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Description of document: Closing documents for 17 Department of the Interior (DOI) Inspector General (OIG) investigations, 2009-2012

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Department of the Interior
Office of Inspector General
MS-4428, MIB
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Washington, DC 20240
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OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

VIA EMAIL

April 16, 2015

Re: OIG-2015-00052

This is in response to your FOIA request dated December 1, 2014, which was received by the Office of Inspector General (OIG) on December 16, 2014. You requested the following information under the Freedom of Information Act (FOIA), 5 U.S.C. § 552: copies of the final report, report of investigation, the referral memo and the referral letter as applicable for 18 separate OIG investigations. In an email dated January 28, 2015 you amended your request and stated you agreed to limit the one case that would need a consultation with DOJ to just the title/first page for that document.

A search was conducted and enclosed are copies of 17 separate OIG investigations. There are 101 pages responsive to your request; 99 pages contain some information that is being withheld and two pages are being released in their entirety.

Regarding PI-PI-07-0019-I, this information should be requested from:

Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843
Fax: (540) 868-4391/4997
E-mail: foiparequest@ic.fbi.gov

Deletions have been made of information that is exempt from release under the provisions of 5 U.S.C. §§ 552(b)(6) and (b)(7)(C). These sections exempt from disclosure are items that pertain to: (1) personnel and other similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy and (2) records of information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you disagree with this response, you may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 30 workdays** from the date of this letter if Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the OIG's response is in error. You must also include with your appeal copies of all correspondence between you and the OIG concerning your FOIA request, including your original FOIA request and the OIG's response. Failure to include with your appeal all correspondence between you and the OIG will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal. The DOI FOIA/Privacy Act Appeals Office Contact Information is the following:

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240
Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339
Fax: (202) 208-6677
Email: FOIA.Appeals@sol.doi.gov

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See 5 U.S.C. 552(c)*. This response is limited to those records that are subject to the requirements of 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.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration

8601 Adelphi Road - OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Facsimile: 202-741-5769
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

However, should you need to contact me, my telephone number is 202-208-1644, and the email is foia@doioig.gov.

Sincerely,

Ofelia C. Perez

Ofelia C. Perez
Government Information Specialist

Enclosure



**OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR**

REPORT OF INVESTIGATION

Case Title Rudy, Tony C.	Case Number PI-PI-06-0358-I
Reporting Office Program Integrity Division.	Report Date December 7, 2010
Report Subject Closing Report of Investigation	

SYNOPSIS

This investigation was initiated based on information developed during the task force investigation of lobbyist Jack Abramoff. Documents obtained during that investigation showed that Rudy, while serving on the staff of former U.S. Congressman Tom DeLay, accepted numerous gifts from Abramoff in exchange for official acts performed at the behest of Abramoff.

Details of the Investigation

From early 1997 to about March 2004, Tony Rudy, both as a staff assistant to former U.S. Congressman Tomy Delay, and as a lobbyist colleague of Jack Abramoff with Greenberg Traurig, LLC, accepted over \$86,000 in cash payments and numerous tickets to sporting events, meals, golf and golf trips. A number of the acts performed by Rudy assisted Abramoff in the representation of his clients, which included several Indian tribes. In June 2002, Rudy solicited a \$25,000 payment from the Saginaw Chippewa Indian Tribe, Mount Pleasant, Michigan, under the false pretenses that the money was to be used by a charitable organization. Instead the funds were used to partially fund a golf trip to Scotland by Rudy, Abramoff and others.

On March 31, 2006, Rudy appeared before Judge Ellen Segal Huvelle in U.S. District Court and pleaded guilty to a one-count Information charging him with participating in a conspiracy to commit honest services fraud and to violate the one-year ban imposed on former Congressional employees from communicating or appearing before his former Congressional office.

Reporting Official/Title ██████████ Criminal Investigator	Signature
Approving Official/Title ██████████ Director, Program Integrity Division	Signature

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OI-002 (04/10 rev. 2)

All deletions have been made under 5 U.S.C. §§ 552(b)(6) and (b)(7)(C) unless otherwise noted
Case Number: PI-PI-06-0358-I

As a part of his plea, Rudy has agreed to cooperate with law enforcement officials in the ongoing investigations. Sentencing has been postponed until such time as the Court deems appropriate.

This was a joint investigation with the Federal Bureau of Investigation. No further investigation of allegations involving Rudy is anticipated.



**United States Department of the Interior
Office of Inspector General**

REPORT OF INVESTIGATION

Case Title [REDACTED]	Case Number PI-PI-07-0390-1
Reporting Office Washington, D.C.	Report Date January 26, 2009
Report Subject Closing Report of Investigation	

RESTRICTED INFORMATION – FEDERAL GRAND JURY MATERIAL
FEDERAL RULES OF CRIMINAL PROCEDURE, RULE 6(e) APPLIES

SYNOPSIS

This investigation was initiated pursuant to a preliminary review of documentation pertaining to the investigation into former Greenberg Traurig [REDACTED]. An ongoing investigation into issues surrounding former U.S. House of Representatives member [REDACTED], [REDACTED] [REDACTED] revealed documentation that connected [REDACTED] former legislative director and current Department of the Interior (DOI) [REDACTED] of Fish, Wildlife, and Parks, [REDACTED], with lobbyists already involved in ongoing federal investigations.

This investigation revealed that [REDACTED] knowingly accepted a number of sporting event and concert tickets from lobbyists while working for [REDACTED] on Capitol Hill. [REDACTED] left his position at DOI during the course of this investigation and is therefore exempt from any administrative action. The criminal statutes on the honest services fraud were exhausted prior to the initiation of this investigation; however, [REDACTED], U.S. Department of Justice (DOJ), Criminal Division, Public Integrity Unit did not give a final declination for prosecution because [REDACTED] actions are still be considered in an ongoing DOJ/FBI investigation into [REDACTED].

BACKGROUND

In 1994, [REDACTED] was hired as the [REDACTED] for U.S. Representative [REDACTED]. [REDACTED] remained in that position until 2000, when he left [REDACTED] office and took a job as [REDACTED].

Reporting Official/Title [REDACTED], Special Agent	Signature [REDACTED]
Approving Official/Title [REDACTED] Director, Program Integrity Division	Signature [REDACTED]
Authentication Number: DB9238DE8CC62875250B8C89B20578AA	

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United States Department of the Interior

OFFICE OF INSPECTOR GENERAL
Washington, DC 20240

AUG 12 2009

Memorandum

To: [REDACTED]
[REDACTED] Bureau of Land Management

From: Mary L. Kendall [REDACTED]
Acting Inspector General

Subject: Report of Investigation – [REDACTED]

The Office of Inspector General has concluded an investigation based upon information received from our Acquisition Integrity Unit suggesting that [REDACTED] [REDACTED] Bureau of Land Management (BLM), provided preferential treatment and source selection information to Kforce Government Solutions regarding a consulting contract for review of the Bureau's helium program.

Our investigation found that [REDACTED] provided internal BLM documents to [REDACTED] [REDACTED] Kforce Government Solutions, Inc., in violation of the Procurement Integrity Act, 41 U.S.C. § 423. [REDACTED] used these documents to draft a statement of work for a contract to review the Bureau's helium program, which Kforce Government Solutions then competed for, and was subsequently awarded. Neither Kforce Government Solutions nor [REDACTED] disclosed [REDACTED] involvement in drafting the statement of work, which violated the Federal Acquisition Regulations, Part 9.5 - Organizational Conflict of Interest. [REDACTED] initially provided false information when she told investigators that she drafted the statement of work, but she later admitted that Kforce Government Solutions drafted the statement of work.

On March 27, 2009, this case was referred to Assistant United States Attorney [REDACTED] [REDACTED] who ultimately declined criminal prosecution of providing a false statement in violation of 18 U.S.C. § 1001 in lieu of administrative action. Our office has formally requested that the Department initiate debarment proceedings against [REDACTED] and Kforce Governmental Solutions.

We are providing this report to you for whatever administrative action you deem appropriate. Please send a written response to this office within 90 days advising of the results of your review and actions taken. Also attached is an Investigative Accountability form. Please complete this form and return it with your response. Should you need additional information concerning this matter, you may contact me at [REDACTED]

Attachments



**United States Department of the Interior
Office of Inspector General**

REPORT OF INVESTIGATION

Case Title [REDACTED]	Case Number PI-PI-09-0265-I
Reporting Office Program Integrity Division	Report Date July 27, 2009
Report Subject Final Report of Investigation	

SYNOPSIS

We initiated this investigation based upon information received from the Acquisition Integrity Unit, Office of Inspector General, suggesting that [REDACTED] Bureau of Land Management, provided preferential treatment and source selection information to Kforce Government Solutions regarding a consulting contract for review of the Bureau's helium program.

Our investigation found that [REDACTED] provided internal Bureau of Land Management documents to [REDACTED] Kforce Government Solutions, in violation of the Procurement Integrity Act, 41 U.S.C. § 423. [REDACTED] used these documents to draft a statement of work for a contract to review the Bureau's helium program, which Kforce Government Solutions then competed for, and was subsequently awarded. Neither Kforce Government Solutions nor [REDACTED] disclosed [REDACTED] involvement in drafting the statement of work, which violated the Federal Acquisition Regulations, Part 9.5- Organizational Conflict of Interest. [REDACTED] initially provided a false statement in violation of 18 U.S.C. § 1001 when she told investigators that she drafted the statement of work, but she later admitted that Kforce Government Solutions drafted the statement of work.

On March 27, 2009, this case was referred to Assistant United States Attorney [REDACTED] who ultimately declined criminal prosecution of this matter in favor of administrative action.

In addition, we formally requested that the Department initiate debarment proceedings against [REDACTED] and Kforce Governmental Solutions.

Reporting Official/Title [REDACTED] / Investigator	Signature
Approving Official/Title [REDACTED] / Director, Program Integrity Division	Signature

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**United States Department of the Interior
Office of Inspector General**

REPORT OF INVESTIGATION

Case Title [REDACTED]	Case Number PI-PI-09-0265-I
Reporting Office Program Integrity Division	Report Date July 27, 2009
Report Subject Final Report of Investigation	

SYNOPSIS

We initiated this investigation based upon information received from the Acquisition Integrity Unit, Office of Inspector General, suggesting that [REDACTED] Bureau of Land Management, provided preferential treatment and source selection information to Kforce Government Solutions regarding a consulting contract for review of the Bureau's helium program.

Our investigation found that [REDACTED] provided internal Bureau of Land Management documents to [REDACTED], Kforce Government Solutions, in violation of the Procurement Integrity Act, 41 U.S.C. § 423. [REDACTED] used these documents to draft a statement of work for a contract to review the Bureau's helium program, which Kforce Government Solutions then competed for, and was subsequently awarded. Neither Kforce Government Solutions nor [REDACTED] disclosed [REDACTED] involvement in drafting the statement of work, which violated the Federal Acquisition Regulations, Part 9.5- Organizational Conflict of Interest. [REDACTED] initially provided a false statement in violation of 18 U.S.C. § 1001 when she told investigators that she drafted the statement of work, but she later admitted that Kforce Government Solutions drafted the statement of work.

On March 27, 2009, this case was referred to Assistant United States Attorney [REDACTED] who ultimately declined criminal prosecution of this matter in favor of administrative action.

In addition, we formally requested that the Department initiate debarment proceedings against [REDACTED] and Kforce Governmental Solutions.

Reporting Official/Title [REDACTED] / Investigator	Signature
Approving Official/Title [REDACTED] / Director, Program Integrity Division	Signature

Authentication Number: CB2A0F0F80B91539702D13FA6890D510

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OI-002 (06/08)

BACKGROUND

A. OIG Review of BLM Helium Program

On March 6, 2007, the Office of Inspector General (OIG) received a hotline complaint from a Bureau of Land Management (BLM) employee alleging that Cliffside Refiners Limited Partnership (CRLP) and the BLM Amarillo Field Office entered into cooperative agreements that violate contracting laws and allow CRLP to arbitrarily reduce its mandatory payments to BLM for helium enrichment and storage. This allegation resulted in a joint investigation with the OIG Office of Investigations and Office of Audits, Inspections and Evaluations. On August 19, 2008, the OIG issued a report titled, "Immediate Action Needed to Stop the Inappropriate Use of Cooperative Agreements in BLM's Helium Program" (**Attachment 1**). The report contained five recommendations aimed to stop existing use of cooperative agreements (in favor of procurement contracts), and resolve issues with overcharging, double billing, short-term financing, and unjustified allocation of equipment costs.

B. Contract Laws and Regulations

41 U.S.C. § 423- Procurement Integrity Act (Attachment 2)

41 U.S.C. § 423(a) prohibits disclosing, and § 423(b) prohibits obtaining contractor bid or proposal information or source selection information before the award of a government procurement contract. Source selection information is defined as any information used by a federal agency for the purpose of evaluating a bid or proposal to enter into a government procurement contract, if that information has not been previously made available to the public.

FAR- Organizational Conflict of Interest (Attachment 3)

FAR 9.5 prescribes limitations on contracting to avoid, neutralize, or mitigate organizational conflicts of interest. The underlying principles of organizational conflict of interest are: (a) Preventing the existence of conflicting roles that might bias a contractor's judgment; and (b) Preventing unfair competitive advantage. Unfair competitive advantage exists where a contractor competing for an award of a government contract possesses: (1) proprietary information that was obtained from a Government official without proper authorization; or (2) source selection information that is relevant to the contract but is not available to all competitors, and such information would assist that contractor in obtaining the contract.

FAR 9.505-2 (a)(1) states: "If a contractor prepares and furnishes complete specifications covering nondevelopmental items, to be used in a competitive acquisition, that contractor shall not be allowed to furnish these items, either as a prime contractor or as a subcontractor..." FAR 9.505-2(b)(1) states: "[i]f a contractor prepares, or assists in preparing, a work statement to be used in competitively acquiring a system or services- or provides material leading directly, predictably, and without delay to such a work statement- that contractor may not supply the system, major components of the system, or the services unless- (i) It is the sole source; (ii) It has participated in the development and design work; or (iii) More than one contractor has been involved in preparing the work statement.

18 U.S.C. § 1001- False Statements (Attachment 4)

18 U.S.C. § 1001 provides criminal sanctions for anyone who willfully and knowingly provides a material false statement, or attempts to conceal or cover up a material fact.

DETAILS OF INVESTIGATION

We initiated this investigation based on a review conducted by the Acquisition Integrity Unit, Office of Inspector General (OIG), suggesting that [REDACTED], Bureau of Land Management (BLM), provided preferential treatment and source selection information to Kforce Government Solutions (KGS) regarding a consulting contract for review of BLM's helium program.

In response to the August 19, 2008 OIG Report, BLM decided to use a contractor to review the BLM helium program (Attachment 5). On September 10, 2008, BLM sent a Request for Quotes (RFQ) and Statement of Work (SOW) to four vendors from the GSA Mission Oriented Business Integrated Services (MOBIS) Schedule: SRA International, Booz Allen Hamilton, Ecology & Environment, Inc., and Kforce Government Solutions (Attachment 6). The response deadline was September 17, 2008. On September 17, 2008, KGS submitted a proposal in response to the RFQ (Attachment 7). No other vendor submitted a proposal. On September 19, 2008, KGS was awarded the task order for \$78,892.32 (Attachment 8). [REDACTED] was designated as the Contracting Officer's Representative (See Attachment 6).

Several weeks before BLM solicited quotes to review the helium program, [REDACTED] contacted [REDACTED], KGS, and provided documents relevant to the future contract and program review. On August 26, 2008, [REDACTED] e-mailed [REDACTED] and attached a copy of the August 19, 2008 OIG Report and two internal BLM documents: "Inventory Management Testing Matrix," and "Process Level Internal Control Assessment- Inventory Management (Helium)" (Attachment 9). On September 5, 2008, [REDACTED] e-mailed [REDACTED] a document labeled "Helium, Draft Statement of Work.doc" (Attachment 10). The draft SOW set nine tasks for the contractor to perform. These tasks incorporated and expanded the five recommendations included in the August 19, 2008 OIG Report.

On September 8, 2008, [REDACTED] e-mailed a BLM official a document labeled "Helium, Draft Statement of Work.bb.doc," and requested that it be distributed to several other officials (Attachment 11). The "properties" of this document established that the document was created by "[REDACTED]" with company "Kforce" (Attachment 12). The following day, [REDACTED] forwarded the "Helium, Draft Statement of Work.bb.doc" to [REDACTED] stating: "[REDACTED], I added one item to the task list as well as some required fluff. Are you OK with this SOW?" (Attachment 13). This revised SOW was materially the same as the draft originally created by [REDACTED] and KGS. This draft included one additional task for the contractor to perform, and included boilerplate SOW language.

The OIG interviewed [REDACTED], KGS, on January 15, 2009, and again on February 6, 2009 (Attachments 14 and 15). [REDACTED] stated that on or about August 26, 2008, he received a call from [REDACTED] asking if KGS could "help them out" with work they needed concerning BLM helium operations. [REDACTED] said that he met with [REDACTED] at her office, and she asked him if KGS could assist BLM, and [REDACTED] said that they could. He said that [REDACTED] followed their meeting with an e-mail that contained additional information regarding the requested work, and background information on the helium program. Subsequently, KGS bid on the helium program review contract. He said that KGS determined their proposal price by estimating the number of hours that it would take to support the SOW. [REDACTED] said that [REDACTED] told him that she would have BLM personnel assist him with the review.

Agent's Note: The SOW did not state that BLM personnel would assist the contractor with the helium program review.

The OIG interviewed [REDACTED] on January 5, 2009 (Attachments 16 and 17). [REDACTED] stated that she drafted the SOW to review the OIG Report. We re-interviewed [REDACTED] on May 19, 2009 (Attachments 18 and 19). During this interview, [REDACTED] admitted that KGS wrote the SOW.

[REDACTED] stated that she was the Contracting Officer's Technical Representative (COTR) for the KGS contract (See Attachment 19). She said that she has only been a COTR "a couple [of times]," and that KGS was the contractor for all of the contracts where she served as the COTR. [REDACTED] said that she attended a one week training course and "some updates" in order to become a COTR. [REDACTED] admitted that her COTR training is not current.

[REDACTED] admitted that she provided [REDACTED] the BLM documents on August 26, 2008, to help him "get up to speed" on the BLM helium program, because she hoped that he would be able to help her review the program. [REDACTED] furthered that she provided these documents before the SOW was solicited, and that she did not provide any other potential contractors with the documents that she provided to [REDACTED]

[REDACTED] admitted that it was not proper for a contractor to draft a SOW and then successfully bid on that same SOW, but qualified that it was "done all the time." [REDACTED] said that the reason she did not draft the SOW herself was "time"; she said that BLM only had 30 days to respond to the OIG report. [REDACTED] admitted that timing was not an appropriate reason not to follow procurement rules and regulations. When asked what she thought should be the outcome for her inappropriate actions, [REDACTED] said: "You want me to put my hand out and let you hit it?"

In her first interview, [REDACTED] stated that she was the one who decided to use a contractor to review the BLM helium program (See Attachment 17). However, when we re-interviewed her on May 19, 2009, she stated that she was directed to contract out the review by her supervisor [REDACTED] (See Attachment 19).

To reconcile this discrepancy, we interviewed [REDACTED] on June 22, 2009 (Attachment 20). [REDACTED] recently retired from BLM as the [REDACTED]. [REDACTED] was [REDACTED] supervisor on the helium review project. [REDACTED] stated that after the OIG report was issued, he was involved in several conference calls concerning BLM's proposed course of action to respond. He said that he didn't recall exactly who suggested an independent review, but said that BLM had used an independent contractor to review programs in the past. He said that once they decided to use an independent contractor for the helium report, he took the recommendation to [REDACTED] BLM, for approval. [REDACTED] said that [REDACTED] led the procurement effort to contract for an independent review of the helium program.

[REDACTED] stated that he was "virtually certain" that [REDACTED] drafted the SOW. When he was told that KGS drafted the SOW, [REDACTED] stated: "There would've been some consequences" and then said, "I don't understand how we would have a contractor writing a statement of work. That's just bizarre."

SUBJECT(S)

1. [REDACTED], Bureau of Land Management
2. [REDACTED] Kforce Government Solutions (individual)
3. Kforce Government Solutions (corporation)

DISPOSITION

On March 27, 2009, we presented this case to Assistant United States Attorney [REDACTED], and on June 2, 2009, [REDACTED] declined criminal prosecution of this matter in favor of administrative action.

The report is also being forwarded to the Director, Bureau of Land Management, for appropriate administrative action.

ATTACHMENTS

1. Office of Inspector General Report No. WR-IV-BLM-0003-2008/OI-CO-07-0206-I, "Immediate Action Needed to Stop the Inappropriate use of Cooperative Agreements in BLM's Helium Program."
2. 41 U.S.C. § 423- Procurement Integrity Act.
3. FAR 9.5.
4. 18 U.S.C. § 1001- False Statements.
5. E-mail (without attachments) from [REDACTED] to [REDACTED] (among others), "please review: discussion paper on Helium," August 27, 2008.
6. E-mail (with attachments) from [REDACTED] to SRA International, [REDACTED], Ecology & Environment, Inc., and Kforce Government Solutions, "RFQ PAQ085013," September 10, 2008.
7. Kforce Government Solutions proposal in response to RFQ PAQ085013, September 17, 2008.
8. BLM Contract No. GS23F8064H, awarded to Kforce Government Solutions on September 19, 2008.
9. E-mail (with attachments) from [REDACTED] to [REDACTED], "Helium Program IG Audit," August 26, 2008.
10. E-mail (with attachments) from [REDACTED] to [REDACTED], "Draft SOW," September 5, 2008.
11. E-mail (with attachments) from [REDACTED] to [REDACTED], "Helium, Draft Statement of Work," September 8, 2008.
12. Document Properties for "Helium, Draft Statement of Work.bb.doc."
13. E-mail (with attachments) from [REDACTED] to [REDACTED], "Helium, Draft Statement of Work.bb.doc."
14. IAR- Interview of [REDACTED], January 15, 2009.
15. IAR- Interview of [REDACTED], February 6, 2009.
16. IAR- Interview of [REDACTED], January 5, 2009.
17. Transcript of Interview of [REDACTED], January 5, 2009.
18. IAR- Interview of [REDACTED], May 19, 2009.
19. Transcript of Interview of [REDACTED], May 19, 2009.
20. IAR- Interview of [REDACTED], June 22, 2009.



**OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR**

INVESTIGATIVE ACTIVITY REPORT

Case Title [REDACTED]	Case Number PI-PI-10-0052-I
Reporting Office Program Integrity Division	Report Date July 11, 2012
Report Subject Closing IAR	

On November 2, 2009, we initiated an investigation into allegations that [REDACTED], [REDACTED] [REDACTED] at the time, steered NBC contracts to women he was dating. [REDACTED] was also allegedly a member of an exclusive board with [REDACTED] from Johnson and Johnson and Proctor and Gamble, which cost the Government \$100,000.

Our investigation confirmed that [REDACTED] held an exclusive Gartner Research Board membership costing the Government \$235,000 over 2 years. We could not determine how the Government actually benefited from this membership. Our investigation also found evidence that [REDACTED] had a relationship with an employee of GTSI, an [REDACTED]. Around the time of this relationship, [REDACTED] was intimately involved in the contracting process for an email services contract later awarded to GTSI. [REDACTED] also often attended "happy hours" with GTSI employees, accepting meals and drinks.

In addition, prior to the solicitation of the email services contract, GTSI hired a company called the Blue Rhino Group to conduct an "assessment" of NBC's email environment, reportedly with [REDACTED]' knowledge, and GTSI performed the work for free. GTSI was awarded the email services contract on July 1, 2009, and subcontracted the work to Blue Rhino. During her interview, NBC's contracting officer on this project stated that she did not know that GTSI hired Blue Rhino to assess NBC's email environment before the solicitation was announced, and this was a conflict of interest. [REDACTED] declined to be interviewed by the OIG.

After [REDACTED] became aware that the OIG was investigating him, and after he accepted [REDACTED] [REDACTED], it appears that he was complicit in having an [REDACTED] wipe his work hard drive. On [REDACTED], [REDACTED] resigned from Federal service. On February 7, 2012, Assistant U.S. Attorney Daniel Butler declined to prosecute [REDACTED]

On June 6, 2012, we sent a Management Advisory detailing our investigative findings to Andrew Jackson, the Deputy Assistant Secretary for Technology, Information, and Business Services. On June

Unless otherwise noted all redactions are pursuant to B(6) and B(7)(c)

12, 21012, we briefed Joseph Ward, [REDACTED] NBC Director, on the case.



**OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR**

Memorandum

APR 30 2010

To: [REDACTED] Bureau of Reclamation

From: [REDACTED] Assistant Inspector General of Investigations

Subject: Report of Investigation—[REDACTED]—PI-10-0154-I

The Office of Inspector General recently concluded an investigation based on allegations made by [REDACTED] Technical Support Office, Yuma Area Office (YAO), Bureau of Reclamation (BOR). [REDACTED] alleged that YAO [REDACTED] told him that he would lose his job if he did not end a personal relationship with [REDACTED] who complained about hiring practices at YAO.

Our investigation revealed that [REDACTED] and other YAO managers were aware of [REDACTED] relationship with [REDACTED] in August 2009. YAO managers failed to address the relationship until late November 2009 following a recruitment for a project management position, about which [REDACTED] threatened to file a complaint about unfair hiring practices. [REDACTED] did file a complaint with the Office of Special Counsel in early December 2009. In mid-December 2009, [REDACTED] and [REDACTED] had conversations with [REDACTED] from which he concluded that his employment was in jeopardy because of his relationship with [REDACTED]

We are providing this report to you for whatever administrative action you deem appropriate. Please send a written response to this office within **90 days** advising of the results of your review and actions taken. Also enclosed is an Investigative Accountability form, please complete this form and return it with your response. Should you need additional information concerning this matter, you may contact me at [REDACTED]

Attachment



**OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR**

REPORT OF INVESTIGATION

Case Title [REDACTED]	Case Number PI-PI-10-0154-I
Reporting Office Program Integrity Division	Report Date April 27, 2010
Report Subject Report of Investigation	

SYNOPSIS

On January 11, 2010, the Office of Inspector General opened an investigation based on receipt of allegations from [REDACTED], Technical Support Office, Yuma Area Office (YAO), Bureau of Reclamation (BOR). [REDACTED] alleged that YAO [REDACTED] told him that he would lose his job if he did not end a personal relationship with [REDACTED] who complained about hiring practices at YAO.

Our investigation revealed that [REDACTED] and other YAO managers were aware of [REDACTED] relationship with [REDACTED] in August 2009, but they failed to address the relationship until late November 2009 following the announcement of a recruitment process for a project management position on November 23, 2009, about which [REDACTED] threatened to file a complaint about unfair hiring practices. [REDACTED] did file a complaint with the Office of Special Counsel in early December 2009. In mid-December 2009, [REDACTED] and [REDACTED] had conversations with [REDACTED] from which [REDACTED] concluded that his employment was being threatened because of his relationship with [REDACTED]

BACKGROUND

The Lower Colorado Region of the Bureau of Reclamation (BOR) is headquartered in Boulder City, NV, and encompasses southern Nevada, southern California, most of Arizona, and small portions of Utah and New Mexico. Regional programs are administered by area offices located in Phoenix and Yuma, AZ; Boulder City, NV, at Hoover Dam; and Temecula, CA. The Yuma Area Office (YAO) is led by [REDACTED] (GS-15). YAO does not currently have a Deputy Area Manager, but two [REDACTED] assist [REDACTED] Five office directors also assist [REDACTED]

Reporting Official/Title [REDACTED]/Investigator	Signature [REDACTED]
Approving Official/Title [REDACTED]/Director Program Integrity Division	Signature [REDACTED]
Authentication Number: EIEC1F7414AF7E184D9026DFF59D5590	

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[REDACTED] : [REDACTED] and [REDACTED]
[REDACTED] ; and [REDACTED]

On Monday, November 23, 2009, the human resources (HR) office of the Lower Colorado Region posted vacancy announcement # BR-LC-09-113 for a Project Manager, GS-0301-11/12 for YAO. The announcement period was open for 5 business days and closed on Monday, November 30, 2009.

[REDACTED] (GS-11) questioned the motives and intent of the YAO senior managers for posting such a short announcement during the week of the Thanksgiving holiday. [REDACTED] accused the managers of violating rules and regulations governing Federal recruitment and hiring practices and of committing other prohibited personnel practices. [REDACTED] threatened to file a complaint with the Office of Special Counsel (OSC).

Title 5 U.S.C. § 2301, Merit system principles, says, "Recruitment should be from qualified individuals from appropriate sources [...] and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity" (5 U.S.C. § 2301 (b)(1)).

Title 5 U.S.C. § 2302 (b)(6) says that any employee who has the authority to recommend or approve any personnel action shall not grant any preference or advantage to any employee or applicant (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the employment prospects of any particular employee or applicant. Violation of 5 U.S.C. § 2302 (b)(6) involves "the granting of an illegal advantage [and] intentional and purposeful manipulation of the system to insure that one person is favored and another person is disadvantaged."

