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Description of document: Closing documents for Department of Transportation

(DOT), Office of the Inspector General (OIG) investigations done regarding a different agency,

2011-2012

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Released date: 30-December-2014

Posted date: 06-April-2015

Source of document: Department of Transportation

Office of the Inspector General FOIA Requester Service Center

1200 New Jersey Avenue, S.E., 7th Floor

Washington, DC 20590

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December 30, 2014

RE: FOIA No: FI-2014-0022

This letter is in response to your electronic Freedom of Information Act (FOIA) request received December 11, 2013, sent to the U.S. Department of Transportation (DOT), Office of the Inspector General (OIG). You seek copies of DOT investigation reports, closing memo, referral letter, or other reviews by DOT OIG done regarding a different agency for records created since January 1, 2005.

Enclosed you will find the records responsive to your request. You will note that some information was redacted pursuant to exemptions provided by the Freedom of Information Act (5 U.S.C. § 552(b)(5), (6) and (7)(C)). A total of 66 pages were responsive to your request and no pages were withheld. We are producing all 66 pages with redactions.

This letter closes your FOIA request and no further action is contemplated regarding this matter. The FOIA gives you the right to appeal adverse determinations to the appeal official for the agency. The appeal official for the OIG is the Assistant Inspector General, Brian A. Dettelbach. Any appeal should contain all facts and arguments that you propose warrant a more favorable determination. Please reference the file number above in any correspondence.

Appeals to Mr. Dettelbach should be prominently marked as a "FOIA Appeal" addressed to: U.S. Department of Transportation, Office of Inspector General, 7th Floor West (J3), 1200 New Jersey Avenue, SE, Washington, DC 20590. If you prefer, your appeal may be sent via electronic mail to FOIAAPPEALS@oig.dot.gov. An appeal must be received within 45 days

Exemption 6 protects names and any data identifying individuals if public disclosure would be a clearly unwarranted invasion of privacy.

Exemption 7(C) protects personal information in law enforcement records. It prevents the disclosure of law enforcement information which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

¹ Exemption 5 protects documents that are pre-decisional and a direct part of the deliberative process.

of the date of this determination and should contain any information and arguments you wish to rely on. The Assistant Inspector General's determination will be administratively final.

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 have any questions regarding this message, please contact me at either (202) 366-1406 or by email at Barbara.Hines@oig.dot.gov and reference the FOIA control number above. You may also contact our FOIA Public Liaison, David Wonnenberg, at either (202) 366-1544 or david.wonnenberg@oig.dot.gov to discuss any aspect of your request.

Sincerely,

Barbara A. Hines Associate Counsel

Enclosures



Office of Inspector General Washington, D.C. 20590

August 11, 2011

Mr. Arthur A. Elkins, Jr.
Inspector General
U.S. Environmental Protection Agency
Office of Inspector General
1200 Pennsylvania Ave. NW, Mail Code 2410T
Washington, D.C. 20460

Dear Mr. Elkins:

This letter is provided in response to EPA-OIG's request that the U.S. Department of Transportation, Office of Inspector General (DOT-OIG) conduct a review of a sensitive hotline complaint received by EPA-OIG. Attached are our findings.

Our case number for this investigation is I11Z002SINV. I can be reached at (202) 366-1415 if you have any questions or would like to schedule an oral briefing regarding our investigation. Thank you for this opportunity.

Sincerely,

Robert A. Westbrooks Deputy Assistant Inspector General for Investigations

cc: (b)(6), (b)(7)c to the Inspector General

BACKGROUND

In May 2011, EPA-OIG requested that DOT-OIG conduct an independent review of a complaint alleging that (b)(6), (b)(7)c demanded that an ARRA grant recipient repay money to EPA. (Attachment 1) Specifically, on April 18, 2011, (b)(6), (b)(7)c for the (b)(6), (b)(7)c Texas, emailed (b)(6), (b)(7)c of the Texas Water Development Board (TWDB) reporting an interaction of blad had with (b)(6), (b)(7)c wrote:

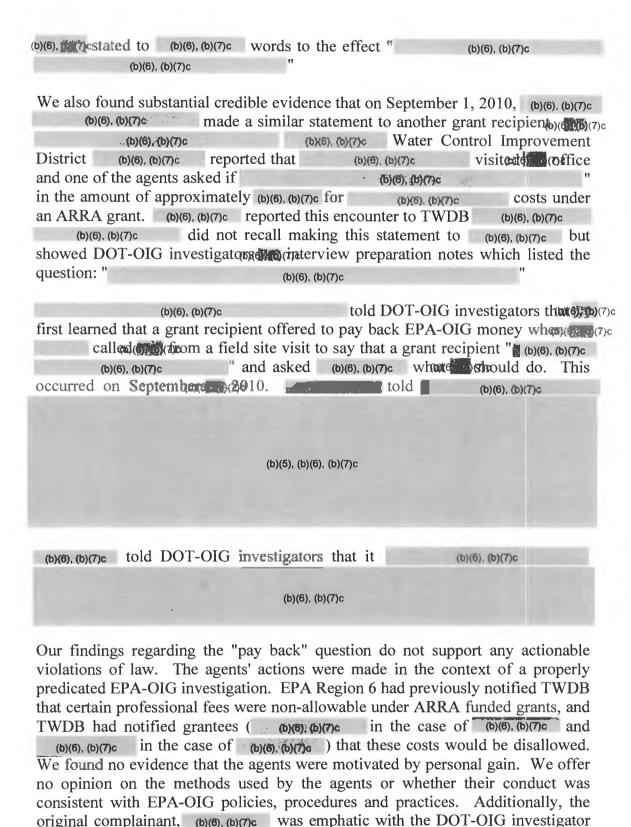
(b)(6), (b)(7)c

The next day (b)(6), (b)(7)c forwarded (b)(6), (b)(7)c email to EPA-OIG. (b)(6), (b)(7)c alluded to negative encounters with other EPA-OIG agents. (b)(6), (b)(7)c wrote:



SYNOPSIS

We found substantial credible evidence that on April 15, 2011, (b)(6), (b)(7)c told (b)(6), (b)(7)c that (conversation contained in (b)(6), (b)(7)c email to TWDB (b)(6), (b)(7)c also called TWDB (b)(6), (b)(7)c on the same day to report the encounter. (b)(6), (b)(7)c made a record of the encounter in the form of an email to (b)(6), (b)(7)c made a record of the encounter in the form of an email to (b)(6), (b)(7)c for the "sole purpose" of asking (b)(6), (b)(7)c to pay the money back. We also found that in a separate telephone conversation between (b)(6), (b)(7)c on the same day) (c)(7)c on the same day) (c)(7)c



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

(b)(6), (b)(7)c told the DOT-OIG

" We also

that the 'no complaint' with EPA-OIG.

investigator,

interviewed the	TWDB	(b)(6), (b)(7	r)c	who	had	spoken on the	tele	phone
with (b)(6), (b)(7)c	This wit	tness report	ed that			(b)(6), (b)(7)c		
	(b)(6),	(b)(7)c			N.			
(b)(6), (b)(7)c recollection of events differs from the rewitnesses. Specifical by stated that (b)(6), (1)		recollections 8), (b)(7)c	of	other				
		(b)(t	6), (b)(7)c					

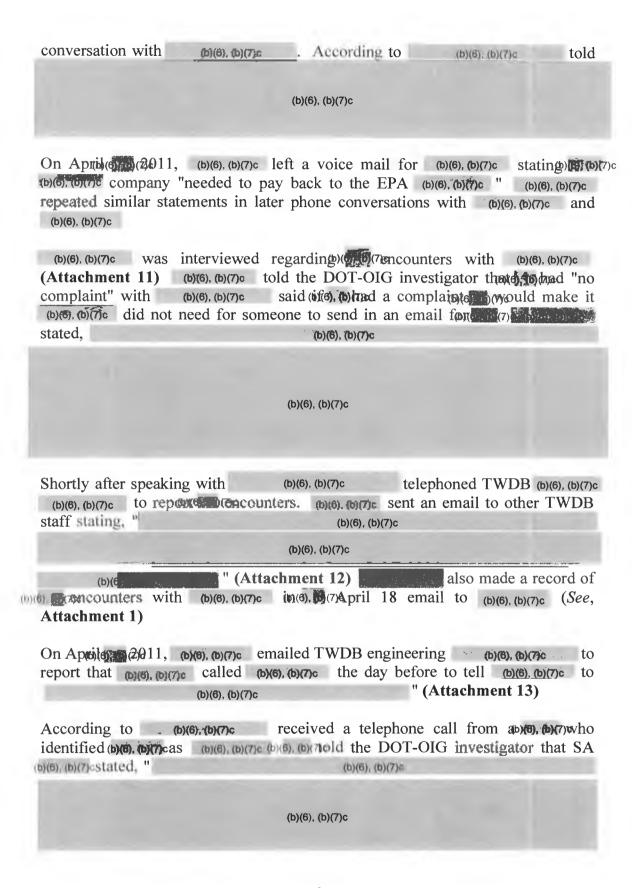
DETAILS

In July 2010, (b)(6), (b)(7)c opened an investigation (Case #OI-DA-2010-CFR-0329: " TX, ET AL") into potential false claims by the (b)(6), (b)(7)c on an ARRA grant involving Clean Water State Revolving Fund (b)(6), (b)(7)c That investigation was predicated on a January 2010 (CWSRF) projects. confidential hotline complaint from a credible source, as well as information provided in July 2010 by EPA-OIG's Director of Forensic Audits. Previously, EPA Region 6 had conducted a program evaluation of the State's implementation of the CWSRF ARRA Program. During the course of that evaluation, the issue of the allowability of bond counsel and some financial advisor fees was discussed (although it was not identified in the final Program Evaluation Report).

