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*"Rummaging in the government's attic"*

Description of document: Closing documents for 22 Federal Communications Commission (FCC) Inspector General (OIG) investigations, 2013-2014

Request date: 23-March-2015

Released date: 26-March-2015

Posted date: 14-September-2015

Source of document: Freedom of Information Act Request  
Federal Communications Commission  
445 12th Street, S.W., Room 1-A836  
Washington, D.C. 20554  
Fax: (202) 418-0521  
Email: [FOIA@fcc.gov](mailto:FOIA@fcc.gov)  
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**OFFICE OF INSPECTOR GENERAL**

*Washington, D.C. 20554*



March 26, 2015

Re: FOIA Control No. 2015-000373

This letter is the Office of Inspector General's (OIG's) response to the above-identified Freedom of Information Act (FOIA) request, dated March 23, 2015. In your request you asked for "a copy of investigation materials, final reports, referral letters and memos, closing or final memos/documents for each" of the listed FCC Office of Inspector General closed investigations. You specifically requested reports from the following OIG files:

OIG-I-15-0010  
OIG-I-14-0023  
OIG-I-14-0017  
OIG-I-14-0011  
OIG-I-14-0020  
OIG-I-14-0018  
OIG-I-14-0022  
OIG-I-14-0024  
OIG-I-14-0028  
OIG-I-14-0029  
OIG-I-14-0035  
OIG-I-14-0021  
OIG-I-13-0026  
OIG-I-14-0004  
OIG-I-14-0014


OIG-I-12-0020  
OIG-I-13-0024  
OIG-I-13-0025  
OIG-I-13-0041  
OIG-I-12-0080  
OIG-I-13-0034  
OIG-I-12-0076

The Reports of Investigations (ROIs) for the above-listed investigations have been attached. The names of individuals subject to investigation, as well as the names of the investigators have been redacted pursuant to FOIA exemptions 6 and or 7(C). 5 U.S.C. § 552(b)(6),(7)(C). In addition, any recommendations included in the ROIs other than to close a matter without further action have been redacted as “pre-decisional” pursuant to FOIA exemption 5. 5 U.S.C. § 552(b)(5)

If you believe that this letter constitutes a denial of your request, you may file an application for review with the FCC’s Office of General Counsel within 30 calendar days of the date of this letter in accordance with section 0.461(j) of the Commission’s rules, 47 C.F.R. § 0.461(j).

If you have any questions in this regard, please feel free to contact Mr. Shields at [christopher.shields@fcc.gov](mailto:christopher.shields@fcc.gov).

Sincerely,

  
David L. Hunt  
Inspector General

[REDACTED]  

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**From:** [REDACTED]  
**Sent:** Wednesday, November 19, 2014 5:53 PM  
**To:** [REDACTED]  
**Subject:** FW: Gross Waste and / or Abuse of Government Funds  
**Attachments:** [REDACTED] - Attachment 1 - [REDACTED].DOCX

**Tracking:**

Recipient	Read
[REDACTED]	Read: 11/20/2014 8:36 AM
[REDACTED]	Read: 11/20/2014 8:03 AM

Law Enforcement Sensitive

[REDACTED] -

I spoke with [REDACTED] about [REDACTED]'s allegations. [REDACTED] explained to me that [REDACTED] is [REDACTED]'s direct supervisor and there is a one supervisor to one employee ratio in that office. [REDACTED] said that "although this is not ideal, this is the current situation but [REDACTED] concerns [REDACTED] may be mooted in the upcoming months as we (EB) are currently undergoing an Organizational Assessment review by consultants with the goal of streamlining and better handling field offices with Headquarters." [REDACTED] has provided me a copy of the contract's Statement of Work to demonstrate the efforts EB is undergoing to address concerns that employees in the field may have (Attached). [REDACTED] also disagreed with [REDACTED]'s assessment that [REDACTED] is [REDACTED] supervisor and that the statement there are "three supervisors in the [REDACTED] office" is untrue. [REDACTED] oversees the entire [REDACTED] Region with [REDACTED] as [REDACTED] Deputy. Although they are co-located in the [REDACTED] office, their responsibilities are for the entire [REDACTED] Region field offices and not solely for watching over [REDACTED]. [REDACTED] explained that the Organizational Assessment and Modernization Effort is intended to address these concerns and to more efficiently handle staffing and management structure. [REDACTED] also feels that since [REDACTED] has been approached by the consultants on this issue that this may have given rise to [REDACTED] complaint at this time.

Based on this information and review of the Statement of Work (attached), I find no merit to the allegations presented by [REDACTED] and recommend that this allegation be closed out without further investigation.

[REDACTED]  
Federal Communications Commission  
Office of Inspector General

[REDACTED]  
DC: 20554  
Office: 202-418-[REDACTED]  
Mobile: 202-[REDACTED]  
Fax: 202-418-2811

\*\*\* Non-Public: For Internal Use Only \*\*\*

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**From:** [REDACTED]  
**Sent:** Friday, October 31, 2014 5:28 PM  
**To:** [REDACTED]; David Hunt  
**Subject:** Gross Waste and / or Abuse of Government Funds

OTG-T-15-0010

█████, David,

I'm an FCC employee at the █████ District Office and I recommend that you investigate the following gross waste and abuse of Government funds.