Title 5 U.S.C. § 2302 (b)(8) and (b)(9) stipulate that an official cannot take or fail to take, or threaten to take or fail to take a personnel action against an employee or applicant for any disclosure of information which the employee or applicant reasonably believes is a violation of law, rule or regulation, an abuse of authority or other abuses or for exercising an appeal, complaint, or grievance right; testifying for or assisting another in exercising such a right; cooperating with or disclosing information to the Special Counsel or to an Inspector General; or refusing to obey an order that would require the individual to violate a law.

DETAILS OF INVESTIGATION

On January 11, 2010, the Office of Inspector General (OIG) opened an investigation based on receipt of allegations from YAO Technical Support [REDACTED] [REDACTED] [REDACTED]. In a hotline complaint filed on December 24, 2009, [REDACTED] alleged an abuse of authority and misconduct by [REDACTED] (Attachment 1). [REDACTED] stated that [REDACTED] told him that he would lose his job if he did not end a personal relationship with a coworker, [REDACTED] who threatened to file a complaint about hiring practices at YAO.

We interviewed several YAO and regional managers and other key witnesses. We also examined email records of [REDACTED] and [REDACTED] [REDACTED]

The [REDACTED] relationship

In our interview with [REDACTED] stated that he and [REDACTED] began a personal relationship in mid-

August 2009 (Attachment 2). [REDACTED] said that [REDACTED] addressed him in her office regarding his relationship with [REDACTED] later that month. He said that [REDACTED] expressed concern over the relationship because he was in a management position while [REDACTED] was a staff-level employee. [REDACTED] said that he explained to [REDACTED] that he and [REDACTED] had only been on a couple of dates at that point, but [REDACTED] continued to express disapproval with the relationship.

[REDACTED] said that [REDACTED] told him that his relationship with [REDACTED] would limit his potential for advancement at YAO. [REDACTED] explained that [REDACTED] spoke with him about a month earlier regarding his potential to become the Deputy Area Manager. He said that [REDACTED] told him, "You realize that you couldn't be the Deputy Area Manager because that would put [REDACTED] in your chain of command."

[REDACTED] said that he did not have any supervisory responsibilities over [REDACTED] and they seldom had business interactions in the workplace.

[REDACTED] said that he also talked with his direct supervisor, [REDACTED] a couple of days after his conversation with [REDACTED]. According to [REDACTED] [REDACTED] already learned of [REDACTED] relationship with [REDACTED] through a conversation she had with [REDACTED]. [REDACTED] said that [REDACTED] advised him to "think with [his] head and not with [his] heart." [REDACTED] said that [REDACTED] told him a promotion to become the Deputy would not be possible if he were dating [REDACTED].

[REDACTED] said that he had no additional discussions with [REDACTED] or [REDACTED] regarding his and [REDACTED] relationship from August until around the first of December 2009 when [REDACTED] called him into her office.

We contacted [REDACTED] who reported that she began dating [REDACTED] in July 2009 (Attachment 3). [REDACTED] explained that she and [REDACTED] work in different sections and do not have any real work interaction even though they both work at YAO. [REDACTED] added that [REDACTED] does not supervise her work, and she does not fall under his chain of command.

According to [REDACTED] she and [REDACTED] did not initially make their relationship known to others at work. [REDACTED] however, said that on August 21, 2009, while at a social gathering with YAO coworkers to celebrate [REDACTED] birthday, [REDACTED] and [REDACTED] made no attempt to conceal their relationship. She said that by August 25, 2009, word of her relationship with [REDACTED] reached [REDACTED] and that [REDACTED] confronted [REDACTED] regarding his and [REDACTED] relationship. According to [REDACTED] [REDACTED] reportedly told [REDACTED] that she was not happy that [REDACTED] and [REDACTED] were dating but that [REDACTED] did not take any action at the time to end their relationship.

[REDACTED] said that she first learned [REDACTED] and [REDACTED] were in a relationship in August 2009 after another YAO employee saw [REDACTED] and [REDACTED] at a local bar "making out" in front of some of [REDACTED] subordinates (Attachment 4). [REDACTED] said that she confronted [REDACTED] about the reported relationship and that he admitted he was having a relationship with [REDACTED].

[REDACTED] said that she counseled [REDACTED] about the potential limitation the relationship could put on his professional development at YAO. [REDACTED] explained that she had been trying to "develop" [REDACTED] and she told him, "By no means could you be a Deputy and be dating a staff person in the office."

[REDACTED] said that she did not tell [REDACTED] that it was impermissible for him to date in the office because she felt that it was inappropriate for her to delve into his personal relationships. She said that there are no YAO or BOR policies that prohibit interoffice dating.

█████ said that █████ found out about the relationship in August 2009 from █████ after someone reported seeing █████ at a bar with █████ (Attachment 5). █████ said that █████ expressed concern about the implications and risks that █████ and █████ relationship would pose to the organization should █████ and █████ break up. Furthermore, █████ explained that if █████ progressed professionally, there could be a perception that her progress resulted from favoritism because of her relationship with █████.

█████ confirmed that █████ did not have day-to-day supervisory responsibilities over █████ but she felt that if █████ were placed in an "acting" role, which can occur if more senior YAO managers are off-site, then █████ would be under █████ line of supervision.

█████ said that they contacted the regional HR office because of their concerns and because YAO did not have a policy in place to address interoffice dating. When asked, █████ admitted that she and █████ did not address their concerns about the relationship until December 2009 and not in August when she and █████ first learned of the relationship. █████ could not explain why they delayed discussion of the relationship issue since they were notified and reportedly concerned about it in August.

Project Manager Recruitment

Investigator's note: Though █████ took issue with the recruitment process and filed a complaint with OSC regarding pre-selection relating to the project manager position at YAO, the issue and complaint were imputed by █████ and █████ to █████ based on his relationship with █████. Consequently, the OIG conducted an examination of the recruitment process for vacancy announcement # BR-LC-09-113 for a Project Manager, GS-0301-11/12.

█████ said that during a management team meeting on November 23, 2009, █████ told attendees that █████ found the resume of █████ a potential candidate for a YAO project manager, on Monster.com. █████ stated that █████ said █████ had talked to the candidate on the phone and met with him during a trip to Phoenix, AZ (See Attachment 2).

█████ confirmed that she announced during a management meeting that █████ found a candidate for the project manager vacancy (Attachment 6). █████ said that █████ told her she had found a good candidate with a Project Management Professional (PMP) certification and had flown to Phoenix, AZ, to meet him. █████ said that █████ wanted to hire █████ non-competitively under a Veterans exception but was unable to do so.

█████ confirmed that she identified █████ resume on Monster.com and noted that he possessed a PMP certification (See Attachment 4). According to █████ she called █████ and asked if he had ever considered working in Yuma for the Federal Government. █████ also pointed out that █████ was a veteran and that she had received numerous messages placing emphasis on hiring veterans. Despite the emphasis on hiring veterans, a November 13, 2009 email revealed that █████ doubted that █████ would qualify for appointment via Veterans preference, but she strategized with █████ that █████ should bring in a DD-214 form so "that way we look like we deliberately recruit vets" (Attachment 7).

After identifying █████ PMP certification and veteran status, █████ forwarded █████ resume to HR. █████ said that regional █████ reviewed the resume for VRA which would allow █████ to be appointed non-competitively (See Attachment 4). █████ said that she did

not tell [REDACTED], "We have to have this guy."

On November 12, 2009, [REDACTED] also sent an email to [REDACTED] that included a copy of [REDACTED] resume, complimented his PMP certification, and contained speculation about potential assignments that [REDACTED] could assume and how much compensation would be necessary to entice him to YAO (Attachment 8).

[REDACTED] said that sometime in November, she met with [REDACTED] while on a trip to Phoenix, AZ (Attachment 9). According to [REDACTED], her meeting conversation with [REDACTED] consisted of a discussion of the benefits of working for the Federal Government, and she explained compensation (See Attachment 4).

YAO Administrative Support Office Director [REDACTED] said that [REDACTED] came to [REDACTED] office on November 13, 2009, and told her that she had met [REDACTED] a potential new project manager (Attachment 10). [REDACTED] said that she did not know how [REDACTED] knew [REDACTED]. She was, however, aware that [REDACTED] talked to [REDACTED] on the phone and met him face-to-face. In [REDACTED] opinion, [REDACTED] was engaging in "a little bit too much of a contact" with [REDACTED] particularly when the vacancy announcement had not yet been published.

[REDACTED] said that [REDACTED] told her [REDACTED] had a PMP certification, which [REDACTED] said she had been seeking to add to the YAO staff. [REDACTED] said that [REDACTED] told her that [REDACTED] was a veteran and could be hired noncompetitively under a Veterans Recruitment Appointment (VRA).

[REDACTED] sent [REDACTED] an email on November 15, 2009, telling her that she and [REDACTED] talked to [REDACTED] on the phone (Attachment 11). [REDACTED] said that she and [REDACTED] were "satisfied with [Grow's] answers" after speaking with him.

[REDACTED] sent an email to [REDACTED] and [REDACTED] thanking them for interviewing him so quickly and telling [REDACTED] that he looked forward to meeting her in one week (Attachment 12).

[REDACTED] confirmed that in late November or early December 2009, [REDACTED] and [REDACTED] forwarded [REDACTED] information to her for review (Attachment 13). [REDACTED] said that [REDACTED] was not eligible for VRA because he did not have a service medal or campaign badge, as required, and she informed [REDACTED] and [REDACTED] that [REDACTED] would have to compete for the project manager position. Since [REDACTED] could not be noncompetitively appointed, [REDACTED] suggested that the position be competed for one week and [REDACTED] should apply under the Veterans Employment Opportunities Act (VEOA) (Attachment 14).

[REDACTED] confirmed that she learned from HR that [REDACTED] was ineligible for VRA because he did not have the requisite service medals indicated on his DD-214 form (See Attachment 10).

In addition, [REDACTED] said that she and [REDACTED] drafted assessment questions to use as part of the recruitment process and presented them to [REDACTED]. [REDACTED] said that [REDACTED] reviewed the questions and replied that she wanted to require a PMP certification for the position. A November 20, 2009 email revealed that [REDACTED] specifically pointed out to [REDACTED] and [REDACTED] that it was limiting to ask an applicant if they had a PMP and suggested revising this requirement to include other types of project management experience. [REDACTED] replied that she wanted the question to remain and added, "I want to require a PMP for this position" (Attachment 15).

[REDACTED] said that responding affirmatively to the question credited the applicant with additional

points by which all of the applicants were rated and ranked (See Attachment 10). [REDACTED] did not know how much weight was assigned to the PMP certification question.

Upon review, the crediting plan for the project manager recruitment asked a total of nine questions, totaling a possible 70 points for GS-12 and 86 points for GS-11. Question 1, which asked about years of experience and education, garnered no/zero points for the applicant, no matter how many years of experience or education the applicant had in project management. Question 9, which queried whether the applicant had a PMP certification (or similar), earned the applicant 28 points (40 percent) of the overall points at GS-12 and 32 points (37 percent) at the GS-11. Only Question 9 credited such a proportion of overall points. All other questions allowed only a maximum of 7 points (10 percent) at the GS-12 or 9 points (10 percent) at the GS-11 (Attachment 16).

According to [REDACTED] the recruitment strategy for the project manager position was changed from a noncompetitive VRA appointment to a Merit Promotion announcement, which was limited to all BOR employees and those eligible under VEOA (See Attachment 13). [REDACTED] explained that a VEOA-eligible applicant had to be a 3-year veteran but did not have to have a service medal as required under VRA. According to [REDACTED] the VEOA authority allowed an otherwise ineligible external candidate to compete for a position that was generally open only to internal candidates.

[REDACTED] said that she primarily discussed the project manager position with [REDACTED] but also talked to [REDACTED] once or twice about the knowledge, skills, and abilities required for the position. [REDACTED] stated that she and [REDACTED] also talked about what the position entailed and what [REDACTED] desired in a candidate. [REDACTED] said that [REDACTED] preferred that the candidate have a PMP certification. [REDACTED] pointed out that although [REDACTED] preferred a candidate with a PMP certification, this certification could not be listed as a requirement for appointment. [REDACTED] said that [REDACTED] also gave input on the questions that were to be asked of the job applicants, but she did not think that [REDACTED] was unusually or excessively involved in the process.

On the afternoon of November 18, 2009, [REDACTED] sent an email to [REDACTED] requesting that he update his resume on USAJobs to reflect his project management experience. [REDACTED] also included verbiage from the not-yet-published vacancy announcement relating to the major duties for the project manager position in Yuma (Attachment 17).

[REDACTED] said that on November 23, 2009, [REDACTED] announced at the management team meeting that a vacancy announcement for a project manager was going to go out, and that [REDACTED] has found a viable candidate for the position” (See Attachment 10). [REDACTED] said that she was at the meeting with [REDACTED]

[REDACTED] said that because [REDACTED] made this announcement during the managers meeting, any of the attendees could have left the meeting and told [REDACTED] or someone else, that [REDACTED] already had a candidate in mind to fill the project manager position. [REDACTED] agreed that [REDACTED] was not necessarily the person who told [REDACTED] about the perceived pre-selection. Furthermore, [REDACTED] said that [REDACTED] told her that [REDACTED], [REDACTED] supervisor, inadvertently informed [REDACTED] that the position had been pre-selected. [REDACTED] said that neither [REDACTED] nor [REDACTED] directly told her they believed [REDACTED] informed [REDACTED] about the “pre-selection” announcement, but she was “quite sure they probably were thinking it.”

[REDACTED], the office Director of Operations and Maintenance, confirmed that in late November 2009, [REDACTED] told the YAO office directors, “We have found a candidate that we like, so we will be putting

All deletions have been made under 5 U.S.C. §§ 552(b)(6) and (b)(7)(C) unless otherwise noted.

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out a vacancy announcement for a Project Manager position” (Attachment 18). [REDACTED] stated that a specific need for a project manager had not been identified but had always been a priority for [REDACTED]

[REDACTED] added that “everybody’s mouth[s] just dropped” in surprise at the announcement [REDACTED] also said that the program management office director, [REDACTED], was surprised because the position would be part of the project management office, and he did not receive notice prior to [REDACTED] announcement. [REDACTED] said that when he talked to [REDACTED], she told him, “I found us a Project Manager. I found us a Project Manager with a PMP and we’re going to go out and get him.”

Later that morning, vacancy announcement # BR-LC-09-113 for a YAO Project Manager, GS-0301-11/12, was sent to all employees of the Lower Colorado Region, which included YAO (Attachment 19). The announcement period was open from November 23-November 30, 2009. The announcement was limited to current Federal employees and preference eligible groups, such as reinstatement eligibles, Career Transition Assistance Plan or Interagency Career Transition Assistance Plan eligibles, and VEOA eligibles.

[REDACTED] said that the email regarding the project manager vacancy was sent to all YAO employees soon after the office directors’ meeting (See Attachments 5 and 6). [REDACTED] said that once [REDACTED] found out about the project manager vacancy announcement, she took issue with the limited duration of the announcement period and limited eligible applicant pool. [REDACTED] said that [REDACTED] contacted her to discuss her concerns about the project manager recruitment and to reiterate concerns she had shared with [REDACTED] earlier that year regarding a perception by employees that management engaged in unfair hiring practices. [REDACTED] said that [REDACTED] followed up their conversation with an email stating that she was going to file a complaint with “someone outside [of YAO].”

[REDACTED] said that a decision was made by HR to post the announcement for only 7 days as a Merit Promotion listing, which limits the applicant pool to status employees and VEOA eligible applicants (See Attachment 4). [REDACTED] said that [REDACTED] opted not to have the position open to the public and not to keep the announcement open for the usual 10 days.

A November 20, 2009 email revealed that [REDACTED] informed [REDACTED] that the announcement period could be open for a minimum of 5 business days. [REDACTED] instructed [REDACTED] to limit the announcement period to 5 days (See Attachment 15).

[REDACTED] said that vacancies are typically announced for at least 2 weeks, but [REDACTED] had previously directed [REDACTED] to limit the announcement period to 5 business days (See Attachment 10). [REDACTED] acknowledged that listing the 5-day announcement period during the week of Thanksgiving made the announcement less accessible for applicants since many Federal employees take leave in conjunction with the Thanksgiving holiday.

[REDACTED] recalled that the announcement opened on Monday, November 23, 2009, and was scheduled to close on Monday, November 30, 2009 (See Attachment 13). When asked if the length of the announcement period was reasonable, particularly since it occurred over the week of Thanksgiving, [REDACTED] maintained that the duration of the announcement period complied with requirements detailed in the BOR Merit Promotion Plan. [REDACTED] said that the recruitment process for the project manager position took about two and a half weeks from start to finish.

[REDACTED] opined that it was unusual for a vacancy to be announced for only 5 business days (See

Attachment 18). [REDACTED] alluded that it was additionally unusual that the vacancy announcement closed on a Friday and [REDACTED] was selected on Monday. (*Investigator's note: Per the official vacancy announcement, the initial closing date was actually Monday, November 30, 2009. It was later extended to Friday, December 4, 2009. The certified selection certificate indicating [REDACTED] was chosen for the Project Management position was signed by [REDACTED] on Sunday, December 6, 2009, and signed by [REDACTED] and [REDACTED] on Tuesday, December 8, 2009.*) According to [REDACTED] positions do not typically get filled that quickly at YAO.

Disclosure: [REDACTED] Threat to Make a Complaint to OSC

[REDACTED] reported that during the week of November 23, 2009, she was on annual leave and visiting family in Oregon for the upcoming Thanksgiving holiday when she learned about the project manager vacancy announcement (See Attachment 3). [REDACTED] said she also learned that the vacancy announcement was open for 5 days for internal candidates only.

[REDACTED] reported that she was angry after learning about the vacancy announcement. She believed that it was not coincidental that the vacancy announcement came when she was on annual leave and only open for 5 days. [REDACTED] recalled telephoning [REDACTED] her supervisor in the BOR Program Management Office from Oregon, and confronting him about the vacancy announcement. She suggested that BOR had pre-selected a candidate for the job. [REDACTED] reported that he did not know about the vacancy announcement until the meeting with senior BOR managers. [REDACTED] confirmed that BOR managers discussed giving the job to a particular individual (not [REDACTED] during the meeting.

After this conversation with [REDACTED] [REDACTED] said that she received text messages from [REDACTED] who was still working at YAO. [REDACTED] said that [REDACTED] told her that [REDACTED] announced that [REDACTED] found a candidate for the project management position during the manager's meeting. He said that [REDACTED] also told everyone that a vacancy announcement would be coming out.

Following her conversations with [REDACTED] and [REDACTED] on November 25, 2009, [REDACTED] sent an email to [REDACTED] and copied [REDACTED] and [REDACTED] regarding the project manager recruitment. In this email, [REDACTED] accused YAO managers of engaging in pre-selection of a candidate for the project manager position and threatened to take action "in other venues" (Attachment 20).

[REDACTED] confirmed that on November 25, 2009, [REDACTED] sent an email to [REDACTED] [REDACTED] and [REDACTED] saying that she believed there was "improper" and "extreme" pre-selection involved in the recruitment of the project manager, and she was going to "be taking [the matter] forward for discussion/action in other venues" (See Attachment 10). [REDACTED] said that [REDACTED] later requested an extension of the announcement closing date, which was granted. [REDACTED] said that [REDACTED] did not apply for the position.

[REDACTED] reiterated that [REDACTED] took issue with the timing of the vacancy announcement (See Attachment 4). [REDACTED] said that the vacancy announcement period was extended to address [REDACTED] concerns.

[REDACTED] said that she was called into a meeting with [REDACTED] and [REDACTED] on November 30, 2009, to discuss the vacancy announcement for the GS-12 Project Management position (See Attachment 3). [REDACTED] said that during the 1-hour meeting, [REDACTED] denied several times that she had done anything "illegal" or that the pre-selection was improper since the candidate had veteran's preference. [REDACTED] said that [REDACTED] was very emotional and was irate that [REDACTED] had been taking notes

during their meeting.

Following her meeting with [REDACTED] and [REDACTED] [REDACTED] asked that [REDACTED] extend the vacancy announcement for an additional 5 days to give her the opportunity to apply for the position (**Attachment 21**). On December 1, 2009, human resources sent an email informing employees that the announcement period had been extended until December 4, 2009 (**Attachment 22**).

Even though the announcement period was extended, [REDACTED] said that she did not bother to apply for the position (See Attachment 3). She explained that she did not apply for the position because BOR sources told her that [REDACTED] had already pre-selected someone for the job that was a strong candidate with PMP certification and prior job experience, and [REDACTED] did not believe that [REDACTED] would select her [REDACTED] because of [REDACTED] comment that she was “done with” [REDACTED]

[REDACTED] reported that during Safety Day, on October 15, 2009, [REDACTED] approached her and told her that she was “done with” her. [REDACTED] explained that she told [REDACTED] that she was “done with” trying to mentor and assist [REDACTED] with her professional goals since [REDACTED] was not trying to help herself.

[REDACTED] said that she received a call from [REDACTED] on Monday, November 30, 2009, requesting that the announcement be extended for 4 days (See Attachment 13). [REDACTED] stated that vacancies were not usually extended, but she did not ask [REDACTED] why it was being extended. [REDACTED] said she later learned that the extension was requested to allow [REDACTED] to apply for the position.

On Sunday, December 6, 2009, [REDACTED] sent a selection certificate to [REDACTED] [REDACTED] and [REDACTED] [REDACTED] was the only applicant on the certificate (**Attachment 23**).

On December 9, [REDACTED] contacted [REDACTED] to offer him the position as Project Manager, GS-0301-11 step 1 at \$56,411 per year (**Attachment 24**). [REDACTED] declined the offer stating that his experience, knowledge, and education showed that he was worth more than the initial offer. [REDACTED] attached an offer letter and payroll letter from Consultnet (his current employer) stating that he was earning \$51.00 per hour or \$106,080 per year. [REDACTED] could not provide a paystub to [REDACTED] because he only began working for Consultnet on November 30, 2009. As a result, a Superior Qualifications letter was written in support of hiring [REDACTED] at the rate of a GS-301-11, step 10 (**Attachment 25**).

On December 14, 2009, [REDACTED] signed an offer letter for a position as YAO Project Manager, GS-0301-11/10, \$73,329.00 per annum (**Attachment 26**). His scheduled start date was December 21, 2009.

Threat of Personnel Action & Knowledge of [REDACTED] Complaint: [REDACTED] Employment Status

On December 1, 2009, [REDACTED] contacted regional [REDACTED] [REDACTED] to inform her about [REDACTED] threat to file a complaint with the Office of Special Counsel (OSC) due to “inappropriate” hiring practices at YAO. In response, [REDACTED] wrote in an email, “I believe this has surfaced because of a Program (or Project) Manager position being announced MP [merit promotion/career employees] only for 5 days and the employee was on leave. [REDACTED] after talking with the employee extended the closing date to this Friday. After talking with [REDACTED] I called [REDACTED] met with the employee - [REDACTED] (dating [REDACTED] – TSO Director) yesterday to discuss her allegations...” (**Attachment 27**).

[REDACTED] said that he met with [REDACTED] in early December to discuss trust issues and confidentiality

among the office directors (See Attachment 2). According to ██████ ██████ asked if he had shared any information from the management team meeting with ██████ ██████ replied that he had not, and ██████ ended the conversation.

██████ said that he met with ██████ again about one and a half weeks later in which ██████ told him ██████ was going to file a complaint with OSC. ██████ said that ██████ told him ██████ was making accusations, and he should distance himself from her. ██████ said that ██████ then read an email she received from ██████ stating that ██████ felt slighted for not being given an opportunity to become a project manager. ██████ said that ██████ told him that ██████ planned to take the matter up in "another venue."

██████ said that ██████ described an OSC investigation as very intrusive and heavy-handed and that OSC would make "a big deal out of it." ██████ said that ██████ added that if an OSC investigation ensued, OSC would want to talk with him because he was romantically involved with ██████ ██████ said that ██████ told him, "You have to understand your job could be in jeopardy. You're a probationary employee. They can let you go at any time."

██████ said that ██████ informed him that a policy regarding interoffice dating was being developed and that discussions were being held at the regional level. She provided him with a stack of documents that she printed from the internet regarding interoffice dating.

██████ provided OIG investigators copies of the documents that ██████ gave to him, which were a compilation of random articles and model policies about interoffice dating. The documents had been sent to ██████ on December 1, 2009, from ██████, the Lower Colorado Region Director of Human Resources (Attachment 28).

When asked why she did not address the relationship between ██████ and ██████ earlier, ██████ explained that she was "disappointed" with ██████ about his decision to continue the relationship with ██████ but the situation did not take on a greater urgency until she was informed by several people in the office that ██████ had come to work with hickeys on her neck, presumably put there by ██████ (See Attachment 4). Consequently, ██████ stated that she grew more concerned about sexual harassment consequences so she and ██████ began to consult with the regional HR office about the relationship.

██████ recalled that a meeting was held in early December specifically to discuss how HR could handle any sexual harassment issues that may have arisen from ██████ and ██████ relationship (See Attachment 10). ██████ said that she, ██████ and ██████ flew [in the Bureau plane] to the regional office in Boulder City, NV, and met with ██████ and ██████ supervisor, ██████ the regional ██████, ██████, and the ██████, ██████.

██████ recalled that same meeting (See Attachment 13). She said that ██████ and ██████ came to regional headquarters by Bureau plane to meet with ██████ ██████ and ██████ said that the group discussed concerns they had about potential repercussions to the agency if ██████ and ██████ relationship should end badly. ██████ recalled that the group also discussed that ██████ leaked information from a management team meeting to ██████ ██████ did not recall whether ██████ was provided with a list of talking points resulting from the meeting. ██████ said that there was no discussion about OSC at that meeting.

██████ also said that on December 8, 2009, she and several YAO staff, including ██████ flew to

Boulder City, NV, specifically to discuss [REDACTED] and [REDACTED] relationship (See Attachment 6).

[REDACTED] admitted that [REDACTED] threat to file a complaint with OSC was part of the reason they asked to meet with human resources in Boulder City. [REDACTED] said she was advised to meet with [REDACTED] and “make him understand [her] concerns.” According to [REDACTED] the regional HR managers provided her documents relating to interoffice relationships, along with “talking points” for her to use in discussion with [REDACTED]

On December 11, 2009, [REDACTED] sent [REDACTED] “talking points” that she should convey to [REDACTED]. The email said, “...you may put him on notice by reminding him:

- He needs to keep management better informed on his program.
- Go over the relationship paper with him and advise him of the pitfalls i.e., leaking information, favoritism, sexual harassment, hostile work environment, bringing the relationship into the workplace, appearance of conflict of interest, etc., that could result in termination of his employment.
- Discuss the fact that the management team has lost confidence in him regarding trust and confidentiality.
- As a manager he is held to a higher standard. He is looked up to as a role model and for guidance/assistance.
- Consider removing him from management.” (Attachment 29).

[REDACTED] said that when she returned to Yuma, she met with [REDACTED] and told him that she had concerns about his relationship with [REDACTED] (See Attachments 5 and 6). [REDACTED] said that she made [REDACTED] aware of the issues that [REDACTED] had raised and the implications her actions could potentially have. [REDACTED] said that she brought up [REDACTED] complaint issues to [REDACTED] because he needed to be aware of [REDACTED] complaint because of the relationship that [REDACTED] and [REDACTED] shared. [REDACTED] elaborated, “We’re looking at him as a leader, to be a role model, to be an example to the organization, and about how he could be drawn into all of that.”

[REDACTED] said that, as a probationary employee, [REDACTED] job was not in jeopardy due to his relationship with [REDACTED] but due to the risk of potential sexual harassment claims and a perception of favoritism that [REDACTED] and [REDACTED] relationship posed to the agency.

When asked, [REDACTED] said that she did not recall suggesting to [REDACTED] that he should end his relationship with [REDACTED]. [REDACTED] also did not recall conveying to [REDACTED] that if [REDACTED] filed a complaint with OSC, then their relationship would be construed as problematic. [REDACTED] said that she learned about [REDACTED] plan to file a complaint with OSC from [REDACTED] and decided to speak with [REDACTED] about it. [REDACTED] said that she could not recall the specifics of her conversation with [REDACTED] about OSC.

We asked [REDACTED] if she told [REDACTED] that if an OSC investigation occurred, “it could be intense and that they could break him down and cause him issues.” [REDACTED] initially stated that she did not remember making the statement to [REDACTED] but she said that she would have made similar comments to the management team because she had heard that OSC investigations are that way. [REDACTED] later admitted that though she did not recall using the specific aforesaid words to characterize OSC to [REDACTED] she did recall telling [REDACTED] about OSC. She said that discussing OSC was not part of the “talking points” given to her by HR. [REDACTED] said, “If that was wrong, I admit to it. It was wrong. I should have not brought it up to him.”

[REDACTED] stated that the actions taken to address concerns about [REDACTED] and [REDACTED] relationship, coupled with [REDACTED] filing of the OSC complaint, could lead to the perception that there was a

correlation between the two issues.

█████ stated that on December 18, 2009, █████ contacted him under the pretense that she wanted to talk to him about her veto of hiring a secretary that █████ wanted for his division (See Attachment 2). █████ said that he and █████ discussed the secretary issue for about 10 minutes when █████ brought up his relationship with █████. █████ said that █████ began the conversation by referring to █████ "running around with a legal pad." █████ said that █████ elaborated that his relationship with █████ was "a big deal" and that it was being discussed at the regional level. █████ said that he told █████ that he did not discuss office issues with █████ but █████ said that there was an appearance issue. █████ pointed out that there were no YAO policies regarding interoffice dating.