The TWDB elected to adopt a conservative approach on these professional fees. On June 7, 2010, the TWDB sent a letter to the (b)(6), (b)(7)c "suspending further payments for any legal or financial advisor expenses associated with your ARRA Grant," and advised that TWDB was "working with EPA to determine the full extent of their interpretation." (Attachment 2) On July 13, 2010, the TWDB sent another letter to the (b)(6), (b)(7)c advising that the EPA "has identified possible issues that have raised questions" concerning whether the reimbursement to the City for certain professional fees is allowable. In this letter, the TWDB concluded there was insufficient documentation for these fees and it disallowed the costs. (Attachment 3)

(b)(c), (b)(7)c received a similar letter from TWDB dated June 24, 2010, on behalf of the (b)(6), (b)(7)c Water Control and Improvement District (b)(6), (b)(7)c (b)(6), (b)(7)c (c)(7)c (c)(7)c (d)(7)c (d)(7

by displaying th	eir credentials and to be recorded, bu	badges and asked	d to record	the interviewы (1) (1) (1) (1) (1) (1) (1) (1) (1)
made (b)(b) agreed	scribed the agents'	conduct as "ox	iii ii a 1600i zerbearing"	and "demanding"
According to	(b)(6), (b)(7)e either			and demanding.
riccording to				said the (b)(6), (b)(7)c
	(b)(6), (b)(7)c		(b)(6), (b)(7)c	Salu ule (b)(6), (b)(7)c
		(b)(6), (b)(7)c		
(Attachment 6)				
By letter dated I	anua ny (176) 2011, (1	n/6) (b)/7)c (signi	ng for	(b)(6), (b)(7)c
				serting that (b)(6)(b)(7)
(0)(0), (0)(1)(y contacted a conta	(b)(6), (b)(7)c	(o)() May (o); idelifica	Baciting and opportolity
	(b)(6), (b)(7)c		er requested	the production of
documents with	in 30 days "per the	requirements of	Section 160	
American Recov	very and Reinvestme	ent Act." (Attacl	nment 7)	
By letter dated	Janua ry (55 (0)(2) 911,	(b)(6) (b)(7)c (signi	ing for	(b)(6), (b)(7)c
_	(b)(6), (b)(7)c of the	, ,	_	
	of documents within			
	American Recovery			
and 1919 of the	a time free transfer of the	una Komvesum	5110 7 1000. (72)	ttaenment o)
Other entities re	ceived similar lette	rs from	(b)(6), (b)(7)c	On January
31, 2011, TWD		(b)(6), (b)(7)c		in email to (b)(5)(4)(7)c
(b)(6), (b)(7)c	and the	(b)(6), (b)(7)c		hat " (b)(6), (b)(7)c
(-)(-)(-)(-)(-)			- Serving	(5)(0), (5)(1)
		(b)(6), (b)(7)c		
				-
	so received a requ			
)(6), (b)(7)c			rding the request.
We interviewed		garding)(7)int		
	(b)(6). (b)(7)c repor			
about the reques	sted documents.	b)(6), (b)(7)c Stated	tnat	(b)(6), (b)(7)c
		(b)(6), (b)(7)c		
***	1			.41 41.1
We interviewed		(6), (b)(7) c		rding this matter.
(Attachment II	(b)(6), (b)(7)c reported	eu that (by(8), (b)(7)	ие паd repo	rteor (when one



(b)(6), (b)(7)c We interviewed (b)(6), (b)(7)c regarding (spacounters with (b)(6), (b)(7)c (Attachment 15) (b)(c), (b)(7)c said (b)(6), (b)(7)c (b)(6), (b)(7)c (b)(6), (b)(7)c explained that (b)(6), (b)(7)c (b)(6), (b)(7)c

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

regarding (Concounters with grant recipients. advised that (b)(6), (b)(7)c We interviewed (b)(6), (b)(7)c (Attachment 16) (b)(6), (b)(7)c (b)(6), (b)(7)c

We interviewed	(b)(6), (b)(7)c	regarding thes	e matters.	(Attachment	17(p)(0,00(7))
		(b)(6), (b)(7)			

ATTACHMENTS

2. June 7, 2010 letter from the TWDB to the (b)(6), (b)(7)c Texas 3. July 13, 2010 letter from the TWDB to the (b)(6), (b)(7)c Texas 4. June 24, 2010 letter from the TWDB to (b)(6), (b)(7)c (b)(6), (b)(7)c 5. Memorandum of Activity, Interview of 6. Memorandum of Activity, Interview of 7. January 19, 2011 letter from (b)(6), (b)(7)c 8. January 25, 2011 letter from 9. Memorandum of Activity, Interview of 10. Memorandum of Activity, Interview of 11. Memorandum of Activity, Interview of
 June 24, 2010 letter from the TWDB to (b)(6), (b)(7)c Memorandum of Activity, Interview of Memorandum of Activity, Interview of January 19, 2011 letter from January 25, 2011 letter from Memorandum of Activity, Interview of
 Memorandum of Activity, Interview of Memorandum of Activity, Interview of January 19, 2011 letter from (b)(6), (b)(7)c January 25, 2011 letter from Memorandum of Activity, Interview of Memorandum of Activity, Interview of (b)(6), (b)(7)c
6. Memorandum of Activity, Interview of 7. January 19, 2011 letter from 8. January 25, 2011 letter from 9. Memorandum of Activity, Interview of 10. Memorandum of Activity, Interview of (b)(6), (b)(7)c
 Memorandum of Activity, Interview of January 19, 2011 letter from January 25, 2011 letter from Memorandum of Activity, Interview of Memorandum of Activity, Interview of (b)(6), (b)(7)c
8. January 25, 2011 letter from 9. Memorandum of Activity, Interview of 10. Memorandum of Activity, Interview of (b)(6), (b)(7)c
 8. January 25, 2011 letter from 9. Memorandum of Activity, Interview of 10. Memorandum of Activity, Interview of (b)(6), (b)(7)c
10. Memorandum of Activity, Interview of (b)(6), (b)(7)c
11 Memorandum of Activity Interview of
11. International of Atolivity, litter view of
12. April 15, 2011 email from
(b)(6), (b)(7)c 13. April (6) (2) 211 email from
14. Memorandum of Activity, Interview of
15. Memorandum of Activity, Interview of
16. Memorandum of Activity, Interview of (b)(6), (b)(7)c
17. Memorandum of Activity, Interview of



U.S. Department of Transportation Office of Inspector General

	INVESTIGATION NUMBER	DATE
REPORT OF INVESTIGATION	# I12E014SINV	Nov. 6, 2012
TITLE	PREPARED BY:	STATUS
Conduct of	Robert A. Westbrooks	
(b)(6), (b)(7)c	Deputy Assistant Inspector General for Investigations (JI-3)	FINAL
Office of Inspector General Department of Defense		
•	DISTRIBUTION	APPROVED BY:
	Acting Inspector General, DOD OIG	
	General Counsel, DOD OIG	

TABLE OF CONTENTS

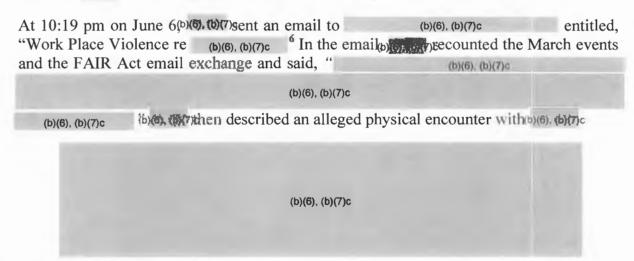
BACKGROUND2
SYNOPSIS
FINDINGS5
(b)(6), (b)(7)Did Not Engage in Unwanted Physical Contact with(b)(6), (b)(7) as Alleged
(b)(6), (b)(7)Did Not Fully Support the Creation of the(b)(6), (b)(7)Position9
(b)(6), (b)(7) Failed to Effectively Communicate (b)(6), (b)(7)c Role and Responsibilities 11
(ம)ரு, (5)(7)Overreacted to the March Events and Formed a Negative View of (b)(7)c 13
(ы)(б), (б)(7)Exaggerated Staff Concerns Regardingы)(б), (б)(7)
(ங்கு டு(ர) Enlisted (ந்கு ந்) ருdo Assis b) இ. இ (ர ்ந Managing (ந்)கு, ந்)ர ு and Inappropriately Delegated tob, நாரு Some Managerial Responsibilities
(b)(6), (b)(7) Has Made Reckless Statements and Has Otherwise Demonstrated a Lack of Candor
ATTACHMENTS31
NOTES32

BACKGROUND

In July 2012, the	(b)(6), (b)(7)c	requested
	f Transportation OIG conduct an inde	pendent investigation
after	(b)(6), (b)(7)c	
unwanted physical contact denied making any physical accusation constitutes a fa	with (6), (6), (b) (7), (b) (7), (b) (7), (c) (d), (d) (7), (d) (7), (e) (7	ly intimidate.(b) (b)(7)(c) blaint alleging (b)(6), (b)(7)(c) and Methodology of
(b)(6), (b)(7)c	with DoD OIG on January 30, 2012. for OCCL. (b)(6), (b)(7) must with subordinate staff and attend	first few weeks in
the work relationship betwee discussion with submission of a draft speech discussion, telling 12,6 wheeld a staff meet the feedbacks, to had receive	ting when internal stakeholders. One of ception among some that "OCCL is brokenive."	arch 9,(b,c), (b,c) chad a over the et and angry after this . On Monday, March ions of the office and the comments(b,c)
never rebounded(b) (17) ord (b)(7) (b)(7) (vas present(b)) (17) ord comment, and was not sat individuals and made a group (b)(6), (a)(a) (a) (b)(b) (b) (c) (c) (c) (c) (c) (c) (c) (c) (c) (c	g relationship rapidly deteriorated after deredo (c. 1017) do have no personal contarderedo (c. 1017) do apologize to staff for isfied even after (b. 1017) become a papology at a staff meeting (c. 1017) become and written communications with the two events and various purported perfect to the contact of t	the "OCCL is broke" apologized to several ame openly critical of obetween March
Capital Advisory Services of for the two events, and through May 25. On Ap Responsibility conduct an if OPR declined to investigate,	on March 16 to discuss how to document to work with HCAS on wril 1, (b)(5), (c) requested that the Offinvestigation of (b)(6), (b)(7): March 9 into a concluding it was a management issue.	nt and counselb. (c)(7)c (b)(6), (b)(7)c ffice of Professional eraction with(b)(6), (b)(7)c 5
	l (b)(6), (b)(7)c advising that the cinue mediation. When(b)(6), (c) c shared	
IIC D	etment of Transportation - Office of Inspector Cener	-al

(b)(6), (b)(7) cold (c)(6), (c)(7) dhat (c)(6), (b)(7) dhat (c)(6), (c)(7) dhat (c)(6)

On June 6(b)(6), (b)(7) and (b)(6), (c)(7) and (c)(6)(7) a

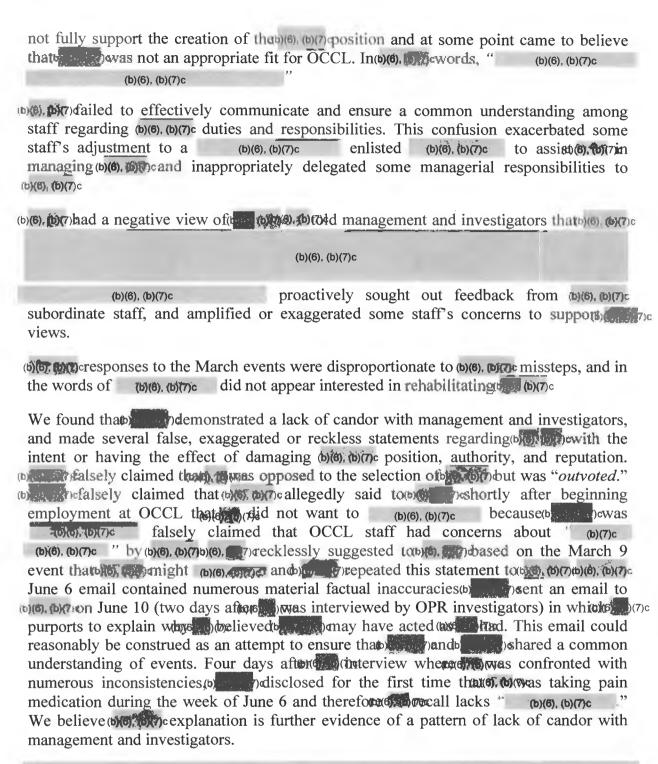


(b)(b), (b)(r))was detailed out of OCCL effective June 18.

