-OIG.

In an interview with DAIGI [REDACTED] he acknowledged that he received rides from subordinates as well as [REDACTED] and that he even used a GOV all while receiving transit subsidies. [REDACTED] did accept responsibility for violating the public transit subsidy and receiving excess transit subsidies that he was not entitled to. [REDACTED] either could not or would not estimate the amount of rides he received. [REDACTED]'s explanation for violating the PTSP was simply that he did not read the rules and relied on information given to him by [REDACTED].

The DOT-OIG PTSP policy states the following:

- You are expected to be prudent in using your PTP subsidy. If you do not use your full quarterly amount, you should not accept a full quarterly amount the next distribution.
- You are expected to add only the amount that you will actually be used on your SmartTrip card monthly.

A review of records received on October 1, 2007, from the Office of General Counsel, WMATA, Privacy Policy Administrator, [REDACTED], revealed that [REDACTED] violated DOT-OIG's Public Transportation Policy No. 560-04 by not taking a reduced subsidy when he continued to have surplus funds on his Smartrip card. [REDACTED]'s electronic payments to his Smartrip card from January 2006 through August 2006 show that [REDACTED] maintained a surplus of transit subsidies and never accepted a reduced subsidy as prescribed by the policy.

#### D. Lack of Objectivity with Investigations

This allegation involves the alleged mishandling of two investigations conducted by DOT-OIG. In the first case, DOT-OIG ASAC [REDACTED] is alleged to have made traffic stops on Interstate 95 in Virginia in the spring of 2005 using his GOV. Because DOT-OIG did not have an Internal Affairs Unit and because of the seriousness of the allegation, DOT-OIG solicited the Treasury Inspector General for Tax Administration (TIGTA) to conduct an investigation into the allegations against ASAC [REDACTED]. An investigation was conducted by TIGTA. The findings of TIGTA's investigation were that ASAC [REDACTED] misused his position, misused his government assigned vehicle and made false and misleading statements during the course of the investigation. According to the allegation made by ASAC [REDACTED], [REDACTED] made a false statement which was documented in TIGTA's final ROI. [REDACTED] stated that he was told by one of the TIGTA investigators that TIGTA was asked to remove the finding that [REDACTED] had made a false statement so that [REDACTED] would not have a Giglio issue on his personnel record. [REDACTED] related that TIGTA refused to make the change in the official ROI, so AIGI [REDACTED] had DAIGI [REDACTED] re-investigate the incident. According to the allegation, the result of [REDACTED]'s investigation was that [REDACTED] misused his GOV but did not make a false statement or misuse his position. [REDACTED] stated that the purpose of the re-investigation of the incident was to make sure that [REDACTED] did not have a Giglio issue on his record.

In the second case, AIGI [REDACTED] and DAIGI [REDACTED] allegedly closed an investigation involving abuse of the PTSP by a GS-15 U.S. Mint employee named [REDACTED]. The allegation made by [REDACTED] was that the [REDACTED] investigation was improperly closed because [REDACTED] and [REDACTED] themselves had also violated the PTSP.

#### Findings (DOT-OIG ASAC [REDACTED] Investigation conducted by TIGTA)

Retired TIGTA Senior Special Agent (SSA) [REDACTED] was interviewed. [REDACTED] stated that she retired from TIGTA approximately one year ago as an SSA and her last assignment was in the Special Inquiries and Intelligence Division for TIGTA. [REDACTED] explained that her group conducted special investigations on TIGTA employees and Internal Revenue Service employees. [REDACTED] stated that in June 2006, she was assigned by TIGTA AIGI [REDACTED] to investigate allegations that DOT-OIG ASAC [REDACTED] had performed unauthorized traffic stops using his government assigned vehicle. [REDACTED] explained that [REDACTED] had been approached by either DOT-OIG Counsel Delmar, or DAIGI [REDACTED] and was asked to conduct the investigation as an independent review. [REDACTED] stated that prior to the interview of ASAC [REDACTED] she ([REDACTED] and SSA [REDACTED], who was assigned to work with her, interviewed the complainants that [REDACTED] had allegedly stopped. [REDACTED] stated that they also drove to the areas where these individuals had allegedly been stopped.

Retired SSA [REDACTED] explained that prior to working for TIGTA she had worked for DOT-OIG for approximately one year. [REDACTED] stated that having worked for DOT-OIG, she was familiar with where DOT-OIG SAs parked their government assigned vehicles. [REDACTED] stated that prior to [REDACTED] interview, SSA [REDACTED] went to the Department of Veterans Affairs (VA) building at 15<sup>th</sup> and I Streets NW, Washington, D.C. in an effort to locate [REDACTED] GOV. [REDACTED] explained that the complainants stopped by [REDACTED] had

described [REDACTED] government issued vehicle as a black Chevrolet Impala with front and rear police lights and Virginia license plate [REDACTED]. [REDACTED] stated that when [REDACTED] arrived at the VA on September 6, 2005, one day prior to their interview of [REDACTED] he saw a vehicle that matched the description of [REDACTED] GOV. [REDACTED] explained that [REDACTED] called her and told her that he identified a black Chevrolet Impala with front and rear police lights and Virginia license plate [REDACTED]. [REDACTED] explained that having police lights in the front and rear of [REDACTED] vehicle was significant because one of the complainants stated the he saw a police light covered by a mesh baseball style hat in the rear of [REDACTED] vehicle when he ([REDACTED] had his emergency lights activated. [REDACTED] stated that [REDACTED] was interviewed the following day. She explained that prior to the interview [REDACTED] was placed under oath. She stated that the interview was also recorded as prescribed by TIGTA policy. She stated that throughout the course of the interview [REDACTED] was evasive and deceptive regarding the traffic stops he allegedly made. [REDACTED] explained that despite the fact that several individuals described [REDACTED] his vehicle and had even written down his license plate number, [REDACTED] still denied most of the allegations that he had made the traffic stops.

According to retired SSA [REDACTED], ASAC [REDACTED] lied and made misleading statements during the course of the interview. [REDACTED] stated that [REDACTED] lied when he said he didn't have a rear light in the back of his government issued vehicle. According to [REDACTED] [REDACTED] was given several opportunities to clarify that he did have a light in the back of the vehicle but continued to lie until he was confronted by [REDACTED] that he had seen the light on the rear deck of the vehicle covered by a hat as witnesses had described. [REDACTED] stated that the final conclusions of their investigation were that [REDACTED] misused his position, misused his GOV and made false and misleading statements. She explained that there was no misunderstanding about the false statements and that she and [REDACTED] presented charges of making false statements to Assistant United States Attorney [REDACTED] on October 11, 2005. [REDACTED] explained that the case was declined because an administrative remedy was available to DOT-OIG.