█████ said that the conversation with █████ was heated and at some point she said that he was a probationary employee and "could be terminated at any time for virtually any reason." █████ said that he asked █████ directly, "Are you telling me if I don't end my relationship with █████, I'm going to lose my job?" According to █████ █████ replied, "Yes... You will, but nobody will tell you that's the reason why."

█████ said that he told █████ that it was unfair that he could lose his job as a result of █████ complaint because of his relationship with █████. █████ said that █████ responded that he had other options, and she told him that she needed to report back to her boss in less than a month about how the situation would be handled. █████ said that █████ suggested making a decision tree to explore █████ "options."

█████ said that █████ walked up to the whiteboard in her office, grabbed a marker, and wrote, "Issue: Your relationship with █████. She says, 'Option 1: You can break up with her[...] Option 2: You could get married. Option 3: █████ puts down her legal pad. Option 4: She gets a new job at, oh, I don't know, YPG or Homeland Security.'" █████ said that he told █████ that these were not his options and that he could not ask █████ to drop her complaint or find another job. Furthermore, █████ said that marriage was not an option, but neither was ending his relationship with █████.

█████ said that at no time did █████ or █████ directly order him to get █████ to drop her complaint. █████ also said that having █████ "put down her legal pad" was one of four options that would allow him to keep his job. █████ said that when he told █████ that she did not provide acceptable options, █████ told him that he needed to come up with another option in less than one month.

█████ said that he left █████ office feeling overwhelmed and confused. He said he tried to reach out to █████ and █████ for assistance but was unable to reach them. █████ said that he filed a complaint with the Office of Inspector General on December 24, 2009.

█████ said that HR directed her to have a conversation with █████ to discuss his relationship with █████ and potential sexual harassment issues (See Attachment 4). █████ said that she delegated the conversation with █████ to █████.

█████, however, said that during a December 18, 2009 meeting, she told █████ that interoffice dating was a serious matter, and they brainstormed ways to mitigate the risks of his and █████ relationship. █████ said that she went to the chalkboard and tried to generate ideas of how █████

could avoid the potential risks of his relationship with [REDACTED]. [REDACTED] said that she told [REDACTED] “Well, let me try to generate some ideas. I don’t know if you get married [...] I don’t know if [REDACTED] leaves, you know, maybe that’s a clear way of mitigating this. Maybe the relationship ends, maybe that’s a way that you mitigate this.”

[REDACTED] emailed a summary of her conversation with [REDACTED] to [REDACTED] following her meeting with [REDACTED] (Attachment 30).

[REDACTED] denied that she suggested to [REDACTED] that [REDACTED] dropping her OSC complaint was one of the ways to mitigate the situation (See Attachment 4). Specifically, [REDACTED] emphatically denied that she said [REDACTED] should “put down her legal pad.” [REDACTED] elaborated that a “miscommunication or a misinterpretation” must have resulted from her statements to [REDACTED] that “The situation is very challenging. You know, [REDACTED] has, you know, she walks around with a legal pad, she’s taking a lot of notes. It’s challenging, it makes – it complicates our situation here.” [REDACTED] also denied telling [REDACTED] that his job would be in jeopardy if he did not influence [REDACTED] filing of her OSC complaint.

[REDACTED] said that on Friday, December 18, 2009, [REDACTED] told her that during his meeting with [REDACTED] threatened to terminate him as a probationary employee. [REDACTED] reportedly gave [REDACTED] the options to stop seeing [REDACTED] have [REDACTED] put down her legal pad, or [REDACTED] find another job. [REDACTED] said that [REDACTED] told her that [REDACTED] diagrammed the options on a “decision tree” [at a whiteboard] (See Attachment 3).

[REDACTED] said that when he asked [REDACTED] why she was involving him in the matter when it was between her and [REDACTED] [REDACTED] reportedly said, “I can’t go after her [REDACTED] so I am going after you” (See Attachment 2).

[REDACTED] reported that on December 10, 2009, she electronically filed a complaint with the Office of Special Counsel (OSC) regarding pre-selection of a candidate for a job (See Attachment 3).

SUBJECT(S)

[REDACTED] Yuma Area Office, Lower Colorado Region, BOR
[REDACTED], Yuma Area Office, Lower Colorado Region, BOR

DISPOSITION

This report will be forwarded to [REDACTED], for any action deemed appropriate.

ATTACHMENTS

1. General Correspondence – OIG Hotline Complaint, December 24, 2009.
2. IAR – Interview of [REDACTED] Dated January 13, 2010.
3. IAR – Interview of [REDACTED] Dated January 7, 2010.
4. IAR – Interview of [REDACTED], Dated January 13, 2010.
5. IAR – Interview of [REDACTED] Dated January 13, 2010.
6. IAR – Interview of [REDACTED] Dated January 26, 2010.
7. Email from [REDACTED] to [REDACTED] recommending how to get [REDACTED] through hiring process,

November 13, 2009.

8. Email from [REDACTED] to [REDACTED] discussing in which capacity [REDACTED] could fit at YAO, November 12, 2009.
9. Email from [REDACTED] administrative assistant to [REDACTED] confirming lunch meeting in Phoenix, November 16, 2009.
10. IAR – Interview of [REDACTED] Dated January 28, 2010.
11. Email from [REDACTED] to [REDACTED] regarding completed phone interview, November 15, 2009.
12. Email string regarding [REDACTED] interview and planned lunch with [REDACTED], November 13, 2009.
13. IAR – Interview of [REDACTED] Dated January 26, 2010.
14. Email from [REDACTED] to [REDACTED] regarding [REDACTED] ineligibility for VRA appointment, November 18, 2009.
15. Email from [REDACTED] to [REDACTED] and [REDACTED] November 20, 2009.
16. Crediting Plans for BOR vacancy announcement #BR-LC-09-113, Yuma Project Manager.
17. Email from [REDACTED] to [REDACTED] regarding “Major Duties” of the Yuma Project Manager position, November 18, 2009.
18. IAR – Interview of [REDACTED], Dated January 27, 2010.
19. Email from BOR Human Resources to all Lower Colorado Region Employees regarding vacancy announcement for YAO Project Manager, November 23, 2009.
20. Email from [REDACTED] to [REDACTED] regarding “inappropriate hiring practices” at YAO November 25, 2009.
21. Email from [REDACTED] to [REDACTED] and [REDACTED] requesting extension of announcement period, November 30, 2009.
22. Email from BOR Human Resources to all Lower Colorado Region Employees regarding extension of vacancy announcement period for YAO Project Manager, December 1, 2009.
23. Email from [REDACTED] to [REDACTED] [REDACTED] and [REDACTED] forwarding the delegated examining certificate, December 6, 2009.
24. Email [REDACTED] to [REDACTED] regarding [REDACTED] declination of the offer of employment, December 9, 2009.
25. Email from [REDACTED] to [REDACTED] and [REDACTED] regarding a Super Qualifications letter for [REDACTED] December 9, 2009.
26. Pre-Employment Requirements and Information sheet, signed by [REDACTED] [REDACTED] on December 14, 2009, and Offer Letter from [REDACTED] to [REDACTED] dated December 14, 2009.
27. Email string between [REDACTED] and human resources regarding [REDACTED] complaint, December 1, 2009.
28. Miscellaneous documents from the Internet regarding inter-office relationships, sent from [REDACTED] [REDACTED] to [REDACTED] in an email dated December 1, 2009.
29. Email from Olsen to [REDACTED] regarding talking points, December 11, 2009.
30. Email from [REDACTED] to [REDACTED] regarding her meeting with [REDACTED] December 18, 2009.



United States Department of the Interior

OFFICE OF INSPECTOR GENERAL
Washington, DC 20240

APR 13 2010

Memorandum

To: Pamela K. Haze
Deputy Assistant Secretary, Budget and Business Management

From: Mary L. Kendall *Mary L. Kendall*
Acting Inspector General

Subject: Report of Investigation – [REDACTED]
Case No. PI-PI-10-0245-I

The Office of Inspector General recently concluded an investigation based on an anonymous complaint to the Office of the Secretary that [REDACTED] to the Deputy Assistant Secretary for Budget, Acquisition, Financial and Performance Management, had violated federal laws, Departmental policies, and ethical standards, through his affair with a subordinate, [REDACTED] Office of Financial Management.

Our investigation revealed that [REDACTED] had an intimate relationship with [REDACTED] before her promotion to a GS-14 position and was directly engaged in the process to promote her. When interviewed, [REDACTED] initially denied having an intimate relationship with [REDACTED] and only admitted to the relationship after being confronted with e-mails between him and [REDACTED]. We discovered that [REDACTED] approved the issuance of a BlackBerry to [REDACTED] which they then used to communicate with each other in furtherance of their relationship. [REDACTED] admitted to travelling with [REDACTED] on two official trips where they began and consummated their physical relationship and that he should have recused himself from the GS-14 selection process because of his physical relationship with [REDACTED]. We discovered that [REDACTED] direct supervisor, [REDACTED] had been instructed to adjust [REDACTED] performance evaluation to a higher rating in order to justify a cash award that had already been approved even though [REDACTED] did not believe the higher rating was justified.

We also discovered that [REDACTED] made inappropriate comments of a sexual nature to several female contractors from PriceWaterhouseCoopers (PWC) who worked for OFM on Indian trust issues. This resulted in a decision by PWC to keep their junior female staff out of projects where [REDACTED] was involved and use male employees instead.

Finally, despite [REDACTED] assertions that the Department had been insensitive to reported domestic violence issues with her estranged husband, we found that Department security personnel acted promptly to address her concerns and limit any potential contact between [REDACTED] and her husband in the Main Interior Building.

All deletions have been made under 5 U.S.C. §§ 552(b)(6) and (b)(7)(C) unless otherwise noted.

We are providing this report to you for whatever administrative action you deem appropriate. Please send a written response to this office within **90 days** advising us of the results of your review and actions taken. Also attached is an Investigative Accountability Form that should be completed and returned with your response. Should you need additional information concerning this matter, please do not hesitate to contact me at [REDACTED]

Attachment



**United States Department of the Interior
Office of Inspector General**

REPORT OF INVESTIGATION

Case Title [REDACTED]	Case Number PI-PI-10-0245-I
Reporting Office Program Integrity Division	Report Date April 12, 2010
Report Subject Closing Report of Investigation	

SYNOPSIS

We initiated this investigation based on an anonymous complaint to the Office of the Secretary, Department of the Interior (DOI) that [REDACTED] to the Deputy Assistant Secretary for Budget and Business Management, had violated Federal laws, Departmental policies, and ethical standards, through his affair with a subordinate, [REDACTED], Office of Financial Management (OFM). The complainant specifically alleged that:

- [REDACTED], Budget and Business Management, had not addressed a previous complaint against [REDACTED] regarding his affair with [REDACTED] filed with the OIG in July 2009.
- [REDACTED] had been promoted to a GS-14 because of her relationship with [REDACTED]
- [REDACTED] forced [REDACTED] first line supervisor, [REDACTED] Internal Control and Financial Management, OFM, to raise her performance evaluation.
- [REDACTED] and [REDACTED] traveled unnecessarily at the government's expense.
- [REDACTED] approved the issuance of a BlackBerry to [REDACTED] against established OFM guidelines.

Our investigation revealed that [REDACTED] had an intimate relationship with [REDACTED] before her promotion to a GS-14 position and was directly engaged in the process to promote [REDACTED] was instructed to adjust [REDACTED] performance evaluation to a higher rating in order to justify a cash award [REDACTED] had already approved; [REDACTED] and [REDACTED] took two trips at government expense to further their physical relationship; [REDACTED] approved the issuance of a BlackBerry to [REDACTED] which they used to communicate with each other in furtherance of their relationship; [REDACTED] never addressed the prior complaint with [REDACTED] because she reportedly never received the referral memorandum from the OIG; and [REDACTED] made inappropriate comments to female contractors working on an OFM project.

Reporting Official/Title [REDACTED] / Investigator	Signature [REDACTED]
Approving Official/Title [REDACTED] / Director, Program Integrity Division	Signature [REDACTED]
Authentication Number: C4D89015E9B51C1C021A4AAC9958P17A	

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**United States Department of the Interior
Office of Inspector General**

REPORT OF INVESTIGATION

Case Title [REDACTED]	Case Number PI-PI-10-0245-I
Reporting Office Program Integrity Division	Report Date April 12, 2010
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SYNOPSIS

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- [REDACTED], Budget and Business Management, had not addressed a previous complaint against [REDACTED] regarding his affair with [REDACTED] filed with the OIG in July 2009.
- [REDACTED] had been promoted to a GS-14 because of her relationship with [REDACTED]
- [REDACTED] forced [REDACTED] first line supervisor, [REDACTED], Internal Control and Financial Management, OFM, to raise her performance evaluation.
- [REDACTED] and [REDACTED] traveled unnecessarily at the government's expense.
- [REDACTED] approved the issuance of a BlackBerry to [REDACTED] against established OFM guidelines.

Our investigation revealed that [REDACTED] had an intimate relationship with [REDACTED] before her promotion to a GS-14 position and was directly engaged in the process to promote [REDACTED] was instructed to adjust [REDACTED] performance evaluation to a higher rating in order to justify a cash award [REDACTED] had already approved; [REDACTED] and [REDACTED] took two trips at government expense to further their physical relationship; [REDACTED] approved the issuance of a BlackBerry to [REDACTED] which they used to communicate with each other in furtherance of their relationship; [REDACTED] never addressed the prior complaint with [REDACTED] because she reportedly never received the referral memorandum from the OIG; and [REDACTED] made inappropriate comments to female contractors working on an OFM project.

Reporting Official/Title [REDACTED]/Investigator	Signature
Approving Official/Title [REDACTED]/Director, Program Integrity Division	Signature

Authentication Number: C4D89015E9B51C1C021A4AAC995BF17A

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BACKGROUND

In July 2009, the OIG received an anonymous complaint alleging that [REDACTED] and [REDACTED] were engaged in an extramarital affair while both were married to other people (**Attachment 1**). At that time, [REDACTED] a Senior Executive Service level employee, was the [REDACTED] for OFM and [REDACTED] was his subordinate. [REDACTED] detailed [REDACTED] to the Bureau of Indian Affairs (BIA) to work on a project with him, [REDACTED], BIA, and others. The complainant alleged that [REDACTED] and [REDACTED] were often together behind closed doors in [REDACTED] office. The complainant further alleged that [REDACTED] provided [REDACTED] with a BlackBerry, contrary to office guidelines, which enabled them to send text messages to each other at night and on weekends (See Attachment 1). Additionally, the complainant alleged that [REDACTED] and [REDACTED] had gone on extensive and exclusive business trips at government expense to be with one another.

We initially determined that this complaint could be better addressed by OFM management and sent a referral memorandum to [REDACTED] for her review and to take any actions she deemed appropriate. When interviewed, [REDACTED] stated she never received this memorandum (**Attachments 2 and 3**).

In February 2010, the Office of the Secretary received a second anonymous complaint that made the same allegations about [REDACTED] and [REDACTED] as in the initial complaint (**Attachment 4**). A copy of this complaint was also sent to the U.S. Office of Government Ethics, DOI Office of Federal Financial Management, DOI Office of the Inspector General, DOI Office of Congressional and Legislative Affairs, Assistant Secretary of Policy, Management, and Budget, United States House of Representatives, Committee on Appropriations, and the DOI Designated Agency Ethics Official.

DETAILS OF INVESTIGATION

We initiated this investigation based on an anonymous complainant that [REDACTED] to the Deputy Assistant Secretary for Budget, Acquisition, Financial and Performance, was having an affair with a subordinate, [REDACTED] in the Office of Financial Management. The anonymous complainant alleged that:

- [REDACTED], Budget and Business Management, had not addressed a previous complaint against [REDACTED] regarding his affair with [REDACTED] filed with the OIG in July 2009.
- [REDACTED] had been promoted to a GS-14 because of her relationship with [REDACTED].
- [REDACTED] forced [REDACTED] first line supervisor, [REDACTED], Internal Control and Financial Management, OFM, to raise her performance evaluation.
- [REDACTED] and [REDACTED] traveled unnecessarily at the government's expense.
- [REDACTED] approved the issuance of a BlackBerry to [REDACTED] against established OFM guidelines.

Relationship with [REDACTED]

When interviewed, [REDACTED] initially denied having a physical relationship with [REDACTED] (**Attachments 5, 6, 7, and 8**). Only after being confronted with emails which suggested that the two were involved did [REDACTED] admit to having an intimate relationship with [REDACTED] (**Attachment 9**). According to [REDACTED], he and [REDACTED] started their relationship in May 2009 which later included sexual intercourse beginning in June 2009. [REDACTED] told investigators that he and [REDACTED] traveled to Denver, CO, from June 1 through June 4, 2009 and to New Orleans, LA, from June 21 through June 25, 2009 (**Attachments 10 and 11**). [REDACTED] said he and [REDACTED] began their physical relationship during the Denver trip and had sexual intercourse in New Orleans.

We interviewed [REDACTED] who admitted to having an intimate relationship with [REDACTED] (**Attachments 12 and 13**). Contrary to [REDACTED] statement that the relationship began in June 2009, [REDACTED] claimed it started in October 2009 after she and her husband separated and after she had been detailed to BIA. [REDACTED] denied having an intimate relationship with [REDACTED] during the trips to Denver and New Orleans.

Despite [REDACTED] denials, we discovered emails sent from her husband, [REDACTED], where he had questioned his wife's whereabouts in the early morning hours of June 24, 2009 while she was in New Orleans with [REDACTED]. [REDACTED] appears to have sent the emails because he was unable to contact her (See Attachment 9, Reference Numbers 1 through 3). When we asked [REDACTED] about these emails, she told investigators that her husband was the unfaithful one in their marriage and that he often accused her of having affairs with multiple men.

We also discovered a series of email exchanges between [REDACTED] and [REDACTED] on Saturday, July 11 and Sunday, July 12, 2009 that suggested a more intimate relationship than what [REDACTED] stated (See Attachment 9, Reference Numbers 7 through 26). For example:

- [REDACTED] wrote, "...M u so much" and [REDACTED] replied, "Need to c u," to which [REDACTED] replied, "N 2 C U 2 – not sure where?"
- [REDACTED] wrote, "Can u stay out 2night?" and [REDACTED] replied, "Not sure – folks back and really trippin"

When questioned about this series of emails, [REDACTED] continued to deny being involved in a physical relationship with [REDACTED] at that time. [REDACTED] said that she understood those emails created the perception of a relationship with [REDACTED], but said that most of her friends were males and that she often told them how much she missed them and needed to meet with them.

We discovered a series of emails between [REDACTED] and [REDACTED] from July 19, 2009, to July 24, 2009, which included discussions of their need to see each other and of a trip that she, [REDACTED] and their children took to Lewes, DE, on the weekend of July 24, 2009 (See Attachment 9, Reference Numbers 27 through 37). For example:

- [REDACTED] wrote, "Ye – I am just asking, cause you seemed to back off after that discussion. Not everything just some. Anyway need to have a timeline. I am getting fussy waiting...."
- [REDACTED] replied, "I haven't backed off one bit – I just don't want silly things to disrupt the relationship – will have enough 'real' things to worry as it is – Timeline – by august 10 – and u better be ready for me!"
- [REDACTED] wrote, "I am – and money is not imp't to me – u r" and [REDACTED] replied, "Well then we r ok – u r my rock! That's all I need so don't let me down"
- [REDACTED] wrote, "I am H – need u and want u SOO much" and [REDACTED] replied, "So am I – since Friday – 1st thing on list 2morrow – Be good!!!"
- [REDACTED] wrote, "Sundress? Commando?" and [REDACTED] replied, "U know it!"

Investigator's Note: Wikipedia defines "going commando" as "the practice of not wearing underwear under one's outer clothing."

[REDACTED] told investigators that she and [REDACTED] took the trip because [REDACTED] son and her son were friends.

We discovered an email from [REDACTED] to her husband on Sunday, July 26, 2009, where she wrote that her son wanted to stay longer at the beach. Her husband responded "ok" (See Attachment 9, Reference Numbers 38 and 39). Early the next morning, [REDACTED] wrote an email to [REDACTED] that she had an "unforeseen emergency" that required her to be out of the office that day even though she was scheduled to be in an acting capacity for him. [REDACTED] told [REDACTED] that she would be available by BlackBerry and that she planned to return to work on Tuesday, July 28, 2009 (Attachment 14). [REDACTED] later requested and received permission to take sick leave for that Monday (See Attachment 9, Reference Numbers 41 and 42).

During a search of [REDACTED] government email account, we discovered an e-mail he forwarded from his personal email account containing an attached Plaintiff's Responses to Defendant's First Interrogatories filed on

January 11, 2010, by his current wife in their divorce proceeding in the Circuit Court of Fairfax County (Attachments 15 and 16). In that sworn document (Interrogatory No. 25), [REDACTED] wife, [REDACTED] named several current and former DOI employees that could testify about “[REDACTED] affairs with DOI employees” and identified [REDACTED] as his “paramour.” [REDACTED] identified the following as fact witnesses to [REDACTED] adultery:

[REDACTED]

[REDACTED] stated that [REDACTED] spent “his summer of 2009 with [REDACTED] and her children, including the weekends” (Interrogatory No. 26), which confirmed what [REDACTED] told investigators and is contrary to [REDACTED] assertions that their affair began in October 2009.

[REDACTED] was questioned about her use of sick leave for Monday, July 27, 2009 (Attachment 17). [REDACTED] initially told investigators that she could not recall what had happened to her that day, but that the hot weather may have caused her to develop a debilitating migraine headache. After reviewing her email to [REDACTED] stated that she would usually have taken annual leave and speculated that there could have been a mistake made in her leave request. She later acknowledged that her daughter and nephew did not want to leave the beach and were having fun at the hotel pool, which could have been the reason she did not return to work that day. [REDACTED] later gave a third reason she took sick leave and stated that she may have been contemplating going to South Carolina for her uncle’s funeral.

During his interview, [REDACTED] acknowledged that he and his children had met [REDACTED] and her children at the beach (See Attachments 5, 6, 7, and 8). Time and attendance records indicate that [REDACTED] also took leave for Monday, July 27, 2009 (Attachment 18).

We interviewed [REDACTED] who said that she was aware of office rumors that [REDACTED] and [REDACTED] were having an affair and that [REDACTED] had domestic problems with her husband (See Attachment 2). According to [REDACTED] had approached her several times to address rumors of the affair and had denied having a physical relationship with [REDACTED] on more than one occasion. [REDACTED] said that [REDACTED] maintained that he was only trying to help [REDACTED] through her divorce. Following our interview with [REDACTED], he later wrote an email to [REDACTED] admitting that he misrepresented the facts of his relationship with [REDACTED] and that he had had an inappropriate relationship with [REDACTED] (See Attachment 9, Reference Number 44).

Promotion to GS-14

On July 2, 2009, [REDACTED] was promoted to a GS-14 [REDACTED]. We interviewed [REDACTED], another OFM [REDACTED] who acted as [REDACTED] assistant in office operational issues (Attachments 19 and 20). According to [REDACTED], the intent of the May 2009 promotional announcement was to fill a vacant position and promote [REDACTED] and other qualified OFM employees. [REDACTED] said she asked [REDACTED] if they should advertise for multiple positions for an existing vacancy because she knew that several current OFM employees would apply

All deletions have been made under 5 U.S.C. §§ 552(b)(6) and (b)(7)(C) unless otherwise noted.

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for the position. [REDACTED] approved their request to advertise for multiple positions so that they could promote qualified employees and recruit personnel from outside the Department. Ultimately [REDACTED] and [REDACTED], another OFM [REDACTED], were promoted to the GS-14 level.

[REDACTED] said that the [REDACTED] position was advertised as both government-wide and all-sources to attract applicants from within and outside the Federal government. Applicants who applied under the all-sources designation were processed by the Delegated Examining Unit (DEU), a division of the Minerals Management Service that handles applicant processing and certification for the Office of the Secretary.

[REDACTED] told investigators that DEU had received applications from many qualified individuals and generated a certification list using a random selection process. She recalled that [REDACTED] name was not on the first certification list DEU generated even though [REDACTED] was qualified for the position. [REDACTED] went to Human Resources to determine why [REDACTED] was not on the certification list and discovered that [REDACTED] had applied under the all-sources designation rather than the government-wide category. This resulted in [REDACTED] application being evaluated with other outside applicants. DEU only submitted the top five candidates selected under its random selection process.

[REDACTED] said that she told [REDACTED] that [REDACTED] name was not on the candidate list and asked if he [REDACTED] wanted a new certification list. She said that [REDACTED] approved a second certification list which [REDACTED] said she then requested from DEU. When [REDACTED] received the second list, [REDACTED] name was included. Interviews were then conducted with all 10 candidates.

According to [REDACTED] promotion was a competitive process in which he was the final deciding official. [REDACTED] told investigators that he believed he was far enough removed from the process that he had not caused a negative perception with [REDACTED] promotion based on his relationship with her. He did not initially recall interviewing the candidates, but later remembered that he may have interviewed one or two people. [REDACTED] said he did not remember interviewing [REDACTED]

We discovered emails that indicated [REDACTED] had been involved in the promotional process from start to finish (Attachment 21). When questioned about [REDACTED] request to generate a second certification list because [REDACTED] name was not on the first list, [REDACTED] said that he would have told [REDACTED] to have the second list generated in an effort to have [REDACTED] name placed on the certification list. [REDACTED] admitted that given the nature of his ongoing physical relationship with [REDACTED] he should have recused himself from the selection process.

We also discovered two emails written to [REDACTED] around the time of [REDACTED] promotion from people who worked with her on financial audit projects that commended [REDACTED] for her work. The first e-mail was written by [REDACTED], BIA, on May 21, 2009, who complimented [REDACTED] on her work on Indian trust issues (Attachment 22). We found a second written by [REDACTED] a [REDACTED] with Grant Thornton, Global Public Sector, on August 24, 2009, who also complimented [REDACTED] on her work on Indian trust issues (Attachment 23).

[REDACTED] told investigators that he did not specifically recall asking [REDACTED] to write the commendation. However, he also said that if he had done so, it would have been in March 2009 as part of [REDACTED] mid-year review. [REDACTED] did not recall if he had solicited anyone else to write a commendation for [REDACTED]

We interviewed [REDACTED] who said that [REDACTED] was detailed to the BIA trust office four or five months ago, but that she and [REDACTED] had worked together for more than two years on the BIA A123 review (Attachments 24 and 25). [REDACTED] said she has effectively been [REDACTED] direct supervisor since [REDACTED] was detailed to BIA. [REDACTED] told investigators that she knew [REDACTED] was applying for a promotion to GS-14 and that neither [REDACTED] nor [REDACTED] had solicited her to write the e-mail.

We interviewed [REDACTED] who recalled that [REDACTED] had asked him to write the e-mail commending [REDACTED] (Attachment 26). [REDACTED] told investigators that he felt no pressure to write the email and was happy to do so.

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We interviewed [REDACTED] Accountability and DEU Branch, Human Resources Division, MMS, and [REDACTED] DEU, MMS, regarding DEU's role in the application and certification process (Attachments 27 and 28). [REDACTED] described DEU as an impartial and independent entity in the certification and hiring process. He said that DEU worked with [REDACTED] and [REDACTED] during the certification process for the GS-14 Financial Specialist position. DEU provided [REDACTED] and [REDACTED] with copies of the required Knowledge, Skills, and Abilities (KSAs) and candidate questionnaires for the position.

[REDACTED] said that according to their records, two certification lists had been generated for the position. The first list contained nine names of qualified employees from the Government-Wide Competitive Merit Promotion list (Attachment 29). The second list contained 10 names of qualified applicants, including [REDACTED] who applied under the All-Sources designation (Attachment 30). Because all 10 applicants scored 100 on their KSAs, DEU utilized a random number generator as a tiebreaker to rank the applicants from 1 to 10. This ranking was created by using the last digit of the applicant's Social Security number and the "number of the day," which in this case was "9." Applicants whose Social Security number ended in "9" were ranked first followed by applicants whose Social Security numbers ended in zero through eight.

[REDACTED] said that Office of Personnel Management guidelines state that the first three qualified applicants under this system should typically be considered unless circumstances dictate otherwise. In this case, [REDACTED], another OFM [REDACTED], and [REDACTED], an applicant from NASA, were ranked first and second. Although qualified, the last digit of [REDACTED] Social Security number left her in the ninth position when the random number generator was used.

According to [REDACTED], DEU records indicate that [REDACTED] did not interview anyone from the Government-Wide list. [REDACTED] did, however, interview applicants certified under the All-Sources designation. [REDACTED] and [REDACTED] said that [REDACTED] selected [REDACTED], and [REDACTED] for the GS-14 positions. They referred to the selection of [REDACTED] being chosen out of order as a "name select" and said that such a selection was not improper. Because of the choice of [REDACTED] as a "name select," DEU required a written justification for selecting her over the other applicants on the list who were ahead of her. DEU explained that "Typically selections are made within the top three but because there were several applicants tied at 100, I informed you that you had to determine a tiebreaker based on pre-interview."

