Description of document: US Consumer Product Safety Commission (CPSC) records provided to Senator Charles E. Grassley and Senator Tom Coburn concerning the independence of Inspectors General necessary to promote efficiency and prevent fraud, waste and abuse in agency programs, in response to the Senators' inquiry, 2011-2012

Requested: 15-April-2012

Released date: 14-May-2012

Posted date: 04-July-2012

Source of document: FOIA Request
Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Note: This is one of several files on the same subject for various agencies available on governmentattic.org. See: http://www.governmentattic.org/6docs/GrassleyCoburn.htm

Thank you for your Freedom of Information Act (FOIA) request seeking information from the Commission. The records from the Commission files responsive to your request have been processed and copies of the releasable responsive records are enclosed.


Thank you for your interest in consumer product safety. The cost to the Commission to prepare this information was $35.00. In this case, we have decided to waive the charges. Should you have any questions, contact us by letter, facsimile (301) 504-0127, telephone (301) 504-7923, or e-mail addressed to cpsc-foia@cpsc.gov.

Sincerely,

Todd A. Stevenson
The Secretariat - Office of the Secretary
Office of the General Counsel

Enclosures
Via Electronic Transmission

The Honorable Charles E. Grassley
Ranking Member
Committee on Finance
United States Senate

The Honorable Tom Coburn
Ranking Member
Permanent Subcommittee on Investigations
Homeland Security and Governmental Affairs Committee
United States Senate

Dear Senators:

The following information is being transmitted in accordance with your request dated, April 8, 2010.

1. You requested a list and description of any instances in which the Consumer Product Safety Commission (CPSC) resisted and/or objected to oversight activities and/or restricted the CPSC Office of Inspector General’s (OIG) access to information during the relevant time period.

There were no such instances.
2. You have requested a report of "all closed investigations, evaluations, and audits" conducted by the CPSC OIG that were not disclosed to the public. You have also indicated that you do not wish to receive Privacy Act Protected Data. During the time period October 1, 2010 through September 30, 2011:

   a. The following investigations, conducted in accordance with the Inspector General Act, and/or administrative investigations were closed during the time period in question and not released to the public:

   Case # Summary:

   11-001 Investigation of allegations that CPSC had paid more than market rate for training services. Investigation determined that although costs of training had been higher than anticipated, said payments had actually been made to another government agency under an Interagency Agreement and thus could not be fraud by definition.

   11-003 Investigation of allegations that a CPSC employee had misused her government purchase card, engaged in various time and attendance type violations, and made a false statement to her supervisor. Investigation determined that the alleged violations had occurred. Appropriate disciplinary action was taken by the agency.

   11-004 Investigation of allegations that the CPSC was engaging in improper hiring processes. Investigation determined that the specified actions did not constitute a violation of MSPB principles.

   11-005 Investigation of allegation that a CPSC employee had made a false official statement. Investigation revealed that although erroneous the statement in question and surrounding circumstances did not constitute a false official statement.

   11-009 Investigation of allegations that a CPSC employee had misused government time and equipment were not substantiated by the evidence. Other misconduct found during the course of the investigation was determined to be outside of the jurisdiction of this office and case was transferred to EEO and agency management.

   b. All audits and/or reviews completed during the time frame in question were released to the public.
3. You have requested that you be informed if any Federal official threatens and/or otherwise attempts to impede my office’s ability to communicate with Congress, whether that communication concerns the budget or any other matter.

No such attempt to interfere or impede this office’s ability to communicate with Congress has occurred.

Sincerely,

Christopher W. Dentel
Inspector General
Via Electronic Transmission

The Honorable Charles E. Grassley
Ranking Member
Committee on Finance
United States Senate

The Honorable Tom Coburn
Ranking Member
Permanent Subcommittee on Investigations
Homeland Security and Governmental Affairs Committee
United States Senate

Dear Senators:

The following information is being transmitted in accordance with your request dated, April 8, 2010.

1. You requested a list and description of any instances in which the Consumer Product Safety Commission (CPSC) resisted and/or objected to oversight activities and/or restricted the CPSC Office of Inspector General’s (OIG) access to information during the time period May 1, 2010 to September 30, 2010.

There were no such instances.
2. You have requested a report of "all closed investigations, evaluations, and audits" conducted by the CPSC OIG that were not disclosed to the public during the time period January 1, 2009 through April 30, 2010. You have also indicated that you do not wish to receive Privacy Act Protected Data.

   a. The following investigations, conducted in accordance with the Inspector General Act, and/or administrative investigations were closed during the time period in question and not released to the public:

   **Case #**  **Summary:**

   10-008 Investigation of allegations that a CPSC employee had committed fraud against the agency. Investigation determined that although agency official had misused the Government Travel Card (and already been disciplined for same) said misuse did not constitute fraud (violation was regulatory in nature and did not involved the misappropriation of Government funds or other assets.)

   10-010 Investigation of allegations that a CPSC employee had misused his position by using government time and resources for unauthorized purposes. Investigation determined that the problem dealt more with the perception created by the employee's activities than the activities themselves. The matter was referred to the employee's supervisor for action.