Retired SSA [REDACTED] stated that after the investigation was complete, TIGTA AIGI [REDACTED] briefed Counsel Delmar. [REDACTED] stated that she heard from [REDACTED] that DOT-OIG was upset because they only wanted a draft ROI. According to [REDACTED] [REDACTED] said that DOT-OIG's management was offended by how [REDACTED] had been treated as well as with the findings of the report.

When former SAC [REDACTED] was interviewed, he explained that he was involved in the DOT-OIG investigation of ASAC [REDACTED] that took place after the TIGTA investigation. [REDACTED] said that it was alleged that [REDACTED] made unauthorized traffic stops using his assigned government vehicle in Prince William County, Virginia. According to [REDACTED] because of the seriousness of the allegation, [REDACTED] solicited the TIGTA to conduct the investigation. According to [REDACTED] TIGTA's investigation of [REDACTED] was conducted poorly. [REDACTED] complained that TIGTA did not conduct a thorough investigation and did not submit a draft of their report to DOT-OIG prior to the final report being issued. [REDACTED] explained that DOT-OIG expected a draft so that their management staff could make comments before the investigation was finalized. According to [REDACTED] TIGTA's investigation was inconclusive and at that time DOT-OIG's policy concerning the use of a GOV to make traffic stops was vague. [REDACTED] stated that [REDACTED] did not lie or make false

statements during the recorded interview by TIGTA, but did make misleading statements. [REDACTED] was asked whether or not [REDACTED] made a false statement when he said that his government assigned vehicle did not contain a police light on the rear deck. [REDACTED] explained that he thought that even though [REDACTED] was asked three times and replied three times that his vehicle did not have a police light on the rear deck he ([REDACTED]) thought the statement was misleading, not false. [REDACTED] explained that he and [REDACTED] were both SACs at the time of the incident and that they re-interviewed the complainants after TIGTA's investigation. [REDACTED] was asked whether or not he believed [REDACTED] made traffic stops in his government issued vehicle and he agreed that he [REDACTED] had. [REDACTED] stated that after the re-investigation, [REDACTED] received a ten day suspension for misuse of government property.

When AIGI [REDACTED] was asked about his involvement in the investigation of ASAC [REDACTED] by TIGTA, he said that when TIGTA completed their investigation of [REDACTED] regarding allegations of making unauthorized traffic stops, he had questions about the investigation. [REDACTED] said that it was still not clear if [REDACTED] had made the traffic stops as alleged. [REDACTED] said that Counsel Delmar gave former SACs [REDACTED] and [REDACTED] permission to review the TIGTA investigation. [REDACTED] explained that he had no involvement in the review and said that the review was not an official investigation. [REDACTED] related that he did receive a courtesy call from [REDACTED] stating that TIGTA had completed their investigation.

AIGI [REDACTED] stated that after the investigation was completed he and [REDACTED] went to the sites where the traffic stops were alleged to have taken place. [REDACTED] explained that he and [REDACTED] took photographs and created a Micro-Soft Power Point presentation of the areas where [REDACTED] allegedly made traffic stops on I-95. [REDACTED] said that he was verbally reprimanded by then Deputy IG Schindel for intervening in the investigation. [REDACTED] said that the presentation casted doubt on TIGTA's findings. According to [REDACTED], he believed that it was appropriate for him to intervene in the review of TIGTA's investigation because he said he would be the deciding official if [REDACTED] decided to appeal whatever disciplinary action was taken against him. [REDACTED] likened his review of the case to a judge going out to look at the scene of a crime. [REDACTED] said he did not believe that TIGTA's investigation was thorough enough to support their findings and that TIGTA's Report of Investigation was confusing. [REDACTED] explained that there were several issues that were not resolved in TIGTA's investigation.

[REDACTED] stated that he was not sure that [REDACTED] abused his authority, misused his GOV or made false and misleading statements. [REDACTED] said that when [REDACTED] made the traffic stops, he was covered by the IG Act and that he had also been deputized by the U.S. Marshal Service. [REDACTED] further related that TIGTA could not prove that [REDACTED] had made false statements regarding the light in the rear deck of [REDACTED] vehicle because TIGTA did not have 24 hour surveillance on [REDACTED] GOV. [REDACTED] also said that [REDACTED] did not misuse his position because he had peace officer status in the State of Virginia.

[REDACTED] was then asked what provision of the IG Act gave [REDACTED] the authority to conduct traffic stops. [REDACTED] was unable to cite or explain the passage in the IG Act that would have given [REDACTED] the authority to make the traffic stops. [REDACTED] was then asked why he thought [REDACTED] was able to make traffic stops by being a Deputized U.S. Marshal when all OIG's were granted statutory authority in 2002. [REDACTED] stated that [REDACTED] had Peace Officer status as a law enforcement officer in the State of Virginia. The

reporting Agent advised [REDACTED] that DOT-OIG SA's did not have Peace Officer status in the State of Virginia when the incidents happened. [REDACTED] then conceded that [REDACTED] did abuse his authority by conducting traffic stops, but that Delmar remained unconvinced. [REDACTED] said that in his professional opinion he thought that [REDACTED] had committed the acts that he was charged with by TIGTA, but that there were too many doubts for him to take administrative action. When [REDACTED] provided a written statement he stated that there was insufficient evidence to prove or disprove the charges against [REDACTED].

