

# governmentattic.org

"Rummaging in the government's attic"

Description of document: A copy of each Federal Communications Commission (FCC) Office of Inspector General (OIG) final report/closing memo/referral letter of an investigation, audit, management review, inspection, or any other project done for an agency other than the FCC, 2010-2012 Request date: 29-November-2013 Released date: 23-December-2013 Posted date: 18-August-2014 Source of document: Freedom of Information Act Request Federal Communications Commission 445 12th Street, S.W., Room 1-A836 Washington, D.C. 20554 (202) 418-0521 Fax: Email: FOIA@fcc.gov **Electronic FOIA Request Form** 

The governmentattic.org web site ("the site") is noncommercial and free to the public. The site and materials made available on the site, such as this file, are for reference only. The governmentattic.org web site and its principals have made every effort to make this information as complete and as accurate as possible, however, there may be mistakes and omissions, both typographical and in content. The governmentattic.org web site and its principals shall have neither liability nor responsibility to any person or entity with respect to any loss or damage caused, or alleged to have been caused, directly or indirectly, by the information provided on the government agencies using proper legal channels. Each document is identified as to the source. Any concerns about the contents of the site should be directed to the agency originating the document in question. GovernmentAttic.org is not responsible for the contents of documents published on the website.

-- Web site design Copyright 2007 governmentattic.org --

# OFFICE OF INSPECTOR GENERAL Washington, D.C. 20554



December 23, 2013

# Re: FOIA Control No. 2014-119

This letter responds to your Freedom of Information Act (FOIA) request dated November 29, 2013 which was received by the Federal Communications Commission (Commission or FCC) FOIA Control Staff on December 9, 2013 and assigned FCC FOIA Control Number 2014-119. You have requested "A copy of each FCC Inspector General final report/closing memo/referral letter, etc. (e.g., of an investigation or audit or management review or inspection or any other project) done for a different agency (i.e., an agency other than the FCC)." You limited your request to those records created since January 1, 2005; and allowed that the FCC may, in its response, omit already-published records as well as documents that resulted from routine "OIG Peer Reviews."

Attached is one document that is responsive to your request. This document is a Report of Investigation (ROI) submitted by the FCC Inspector General to the Assistant Inspector General for Investigations/Counsel to the Inspector General, Federal Election Commission on February 12, 2012. Per your FOIA request, a .PDF of this document was emailed to you by Christopher M. Shields, an attorney in our office on December 23, 2013.

We have redacted this document so as to protect information which falls under Exemption 6 (protecting against invasion of personal privacy).<sup>1</sup> Thus, the document no

<sup>&</sup>lt;sup>1</sup> 5 U.S.C. § 552(b) (6).

longer contains information that would identify the individual target in the investigation, nor does it identify individuals contacted or interviewed during the course of the investigation.

FOIA and FCC rules require the FCC to charge requesters for time spent searching for and reviewing responsive documents, and for copying them.<sup>2</sup> Based on your classification as an "all other" requester, the FCC does not charge you for the first two hours of search time and the first 100 pages of copying.<sup>3</sup> Accordingly, there is no charge to you in connection to the development of this response.

If you have any questions in this regard, please feel free to contact Mr. Shields at christopher.shields@fcc.gov.

If you think that this response denies your FOIA request, you may file an application for review of this decision with the FCC's Office of General Counsel within 30 days.<sup>4</sup> Both the application and the envelope containing it must be marked "Review of Freedom of Information Action." The application should refer to FOIA Control No. 2013-474 and should be mailed to the FCC at 445 12th Street, S.W. Washington, D.C. 20554.

Sincerely Kenthley Jay C. Keithley

Assistant Inspector General-Investigations and Counsel to the Inspector General

Enclosures

 <sup>&</sup>lt;sup>2</sup> 5 U.S.C. § 552(a) (4) (A) (i); 47 C.F.R. § 0.470(a) (3).
<sup>3</sup> 47 C.F.R. § 0.470(a) (3).
<sup>4</sup> 47 C.F.R. § 0.468.

NON-PUBLIC FOR INTERNAL USE ONLY



.

UNITED STATES GOVERNMENT FEDERAL COMMUNICATIONS COMMISSION OFFICE OF INSPECTOR GENERAL

# MEMORANDUM

DATE:	February 22, 2012
TO:	Inspector General
FROM:	, Inspector General
CC:	Acting Assistant Inspector General - Investigations
SUBJECT:	

Attached hereto, and forwarded with my approval, is a memorandum concluding the Office of Inspector General's inquiry into the above-captioned matter.

UNITED STATES GOVERNMENT FEDERAL COMMUNCIATIONS COMMISSION OFFICE OF INSPECTOR GENERAL



# MEMORANDUM

DATE:	February 22, 2012
TO:	, Inspector General, Federal Communications Commission
CC:	, Deputy Inspector General, Federal Communications Commission
FROM:	Assistant Inspector General, Acting - Investigations , Investigator
SUBJECT:	

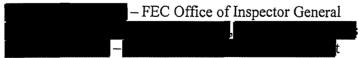
## **Background of Investigation**

This investigation was conducted in response to a request for assistance from the Federal Election Commission's (FEC) Office of Inspector General (FEC-OIG) regarding an anonymous letter it received alleging that **Sector Representation**, an FEC **Sector** employee, was conducting personal business on government time and misusing government equipment and supplies.

### **Scope of Investigation**

FCC OIG staff conducted interviews and reviewed relevant materials as detailed below.

Interviewees:



Files/Records Reviewed: Copier image data (period covered 8/5/08 -8/2/10) Time and Attendance Record (period covered 1/3/10 - 7/18/10) Emails (3/06 - 7/09; 4/10-10/17/10 Lexis/Nexis Law Enforcement Database

## **Findings**

Based on the review of the evidence collected in this investigation, we determine that has been conducting personal business while on official government time and improperly using government equipment and supplies.

We examined emails from **Second**'s FEC Outlook account and found evidence of outside activities that began in March 2006. We identified 40 distinct email strings that appear to relate to the operation of **Second Example** business that included **Second**, **S** 

The anonymous letter about **and the second of the second s** 

related. However, the copier logs did not provide sufficient information to determine conclusively, in all instances, whether the jobs were in fact FEC –related, or rather related to business or personal use. *See* Attachment 3.