In response, to DEU's request for a written justification, [REDACTED] sent [REDACTED] MMS, DEU, an email with the reasons [REDACTED] was chosen for the position (Attachment 31). [REDACTED] told investigators that she had written the proposed justification language and that [REDACTED] had approved the justification she sent to DEU (See Attachments 19 and 20). We discovered a June 18, 2009 email in which [REDACTED] directed [REDACTED] to add information to [REDACTED] suggested justification language (Attachment 32).

Performance Evaluation

We interviewed [REDACTED] who said he was instructed by [REDACTED] to adjust [REDACTED] performance evaluation to a higher rating because [REDACTED] had already sent a list of awards to [REDACTED] and had been approved (Attachments 33 and 34). [REDACTED] also told investigators that [REDACTED] was promoted without his input. [REDACTED] said that he voiced some concern to [REDACTED] about promoting [REDACTED] because she would be the only person in the office ever promoted to GS-14 without a college degree. [REDACTED] told investigators that he thought [REDACTED] work quality did not justify a promotion and said, "If I had been asked, I would not have recommended promotion at that time, no."

Unnecessary Travel

While we found no specific evidence that trips taken by [REDACTED] and [REDACTED] were unnecessary, we were told that [REDACTED] had gone to the Association of Government Accountants (AGA) conference in New Orleans even though she had attended the same conference the year before in Atlanta. We discovered a June 21, 2009 email from

██████ to ██████ asking if anyone besides him was going to the AGA conference. ██████ replied with the names of "██████" [██████], "██████" [██████], and ██████ in turn replied, "Interesting attendees. None of those folks need to get hours to keep their CPA valid." ██████ responded to ██████ by stating, "They are aga members-training and getting professional community experience" (Attachment 35). When interviewed, ██████ admitted he had sexual intercourse with ██████ during their trip to New Orleans (See Attachments 5, 6, 7, and 8).

Issuance of BlackBerry

██████ told investigators that he provided ██████ with a Government-issued BlackBerry because ██████ needed to communicate effectively with ██████ and that BIA did not want ██████ sending Government documents via her personal cellular phone (See Attachments 5, 6, 7, and 8). ██████ said that she had not given any specific directive that ██████ needed a BlackBerry to communicate with her (See Attachments 24 and 25).

During our interview with ██████, she recalled that in late 2008 or early 2009 ██████ instructed her to issue ██████ a BlackBerry because ██████ was traveling a significant amount of time and had been unable to keep up with her email (See Attachments 19 and 20). ██████ told us that she left the issuance of BlackBerrys to the discretion of her managers (See Attachment 2). ██████ explained that there was no written policy regarding the issuance of BlackBerrys in OFM, but that it was unusual for anyone who was not a "focus group leader" or below a GS-14 to have a BlackBerry (See Attachment 2). ██████ was neither a focus group leader nor a GS-14 at the time she received a BlackBerry. ██████ told investigators that she was given a BlackBerry because BIA did not want her transmitting sensitive information over her personal cellular phone (See Attachments 12 and 13).

Inappropriate Comments Made By ██████

Confidential sources told investigators that ██████ had made inappropriate comments to several female contractors from PriceWaterhouseCoopers (PWC) who worked for OFM on Indian trust issues. We interviewed ██████ a ██████, who said that ██████ had made a comment to her in April or May 2009 that he would leave his wife for her (Attachments 36 and 37). ██████ said that her husband called ██████ "the leech." She also said that ██████ may have made inappropriate comments to her supervisor, ██████ ██████

We also interviewed ██████, who told us that ██████ had called her "sunshine" and "cupcake" and said she had a "nice ass" (Attachments 38 and 39). ██████ recalled that ██████ had talked to her about sexual activities, including orgasms, while both attended an AGA conference in Atlanta in June 2008. She did not remember the context in which this conversation occurred.

As a result of these comments and comments made to ██████ ██████ said that she and ██████ decided to keep their junior female staff out of projects where ██████ was involved. ██████ stated that although PWC junior staff did not have much direct contact with ██████ she and ██████ jointly decided to use male employees where ██████ was directly involved in a project under the contract.

Complaint to ██████

On February 26, 2010, ██████ wrote an email to ██████ complaining about, "the insensitivity of the Department of the Interior's upper management and the OIG as they relate to domestic violence at the workplace and outside of the workplace" (Attachment 40). She further wrote that ██████ and others were "...fully aware of my domestic situation as well as the attacks by my now estranged husband...that took place on the sidewalks of the Department of the Interior." Additionally, ██████ wrote that her "estranged husband has been found with clear and convincing evidence through the Prince Georges County Courts to be an abuser and stalker." In contrast to ██████ allegations, we discovered an email, dated Saturday, August 29, 2009, in which ██████ had briefed ██████ on the status of ██████ domestic issues (Attachment 41). ██████ wrote that this email was in follow-up to prior discussions between them about ██████ continuing difficulties with her husband. ██████ went on to explain that ██████ had called him about an incident between ██████ and her husband that occurred in front of the Main

Interior Building (MIB) the day before and that he [REDACTED] would brief [REDACTED] as developments warranted. During an interview with [REDACTED] he told investigators that he had accompanied [REDACTED] to at least one court date in Prince George's County related to the domestic violence issue (See Attachments 5, 6, 7, and 8).

[REDACTED] told investigators that she witnessed part of the incident between [REDACTED] and her husband which occurred on the sidewalk in front of the MIB (See Attachments 24 and 25). According to [REDACTED] husband grabbed [REDACTED] cellular phone. When asked if the confrontation between [REDACTED] and her husband was over the alleged affair between [REDACTED] and [REDACTED] said, "I don't know, I'm not going to talk about that, what does that have to do with this?" When asked if she had heard that [REDACTED] husband was upset about the affair allegation, [REDACTED] said, "I'm not going to talk about that."

We interviewed [REDACTED], Security Services Branch, DOI (Attachment 42). According to [REDACTED] came to his office on Thursday, September 3, 2009, requesting that DOI provide security assistance to [REDACTED]. According to [REDACTED] said that [REDACTED] told him that she had received threats at work from her estranged husband. [REDACTED] also alleged that [REDACTED] husband had stalked her, placed tracking devices on her vehicle, assaulted her near MIB, and had stolen her Government-issued BlackBerry. [REDACTED] also told [REDACTED] that he had received strange phone calls at work and on his cell phone after the alleged theft of [REDACTED] BlackBerry.

[REDACTED] said that he spoke with [REDACTED] after meeting with [REDACTED]. He said that [REDACTED] told him that on Friday, August 28, 2009, her estranged husband approached her at the intersection of 18th and E Streets, near the front of MIB. The two argued and her husband allegedly grabbed her BlackBerry and injured her arm in the process. [REDACTED] gave [REDACTED] a copy of a Temporary Protective Order issued by the Prince George's County District Court of Maryland against her husband. In response to [REDACTED] concerns, [REDACTED] said he told [REDACTED] that he would do the following for her protection:

- Place her estranged husband on the MIB "DENIED ACCESS LIST," which required [REDACTED] to provide [REDACTED] with a photo of her estranged husband;
- Alert building security guards;
- Alert The Department of Homeland Security (DHS) Federal Protective Service; and
- Provide her with underground parking at MIB through December 2009.

According to [REDACTED] expressed her gratitude for the actions he took on her behalf. [REDACTED] said that he told [REDACTED] that he would have DHS intervene if her husband did not return the BlackBerry. [REDACTED] also sent an email to [REDACTED] as a follow-up on the actions he had taken (Attachment 43).

[REDACTED] told investigators that he followed up with [REDACTED] on Friday, September 4, 2009 and again requested that she provide a photograph of her husband to attach with the denied access alert. He also inquired about the BlackBerry. According to [REDACTED] said that she would respond to him by Monday September 7, 2009. On September 7, 2009, [REDACTED] said that [REDACTED] called him and said that she did not wish to pursue charges for the theft of the BlackBerry. [REDACTED] said he again inquired about the photograph, which [REDACTED] said she would provide by Friday, September 11, 2009.

[REDACTED] said that approximately three weeks later, he had a conversation with [REDACTED] Law Enforcement, DOI Office of Law Enforcement and Security. According to [REDACTED] said that he had spoken to [REDACTED] about the domestic violence allegations and expressed the importance of having the photograph. [REDACTED] reportedly assured [REDACTED] she would provide it to DOI Security. [REDACTED] said that neither he nor [REDACTED] ever received the photograph.

We contacted sources within the Metropolitan Police Department who were unable to locate any record of a complaint regarding the incident between [REDACTED] and her estranged husband occurring in front of the MIB. We also obtained copies Prince George's County court documents in which [REDACTED] accused her husband of attempted rape and stalking, and reviewed additional records of the Circuit and District Courts of Maryland to determine if

█████ filed any criminal complaint(s) against her husband (**Attachments 44 and 45**). While we were able to locate court records involving █████ pending divorce and the issuance of a restraining order against her husband, we found no record of █████ having filed a criminal complaint against her husband for the acts of which she complained. Sources in the Prince George's County Police Department were also unable to locate any report of an attack on █████ by her husband.

SUBJECT(S)

1. █████ to the Deputy Assistant Secretary for Budget and Business Management, Washington, DC.
2. █████, Office of Financial Management, Washington, DC.

DISPOSITION

This investigation has been forwarded to █████ for any action deemed appropriate.

ATTACHMENTS

1. Anonymous complainant letter to OIG, July 14, 2009.
2. IAR – Interview of █████, Budget and Business Management on February 4, 2010.
3. OIG Memorandum to █████, July 24, 2009.
4. Anonymous complainant letter to OIG, February 3, 2010.
5. IAR – Interview of █████ to Deputy Assistant Secretary for Budget and Business Management, on February 19, 2010.
6. Transcript of interview with █████.
7. IAR – Interview of █████ to the Deputy Assistant Secretary for Budget and Business Management, on March 9, 2010.
8. Transcript of interview with █████.
9. IAR – Review of email on March 22, 2010.
10. Official TDY Traveler Authorization, █████ and █████, June 1 to June 6, 2009, trip to Denver, CO.
11. Official TDY Traveler Authorization, █████ and █████, June 21 to June 25, 2009, trip to New Orleans, LA.
12. IAR – Interview of █████, Office of Financial Management, on February 22, 2010.
13. Transcript of interview with █████.
14. Email from █████ to █████; Leave request for Monday while on Acting Status, July 27, 2009.
15. Email from █████ personal email account to his government email account with attached interrogatories, January 26, 2010.
16. Interrogatories filed by █████ in the Circuit Court of Fairfax County, January 11, 2010.
17. Employee Statement for █████ time and attendance, July 19, 2009, to August 1, 2009.
18. Employee Statement for █████ time and attendance, July 19, 2009, to August 1, 2009.
19. IAR – Interview of █████, Office of Financial Management, on February 24, 2010.
20. Transcript of interview with █████.
21. Email from █████ to █████; promotional process and how to advertise, April 8, 2009.
22. Email from █████ to █████; commendation for █████, May 21, 2009.
23. Email from █████ to █████; commendation for █████ August 24, 2009.
24. IAR – Interview of █████, Bureau of Indian Affairs, on March 9, 2010.
25. Transcript of interview with █████.
26. IAR – Interview of █████ Grant Thornton, LLP, on March 23, 2010.

27. IAR – Interview of [REDACTED] Human Resources Systems, Accountability and Delegated Examining Unit (DEU) Branch, Human Resources Division, Minerals Management Service (MMS) and [REDACTED], Human Resources Specialist, DEU, MMS, on March 16, 2010.
28. Transcript of interview with [REDACTED] and [REDACTED].
29. Minerals Management Service Certificate of Eligible's Control Sheet; Competitive.
30. Minerals Management Service Certificate of Eligible's Control Sheet; Competitive Merit Promotion.
31. Email from [REDACTED] to [REDACTED] on justification for the selection of [REDACTED] over the other applicants for GS-14 position, June 18, 2009.
32. Email from [REDACTED] to [REDACTED] with suggestions on what to write in the justification to [REDACTED], June 18, 2009.
33. IAR – Interview of [REDACTED], [REDACTED], Internal Control and Financial Management, Office of Financial Management on February 22, 2010.
34. Transcript of interview with [REDACTED].
35. Emails between [REDACTED] and [REDACTED] about attendees to AGA conference in New Orleans, LA, June 21, 2009.
36. IAR – Interview of [REDACTED] PriceWaterhouseCoopers, on March 23, 2010.
37. Transcript of interview with [REDACTED].
38. IAR – Interview of [REDACTED] PriceWaterhouseCoopers on March 25, 2010.
39. Transcript of interview with [REDACTED].
40. Email of complaint from [REDACTED] to [REDACTED], February 26, 2010.
41. Email from [REDACTED] to [REDACTED] about [REDACTED] difficulties with her spouse, August 29, 2009.
42. IAR – Interview with [REDACTED], Security Services Branch, DOI, on February 23, 2010.
43. Email from [REDACTED] to [REDACTED] regarding the [REDACTED] incident at MIB, September 3, 2009.
44. Final Protective Order from the Prince Georges County Circuit Court dated December 3, 2009.
45. Maryland Judiciary Case Search Results for court cases involving [REDACTED] March 3, 2010.



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

Memorandum

JUL 28 2010

To: Jon Jarvis
Director, National Park Service

From: *John E. Dupuy*
Assistant Inspector General for Investigations

Subject: Report of Investigation - [REDACTED]
Case No. PI-PI-10-0265-I

The Office of Inspector General concluded an investigation of [REDACTED] concerning allegations of [REDACTED] committing time and attendance fraud, travel fraud, and the questionable hiring of [REDACTED]

Our investigation revealed that the emergency hire of [REDACTED] in [REDACTED] 2010 by [REDACTED] and [REDACTED] staff may have violated 5 U.S.C. § 2302 (b) (7). We did not find evidence to support the allegations that [REDACTED] abused her time and attendance or her official Government travel.

We are providing this report to you for any administrative action deemed appropriate. Please send a written response to this office within **90 days** advising of the results of your review and actions taken. Also enclosed is an Investigative Accountability form. Please complete this form and return it with your response. Should you need additional information concerning this matter, you may contact me at (202) 208-6752.

Attachment



**OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR**

REPORT OF INVESTIGATION

Case Title [REDACTED]	Case Number PI-PI-10-0265-I
Reporting Office Program Integrity Division	Report Date July 28, 2010
Report Subject Closing Report of Investigation	

SYNOPSIS

The Office of Inspector General initiated this investigation based on an anonymous hotline complaint dated February 13, 2010, which alleged that [REDACTED] [REDACTED] National Park Service, committed time and attendance fraud and general mismanagement of appropriated funds. The complaint also alleged that [REDACTED] attended a training course in Virginia in order to visit [REDACTED] who was attending college nearby and that she remained in Virginia after completing the training course without taking annual leave. The complaint further stated that [REDACTED] coerced the "Division Chief" to hire [REDACTED] as an emergency hire in [REDACTED] 2010.

Our investigation determined that the emergency hire of [REDACTED] in [REDACTED] 2010 by [REDACTED] staff may have violated 5 U.S.C. § 2302 (b) (7). We did not find evidence to support the allegations that [REDACTED] abused her time and attendance or her official Government travel.

BACKGROUND

Title 5 U.S.C. § 2302 (b) (7) states "Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority—(7) appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position any individual who is a relative (as defined in section 3110 (a) (3) of this title) of such employee if such position is in the agency in which such employee is serving as a public official (as defined in section 3110 (a) (2) of this title) or over which such employee exercises jurisdiction or control as such an official."

Reporting Official/Title [REDACTED]/Special Agent	Signature
Approving Official/Title Harry Humbert/Director, Program Integrity Division	Signature

Authentication Number: 3AD6A523CF26B173827BE3004F767EE6

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DETAILS OF INVESTIGATION

We initiated this investigation based on an anonymous hotline complaint that alleged that [REDACTED] (MLK-NHS), National Park Service (NPS), committed time and attendance fraud and general mismanagement of appropriated funds (**Attachment 1**). The complaint also alleged that [REDACTED] attended a training course in Virginia in order to visit [REDACTED] who was attending college nearby and that she stayed in Virginia after completing the training course without taking annual leave. The complaint further stated that [REDACTED] coerced the "Division Chief" to hire [REDACTED] as an emergency hire in [REDACTED] 2010.

We investigated [REDACTED] time and attendance, [REDACTED] official Government travel, and the emergency hiring of [REDACTED] son. We did not investigate the allegation regarding general mismanagement of appropriated funds because of the broad nature of the complaint.

We interviewed [REDACTED], [REDACTED], NPS, who stated that she has never witnessed anything inappropriate with [REDACTED] time and attendance (**Attachments 2 and 3**).

[REDACTED], NPS, explained that she certifies [REDACTED] time and attendance in the computer system (**Attachments 4 and 5**). [REDACTED] told us that [REDACTED] NPS, tracks [REDACTED] time and attendance. [REDACTED] then stated that she has looked at vouchers for [REDACTED] travel on a few occasions but that [REDACTED] approves [REDACTED] travel. [REDACTED] did not notice any problems with [REDACTED] time and attendance.

When we interviewed [REDACTED] she explained that she inputs [REDACTED] time into the Quicktime system after [REDACTED] provides her with her time and attendance (**Attachments 6 and 7**). [REDACTED] stated that [REDACTED] is on the maxiflex schedule and usually comes into work around 8:00 a.m. or 8:30 a.m. and is usually still working when [REDACTED] leaves. [REDACTED] said she has never witnessed [REDACTED] abusing her time and attendance.

[REDACTED], NPS, also stated that he has never witnessed [REDACTED] abusing time and attendance (**Attachments 8 and 9**).

Agent's Note: After interviewing [REDACTED] [REDACTED] [REDACTED] we determined that [REDACTED] [REDACTED] have approved [REDACTED] travel. The senior staff member working on any given day would be the one responsible for approving [REDACTED] travel vouchers.

When interviewed, [REDACTED] explained that she works a maxiflex schedule starting at 7:00 a.m. until approximately 5:30 p.m. (**Attachments 10 and 11**). [REDACTED] stated that she was responsible for attending functions a [REDACTED] that often take place after normal duty hours. When asked how she accounts for unscheduled hours, [REDACTED] stated that she earns credit hours that are used just like compensatory time. [REDACTED] stated that as the [REDACTED] she does not report her time and attendance to her Regional Director unless she is taking time off for more than one week. [REDACTED] said the Regional Director sent this out in a memo to all the [REDACTED] in his region. [REDACTED] then said her staff was unaware of her schedule, which could have given an appearance that she was coming in late and leaving early.

Regarding [REDACTED] official travel, [REDACTED] stated that she makes [REDACTED] travel arrangements and inputs

the appropriate information into their travel system (See Attachments 6 and 7). [REDACTED] then stated that she does not approve [REDACTED] authorizations or vouchers and told us that the Administrative Officer ([REDACTED]) approves [REDACTED] vouchers. [REDACTED] stated that she has never witnessed [REDACTED] abusing Government travel and has never seen an occasion when she used official travel to visit [REDACTED] in [REDACTED], Virginia.

We asked [REDACTED] if she has ever set up a trip solely to visit [REDACTED] in [REDACTED], and [REDACTED] stated, "No. Under no circumstances" (See Attachments 10 and 11).

[REDACTED] and [REDACTED] all confirmed that they have never witnessed [REDACTED] abusing the use of official travel.

Agents Note: Based on an OIG review of [REDACTED] time and attendance sheets and travel vouchers that were provided by NPS, the OIG was unable to find any issue with the documentation that has been provided to us. The maxiflex program allows [REDACTED] the authority to change her schedule as needed. As the [REDACTED], [REDACTED] explained that she is also responsible for setting up travel for both official Government business and training without prior approval from her supervisors at the regional level.

We asked [REDACTED] to explain the hiring of [REDACTED] and she stated that her office submitted paperwork to Human Resources requesting job announcements for GS-5 Park Guides in [REDACTED] 2009 because the park was losing a currently employed guide after Christmas 2009 (See Attachments 2 and 3) [REDACTED] stated that as the MLK holiday rapidly approached, they still had not received a certification list of potential hires. She said she was desperate to have help for this busy time at the park. [REDACTED] then stated that [REDACTED] told her about her [REDACTED] who recently graduated from the University of [REDACTED] and had a current background investigation [REDACTED] stated that [REDACTED] "recommended that I look at him."

[REDACTED] said she presented the idea to [REDACTED] about hiring [REDACTED] on an emergency basis. [REDACTED] explained that they needed the emergency hire to assist during one of the park's busiest times of year. [REDACTED] said it was her idea to hire [REDACTED] and [REDACTED] never put pressure on her to hire him. [REDACTED] told us that she never interviewed or considered anyone else for the emergency hire because she did not know of anyone else that they could hire immediately and had the proper credentials.

We asked [REDACTED] if she contacted an ethics counselor before hiring the [REDACTED] and she stated that she talked to the Human Resources division but did not consult an ethics counselor. We also asked [REDACTED] if she talked to anyone about a conflict of interest in regards to hiring the [REDACTED] and [REDACTED] stated, "No."

[REDACTED] said this was the first time she used the emergency hire process at [REDACTED], but she did not implement this process specifically to hire [REDACTED]. [REDACTED] explained that she knows of the nepotism rules but has seen this done at other parks and did not see a problem with hiring [REDACTED] because there were layers of management between [REDACTED] and the [REDACTED].

Agent's Note: [REDACTED] later told us that [REDACTED] was already working as a volunteer park guide at [REDACTED] prior to hiring him on an emergency basis. [REDACTED] graduated from college in [REDACTED] 2009, and started as a volunteer at [REDACTED] on [REDACTED] 2010.

[REDACTED] also told us that they had vacancy requests for Park Guides because of three employees who

had left (See Attachments 4 and 5). The process was not moving quickly, so [redacted] came to her because they needed extra park guides for the MLK holiday. [redacted] said [redacted] suggested hiring [redacted] son on an emergency basis.

[redacted] stated that [redacted] asked her if they could hire [redacted] and [redacted] told her they could because she had done it before, it did not violate Merit System principles, and it was only for 60 days. [redacted] then stated that she contacted the Region and received permission to do an emergency hire, but she never asked if they could hire the [redacted]. [redacted] stated, "I never send names when I ask for an emergency hire. It's not part of the procedure." [redacted] also said she did not contact the ethics office to get a ruling on whether or not they could hire [redacted]. [redacted] told us that she was never pressured by the [redacted] or anyone else to hire [redacted].

Agents Note: [redacted] researched Prohibited Personnel Practices and put the applicable section in [redacted] unofficial file. [redacted] offered this information at the conclusion of her interview and told us that she did this research after the OIG started their investigation.

[redacted] told us that she heard that [redacted] had been hired but did not know the circumstances of how he was hired (See Attachments 6 and 7). She told us that the Administrative Officer told her the hire was "legit." [redacted] then said that when the former [redacted] worked at the Park, she was reassigned when he became [redacted].

[redacted] stated that he did not agree with the decision to hire [redacted] (See Attachments 8 and 9). [redacted] said that it wasn't her doing, that it was [redacted] decision. I said, you know, coming from Employee Relations, working on cases, I just thought it was a bad idea. It was a bad decision, because it creates a perception of something wrong. And I think when you're in green and gray and you're in the public working in government, public service, you should always be aware of how other folks perceive it. So from that perspective, I thought it was a bad decision," [redacted] said.

When we asked [redacted] about the hiring of [redacted], [redacted] stated that [redacted] was working as a volunteer at [redacted] when [redacted] asked if they could do an emergency hire for a park guide (See Attachments 10 and 11). According to [redacted] she and [redacted] discussed hiring [redacted] because he had a current background investigation and was currently volunteering at the park. [redacted] stated that [redacted] told her that they could hire [redacted]. [redacted] then said she trusted her staff to follow the proper hiring procedures and to contact their Regional Office for authorization. [redacted] said [redacted] told her that everything had been cleared and they were going to hire [redacted] under the emergency hire authority. [redacted] stated that her Regional Director later contacted her about the hiring of [redacted] after the OIG initiated this investigation. [redacted] stated that at this point, she realized her staff did not follow the proper procedures. [redacted] accepted full responsibility stating she should have contacted the region and an ethics counselor herself to ensure the hire was not an ethical violation. [redacted] stated that she never intentionally influenced her staff to hire [redacted].

SUBJECT(S)

[redacted] NPS
[redacted], NPS
[redacted] NPS

DISPOSITION

This investigation is being forwarded to the Director of NPS for any action deemed appropriate.

ATTACHMENTS

1. Anonymous complaint dated February 13, 2010.
2. IAR – interview of [REDACTED] dated May 26, 2010.
3. Transcript of Interview with [REDACTED] on May 20, 2010.
4. IAR – interview of [REDACTED] dated May 26, 2010.
5. Transcript of Interview with [REDACTED] on May 20, 2010.
6. IAR – interview of [REDACTED] dated May 26, 2010.
7. Transcript of Interview with [REDACTED] on May 20, 2010.
8. IAR-interview with [REDACTED] dated May 26, 2010.
9. Transcript of Interview with [REDACTED] on May 20, 2010.
10. IAR – interview of [REDACTED] dated May 26, 2010.
11. Transcript of Interview with [REDACTED] on May 20, 2010.



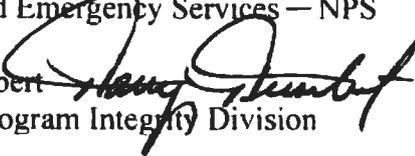
United States Department of the Interior

OFFICE OF INSPECTOR GENERAL
Washington, D.C. 20240

APR 01 2010

Memorandum

To: Lane Baker
Chief, Law Enforcement
Security and Emergency Services – NPS

From: Harry Humbert 
Director, Program Integrity Division

Subject: Referral – Action as Deemed Appropriate – Response Required

Re:  PI-10-0291-R

The Office of Inspector General recently received five anonymous Hotline complaints alleging various instances of mismanagement by 
 San Juan National Historic Site, San Juan, Puerto Rico.

We have opened a case file in order to document the results of your investigation. Please provide a written response to this office within **90 days** advising of the results of your review and actions taken. Also enclosed is an Investigative Accountability form, please complete this form and return it with your response. Should you require additional information concerning this matter, you may contact me at 

Attachment



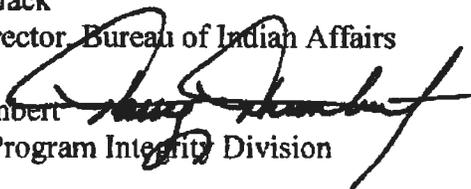
United States Department of the Interior

OFFICE OF INSPECTOR GENERAL
Washington, D.C. 20240

APR 16 2010

Memorandum

To: Michael Black
Acting Director, Bureau of Indian Affairs

From: Harry Humbert 
Director, Program Integrity Division

Subject: Referral – Action as Deemed Appropriate – Response Required

Re: Complaints against Office of Justices Services
Professional Standards Division – PI-10-0392-R

Within the past few weeks, my office has received two separate complaints, the first generated by [REDACTED] of District II, and the second by [REDACTED]. Both complaints allege misconduct on the part of [REDACTED] of Professional Standards Division and [REDACTED] of District II. Both complaints point to perceived conflicts of interest on the part of [REDACTED] and the way in which he initiates and substantiates complaints. Additionally the complaints point to [REDACTED] perceived unwillingness or inability to investigate complaints against his brother in law [REDACTED]. I have attached a copy of both complaints and our response to the first complaint for your review.

In determining how and when to expend our limited resources, we must in each instance determine the significance and breath of the matter. We are not able to investigate every allegation we receive and we have determined that we will not be considering any further inquiry into either of these allegations at this time. After carefully reviewing these complaints, I suggest that you identify a senior law enforcement official within BIA of the same grade or higher than both [REDACTED] and [REDACTED] and direct them to conduct an impartial investigation, the results of which are reported directly to you for your review and approval.

We have opened a case file in order to maintain a record of your investigation. Please send a written response to this office within **90 days** advising of the results of your review and actions taken. Also enclosed is an Investigative Accountability form, please complete this form and return it with your response. Should you need additional information concerning this matter, you may contact me at [REDACTED].

Attachment



**OFFICE OF
INSPECTOR GENERAL**
U.S. DEPARTMENT OF THE INTERIOR

Memorandum

SEP 02 2010

To: Larry Echo Hawk
Assistant Secretary – Indian Affairs

From: Mary L. Kendall *Mary L. Kendall*
Acting Inspector General

Subject: Report of Investigation – [REDACTED]
Case No. PI-PI-10-0429-I

The Office of Inspector General concluded an investigation to determine the reason [REDACTED], Office of Indian Energy and Economic Development, Fort Peck, MT, was not suspended without pay until nearly 3 months after being indicted for various offenses committed while she was employed in the office of the Assistant Secretary – Indian Affairs.

We determined that [REDACTED] was paid approximately \$10,971.84 in gross wages from the time her indictment became public on February 17, 2010, until she was suspended without pay on April 20, 2010. Our investigation revealed that [REDACTED] Office of Indian Energy and Economic Development, believed that his office handled the [REDACTED] suspension appropriately and that he could not have acted sooner because of concerns about defending a suspension action before the Merit Systems Protection Board. Neither [REDACTED] nor [REDACTED] [REDACTED], Assistant Secretary – Indian Affairs, could explain why the delay in suspending [REDACTED] occurred after her indictment became public.