When DAIGI [REDACTED] was interviewed he stated that upon taking the SAC position with DOT-OIG in October 2005, he was assigned to review the case involving [REDACTED]. According to [REDACTED] he was reluctant to get involved in the review because he was new to the organization and did not want to be perceived as the bad guy and that [REDACTED] was going to be working directly for him. [REDACTED] stated that he reviewed TIGTA's ROI, the audio tape of [REDACTED] interview and the interviews of the four complainants. According to [REDACTED] when he and [REDACTED] re-interviewed the complainants three out of the four individuals reaffirmed their original statement regarding the incident; however, the fourth could not recall the correct date and time. [REDACTED] acknowledged that his re-interview of the complainants was almost five months later and that their recollection of the incident could have been vague. [REDACTED] explained that he thought that there were some loopholes in TIGTA's investigation. [REDACTED] stated that he personally thought that ASAC [REDACTED] but that Counsel Delmar and his staff only wanted to pursue administrative action that they could support in a Merit System Protection Board (MSPB) hearing. According to [REDACTED] he and [REDACTED] conducted their own investigation and went to the sites where the traffic stops were allegedly conducted. [REDACTED] stated that he and [REDACTED] took photographs of where the alleged traffic stops took place. [REDACTED] stated that [REDACTED] was verbally reprimanded by Schindel for intervening in the investigation and that he [REDACTED] thought that IG Damelin would have wanted to remove [REDACTED] from federal service. [REDACTED] stated that while reviewing the investigation, he and [REDACTED] found a gas receipt which was strong evidence that [REDACTED] was not in the area and that the traffic stops may not have been conducted by [REDACTED]. [REDACTED] stated that because of this gas receipt, Delmar thought there was doubt that [REDACTED] conducted the traffic stops.

DAIGI [REDACTED] explained that he later interviewed ASAC [REDACTED] and during the interview found him to be evasive. [REDACTED] stated that [REDACTED] made excuses for making the traffic stops by saying that the cars pulled over stopped on their own account and he [REDACTED] was actually trying to get around them for other emergency reasons. [REDACTED] also stated that [REDACTED] had peace officer status in the state of Virginia at the time of the incident. [REDACTED] explained that [REDACTED] was authorized to make traffic stops until he ([REDACTED]) was advised by the reporting SA that DOT-OIG SAs did not have peace officer status in the state of Virginia when the traffic stops occurred. [REDACTED] then acknowledged that [REDACTED] did not have the authority to make the vehicle stops he made. [REDACTED] stated that the reason that the charges of making a false statement and misuse of position found in the TIGTA investigation were removed from his findings was because of the loopholes in TIGTA's investigation.

DAIGI [REDACTED] stated that his recommendation for punishment for ASAC [REDACTED] was a 10 day suspension for misuse of a GOV. [REDACTED] added that this recommendation was based

on instructions received by DOT-OIG Delmar. [REDACTED] stated that he thought he was viewed as a "hero" by all of management for resolving the investigation. [REDACTED] said that he wanted to remove [REDACTED] from being the supervisor of the Employee Misconduct Branch of OI but that DIG Schindel and Delmar thought DOT-OIG would be sued if they transferred [REDACTED] into another section within OI. [REDACTED] stated that based on what Delmar told him, Delmar was not prepared to make the argument that [REDACTED] had a Giglio issue. [REDACTED] stated that he has definite concerns about ASAC [REDACTED] integrity.

### Conclusions ( [REDACTED] Investigation)

Our investigation and review of the facts questions the judgment of AIGI [REDACTED] and DAIGI [REDACTED] in conducting a re-investigation of TIGTA's investigation. The appearance is that the sole purpose of intervening in the aftermath of TIGTA's investigation was to mitigate TIGTA's findings, particularly by undermining TIGTA's apparently well supported finding that [REDACTED] had made false statements. After reviewing TIGTA's investigative report, listening to TIGTA's recorded interview of ASAC [REDACTED] and speaking to retired SSA [REDACTED] the evidence suggests that TIGTA's findings were correct. It is clear that the only purpose of the re-investigation by [REDACTED] and [REDACTED] was to change the findings of the investigation so [REDACTED] would not have a giglio issue.

DOT-OIG Counsel Richard Delmar indicated that he agreed with the findings of [REDACTED] and [REDACTED] that there was insufficient evidence to conclude that ASAC [REDACTED] made the traffic stops. Counsel Delmar was not formally interviewed but in conversations with OISI he indicated that he sanctioned the re-investigation of ASAC [REDACTED] and believed that TIGTA's investigation was poorly conducted. It is not clear whether Counsel Delmar was misled by [REDACTED] and [REDACTED] regarding the [REDACTED] investigation. However, OISI finds Delmar's advice to DOT-OIG questionable regarding the [REDACTED] investigation because it is evident from [REDACTED]'s tape recorded interview, which Counsel Delmar listened to, that [REDACTED] made a false statement under oath to TIGTA SA's.

Additionally, we find questionable the punishment that [REDACTED] received even after the re-investigation was completed. According to Title 31, Section 1349, Adverse Personnel Action the punishment for the willful misuse of a government assigned vehicle is a 30 suspension; [REDACTED] only received a 10 day suspension for use of government property in duty status for other than official purposes.

### Findings - ( [REDACTED] Investigation)

According to ASAC [REDACTED] SA [REDACTED] was assigned an investigation (2007-0161) by the DOT-OIG Complaint Management Branch (CMB) regarding the alleged abuse of the Public Transit Subsidy Program (PTSP) by [REDACTED] a GS-15 employee at the United States Mint. According to [REDACTED] after reviewing the documentation provided by the CMB, and because DOT-OIG had conducted similar investigations in the past, an investigation was opened. When [REDACTED] began working the investigation he [REDACTED] was the acting SAC. [REDACTED] explained that although he was the acting SAC, he did not see the documentation of [REDACTED]'s day-to-day investigative activity. [REDACTED]'s day-to-day investigative activity was reviewed by acting ASAC [REDACTED]. [REDACTED] became aware of [REDACTED]'s investigative findings when he later learned that [REDACTED] had

sufficient information to prove the allegations that [REDACTED] violated the provisions of the PTSP and may have also made a false statement by certifying that he would be using the PTSP and not driving his privately owned vehicle to work and parking in the U.S. Mint parking garage.

ASAC [REDACTED] was not initially aware that DAIG [REDACTED] had contacted SA [REDACTED] and told him [REDACTED] to cancel his interview with [REDACTED]. According to [REDACTED] on March 15, 2007, he had a discussion with [REDACTED] about the case involving [REDACTED]. [REDACTED] stated that [REDACTED] asked him ([REDACTED] to review the PTSP policy to determine if there had been a violation of the policy. [REDACTED] stated that he contacted GAO Investigator, [REDACTED] and GAO Analyst, [REDACTED] regarding the policy. [REDACTED] stated that after contacting GAO he believed that the DOT policy associated with the PTSP was too vague and subject to interpretation, and reported such to [REDACTED].