Review of the email history showed that at least three other employees at the FEC, one of whom works in the FEC **at the second s** 

<sup>&</sup>lt;sup>1</sup> Without expending inordinate amounts of resources on this investigation, we cannot ascertain with certainty which phones at the FEC **and the set of th** 

Further review of **Sectors** email history also confirmed that others within the FEC knew of **Sectors** outside employment activities, as did other employees at various other government agencies. Our investigation revealed that **Sectors** interests were known to certain employees at the Federal Communications Commission, the Department of Education, the Department of Transportation, the Department of Energy, the Internal Revenue Service, the United States Coast Guard, the Census Bureau, the Department of Agriculture and the Federal Reserve Bank. Some of these other government agency employees utilized **Security** services. *See* Attachment 5, tabbed sections.

uncovered some obvious contradictions. Our interview with first stated did not have any other employment or sources of income, but then said does on the side and has been doing so for approximately 16 years. Later in the interview was again asked if had any other employment or sources of income and e stated e does that included s and said has been in this business since the late 1980s. said doesn't always charge, but did admit to charging fees for some of the events. k admitted to printing some personal items once or twice in the last year and may have worked on a r three or four times also said that arranges for in 2010. s and charges \$40 per person. (See attachment 7)

We interviewed where the second explained that where worked in the FEC worked in the fector of the specific information about the case. We work that we worked in the FEC work of the fector of the stated we knew that we work that a second pushess and that it has been in operation for at least several years. We work also provided general information about the office operation. (See attachment 1)

We also interviewed

previously worked at the FEC and transferred to the **second** at approximately the same time the letter was written. **Second** was selected to be interviewed because we suspected the might have been the source of the allegations. When questioned, **second** stated **second** only knew of one person, a "high ranking **second** that left the FEC about the time **second** started, that had been accused of running a **second** business. **Second** stated **second** was not aware of anyone else that may have been running a business while working at the FEC.

### FCC Office of Inspector General Opinion:

After reviewing the information obtained in the investigation, we conclude that it is likely conducted outside business activity while on government time and that we utilized government equipment, computers and copiers, to do so. During with interview, while admitted we engaged in some non-work related activities while on official government time. Moreover, our review of related time and attendance records, as well as related emails, demonstrate a 4-year pattern of conducting activities unrelated to be FEC position during work hours. Specifically, emails from 4/2010 to 10/2010, show we was working or the second second

yet **submitted time and attendance forms stating that time was "on duty," during that time.** E-mails from the time period 3/2006 to 7/2009 similarly indicate that the conducted her

outside business most likely on government time, although we did not analyze time and attendance records for this timeframe to confirm the extent of the outside business activities, also admitted using a government copy machine to make personal copies of items that were not related to official government work. It has been difficult to determine what portion of time was spent doing outside business; however it does not appear that it has been particularly extensive. It is also noteworthy that we understand that the FEC does have a *de minimus* use policy in place that might condone at least some of the conduct.

Attachment #1(interview)Attachment #2(interview)Attachment#3Copier Image summary (record review)Attachment#4Time and Attendance summary (record review)Attachment#5Email history review (record review)Attachment#6Lexis/Nexis Law Enforcement Database (record review)Attachment#7(interview)

#### **Report of Interview**

From: File Date: August 2, 2010 ***********************************
Below is a summary of a telephone interview held between and the first state of a telephone interview held between and the first state of a telephone interview (FEC) and the first state of a referral from the FEC regarding an anonymous letter they received referencing an allegation that a FEC state of employee was misusing government equipment and supplies to support her personal business.
explained that inherited this file when the began his position at FEC and could not provide any specific background information on this case. We was asked several questions and provided the following information.
1. Are copies of the previous letters as mentioned in the anonymous letter available? Answer: There are no letters in the file. will check and determine if other letters are available.
2. Is CCTV coverage available that could possibly cover the subject's vehicle? Answer: CCTV images only available for past 90 days. To check on image availability for May. (note subject
3. Is electronic door access card reader available?

Answer: will check

4. Is copier images data available?

Answer: will check but believes image data from the color copier may be available for review.

5. Does know if subject has an outside business, type of business, how long it has been in operation, name of business and where it is located.

Answer: said that the subject does have a subject to business and believes it has been in operation for at least several years. is unaware of the name of the business or where it is located but will check.

6. Does know of any possible leads of friends of subject that could provide information or substantiate the alleged activity?

Answer: a could recall only one person, a second se

7. Is a list available of those individuals who have left the FEC in the last 6 months? Answer: will check with HR to determine availability of this information.

said that would research all of the above requests for information and provide me with a written email response. It should be noted that the address listed on the envelope from the anonymous writer lists a return address for the Library of Congress. (101 Independence Avenue, S.E. Washington, D.C. 20540)

# **Report of Interview**

From: File To: File Date: September 20, 2010 ***********************************				
Below is a summary of an interview held between <b>Sectors</b> , Investigator, OIG and Library of Congress, <b>Sectors</b> , 101 Independence Avenue, SE, Washington, D.C. This interview occurred as a result of a referral case from the Office of Inspector General, Federal Election Commission (FEC). Was interviewed as a possible fact witness to the allegations contained in an anonymous letter alleging inappropriate activity by an employee of <b>Sectors</b> , FEC.				
had previously worked at the FEC as a first sector of until the transferred to the Library of Congress position on the sector of the was asked if the knew of any activity at the FEC in which a person was involved in conducting a personal business while on official duty and/or using government supplies or equipment. If stated that the only heard rumors about a high ranking that left the FEC about the time of began employment that was allegedly involved in running a consulting business. If claimed not to know any details but thought this person left the FEC as a result of the allegation.				
claimed no other knowledge of any other inappropriate activity and stated the did not socialize much and never interacted with the FEC, <b>social</b> and was not sure which floor the FEC <b>was</b> located. P could not provide any substantial leads.				
Note: was interviewed as a result of a process of elimination relating to when the anonymous letter was sent, the return address on the envelope(Library of Congress)the names of individuals that left the FEC and the dates of which they began their employment at the <b>address</b> as well as their previous positions at FEC and current positions				

#### **Report of Investigation**

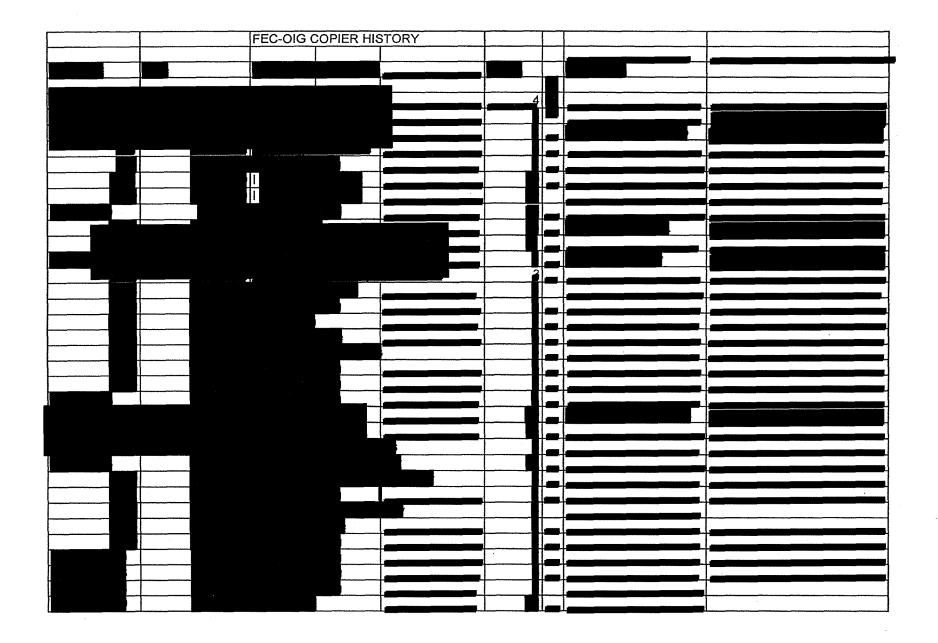
From: File Date: August 25, 2010

Below is a summary of the copier history (as provided by the Federal Election Commission, FEC) completed by **Electron**, Investigator, OIG, Federal Communications Commission (FCC). This review occurred as a result of a referral from the FEC regarding an anonymous letter sent to the FEC Office of Inspector General alleging an employee in the FEC's of office was operating a personal business and utilizing government equipment while on official duty.