We are providing this information to you for any action deemed appropriate. Please send a written response to this office within **90 days** advising of the results of your review and actions taken. Also complete the Investigative Accountability form and return it with your response. If you develop additional information or have questions that should be discussed with this office, please contact me at [REDACTED]

Attachment



**OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR**

REPORT OF INVESTIGATION

Case Title [REDACTED]	Case Number PI-PI-10-0429-1
Reporting Office Program Integrity Division	Report Date September 2, 2010
Report Subject Closing Report of Investigation	

SYNOPSIS

We initiated this investigation based on information from [REDACTED], Office of Inspector General, Billings, MT. [REDACTED] reported that [REDACTED], Office of Indian Energy and Economic Development, Fort Peck, MT, was not suspended without pay until nearly 3 months after being indicted for various offenses committed while she was employed in the office of the Assistant Secretary – Indian Affairs.

We determined that [REDACTED] was paid approximately \$10,971.84 in gross wages from the time her indictment became public on February 17, 2010, until she was suspended without pay on April 20, 2010. Our investigation revealed that [REDACTED] Director, Office of Indian Energy and Economic Development, believed that his office handled the [REDACTED] suspension appropriately and that he could not have acted sooner because of concerns about defending a suspension action before the Merit Systems Protection Board. Neither [REDACTED] nor [REDACTED], Assistant Secretary – Indian Affairs, could explain the delay in suspending [REDACTED] once her indictment became public.

BACKGROUND

Officials in the office of the Assistant Secretary – Indian Affairs placed [REDACTED] on paid administrative leave on July 10, 2009, after Fort Peck tribal officials alleged she and others participated in a theft scheme involving the Fort Peck Credit Program. [REDACTED] several other U.S. Department of the Interior employees, and four tribal employees, allegedly stole funds from the Fort Peck Credit Program by issuing themselves overtime checks and making unauthorized loans payable to themselves and their relatives.

Reporting Official/Title [REDACTED] / Investigator	Signature [REDACTED]
Approving Official/Title [REDACTED] / Director, Program Integrity Division	Signature [REDACTED]
Authentication Number: C1A35464AAD8AEBE38E2058793FB795E	

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**OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR**

REPORT OF INVESTIGATION

Case Title [REDACTED]	Case Number PI-PI-10-0429-I
Reporting Office Program Integrity Division	Report Date September 2, 2010
Report Subject Closing Report of Investigation	

SYNOPSIS

We initiated this investigation based on information from [REDACTED], [REDACTED], Office of Inspector General, Billings, MT. [REDACTED] reported that [REDACTED] Office of Indian Energy and Economic Development, Fort Peck, MT, was not suspended without pay until nearly 3 months after being indicted for various offenses committed while she was employed in the office of the Assistant Secretary – Indian Affairs.

We determined that [REDACTED] was paid approximately \$10,971.84 in gross wages from the time her indictment became public on February 17, 2010, until she was suspended without pay on April 20, 2010. Our investigation revealed that [REDACTED], Director, Office of Indian Energy and Economic Development, believed that his office handled the [REDACTED] suspension appropriately and that he could not have acted sooner because of concerns about defending a suspension action before the Merit Systems Protection Board. Neither [REDACTED] nor [REDACTED], [REDACTED] Assistant Secretary – Indian Affairs, could explain the delay in suspending [REDACTED] once her indictment became public.

BACKGROUND

Officials in the office of the Assistant Secretary – Indian Affairs placed [REDACTED] on paid administrative leave on July 10, 2009, after Fort Peck tribal officials alleged she and others participated in a theft scheme involving the Fort Peck Credit Program. [REDACTED] several other U.S. Department of the Interior employees, and four tribal employees, allegedly stole funds from the Fort Peck Credit Program by issuing themselves overtime checks and making unauthorized loans payable to themselves and their relatives.

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The Office of Inspector General initiated an investigation (Case #OI-MT-09-0586-I) into the allegations on July 17, 2009 (**Attachment 1**). [REDACTED] and the other suspects were indicted by a Federal grand jury in the U.S. District Court for the District of Montana, Great Falls Division, on various charges relating to the theft scheme on January 25, 2010 (**Attachment 2**). Pursuant to local court rules, the indictment remained sealed until all defendants were served with criminal summonses. The Court unsealed the indictment and it became public information on February 17, 2010 (**Attachment 3**). [REDACTED] was subsequently arraigned on February 23, 2010 (**Attachment 4**).

[REDACTED] pled guilty to various Federal charges related to the theft scheme in the U.S. District Court for the District of Montana, Great Falls Division on July 13, 2010 (**Attachment 5**).

The Departmental Manual's chapter involving discipline and adverse action states "An employee who has been arrested with or without a warrant and held for further legal action by a magistrate court or indicted by a grand jury for a serious crime should be indefinitely suspended without pay pending the outcome of the judicial process. The consideration of any adverse action prompted by an employee's alleged criminal conduct must be closely coordinated with the Office of the Solicitor" (**Attachment 6**).

DETAILS OF INVESTIGATION

We initiated this investigation on May 4, 2010, to determine why [REDACTED] was not placed on administrative leave until nearly 3 months after her indictment. We interviewed [REDACTED], Minerals Management Service (MMS), regarding her knowledge of events leading to [REDACTED] suspension (**Attachment 7**). MMS handled Assistant Secretary – Indian Affairs human resources issues until [REDACTED] retirement in December 2009. Those duties were then transferred to the Bureau of Indian Affairs (BIA).

[REDACTED] stated that she was familiar with the [REDACTED] case and said that she initially recommended [REDACTED] be placed on administrative leave until the matter could be resolved. She recalled sending draft letters needing signature to [REDACTED], Director, Office of Indian Energy and Economic Development, for placing [REDACTED] on paid administrative leave.

On August 6, 2009, [REDACTED] sent [REDACTED] an email discussing the need to remove [REDACTED] from administrative leave or get approval from the Department's human resources office to extend the administrative leave beyond 45 days. [REDACTED] wrote that "as soon as we have some info from the IG, that criminal charges will be filed, we can give them an indefinite suspension and quit paying them." [REDACTED] explained that she believed the Department had the authority to place an employee facing criminal charges on indefinite suspension until they were either proven innocent or guilty. [REDACTED] also told investigators that [REDACTED] could not have been suspended until criminal charges were filed even if [REDACTED] had admitted to the scheme prior to the filing of those charges.

[REDACTED] said that she and [REDACTED] discussed placing [REDACTED] on indefinite suspension "quite a few times" but could never get enough information from the OIG that would enable them to do so. She recalled speaking with [REDACTED], [REDACTED] Branch of Personnel Litigation and Civil Rights, Office of the Solicitor (SOL), Washington, DC, several times to determine if they could place [REDACTED] on indefinite suspension without the criminal charges but was told they could not do so.

[REDACTED] also recalled that [REDACTED], SOL, Billings, MT, had reviewed the proposed letter of indefinite suspension that was going to be issued to [REDACTED]. In an email dated October 30, 2009, [REDACTED] wrote [REDACTED] that he believed the letters did not contain sufficient information to

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place her on indefinite suspension. [REDACTED] said that [REDACTED] and [REDACTED], [REDACTED] Division of Capital Investment, Office of Indian Energy and Economic Development, Washington, DC, wanted to suspend [REDACTED] without pay but could not get SOL to concur.

[REDACTED] said that [REDACTED] should have been placed on indefinite suspension in February 2010 after the indictment became public. She did not know why it had taken so long for the suspension to occur.

We interviewed [REDACTED], BIA, Reston, VA, regarding his knowledge of events leading to [REDACTED] suspension (Attachment 8). [REDACTED] said that he was familiar with the [REDACTED] case because [REDACTED] provided him with [REDACTED] file before [REDACTED] retired. [REDACTED] told investigators that he knew [REDACTED] was being investigated for embezzlement. He thought that [REDACTED] initially tried to remove her but did not have enough information or evidence to do so. [REDACTED] said that [REDACTED] then tried to do an indefinite suspension but also had trouble obtaining evidence to support that action.

[REDACTED] said he became more involved with the [REDACTED] issue after [REDACTED] was indicted in February 2010. [REDACTED] sent [REDACTED] and others an email on February 8, 2010, discussing the [REDACTED] indictment and requested that [REDACTED] determine if they could put [REDACTED] on unpaid leave or dismiss her as a result of the indictment. [REDACTED] said he sought [REDACTED] advice, and [REDACTED] told him that the indictment itself was not enough to support a removal action since the court had not made a formal decision but that he would support an indefinite suspension.

[REDACTED] surmised he reported his conversation with [REDACTED] to [REDACTED], and [REDACTED] approved issuing [REDACTED] the indefinite suspension. [REDACTED] recalled that [REDACTED] concurred with placing [REDACTED] on indefinite suspension.

[REDACTED] said he wrote a letter notifying [REDACTED] of the proposal to place her on indefinite suspension and sent [REDACTED] a draft to review. He subsequently revised the letter based on [REDACTED] comments and sent the updated draft to [REDACTED] for approval. [REDACTED] said that [REDACTED], [REDACTED] Division of Indian Energy Policy Development, Office of Indian Energy and Economic Development, sent him an email on March 18, 2010, stating that the letter of proposed indefinite suspension had been sent to [REDACTED] on March 9, 2010.

[REDACTED] told investigators that he did not know why it had taken so long for [REDACTED] to be placed on indefinite suspension. He said that [REDACTED], [REDACTED], Assistant Secretary – Indian Affairs, made a “pretty quick [decision] compared to some of the other cases that have languished out there.” When asked if [REDACTED] could have been put on indefinite suspension earlier than April 20, 2010, [REDACTED] opined that the suspension would not have been possible because of the lack of evidence available to them. He said that they would have been able to act sooner if they had some documentation from the OIG regarding [REDACTED] criminal misconduct so they could defend their action before the Merit Systems Protection Board should it be appealed. He did not believe that [REDACTED] had access to that information because [REDACTED] was unable to obtain the investigative information from the OIG. He thought [REDACTED] would have shared that information with [REDACTED] if [REDACTED] had it.

We interviewed [REDACTED] regarding his knowledge of events leading to [REDACTED] suspension (Attachment 9). [REDACTED] said that he became involved in the case after [REDACTED] requested a legal review of the proposed suspension. He recalled that [REDACTED] proposed indefinite suspension letter only contained a reference to the OIG investigation but no other mention of an indictment, arrest, or results

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from an Assistant Secretary – Indian Affairs; BIA; or OIG investigation. [REDACTED] said he told [REDACTED] that it was his opinion that the proposed indefinite suspension without supporting documentation was weak. He opined that the mere reference to an OIG investigation in the letter, without specific descriptions of the misconduct, was too vague and would not support the indefinite suspension.

[REDACTED] recalled a conversation he had with [REDACTED] on December 14, 2009, in which he was told that the letter he reviewed was going to be issued as written despite his concerns. [REDACTED] said he continued to voice concerns about the letter to [REDACTED] and that [REDACTED] acknowledged that the lack of supporting documents may be a problem.

[REDACTED] told investigators that he spoke with [REDACTED] on December 15, 2009, and was told that an indictment was pending. [REDACTED] said that [REDACTED] told him that [REDACTED] had access to a wealth of information supporting the criminal indictment. [REDACTED] said that this alarmed him because [REDACTED] had previously denied he had access to documents that supported both the criminal indictment and the indefinite suspension.

[REDACTED] said he called [REDACTED] after he spoke with [REDACTED] and told him that he heard that [REDACTED] did have access to documents supporting the indictment and indefinite suspension. [REDACTED] again denied having access to such documents.

[REDACTED] said he did not have any further contact with anyone about the [REDACTED] issue until March 2010. He recalled that [REDACTED] sent him a copy of [REDACTED] proposed indefinite suspension letter that [REDACTED] had written on March 9, 2010. [REDACTED] said he immediately responded to [REDACTED] because he believed the letter was inadequate. He also sent [REDACTED] several documents to use as templates. [REDACTED] stated that he never heard back from [REDACTED].

[REDACTED] told investigators he would have supported an indefinite suspension had he been presented with either an indictment or materials associated with the OIG investigation that supported an indictment. [REDACTED] said that while the indictment itself may not have been sufficient for removing [REDACTED] from her position, Assistant Secretary – Indian Affairs did not have to prove the misconduct alleged in the indictment to issue an indefinite suspension.

We interviewed [REDACTED] regarding her knowledge of events leading to [REDACTED] suspension (Attachment 10). [REDACTED] said she agreed with [REDACTED] opinion that there had been insufficient evidence to place [REDACTED] on indefinite suspension and that to do so would have caused problems for the Department if [REDACTED] appealed the suspension to the Merit Systems Protection Board. [REDACTED] reiterated that documentation supporting an indefinite suspension must exist.

When we interviewed [REDACTED] regarding his knowledge of events leading to [REDACTED] suspension, [REDACTED] said that he became aware of the [REDACTED] issue in July 2009 when [REDACTED], Director, Rocky Mountain Region, BIA, notified him of the Tribe's complaint (Attachment 11). [REDACTED] stated that he directed [REDACTED] be placed on administrative leave on July 10, 2009, after discussing the issue with [REDACTED], former Director, BIA; [REDACTED], [REDACTED] and others. [REDACTED] told investigators that he thought that the issue would be resolved quickly, but [REDACTED] administrative leave was extended several times.

[REDACTED] recalled that he and [REDACTED] had several discussions about placing [REDACTED] on indefinite suspension and that he was concerned they did not have sufficient information to initiate that action. He also recalled that [REDACTED] had discussed the issue with SOL attorneys and had drafted several

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versions of letters that were to be sent to [REDACTED].

According to [REDACTED], BIA Human Resources told him that he could not take action against [REDACTED] because she was only under investigation and had not yet been charged with a crime. He opined that any adverse personnel action taken against [REDACTED] would have put the Department in jeopardy had she challenged that action.

[REDACTED] recalled further discussions about [REDACTED] after [REDACTED] notified [REDACTED], [REDACTED], Assistant Secretary – Indian Affairs, Billings, MT, on February 8, 2010, that she had been indicted (**Attachment 12**). [REDACTED] said that they discussed various options available to them once they discovered the indictment and that [REDACTED] recommended [REDACTED] be placed on indefinite suspension (See Attachment 11). [REDACTED] said that they continued to be concerned about defending [REDACTED] suspension to the Merit Systems Protection Board because they did not have a copy of the indictment at that time.

[REDACTED] said that discussions about removing [REDACTED] from Federal service continued after the indictment became public. [REDACTED] issued [REDACTED] a Notice of Proposed Indefinite Suspension on March 9, 2010 (**Attachment 13**). In the notice, [REDACTED] wrote that [REDACTED] had to answer the notice within “7 calendar days of your receipt of this letter.” [REDACTED] also wrote that the “indefinite suspension, if effected, will not occur sooner than eight calendar days from the date you receive this proposal.” The Notice of Proposed Indefinite Suspension was sent to [REDACTED] via FedEx on March 17, 2010. She received it the next day. He did not know what caused the delay between when he signed the letter and when she received it.

[REDACTED] said that he contacted [REDACTED], who was named as the deciding official for the suspension, and he told [REDACTED] that [REDACTED] never appealed the proposed action.

[REDACTED] told investigators that he believed his office handled the [REDACTED] suspension “expeditiously” and that they tried to make things “happen as quickly as we possibly could.” While [REDACTED] acknowledged discussing the issue with [REDACTED] during the investigation, he opined that the information he received was not sufficient for them to initiate a suspension action against [REDACTED] because of concerns about defending the action before the Merit Systems Protection Board.

When we interviewed [REDACTED] regarding his knowledge of events leading to [REDACTED] suspension, he told us that he did not recall any discussions or emails about taking adverse personnel action against [REDACTED] in July 2009 after the Tribe filed its complaint (**Attachment 14**). [REDACTED] said he recalled the case from a newspaper report.

[REDACTED] said he saw [REDACTED] memorandum to [REDACTED] proposing her suspension but did not recall how he had seen it. [REDACTED] said he was not involved in drafting the memorandum. He did not know what caused the delay in sending [REDACTED] the notice of her proposed suspension after the indictment became public. [REDACTED] said that [REDACTED] would have sent [REDACTED] the proposed suspension notice directly.

[REDACTED] issued [REDACTED] a notice on April 21, 2010, that he recalled was written by someone in Human Resources, advising her of his decision to place her on indefinite suspension effective April 20, 2010 (**Attachment 15**). [REDACTED] received this notice on April 22, 2010 (**Attachment 16**).

The initial memorandum proposing [REDACTED] suspension advised her she had 8 days from receipt (March 17, 2010) in which to appeal the proposed suspension. [REDACTED] expressed some concern over the delay

All deletions have been made under 5 U.S.C. §§ 552(b)(6) and (b)(7)(C) unless otherwise noted.

in sending [REDACTED] the final decision memorandum but did not know why it had not been sent sooner.

We conducted an analysis of the payroll cost (gross wages) of the delay in suspending [REDACTED], a GS-11, Step 5 (Attachment 17). We estimated the following:

- [REDACTED] was paid \$49,826.40 from the time she was placed on administrative leave on July 10, 2009, until she was suspended without pay on April 20, 2010.
- [REDACTED] was paid \$15,210.96 from the time she was indicted on January 25, 2010, until she was suspended without pay on April 20, 2010.
- [REDACTED] was paid \$12,717.36 from the time she notified [REDACTED] of her indictment on February 8, 2010, until she was suspended without pay on April 20, 2010.
- [REDACTED] was paid \$10,971.84 from the time her indictment became public on February 17, 2010, until she was suspended without pay on April 20, 2010.

SUBJECT(S)

None.

DISPOSITION

This case is being forwarded to the Assistant Secretary – Indian Affairs for any action deemed appropriate.

ATTACHMENTS

1. Copy of Report of Investigation (OI-MT-09-0586-I) on [REDACTED] dated January 15, 2010.
2. Copy of [REDACTED] indictment filed in the U.S. District Court for the District of Montana, Great Falls Division on January 25, 2010.
3. Copy of Order Unsealing Indictment and Case signed by Judge Sam E. Haddon, U.S. District Court for the District of Montana, Great Falls Division on February 17, 2010.
4. Copy of U.S. Department of Justice news release announcing [REDACTED] arraignment on February 23, 2010.
5. Copy of U.S. Department of Justice News Release announcing [REDACTED] guilty plea on July 13, 2010.
6. Copy of Departmental Manual (370 DM 752), Section 1.7(C)(1)(b) dated December 22, 2006.
7. IAR – interview of [REDACTED] on June 3, 2010.
8. IAR – interview of [REDACTED] on June 3, 2010.
9. IAR – interview of [REDACTED] on June 1, 2010.
10. IAR – interview of [REDACTED] on June 7, 2010.
11. IAR – interview of [REDACTED] on June 15, 2010.
12. Copy of email from [REDACTED] to [REDACTED] on February 8, 2010.
13. Copy of Notice of Proposed Indefinite Suspension issued to [REDACTED] by [REDACTED] on March 9, 2010.
14. IAR – interview of [REDACTED] on July 12, 2010.
15. Copy of Decision to Suspend Indefinitely issued to [REDACTED] by [REDACTED] on April 21, 2010.
16. Copy of FedEx delivery verification signed by [REDACTED] on April 22, 2010.
17. Analysis of [REDACTED] payroll costs.



**OFFICE OF
INSPECTOR GENERAL**

JUL 06 2010

Memorandum

To: Dan Ashe
Acting Director, U.S. Fish and Wildlife Service

From: ~~John E. Dupuy~~
Assistant Inspector General for Investigations

Subject: Report of Investigation – [REDACTED]
Case No. PI-PI-10-0437-I

The Office of Inspector General concluded an investigation into allegations that [REDACTED] Office of Law Enforcement, displayed a holstered handgun during a traffic altercation while off-duty on March 25, 2010.

Our investigation found that [REDACTED] was traveling southbound on the ramp from Shirley Highway (I-395) to Glebe Road when an unidentified vehicle veered into her lane of traffic and almost struck her car. Two senior police detectives from Arlington County, VA, and Prince George's County, MD, witnessed the incident. They said that immediately following the altercation, [REDACTED] displayed a holstered handgun from her driver's window. Attached to the holster was a U.S. Fish and Wildlife Service badge. The detectives stopped and identified [REDACTED] at the scene but did not take further action because they did not identify the other driver.

[REDACTED] disputed the police detectives' accounts of the incident and maintained that she never displayed the holstered handgun from outside of the car window. She acknowledged that she moved the holstered handgun from her glove box to her lap but could not adequately explain how witnesses saw the handgun. She declined to take a polygraph examination to verify her statement.

We are providing this report to you for whatever administrative action you deem appropriate. Please send a written response to this office within 90 days advising of the results of your review and actions taken. Also attached is an Investigative Accountability form. Please complete this form and return it with your response. Should you need additional information concerning this matter, you may contact me at [REDACTED].

Attachment



**OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR**

REPORT OF INVESTIGATION

Case Title [REDACTED]	Case Number PI-PI-10-0437-I
Reporting Office Program Integrity Division	Report Date July 6, 2010
Report Subject Final Report of Investigation	

SYNOPSIS

The Office of Inspector General initiated this investigation based on information provided by [REDACTED] Arlington County Police Department, alleging that [REDACTED] (GS-15), Office of Law Enforcement, U.S. Fish and Wildlife Service, displayed a holstered handgun during a traffic altercation in Arlington County, VA, that occurred on Shirley Highway (I-395) while [REDACTED] was off-duty on March 25, 2010.

According to witnesses, including two senior police detectives from Arlington County and Prince George's County, MD, [REDACTED] exited I-395 onto the ramp to Glebe Road and proceeded southbound in the right lane. As [REDACTED] approached a fork in the roadway, a second vehicle swerved into her lane and almost struck her car. The detectives said that moments later [REDACTED] displayed a holstered firearm and law enforcement badge from her open driver's window. They stopped [REDACTED] immediately and found her holstered handgun, with a U.S. Fish and Wildlife Service badge attached, tucked under the front passenger seat.

[REDACTED] disputed witness accounts of the incident and maintained that she never displayed the holstered handgun from her car window. [REDACTED] accused police detectives of formulating their story because they knew that she was unhappy that they stopped her instead of the other driver.

Due to discrepancies between [REDACTED] account of the incident and those of the four witnesses, we offered [REDACTED] the opportunity to take a polygraph examination to verify her statement. [REDACTED] declined.

Reporting Official/Title [REDACTED] Investigator	Signature [REDACTED]
Approving Official/Title [REDACTED] Director, Program Integrity Division	[REDACTED]
Authentication Number: C481C25B7866E9B07C60AAE182956DEF	

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**OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR**

REPORT OF INVESTIGATION

Case Title [REDACTED]	Case Number PI-PI-10-0437-I
Reporting Office Program Integrity Division	Report Date July 6, 2010
Report Subject Final Report of Investigation	

SYNOPSIS

The Office of Inspector General initiated this investigation based on information provided by [REDACTED], Arlington County Police Department, alleging that [REDACTED] (GS-15), Office of Law Enforcement, U.S. Fish and Wildlife Service, displayed a holstered handgun during a traffic altercation in Arlington County, VA, that occurred on Shirley Highway (I-395) while [REDACTED] was off-duty on March 25, 2010.

According to witnesses, including two senior police detectives from Arlington County and Prince George's County, MD, [REDACTED] exited I-395 onto the ramp to Glebe Road and proceeded southbound in the right lane. As [REDACTED] approached a fork in the roadway, a second vehicle swerved into her lane and almost struck her car. The detectives said that moments later [REDACTED] displayed a holstered firearm and law enforcement badge from her open driver's window. They stopped [REDACTED] immediately and found her holstered handgun, with a U.S. Fish and Wildlife Service badge attached, tucked under the front passenger seat.

[REDACTED] disputed witness accounts of the incident and maintained that she never displayed the holstered handgun from her car window. [REDACTED] accused police detectives of formulating their story because they knew that she was unhappy that they stopped her instead of the other driver.

Due to discrepancies between [REDACTED] account of the incident and those of the four witnesses, we offered [REDACTED] the opportunity to take a polygraph examination to verify her statement. [REDACTED] declined.

Reporting Official/Title [REDACTED] / Investigator	Signature
Approving Official/Title [REDACTED], Director, Program Integrity Division	Signature

Authentication Number: C481C25B7866E9B07C60AAE182958DEF

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DETAILS OF INVESTIGATION

We investigated this case based on a complaint from [REDACTED] of the Arlington County Police Department (APD). On April 29, 2010, [REDACTED] sent a fax to [REDACTED], Office of Law Enforcement, Security and Emergency Management. The fax contained written statements from three APD employees alleging that [REDACTED] Office of Law Enforcement, U.S. Fish and Wildlife Service (FWS) displayed a holstered handgun during a traffic altercation on March 25, 2010. Thorsen referred the complaint to FWS who forwarded it to the Office of Inspector General for investigation.

We reviewed the memoranda prepared by [REDACTED], Robbery – Homicide Unit, APD, and APD [REDACTED] and [REDACTED], that provided their accounts of the incident (Attachments 1- 3). We also interviewed [REDACTED], and [REDACTED] Prince George’s County Police Department.

[REDACTED] said that while traveling southbound on Shirley Highway (I-395) at approximately 6:00 p.m. on March 25, 2010, he observed [REDACTED] white BMW in front of him in the right lane (Attachment 4). [REDACTED] was operating an unmarked police vehicle and was accompanied by [REDACTED] and [REDACTED] followed directly behind [REDACTED] and [REDACTED] in a second unmarked vehicle. [REDACTED] said that [REDACTED] exited I-395 onto the ramp for the Glebe Road – Shirlington exit and proceeded southbound in the right lane when a gold sedan appeared from behind in the adjoining left lane.

[REDACTED] described the vehicle as an older model Chevrolet Monte Carlo and noticed that it appeared to be “changing lanes a lot” (Attachment 5). [REDACTED] recalled that the driver of the sedan was “swerving between lanes” and “did not know which lane he wanted to be on” (Attachment 6).

According to the witnesses, as [REDACTED] approached a fork in the ramp, shown in the photograph below, the sedan swerved into the right lane and nearly struck [REDACTED] car. It then swerved back into the left lane and continued toward the Shirlington – Quaker Lane exit. [REDACTED] and [REDACTED] recalled that after the near collision, the driver of the sedan made a hand gesture at [REDACTED]



The witnesses said that moments later [REDACTED] extended her arm from the driver’s window and displayed what appeared to be a paddle style handgun holster. [REDACTED] who was driving directly behind

█ saw a gold badge attached to the holster and thought she was trying to identify herself as a law enforcement officer (See Attachment 4). She then brought her arm back into her car and continued toward the Glebe Road exit. She had no further contact with the other driver.

█ said that he assumed that █ was a law enforcement officer, but because she had displayed a holstered firearm, he initiated a traffic stop of her car. He activated his vehicle's emergency equipment but noted that she did not stop immediately. █ continued for a short distance and appeared to be "doing something in the vehicle" (See Attachment 1).

█ stopped her car near the end of the exit ramp where it intersects with Glebe Road. █ said that he approached her driver's side window while █ went to the passenger side. █ said that he saw what appeared to be the handle of a handgun protruding from under the front passenger seat (Attachment 7). He retrieved the handgun from the car and noted that it was in a holster with a gold badge attached.

█ and █ said that █ presented her FWS credentials and operator license and identified herself as a "GS-15" and "█." They said that she questioned why they had stopped her and told them to go get the other guy. According to █, █ said that she was scared and thought the other driver was going to kill her (See Attachment 4). █ described █ demeanor as "not the easiest to get along with" (Attachment 8).

█ recalled █ as "bossy" and said that she was very upset that they were not going after the other driver (See Attachment 7). He recalled that she repeatedly said, "The other guy is getting away. I don't know why you are stopping me." █ also said that when they explained to her that she pointed a gun out of her window, she said, "No I didn't. I didn't point a gun at anybody. I showed him my badge. That's all I did." █ obtained █ identifying information and asked if she wanted to speak to his supervisor. █ also asked if █ needed him to contact her supervisor. According to █, █ said, "I'm the boss. I'm the █. It's my Department."

Later that evening, after notifying their supervisor █ of the incident, █, and █ prepared memoranda regarding the incident in case the other driver came forward. █ explained that displaying a firearm in such a manner could be considered brandishing a firearm and investigated as a crime if the other driver saw the weapon and came forward (Attachment 9). He noted, "No one has a right to stick a gun out of a window" (See Attachment 4).

On May 17, 2010, after being contacted by the OIG to schedule an interview, █ forwarded an unsolicited email to her supervisor, █, Office of Law Enforcement, FWS, providing her account of the incident (Attachment 10). █ wrote:

"I was involved in an extreme road rage incident and feared for my life. As I was bearing right onto the Glebe portion of the ramp, a car had been following too close, swerving and trying to hit my car while traveling in the same general direction. I reached into my glove box and grabbed my holstered weapon and put it in my lap before closing my eyes thinking I was going to be hit. When I opened my eyes, came to the light at the exit ramp, the other car continued into Shirlington and an undercover police officer stopped behind me. I identified myself, and in discussion with the two Arlington county officers, I asked if they saw what had happened (they advised they had seen the whole incident as I described it), why they pulled me over instead of following and pulling over the

other vehicle. They advised that they saw the badge and gun as I pulled it out (which has my badge attached to the holster) of the glove box.”