SYNOPSIS

The evidence provided by the both to support all egation of "unwanted physical contact . . . in an effort to physically intimidate" is significantly outweighed, in our view, by other evidence we obtained. In addition passed a polygraph examination on this point. We believe, based on a preponderance of the evidence, there are reasonable grounds to conclude that the made a false accusation.

We found that the June 6 accusation against was not an isolated event; it was part of a continuing course of conduct by following the March events the following the March events to the following the follo



(b)(5)

FINDINGS

(b)(6), (b)(7)cDid Not Engage in Unwanted Physical Contact with(b)(6), (b)(7)as Alleged

In reaching our conclusion, we also considered the timing, context and circumstances surrounding of the alleged physical contact.

(b)(6), (b)(7) did not immediately	report to mana	agement the alleged	d April 4 or 5	unwanted
physical contact(b) (a) (b) (r) was	asked by OPR	Linvestigators(的f	told anyone at	the time.
(b) (c) (answered, "		(b)(6), (b)(7)c		
	(b)(6)	, (b)(7)c		

(b)(6), (b)(7) effrst reported the incident six weeks after it allegedly occurred.(b) (b)(6), (b)(7) (c) (d)(6), (b)(7) (c) (d)(6), (d)(7) (e)(6), (e)(7) (e)(7)

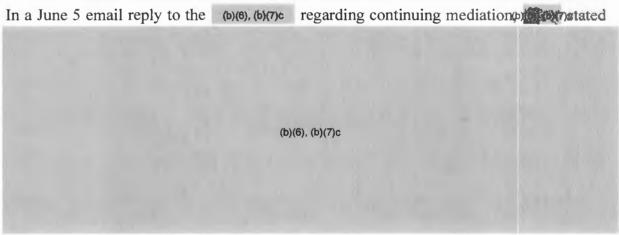
(b)(6), (b)(7) was working with (b)(6), (b)(7) c (b)(6), (b)(7) do address the March events and purported performance matters, and (b)(6), (b)(7) had six one-on-one meetings with the (b)(6), (b)(7) and three facilitated group meetings with (b)(6), (b)(7) c (and b)(6), (b)(7) c (and



disciplinary action against the with the march 9 events to the meetings and email exchanges after the date of the alleged unwanted physically of the meeting and email exchanges after the date of the alleged unwanted physically intimidating the course (a) (b) (d) (d) (d) (d) (d) (d) (d) (d) (d) (d	ysical contact with(b)(6), (b)(7)c
(b)(6), (b)(7)c	
(b)(6), (b)(7) cwas listed as a courtesy copy recipient on(b)(6), (b)(7) cJune 6 "Work Platemail in which b) cond(b)(6), (b)(7) c about (b)(6), (b)(7) c emailed (b)(6), (b)(7) con June 7: " (b)(6), (b)(6), (b)(7) con June 7: "	the incident.
(b)(6), (b)(7)c	
On the afternoon of May 25(b) (a) (b) (c) (c) (c) (c) (d) (d) (d) (d) (d) (e) (e) (e) (e) (e) (e) (e) (e) (e) (e	(6), (7) should be
Before and after the date of the alleged unwanted physical contacto, and made no email note of the alleged incident. When asked whys. I will be alleged incident. When asked whys. I will be alleged incident. When asked whys. I will not alleged incident.	rding(b)(a) (b)(7)c sent emails to
(b)(6), (b)(7) chas provided management and investigators with various descripalleged incident. (b)(6), (b)(7) chance 6 email(b)(6), (c)(7) ceferenced a single incident the discussed "with the (b)(6), (b)(7) c and with others." On Madiscussing the alleged incident with the (b)(6), (b)(7) c (b)(6), (b)(7) casked if it is more than once and b) caid no. On May 25(b)(6), (b)(7) cold (b)(6), (b)(7) c about intimidating behavior, b)(6); (b)(6) d) not mention any specific incident of unwards)	ay 18, when had happened out physically

contact. On May 25(b)(7)(b)(7)told the (b)(6), (b)(7)c thatb)(3), (b)(7)touched(6), (b)(7)touched(6),









When asked by DOT OIG investigators to explain the discrepancy over the number of incidents place.



There is no written record of (6) (6) (6) (7) ever counseling or otherwise directly addressing with (b)(6), (6)(7) the alleged unwanted physical contact incident(s).

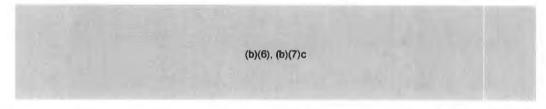
	(b)(6), (b)(7)c		

b)(6), (b)(7)said(b)(6), (b)(7)drad(6), 804mnds		1	ή(β), (b) (7)c	
(b)(6), (b)(7)c	²⁵ and then	the two (6), (6)(7)6at	down at the	tableton (b)(7)
described for investigators what	said happe			(7)≎
	(b)(6), (b))(7)c		

(b)(6), (b)(7)c interview with DOT OIG investigators.
When DOT-OIG investigators asked by the contact with the
(b)(6), (b)(7)c
On June 12, OPR investigators met with a Pentagon Force Protection Agency lieutenant and sergeant to discuss (b)(6), (b)(7)c concerns of workplace violence. The Pentagon police officials advised they would take a report of the incident, and stated that (b)(6), (b)(7)c had the option of filing a criminal complaint in Virginia state court. On June 13, this information and the lieutenant's email address and office location were emailed to(b)(6), (b)(7)c The police supervisor left a voice mail for(b)(6), (b)(7)c but did not receive a return call. (b)(6), (b)(7)c but did not receive any voice mails from PFPA regarding this matter. ²⁹
(b)(6), (b)(7)Did Not Fully Support the Creation of the(b)(6), (b)(7) Position
According to several witnesses, the chief proponent for the creation of the position was former (b)(6), (b)(7)c
(b)(6), (b)(7)c
(b)(6), (b)(7) was asked by investigators to explain why (b)(6), (b)(7)c (GS-15), who was functioning as the (b)(6), (b)(7)c from 2006 to 2011, did not provide this buffer(b)(5), (b)(7)c told investigators that (b)(6), (b)(7)c thought that (b)(6), (b)(7)c was " (b)(6), (b)(7)c
The position description creating the position was signed by Ton January 7, 2010. The position was not filled until 2 years later.
(b)(6), (b)(7)c t(b)(6), (b)(7)c t(c)(6), (c)(6), (c)(6), (c)(6), (c)(6), (c)(6), (c)(6), (c)(6), (c)(6), (c
U.S. Department of Transportation — Office of Inspector General



(b)(6), (b)(7)c that6), (b)(fielt theb)(6), (c)(fielt theb)(6), (c)(fielt theb)(6), (c)(fielt theb)(6), (e)(fielt theb)(fielt theb)(fielt



(b)(6), (b)(7) was asked by investigators whether (b)(6), (b)(7) ever confided in (6), (b)(6), (b)(7) e position had been forced on (6), (b)(7) and was asked to explain the origins of the position description. (b) (b)(7) told investigators:



(b) (6) (b) (c) provided investigators an ambiguous answer on whether the position was forced (and 6), (b) (7) c



(b)(6), (b)(7)Failed to Effectively Communicate (b)(6), (b)(7)c Role and Responsibilities

According to both (b)(6), (b)(7)c the two repeatedly suggested to(b)(6), (b)(7) during (b)(6), (b)(7)c tenure in OCCL that (b)(6), (b)(7)putb)(6), (b)(7)c putb)(6), (b)(7)c p

There was confusion among OCCL staff over (b)(6), (b)(7)c role and responsibilities.

(b)(6), (b)(7)c	told investigators:	
	(b)(6), (b)(7)c	
(b)(6), (b)(7)c told investigators:		
	(b)(6), (b)(7)c	
(b)(6), (b)(7)c told investigators:		
	(b)(6), (b)(7)c	

(b)(6), (b)(7)c	told investigators: .	(b)(6), (b)(7)c
	(b)(6), (b)(7)c	
ம்ற, இருctold investigators that	ofundamentally "	(b)(6), (b)(7)c
	(b)(6), (b)(7)c	

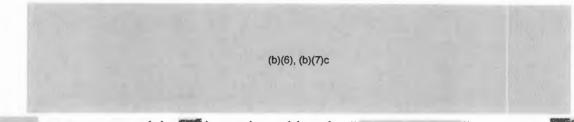
(b)(6), (b)(7)c described to investigators the confusion over the reporting structure:



Notwithstanding the updated organizational chartonic formula a direct report to the probability and investigators:



(b)(6), (b)(7)c (b)(6), (b)(7)c
This uncertainty over and and the properties reporting relationship directly exacerbated the March 9 incident. (b) (c) (c) (c) (c) (c) (c) (c) (c) (c) (c
(b)(0), (b)(7) who was asked by (b)(7) to provide a witness statement regarding the March 9 incident and who was present at the March 12 staff meeting, explained to investigators:
(b)(6), (b)(7)c
(b)(5), (b)(7)Overreacted to the March Events and Formed a Negative View of(b)(6), (b)(7)
(b)(6), (b)(7)c work relationship rapidly deteriorated after the March events. For (b)(6), (b)(7)c he "OCCL is broke" comment and demands for an apology became, in his words, a "(b)(6), (b)(7)c
(b)(6), (b)(7) dold investigators, " (b)(6), (b)(7) c shared with investigators, " (b)(6), (b)(7) c (b)(6), (b)(7) c
(b)(6). (b)(7)ctold investigators that a coluties were minimized after the March 12 meeting.
(b)(6), (b)(7)c



(b)(6), (b)(7)c "comment.(b) (b)(7)c ends the email with the statement:



There is no record that the correver acknowledged or replied in writing to this email.

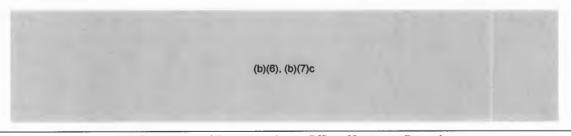
According to (b)(6), (b)(7)(b)(6), (c)(7)(b)(6), (d)(7)(b)(6), (b)(7)(c)(6), (b)(7)(c)(6), (b)(7)(c)(6), (b)(7)(c)(6), (c)(7)(c)(6), (c)(6), (c)(6), (c)(6), (c)(6), (c)(6



According to (b)(6), (b)(7)c (b)(6), (b)(7)b)(6), (b)(7) evas "ad	amant" that amant apologize to staff
about the " 66.67c " comment. (b) (b) (c) (c) (c)	ote an email note to to to to to April
13, entitled "(b)(5), (b)(7) Apology." The email	states in part, " (b)(6), (b)(7)c
(b)(6), (b)(7)c	
53	
(b)(6), (b)(7)c	

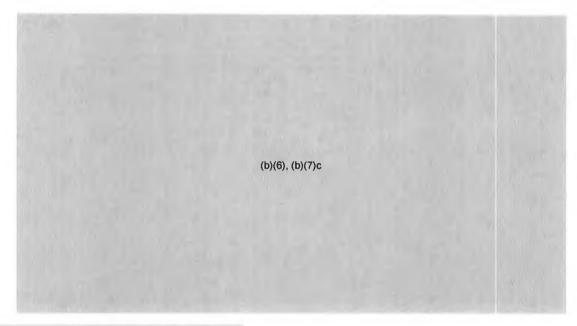


We asked OCCL staff members about their observations regarding the interactions between the and by the asked occurrence (b)(6), (b)(7)c (b)(6), (b)(7)c (b)(6), (b)(7)c (b)(6), (b)(7)c (c)(6), (c)(6), (c)(7)c (c)(6), (c)(7)c (c)(7)



(b)(6), (b)(7) and (b)(6), (b)(7) and (b)(6), (b)(7) and (b)(6), (b)(7) in the daily staff meetings.