Review of the copier data provided essentially the following:

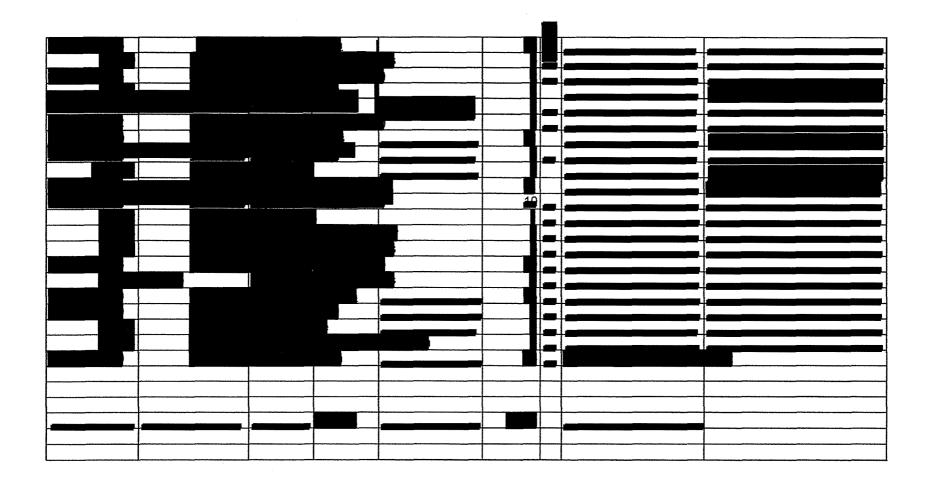
The review period covered from August 2, 2010 to August 5, 2008. Only those items relating to the subject and which were deemed non-work related were recorded in the attached spread sheet. The comments section of the spread sheet provides additional insight into the material printed, in those cases where additional information could be obtained, as noted. There were approximately 1,670 copies made of what appear to be non-work related material over the two year period. However three of the largest prints of 105 pages, 105 pages and 564 pages may be work related which significantly reduces the above stated print page total for the period. There were numerous single page copies attributed to the subject with no distinct name given to the document and were therefore not recorded in the spread sheet which in turn may account for additional non-work related printings.

NOTE: There were over 62,000 data lines in the record which accounted for the majority of lines. However a quick review of each line was necessary to determine actual user activity and then determine if the activity was attributable to the subject of investigation. Additional scrutiny was then necessary to determine if the printed material heading appeared to be of a non-work related item. There were many single documents attributable to the subject for which a single copy was printed but no heading or indication of what was printed was given and therefore not included in the attached spread sheet. Given the volume of data this spread sheet can not be considered all inclusive as there may be non-work related items that were missed or items may have been included in the spread sheet that are in fact legitimate.









#### **Report of Investigation**

Below is a summary of the Time and Attendance history (as provided by the Federal Election Commission, FEC) completed by **Election**, Investigator, OIG, Federal Communications Commission (FCC). This review occurred as a result of a referral from the FEC regarding an anonymous letter sent to the FEC Office of Inspector General alleging an employee in the FEC's office was operating a personal business and utilizing government equipment while on official duty.

Review of the Time and Attendance data (T&A) provided essentially the following:

The review period covered from January 3, 2010 to July 18, 2010

The T&A indicates subject works a compressed work schedule thereby giving a day off every other Monday in a pay period. This schedule appears to be consistent for the time period reviewed. All leave requests are shown as approved except for one time on June 1, 2010.

The remainder of the report is unremarkable.

#### **Report of Investigation**

From: File To: File Date: February 23, 2011

Below is a summary of an email account review of the second secon

The email account reviewed spanned from October 17, 2010 back to April 2010 and then skipped to July 2009 and went back to March 2006. Numerous emails were discovered, throughout the above stated period, the contents of which revolved around various from the statement of the st

" scenarios ranging from

relating to etc. There also were references to printing various documents with actual copies of "draft" documents to be approved by relating to " prior to the final printing. (see attachment B for copier review history) There were a number of paper orders that were sent to the shome but ordered using the government computer. also referenced running off copies of various for was involved in several of which are included in the copied emails. The emails also suggest that was/is involved in selling products. In one email, tagged in attachment A, admits that is an ' " when checking on the availability of a

NOTE: Attempts were made not to duplicate emails when copying discussion threads; however there may be some duplication of the same email. It should be kept in mind that there were various emails from the same person but were not a continuation of the same thread so an attempt was made to capture these emails separately.

A review of **1999** compressed day offs versus when business related emails were dated from July 26, 2010 back to January 25, 2010 showed that no emails were sent on compressed day off nor did it appear that emails were sent on other regularly scheduled days off during the same period.

All emails from did contain the following signature:

Federal Election Commission

999 E Street, N.W. Washington, D.C. 20463

.