ASAC [REDACTED] said that when he contacted the GAO investigators, he was unaware of how far along SA [REDACTED] actually was with his investigation and that DAIG [REDACTED] did not make any of the facts of the investigation known to him at the time he was asked to determine if a violation had occurred. [REDACTED] said that if he had known that [REDACTED] had conducted an investigation he would have wanted to review [REDACTED]'s investigative findings to determine whether [REDACTED] had violated the PTSP. [REDACTED] stated that [REDACTED] asked him, hypothetically speaking, that if a person had infrequently taken his vehicle to work and parked it in the Mint garage (for example: if the person had a medical appointment) would doing so have violated the PTSP or the rules associated with the U.S. Mint garage. [REDACTED] said that he told [REDACTED] that he thought intermittent use of a privately owned vehicle for a medical appointment would be permissible. According to [REDACTED] [REDACTED] told him to close the investigation. [REDACTED] told [REDACTED] that closing the investigation would not be a good idea because in 2006 DOT-OIG had conducted a similar investigation on another U.S. Mint employee. [REDACTED] explained that the issue surrounding that investigation involved a U.S. Mint employee named [REDACTED] using a counterfeit parking permit to access the U.S. Mint Parking facility while he was receiving public transit subsidies. [REDACTED] stated that the end result of this investigation was that [REDACTED], a GS-12 employee, was terminated for abuse of leave, and dishonest conduct.

SA [REDACTED] was interviewed and stated that on January 18, 2007, he was assigned an inquiry by the DOT-OIG CMB regarding an alleged abuse of the PTSP by [REDACTED], a GS-15 employed by the United States Mint. [REDACTED] explained that [REDACTED] was his acting ASAC, and [REDACTED] was his acting SAC when the assignment was made. [REDACTED] stated that on January 18, 2007, he reviewed [REDACTED]'s public transportation subsidy application, the U.S. Mint parking policy and interviewed [REDACTED], a witness in the case. [REDACTED] stated that on the following day he interviewed [REDACTED], another witness in the case and made various requests for documentation related to the parking garage at the U.S. Mint. [REDACTED] explained that he received the parking garage records on March 8, 2007 and then reviewed [REDACTED]'s garage access records during the period of time he was receiving public transit subsidies. [REDACTED] explained that he identified 22 occurrences when [REDACTED] accessed the U.S. Mint parking garage while at the same time receiving the public transit subsidies which is a violation of U.S. Mint policy. According to [REDACTED] on the morning of March 9, 2007,

he contacted [REDACTED] and scheduled an interview with him for March 12, 2007. [REDACTED] stated that a few hours after he scheduled the interview with [REDACTED] called him into his ([REDACTED]'s) office and told him "we shouldn't be wasting time on a case like this." [REDACTED] stated that he never spoke up to defend the merits of the investigation. According to [REDACTED] DAIGI [REDACTED] then escorted him into AIGI [REDACTED]'s office, where they discussed closing the case. [REDACTED] said that [REDACTED] instructed him to cancel his interview with [REDACTED] and told him that the case would be closed. [REDACTED] stated that on March 21, 2007, he received an e-mail from General Investigator (GI) [REDACTED] of DOT-OIG CMB, advising him that the [REDACTED] investigation had been closed. [REDACTED] stated that he was surprised by this and was told by [REDACTED] that [REDACTED], at a minimum, violated the standards of ethical conduct for employees of the Executive Branch. [REDACTED] stated that the case was closed without the normal MOA and case closing checklist being submitted. [REDACTED] also stated that when the investigation was closed he was asked by GI [REDACTED] to give copies of his MOA's to [REDACTED] Chief Counsel, U.S. Mint, because the case was being referred back to the U.S. Mint for administrative action. SA [REDACTED] added that this was unusual because he has never been asked to provide MOA's to outside agencies.

SA [REDACTED] explained that he was surprised that management wanted to close the [REDACTED] investigation because he had previously worked a similar case involving another U.S. Mint employee. [REDACTED] explained that the subject of that DOT-OIG investigation, (2006-0250), was a U.S. Mint employee who used a counterfeit parking permit to access the U.S. Mint parking facility while receiving public transit subsidies. [REDACTED] explained that as a result of his investigation, the GS-12 employee was terminated for abuse of leave, and dishonest conduct.

DAIGI [REDACTED] related during his interview that his office did conduct investigations into public transit subsidy fraud. According to [REDACTED] SA [REDACTED] had been working with GAO investigators on these types of investigations but that most had been declined by the U.S. Attorney's Office because of the dollar amount of the fraud involved. [REDACTED] stated that DOT-OIG had at least six cases involving individuals who were receiving more transit subsidy benefits than they were entitled to receive. [REDACTED] stated that all the investigations were declined in April 2007. [REDACTED] stated that somehow SA [REDACTED] case got to his desk. [REDACTED] explained that due to the loss of so many SAs, each SA had as many as 30 cases assigned to them. According to [REDACTED] the reason he had the case closed was because there was no fraud loss, the U.S. Mint Police were capable of working the investigation and that he was trying to trim the case loads of the SA's. [REDACTED] stated that [REDACTED] referred the case back to the U.S. Mint. [REDACTED] said that later, Counsel for the U.S. Mint [REDACTED], asked Delmar why DOT-OIG didn't work the investigation and was told that [REDACTED] was trying to cut down on the SA's case loads. [REDACTED] went on to say that he had no knowledge of the [REDACTED] investigation but added that the difference between the two investigations was the [REDACTED] case involved the use of a counterfeit parking pass and was not just a case of someone violating the PTSP.

DAIGI [REDACTED] explained in his statement that early in 2007 he reviewed the investigative file involving [REDACTED]. According to [REDACTED] he had discussions with [REDACTED] about closing the investigation prior to contacting [REDACTED] but did not provide any dates of

these conversations. [REDACTED] cited a memo dated March 15, 2006, which [REDACTED] wrote regarding the [REDACTED] investigation in which [REDACTED] agrees that the [REDACTED] investigation should be referred back to the U.S. Mint. During [REDACTED]'s interview he related that he closed the investigation in an attempt to reduce the SA's case loads. [REDACTED] said that each SA had an average of 30 cases at the time he closed the [REDACTED] investigation.