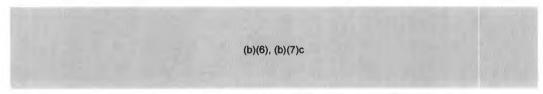
(b)(6). (b)(7) dold investigators:



(b)(6), (b)(7)c told investigators:

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

According to (b)(6), (b)(7)(b)(6), (b)(7)(c)(d) not seem interested in rehabilitating(b)(7)(c)



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	(b)(6), (b)(7)c		
(b)(6). (b)(7) told investigators,			
	(b)(6), (b)(7)c		
(b)(6), (b)(7) was never placed on perform	ance standards.		
(b)(6). (6)(7) formed a negative view of (b)(6) investigators that		arch eventa(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	old management and
	(b)(6), (b)(7)c		
(b)(6), (b)(7) Exaggerated Staff Concern	s Regarding(b)(6)	i, (b)(7) c	
There were no direct witnesses to (b)(6), (b)(7)(6), (b)(7)(6), (c)(7)(6)(6), (c)(7)(6)(6)(6)(6)(6)(6)(6)(6)(6)(6)(6)(6)(6)	to come t	tainsb)cam	ana discussed the
	(b)(6), (b)(7)c		
(b)(6), (b)(7)c office. Bothor (b)(1) and (b)(1),	reported the	incident to (6), (b)	(7)c
(b)(6), (b)(6), (b)(7)ctone as " (b)(6), (b)(7)c	ent and heardb y(5) (b)(7)0 3-70	(b)(7)say "	(b)(s)(d)(s)cribed
(b) (5), (5), (7) later reported the incident to	$\mathfrak{S}_{\mathcal{A}}^{\prime}$ (b)(7(b)(6), $\mathfrak{S}_{\mathcal{A}}^{\prime}$	ccording to (b)(8), (t	b) (7)c
	(b)(6), (b)(7)c		
(b)(6), (b)(7) was asked by investigators wi	hetheron (6) (7) was	s angry at(b)(6), (b)(7)c

(b)(6), (b)(7)c
(b)(7), p)(7) shared with investigators discussion with (6), (6)(7) about this issue(b)(6)(7) said, "I
(b)(6), (b)(7)c
On April 1(b) (b) (c) (c) (c) (d) (d) (d) (d) (e) (e) (e) (e) (e) (e) (e) (e) (e) (e
OPR advised (b) (c) (c) (c) (c) (c) (c) (c) (c) (c) (c
(b)(6), (b)(7) similarly exaggerated staff's concerns regarding the (b)(6), (b)(7) c comment. (b)(6), (b)(7) admitted to investigators that not all staff members were offended by the comment. (b)(6), (b)(7) c identified (b)(6), (b)(7) c as an employee who told (b)(6), (b)(7) c was not offended.(b) c)(7) c and (b)(6), (b)(7) c as two employees who told (b)(6), (b)(7) c was not offended(b) c) proactively sought feedback from staff.(b)(6), (b)(7) c told (b)(7) c was not offended.(b) c)(7) c told (b)(7) c was not offended.(c) c)(7) c was no
(b)(c) /b)/7) _c
(b)(6), (b)(7)c



(b)(6), (b)(7)c was not personally offended by (b)(6), (b)(7)c comment. (b)(6), (b)(7)c (b)(6), (b)(7)c told investigators (c) (b)(6), (b)(7)c and (c)(6), (b)(7)c and (c)(6), (b)(7)c and (c)(6), (c)(7)c and (c)

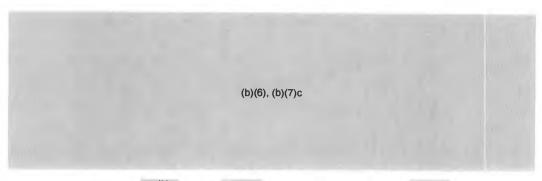
(b)(6), (b)(7) provided (and (notes of the meeting to(b)(6), (b)(7) was also present at the meeting and later provided (and (notes)) with (1, 10) motes.

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

ம்கு, இர்ட்Enlisted (ம்று ம்)ருட்to Assist) (வ. ம்)(7) in Managing (ம்)(6), (ம்)(7) and Inappropriately Delegated tob) (நீர் 5 ome Managerial Responsibilities

(b)(0) (b)(7)and	(b)(6) , (b)(7)c	have a close v	vorking relation	nship(b x(9), (b)(7)&was	the only
(b)(6) , (b) (7)c	who remained	a direct report	to(b))cAfte	er (b)(6). (b)(7)c arriva	al(b) (7)c
brought the up	odated organization	al chart to	and according	ng tool (0) (0)(7) said,	(b)(6), (b)(7) c
		(b)(6), (b)(7)c		
	(b)(6), (b)(7)c			(b)(6). (b)(7)o(6). (b)(7)a	ske(d)(6), (b)(7)
to (b)(6), (b)(7)(b)(6	5), (b)(7)(b)(6), ((f)(d)(d	investigators, "		(B)(6), (D)(7)C	
(b)(6), (b)(7) (b)(6), (told investigato	rs thate did,	in fact, tellion	(b)(7) that (b)(8), (b)(7)	would be
(b)(6,200)(7)coach. 61	h)(8). (6)(7)c was unav	ware of any	coaching role	by (b)(-12-1)(7)(b)(6),	told
investigators a	about haves. (Skearne	ed that)(6). (A) The	ould be reporti	ng tab/(6), (6)(7)c	

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



On Sunday, March 11(b)(6). (b)(7) sent(b)(6). (b)(7) can email about the (b)(6). (b)(7) incident entitled, "Matters Within OCCL - Need Your Advice."



(b)(b), (b)(7) attended the March 12 staff meeting)(6) (b) (went to(b)(6), (c)(7)) after the meeting and discussed what (b)(7) had said.

According to	(b)(6), (b)(7)c	askedby(6), (Syr)(for	(b)(6), (b)(7)c	position	description	shortly	after the
March 12 star	ff meeting()described	for inves	stigatorad	(c)onversa	tion wit	h (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 (c)(6), (b)(7)c (d)(6), (b)(7)c (e)(6), (b)(7)c (f)(6), (b)(7)c (f)(6)
When the counseling session with the comments, the comments of the
incident and the (b)(6), (b)(7)c "comments,(b) c)cwas also present.(b)(6)color)ctolor investigators, (b)(6), (b)(6), (b)(7)c (b)(6), (b)(7)c (b)(6), (b)(7)c (c)(6), (c)(7)c (
On May 15(b)(6), (b)(7) prepared an apparent email on behalf of (6), (b)(7) to (b)(6), (b)(7) to (b)(6), (b)(7) to (c)(6), (b)(7) to (c)(6), (c)(7) to (c)(6), (c)
(b)(6), (b)(7)c
(b)(6), (b)(7) directed (b)(6) (b)(7) on at least one work assignment(b)(6)(c)(c)(d) investigators:
(b)(6), (b)(7)c

(b)(5), (b)(7) and (6), (b)(7) also shared critical observations regarding (b)(7) c On April 11(b)(0), (0)(7) send)(3), (b)(7) an email stating, " 15(b)(6), (b)(7)c (b)(6), (b)(7)c On April 13,(b)(6), (b)(f) sent senior OCCL staff (minus(b)(1)) can email rescheduling the daily administration meeting to be obtained a copy of the email and forwarded it to (b)(a) with a note: (b)(6), (b)(7)c (b)(6), (b)(7)c On April 16(b)(6) (b)(7) emaile (b)(6) (b)(7) stating, " (b)(8), (b)(7)c (b)(6), (b)(7)c On April 17(b)(6), (b)(7) emailed (6), (6)(7) stating, (b)(6), (b)(7)c (b)(6), (b)(7)c (b)(8), (o)(7) replied, " (b)(6), (b)(7)c (b)(6), (b)(7)c (b)(6), (b)(7)c(b)(6), (b)(7) and (b)(6), (b)(7) shared the following negative views regarding(b)(7) c (b)(6), (b)(7)c At 6:54 pm on Sunday, June 10(b) forwarded to (b)(6), (b)(7)c June 6 "Work Place

At 6:54 pm on Sunday, June 10(b) forwarded to (b)(6), (b)(7)c June 6 "Work Place Violence Re: (b)(6), (b)(7)c email. 99

(b)(b), (b)(7) Has Made Reckless Statements and Has Otherwise Demonstrated a Lack of Candor

In addition to the information above, the following are examples of (b)(6), (b)(7)c reckless statements and otherwise lack of candor regardings.

1. Statements to investigators regarding the selection (16) (6), (b) (7)(6), (b) (7)(7)(6)
(b)(6), (b)(7) was on the hiring panel for the (b)(6), (c)(7) c (b)(6), (b)(7) c (b)(6), (c)(7) c (b)(6), (c)(7) c (c)(6), (c)(7) c (c)
(b)(6), (b)(7)c
Whatever reservations have had regarding the selection of (b)(6), (b)(7)c signed a memorandum dated December 19, 2011 to the (b)(6), (b)(7)c recommending (b)(7)c for the position.
(b)(6), (b)(7)c and (b)(6), (b)(7)c told investigators that (b)(b)(b)(b)(b)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)
In a March 16 email to (b)(6), (c) centitled, "Physical Intimidation within OCCL," (b)(6), (b)(7)c (b)(6), (b)(7)c
(b)(6), (b)(7)c With the exception of (b)(6), (b)(7) on employees we interviewed, male or female, expressed any concern about physical intimidation by(b)(6), (b)(7)c (b)(6), (b)(7)c (c)(6),
3. Statements regarding the "threat" posed by (b) (6), (b) (7)c
(b)(6), (b)(7) encounter with (b)(6), (b)(7) as "stalking with malice." This is a serious accusation which could form the basis of a criminal harassment charge. We are aware of no facts to suggest that (b)(6), (b)(7) ewas either "stalking" or acting with "malice."