Attachent # 6

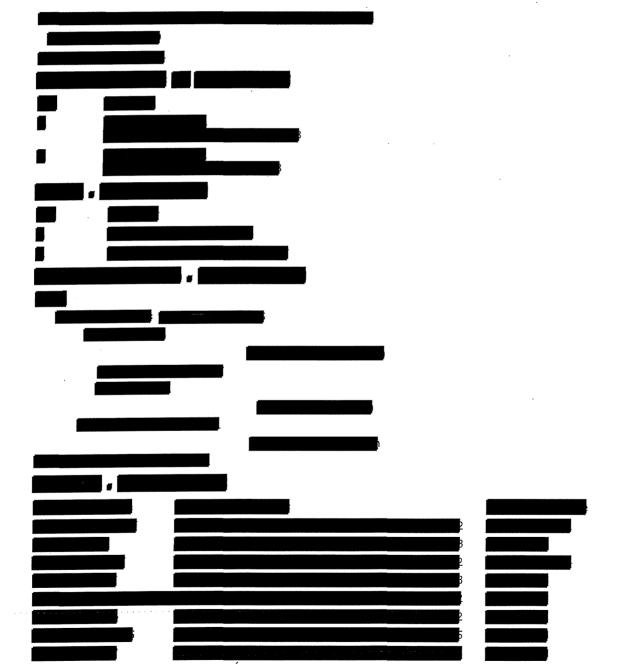
# LexisNexis Investigative Portal

## **Location Report**

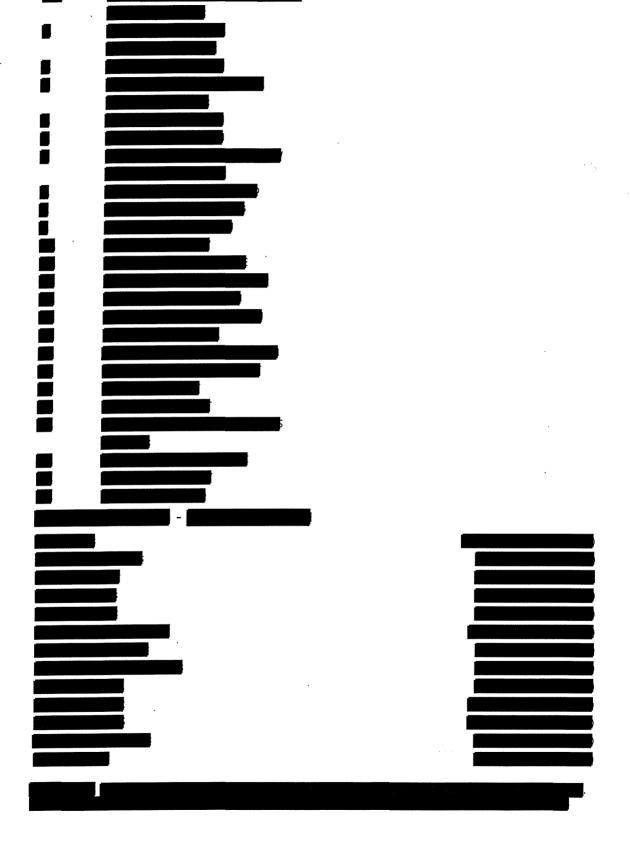
FOR INFORMATIONAL PURPOSES ONLY Copyright 2010 LexisNexis All Rights Reserved.

Location Information (1)	Address Variations (2)	APN(s) (2)	Property Information (1)
Neighbors (8)	Associated Entities (23)	Sources (103)	

#### Location Information







٢

system should not be relied upon as definitively accurate. Before relying on any data this system supplies, it should be independently verified. For Secretary of State documents, the following data is for information purposes only and is not an official record. Certified copies may be obtained from that individual state's Department of State.

Your DPPA Permissible Use is: Government Agency Your GLBA Permissible Use is: Fraud Prevention or Detection

Key

A High Risk Indicator. These symbols may prompt you to investigate further.

Moderate Risk Indicator. These symbols may prompt you to investigate further.

<sup>19</sup> General Information Indicator. These symbols inform you that additional information is provided.

 $\checkmark$  The most recent telephone listing as reported by Electronic Directory Assistance.

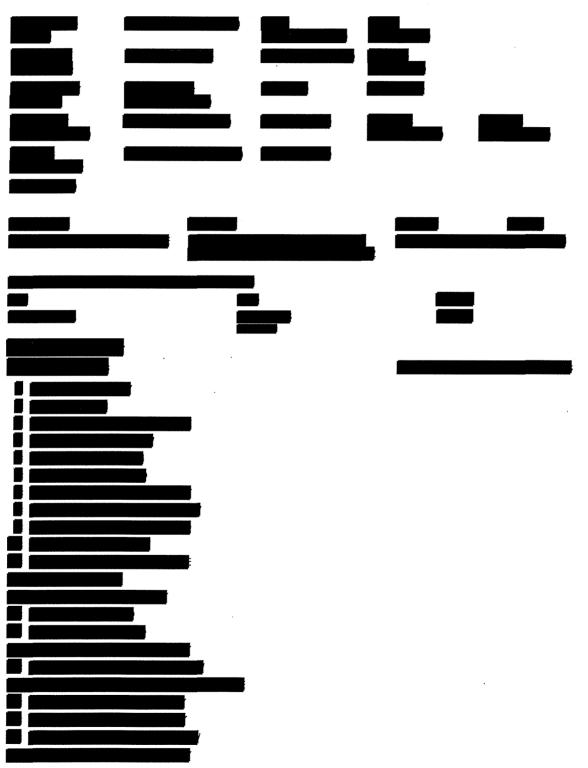
**()** LexisNexis

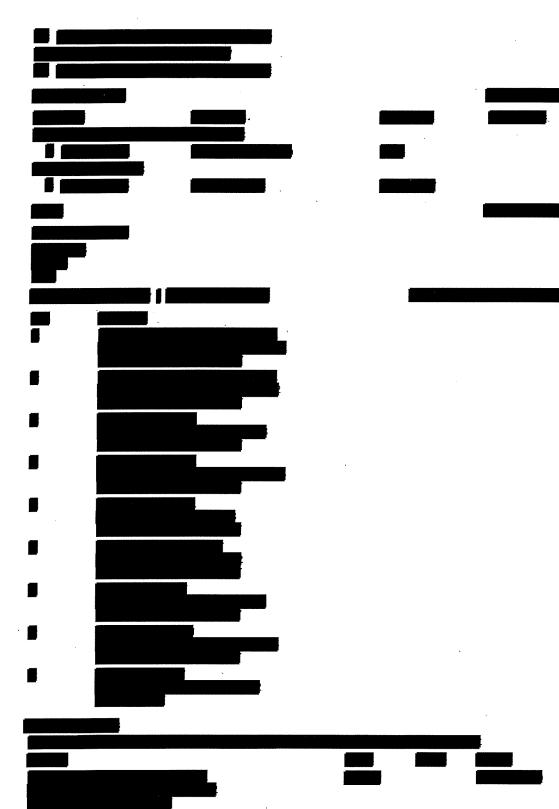
Copyright © 2010 LexisNexis. All rights reserved.

# LexisNexis - Investigative Portal

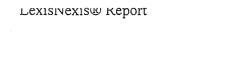
## Person Report

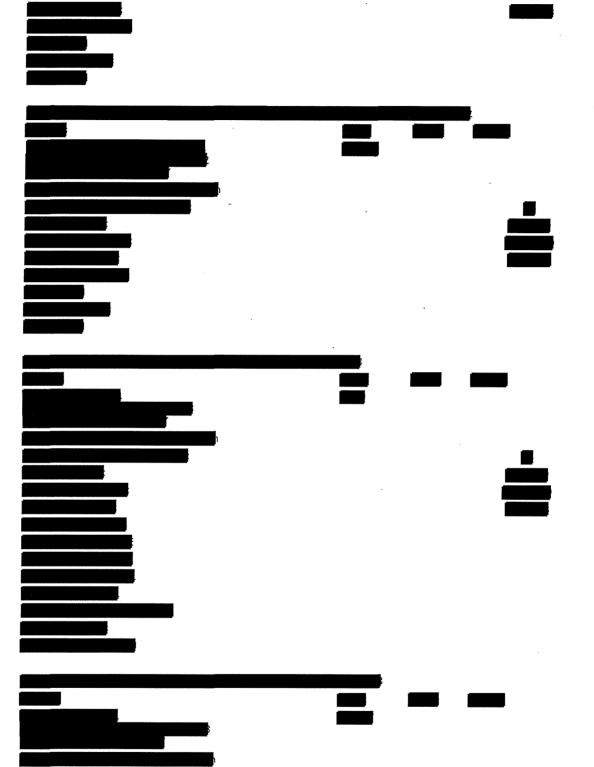
FOR INFORMATIONAL PURPOSES ONLY Copyright 2010 LexisNexis All Rights Reserved.