SA [REDACTED] in a second sworn statement, said that he has never had more than 20 cases and at the time the [REDACTED] investigation was closed, he had approximately 15 cases assigned to him. [REDACTED] also related that he only had to complete the subject interview and that the investigation would be complete. SA [REDACTED] and ASAC [REDACTED] both related that DAIGI [REDACTED] generally oversaw the Financial Crimes Branch of OI and was not involved in the employee misconduct investigations. [REDACTED] reported in a later sworn statement that as Acting SAC he had bi-weekly meetings with [REDACTED] on employee misconduct investigations and that [REDACTED] never attended.

When GI [REDACTED] was interviewed, he stated that he was contacted by [REDACTED] who was requesting documents related to the [REDACTED] investigation. [REDACTED] explained that he was told by [REDACTED] that the DOT-OIG had discontinued the investigation and had referred the case back to the U.S. Mint for whatever action they deemed appropriate. [REDACTED] stated that when he located the case file he found no documentation in it except a memorandum from ASAC [REDACTED] stating that at the direction of DAIGI [REDACTED] and AIGI [REDACTED] the investigation had been discontinued and was being referred back to the U.S. Mint.

GI [REDACTED] stated that he checked with ASAC [REDACTED] who explained that he had been directed to cease all investigative activity on the case by [REDACTED] and refer the case, along with the associated paperwork, back to the U.S. Mint for whatever action they deemed appropriate. [REDACTED] said that when he asked about the documents [REDACTED] was referring to, [REDACTED] told him that he had no knowledge of any documents provided by the U.S. Mint. [REDACTED] suggested that [REDACTED] check with [REDACTED] the case agent.

According to GI [REDACTED] SA [REDACTED] retrieved from his files copies of MOAs with attachments, which he explained had been provided by the U.S. Mint to support their allegation that the subject had received the public transit subsidy while parking in the U.S. Mint garage. [REDACTED] said that [REDACTED] told him that (he) [REDACTED] had contacted the subject to schedule an interview, but within a short period of time thereafter (approximately 30 minutes), [REDACTED] was approached by [REDACTED] and told to close his investigation because the OIG did not investigate this type of case.

### Conclusions ([REDACTED] Investigation)

OISI concludes that DAIGI [REDACTED] with the permission of AIGI [REDACTED] inappropriately intervened in closing [REDACTED]'s investigation. The following irregularities were identified with regard to [REDACTED]'s argument that he intervened in the investigation to promote the efficiency of the office by trimming the agent's case loads.

- [REDACTED]'s case was closed three days after [REDACTED] reported to [REDACTED] that he had violated the PTSP and returned Metro fare cards valued at approximately \$700.00. This raises questions as to whether [REDACTED] and [REDACTED] (both of whom themselves misused the PTSP) could be objective with respect to the investigation that [REDACTED] was conducting.
- Interviews conducted revealed that [REDACTED] had minimal involvement in the Employee Misconduct Branch and was involved primarily with the Financial Crimes Branch.
- [REDACTED] had previously never been called into [REDACTED]'s office about any of his investigations.
- [REDACTED] reported that as Acting SAC he would have been responsible for identifying which investigations would be closed.
- DOT-OIG had worked similar types of cases involving U.S. Mint employees before.
- [REDACTED] reported in a sworn statement that when he discussed the [REDACTED] investigation with [REDACTED] on or about March 15, 2007, he was unaware of [REDACTED]'s investigative activity and did not know that he was planning to present the case the following week.
- Interviews and statements provided by [REDACTED], [REDACTED] and [REDACTED] indicate that SA's in OI at the time, had an average case load of 15,16 cases.

#### E. Inaccurate Information Provided to Congress in the Department of Treasury's Semiannual Report to Congress (SAR)

According to ASAC [REDACTED], the entelliTrak system is incapable of tracking statistics and reports as it was designed to do and as a result, the statistics in DOT-OIG's Semiannual Report to Congress had to be "fabricated." [REDACTED] stated that the statistics he submitted for the SAR to Congress were obtained by physically reviewing cases instead of by automatically retrieving them from the entelliTrak system. These statistics included arrests, indictments, convictions and monetary recoveries made by DOT-OIG. [REDACTED] explained that the method he used was unscientific and inaccurate but was the only method he could use to get the required information for the SAR.

#### Findings

Several managers and other officials were critical of the entelliTrak system, saying it was a case management tracking system that did not perform the way it was designed to. Former SSA [REDACTED], who supervised the DOT-OIG, Cyber Crimes Branch of investigations, explained that since the initial purchase of the system, it has never been able to produce the reports it was designed to produce. [REDACTED] explained that DOT-OIG

bought a brand new system and immediately began modifying it in an attempt to get it to perform tasks it was not designed to do. SSA ██████ stated that the entelliTrak Case Management System does function, but that modifications have made the system on some levels completely unworkable. Case management systems are designed to streamline and centralize data stores to increase accuracy and reduce time spent in locating data. Instead, entelliTrak has become one more data repository for DOT-OIG. ██████ said some of the other data repositories DOT-OIG has are: IDMS, numerous Microsoft Excel spreadsheets, Microsoft Word documents, hard copy folders and the Microsoft Access Database stores.

AIGM ██████ stated entelliTrak works properly and that his office ensured that OI received what they asked for when they purchased the system. ██████ stated that he wanted AIGM ██████ to be happy with the product. ██████ said the only drawback to entelliTrak is that Technical Information Specialist (TIS) ██████ does have to go into the system to customize the way reports are produced because entelliTrak was not designed to create them the way DOT-OIG wants them. ██████ stated that any dissatisfaction with entelliTrak is because it is new. ██████ explained that entelliTrak wasn't wholeheartedly embraced because the SAs now have to enter their case information into entelliTrak in addition to performing their other duties. ██████ stated that the ASACs did not support management's decision to purchase a case tracking system and their resistance to the system was reinforced when there were problems implementing entelliTrak. ██████ said that once the entelliTrak case management system matures, the system will function with little or no errors.

TIS ██████ stated that overall he believes that entelliTrak is a useable system. He explained that DOT-OIG uses two other entelliTrak products, one for the Office of Counsel, and one for correspondence by the AIGM. He said that the other two products continue to meet their requirements and have rarely undergone significant changes. He reiterated that the biggest problem with entelliTrak is that DOT-OIG wants far more out of it than it was ever designed to give. He explained that entelliTrak is a simple system that was designed to work without modifications.

