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Description of document: Department of Education Office of Inspector General (OIG) correspondence to and from the Architect of the Capitol (AOC) Office of Inspector General, 2013

Appeal date: 30-December-2013

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Source of document: Department of Education
Office of Inspector General
400 Maryland Avenue, SW
Washington, DC 20202-1510
Fax: (202) 245-7039

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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF INSPECTOR GENERAL

MAY 2 2014

RE: FOIA Request No. 14-00430-F

This is in response to your December 30, 2013, Freedom of Information Act (FOIA) request for all correspondence to and from the Architect of the Capitol Office of Inspector General at the Department of Education Office of Inspector General correspondence files.

We have enclosed correspondence responsive to your request. We have deleted information pursuant to Exemptions (b)(6), (b)(7)(C), (b)(7)(E), and (b)(5) of FOIA. Exemptions (b)(6) and (b)(7)(C) protect personal privacy interests. Exemption (b)(7)(E) protects investigative techniques. We are withholding seven pages of e-mails pursuant to Exemption (b)(5) of the FOIA. Exemption (b)(5) protects disclosure of inter-agency or intra-agency predecisional documents that are deliberative.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you are not satisfied with my action on this request you may file an administrative appeal by writing within 35 days to the:

Inspector General
U.S. Department of Education
400 Maryland Avenue, S.W.
ATTN: FOIA Appeal
Washington, DC 20202-1500

A copy of your initial request, a copy of this letter and your statement of circumstances, reasons, and arguments should accompany your appeal letter.

A copy of your initial request, a copy of this letter and your statement of circumstances, reasons, and arguments should accompany your appeal letter.

If you have any questions concerning this response, please contact Ms. Chaun Eason, our FOIA and Privacy Act Coordinator, at (202) 245-7001.

Sincerely,

A handwritten signature in black ink, appearing to read "Marta Erceg". The signature is written in a cursive style with a long, sweeping underline.

Marta Erceg
Counsel to the Inspector General

cc: Department FOIA Office



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF INSPECTOR GENERAL

THE INSPECTOR GENERAL

APR - 8 2013

The Honorable Carol Bates
Inspector General
Architect of the Capitol
Fairchild Building
499 South Capitol Street, S.W. Suite 518
Washington, DC 20515

Dear Ms. Bates:

Enclosed are two copies of our final Report of Investigation with the results of the investigation we conducted for your office. One copy is for you and the other is for your Counsel's office. If you have any further questions about this investigation or the report, please contact Brian Hickey, Special Agent in Charge of our Northeast Region, at (646) 428-3874. I am glad we were able to handle this sensitive matter for you.

Sincerely,

Kathleen S. Tighe
Inspector General

Enclosure

UNITED STATES
DEPARTMENT OF EDUCATION



OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATION SERVICES
REPORT OF INVESTIGATION CONCERNING

FINAL ROI

CASE NO: 13-130018

REPORT OF: ARCHITECT OF THE C.

TABLE OF CONTENTS

Section A.....NARRATIVE
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Submitted By LISAFOSTER
Date Submitted 04/18/2013

Approved By WILLIAM HAMEL
Approved Date 04/16/2013

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Interview

On December 12, 2012, SAC Hickey and SAC Smith interviewed

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) Interview

On December 18, 2012, SAC Hickey and SAC Smith interviewed

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (7)(E), (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) interview

On December 20, 2012, SAC Hickey and SAC Smith interviewed

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) interview

On December 20, 2012, SAC Hickey and SAC Smith interviewed

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

ED/OIG Analysis of (b) (6), (b) (7)(C)

In accordance with all policies and procedures of ED-OIG's Information Technology Audits and Computer Crimes Investigations, Technology Crimes Division, SAC Smith conducted a review of (b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E)

ED/OIG Forensic Analysis of

(b) (6), (b) (7)(C), (b) (7)(E)

In accordance with all policies and procedures of ED-OIG's Information Technology Audits and Computer Crimes Investigations, Technology Crimes Division (TCD), SAC Hickey conducted a review of

(b) (6), (b) (7)

(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C) Interview

On February 26, SAC Hickey and SAC Smith interviewed

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) interview

In early February 2013

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

AOC Coordination

The ED-OIG agents assigned to this matter were in continuous contact with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) during the course of this investigation to provide updates on investigative results and prosecutorial decisions. On February 28, 2013, SAC Hickey and SAC Smith met with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

U.S. Attorney Coordination

On February 2, 2013, the facts of the case pertaining to (b) (6), (b) (7)(C) were discussed with AUSA (b) (7)(C), (b) (5) (b) (5)

On March 7, 2013, the facts of the case pertaining to (b) (6), (b) (7)(C) were discussed with AUSA (b) (7)(C), (b) (5) (b) (6), (b) (7)(C), (b) (5)

(b) (5)

(b) (7)(E)

(b) (7)(E)

This case is considered closed.