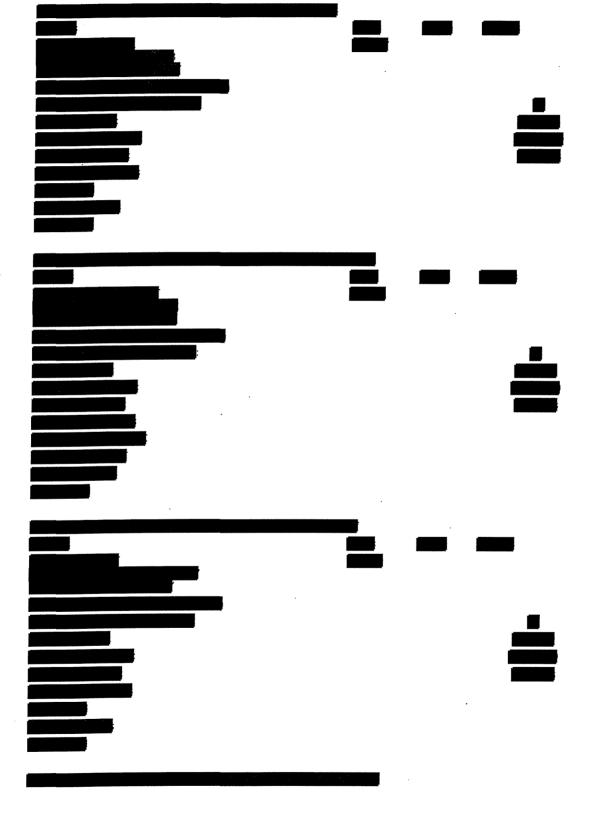


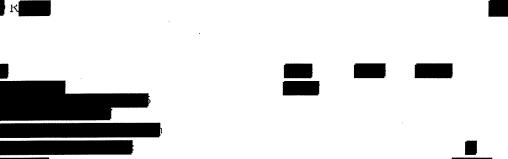


У

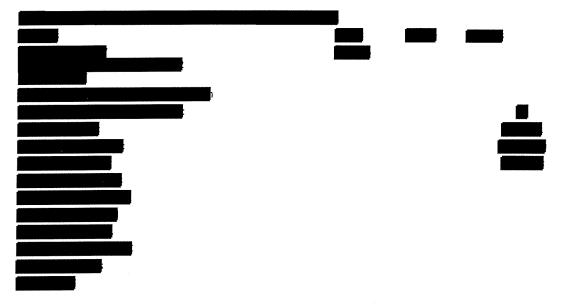


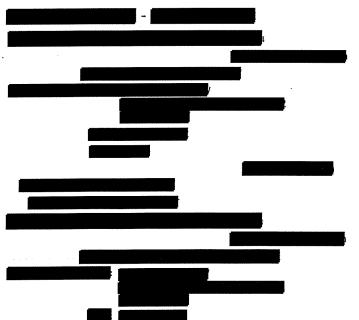








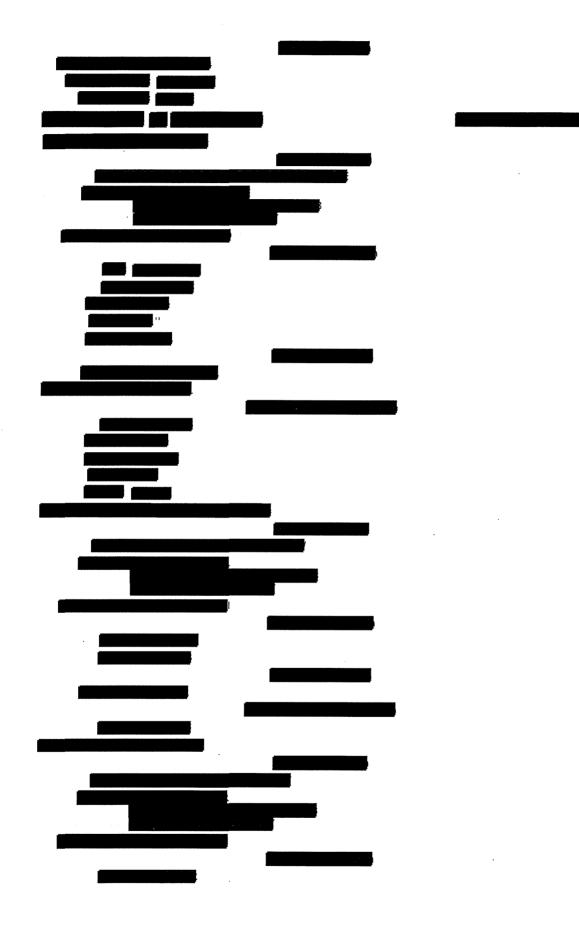


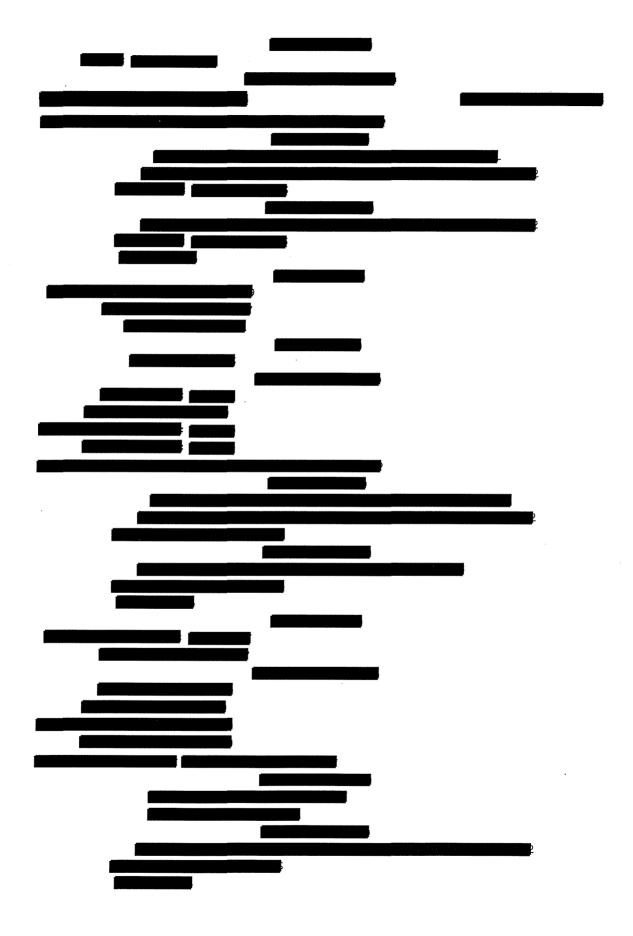


.