When we interviewed ██████, she told us that she was returning home from visiting her father at the time of the incident (**Attachment 11**). She explained that as she exited southbound Shirley Highway onto the ramp to Glebe Road, she saw a gold older model “scary looking” car attempting to enter her lane from the left. ██████ said that the vehicle veered into her lane two or three times and almost struck her car on one occasion in what she described as an “extreme road rage incident.” She said that she feared for her life and closed her eyes at one point anticipating that that the other car was going to hit her.

██████ told us that the other vehicle sped up and slowed down beside her and that it was apparent the driver wanted to get into her lane. She also said that she was scared and removed her service issued handgun from the glove box and placed it in her lap.

In the email to ██████ said that the other car followed her too closely, yet when we interviewed her, she did not describe being tailgated. Then, when we asked her when the other driver’s actions became violent, ██████ answered, “His car was kind of, it had like those shocks on it, and quick stops at me, trying to get over, like I said, either in front of me or behind me. I didn’t know what he was doing. But I knew it wasn’t normal and it really scared me.”

██████ disputed witness accounts that she displayed the holstered weapon from her driver’s window and maintained that she merely took the weapon out of the glove box and placed it on her lap. When asked if it was possible that she held the holster up in an attempt to warn the other driver that she was a law enforcement officer, she said, “It’s possible. I don’t think it was out the window. I think it might have been close [to the window]. It might have been close, as I transferred it.” She questioned whether she would have had the window down, and maintained that a more likely scenario was that they saw her weapon through her rear window as she moved it from the glove box to her lap.

When told that four witnesses described her displaying the holster outside of her car window, she said “I find it hard to believe.” She surmised that the witnesses “formulated” their stories because they knew she was dissatisfied that they stopped her instead of the other driver. ██████ also maintained that she put her weapon on the front passenger seat. She disputed ██████ statement that he found the holstered weapon under her front passenger seat. ██████ said that she was the “real victim,” and that they knew she was upset about how they handled the situation.

We asked ██████ if she thought it would be wrong to display the weapon from the car window. ██████ answered, “No, I mean, to show my badge - had it not been secured to the gun. I might have shown the badge. I wouldn’t have stuck it out the window flaring it at someone.” When asked again, she said, “In that situation, I don’t know that it would be.” She finally acknowledged that it would be wrong to display the handgun in that manner saying, “Yes, in public display, yeah.”

On May 24, 2010, we offered ██████ the opportunity to undergo a polygraph examination due to obvious discrepancies between her statement and the statements of the four witnesses (**Attachment 12**). ██████ said initially that she had no problem taking the polygraph examination, but she questioned the need for the test because she already told investigators that it was possible she may have displayed her weapon, although that was not how she recalled the incident. She also acknowledged that it was possible she may have been attempting to notify the other driver that she was a law enforcement officer. ██████ said that it was possible these things occurred but never admitted that she displayed her

weapon.

On May 25, 2010, [REDACTED] contacted investigators and refused our offer for a polygraph examination.

SUBJECT

[REDACTED]
[REDACTED] Office of Law Enforcement
U.S. Fish and Wildlife Service

DISPOSITION

This report is being provided to [REDACTED], U.S. Fish and Wildlife Service, for actions deemed appropriate.

ATTACHMENTS

1. APD Memorandum prepared by [REDACTED], March 25, 2010.
2. APD Memorandum from [REDACTED], March 25, 2010.
3. APD Memorandum from [REDACTED], March 25, 2010.
4. IAR and Transcript of Interview with [REDACTED], May 12, 2010.
5. IAR and Transcript of Interview with [REDACTED], May 14, 2010.
6. IAR and Transcript of Interview with [REDACTED], May 12, 2010.
7. IAR and Transcript of Interview with [REDACTED], May 13, 2010.
8. IAR - Telephone Interview of [REDACTED], May 13, 2010.
9. Section 18.2-282, Code of Virginia, Brandishing a Firearm.
10. Email from [REDACTED] to [REDACTED], May 17, 2010.
11. IAR and Transcript of Interview with [REDACTED], May 20, 2010.
12. IAR - Telephone Conversation with [REDACTED], May 25, 2010.



**OFFICE OF
INSPECTOR GENERAL**
U.S. DEPARTMENT OF THE INTERIOR

Memorandum

JUL 26 2010

To: Larry Echo Hawk
Assistant Secretary – Indian Affairs

From: Mary L. Kendall *[Signature]*
Acting Inspector General

Subject: Report of Investigation – [REDACTED]
Case No. PI-PI-10-0508-I

The Office of Inspector General recently concluded an investigation based on a complaint filed by [REDACTED] alleged that [REDACTED] would not be able to objectively handle a complaint [REDACTED] filed with our office against [REDACTED] - Policy, Evaluation and Post-Secondary Education, Bureau of Indian Education (BIE). [REDACTED] initially complained to the OIG in September 2009 because [REDACTED] berated him and said she was going to report him to the Assistant Secretary - Indian Affairs office for unknown reasons. The original complaint was forwarded to [REDACTED] who [REDACTED] contended handled BIE matters, in November 2009.

In his current complaint to the OIG, [REDACTED] specifically alleged that concerns voiced in his original complaint would not be handled fairly because of [REDACTED] relationship with [REDACTED], a BIE [REDACTED] who reported to [REDACTED]

Our investigation revealed that [REDACTED], who recalled [REDACTED] original complaint, did not take any action because he believed it was a minor issue. We did not find any evidence supporting [REDACTED] concerns or suggesting that [REDACTED] would have acted unfairly had he chosen to address [REDACTED] complaint. We also found that no punitive action had been taken against [REDACTED] as a result of [REDACTED] threat to report him to your office.

We are providing this information to you for any action deemed appropriate. If you develop additional information or have questions that should be discussed with this office, please do not hesitate to contact me at [REDACTED].



**OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR**

REPORT OF INVESTIGATION

Case Title [REDACTED]	Case Number PI-PI-10-0508-I
Reporting Office Program Integrity Division	Report Date July 15, 2010
Report Subject Closing Report of Investigation	

SYNOPSIS

We initiated this investigation based on a complaint we received from [REDACTED] Office of the Assistant Secretary - Indian Affairs, Washington, DC. who alleged that [REDACTED], Assistant Secretary - Indian Affairs, and [REDACTED], Bureau of Indian Education, Washington, DC. were romantically involved. [REDACTED] alleged that their relationship caused a conflict of interest in a prior complaint that [REDACTED] filed with the Office of Inspector General against [REDACTED] supervisor, [REDACTED], Policy, Evaluation and Post-Secondary Education, Bureau of Indian Education.

[REDACTED] initially complained to the OIG in September 2009 because [REDACTED] berated him and said she was going to report him to the Assistant Secretary - Indian Affairs for unknown reasons. That complaint was forwarded to [REDACTED] who [REDACTED] contended handled BIE matters, in November 2009. In his current complaint to the OIG, [REDACTED] specifically alleged that concerns voiced in his original complaint would not be handled fairly or objectively because of [REDACTED] relationship with [REDACTED]

Our investigation revealed that [REDACTED] did not take any action on the complaint because he believed it was a minor issue. We also discovered that no punitive action had been taken against [REDACTED] as a result of [REDACTED] threat to report him to the Assistant Secretary - Indian Affairs.

DETAILS OF INVESTIGATION

On June 4, 2010, [REDACTED] Assistant Secretary - Indian Affairs (AS-IA) filed a complaint with the Office of Inspector General alleging that [REDACTED] AS-IA, and [REDACTED], Bureau of Indian Education (BIE), Washington, DC, were romantically involved and that their relationship caused a conflict of interest in a prior complaint (OI-

Reporting Official/Title [REDACTED]/Investigator	Signature [REDACTED]
Approving Official/Title [REDACTED], Director, Program Integrity Division	Signature [REDACTED]
Authentication Number: FE2490C05605AD92210D72B57A0C07AC	

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OI-002 (04/10 rev. 2)



**OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR**

REPORT OF INVESTIGATION

Case Title [REDACTED]	Case Number PI-PI-10-0508-I
Reporting Office Program Integrity Division	Report Date July 15, 2010
Report Subject Closing Report of Investigation	

SYNOPSIS

We initiated this investigation based on a complaint we received from [REDACTED] Office of the Assistant Secretary - Indian Affairs, Washington, DC, who alleged that [REDACTED] Assistant Secretary - Indian Affairs, and [REDACTED] Bureau of Indian Education, Washington, DC, were romantically involved. [REDACTED] alleged that their relationship caused a conflict of interest in a prior complaint that [REDACTED] filed with the Office of Inspector General against [REDACTED] supervisor, [REDACTED], Policy, Evaluation and Post-Secondary Education, Bureau of Indian Education.

[REDACTED] initially complained to the OIG in September 2009 because [REDACTED] berated him and said she was going to report him to the Assistant Secretary - Indian Affairs for unknown reasons. That complaint was forwarded to [REDACTED] who [REDACTED] contended handled BIE matters, in November 2009. In his current complaint to the OIG, [REDACTED] specifically alleged that concerns voiced in his original complaint would not be handled fairly or objectively because of [REDACTED] relationship with [REDACTED]

Our investigation revealed that [REDACTED] did not take any action on the complaint because he believed it was a minor issue. We also discovered that no punitive action had been taken against [REDACTED] as a result of [REDACTED] threat to report him to the Assistant Secretary - Indian Affairs.

DETAILS OF INVESTIGATION

On June 4, 2010, [REDACTED], Assistant Secretary - Indian Affairs (AS-IA) filed a complaint with the Office of Inspector General alleging that [REDACTED] AS-IA, and [REDACTED], Bureau of Indian Education (BIE), Washington, DC, were romantically involved and that their relationship caused a conflict of interest in a prior complaint (OI-

Reporting Official/Title [REDACTED]/Investigator	Signature
Approving Official/Title [REDACTED], Director, Program Integrity Division	Signature

Authentication Number: FE2490C05605AD92210D72DD1A0CDAFC

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HQ-09-0744-R) [REDACTED] filed with the OIG against [REDACTED] supervisor, [REDACTED] Policy, Evaluation and Post-Secondary Education, BIE, Washington, DC (**Attachments 1 and 2**). In the current complaint, [REDACTED] wrote that he believed his initial complaint against [REDACTED] would not be handled fairly or objectively because of the relationship [REDACTED] who allegedly managed BIE issues, had with [REDACTED]

We interviewed [REDACTED] regarding his initial and current complaints (**Attachment 3**). [REDACTED] told investigators he filed the original complaint because he was confused as to why [REDACTED] walked into his office to berate him and tell him that she was going to report him to the Assistant Secretary without any explanation. He did not know why [REDACTED] was angry with him, but recalled that this event occurred shortly after the *Haskell News* published an article attacking [REDACTED] reputation and credibility. [REDACTED] said he reported the incident to his supervisor, the Bureau of Indian Affairs Equal Employment Opportunity (EEO) office, and his union representative. He did not know the status of his complaints with either the EEO office or the union.

[REDACTED] original complaint was forwarded to [REDACTED] for review in November 2009 (**Attachment 4**). [REDACTED] stated [REDACTED] never spoke to him about the complaint.

[REDACTED] explained that his current complaint involved concerns that [REDACTED] would not handle his initial complaint fairly because [REDACTED], who reported to [REDACTED], was [REDACTED] girlfriend. [REDACTED] opined that he was being “brushed aside” because he had not heard anything about his initial complaint.

[REDACTED] told investigators that no punitive action had been taken against him and that he had not heard any disparaging comments about him or his reputation other than [REDACTED] initial threat to report him to the Assistant Secretary. [REDACTED] acknowledged that he maintained a good relationship with [REDACTED] and had no evidence indicating that [REDACTED] would act adversely toward him. He did not know if [REDACTED] would influence [REDACTED] to act one way or the other in addressing his complaint.

We interviewed [REDACTED] who said he vaguely recalled the original complaint [REDACTED] filed against [REDACTED] (**Attachment 5**). [REDACTED] did not recall taking any action on the complaint nor did he recall if [REDACTED] had complained to him about [REDACTED] said that he “probably” would not have acted on the complaint and would not have caused the Assistant Secretary to get involved because it seemed “like a relatively minor incident.”

[REDACTED] said he did not have direct authority, responsibility, or supervisory control over BIE, but he acknowledged that the Assistant Secretary’s oversight of BIE programs gives him the authority to supervise or act. [REDACTED] specifically stated he had no authority to discipline [REDACTED] and that any such discipline would be initiated by the BIE Director. [REDACTED] said that [REDACTED], the [REDACTED] – Indian Affairs would be the deciding official on any proposed discipline. According to [REDACTED] neither he nor the Assistant Secretary would be part of the disciplinary process.

[REDACTED] said there was nothing that would have prevented him from taking action on [REDACTED] complaint as long as he had the legal and proper authority to take that action.

SUBJECT(S)

[REDACTED] Senior Executive Service, [REDACTED] Office of the Assistant Secretary - Indian Affairs, Washington, DC

DISPOSITION

OFFICIAL USE ONLY

This case is being forwarded to the Assistant Secretary - Indian Affairs for any action deemed appropriate.

ATTACHMENTS

1. Copy of OIG Hotline email Complaint Number E004391 submitted by [REDACTED] on June 4, 2010.
2. Copy of OIG Hotline email Complaint Number E004174 submitted by [REDACTED] on September 28, 2009.
3. IAR – interview of [REDACTED] on June 15, 2010.
4. Copy of OIG complaint referral memorandum forwarded to [REDACTED] on November 18, 2009.
5. IAR – interview of [REDACTED] on June 16, 2010.



**OFFICE OF
INSPECTOR GENERAL**

SEP 01 2010

Memorandum

To: Rhea Suh
Assistant Secretary for Policy, Management and Budget

From: Mary L. Kendall *Mary L. Kendall*
Acting Inspector General

Subject: Report of Investigation
[REDACTED] – PI-10-0554-I

The Office of Inspector General conducted an investigation based on a complaint from [REDACTED] alleging that his father, [REDACTED] Office of Civil Rights, has a pending warrant for his arrest for contempt of court for non-payment of child support. We also examined potentially false statements [REDACTED] made related to his professional legal license and statements made on his applications for Federal employment in 1999 and 2006.

Our investigation determined that in 1992, South Carolina family court ordered [REDACTED] to pay [REDACTED] approximately \$19,000 in retroactive child support, post-majority support, and other fees. To date, [REDACTED] has not fully satisfied the court's order. Because of accruing interest, the total amount [REDACTED] owes is disputed but is likely between \$48,000 and \$70,000. In January 2009, the state of South Carolina issued a warrant for [REDACTED] arrest. If [REDACTED] returns to South Carolina, he will be subject to arrest and possible imprisonment.

[REDACTED] is a licensed attorney subject to professional conduct standards. In 1994, the Colorado Supreme Court publically censured [REDACTED] for making false statements regarding the nature and extent of injuries he allegedly sustained from motor vehicle accidents that were the subject of civil litigation. In 2009, the Colorado Attorney General's office filed a complaint against [REDACTED] alleging that he violated the rules of professional conduct by failing to comply with the South Carolina child support order and failing to disclose the outstanding order on his annual license renewal certification forms.

We also reviewed [REDACTED] applications for Federal employment from 1999 and 2006. Both applications included information that was misleading regarding his status to practice law in Texas and his failure to comply with the child support order.

We are providing this report to you for whatever administrative action is deemed appropriate. Please send a written response to this office within **90 days** advising of the results of your review and actions taken. Also complete the Investigative Accountability form and return it with your response. If you have any questions, you may contact me at [REDACTED].

Attachment



**OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR**

REPORT OF INVESTIGATION

Case Title [REDACTED]	Case Number PI-PI-10-0554-I
Reporting Office Program Integrity Division	Report Date September 1, 2010
Report Subject Closing Report of Investigation	

SYNOPSIS

We initiated this investigation based on a complaint received from [REDACTED] alleging that [REDACTED] father, [REDACTED], Office of Civil Rights, had a pending warrant for his arrest for contempt of court for non-payment of child support. We also examined potentially false statements [REDACTED] made regarding his professional legal license and statements made on his applications for Federal employment in 1999 and 2006.

Our investigation determined that in 1992, a South Carolina court ordered [REDACTED] to pay [REDACTED] approximately \$19,000 in retroactive child support, post-majority support, and other fees. To date, [REDACTED] has not fully satisfied the court's order, and there is a South Carolina warrant pending for his arrest (non-extradition). We also found that [REDACTED] has been the subject of two professional misconduct censures from the State of Colorado (a third is pending), and that he provided potentially misleading or false information on his applications for Federal employment in 1999 and 2006.

We presented the case to [REDACTED], Fraud and Public Corruption Section, U.S. Attorney's Office for the District of Columbia, who declined prosecution. Because the criminal statute regarding nonpayment of child support provides venue where the defendant resides, we also presented the case to Assistant United States Attorney [REDACTED] from the U.S. Attorney's Office for the Eastern District of Virginia, who also declined prosecution.

BACKGROUND

Applicable Laws and Regulations (Attachment 1).

Reporting Official/Title [REDACTED] / Special Agent	Signature [REDACTED]
Approving Official/Title [REDACTED] / Director, Program Integrity Division	Signature [REDACTED]
Authentication Number: 87AB984E8405155207D19B852DB80B23	

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**OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR**

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Our investigation determined that in 1992, a South Carolina court ordered [REDACTED] to pay [REDACTED] approximately \$19,000 in retroactive child support, post-majority support, and other fees. To date, [REDACTED] has not fully satisfied the court's order, and there is a South Carolina warrant pending for his arrest (non-extradition). We also found that [REDACTED] has been the subject of two professional misconduct censures from the State of Colorado (a third is pending), and that he provided potentially misleading or false information on his applications for Federal employment in 1999 and 2006.

We presented the case to [REDACTED] Fraud and Public Corruption Section, U.S. Attorney's Office for the District of Columbia, who declined prosecution. Because the criminal statute regarding nonpayment of child support provides venue where the defendant resides, we also presented the case to Assistant United States Attorney [REDACTED] from the U.S. Attorney's Office for the Eastern District of Virginia, who also declined prosecution.

BACKGROUND

Applicable Laws and Regulations (**Attachment 1**).

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Approving Official/Title [REDACTED] / Director, Program Integrity Division	Signature

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DETAILS OF INVESTIGATION

We initiated this investigation on June 21, 2010, following a complaint filed by [REDACTED] alleging that [REDACTED] father, [REDACTED], Office of Civil Rights, had a pending warrant for his arrest for contempt of court for non-payment of child support. We also examined misleading statements [REDACTED] made regarding his professional legal license and statements made on his applications for Federal employment in 1999 and 2006.

Child Support Order

[REDACTED] is [REDACTED] son, born out of wedlock in 1971 (**Attachment 2**). There was no child support order in place while [REDACTED] was a minor. In 1991, [REDACTED] filed suit in family court for the Ninth Judicial Circuit of the State of South Carolina to seek post-majority support. After a trial, on August 9, 1992, the court ordered [REDACTED] to pay retroactive child support from the time of [REDACTED] first attempt to contact [REDACTED] in 1986, in the amount of \$3,000, and post-majority support in the form of college expenses and tuition. The court also ordered [REDACTED] to pay [REDACTED] attorney fees in the amount of \$4,000, plus other costs in the amount of \$1,068. The court ordered [REDACTED] to satisfy the judgment within 30 days of the court order.

[REDACTED] appealed the trial court order, and on June 13, 1994, the South Carolina Court of Appeals affirmed the trial court order. On October 28, 1994, the trial court found [REDACTED] in contempt of court and sentenced him to 6 months incarceration in the County of Charleston jail. The court ordered that the sentence could be purged by complete compliance with the August 9, 1992 court order. The court awarded [REDACTED] interest and additional fees, for a total award of \$19,631.

In approximately 1994, [REDACTED] filed for bankruptcy in Colorado. [REDACTED] initiated adversary proceedings against [REDACTED] to prevent the South Carolina court order from being discharged in [REDACTED] bankruptcy. On November 22, 1995, the bankruptcy court issued a judgment in favor of [REDACTED] in the amount of \$20,561.53, costs and attorney fees, and interest of \$815.70, with interest continuing to accrue at the rate of \$4.50 per day until the judgment was paid, for a total award of \$22,524.23. Between 1995 and 2008, [REDACTED] filed for bankruptcy two additional times, and both cases were dismissed.

On July 31, 2008, the South Carolina family court issued a Rule to Show Cause ordering [REDACTED] to appear in person for a hearing to show cause, if any, as to why he should not be held in contempt of court. The hearing was continued several times, and was held on December 17, 2008. [REDACTED] failed to appear, and the Court directed that [REDACTED] be placed under arrest for contempt unless he paid [REDACTED] his outstanding debt. The court found [REDACTED] in contempt of court, and ordered him confined to the Charleston County Detention Center immediately. A warrant was issued for [REDACTED] arrest on January 14, 2009 (**Attachment 3**, and See Attachment 2).

In August 2008, [REDACTED] filed a writ of garnishment in the amount of \$47,264.51. [REDACTED] calculated this amount using the \$4.50 per day interest rate set forth in the 1995 bankruptcy court judgment.

We interviewed [REDACTED] on July 13, 2010 (**Attachment 4**). [REDACTED] stated that through the years, he has had very little contact with [REDACTED]. He said that he recalled the original support order, but he did not remember how much the order was for, or whether it included child support in addition to post-majority support and attorney fees. He said that he appealed the court order, and that his attorney was supposed to appeal the order to the South Carolina Supreme Court, but the attorney failed to file the

appeal on [REDACTED] behalf. He said that he remembered a hearing was scheduled in 1994 but his attorney filed for a continuance because [REDACTED] had a conflict and was unable to appear. He said that he did not hear from his attorney again until after the hearing was held, and he later learned that the court found him in contempt for failure to satisfy the 1992 court ordered support.

[REDACTED] told investigators that he provided his financial records to the court before the court issued the 1992 order. He said that he was working as a legal aid attorney and earned \$30,000 a year. He said that the reason he did not satisfy the court's order was because he did not have the money. [REDACTED] initially told investigators that between 1992 and 2008, he paid [REDACTED] a "couple of hundred dollars here and there," and "I paid, like I would send the money- it wasn't a lot, and so it wasn't a lot of money paid at that time." [REDACTED] later admitted that prior to the 2008 writ of garnishment he had not paid any money to [REDACTED] toward satisfying the 1992 family court order.

[REDACTED] stated that he takes full responsibility for his actions in this case, but [REDACTED] also stated that he was instructed by his attorney not to appear at the 2008 Rule to Show Cause hearing. When asked if his attorney informed him that a warrant had been issued for his arrest, [REDACTED] responded: "No, what they said to me was that it was not a final order." [REDACTED] described the warrant as a "civil bench warrant," and said, "you make it sound as if I was public enemy number one, and I was charged with some criminal offense." [REDACTED] also said, "I don't lessen this, but I don't put it up there where you're saying, you're making it sound like I'm wanted for murdering somebody." [REDACTED] continued to say, "It's a civil warrant based on a judge saying, 'I am going to not remove this until you pay this.' And this is what I've been trying to do because, obviously, if I'm not there to pay it, then obviously that is more of a problem."

[REDACTED] said that his wages have been garnished a total of \$38,000, which he believes is more than the total amount that he owes to [REDACTED]. He stated that he intends to travel to South Carolina as soon as the court schedules a hearing on his motion to set aside the bench warrant.

We interviewed [REDACTED] supervisor, [REDACTED] Director, Office of Civil Rights (**Attachment 5**). [REDACTED] said that neither [REDACTED] nor his predecessor, [REDACTED], have been required to travel to South Carolina as part of the job, but she said it is not unrealistic that the position would require travel to South Carolina. She said that Office of Civil Rights has an office in Charleston, SC, and both the National Park Service and the U.S. Fish and Wildlife Service have offices in South Carolina.

Bar License

[REDACTED] graduated from the Thurgood Marshall School of Law in 1979 (**Attachment 6**). In November 1979, he was admitted to the State Bar of Texas, and in October 1983, he was admitted to the State Bar of Colorado. On March 3, 1988, the Colorado Supreme Court issued a private censure to [REDACTED] for filing a pleading in a state where he was not licensed to practice, engaging in an ex parte communication with the judge relating to the merits of the matter, and negligently failing to forward to his client a copy of the judgment entered against the client in that proceeding (**Attachment 7**).

On September 19, 1994, [REDACTED] was issued a public censure for providing statements of fact during the course of discovery in a personal injury action, which were later proven to be false. [REDACTED] was involved in five separate motor vehicle accidents between January 1988 and October 1990 and filed civil action against each of the five drivers alleging that he suffered extraordinary physical, psychological, and economic injuries, damages, and losses. During litigation, [REDACTED] stated that he had no prior injuries or illnesses affecting the parts of his body that were injured in the motor vehicle

accidents, and that other than routine physical examinations, he had not been seen by any health care professionals in the previous 10 years. [REDACTED] also represented that he had never been in any other accidents prior to the motor vehicle accidents at issue in the litigation. During the course of discovery, the court ordered production of [REDACTED] medical records, which established that [REDACTED] had received medical treatment for conditions that he claimed never existed prior to the motor vehicle accidents, and included information that [REDACTED] had been in two previously undisclosed motor vehicle accidents in 1981 and 1988, and a slip and fall accident in 1981.

On November 23, 2009, the State of Colorado filed a complaint with the Supreme Court of Colorado against [REDACTED] charging him with violating the Colorado Rules of Professional Conduct, and seeking appropriate discipline as ordered by the court (See Attachment 2). The complaint alleged that [REDACTED] committed professional misconduct when he failed to comply with the 1992 South Carolina Family Court order. The complaint also alleged that [REDACTED] committed misconduct on his annual bar license registration certifications where [REDACTED] checked “no” in response to the question, “Are you under a current order to pay child support.”

During his interview, we asked [REDACTED] if he had ever been the subject of discipline by the State Bar of Colorado (See Attachment 4). [REDACTED] responded, “Yes, [REDACTED] has brought this matter there in front of them.” We then asked, “Other than that, have you been subject to any disciplinary proceedings?” [REDACTED] replied:

Since I became an attorney, as you know, people file things against people all the time, and I think may have been 1989. I’m trying to think of exactly what that was. But there was some minor incident that occurred in 1989. I’m trying to think of what the heck that was. It was 20 years ago. And so I think two times in a 30-year period, something may have been filed...

We again asked if those were the only two incidents and [REDACTED] responded, “As I said, over a 30-year period, there was in 1989, you know, was an incident that I recall. I don’t recall exactly what it is- and I’m not trying to have selective amnesia, but that was 20 years ago.”

Later in the interview, we again asked [REDACTED] to identify the disciplinary proceedings filed against him. This time, [REDACTED] replied that there were two instances in addition to the complaint filed by [REDACTED]. [REDACTED] said: “I do not recall the first time. I just remember in 1989 was the last time.” We then asked [REDACTED] if there was a time where he were involved in civil litigation stemming from motor vehicle accidents where he overstated or misrepresented the nature of his injuries or the nature of the accident, and [REDACTED] stated that he thought that was the 1989 incident. He said that “[s]omething came up where there was another accident... I don’t even [sic] remember until you brought this up.” [REDACTED] said:

I was involved in several accidents where people hit me from behind. I was getting treatment. I had all sorts of injuries, and there was like one accident that I believe that I received treatment for. And I think I was either at a deposition with my attorney, and I didn’t recall what happened or some of the circumstances of that. I believe that’s what occurred.

[REDACTED] went on to describe a disciplinary proceeding that took place prior to the one involving the motor vehicle accidents. He said:

I helped a man, and he owed, I believe, some alimony or child support. And I helped him in New York, and I just called on the phone and talked to the attorney who was handling the case, because he asked me to do that. And I told the person I was not an attorney in New York; I was merely advising him in Colorado. I think that's what that was about. That's all I recall. I don't recall anything else about any other of those.

██████████ said that the complaint initiated by ██████████ was still pending in Colorado, and that a hearing is set for December 2010.

Job Application

In 1999, ██████████ applied for his first Federal position at the U.S. Department of Agriculture (See Attachment 6). As part of his application, he submitted his resume, which stated, "Admitted to Practice Law in Texas: 1979; Admitted to Practice Law in Colorado: 1983." We researched ██████████ Texas bar license, and found that his license was suspended on September 1, 1994 (**Attachment 8**). Further research established that the suspension was for one of the following reasons: failure to pay Inactive or Active Membership Dues; Failure to pay Attorney Occupational Tax; MCLE requirements non-compliance; Texas Guaranteed Student Loan Default; Failure to pay Child Support; or Failure to take A Guide to the Basics of Law Practice course.

██████████ told us that his Texas bar license was in "inactive status," and had been for years (See Attachment 4). He said, "I have never received anything from Texas saying that I'm suspended. I know that over 15 years ago, that it was in inactive status."

During his interview, ██████████ reviewed the information listed on his 1999 resume. We asked him if it was a true statement that he was admitted to practice law in Texas and Colorado at the time he submitted his application, to which he replied, "Yeah, at that time, yes." He stated, "At that time, I believe I was licensed to practice in Texas and Colorado." We asked, "At the time that you filed this [resume], were you licensed to practice law, could you go into court in Texas and practice law?" ██████████ replied, "I believe I was. I don't remember if it was inactive at that date or not."