SUBJECT

Index Name

Index Code

SSN

Birth Date

Individual Address

Street1

Street2

City

Country

(b) (6), (b) (7)(C)
[Redacted]

(b) (6), (b) (7)(C)

State

Zip Code

(b) (6), (b) (7)(C)

USA

Individual Telephone

(b) (6), (b) (7)(C)
[Redacted]

Entity Address

Street1

Street2

City

Country

State

Zip Code

Entity Telephone

Index Name

Index Code

SSN

Birth Date

Individual Address

Street1

Street2

City

Country

(b) (6), (b) (7)(C)
[Redacted]

(b) (6), (b) (7)(C)

State

Zip Code

(b) (6), (b) (7)(C)

USA

Individual Telephone

(b) (6), (b) (7)(C)
[Redacted]

Entity Address

Street1

Street2

City

Country

State

Zip Code

(b) (6), (b) (7)(C)
[Redacted]

Entity Telephone

Index Name

Index Code

SSN

Birth Date

Individual Address

Street1

Street2

City

Country

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

USA

(b) (6), (b) (7)(C)

State

Zip Code

(b) (6), (b) (7)(C)

Individual Telephone

Entity Address

Street1

Street2

City

Country

(b) (6), (b) (7)(C)

State

Zip Code

Entity Telephone

ADMIN ACTION REPORT

Point Contact Office of Inspector General
Referral Type
Referral Date 2/21/2013 12:00:00AM
Allegation (b) (6), (b) (7)(C)
Admin Action
Action Date 2/21/2013 12:00:00AM
Response Date 1/1/1900 12:00:00AM

Point Contact Office of the General Council
Referral Type
Referral Date 4/2/2013 12:00:00AM
Allegation (b) (6), (b) (7)(C)
Admin Action
Action Date 2/7/2013 12:00:00AM
Response Date 1/1/1900 12:00:00AM

Attachments (all attachments from documents)

DOCUMENT FILENAME

Case Closing Attachments.pdf



Office of Inspector General
499 South Capitol Street, SW, Suite 518
Washington, DC 20515
202.593.1948
www.aoc.gov

May 9, 2013

The Honorable Kathleen Tighe, Inspector General
U.S. Department of Education
400 Maryland Avenue, S.W.; Washington, D.C. 20024

Dear Inspector General Tighe,

I want to recognize the outstanding support provided to our office by Brian Hickey, Special Agent in Charge, Northeastern Region and Mark Smith, Special Agent in Charge, Information Technology Audit and Computer Crime Investigations Division. Their work on the Architect of the Capitol Office of Inspector General investigation helped me resolve a difficult situation and a delicate internal matter. Our issue could have potentially ruined our new and very small office. With Brian's and Mark's thorough investigation and excellent report, my course of action was clear. Our matter is resolved and we are focused on our mandated mission.

I also want to thank you for allowing two of your best and senior employees to work on this case. Government resources are scarce and I am sure there were other cases that you needed Brian's and Mark's experience and expertise on. Thank you for supporting a fellow Inspector General.

Please express my sincere appreciation to Special Agents Brian Hickey and Special Agent in Charge Mark Smith for a job well done. They are wonderful ambassadors for the U. S. Department of Education Office of Inspector General.

Sincerely,

Carol M. Bates
Inspector General

cc: Mary Mitchelson, Deputy Inspector General
William Hamel, Assistant Inspector General for Investigations
Charles E. Coe, Jr., Assistant Inspector General for Information
Technology Audits and Computer Crime Investigations

From: Bates, Carol (OIG) <cbates@aoc.gov>
Sent: Friday, November 16, 2012 2:32 PM
To: Erceg, Marta
Cc: Mahaney, Kimberly (OIG)
Subject: AOC Order - Discipline
Attachments: Order-752-1-Discipline_OCR.pdf

Marta,
Attached is one of the documents you requested. I will send the rest.

Thank you for your assistance.

Carol Bates
cbates@aoc.gov
202.593.0260

From: Bates, Carol (OIG) <cbates@aoc.gov>
Sent: Friday, November 16, 2012 3:05 PM
To: Erceg, Marta
Cc: Mahaney, Kimberly (OIG)
Subject: OIG Policy Manual
Attachments: Updates to the OIG Policy Manual_Feb_2012.doc;
SectionC_ProfessionalConduct(Dec11).doc;
SectionB_Personal_Policies(Dec11).doc; Table of Contents.doc;
SectionE_ExternalCommunication_OtherMatters(Dec2011).doc;
SectionD_Property_Equipment(March11).doc;
SectionA_Intro_Mission(Oct10).doc

Marta,

Attached is the OIG Policy Manual. Please let me know if there is particular information you are looking for and I can point you to it.

Carol M. Bates
Inspector General, Architect of the Capitol

From: Bates, Carol (OIG) <cbates@aoc.gov>
Sent: Friday, November 16, 2012 3:16 PM
To: Erceg, Marta; Mahaney, Kimberly (OIG)
Subject: Guidance on Gaining Access to Computer Data
Attachments: AOC-Order-7-2-5-Accessing-AOC-Employee-Electronic-Data-and-Files.pdf

Attached is the AOC Order on access to employee computers and data.