(b)(6), (b)(7) calso exaggerated the concerns of (b)(6), (b)(7) cand made a reckless and baseless statement to(b)(6), (b)(7) dhatb)(6), (b)(7) was concerned that(b)(6), (b)(7) c . 104 (b)(6), (b)(7) c never raised this concern to investigators to investigators thatoxo, (b)(7) tol(b)(7), (b)(7)col(b)(7), (b)(7)col(b)(7), (b)(7)col(b)(7), (b)(7)col(b)(7), (b)(7)col(b)(7), (c)(7)col(b)(7), (c)(7)col(b)(7)col(b)(7), (c)(7)col(b)(7), (c)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(7)col(b)(that)(6), (b)(7) was concerned that (b)(6), (b)(7) enight (b)(6), (b)(7) e (b)(6), (b)(7)c (b)(6), acknowledged to investigators that concern without investigators with the concern without investigators without investigators with the concern with the concern with the concern without investigators with the concern without investigators with the concern without without with the concern without without without with the concern without with the concern with th (b)(6), (b)(7)c (b)(6), (b)(7) told investigators that it was both first raised then the literature with (b)(6), (b)(7)c stated:

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

(b)(6), (b)(7) was asked whether (b) believed this was a credible threat or concerns (b)(7)c "108 (c) c) explained: replied that is was (b)(6), (b)(7)c (b)(6), (b)(7)c 4. Statements to the (b)(6), (b)(7)c which (b) (1) attributed to (b)(6), (b)(7)c (b)(6), (b)(7) ctold the (b)(6), (b)(7) c that told)(5), (5)(7)hat (b)(6), (b)(7)c (b)(6), (b)(7)c (b)(6), (b)(7)e denied making (b)(6), (b)(7)c this statement. (b)(6), (b)(7)c told investigators: (b)(6), (b)(7)c (b) (b) (c) provided investigators with an ambiguous answer when asked about this: (b)(6), (b)(7)c

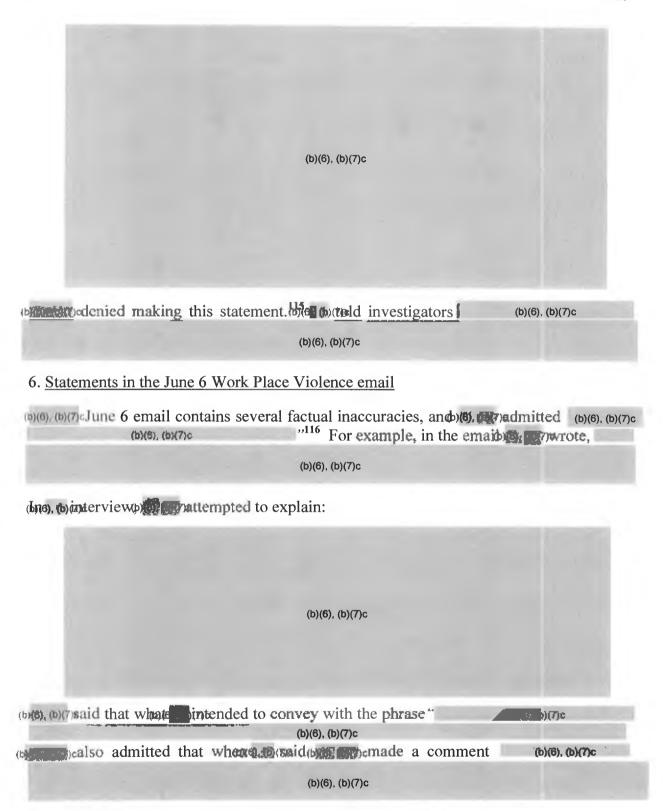
25

5. Statements to investigators regarding (b) (7) and (6), (b) (7) c



(b)(6), (b)(7) was asked why (a), (b)(d) did not address this alleged discrimination issue with (b)(6), (b)(7) conswer is inconsistent with (a) (a) (a) (a) (b)(b), (b)(7) conswer is inconsistent with (a) (a) (a) (b)(6), (b)(7) conswer is inconsistent with (b)(6), (b)(7) conswer is inconsistent with (a) (a) (a) (b)(6), (b)(7) conswer is inconsistent with (b)(6), (b)(7) con

manager@ (b)(nsaid,	(b)(6), (b)(7)c	
		(b)(6), (b)(7)c	
(b)(6),(16)(7)said		(b)(6), (b)(7)c	
	(b)(6), (b)(7)c	rb (t) , explained	(b)(6), (b)(7)c
(b)(6), (b)(7) c			
		(b)(6), (b)(7)c	



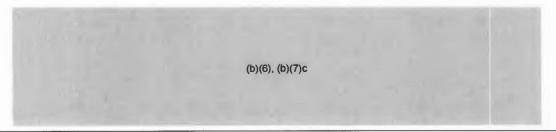
	/h\/6\ /h\/7\a
	(b)(6), (b)(7)c
investigators shared withbout of pattern of closing signatures (b)	(a), (b)(7) diled a formal workplace violence complaint
7. Statements to a potential witness	
"Confounding News from a Source." Confounding News from a Source." Confounding News from a Source."	(b)(6), (b)(7)c (b)(6), (b)(7)c (c)(6), (b)(6), (b)(7)c
(b)(6), (b)(7)c	
	(b)(6), (b)(7)c
shared a common understanding of eto either of or	events. None of the information in this email was new nandbacknowledge that they had multiple enure regarding the supposed attempt to use ties. Although we did not interview all senior leaders, y on the part of any senior leaders.
o) (6), (b) (1) was asked whether (6) would	I now, with the benefit of time, take back any out (19). (b)
emails propertied:	





When investigators asked babout this email in a follow-up interview to prosponded, (b)(6), (b)(7)c (c)(6), (b)(7)c (c)(6), (b)(7)c (c)(6), (c)(7)c (c)

(b) described intent with the June 6 and June 10 emails:





8. Statements regarding to state of mind during the week of June 6

(b) (b) (c) was interviewed by DOT O	IIG investigators on Sep	ptember 21 and w	vas confronted
with)(6);(6)(7)carious prior statement	nts. Four days aften ((7)interview,(b)(6	n.emailed
investigators and said	(b)(6), (b		
(b)(6), (b)(7)a	hen disclosed for the	first time that	(b)(6), (b)(7)c
	(b)(6), (b)(7)c		
	(b)(6), (b)(7)G		
While we do not disputer made	ssertion that	(b)(6), (b)(7)c	
(b)(6), (b)(7)c it does	not explaine mounsiste	nt behavior towar	dsb (b)(7)that
began immediately after the Mare evidence of a pattern of lack of can		_	tion is further

ATTACHMENTS

- 1. Letter of Engagement, July 11, 2012
- 2. Objective, Scope and Methodology of Investigation
- 3. Timeline of Significant Events
- 4. Email from (b)(6), (b)(7)c Subject: Conduct Issue Regarding (b)(6), (b)(7)c April 1, 2012
- 5. Email thread between (b) (7) (b) (7) (c) (c) (7) (c) April 1-9, 2012
- 6. Email from Subject: Work Place Violence Re: (b)(6), (b)(7)c June 6, 2012
- 7. Email from (b)(6), (b)(7)c Subject: FW: Work Place Violence Re: (b)(6), (b)(7)c June 7 2012
- 8. Email from Subject: Meeting with (b)(6), (b)(7)c April 3, 2012
- 9. Email from (b)(6), (b)(7)c Subject: At Your Service, March 25, 2012
- 10. Email from Subject: Matters Within OCCL Need Your Advice, March 11, 2012
- 11. Email from (b)(6), (b)(7)c Subject: 20120507 LT Performance Plan, May 24, 2012
- 12. Email from (6) Subject: How is this?, April 9, 2012
- 13. Email from Subject: First Draft, May 24, 2012
- 14. Email thread, Subjects statement to staff, April 23, 2012
- 15. Email from Subject: FW: Work Place Violence Re: (b)(6), (b)(7)c June 10, 2012
- 16. Email from Subject: Confounding News from a Source, June 10, 2012
- 17. Email from Subject: Supplemental Information, September 25, 2012

NOTES

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<sup>1</sup> Letter of Engagement dated July 11, 2012 (Attachment 1)
 <sup>2</sup> Objective, Scope and Methodology of Investigation (Attachment 2)
 <sup>3</sup> Timeline of Significant Events (Attachment 3)
 <sup>4</sup> Email from (b)(6), (b)(7)c Subject: Conduct Issue Regarding (b)(6), (b)(7)c April 1, 2012 (Attachment 4)
 <sup>5</sup> Email thread between (b) (a) (a) (b) (6), (b) (7)c April 1-9, 2012 (Attachment 5)
 <sup>6</sup> Email from (6), (b) (7) ubject: Work Place Violence Re: (b)(6), (b)(7) June 6, 2012 (Attachment 6)
 <sup>7</sup> Memorandum of Activity, Polygraph Examination of (b)(6), (b)(7)c
(b) (b) (1) terview, June 8, 2012, Transcript, p. 22:24 to 23:3
(b) (b) (1) therview, June 8, 2012, Transcript, p. 26:24 to 27:8
 10 (b)(6), (b)(7)c Interview, July 30, 2012, Transcript, p. 32:13-16 and 33:13-20
 11 (b)(6), (b)(7)c nterview, August 23, 2012, Transcript, p. 7:10-16
 Email from Subject: FW: Work Place Violence Re: (b)(6), (b)(7)c June 7, 2012 (Attachment 7)
 (b)(6), (b)(7)c Interview, June 13, 2012, Transcript, p. 5:7
(b) (b) Theterview, September 21, 2012, Transcript, p. 105:20-21
(b) (6), (b) Interview, September 21, 2012, Transcript, p. 170:21-24
 Email from (5), Cabject: Checking In, June 10, 2012
 Email from (6), (6) Subject: Checking In, June 5, 2012
(b) (b) (d) Theterview, September 21, 2012, Transcript, p. 108:20
(b) (htterview, September 21, 2012, Transcript, p. 109:20
(b) (b) Interview, September 21, 2012, Transcript, p. 170:16-24
 Email from (b) (7) (b) (7) (c) (Attachment 8)
(b) (b) The Interview, June 8, 2012, Transcript, p. 9:9-22
(b) (d) Interview, June 8, 2012, Transcript, p. 17:1-2
(b) (1) Theterview, June 8, 2012, Transcript, p. 17:24 to 18:5
(b) (a) Interview, September 21, 2012, Transcript, p. 100:5-9
 <sup>28</sup> OPR Memorandum of Activity, Subject: Coordination with Pentagon Police, June 18, 2012
(B) Transcript, p. 115:4-23
(b) (a) Interview, September 21, 2012, Transcript, p. 40:21-22
 32 (b)(6), (b)(6), (c) Interview, September 23, 2012, Transcript, p. 20:14 to 21:4
 (b) (b) (h) Interview, August 23, 2012, Transcript, p. 68:22 to 69:3
 34 (b)(6), (b)(7)c Interview, September 12, 2012, Transcripts, p. 9:3-17
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(b) (1) therview, September 21, 2012, Transcript, p. 38:23-25
 36 (b)(6), (b)(7)c Interview, September 13, 2012, Transcript, p. 12:23 to 13:3
 <sup>37</sup> (b)(6), (b)(7)c Interview, August 16, 2012, Transcript, p. 10:6-12
38 (b)(6), (b)(7)c Interview, September 13, 2012, Transcript, p. 8:18-23
 <sup>39</sup>(b)(6), 631 daterview, September 13, 2012, Transcript, p. 12:18-20
 (b)(6), (b)(7)c Interview, August 23, 2012, Transcript, p. 16:15-19
 <sup>42</sup> (b)(6), (b)(7)c Interview, July 30, 2012, Transcript, p. 18:16 to 19:8
43 (b)(6), (b)(7)c Interview, July 30, 2012, Transcript, p. 27:17 to 28:24
(b)(b), (d) thereview, September 21, 2012, Transcript, p. 102:23-24
 (b)(6), (5)7 Jaterview, August 16, 2012, Transcript, p. 11:17 to 12:4
46 Email from (a), (b) Subject: Apology to Staff Regarding Your Remarks, May 17, 2012
 <sup>47</sup> (b)(6), (b)(7)c Interview, August 24, 2012, Transcript, p. 107:23-24
4(b)(6), (5) Enterview, September 13, 2012, Transcript, p. 62:6-9
(b) Tinterview, August 24, 2012, Transcript, p. 111:17-20 and 25
50 Email from (b)(6), (b)(7)c Subject: At Your Service, March 25, 2012 (Attachment 9)
(b) (6), (c) Tinterview, August 24, 2012, Transcript, p. 126:16 to 127:7
(b)(B), (b) Jaterview, July 30, 2012, Transcript, p.21:18-20
 53 Email from (5), (b) (5) (b) (6), (b) (7)c Apology, April 13, 2012
54 Email from (5), (5) Subjects) (6), (5) Thatement to Staff, April 23, 2012
(b) (6), (b) Tinterview, August 24, 2012, Transcript, p. 135:4-19
56 Email from (8), (6), Subject: Apology to Staff Regarding Your Remarks, May 17, 2012
(b) Theterview, July 30, 2012, Transcript, p. 22:14
(b) (b) (b) Thaterview, July 30, 2012, Transcript, p. 21:25 to 22:8
(b) (6), (c) Vlaterview, August 16, 2012, Transcript, p. 31:19 to 32:13
60 (b)(6), (b)(7)c [Interview, August 15, 2012, Transcript, p. 15:7-16
(b)(b) knterview, August 23, 2012, Transcript, p. 69:17-24
Auterview, September 12, 2012, Transcript, p. 55:21 to 56:2
(B) (b) Interview, September 21, 2012, Transcript, p. 98:6-8; 171:14-16
(b) (c) Thereview, September 21, 2012, Transcript, p. 57:2-3
(b) Theterview, September 21, 2012, Transcript, p. 55:18 to 56:6
(b) The terview, September 21, 2012, Transcript, p. 32:8-9
(b) (c) The riview, September 21, 2012, Transcript, p.
(8) Theterview, July 30, 2012, Transcript, p. 16:12-18
(b) (b) (c) Transcript, p. 23:19-21
```