TIS ██████ said that on September 25, 2007, he was asked to attest to the accuracy of the entelliTrak system by SAC of Operations ██████. ██████ wrote the following in an e-mail in regards to the accuracy of the statistics that entelliTrak provides:

*"I can certify that to the best of my knowledge my SAR reports are 100% accurately reflecting the data that is in both EntelliTrak and IDMS. However, I cannot certify whether or not the data that is being entered is accurate.*

*There are multiple users, with multiple levels of computer proficiency who are entering the data. The morale of some of the users is better than others. In addition, there are often multiple places and ways to enter data in EntelliTrak, and often it is difficult for inexperienced users to know exactly where and how data needs to be entered properly. As a result I cannot certify that the data being entered is accurate, but I can certify that I am accurately reflecting what is being entered through my reports.*

*The best solution in my opinion would be to hire more administrative staff, and then have that dedicated staff enter the majority of the stats. The only other resolution would be to switch to a more user friendly and intuitive system. Both options require significant time and funds which I understand we do not have.*

*Given the staff and system we have, the only way to ensure quality data is to spend more time training the users, and to reduce the extremely high case to agent ratio. If the agents had fewer cases, they would mostly likely be able to take the time to learn the system, and would be more concerned about getting the data into the system properly. In addition, we need to reduce the volume of data that we are asked to pull. The more different types of data that we're asked to track, the more potential there is for something to be entered incorrectly. Currently few people have sufficient time to keep up with the system requirements, as well as all the other things that need to be done in the current environment."*

When General Investigator (GI) [REDACTED] was interviewed, she stated that the entelliTrak Case Management System works to some extent and explained that she believes that no electronic database management system is "perfect." [REDACTED] stated that the system is accurate only because [REDACTED] constantly modifies report queries and adds administrative drop-down menus. [REDACTED] stated that a problem with entelliTrak is that it was not designed to be user friendly. [REDACTED] stated that the contractor designing the database had no experience handling investigations, and the result is that the entry screens are "duplicative, cumbersome, and some of the inner entry screens are hidden." According to [REDACTED] to use entelliTrak effectively, you need to know which link or button to click on after you get to an inner screen. [REDACTED] stated that for management reports to run correctly, the users have to be given an exhaustive how-to list on exactly where and how to enter their data.

On September 25, 2007, GI [REDACTED] was asked by her supervisor, SAC [REDACTED] about the accuracy of entelliTrak and in response she wrote the following in an e-mail:

*The accuracy of the numbers is hugely dependent on how EntelliTrak and IDMS pull the data at given "snapshots" in time. As with most database programs, it would be rare to find blatant mathematical errors, but both the aforementioned systems (namely EntelliTrak) is highly dependent upon parameters and queries set up via just the right combination of admin events and qualifiers. Because EntelliTrak was designed by a contractor who had no significant experience handling investigations, the entire program is not intuitive. Not only are the entry screens duplicative & cumbersome, but the screens can't "talk" behind the scenes (so to speak) to pull together relevant data for the complex reports that are required daily, weekly, & quarterly. Due to EntelliTrak's design, its success is too dependent upon the users following an exhaustive how-to list on exactly where and how to enter in the data. Acknowledgment of this is important because whenever we have specific or ad-hoc report drills, depending on the exercise, [REDACTED] has to constantly tweak the query & parameter combinations. Often times, reports require data that was not previously characterized a particular way in EntelliTrak, hence the need to retroactively add new admin events or fields to make that report work.*

*That is not to say that any of the numbers forwarded for the AIGI self-assessment are wrong. It is accurate to the best of the EntelliTrak & IDMS systems' limited ability to recognize and characterize a listing of input data on a particular date. Again, if everyone recognizes that these system reports are snapshots, then the answer is "yes" the numbers are accurate at that given point in time. However, any exercise to perfectly reconcile numbers at a minute after that snapshot in time is an exercise in futility, in my humble opinion. For that reason, [REDACTED] I maintain a list by hand which documents certain sequential changes made to a case in order to help reconcile data differences in subsequently run reports. This is extremely cumbersome & time-consuming, but necessary, given the limitations of the current case management systems. That said, the case numbers for the paragraph concerning cases open, initiated, closed, etc. is a combination of a snapshot at the first half of the FY (taken at last SAR) added to the snapshot of the system as of 9-21-07 to close this latter half of the FY. In my opinion, that is a more accurate reflection of true numbers from the beginning of the FY to present, given the limited way EntelliTrak processes data changes or input additions.*

*In a confusing nutshell, that is my humble assessment & appraisal of the system numbers. I'm not a database expert, but I have seen much better systems out there that are capable of handling the types of complex reports our office requires, but with minimal discomfort on the input end. To beat a dead horse, I seriously hope our office explores those options if the need continues for Operations to produce the types of reports that we do.*

SAC [REDACTED] was interviewed and said recently he was tasked to produce the DOT-OIG statistical accomplishment for the SAR to Congress. [REDACTED] stated that when he tried to obtain the statistics from the entelliTrak system, the system was unable to produce the statistics from the last reporting period. Therefore [REDACTED] stated that he was forced to estimate the current statistics for the SAR. [REDACTED] stated that he did not want to present the DOT-OIG statistics in this manner because he knew that the statistics were not a true reflection of the work performed by the DOT-OIG. [REDACTED] indicated that the only known way to have gotten a true statistical account of the DOT-OIG accomplishments was to go through each investigative case file and determine if administrative, civil, or criminal action was taken. [REDACTED] stated that field SA's work with the entelliTrak system daily and have complained repeatedly about tracking and retrieving data. [REDACTED] stated that to complicate matters further, [REDACTED] hired TIS [REDACTED] to assist with inputting, processing, and retrieving data from entelliTrak. However, [REDACTED] stated that [REDACTED] is not familiar with the DOT-OIG sequel server that runs the entelliTrak program. In addition, [REDACTED] is not familiar with the entelliTrak case tracking system because it is a new system designed specifically for DOT-OIG. [REDACTED] explained that [REDACTED] has been learning how to operate the sequel server as well as the entelliTrak program.