In 2006, ██████████ applied for his current position at the U.S. Department of the Interior. As part of his application, he submitted Optional Form 306 (**Attachment 9**). Under "Background Information," the form asks the applicant to check "yes" or "no" to a series of questions, including: "11. Are you now under charges for any violation of law? If 'YES,' use item 16 to provide the date, explanation of the violation, place of occurrence, and the name and address of the police department or court involved." ██████████ checked "no" in response to question 11.

We asked ██████████ to review his Optional Form 306, and ██████████ stated that he answered question number 11 correctly (See Attachment 4). We reminded him of the 1994 court order that found him in contempt and sentenced him to 6 months in jail if he did not comply with the 1992 support order. ██████████ said that he "didn't see that as being a charge." He said that his understanding of the 1994 order was the court saying "you either pay this or you get six months." ██████████ admitted that he neither paid the order amount nor went to jail, but he said, "I don't think that's a charge."

SUBJECT(S)

██████████ GS-15, Office of Civil Rights, ██████████.

DISPOSITION

On June 23, 2010, we presented the case to [REDACTED] Fraud and Public Corruption Section, U.S. Attorney's Office for the District of Columbia, who declined prosecution.

This report of investigation will be forwarded to the Assistant Secretary for Policy, Management and Budget for whatever action deemed appropriate.

ATTACHMENTS

1. Applicable Laws and Regulations.
2. The People of the State of Colorado v. [REDACTED], Complaint, Filed November 23, 2009, Supreme Court of Colorado.
3. State of South Carolina, County of Charleston Family Court, Bench Warrant for the Arrest of [REDACTED], dated January 14, 2009.
4. IAR- Interview and Transcript of [REDACTED] on July 13, 2010.
5. IAR- Interview of [REDACTED] on July 9, 2010.
6. Optional Application for Federal Employment and Resume of [REDACTED], dated November 18, 1999.
7. People v. [REDACTED], Order for Public Censure, Colorado Supreme Court, dated September 19, 1994.
8. IAR- Texas Attorney License Research, dated July 13, 2010.
9. Optional Form 306, Declaration for Federal Employment, dated April 3, 2006.



**OFFICE OF
INSPECTOR GENERAL**
U.S. DEPARTMENT OF THE INTERIOR

JAN 14 2011

Memorandum

To: Secretary Salazar

From: Mary L. Kendall
Acting Inspector General

Subject: Report of Investigation – [REDACTED]
Case No. PI-PI-10-0650-I

The Office of Inspector General concluded an investigation into allegations that [REDACTED], Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), falsified inspection reports and accepted gifts from the oil and gas industry. On June 22, 2010, you requested that we investigate allegations that BOEMRE inspectors in Lake Jackson, TX, engaged in unethical conduct. Our investigation of [REDACTED] followed up on that case. In addition to the issues surrounding [REDACTED] inspections, we reviewed whether he and Lake Jackson [REDACTED] [REDACTED] lied to Federal investigators about accepting meals from the Island Operating Company (IOC).

We found that [REDACTED] had close, personal relationships with IOC employees whom he often inspected. IOC receipts document him accepting approximately \$500 in meals during 2008 and 2009. Interviews also support that [REDACTED] falsified an inspection report in March 2010 by instructing an IOC employee to begin the inspection alone and fill out BOEMRE's paperwork. The IOC employee said [REDACTED] had told him to do this on other occasions. IOC receipts also document that five Lake Jackson [REDACTED], including [REDACTED] and [REDACTED] violated the \$50 per year gift limit. [REDACTED] repeatedly denied that he ever accepted meals from IOC, even though IOC receipts show him attending 11 meals in 2009. We found that even after our previous investigation of inspector lunches, IOC continued this practice of offering meals to inspectors in Lake Jackson.

In addition, we discovered that [REDACTED] may have fathered a child outside his marriage with a woman whose uncle is one of [REDACTED] Anadarko Petroleum inspection contacts. [REDACTED] did not recuse himself from inspecting Anadarko platforms even though he realized the woman's uncle knew [REDACTED] could be the child's father.

We also discovered more than 100 pornographic images in [REDACTED] Government email, some of which he exchanged with other inspectors. On October 15, 2010, [REDACTED] resigned from Federal employment. The Assistant U.S. Attorney for the Southern District of Texas declined to prosecute [REDACTED] and [REDACTED]

We are providing this report to your office for whatever administrative action deemed appropriate. Please send a written response to this office within **90 days** advising of the results of

All deletions have been made under 5 U.S.C. §§ 552(b)(6) and (b)(7)(C) unless otherwise noted.

your review and actions taken. Also enclosed is an Investigative Accountability form. Please complete this form and return it with your response. Should you need additional information concerning this matter, you may contact me at [REDACTED].

Attachment



**OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR**

REPORT OF INVESTIGATION

Case Title [REDACTED]	Case Number PI-PI-10-0650-I
Reporting Office Program Integrity	Report Date January 14, 2011
Report Subject Report of Investigation	

SYNOPSIS

We initiated this investigation to address allegations that Lake Jackson [REDACTED] [REDACTED] falsified an inspection report and received gifts from oil and gas industry representatives. We also reviewed whether [REDACTED] and Lake Jackson [REDACTED] lied to Federal investigators about accepting meals from the Island Operating Company (IOC), an oil and gas operator whom they inspected regularly.

We found that [REDACTED] had close, personal relationships with IOC employees. IOC receipts document him accepting approximately \$500 in meals during 2008 and 2009. Interviews also support that he falsified an inspection report in March 2010, instructing an IOC employee to begin the inspection alone and fill out BOEMRE's paperwork. The employee said [REDACTED] also told him to do this on other occasions. IOC receipts also document that a total of five Lake Jackson [REDACTED] including [REDACTED] and [REDACTED], violated the \$50 per year gift limit. [REDACTED] repeatedly denied that he accepted meals from IOC, even though IOC receipts document him attending 11 meals in 2009. We found that even after our previous investigation of inspector lunches, IOC continued offering meals to inspectors in Lake Jackson. In addition, we discovered that [REDACTED] may have fathered a child outside his marriage with a woman whose uncle is one of [REDACTED] Anadarko Petroleum inspection contacts. [REDACTED] did not recuse himself from inspecting Anadarko platforms even though he realized the woman's uncle knew [REDACTED] could be the child's father. Finally, we discovered more than 100 pornographic images in [REDACTED] Government email. Some of these he exchanged with other inspectors.

On October 15, 2010, [REDACTED] resigned from Federal employment. The Assistant U.S. Attorney for the Southern District of Texas declined to prosecute [REDACTED] and [REDACTED]. We are providing a copy of this report to the Secretary of the Interior for any action deemed appropriate.

Reporting Official/Title [REDACTED] /Special Agent	Signature [REDACTED]
Approving Official/Title [REDACTED], Director, Program Integrity	Signature [REDACTED]
Authentication Number: D3C2E0C5374958375D1063005101A451	

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**OFFICE OF
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REPORT OF INVESTIGATION

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We found that [REDACTED] had close, personal relationships with IOC employees. IOC receipts document him accepting approximately \$500 in meals during 2008 and 2009. Interviews also support that he falsified an inspection report in March 2010, instructing an IOC employee to begin the inspection alone and fill out BOEMRE's paperwork. The employee said [REDACTED] also told him to do this on other occasions. IOC receipts also document that a total of five Lake Jackson [REDACTED], including [REDACTED] and [REDACTED], violated the \$50 per year gift limit. [REDACTED] repeatedly denied that he accepted meals from IOC, even though IOC receipts document him attending 11 meals in 2009. We found that even after our previous investigation of inspector lunches, IOC continued offering meals to inspectors in Lake Jackson. In addition, we discovered that [REDACTED] may have fathered a child outside his marriage with a woman whose uncle is one of [REDACTED] Anadarko Petroleum inspection contacts. [REDACTED] did not recuse himself from inspecting Anadarko platforms even though he realized the woman's uncle knew [REDACTED] could be the child's father. Finally, we discovered more than 100 pornographic images in [REDACTED] Government email. Some of these he exchanged with other inspectors.

On October 15, 2010, [REDACTED] resigned from Federal employment. The Assistant U.S. Attorney for the Southern District of Texas declined to prosecute [REDACTED] and [REDACTED]. We are providing a copy of this report to the Secretary of the Interior for any action deemed appropriate.

Reporting Official/Title [REDACTED]/Special Agent	Signature
Approving Official/Title [REDACTED], Director, Program Integrity	Signature

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BACKGROUND

Prior to this investigation, on June 22, 2010, at the request of Interior [REDACTED], we investigated allegations that Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) inspectors in Lake Jackson, TX, engaged in unethical conduct (**Attachment 1**). A former Lake Jackson [REDACTED] complained to the BOEMRE Ethics Office on April 13, 2010, that inspectors flew to Rockport, TX, to eat lunches paid for by oil and gas companies and took helicopter trips to chase wildlife, among other issues (**Attachment 2**).

While we found no evidence to substantiate many of the allegations, we did find that BOEMRE employees accepted lunches from the Island Operating Company (IOC), an oil and gas operator BOEMRE inspects regularly in the Gulf of Mexico (**Attachment 3**). Many inspectors admitted that IOC took them to restaurants in Rockport, TX. Some inspectors believed they could accept lunches while gathering inspection paperwork onshore since they had been allowed to accept food on the platforms and rigs offshore. [REDACTED] denied the frequency of the lunches, and [REDACTED] denied that he had ever accepted a lunch from IOC, even though others said IOC often paid for inspector lunches.

New allegations also surfaced during the Lake Jackson case. These included [REDACTED] falsifying or “pencil whipping” an inspection report. Allegations also involved [REDACTED] son obtaining a job with an operator as a favor to [REDACTED]. After we questioned [REDACTED] about allegations that he falsified reports and he denied this, he documented in a written statement that on one occasion after a wrist injury on the job, he asked an operator to help him fill out his inspection documents (**Attachment 4**). Following this revelation, [REDACTED] supervisors grounded him from conducting inspections (**Attachment 5**).

After we learned that [REDACTED] may have falsified an inspection report and that [REDACTED] and [REDACTED] may have lied to agents about accepting lunches, we initiated our current investigation to address these issues. We also investigated the employment of [REDACTED] son with IOC.

During our investigation, we learned that [REDACTED] may have been involved in a situation that posed a conflict of interest. Email communication indicated he may have fathered a child outside his marriage with a woman whose uncle is one of his Anadarko Petroleum inspection contacts. We incorporated this issue into our case.

Finally, we discovered pornographic materials in certain BOEMRE employee emails. We have addressed this issue also.

DETAILS OF INVESTIGATION

Following our 2010 employee misconduct investigation at the BOEMRE office in Lake Jackson, TX, we initiated this investigation to address allegations that [REDACTED] falsified an inspection report and received gifts from oil and gas industry representatives. We also reviewed whether [REDACTED] and [REDACTED] lied to Federal investigators about accepting meals from IOC, whether [REDACTED] son obtained a job with IOC as a favor to [REDACTED] whether [REDACTED] should have recused himself from Anadarko platforms due to an extramarital relationship, and whether BOEMRE Lake Jackson inspectors exchanged pornographic materials through Government email.

Initiating our investigation on August 10, 2010, we reviewed BOEMRE employee emails and traveled to Houston, TX, to interview BOEMRE inspectors and IOC employees. We also issued a subpoena for documents to IOC and the Apache Corporation, an oil and gas exploration company that uses IOC as a subcontractor to operate its platforms in the Gulf of Mexico.

Falsifying Inspection Reports

The original complainant in our previous Lake Jackson investigation stated that during inspections, [REDACTED] witnessed [REDACTED] copy operator calculations onto his BOEMRE inspection forms and then skip over certain aspects of the inspection (**Attachment 6**). [REDACTED] explained that [REDACTED] also allowed operators to fix problems immediately during the inspection, rather than write an Incident of Non-Compliance (INC), a safety violation. The complainant could not recall the dates or the platforms and rigs where these actions occurred but said they were possibly IOC platforms.

As part of our Lake Jackson investigation, we questioned [REDACTED] about the allegation that he “pencil whipped,” or falsified inspection reports (**Attachment 7**). He said he had never falsified an inspection report or violated BOEMRE policy or any Federal regulations during his 6 years as an inspector. The following day, however, [REDACTED] provided a letter stating that he remembered he had fallen down the heliport stairs on platform MI-622-C, injuring his wrist, and asked an operator to fill out his inspection paperwork (See Attachment 4). “I was present during all this,” he wrote. “I guess I was being stubborn in wanting to finish the inspection.”

During his second interview, [REDACTED] said that platform MI-622-C was an Apache platform run by IOC (**Attachment 8**). On March 5, 2010, he arrived on the platform to complete an inspection that [REDACTED] and [REDACTED] had started a month earlier, he said. He normally wrote his inspections in pencil, he explained, and identified the areas on his paperwork where the operator had written in ink. He said he had never let an operator fill out his inspection paperwork before. [REDACTED] said that he did not report his fall or fill out an injury report because he was “hard-headed” and did not want to “make a big to-do of it.”

BOEMRE documentation shows that the MI-622-C inspection began on February 12, 2010, and ended on March 5, 2010 (**Attachment 9**). On page 13, under “Pressure and Atmospheric Vessels,” the word “good” appears twice, written in ink to document certain components. On pages 13 and 14, several numbers also are written in ink.

We subsequently interviewed [REDACTED], BOEMRE [REDACTED], Lake Jackson District, and [REDACTED], BOEMRE [REDACTED], Lake Jackson District, providing them with MI-622-C inspection documentation for their review (**Attachment 10**). [REDACTED] said that [REDACTED] never told him about an injury on the platform and never filed a workers’ compensation claim for his alleged injury.

After looking at the inspection report, [REDACTED] stated that [REDACTED] and [REDACTED] had written the penciled portions of the paperwork. He said that [REDACTED] had been assigned to inspect the portion written in ink. [REDACTED] said that [REDACTED] son had worked for Apache, possibly around the time [REDACTED] had performed his March 5, 2010 inspection, and he believed [REDACTED] and Apache employees “were friendly.”

After their interview, [REDACTED] and [REDACTED] said that they sent out BOEMRE engineers to perform a cursory review of MI-622-C. [REDACTED] and [REDACTED] also reviewed [REDACTED] inspections of Apache/IOC

platforms conducted during the last couple of years and did not find any issues or problems.

We interviewed [REDACTED] about [REDACTED] March 5, 2010 inspection, which he and [REDACTED] had started the month before (**Attachment 11**). [REDACTED] said that when he first found out he was going to inspect MI-622-C, he did not want to go because he did not have the proper documentation showing that he was trained to inspect that type of platform. When he expressed hesitation, he said, [REDACTED] volunteered to do the inspection. [REDACTED] said that [REDACTED] son was rumored to be employed by IOC and working on MI-622-C that day.

According to [REDACTED], when he first arrived on MI-622-C, “it was just a wreck” and the lead operator was “trying to get everything cleaned up.” He said that he never saw [REDACTED] son during the inspection, but after he and [REDACTED] wrote several INCs to IOC that day, [REDACTED] became upset with him.

*Agent’s Note: Documentation regarding those working on MI-622-C on February 12, 2010, and March 5, 2010, provided by Apache and IOC do not list [REDACTED] son, [REDACTED], as being on the platform (**Attachment 12**).*

We also showed [REDACTED] an email [REDACTED] sent him in December 2009 stating that [REDACTED] was tired of defending himself, that he did not choose his platforms, and that he did not have an agenda (**Attachment 13** and see **Attachment 11**). [REDACTED] explained that some other inspectors had questioned why [REDACTED] inspected IOC so often. He said that [REDACTED] was rumored to be very “close” to IOC and had friends there. When asked, he said that Lake Jackson [REDACTED] knew about these friendships.

We interviewed [REDACTED], a former IOC employee present on MI-622-C for [REDACTED] inspections on March 5, 2010, and February 19, 2009 (**Attachments 14 and 15**). According to [REDACTED] had inspected his platforms approximately five times, but he did not know him personally. During [REDACTED] February 2009 inspection, he said, [REDACTED] gave him the BOEMRE inspection paperwork, told him to begin the inspection alone, and permitted him to fill in some of the numbers. He said that [REDACTED] told him, “I trust you.” [REDACTED] said that he performed some of the tests alone and filled in the correct numbers.

[REDACTED] could not recall specifically filling out [REDACTED] BOEMRE inspection paperwork on March 5, 2010, but said it was possible. He said that [REDACTED] often conducted his inspections by handing the operator the paperwork and saying “Here it is, go,” then showing up later while the IOC employees were doing the tests. When told that someone had written “good” in pen on the March 5, 2010 inspection paperwork, [REDACTED] said, “I’m the one that might have wrote ‘good’ ... that sounds like me.” [REDACTED] did not recall [REDACTED] injuring his wrist on March 5, 2010.

When asked if the manner in which he said that [REDACTED] conducted his inspections provided an opportunity for an operator to write different figures than those tested, [REDACTED] said this could have happened. He later stated, “There’s people for Island that don’t have much integrity, and then there’s some people that’s really got a bunch of integrity.” [REDACTED] also said that [REDACTED] sometimes allowed IOC employees to fix smaller problems for which another inspector might write an INC.

[REDACTED] said that generally he knew in advance when BOEMRE was coming to inspect his platforms, and specifically what they would be testing. The day before an inspection, he said, someone on the platform would tell him that a list of what BOEMRE would inspect was lying on the table. Having this

knowledge would allow him to test the equipment two or three times before inspectors arrived, he said. [REDACTED] added that during safety meetings, IOC and Apache supervisors instructed employees not to say anything if a BOEMRE inspector gave them a “break.” He explained, “You got a bunch of operators They’re trying to send their kids to college They’re trying to keep their house payments going and stuff like that ... and if there’s a questionable call, they’re going to pick the money.”

[REDACTED] IOC [REDACTED], also present during [REDACTED] March 5, 2010 inspection of MI-622-C, said that he first met [REDACTED] that day (**Attachment 16**). One unusual aspect of that inspection, he said, was [REDACTED] not coming with him immediately to begin the testing and missing the first test. He said, however, that he never wrote on [REDACTED] BOEMRE inspection report and did not witness anyone else doing so. He also said that he never witnessed or heard about [REDACTED] falling and hurting himself that day.

[REDACTED], an IOC [REDACTED] who said he accompanied [REDACTED] during the entire March 5, 2010 inspection of MI-622-C, also said that he did not write on [REDACTED] inspection report and did not see anyone else do so (**Attachment 17**). He described [REDACTED] as a friend and said he was a fair [REDACTED]. He did not witness [REDACTED] sustain any injuries on the platform.

According to Federal Regulation 18 U.S.C. § 1001, “Statements or Entries Generally,” individuals may not knowingly and willfully make or use any false writing or document containing a materially false, fictitious, or fraudulent statement or entry (**Attachment 18**). Federal Government Executive Order 12674 also specifies that Federal employees must put forth an honest effort in the performance of their duties and not give preferential treatment to any private citizen or organization (**Attachment 19**).

Lunches with IOC

During our Lake Jackson investigation, the complainant told us [REDACTED] had flown with [REDACTED], and contracted [REDACTED] to Rockport, TX, approximately four times to have lunch (See Attachment 6). [REDACTED] said an oil and gas operator always paid for everyone’s food, which totaled around \$25 per person, and [REDACTED] told [REDACTED] not to tell anyone because it was a big secret. Before they left the heliport in the morning, [REDACTED] would call ahead to his IOC friends to set up a time to eat. [REDACTED] also attended the lunches, [REDACTED] said.

Many BOEMRE inspectors and pilots admitted during our Lake Jackson investigation that IOC bought them lunch 10 to 15 times during the course of several years in Rockport, TX (See Attachment 3). [REDACTED] denied the frequency of the lunches, and [REDACTED] denied that IOC ever paid for his lunch, even though others said IOC often paid for inspector lunches.

[REDACTED] said that he had eaten lunch in Rockport with the operators, but he paid for the majority of his meals (See Attachment 7). When asked who paid for the other majority, he said, “Well, there’s been times I’ve left my billfold or something like that, and maybe one of the other guys will pick it up.” He approximated that he would pay for eight or nine lunches out of 10. When asked if he had a lot of friends working for IOC, he said he knew some of the IOC Rockport employees.

We also questioned [REDACTED] about accepting lunches from IOC (**Attachment 20**). He replied that he had never accepted a lunch and did not recall any other inspectors accepting meals. “Outside the rigs, I haven’t [accepted meals],” he said. “It’s too risky. I write too many INCs, and it’s something else for them to hold over my head I never let anybody pay for me, that I can recall.”

We also interviewed contracted [REDACTED], who flew BOEMRE inspectors out to the platforms and rigs in the Gulf of Mexico (Attachment 21). He said that over the course of 3 years, he had probably been to Rockport for lunch 10 to 15 times with different BOEMRE inspectors. He recalled that the IOC employees who went to lunch with them in Rockport were named "[REDACTED]" "[REDACTED]" and "[REDACTED]." He said [REDACTED] and [REDACTED] seemed to know the men well.

We reviewed [REDACTED] Government emails and found discussions on his lunches with IOC as well as his friendships with IOC representatives. IOC employees [REDACTED] and [REDACTED] exchanged numerous emails with [REDACTED], some sharing jokes and others talking about their hunting, camping, and fishing trips together (Attachment 22). On September 6, 2007, [REDACTED] even thanked [REDACTED] for his "support" in getting a job with IOC. On August 20, 2009, [REDACTED] invited [REDACTED] to his daughter's baby shower. [REDACTED] also discussed BOEMRE business with both [REDACTED] and [REDACTED], including repairs that needed to be made on IOC platforms, as well as his future inspections (Attachment 23).

[REDACTED] emails discussing lunches with IOC include a July 13, 2006 email where he told [REDACTED], "Getting [REDACTED] to buy me lunch" (Attachment 24). On December 11, 2008, he emailed [REDACTED] and said, "Don't say anything about [REDACTED] buying. Like I told you yesterday, never volunteer shit around here. Make em dig for it." On February 19, 2009, [REDACTED] emailed BOEMRE [REDACTED] and said, "Airport 4 lunch at 1100. Mite [sic] have a sponsor." After [REDACTED] said that [REDACTED] was the sponsor, [REDACTED] asked if this was permitted and [REDACTED] replied, "I am going. FREE meal."

We also reviewed [REDACTED] emails for information on IOC lunches and possible friendships. We found that [REDACTED] was also invited to [REDACTED] daughter's baby shower (See Attachment 22). [REDACTED], who had told us during his prior interview that he preferred to conduct surprise inspections, stated in a November 18, 2009 email to IOC employee [REDACTED], "I need all of you guy's cell phone numbers unless you want surprise inspections" (Attachment 25).

We issued a subpoena to IOC requesting receipts for meals purchased for BOEMRE inspectors from 2008 through 2010. IOC provided receipts for meals purchased in 2008 and 2009 by IOC employees [REDACTED] (Attachment 26). [REDACTED] purchased the majority of the meals. Many of the receipts had the names of those in attendance written on the back – or documented in some other way.

In order to calculate the amount spent on each BOEMRE employee, we examined the receipts that documented attendees and divided the cost by the number of people present (Attachment 27). We also estimated the average cost of meals at frequently visited restaurants. We could not calculate the cost for 23 meals because IOC employees either did not detail the attendees or provided damaged receipts. The following chart reflects the approximate amount spent by IOC on each BOEMRE employee accepting more than \$50 per year in meals.

BOEMRE Inspector	Spent by IOC in 2008	Spent by IOC in 2009
[REDACTED]	\$360	\$140
[REDACTED]		\$300
[REDACTED]	\$118	
[REDACTED]	\$118	
[REDACTED]		\$117

We interviewed [REDACTED], IOC [REDACTED], who said that he knew both [REDACTED] and [REDACTED] (Attachment 28). He said that [REDACTED] was not his friend, but [REDACTED] was, and he had met him for meals outside work hours. He said that [REDACTED] had friendships with other IOC employees, including [REDACTED] and [REDACTED]. [REDACTED] described both [REDACTED] and [REDACTED] as fair [REDACTED] but [REDACTED] had a reputation for being a bit harder on IOC. He said that he had never seen [REDACTED] or [REDACTED] falsify inspection reports or provide any favors to IOC. When asked about BOEMRE inspectors providing advance notice to IOC for inspections, [REDACTED] said that all BOEMRE inspectors called IOC the day before to announce their arrival so that IOC could have someone available to meet them on the platform.

When questioned about receipts for meals he had purchased for BOEMRE inspectors in 2008 and 2009, [REDACTED] said that he had included all relevant receipts, and none were missing any information. He went to lunch with someone every day, he said, and his practice was to write the names of those present on the back of the receipt shortly after the meal so that his boss would know who was there. If a name was written on a receipt, he said, this meant he paid for the person.

[REDACTED] said that during his 10 years with IOC, he only had seen a BOEMRE inspector pay for his or her lunch possibly once. "All the restaurants we go to, when I'm there, the [servers] know I pay for everything," he explained. No inspector had ever given him cash to pay for his or her meal, he said. Aside from the lunches, he did not believe BOEMRE Lake Jackson inspectors ever accepted any gifts from IOC.

When asked about a July 4, 2009 meal listed on his expense report with [REDACTED] in Corpus Christi, TX, on a Saturday, [REDACTED] said that [REDACTED] and his wife had contacted him while they were in town. [REDACTED] asked if they wanted to meet for lunch. After the meal, he said, he did not inform [REDACTED] that he used his IOC credit card to pay for the food, which totaled \$214.63. He said that he had met [REDACTED] outside work hours before. They had shared two other meals, with [REDACTED] paying for one and [REDACTED] the other.

We also questioned [REDACTED] about a receipt for a meal with BOEMRE [REDACTED] and [REDACTED] and IOC employee [REDACTED], which totaled \$413.92. He said that the four of them had a "big" dinner after work that included alcoholic beverages, although he could not recall if [REDACTED] and [REDACTED] consumed alcohol.

[REDACTED] said that he knew of the OIG's 2009 investigation of BOEMRE inspectors in Lake Charles, LA, and their acceptance of gifts and lunches from IOC. He said that he understood he could not take inspectors hunting and that a limit existed for how many lunches inspectors could accept, but no IOC supervisor had ever instructed him to stop taking BOEMRE inspectors to lunch. "They have to eat, like when they go to a manned platform, there's food and stuff there We don't have any food in our office I have to feed them," he explained.

We re-interviewed [REDACTED] about IOC's receipts that documented him accepting meals (See Attachment 11). He reiterated that he recalled attending lunches but did not remember IOC paying for them. When we informed him that [REDACTED] told us BOEMRE inspectors did not pay for lunch when he was present, [REDACTED] said that he did not agree. "To the best of my knowledge, I've paid for my meals I really don't think and I do not feel that I'm lying to you all," he said. [REDACTED] explained that on certain occasions, [REDACTED] and [REDACTED] said they would cover his lunch when they dined with IOC. [REDACTED] said that he could not recall the July 4, 2009 lunch with [REDACTED] in Corpus

Christi, TX, but he had been to lunch with [REDACTED] and his wife before. He said that he always paid for his meals.

We showed [REDACTED] the November 18, 2009 email he sent to [REDACTED] asking for IOC cell phone numbers unless they wanted “surprise” inspections. [REDACTED] replied, “I have no idea I don’t know why I did that.”

On November 22, 2010, after our final interview with [REDACTED], he sent us an email again disputing his attendance at certain lunches (**Attachment 29**). After reviewing historical flight logs, he said, he did not think he could have been present for four of the lunches and provided explanations for his whereabouts. He said that he knew he did not attend lunch with [REDACTED] on July 4, 2009, because he was at his sister’s house celebrating the holiday. He believed that IOC employees had improperly added his name to the receipts in order to gain reimbursements.

We requested that [REDACTED] supervisor, [REDACTED], review the platforms named in the flight logs to see if a stop in Rockport, TX, whether for fuel or to review paperwork, was possible (**Attachment 30**). [REDACTED] said that a stop in Rockport would have been possible for all but one platform named in the logs.

On November 23, 2010, Lake Jackson [REDACTED] emailed agents to express concerns that IOC employees were attempting to have [REDACTED] fired (**Attachment 31**). He asked that agents “carefully consider” any comments or documents provided by IOC employees, including [REDACTED]. [REDACTED] said that he also had been the “victim of false accusations” when he worked for Exxon in the 1980s. At that time, a service company employee claimed [REDACTED] and his wife had accepted meals at expensive restaurants, but the company later determined that the employee was lying in an effort to “pad” his expense statement, [REDACTED] said.

Federal ethics regulations prohibit Federal employees from accepting gifts valued at \$20 per occasion from a single source or gifts totaling \$50 from a single prohibited source in a calendar year (See Attachment 19).

*Agent’s Note: On June 28, 2010, BOEMRE officials issued a policy prohibiting inspectors from accepting any meals from offshore operators (**Attachment 32**).*

[REDACTED] Son’s Employment with IOC

During our Lake Jackson investigation, the BOEMRE complainant stated that [REDACTED] told [REDACTED] his son received a job with IOC, which was “one of the perks of being an [REDACTED]” (See Attachment 6).