```
(b) 7 Interview, August 16, 2012, Transcript, p. 24:17
71 (b)(6), (b)(7)c Interview, August 21, 2012, Transcript, p. 17:22-25
(b) (b) the interview, September 21, 2012, Transcript, p. 25:2-4
<sup>74</sup> See, endnote 4 and attachment 4
(b)(6), (c) Interview, August 16, 2012, Transcript, p.16:2-21
(b) (c), (b) (7) Interview, August 16, 2012, Transcript, p. 19:19 to 20:2
(b)(6), (c)(7)Interview, August 21, 2012, Transcript, p. 12:24 to 13:1
(b) (5), (b) (7) Interview, August 16, 2012, Transcript, p. 21:11-13
(b) (6) Interview, August 16, 2012, Transcript, p. 21:18
(b) (b) (b) (c) Transcript, p. 61:1-4
(8) Thereview, August 24, 2012, Transcript, p. 13:22 to 14:11
83 Email from Subject: Matters Within OCCL - Need Your Advice, March 11, 2012 (Attachment 10)
(b) (a) Interview, September 12, 2012, Transcript, p. 17:21-24
(b) Interview, September 12, 2012, Transcript, p. 56:14-18
(b) (6), (b) (7) nterview, August 24, 2012, Transcript, p. 95:24 to 96:2
88 Email from (6), 697 Subject: How is this?, April 9, 2012 (Attachment 12)
8) (3) Tinterview, August 24, 2012, Transcript, p. 221:1-10
<sup>90</sup> Email from (5), 1897 Subject: First Draft, May 24, 2012 (Attachment 13)
<sup>92</sup> Email thread, Subjects) Express tatement to staff, April 23, 2012 (Attachment 14)
(b) (b) (b) (c) thereview September 21, 2012, Transcript, p. 57:2-4
(b) (and interview September 21, 2012, Transcript, p. 55:17 to 56:6
(b) (b) (b) (c) Interview, August 16, 2012, Transcript, p. 90:4-5
(b) (b) (the thereview September 21, 2012, Transcript, p. 33:18-19
(b) (a) Anterview, September 12, 2012, Transcript, p. 56:17-18
99 Email fro(to) (5), (b) (7)c June 10, 2012 (Attachment 15)
```

(8) (5) Interview September 21, 2012, Transcript, p. 36:21

(b) Transcript, p. 19:7-8

(b)(6), (b)(7)c Interview, September 4, 2012, Transcript, p. 29:5-6

(b) Anterview, September 12, 2012, Transcript, p. 97:21 to 98:15

- (b) (b), (b) (7) nterview, September 12, 2012, Transcript, p. 54:9-12
- (b) (b) (1) terview September 21, 2012, Transcript, p. 22:5-8
- (b) (c), (c) Interview, September 21, 2012, Transcript, p. 20:1-15 and 20:24 to 21:5
- (b) (c), (b) (d) terview, September 21, 2012, Transcript, p. 177:8
- (B) (B), (b) Interview September 21, 2012, Transcript, p. 177:11-16
- 110(b)(d), (b)(d) dnterview, September 13, 2012, Transcript, p. 33-11-25
- (b)(6), (b)(1) therview September 21, 2012, Transcript, p. 70:12 to 71:3; 71:23 to 72:2
- 1b) (Therview, September 21, 2012, Transcript, p. 95:5-8
- (b)(c), (a)(1)(derview, September 21, 2012, Transcript, p. 76:22 to 77:9; 77: 2-16
- (b) (B), (1) 7 Interview, October 17, 2012
- (b)(6), (c) (1) therview, September 21, 2012, Transcript, p. 120:25 to 121:1
- (b) (b) (d) thereview, September 21, 2012, Transcript, p. 120:19-25
- (b) (a) Transcript, p. 10:18-15
- (8) (5), (5) (1) derview, September 21, 2012, Transcript, p. 14:16-18

- (b) (b) (7) nterview, September 12, 2012, Transcript, p. 58:5-13

- 183 (Interview, September 21, 2012, Transcript, p. 163:24 to 164:14



Memorandum

U.S. Department of Transportation

Office of the Secretary

of Transportation
Office of Inspector General

Subject:

ACTION: OIG Investigation

H13E003CC, Re: Alleged Misconduct

Washington Metropolitan Area Transit Authority Office of the

Inspector General

From:

Ronald C. Engler **Ro**

Director, Special Investigations (JI-3)

Reply to

Attn. of: (202) 366-4189

Date: November 30, 2012

To: Helen Lew

Inspector General, WMATA OIG

You asked that we investigate numerous allegations of misconduct made to you by a recently-resigned (b)(6), (b)(7)c According to the former (b)(6), (b)(7)c among other things, violated WMATA OIG investigation procedures, abused time and attendance, and violated WMATA ethics policies.

We determined the complainant's allegations to be unfounded and we found no wrongdoing by WMATA OIG employees. Our Report of Investigation is attached for your review and any action deemed appropriate. If you would like additional details on our investigation, we would be pleased to provide an oral briefing.

If you have any questions or concerns, please feel free to contact me at (202) 366-4189.



U.S. Department of Transportation

Office of Inspector General

REPORT OF INVESTIGATION	INVESTIGATION NUMBER H13E003CC	November 30, 2012
TITLE	PREPARED BY:	STATUS
Alleged Violations of Misconduct at the Washington Metropolitan	(b)(6), (b)(7)c	FINAL
Area Transit Authority Office of Inspector General	Special Investigations, JI-3	
	DISTRIBUTION	APPROVED BY:
		JI-3 (RCE/EVC)

TABLE OF CONTENTS

	BACKGROUND	4
	SYNOPSIS	5
	DETAILS:	
	Allegation 1: (b)(6), (b)(7)c falsified a memorandum of investigative activity by recording the to, (b)(6) contacted a senior WMATA official before the contact actually occurred.	
	Allegation 2: (b)(6), (b)(7)c frequently arrived late, left early, took long lunches, and, on one occasion, did not use the correct amount of sick leave	
	Allegation 3: Without using leave, (b)(6), (b)(7)c spent a week at a Girl Scouts day camp	
	Allegation 4: (b)(6), (b)(7)c informed)(6), (b)(7)mmediate supervisor, (b)(6), (b)(7)c misconduct, but (6), (b)(7)c ok no action.	
	Allegation 5: (b)(6), (b)(7)c instructed (c), (b)(7)not to investigate an alleged sexual relationship between the WMATA (b)(6), (b)(7)c (b)(6), (b)(7)c	11
	Allegation 6: In violation of WMATA policy, (b)(6), (b)(7)c gave,(6),(6),(b)(7)c Airlines "buddy pass" that allowed (6), (b)(1)c fly free	
	Allegation 7: (b)(6), (b)(7)c did not follow WMATA procedure concerning the employees when (b), (b)(did not: (a) allow (c), (b)(do respond in writing to allegations against (b) receive approval to (b)(6), (b)(7)c	
	from the WMATA (b)(6), (b)(7)c	13
	Allegation 8: In violation of WMATA ethics policy, (b)(6), (b)(7)c accepted an eReader from (6), (b)(7)c as a gift	14
(b)	Allegation 9: In violation of WMATA evidence procedure, (b)(6), (b)(7)c directed (MTPD) a receipt listing the investigative files the agents took from MTPD	15

METHODOLOGY OF INVESTIGATION	17
INDEX OF ATTACHMENTS	18

BACKGROUND

On approximately September 14, 2012, Washington Metropolitan Area Transit Authority (WMATA) (b)(6), (b)(7)c telephoned U.S. Department of Transportation (DOT) Inspector General Calvin Scovel III, asking that the DOT Office of Inspector General (OIG) investigate allegations made by recently (b)(6), (b)(7)c previously determined that (6) (pompromised a WMATA OIG investigation of Metropolitan Transit Police Department (MTPD) officers by providing MTPD officials confidential information about the investigation (b) (b)(7)c (b)(6), (b)(7)c (c)(6), (b)(7)c
(a), (a), (b), (b), (c), (c), (c), (c), (c), (c), (c), (c
(b)(6), (b)(7)c on (b)(6), (b)(7)c (Attachment 1) Later that day (5), (b)(7)c and email (b)(5), (b)(7)c (b)(6), (b)(7)c (b)(6), (b)(7)c (b)(6), (b)(7)c (and two of (6), (b)(7)c (arect subordinates, Special Agents (b)(6), (b)(7)c (Attachment 2) The following day, September 7, 2012a)(5), (6)(7)c (Attachment 3)