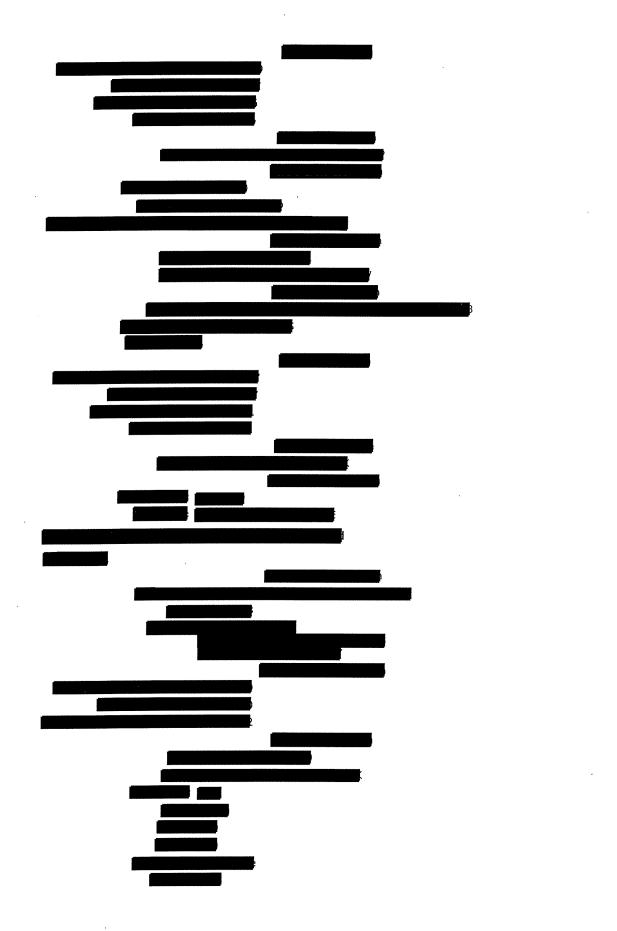
ê

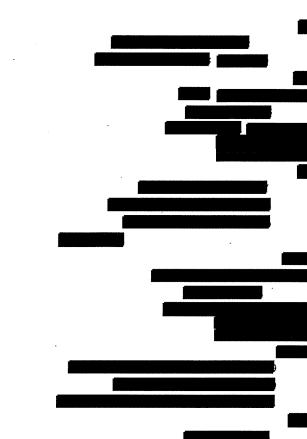




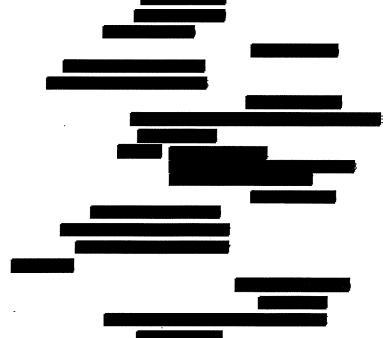






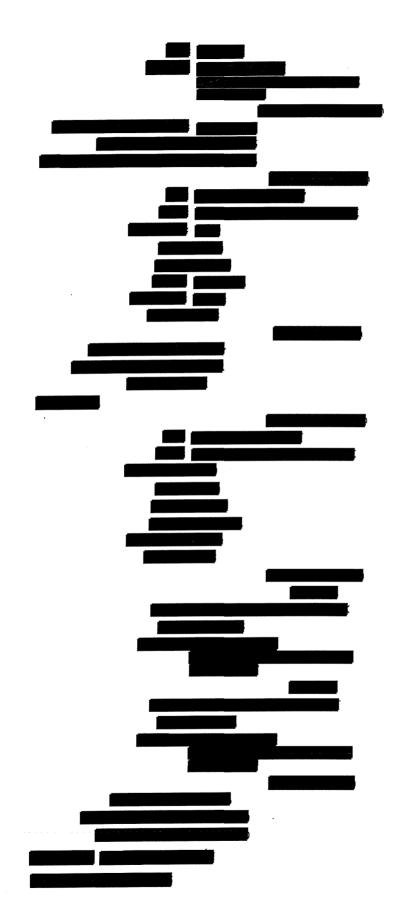


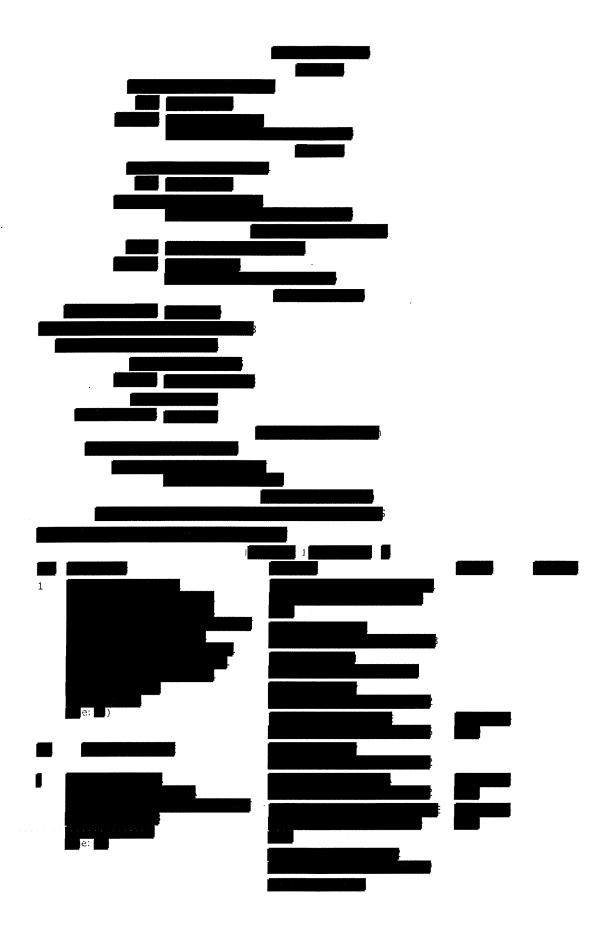
Lexisivexist kepon





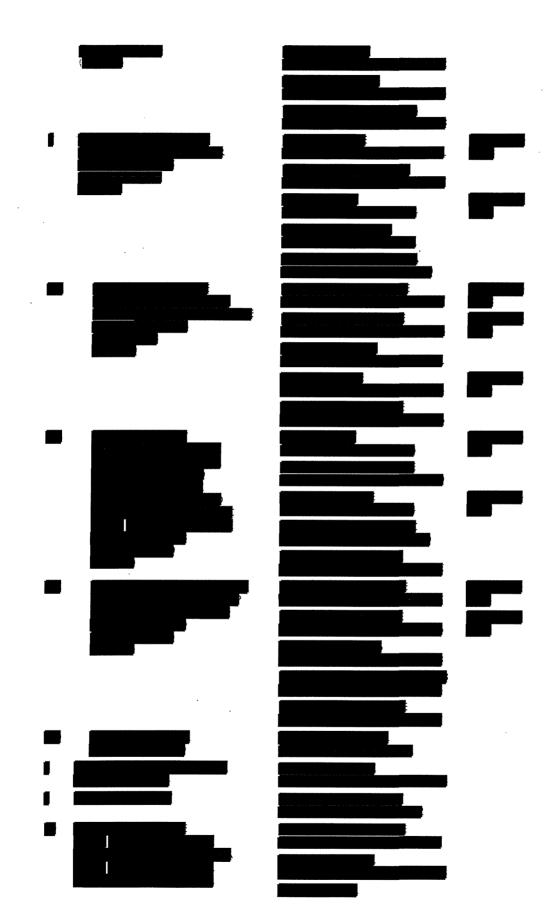
승규는 방법 열 가슴을 위한 것을 가지 않는 것을 가지 않는 것을 물었다. 물건을 받았다.