   10-013 Investigation of allegations that a senior CPSC official had improperly aided a family member in seeking employment at the CPSC. Investigation determined that the two individuals in question were not related.

   b. All audits and/or reviews completed during the time frame in question were released to the public.

3. You have requested that you be informed if any Federal official threatens and/or otherwise attempts to impede my office's ability to communicate with Congress, whether that communication concerns the budget or any other matter.

No such attempt to interfere or impede this office's ability to communicate with Congress has occurred.

Sincerely,

[Signature]
Christopher W. Dentel
Inspector General
Via Electronic Transmission

Senator Charles E. Grassley
Ranking Member
Committee on Finance

Senator Tom Coburn
Ranking Member
Permanent Subcommittee on Investigations
Homeland Security and Governmental Affairs Committee

Dear Senators:

The following information is being transmitted in accordance with your request dated, April 8, 2010.

1. You requested a list and description of any instances in which the Consumer Product Safety Commission (CPSC) resisted and/or objected to oversight activities and/or restricted the CPSC Office of Inspector General’s (OIG) access to information during the time period October 1, 2008 to April 8, 2010.

There were no such instances.
2. You have requested a report of "all closed investigations, evaluations, and audits" conducted by the CPSC OIG that were not disclosed to the public during the time period January 1, 2009 through April 30, 2010. You have also indicated that you do not wish to receive Privacy Act Protected Data.

   a. The following investigations, conducted in accordance with the Inspector General Act, and administrative investigations were closed during the time period in question and not released to the public:

<table>
<thead>
<tr>
<th>Case #</th>
<th>Summary:</th>
</tr>
</thead>
<tbody>
<tr>
<td>09-001</td>
<td>Administrative investigation into events surrounding the misuse of agency facilities by an employee and agency's subsequent corrective actions. Allegation regarding employee misconduct substantiated and case forwarded to management for action. Management's response to misuse of ADA accommodations deemed appropriate.</td>
</tr>
<tr>
<td>09-002</td>
<td>Investigation of alleged operation of a for profit business on agency time and using agency equipment by a contractor employee. Case closed for lack of evidence (complainant was anonymous and provided insufficient information).</td>
</tr>
<tr>
<td>09-003</td>
<td>Investigation of alleged misconduct by a CPSC supervisor (alleged sale of life insurance to subordinates.) Investigation determined that sales had occurred, but years earlier (before subject became a supervisor) and off-duty.</td>
</tr>
<tr>
<td>09-004, 005</td>
<td>Investigation of allegation that married CPSC couple had violated Federal conflict of interest laws by operating a business that contracted with the Federal Government while simultaneously working as Federal employees. Investigation determined that although employees did operate a business they did not contract directly with the Federal Government.</td>
</tr>
<tr>
<td>09-006</td>
<td>Investigation into allegations that contractor was maltreating its employees (who worked onsite at agency). No evidence found that Federal laws/regulations were violated. Matter was transferred to agency contracting office.</td>
</tr>
<tr>
<td>09-007</td>
<td>Case Open</td>
</tr>
</tbody>
</table>

1 Cases 09-002 and 10-001 involve the same allegations against the same individual.
09-008  Investigation into allegations involving misconduct by a management official. The specific act in question was already the subject of an EEO investigation so the case was closed and jurisdiction ceded to that office.

10-001  Investigation of alleged misconduct (operation of a for profit printing business on agency time and using agency equipment) by a contractor employee. Allegation regarding contractor employee misconduct substantiated and case forwarded to management for action.

10-002  Investigation of alleged misconduct by agency employee. Allegations that employee was operating a for profit business during duty hours and utilizing government equipment (sale of Avon products) were substantiated and case forwarded to management for action.

10-003  Case Open

10-004, 005  Investigation into allegations by two agency employees that the agency performance appraisal system was not being correctly applied to them. Initial investigation determined that the matter was already the subject of an ongoing investigation by the EEO. Case was closed and jurisdiction ceded to EEO.

10-006  Investigation of allegations of mismanagement, failure to follow agency Time and Attendance rules, and abuse against a supervisor. Investigation determined that there was no evidence that any of the alleged misconduct had occurred.

b. A management review of the CPSC’s implementation of the Consumer Product Safety Improvement Act of 2008 (CPSIA) was completed during the relevant timeframe and not released to the public. The Commission’s Acting Chairman requested that the OIG carry out a management assessment to identify the strengths and weaknesses of the agency’s rulemaking process within the first 180 days after the CPSIA’s enactment on August 14, 2008 and ways to improve that process. A number of areas for improvement were noted in this report, nearly all of which were subsequently included in the publicly available “Management Challenges” portion of the agency’s PAR Report for FY 2009.

3. You have requested that you be informed if any Federal official threatens and/or otherwise attempts to impede my office’s ability to communicate with Congress, whether that communication concerns the budget or any other matter.

No such attempt to interfere or impede this office’s ability to communicate with Congress has occurred.
4. You have requested a courtesy copy of the information regarding unimplemented recommendations that was previously provided to the House Committee on Oversight and Government Reform. A copy of this information is attached to this memorandum.

Sincerely,

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Christopher W. Dentel
Inspector General

Attachment:
Memorandum to House Committee on Oversight and Government Reform, copy