In the emails, of the leges that:
1. (b)(6), (b)(7)c falsified a memorandum of investigative activity by recording that (8). (b)(7)c contacted a senior WMATA official before the contact actually occurred;
2. (b)(6), (c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(c)(
3. Without using leave, (b)(6). (b)(7)c spent a week at a Girl Scouts day camp;
4(b) (b) (c) (7)c misconduct described in allegations 1, 2, and 3, but (a), (b) (f), (b) (7)c
5. (b)(6), (b)(7)c instructed (5. (instructed
6. In violation of WMATA policy, (b)(6), (b)(7)c gave,(5), (b)(6), (b)(7)c (b)(6), (b)(7)c Airlines "buddy pass" that allowed(5,6)(10) fly free;
7. (b)(6), (b)(7)c did not follow WMATA procedure concerning the employees when did not: (a) allow(6), (b)(7)c respond in writing to allegations against (b)(6), (b)(7)c from the WMATA (b)(6), (b)(7)c

8. In violation of WMATA ethics policy, (b)(6), (b)(7)c accepted an eReader from (b)(7)s a gift; and

9. In violation of WMATA evidence procedure, (b)(6), (b)(7)c directed (6), (b) (2004)(6), (c) (2004)(6), (c) (2004)(6), (d) (2

(b)(6), (b)(7)c dated September 7, 2012, (b)(6), (b)(7)c (b)(6), (b)(7)c (b)(6), (b)(7)c

Pursuant to a Memorandum of Agreement signed on September 20, 2012, by Inspector General Scovel and on October 1, 2012, by (b)(6), (b)(7)c DOT OIG agreed to investigate) multiple attached. (Attachment 10) The methodology of our investigation is attached.

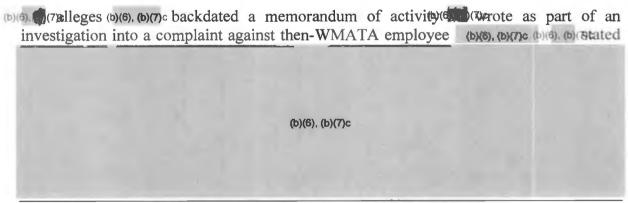
SYNOPSIS

We determine (a) allegations to be unfounded and we found no wrongdoing on the part of any WMATA OIG employees. Below are the details of our investigation.

DETAILS

Allegation 1: (falsified a memorandum of investigative activity by recording that the contacted a senior WMATA official before the contact actually occurred.

FINDINGS:

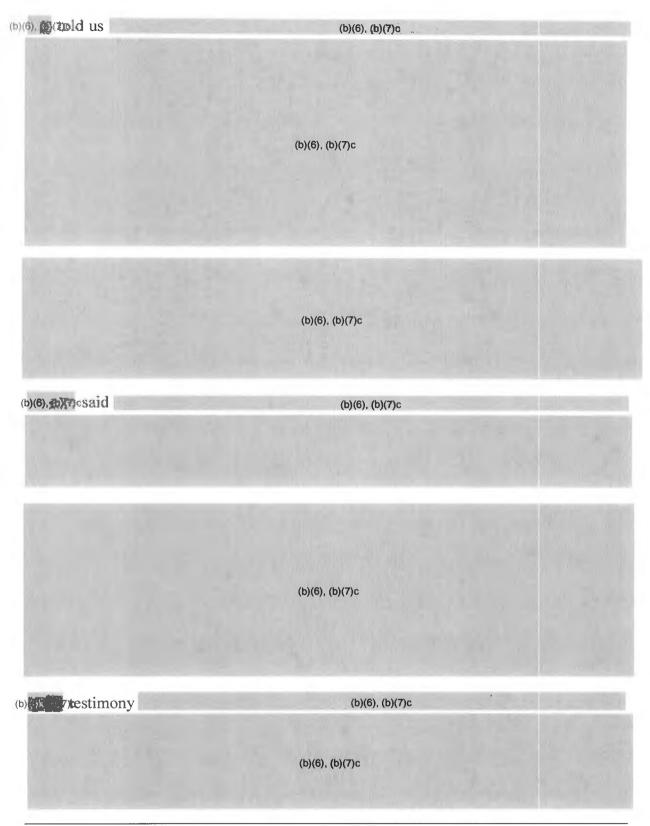


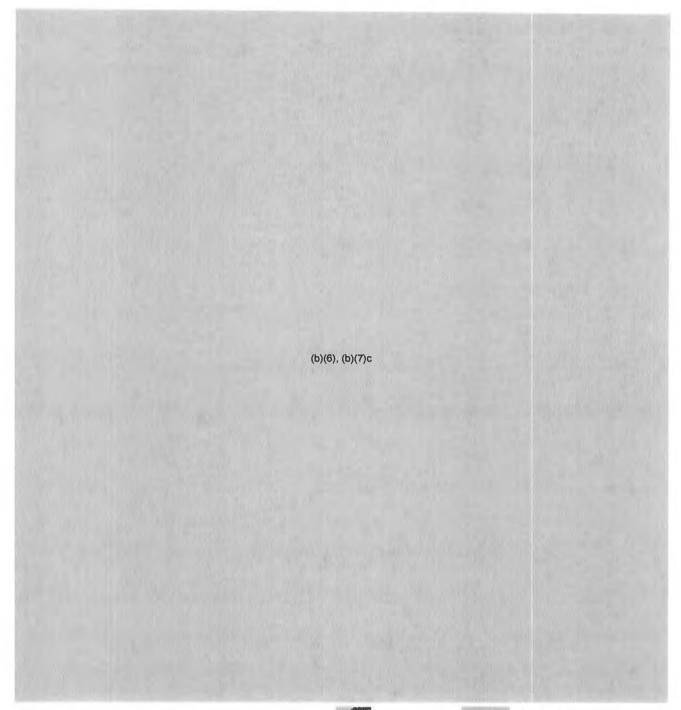
the contact as having previously	occurred. (Attachme	nt 11, pp. 21-31) Acco	ording to
	(b)(6), (b)(7)c		
September 6, 2012 _{(b)(6)(10)(7)} made (Attachment 2) The followin allegation. (Attachment 3)	this allegation too (6), g days) (6), (7) sents (6), (6), (7)	(b)(7)2and (b)(8), (b)(7)c in an 7)2a second email repeat	n email.
Ing (b) September 7, 2012, respon 2012) (1. (informed) (1. (informed))			
	(b)(6), (b)(7)c		
We interviewed (b)(6), (b)(7) who re 2012, response. According to		statements (ind in Septe	ember 7,
	(b)(6), (b)(7)c		
b)(6), (b)(7): also said that where)(6	7.directed	(b)(6), (b)(7)c	
	(b)(6), (b)(7)c		
14, pp. 48-49; Attachment 15, p	p. 4-10)		
During)(1 (b)(7)interview, (b)(6), (b)(7	told us that	(b)(6), (b)(7)c	
	(b)(6), (b)(7)c		
(Attachment 16, pp. 39-42)			
The evidence does not substantiate of investigative activity by reco			

Allegation 2: (frequently arrived late, left early, took long lunches, and, on one occasion, did not use the correct amount of sick leave.

FINDINGS:

(Int), (b)@mails)(6), (b)(accused(4)(6), (c)) up the missed time on three oc	casio <u>ns;</u> taking 90-minutes lund	
correct amount of sick leave a	Manage and	(b)(6), (b)(7)c
(b)(6), (b)(7)c	. (Attachments 2 and 3)	Duringe interview with
DOT OIGHT MATERIAL THAT	(b)(6), (b)(7)	c
	(b)(6), (b)(7)c	
(b)(further stated	(b)(6), (b)(7)c (b)(6), (b)(7)c	
(
(b)(6) , (1) 7 said,	(b)(6), (b)(7)c	
1 3 - 7	(b)(6), (b)(7)c	





In sum, the above evidence does not support of allegation. (b)(6), and denied abusing time and attendance by frequently arriving to work late, departing early, and taking long lunches, and (b)(7) (c)(7) (d)(d) (d)(7) (d

demonstrating (addressed the matter with (b)(6), (b)(7)c made no mention of the abuse in (b)(6), (b)(7)c performance appraisal, and failed to contact anyone concerning (b)(6), (b)(7)c alleged direction to ignore the abuse.

	(b)(6), (b)(7)c			
Allegation 3: Without using	spen	t a week at a	Girl Scouts day	camp
FINDINGS:				
week off to attend a Girl Scouts (Attachments 2 and 3, and Attachme	day camp	without	allowed (b)(6), (b)(7)c	
According to	(b)(6),	(b)(7)c		
(b)(6), (b)(7)c stated that		(b)(6), (b)(7)c	
	(b)(6), (b)(7)c			
(b)(6), (b)(7)c stated that		(b)(6), (b)(7)c		
	(b)(6), (b)(7)c			
Windless * 1.1				
Said that	(b)(6).	(b)(7)c		

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

In sum, the evidence indicates that (b)(6), (b)(7)c upon)(b), (b)(7)c upon)(c), (b)(7)c upon)(c), (b)(7)c upon)(c), (c)(7)c upon)(c), (c)(7)c upon)(c)(7)c upon)(

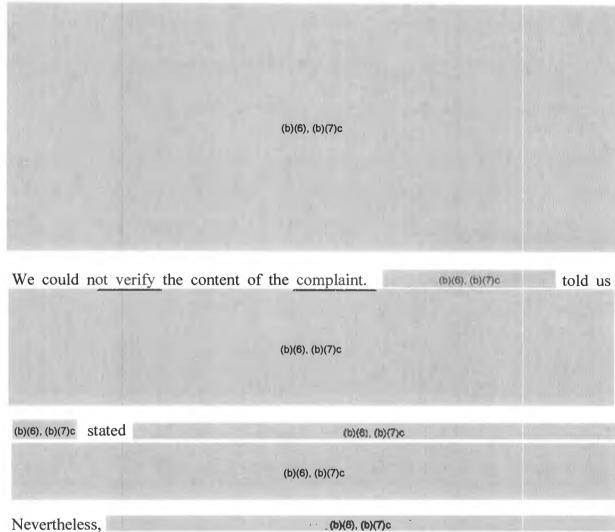
FINDINGS:

(b)(6), (b)(7)c described in allegations 1, 2, and 3, but (5), (c) (do not action. (Attachments 2 and 3, and Attachment 11, pp. 20, 68) According to (b)(6), (b)(7)c Given, however, the evidence does not substantiate(b)(6), (b)(7)c abused time and attendance, we found no reason for (b)(6), (b)(7)c to take action.

Allegation 5: (b)(6), (b)(7)c instructedb)(5), (b)(7)not to investigate an alleged sexual relationship between the WMATA (b)(6), (b)(7)c and

FINDINGS:

contending WMATA's	2012, WMATA received an anonymous complaint (b)(6). (b)(7)b was having a sexual (Attachments 2 and 3, and Attachment 11, pp. 68-rote, (b)(6). (b)(7)c
	(b)(6), (b)(7)c
(b)(6), (b)(7)c said	(b)(6), (b)(7)c
	(b)(6), (b)(7)c



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

the allegation was within the investigative authority of (b)(6), (b)(7)c WMATA OIG as a potential conflict of interest. Even if WMATA has no prohibition against such officials dating and the relationship is indeed personal, there could nevertheless exist a conflict of interest or waste, fraud, or abuse given the (b)(6), (b)(7)c

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

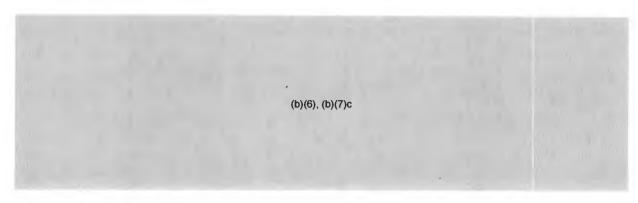
(b)(6), (b)(7)c Similarly, complaints alleging the use of sex for professional gain may be worthy of investigation notwithstanding any crude, demeaning, or sexist language they contain. Further, even singular, anonymous complaints are capable of being investigated without speaking with the complainant by, for example, interviewing individuals that work with the subjects of the complaint.