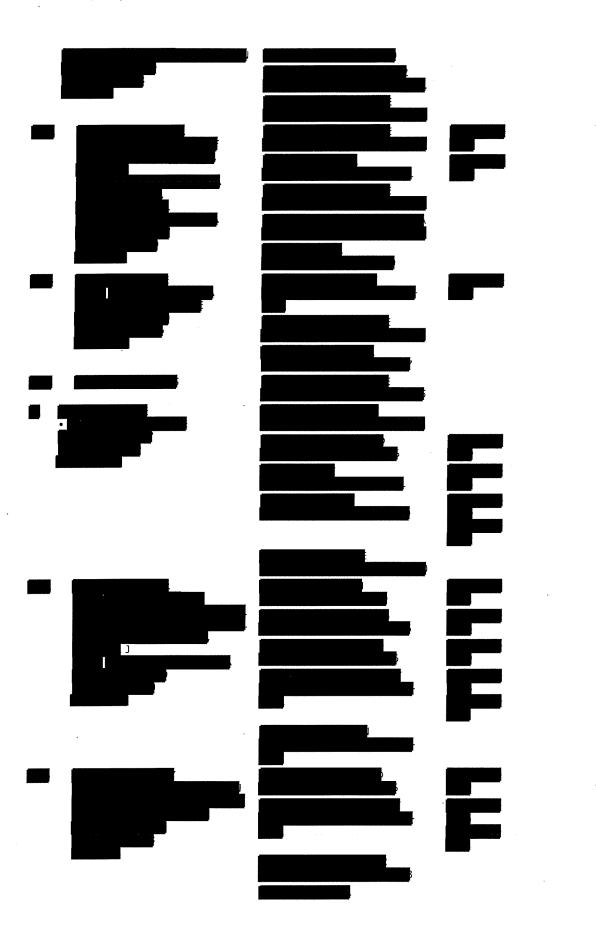


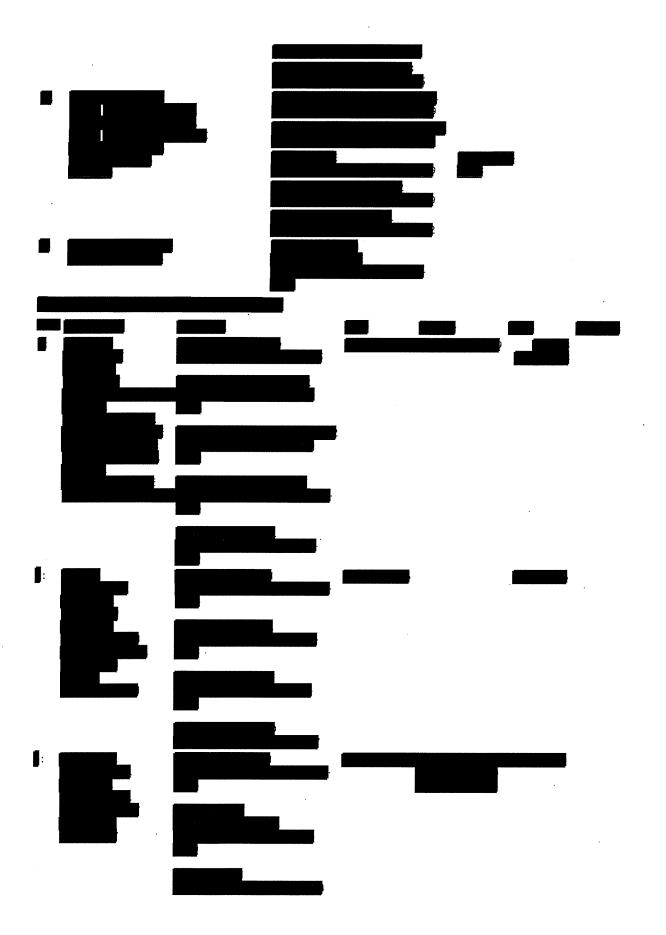




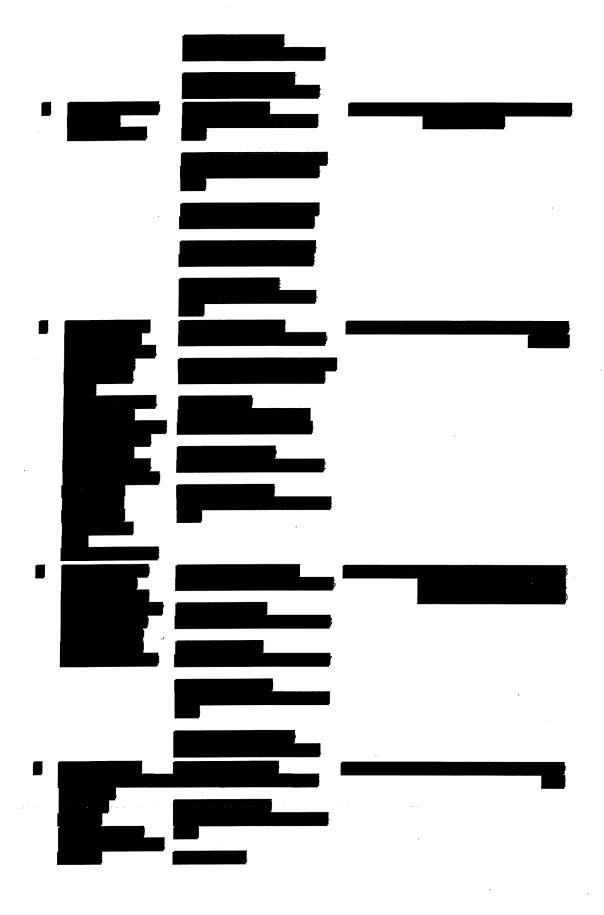


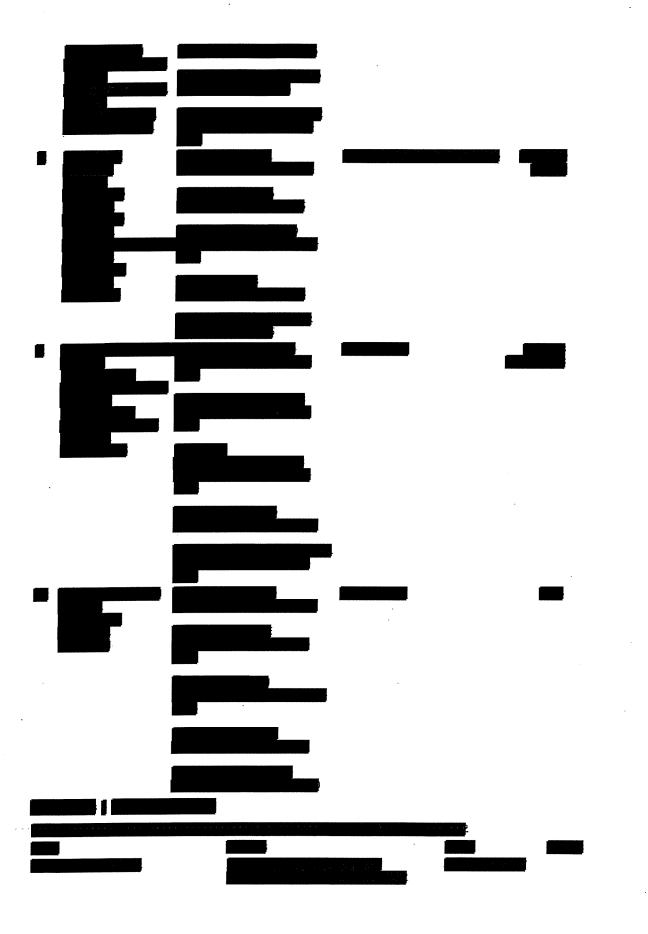




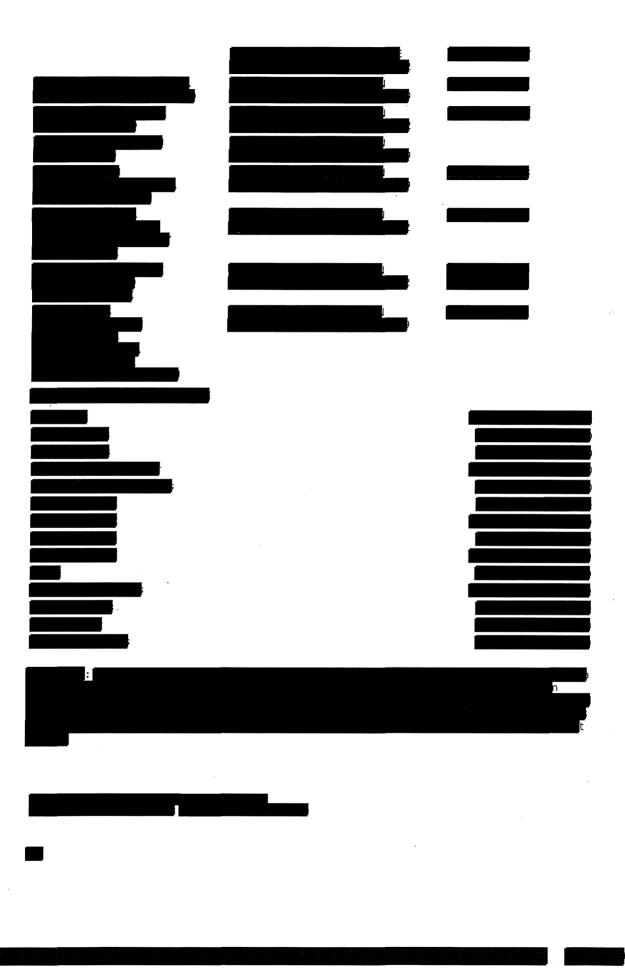


이 가지 않는 것이 같은 것이 같아요. 이 것은 것이 것 같아. 가지 않는 것이 같아. 가지 않는 것이 같아.





Page 18 of 19



▲ High Risk Indicator. These symbols may prompt you to investigate further.
Moderate Risk Indicator. These symbols may prompt you to investigate further.
<sup>™</sup> General Information Indicator. These symbols inform you that additional information is provided.
✓ The most recent telephone listing as reported by Electronic Directory Assistance.

**W** LexisNexis<sup>•</sup> Copyright © 2010 LexisNexis. All rights reserved.

.

**Report of Interview** 

From: File To: File Date: December 19, 2011

On December 19, 2011 **Control of the second and the second second** 

confirmed **to** position, job title, duties, start date with the agency and **to** current supervisor. **Solution** confirmed **to** rarely ever worked from home but that does have a government-issued laptop that **to** could use as needed.

Investigators informed **because** that the purpose of the interview was to discuss the allegation that **be** may be operating a business while on official government time.

While stated does not have had any other employment or sources of income, on the side." the indicated the has been "does did say for approximately 16 years but that only conducts this business at home. will get an occasional call or email at work (three or four per year) noted that will then bring to work. requesting that also recalled one client at the Department of Transportation who requested that brought into the office and subsequently dropped off on way home from work.

was then asked again if	had any other employment or sources of income and
stated does	and gave examples that included
and	. said has been in this business