When he was interviewed, AIGI [REDACTED] was asked if the SAR and other reports that entelliTrak generated were accurate. [REDACTED] said that to the best of his knowledge the reports that entelliTrak generates are accurate. [REDACTED] explained that because entelliTrak is a new system they continue to maintain IDMS, to ensure that if there are any malfunctions with entelliTrak they would have back-up data from IDMS. [REDACTED] was asked again if the statistics in DOT's SAR were accurate. [REDACTED] admitted that the statistics in the SAR were not accurate. [REDACTED] explained that the statistics in

the SAR were not accurate because there were duplicate entries made into entelliTrak and some data was not entered properly. ██████ stated that because OI was not confident with the accuracy of the statistics in the SAR, an asterisk was placed in the SAR disclosing that the values of the statistics had been adjusted from the prior semiannual report. The asterisk also denoted that during this semiannual period, OI completed verification of reportable data concurrent with the continued implementation of an improved case management system. ██████ explained that he spoke with GI ██████ who was assigned to assist in the generation of the SAR, and was told that the numbers generated by entelliTrak were incorrect. ██████ stated that IG Damelin was advised that the statistics were incorrect by a small margin and that he (Damelin) signed off on the SAR anyway. ██████ said that the problem with entelliTrak is that the scripts written for the case management system were written for generic reports. ██████ said that TIS ██████ had to re-write the scripts to enable entelliTrak to create the reports needed for OI. ██████ related that even if OI would have selected a different case management tracking system he believed that the scripts would have to be custom made to generate DOT-OIG OI's reports. In ██████'s sworn statement he asserted that the statistics in the SAR were accurate but only to the extent that data had been properly input into entelliTrak.

DAIGI ██████ stated that he thought the entelliTrak system worked properly. ██████ stated that he researched case tracking systems and found that no agency was satisfied with their case tracking systems. ██████ stated that he was not employed by DOT-OIG when the system was purchased but knew there were problems. ██████ explained that OI asks the system to generate reports that it was not designed to generate. ██████ cited as an example, the Katrina fraud statistics. ██████ admitted that the reports generated by entelliTrak in the past have not always been accurate due to the SA's not entering information properly. ██████ stated that due to the inaccuracy of the statistics for DOT-OIG's SAR an asterisk was added under the categories to indicate that DOT-OIG was not confident in the statistics being reported. ██████ stated that a fair assessment of the entelliTrak system is that it is only as accurate as the data that is entered into it and that the data has not always been properly entered.

### Conclusions

OISI believes that the statistics submitted to Congress in DOT-OIG's SAR are inaccurate. Interviews with DOT-OIG's CMB staff revealed that there are numerous issues regarding how the statistics are derived. The fundamental issue is that the entelliTrak Case Management System is only capable of producing accurate reports when accurate data has been properly entered into it. The entelliTrak system is plagued by the fact that the system is constantly being modified and that the users are not proficient in entering data into the system. DOT-OIG continues to maintain a dual case tracking system storing data in the IDMS system and entelliTrak to ensure that they have a record of all of their accomplishments. Thus, although we believe that the SAR contained inaccurate information, we did not find evidence of any intentional efforts to provide misleading or inaccurate information.

## Additional Issue Requested to be Reviewed : Workplace Violence/Hostile Work Environment

The initial complainants stated that the work environment fostered by AIGI [REDACTED] and DAIGI [REDACTED] was hostile. According to SAC [REDACTED] and [REDACTED] have created a stressful workplace environment by the way they treat employees. ASAC [REDACTED] stated that [REDACTED] had made threatening comments to him [REDACTED] when they discussed the Second Chance Body Armor investigation. [REDACTED] said that [REDACTED] said to him that he ([REDACTED]) wasn't a "fucking idiot" and that he knew "how to fix [REDACTED]" and that he was going to "fix [REDACTED]"

### Findings

When interviewed, SAC [REDACTED] stated that AIGI [REDACTED] and DAIGI [REDACTED] have made threats, mistreated, disrespected and talked down to their employees. [REDACTED] stated that he has worked in the Federal government for over 24 years and has never been subjected to such demeaning comments like the ones [REDACTED] and [REDACTED] have made to him. [REDACTED] stated that the stress and work environment in DOT-OIG got to the point where he felt obligated as a senior manager to schedule and meet with the IG to inform him about the issues of office moral, demotion threats, and letters of reprimand that he and other employees were receiving. [REDACTED] stated that since he came forward with his allegations, he has felt that something bad is going to happen to him.

Office Manager (OM), [REDACTED] explained that AIGI [REDACTED]'s style of supervising is confusing and has caused her problems in the past. [REDACTED] qualified her statement by saying that [REDACTED] states he has an open door policy but in the past, when she has addressed something with him, she was reprimanded by [REDACTED], her immediate supervisor, for doing so. [REDACTED] stated that last year her morale, on a ten point scale, was below a zero. [REDACTED] stated that she was doing just enough to get by. [REDACTED] recalled that one day she took sick leave due to her medical condition and when she arrived at the office a few minutes late the next day [REDACTED] said to her, "If you would have missed an emergency phone call, I would have fired your ass."

OM [REDACTED] stated that on a scale of 1 to 10, she would rank the overall office moral at a 5 or 6. [REDACTED] said that AIGI [REDACTED] and DAIGI [REDACTED] still employ strange punishments for SAs not respecting their rules. [REDACTED] stated that as an example of strange punishments, SA [REDACTED] was told to clean up an office where files were kept because he failed to wear a suit into the office one day. [REDACTED] added that she feels [REDACTED] is always targeting someone for punishment. She based this on the fact that once you make a mistake, [REDACTED] is hard on you for any and every little mistake you make until he turns his attention to someone else.

AIGM [REDACTED] was interviewed and explained that IG Damelin was very detail oriented and always wanted specific information. [REDACTED] said that AIGI [REDACTED] would never have the answers to the questions posed by Damelin. [REDACTED] stated that on one occasion, [REDACTED] was almost in tears when they were at lunch because he could not understand what Damelin wanted. According to [REDACTED] this caused a rift in their

relationship because Damelin believed he could not rely on [REDACTED] to get correct information and as a result, he would rate [REDACTED]'s performance lower than the other members of the senior executive staff. [REDACTED] said that after the executive staff meetings, Damelin would always ask [REDACTED] to stay to answer questions. [REDACTED] stated that this caused [REDACTED] to put pressure on his staff in an attempt to get the answers to the questions posed to him by Damelin.