Carol

From: Mahaney, Kimberly (OIG) <kmahaney@aoc.gov>
Sent: Friday, November 16, 2012 4:39 PM
To: Erceg, Marta
Subject: FW: (b) (6), (b) (7)(C)
Attachments: Kimberly Mahaney 11_15.pdf

From: (b) (6), (b) (7)(C) mailto:(b) (6), (b) (7)(C)@dcemploymentlawyer.com]
Sent: Thursday, November 15, 2012 5:39 PM
To: Mahaney, Kimberly (OIG)
Subject: (b) (6), (b) (7)(C)

Please see the attached. Thank you.

(b) (6), (b) (7)(C)
McKinney & Associates, PLLC
1625 Prince Street, Suite 230
Alexandria, VA 22314

(b) (6), (b) (7)(C)
Admitted DC & NY

Areas of practice: Civil Litigation, Employment and Business Law.
www.DCEmploymentLawyer.com

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From: Bates, Carol (OIG) <cbates@aoc.gov>
Sent: Friday, November 16, 2012 2:41 PM
To: Erceg, Marta
Subject: AOC Order - Probation
Attachments: Order-315-1-Probation_OCR.pdf

As requested.

Carol Bates

From: Bates, Carol (OIG) <cbates@aoc.gov>
Sent: Friday, November 16, 2012 4:12 PM
To: Erceg, Marta
Cc: Mahaney, Kimberly (OIG)
Subject: RE: AOC Order - Discipline

Marta,
I don't think we've requested that and I will try to get it. When we need access to an employee email account, for any case, the AIGI sends an email request to the Chief Information Officer that includes a case number. The email also includes, I think, who needs access to the file.

I will request that email and ask that our Information Technology Division Liaison, send it to you.

Carol M. Bates
Inspector General, Architect of the Capitol

-----Original Message-----

From: Erceg, Marta [mailto:Marta.Erceg@ed.gov]
Sent: Friday, November 16, 2012 3:56 PM
To: Bates, Carol (OIG)
Cc: Mahaney, Kimberly (OIG)
Subject: RE: AOC Order - Discipline

Thank you for this and the other documents. As Kim and I discussed this morning, I would also like a copy of the specific approval given for the access in question. Kim can bring that with her on Monday if you would prefer not to transmit it via email. Thanks.

-----Original Message-----

From: Bates, Carol (OIG) [mailto:cbates@aoc.gov]
Sent: Friday, November 16, 2012 2:32 PM
To: Erceg, Marta
Cc: Mahaney, Kimberly (OIG)
Subject: AOC Order - Discipline

Marta,

Attached is one of the documents you requested. I will send the rest.

Thank you for your assistance.

Carol Bates

cbates@aoc.gov

202.593.0260

From: Mahaney, Kimberly (OIG) <kmahaney@aoc.gov>
Sent: Friday, November 16, 2012 4:18 PM
To: Erceg, Marta
Subject: RE: AOC Order - Discipline

Marta,

(b) (5)

Regards, Kim

-----Original Message-----

From: Erceg, Marta [mailto:Marta.Erceg@ed.gov]
Sent: Friday, November 16, 2012 3:56 PM
To: Bates, Carol (OIG)
Cc: Mahaney, Kimberly (OIG)
Subject: RE: AOC Order - Discipline

Thank you for this and the other documents. As Kim and I discussed this morning, I would also like a copy of the specific approval given for the access in question. Kim can bring that with her on Monday if you would prefer not to transmit it via email. Thanks.

-----Original Message-----

From: Bates, Carol (OIG) [mailto:cbates@aoc.gov]
Sent: Friday, November 16, 2012 2:32 PM
To: Erceg, Marta
Cc: Mahaney, Kimberly (OIG)
Subject: AOC Order - Discipline

Marta,

Attached is one of the documents you requested. I will send the rest.

Thank you for your assistance.

Carol Bates

cbates@aoc.gov

202.593.0260

From: Bates, Carol (OIG) <cbates@aoc.gov>
Sent: Friday, November 16, 2012 4:59 PM
To: (b) (6), (b) (7)(C)
Cc: Mahaney, Kimberly (OIG); Erceg, Marta
Subject: Re: Request for Email Files

Thank you and have a good weekend.
Carol

Sent from a handheld device

On Nov 16, 2012, at 4:22 PM, (b) (6), (b) (7)(C) " (b) (6), (b) (7)(C) @aoc.gov" wrote:
Carol,

I am in route home but when I get home I can forward the email requesting access. Should I encrypt these emails with a password?

Thanks!

(b) (6), (b) (7)(C)

IT Specialist-Information Security
Architect of the Capitol
Information Technology Division
Ford House Office Building, H2-273

Phone: (b) (6), (b) (7)(C)

Mobile: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

@aoc.gov

On Nov 16, 2012, at 4:14 PM, "Bates, Carol (OIG)" <cbates@aoc.gov> wrote:

(b) (6), (b) (7)(C)

Do you have a copy of the email from Paul Clark to (b) (6), (b) (7)(C) requesting the email for the (b) (6), (b) (7)(C) Case (I do not have the #)? If so would you forward it to Kim and a copy to Marta? I've included Marta on this email so you have her address.

Thank you,

Carol M. Bates