since the late 1980s when was	s employed at the United States
stated said does not a	dvertise and relies on "word of mouth" referrals.
explained the nature of	, indicating that talks
to	
	1
sai	d often charges "nothing." explained that
doesn't always charge because	"likes to do it and help people," but did admit to
charging fees for some of	helped helped that thought
earned approximately \$500.00	) in the past year from <b>a set of the set of</b>

approximately four events in 2011. The estimated that the spent approximately two or three hours per week in advance of an advance. A admitted admitted approximately five times last year while at work.

provided additional specific information regarding activities. explained that many times would act as a with a and connect vendor with whom would then deal directly. However, we admitted to calling vendors approximately three times while at work at the FEC over the course of career to discuss business and has ordered t stated never spoke to vendors about nor d while on official government time. said occasionally spoke while at work and also said may have may have done so five or six times within the last year. spoken with someone about a three or four times within the last year.

In response to questions regarding that worked at the FEC, stated spoke to an FEC employee. remembers a discussion with did "go in half" and that : concerning would have the on the purchase so that for subsequent use. admitted printing some personal items once or twice in the last year and may have three or four times in 2010. stated never copied large worked on quantities of material at work at any time, but made copies of bank statements, some personal emails, materials and information.

friends at other agencies that occasionally help with stated, but that they are paid by the person having stated.

further stated is a second of for which the charges second of a second s

to federal salary. **The province of the set of the set**