We issued a subpoena to IOC regarding [REDACTED] son’s alleged employment. According to IOC records, [REDACTED] worked as an intern on four separate occasions and as a permanent employee from July 2009 to March 2010 (**Attachment 33**). IOC employee [REDACTED] is documented as his supervisor.

We reviewed [REDACTED] emails and found information about his son’s employment with IOC (**Attachment 34**). On April 26, 2006, [REDACTED] emailed [REDACTED], stating, “I just got off the phone with ... [REDACTED] in Harbor Island, and passed on to him what we talked about. He said that would probably be no problem.” On May 10, 2006, [REDACTED] told [REDACTED] to ensure his son was in Harbor Island to take a physical exam and drug test. That same day, [REDACTED] asked [REDACTED] for a map, contact person’s

name, and telephone number, after which he received [REDACTED] contact information.

We questioned [REDACTED] about how [REDACTED] son became employed with IOC (See Attachment 11). [REDACTED] said that [REDACTED] told him that [REDACTED] had contacted Apache employee [REDACTED], saying, "Hey, my son needs a job." [REDACTED] said that [REDACTED] later called him and said, "Hey, put this boy out here on this platform."

We also questioned [REDACTED] about IOC hiring [REDACTED] son (See Attachment 28). [REDACTED] said that he knew very little about the matter but that [REDACTED] would have hired him since he was responsible for IOC's Apache platforms. He said that he did not believe [REDACTED] and [REDACTED] were friends.

Under 5 C.F.R. § 2635.502, "Impartiality in Performing Official Duties," employees must take appropriate steps to avoid any appearance of loss of impartiality in the performance of their official duties (See Attachment 19).

Conflict of Interest

While reviewing [REDACTED] emails, we realized he may have been involved in a situation that posed a conflict of interest. Email communication indicated that he may have fathered a child outside his marriage with a woman whose uncle is one of [REDACTED] Anadarko Petroleum inspection contacts.

We found that [REDACTED] shared numerous personal emails with a woman named [REDACTED] (Attachment 35). On June 29, 2009, [REDACTED] told [REDACTED] that she missed him and loved him. On July 30, 2009, she said that she would not get a paternity test, and [REDACTED] replied, "U really think he is mine?" At one point, [REDACTED] asked [REDACTED] if she thought his wife knew anything.

[REDACTED] also emailed a man named [REDACTED], an [REDACTED] with Anadarko, both about BOEMRE business and issues pertaining to [REDACTED] (Attachment 36). On February 26, 2009, [REDACTED] emailed [REDACTED] stating, "I would like to discuss your procedures for testing your subsea components. Would you mind if I give you a call this afternoon?" On January 20, 2010, [REDACTED] said, "[REDACTED] told me everything, but I gave her my word that I would not tell my wife."

During his interview, [REDACTED] admitted to a relationship with [REDACTED] whom he has known since junior high school, and said that he may have fathered her son, [REDACTED] who is 1 1/2 years old (See Attachment 11). [REDACTED] is [REDACTED] uncle, [REDACTED] said, and during certain Anadarko inspections, he worked directly with [REDACTED] said that he inspected [REDACTED] platform while involved with [REDACTED], and at one point, [REDACTED] found out that he may have fathered [REDACTED] said that he never recused himself from inspecting [REDACTED] platforms but always performed his inspections with another BOEMRE inspector present. He said that [REDACTED] never asked him for any favors during the inspections, and he now plans to recuse himself from those platforms.

Under 5 C.F.R. § 2635.502, "Impartiality in Performing Official Duties," employees must take appropriate steps to avoid any appearance of loss of impartiality in the performance of their official duties (See Attachment 19).

Pornography

During our investigation of Lake Jackson inspector misconduct, we discovered pornographic materials sent to and received from [REDACTED] Government email account. From 2005 through 2010, [REDACTED] sent and received more than 100 pornographic images (**Attachment 37**). [REDACTED] sent pornographic materials to other inspectors, some of whom are no longer employed with the Department of the Interior. These included [REDACTED]. [REDACTED] also received an email containing pornographic images in December 2005 from [REDACTED] who later became his BOEMRE supervisor. In addition to BOEMRE inspectors, individuals associated with outside entities both received and originated the emails.

Under Executive Order 12674, Federal employees must conserve Federal property, including Government computers, and shall not use it for other than authorized activity (See Attachment 19).

SUBJECT(S)

1. [REDACTED], BOEMRE, Lake Jackson District
2. [REDACTED], BOEMRE, Lake Jackson District

DISPOSITION

On October 15, 2010, [REDACTED] resigned from Federal employment. The Assistant U.S. Attorney for Southern District of Texas declined to prosecute [REDACTED] and [REDACTED]. We are providing a copy of this report to the Secretary of the Interior for any action deemed appropriate.

ATTACHMENTS

1. Letter from Interior [REDACTED] to Mary Kendall, Acting Inspector General, dated June 22, 2010.
2. Email from [REDACTED] to [REDACTED], dated April 13, 2010.
3. Closing Report of Investigation, titled, "Alleged MMS Employee Misconduct – Lake Jackson District," dated September 17, 2010.
4. Statement of [REDACTED], dated July 29, 2010.
5. Email from [REDACTED] to the OIG, dated August 31, 2010.
6. IAR – Interviews of [REDACTED] on June 24, 2010, and July 19, 2010, and Pages 1 and 43 from Transcript of Interview with [REDACTED], dated July 19, 2010.
7. IAR – Interview of [REDACTED] on July 28, 2010.
8. IAR – Interview of [REDACTED] on July 29, 2010.
9. Inspection Form for MI-622-C, dated February 12, 2010, and March 5, 2010.
10. IAR – Interview of [REDACTED] and [REDACTED] on July 30, 2010.
11. IAR – Interview of [REDACTED] on November 19, 2010.
12. List of Those Present on MI-622-C on February 12, 2010, and March 5, 2010, and Arrival and Departure Logs for MI-622-C on February 12, 2010, and March 5, 2010.
13. Email from [REDACTED] to [REDACTED], dated December 8, 2009.
14. IAR – Interview of [REDACTED] on November 22, 2010.
15. List of Those Present on MI-622-C on February 19, 2009.
16. IAR – Interview of [REDACTED] on November 18, 2010.

17. IAR – Interview of [REDACTED] on November 18, 2010.
18. 18 U.S.C. § 1001, “Statements or Entries Generally.”
19. Ethics Code for DOI Employees, dated January 2009.
20. Pages 1, 23, 30, 31, 35, and 36 from Transcript of Interview with [REDACTED], dated July 28, 2010.
21. IAR – Interview of [REDACTED] on July 29, 2010.
22. String of Emails Exchanged Between [REDACTED], from December 5, 2006, through August 20, 2009.
23. String of Emails Exchanged Between [REDACTED], from December 28, 2006, through August 6, 2008.
24. Emails sent by [REDACTED], from July 13, 2006, through January 14, 2010.
25. Email from [REDACTED] to [REDACTED], dated November 18, 2009.
26. Island Operating Company Receipts and Expense Reports for Lunches and Gifts Purchased for Bureau of Ocean Energy Management, Regulation and Enforcement Employees, from 2008 through 2009.
27. “2008/2009 Lake Jackson BOEMRE Employee Lunches with IOC” – Calculation of Lunches.
28. IAR – Interview of [REDACTED] on November 18, 2010.
29. Email from [REDACTED] to the OIG, dated November 22, 2010.
30. Emails between [REDACTED] and the OIG, from November 23, 2010, through December 16, 2010.
31. Email from [REDACTED] to the OIG, dated November 23, 2010.
32. Letter from [REDACTED], Bureau of Ocean Energy Management, Regulation, and Enforcement, to Assistant Inspector General for Investigations, dated August 6, 2010.
33. Island Operating Company Employee Documentation for [REDACTED].
34. Emails between [REDACTED] and [REDACTED], from April 26, 2006, through May 16, 2006.
35. Emails between [REDACTED] and [REDACTED] from June 26, 2009, through July 29, 2009.
36. Emails between [REDACTED] and [REDACTED], from February 11, 2009, through January 20, 2010.
37. IAR – Review of Emails Containing Pornography, dated December 15, 2010, with Pornographic Images Attached.



**OFFICE OF
INSPECTOR GENERAL**
U.S. DEPARTMENT OF THE INTERIOR

Memorandum

MAY 25 2011

To: Rowan W. Gould
Acting Director, U.S. Fish and Wildlife Service

From: John E. Dupuy
Assistant Inspector General for Investigations

Subject: Report of Investigation – [REDACTED]
Case No. PI-PI-10-0759-I

The Office of Inspector General (OIG) concluded an investigation based on a complaint filed by [REDACTED], U.S. Fish and Wildlife Service (FWS), who requested that we investigate whether [REDACTED], FWS Office of Law Enforcement, Fort Worth, TX, violated ethics regulations in connection with his part-time employment with Gowdy Productions. [REDACTED] reportedly contacted U.S. Customs and Border Protection (CBP) agents and Department of Homeland Security (DHS) officials to gain their cooperation for a television show to be produced by Gowdy Productions for the Outdoor Channel.

[REDACTED] admitted that he contacted CBP and DHS employees on numerous occasions to secure their approval and participation in the proposed television program. He also admitted to using his Government email and cell phone to do so. [REDACTED] acknowledged that he may have given CBP and DHS the impression that he was using his position to gain approval of the project.

We are providing this report to your office for whatever administrative action deemed appropriate. Please send a written response to this office within **90** days advising of the results of your review and actions taken. Also attached is an Investigative Accountability form. Please complete this form and return it with your response. Should you need additional information concerning this matter, you may contact me at [REDACTED]

Attachment



**OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR**

REPORT OF INVESTIGATION

Case Title [REDACTED]	Case Number PI-PI-10-0759-I
Reporting Office Program Integrity Division	Report Date May 25, 2011
Report Subject Closing Report of Investigation	

SYNOPSIS

We initiated this investigation based on a complaint from [REDACTED], U.S. Fish and Wildlife Service (FWS), Portland, OR. [REDACTED] requested that we investigate whether [REDACTED], FWS Office of Law Enforcement, Fort Worth, TX, violated ethics regulations in connection with his part-time employment with Gowdy Productions, a video production company. [REDACTED] reported that [REDACTED] may have, in his official capacity, requested that agents of the U.S. Customs and Border Protection (CBP) appear in a television show to be produced by Gowdy Productions for the Outdoor Channel. He also contacted Department of Homeland Security (DHS) officials to approve CBP's participation in the show.

[REDACTED] admitted that he contacted CBP and DHS employees on numerous occasions in an effort to secure their participation and approval in the proposed television program. He also admitted to using his Government email and cell phone to do so, although he said this form of contact was minimal. [REDACTED] acknowledged that his actions may have given CBP and DHS the impression that he was using his official position to gain approval for the project. He apologized for his actions and said he was embarrassed by the situation.

The U.S. Attorney's Office for the Northern District of Texas declined to prosecute this case. We are providing a copy of this report to the FWS Director for any action deemed appropriate.

Reporting Official/Title [REDACTED]/Investigator	Signature
Approving Official/Title [REDACTED]/Director, Program Integrity Division	Signature

Authentication Number: B976D91B8E5AF78882F701DF3A5913B4

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DETAILS OF INVESTIGATION

On September 30, 2010, [REDACTED], U.S. Fish and Wildlife Service (FWS), Portland, OR, requested that we investigate whether [REDACTED] FWS Office of Law Enforcement, Fort Worth, TX, violated ethics regulations in connection with his part-time employment with Gowdy Productions, a video production company (**Attachment 1**). According to [REDACTED] in his official capacity, contacted agents of the U.S. Customs and Border Protection (CBP) and requested that they appear in a proposed television show to be produced by Gowdy Productions for the Outdoor Channel. He also contacted officials from the Department of Homeland Security (DHS), CBP's parent agency, to approve CBP's participation in the show. DHS ethics officials subsequently contacted the U.S. Department of the Interior's (DOI) ethics office expressing their concern that [REDACTED] may have violated Federal law by representing Gowdy Productions in a potential contractual matter before DHS.

[REDACTED] specifically requested that we investigate whether [REDACTED] violated 18 U.S.C. § 203, Compensation to Members of Congress, officers, and others in matters affecting the Government; 18 U.S.C. § 205, Activities of officers and employees in claims against and other matters affecting the Government; and 5 C.F.R. § 2635.702, Use of public office for private gain (**Attachments 2, 3, and 4**).

Employment with Gowdy Productions

We interviewed [REDACTED] about his employment with Gowdy Productions (**Attachment 5**). He recalled that [REDACTED], retired [REDACTED] FWS, Region 4, contacted him sometime in June 2010 about helping him and Gowdy Productions gain access to film CBP agents in action. [REDACTED] suggested that [REDACTED] write a memorandum to his supervisor, [REDACTED], [REDACTED] FWS, Region 2, requesting permission to work on the proposed television show (**Attachment 6**).

We interviewed [REDACTED] about [REDACTED] request to engage in outside employment with Gowdy Productions and the Outdoor Channel (**Attachment 7**). He said [REDACTED] called him in late May 2010 asking permission to work as a consultant on a television documentary on border investigations. [REDACTED] sent [REDACTED] a memorandum on June 2, 2010, about the outside employment, titled, *Request for Temporary Part-Time Employment* (see Attachment 6). [REDACTED] said [REDACTED] and [REDACTED], FWS, Region 2, Albuquerque, NM, provided [REDACTED] with ethics guidance on outside employment activities (**Attachment 8**). The document listed 18 U.S.C. §§ 203 and 205, among others, as potential ethics violations.

[REDACTED] recalled that he and [REDACTED] discussed [REDACTED] responsibilities because [REDACTED] did not want outside employment to hinder [REDACTED] work with FWS. He described [REDACTED] as a "high performer and a very good employee." According to [REDACTED] [REDACTED] did not specifically explain what he would be doing as a consultant and never mentioned which law enforcement personnel he would be contacting. He did not know that [REDACTED] intended to contact CBP and DHS agents directly or if there were any prohibitions against doing so.

[REDACTED] recalled that he received and reviewed the material provided by [REDACTED] (see Attachments 5 and 8). He said he "perused" the *Outside Employment Activities Guidance* referencing 18 U.S.C. §§

203 and 205 but did not take specific note of the information contained in those sections. ██████ said he understood that he could not use his official position, or give the appearance that he was using his official position, to gain access to CBP. He said he originally intended to contact personal acquaintances to get information and identify the protocols for gaining access to film CBP agents.

We interviewed ██████ who told us ██████ contacted ██████ with questions regarding ██████ request for part-time employment (Attachment 9). ██████ said ██████ provided ██████ with a copy of a memorandum that ██████ wrote to ██████ his supervisor, describing his proposed work activities for the Outdoor Channel (see Attachment 6).

██████ said ██████ researched the issues presented in ██████ memorandum and concluded that he was not required to ask for an ethics opinion or obtain approval from the FWS ethics office because the position did not involve a prohibited source. ██████ noted that ██████ memorandum did not state that he would be contacting CBP agents to appear on the television program.

██████ said ██████ spoke with ██████ attorney-advisor, DOI Office of the Solicitor, Denver, CO, to confirm ██████ analysis of the issues and then emailed ██████ ██████ analysis and guidance. ██████ said ██████ never spoke directly with ██████ ██████ opined that by contacting CBP and DHS on behalf of the production company, ██████ violated Federal regulations that prohibit Government employees from representing a private entity before another Government agency.

We interviewed ██████ about his role in providing ethics advice regarding ██████ (Attachment 10). He recalled discussing ██████ request with ██████ and said they concluded that ██████ did not need approval for outside employment.

We issued a subpoena to Gowdy Productions for records relating to ██████ (Attachment 11). ██████ of Gowdy Productions, provided emails that he and his associate, ██████ exchanged with ██████ (Attachment 12). In his email response, ██████ stated that Gowdy Productions did not have a written contract with ██████ and it did not pay him for any services. He said ██████ was not an employee of Gowdy Productions or the Outdoor Channel.

We also issued a subpoena to the Outdoor Channel for records relating to ██████ (Attachment 13). Officials of the Outdoor Channel submitted affidavits stating that they did not have any records concerning ██████ (Attachments 14 and 15).

We reviewed emails sent and received by ██████ and other individuals regarding the Outdoor Channel's and Gowdy Productions' attempts to produce the television show (Attachment 16). The emails revealed that ██████ used his official FWS email account to correspond with individuals about the television production 20 times from June 11, 2010 through September 21, 2010. The email search also revealed that ██████ made numerous contacts with CBP and DHS officials to pursue their assistance with the proposed television program.

Contact with DHS Employees

We interviewed ██████ and ██████ Media Relations Division, Office of Public Affairs, CBP, Washington, DC, regarding their contact with ██████ (Attachment 17). ██████ stated that two CBP agents received emails from ██████ Gmail and FWS email accounts that requested their assistance for a television series ██████ was helping to develop (Attachments 18

and 19).

██████████ said he was confused because ██████████ sent emails to CBP from both his Gmail and FWS email accounts (see Attachment 17). ██████████ emailed ██████████ FWS account requesting that ██████████ identify himself; explain his connection to ██████████ who was mentioned in the proposal attached to an earlier email; and explain if they worked for a production company (Attachment 20). ██████████ said he also explained the DHS approval process for proposed television shows in his email to ██████████ (see Attachment 17).

██████████ said ██████████ responded to the email sent to ██████████ and identified himself as an ██████████ for Gowdy Productions. In his response, ██████████ explained that he was tasked to work with DHS to authorize and produce a television series. ██████████ said that at this point, he believed ██████████ acted on behalf of Gowdy Productions when he contacted CBP and DHS officials.

According to ██████████ ██████████, ██████████ Office of Multimedia, DHS, Los Angeles, CA, sent ██████████ a questionnaire and outlined the DHS approval process (Attachment 21). ██████████ returned the completed questionnaire to ██████████ and, after review, CBP officials declined to participate in the program because of involvement in a similar project. ██████████ notified ██████████ of DHS's declination via email on August 9, 2010 (Attachment 22).

██████████ said ██████████ who identified himself as a ██████████, sent ██████████ an email on September 1, 2010, expressing concerns about the declination of the project (Attachment 23). ██████████ wrote that he would do anything to ensure that the television series happened. ██████████ said ██████████ continued to tell ██████████ and ██████████ that DHS would not participate in the project (see Attachment 17).

██████████ said that on September 16, 2010, after DHS declined to participate in the project, ██████████ emailed another CBP agent, in which he identified himself as an executive consultant for Gowdy Productions (Attachment 24).

██████████ supervisor in the CBP Media Relations Division, said he initially believed that ██████████ inquiry was an official request from the Government because ██████████ used his FWS email account (see Attachment 17). He commented that ██████████ subsequent use of his Gmail account raised concerns about the project. Easterling did not recall if ██████████ ever stated that he was an FWS agent.

We interviewed ██████████ about her interactions with ██████████ and ██████████ (Attachment 25). ██████████ told us that she ultimately recommended that DHS decline to participate in the project because of resource issues. ██████████ recalled that ██████████ sent her a "nasty email" on September 1, 2010, berating her and expressing his displeasure about the DHS decision (see Attachment 23). She noted that ██████████ wrote, in part, "Rest assured, I will do everything I can to get this changed. I will work tirelessly to make sure of this. It's a matter of fairness and equitable access." ██████████ said she believed ██████████ was using his position as a Federal agent to pressure and scare her.

We questioned ██████████ about his efforts to gain DHS approval of the television program on behalf of Gowdy Productions (see Attachment 5). ██████████ initially said he did not have a problem with DHS's decision to decline the project. We then showed ██████████ the September 1, 2010 email that he sent to ██████████ from his Gmail account in which he expressed dissatisfaction that DHS declined

the project (see Attachment 23). ██████████ acknowledged writing the email and explained that he “must have been perturbed” (see Attachment 5). He said his memory of incidents from his work as a border patrol agent made him very emotional about the decision.

██████████ said his actions to further the venture stopped after this email to ██████████. He did, however, admit to getting involved again by contacting CBP agents directly to get stories about their experience on the job. When asked why he did this after DHS’s declination, he said the concept for the show changed from observing border patrol agents on duty to reenacting incidents.

██████████ said he did not know that DHS declined the project simply because it did not have sufficient resources. He said he had not done any work on the project since October 2010 and did not know the status of the project. ██████████ said that no one ever notified him that they were concerned about his actions.

██████████ acknowledged sending emails from his FWS and Gmail accounts to various CBP and DHS employees. Several of these emails included information on the production of the proposed television series. When we asked ██████████ if he could use his FWS email account for an outside venture, he said, “Well, you know, yes and no.” He explained that the people he contacted were friends from CBP and that it was easier to send them an email from his FWS email account. ██████████ acknowledged using his Government cell phone for the same purpose.

Compensation from Gowdy Productions

According to ██████████ he first thought he was working for ██████████ on the project, but then Gowdy Productions began contacting him directly. He said ██████████ told him their work was based on a “loose agreement” and they would get paid for their time if the television show came to fruition. ██████████ said he did not have a written agreement for his work with Gowdy Productions and never had any discussions about how much he would be paid.

██████████ estimated that he worked between 12 and 20 hours on the project for Gowdy Productions. He said ██████████ told him that he was going to send him “something” for his efforts. ██████████ told us that he sent ██████████ and ██████████ emails from his Gmail account, dated October 3, 2010, and October 12, 2010, inquiring about a check that ██████████ reportedly sent to his residence, but ██████████ was never paid for his work (Attachment 26).

Ethical Violations

██████████ told us that ██████████ outside employment became an issue when ██████████, Office of the General Counsel, DHS, Washington, DC, contacted ██████████ DOI Office of the Solicitor, Washington, DC, about ██████████ communications with DHS employees (see Attachment 10). ██████████ recalled that he, ██████████ and ██████████ later discussed ██████████ complaint and surmised that ██████████ likely violated 18 U.S.C. §§ 203 or 205.

We interviewed ██████████ who recalled that Gowdy Productions kept insisting that it wanted to produce a show despite DHS’s declination (Attachment 27). ██████████ said ██████████ approached ██████████ with concerns that ██████████ was acting in his official capacity. ██████████ said ██████████ concluded that ██████████ appeared to have violated Federal ethics regulations and that he had used his former

position as a CBP agent to put pressure on DHS to assist him.

We interviewed [REDACTED] who said he learned from [REDACTED] that [REDACTED] may have violated Federal ethics regulations by contacting officials at CBP and DHS (**Attachment 28**). [REDACTED] stated that [REDACTED] may have also violated Departmental policy by using his Government email for commercial use. [REDACTED] was particularly concerned that [REDACTED] used his FWS email account to send DHS a proposal for the television show, especially if the recipients believed that [REDACTED] was using his position as an FWS agent to bolster the request.

We discussed specific prohibitions contained in 18 U.S.C. §§ 203 and 205 with [REDACTED] (see Attachments 2, 3, and 5). He said he had not read these sections. We also explained that because [REDACTED] used his FWS email account to contact CBP and DHS officials, DHS initially believed it was dealing with FWS. We also informed him that DHS officials became confused when they learned that he was involved in a private venture, and their concerns escalated when he expressed displeasure over the declination. [REDACTED] responded that he did not intend to give CBP or DHS the impression he was using his position to further the project. He also said that if he did give them that impression, it was only to establish his credibility. [REDACTED] acknowledged that he understood that CBP and DHS officials may have believed that he was using his position to influence their decision.

We also showed [REDACTED] specific prohibitions contained in Departmental Manual Section 410 DM 2, Limited Personal Use of Government Office Equipment and Library Collections (**Attachment 29**). [REDACTED] acknowledged that his receipt of telephone calls and emails from [REDACTED] and [REDACTED] on his Government equipment was inappropriate, but he said those contacts and the amount of time used were minimal (see Attachment 5).

[REDACTED] admitted, "... I made a mistake, and I'll have to deal with the consequences... I'm embarrassed. I'm humbled."

We re-interviewed [REDACTED] to obtain his opinion of whether [REDACTED] committed a violation of Federal ethics regulations (**Attachment 30**). [REDACTED] said he believed [REDACTED] violated provisions of 18 U.S.C. § 205 and C.F.R. § 2635.702 by contacting CBP and DHS on behalf of Gowdy Productions and attempting to influence their decision to approve the proposed television program.

SUBJECT

[REDACTED], [REDACTED], Office of Law Enforcement, U.S. Fish and Wildlife Service, Fort Worth, TX.

DISPOSITION

The U.S. Attorney's Office for the Northern District of Texas declined prosecution of this case (**Attachment 31**). We are sending this report to the FWS Director for any action deemed appropriate.

ATTACHMENTS

1. Copy of email from [REDACTED] to [REDACTED] on September 30, 2010.
2. 18 U.S.C. § 203, Compensation to Members of Congress, officers, and others in matters

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- affecting the Government.
3. 18 U.S.C. § 205, Activities of officers and employees in claims against and other matters affecting the Government.
 4. 5 C.F.R. § 2635.702, Use of public office for private gain.
 5. IAR – interview of [REDACTED] on January 13, 2011.
 6. Copy of memorandum from [REDACTED] to [REDACTED] on June 2, 2010.
 7. IAR – interview of [REDACTED] on January 12, 2011.
 8. Copy of email from [REDACTED] to [REDACTED] on June 8, 2010.
 9. IAR – interview of [REDACTED] on October 12, 2010.
 10. IAR – interview of [REDACTED] on October 26, 2010.
 11. Copy of Subpoena [REDACTED] issued to Gowdy Productions on October 29, 2010.
 12. Copy of email from [REDACTED] to [REDACTED] on November 24, 2010.
 13. Copy of Subpoena Duces Tecum issued to Outdoor Channel on October 29, 2010.
 14. Affidavit of [REDACTED] dated December 10, 2010.
 15. Affidavit of [REDACTED] dated December 10, 2010.
 16. IAR – review and analysis of emails on January 7, 2011.
 17. IAR – interview of [REDACTED] and [REDACTED] on October 20, 2010.
 18. Copy of email from [REDACTED] to [REDACTED] on July 2, 2010.
 19. Copy of email from [REDACTED] to [REDACTED] on July 6, 2010.
 20. Copy of email from [REDACTED] to [REDACTED] on July 7, 2010.
 21. Copy of email from [REDACTED] to [REDACTED] on July 12, 2010.
 22. Copy of email from [REDACTED] to [REDACTED] on August 9, 2010.
 23. Copy of email from [REDACTED] to [REDACTED] on September 1, 2010.
 24. Copy of email from [REDACTED] to [REDACTED] on September 16, 2010.
 25. IAR – interview of [REDACTED] on November 2, 2010.
 26. Copies of emails from [REDACTED] to [REDACTED] on October 2, 3, and 12, 2010.
 27. IAR – interview of [REDACTED] on October 20, 2010.
 28. IAR – interview of [REDACTED] on October 26, 2010.
 29. 410 DM 2 Limited Personal Use of Government Office Equipment and Library Collections
 30. IAR – interview of [REDACTED] on February 3, 2011.
 31. Copy of email from [REDACTED] to [REDACTED] on January 10, 2011.

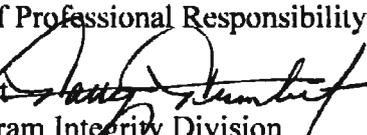


OFFICE OF
INSPECTOR GENERAL

NOV 29 2010

Memorandum

To: John Mattox
SAC, Office of Professional Responsibility

From: Harry Humbert 
Director, Program Integrity Division

Subject: Referral – Action as Deemed Appropriate – Response Required

Re:  et al. – PI-11-0091-R

The Office of Inspector General received a Hotline complaint from 
 Grand-Adventures.com, Inc., Las Vegas, NV, alleging that 
, , and 
 misused NPS funds to: (1) conduct an illegal investigation, (2)
exercise federal authority outside legal jurisdiction, (3) abuse power granted to Federal Agents,
and (4) allow Federal Agents to engage in harassing behavior after the investigation.

We have opened a case file in order to track your investigation. Please send a written response to this office within **90 days** advising of the results of your review and actions taken. Also enclosed is an Investigative Accountability form, please complete this form and return it with your response. Should you need additional information concerning this matter, you may contact me at .

Attachment

cc:  for General Law

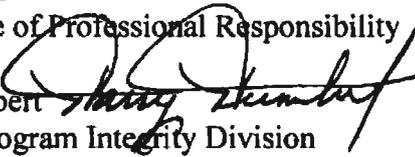


**OFFICE OF
INSPECTOR GENERAL**
U.S. DEPARTMENT OF THE INTERIOR

DEC 06 2010

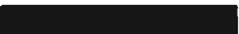
Memorandum

To: John Mattox
SAC, Office of Professional Responsibility

From: Harry Humbert 
Director, Program Integrity Division

Subject: Referral – Action as Deemed Appropriate – Response Required

Re:  – PI-11-0097-R

The Office of Inspector General (OIG), received a complaint from  concerning an OIG investigation on . The OIG conducted an investigation on  in  which resulted in his Law Enforcement (LE), Commission being revoked by the .

 advised our office that  was hired by the , which violated  employment procedures.

We have opened a case file in order to track your investigation. Please send a written response to this office within **90 days** advising of the results of your review and actions taken. Also enclosed is an Investigative Accountability form, please complete this form and return it with your response. Should you need additional information concerning this matter, you may contact me at .

Attachment