13 Allegation 6: In violation of WMATA policy, gave)(4 (7) Airlines "buddy pass" that allowed to fly free. **FINDINGS:** (b)(6 (7) (7) (8) (6), (b)(7) in violation of WMATA policy, gav(b)(6) (6), (b)(7) (b)(7) (c) Airlines "buddy pass" valued at more than \$800 that allowed to fly without purchasing a ticket. According (a)(6), (b)(7)(b)(6), (b)(7)(c) gave)(5)(4)(the buddy pass after(6), (b)(7)(c) mentioned (b)(6), (s)ated that (b)(6), (b)(7)c (b)(6), (b)(7)c In (6), 51 September 12, 2012, and September 20, 2012, memoranda, (b) (6), (b) (7) c conceded (b)(6) (b) (a) (b)(6), (b)(7)c Airlines buddy pass. (Attachments 8 and 9) According to (b)(6), (b)(7)c the memoranda, the pass belonged to who asked to give one to (b) (a ftend), (b) (mentioned) (would travel to Arizona in April 2012. The September 12, 2012, memorandum contains a copy of such a buddy pass, which, (b)(6), (b)(7)c pointed out, indicates it has no cash value. (Attachment 9) (b)(6), (b)(7)c During interview, (b)(6), (b)(7)c We reviewed WMATA Policy/Instruction 7.8.10, Standards of Conduct – Ethics. This policy/instruction addresses conflicts of interest and gratuities. (Attachment 19) Although (b)(6), (b)(7)c gave(12) (ad (b)(6), (b)(7)c Airlines buddy pass, we found nothing in the policy/instruction prohibiting (b)(6), (b)(7)c from providing gifts to (b)(6), (b)(7)c. Allegation 7: (b)(6), (b)(7)c did not follow WMATA procedure concerning the employees when (5), (5) (7 did not: (a) allow) (5), (7) to respond in writing to allegations agains (6), (b), (7), (b) receive approval to (b), (6), (b), (7), (c) from

the WMATA (b)(6), (b)(7)c

FINDINGS:

(b)(Malleges	(b)(6),	(b)(7)c	did not	t follow	W	MATA	proc	edı	are in	(b)(6),	(b)(7)c	ar	ı "at-
	will" employ	yee, t	oecau	0(6,40)(0	id not a	llow)(6), (b) (tla	e op	poi	rtunity	to addre	ess in	writin	ig the
	allegations a	again!									(b)(6),			
	(b)(6), (b)(7)c	(b)(d),	(b)(7told	us that	on	Septem	ber	6,	20 kD/d	met	with	(b)(6),	(b)(7)c
	(b)(6), (b)(7)c	and	WMA	TA			(b)	(6), (b)	(7)c				, and	they



(Attachment 11, p. 10)

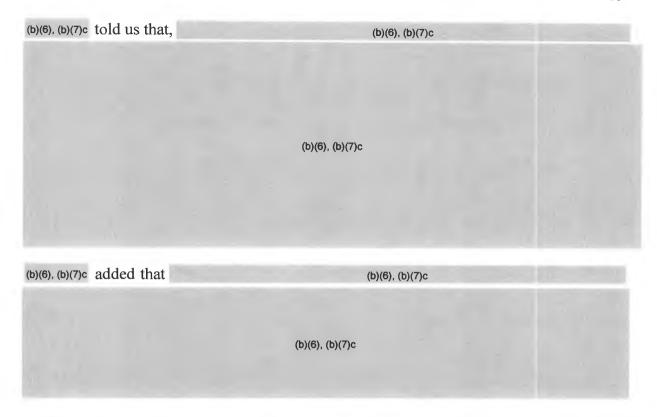
According to Section 5.01(c) of WMATA Policy/Instruction 7.2.1, Categories of Employment, "The dismissal of an at-will employee must be reviewed and approved by the General Manager prior to employee notification." (Attachment 20, p. 4) Because (b)(6), (b)(7)c however, WMATA policy regarding the (b)(6), (b)(7)c employees did not apply.

Allegation 8: In violation of WMATA ethics policy, (b)(6), (b)(7)c accepted an eReader from (6), (b)(7s a gift.

FINDINGS:



(Id., pp. 97-98)



Section 5.05 of WMATA Policy/Instruction 7.8.10, Standards of Conduct – Ethics, prohibits soliciting or accepting gifts from subordinate personnel except for voluntary gifts valued at no more than \$25.00 per person on special occasions such as marriage, transfer, illness, or retirement. (Attachment 19, p. 8)

Allegation 9: In violation of WMATA evidence procedure, (b)(6), (b)(7)c directed (2), (b)(7)c and (b), (b)(7)c directed (2), (b)(7)c directed (2), (c)(7)c directed (2), (c)(7)c

(b)(6). (b)(7)c that during the investigation of MTPD officers that led to)(6). (b)(7)c (b)(6). (b)(7)c and other agents to gather MTPD case files to determine if MTPD officers were falsifying police reports. According to)(5). (b)(7)c

(b)(6), (b)(7)c directed them not to provide MTPD officials with a receipt listing the case files they took from the MTPD(b)((a))(maintains (b)(6), (b)(7)c direction violated WMATA procedure requiring agents to provide a receipt for any evidence they take. (Attachment 3 and Attachment 11, pp. 11-20, 108-109)

The WMATA Inspector General Manual, *Investigations Chapter X: Physical and Documentary Evidence Handling Procedures*, provides "procedures and guidance on the handling, processing and storing of physical and documentary evidence obtained in the course of investigative activities by WMATA OIG Special Agents and other Investigations personnel." (Attachment 22, p. 1) The Chapter does not contain a requirement that OIG agents provide a receipt to the owner of documentary evidence when obtaining the evidence. Instead, Section 3.7, *Record of Evidence Acquisition and Inventories*, of the Chapter requires agents to:

[P]repare a Memorandum of Investigative Activity (MOIA) to record when and how evidence comes into their possession during the course of an investigation or investigative activity [and] keep a running list of all evidence acquired for each case to include the [Evidence] Control Form log number, date of receipt and date of any transfer of the evidence, and final disposition. The list will be maintained in the case file.

(Id., pp. 9-10) The Evidence Control Form is an internal WMATA OIG document used to label evidence and track chain-of-custody. (Id., pp. 4-8, Appendix A)

(b)(6), (b)(7)c acknowledge(d)(0(7directed)(d) (b)(7and)(0). (b)(7g	gents not to provide MTPD
officials with a receipt listi	ng the case files they took	k. (Attachment 23, pp. 1-2)
According to (6), (6)(7)c in	nforming MPTD officials,	, other than (b)(6), (b)(7)c
(b)(6), (b)(7)c about wh	ich files WMATA OIG a	gents were examining might
compromise the investigation	on. (b)(6), (b)(7)c said	(b)(6), (b)(7)c
	(b)(6), (b)(7)c	
4-19-45-5		
by (6), (6)(7)ctold us that	(b)(6), (b)(7)c
on the state of th	(-)(-)/(-)/(-)/(-)/(-)/(-)/(-)/(-)/(-)/(
W		
	(b)(6), (b)(7)c	
	4	

METHODOLOGY OF INVESTIGATION

This investigation was conducted by a DOT OIG Senior Attorney-Investigator with assistance from an Assistant Special Agent-In-Charge. To address the complainant's concerns, we obtained and analyzed numerous documents, including policies, statements, memoranda, and emails produced by the complainant and WMATA officials. We also interviewed the following:



15.

16.

17.

August 28, 2012

INDEX OF ATTACHMENTS

1.	(b)(6), (b)(7)c	September 6, 2012	2				
2.	Email from	(b)(6), (b)(7)c	September 6, 2012				
3.	Email from (b)(6). (b)(7)c, September 7, 2012						
4.	Memorandum from	(b)(6), (b)(7)c	September 7, 2012				
5.	Memorandum from	(b)(6), (b)(7)c	September 10, 2012				
6.	Memorandum from	(b)(6), (b)(7)c	September 12, 2012				
7.	Memorandum from	(b)(6), (b)(7)c	Undated				
8.	Memorandum from	(b)(6), (b)(7)c	September 12, 2012				
9.	Memorandum from (b)(6). (b)(7)c to DOT OIG, September 20, 2012						
10.	Memorandum of Agreement between DOT OIG and WMATA OIG, October 1, 2012						
11.	Transcript of (a), (b) (interview, October 3, 2012						
12.	Transcript of of interview, October 3, 2012						
13.	Emails between (b)(6), (b)(7) and (b)(6), (b)(7)c July 11, 2012						
14.	Transcript of (b)(6), (b)(7)c interview, October 3, 2012						

18. Performance Planning & Appraisal Program Portfolio for (b)(6), (b)(7)c, August 28, 2012

Performance Planning & Appraisal Program Portfolio for (b)(5), (b)(7)c

Transcript of (b)(6). (b)(7) cinterview, October 15, 2012

Transcript of (b)(6), (b)(7)c interview, October 15, 2012

19. WMATA Policy/Instruction 7.8.10, Standards of Conduct – Ethics, March 16, 2007

- 20. WMATA Policy/Instruction 7.2.1, *Categories of Employment*, February 25, 2010
- 21. Copy of check (b)(6), (b)(7)c from (b)(6), (b)(7)c to (6), (b)(7)c (b)(6), (c)(7)c
- 22. WMATA Inspector General Manual, *Investigations Chapter X: Physical and Documentary Evidence Handling Procedures*, March 11, 2010
- 23. Memorandum from (b)(6), (b)(7)c to File, August 30, 2012
- 24. Summary of (b) (6). (b) (7) interview, November 27, 2012