Further, [REDACTED] advised that [REDACTED] has told him that he sometimes raises his voice at his employees. [REDACTED] stated that in his opinion [REDACTED] needs to attend management training because he doesn't take criticism very well. [REDACTED] stated that he has talked to [REDACTED] on many occasions, but [REDACTED] never takes his advice. [REDACTED] said that when [REDACTED] is under pressure, he ([REDACTED]) is quick to blame someone else. Furthermore, [REDACTED] said that [REDACTED] was also his own worst enemy when it came to sending out e-mails. [REDACTED] stated that on numerous occasions, [REDACTED] would send out sarcastic e-mails to management that would end up being forwarded to Damelin and Schindel.

DAIGI [REDACTED] was interviewed and stated that he has heard AIG [REDACTED] make disparaging comments about [REDACTED] has referred to [REDACTED] as "woogie, bulldog, jerk and wackjob." [REDACTED] stated that [REDACTED] would call [REDACTED] these names, but never to [REDACTED]'s face or in public. [REDACTED] explained that [REDACTED] was frustrated that [REDACTED] could not complete assigned tasks thoroughly. [REDACTED] stated that [REDACTED] would want charts, graphs and spreadsheets, that the ASACs were incapable of producing correctly. [REDACTED] said that due to this turmoil, for the last two years [REDACTED] has been trying to find a new job. [REDACTED] described DOT-OIG as the most stressful environment he has ever worked in. [REDACTED] stated that looking back he did not think he was going to make it through his first year.

When he was interviewed, AIGI [REDACTED] said that he has never raised his voice or yelled at his subordinate employees. [REDACTED] added that he never threatened to fire any of his employees. [REDACTED] said that he had never referred to any of his employees using derogatory names to other managers. [REDACTED] was specifically asked if he had ever called any of his employees "woogie, bulldog, wackjob or jerk," to which he responded, "no." However, once [REDACTED] was confronted with the fact that DAIGI [REDACTED] had said during his interview that he ([REDACTED]) had called ASAC [REDACTED] "woogie, bulldog, wackjob, and jerk" [REDACTED] then admitted that he had made the comments to [REDACTED] and other senior managers about [REDACTED]. [REDACTED] in his sworn statement, acknowledged that he called [REDACTED] "bulldog" affectionately but said he has never initiated a conversation in which he has called [REDACTED] jerk, woogie or wackjob. During his interview, [REDACTED] said that he could not recall if he had ever sent e-mails referring to [REDACTED] using derogatory names. However, in his sworn statement he said that he did receive an e-mail from SAC [REDACTED] (with a courtesy copy to [REDACTED]) referring to [REDACTED] as "woogie" and added that he has tried to counsel his staff about refraining from using nicknames and vulgarities. [REDACTED] was asked about an incident involving [REDACTED] in which there was a discussion about the Second Chance Body Armor investigation. [REDACTED] was asked if he made threatening comments to

[REDACTED] telling him that he ([REDACTED] wasn't a "fucking idiot" and that he knew "how to fix [REDACTED] and that he was going to fix [REDACTED]" [REDACTED] said that the incident never happened and that if [REDACTED] said he made those comments it was a lie.

### Conclusions

OISI concludes that the Workplace Violence/Hostile work environment allegation could not be substantiated. Based on the interviews conducted very few employees reported that [REDACTED] or [REDACTED] made threats or inappropriate comments to them. However, the investigation did indicate that [REDACTED] likely made inappropriate statements to some subordinate employees. Interviews conducted with ASAC [REDACTED] and OM [REDACTED] alleged that on more than one occasion [REDACTED] threatened to fire employees. When [REDACTED] was interviewed he admitted that he referred to [REDACTED] using derogatory names to other managers within OI. When AIGM [REDACTED] was interviewed he stated that Schindel needs to counsel [REDACTED] on controlling his temper. According to [REDACTED] [REDACTED] has told him that he sometimes raises his voice at his employees. [REDACTED]'s specific allegation that [REDACTED] made a threatening comment to him could not be independently substantiated. While conducting interviews, OISI found that with the exception of a few people, most employees within OI are looking for other jobs outside of DOT-OIG because of the management practices of [REDACTED] and [REDACTED]. In sum, it appears that the overall morale in OI is quite low and that much of that low morale is attributed to the managerial practices of [REDACTED] and [REDACTED].

## ATTACHMENTS

1. Report of Interview and sworn statement of SAC [REDACTED]
2. Reports of Interview and sworn statements of ASAC [REDACTED]
3. Report of Interview Special Agent [REDACTED]
4. Report of Interview and sworn statement Special Agent [REDACTED]
5. Reports of Interview and sworn statements Special Agent [REDACTED]
6. Report of Interview and sworn statement Special Agent [REDACTED]
7. Report of Interview and statement of Contracting Officer [REDACTED]
8. Report of Interview and sworn statement TIS [REDACTED]
9. Report of Interview and sworn statement DAIGI [REDACTED]
10. Report of Interview and AIGI [REDACTED]
11. Report of Interview and sworn statement Deputy Director [REDACTED]
12. Report of Interview and sworn statement Special Agent [REDACTED]
13. Report of Interview and sworn statement ASAC [REDACTED]
14. Report of Interview and statement Special Agent [REDACTED]
15. Report of Interview and sworn statement AIGM [REDACTED]
16. Report of Interview and sworn statement Special Agent [REDACTED]
17. Report of Interview and sworn statement Retired ASAC [REDACTED]
18. Report of Interview and sworn statement Office Manager [REDACTED]
19. Report of Interview and sworn statements Special Agent [REDACTED]
20. Report of interview and statement of General Investigator [REDACTED]
21. Report of Interview and sworn statement General Investigator [REDACTED]
22. Report of Interview, Garrity warning and sworn statement DAIGI [REDACTED]
23. Report of Interview, Garrity warning and sworn statement AIGI [REDACTED]
24. DOT-OIG Public Transit Subsidy Program record of returned fare cards FY 2007
25. DOT-OIG Public Transit Records
26. WMATA Smartrip records for AIGI [REDACTED]
27. Snapshot of AIGI [REDACTED]'s Smartrip surplus usage
28. Hotline complaint and TIGTA Report of Investigation on ASAC [REDACTED]
29. DOT-OIG's Review of ASAC [REDACTED]