My supervisor, my second-level supervisor (Regional Director), my second-level deputy-supervisor (Deputy Regional Director), and I all share the same office and my desk is a few paces from their desks. My supervisor supervises just one employee – me. For clarity, in the same office space in █████, there are three supervisors and just one employee (me). Worse, I've been working by my second-level deputy supervisor (the Deputy Regional Director) for years and it's obvious that █████ work load is such that █████ could handle the "added" responsibility of directly supervising the one or two █████ employees without a redundant, superfluous, and bogus position of the current "direct" supervisor at the █████ office.

Management decided not to hire more employees at the █████ District Office and also has no plans to change the current situation of a supervisor who supervises just one employee (me) while there are two additional supervisors in the same office space, either of which could directly supervise the █████ employee(s). This is illegal in that it's gross waste and abuse of Government funds.

The remedy is trivial: the current second-level supervisor and / or current deputy second-level supervisor should supervise the █████ employee(s) directly without a redundant, artificial, and bogus "direct" supervisor who supervises just one employee (me). However, management has a dis-incentive to eliminate bogus positions because it's the opposite of 'empire building' and it doesn't benefit anyone in management.

My supervisor is █████, my second-level supervisor is █████, and my second-level deputy supervisor is █████. My third-level supervisor is █████ who supervises the Field Division and █████s in HQ.

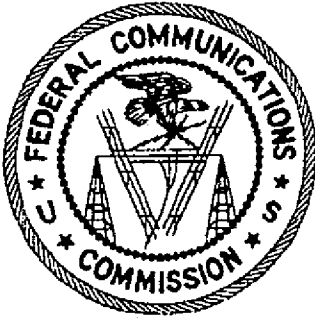
Please help stop this gross waste and abuse of Government funds.

I'd be glad to provide more information.

Thanks.

FCC - █████ Office

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UNITED STATES GOVERNMENT  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF INSPECTOR GENERAL

## MEMORANDUM

**DATE:** October 21, 2013

**TO:** [REDACTED], Bureau Chief Enforcement Bureau, [REDACTED], Acting Chief Human Capital Officer

**FROM:** David L. Hunt, Inspector *David L. Hunt*  
*by* [REDACTED]

**SUBJECT:** [REDACTED]

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

Attachment

UNITED STATES GOVERNMENT  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF INSPECTOR GENERAL



## MEMORANDUM

**DATE:** October 21, 2014

**TO:** David L. Hunt, Inspector General

**CC:** [REDACTED] Deputy Inspector General

**FROM:** [REDACTED] Investigations; [REDACTED], Computer Forensics

**SUBJECT:** FCC Employee [REDACTED], Use of Government Property and Use of Official Time

### Overview

On April 18, 2014, [REDACTED], Director of the Enforcement Bureau's [REDACTED] Field Office (EB [REDACTED]), contacted FCC OIG and reported possible misconduct by [REDACTED] (GS-[REDACTED]). [REDACTED] alleged that [REDACTED] is using FCC computer resources to perform work related to an apartment building [REDACTED] owns and manages [REDACTED]. [REDACTED] further alleged that [REDACTED] is performing this work during business hours.

Based on these allegations, OIG initiated an investigation of [REDACTED]. Specifically, OIG investigated allegations that [REDACTED] used FCC computer resources to conduct personal business in violation of 5 C.F.R. § 2635.704 (Use of Government Property) and Commission

Case Number:  
OIG-1-14-0023

Case Title:  
[REDACTED]

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## REPORT OF INVESTIGATION (continuation sheet)

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policies and procedures and that [REDACTED] conducted personal business while on duty in violation of 5 C.F.R. § 2635.705 (Use of official time).

Our investigation found evidence that [REDACTED] used FCC computer resources to perform work related to the apartment building that [REDACTED] owns, manages and lives in in [REDACTED] and that [REDACTED] performed some of this work during normal business hours. However, the overwhelming majority of the evidence that was obtained relates to [REDACTED]'s ownership of the apartment building as [REDACTED] personal residence and not to personal for-profit commercial activities related to the apartment building (i.e., the rental apartments in the building). Specifically, we identified five-hundred ninety-six (596) artifacts related to the [REDACTED]'s apartment building. Of the five-hundred ninety-six (596) artifacts, only eleven (11) of the artifacts related to the for-profit activities (representing approximately 2% of the recovered artifacts). Although the activity associated with the eleven (11) artifacts represents a violation of the Standards of Ethical Conduct and Commission policies and procedures, the remaining activity is not prohibited under the Commission's limited personal use policy.

### Scope of Investigation

To investigate this matter, OIG investigators performed the following steps:

1. Obtained and performed a forensic examination of [REDACTED]'s FCC-issued computer (FCC Barcode [REDACTED], IP Address [REDACTED]).
2. Obtained and performed a forensic examination of [REDACTED]'s Outlook mailbox [REDACTED]).
3. Obtained and performed a forensic examination of [REDACTED]'s network share (N:\ drive).
4. Obtained and reviewed FCC Computer System User Rules of Behavior signed by [REDACTED] on March 13, 2007.
5. Obtained and reviewed Office of Government Ethics (OGE) Form 450 signed electronically by [REDACTED] on February 4, 2014.
6. Obtained and reviewed Lexis/Nexis Law Enforcement Portal (LEP) report for [REDACTED].
7. Obtained and reviewed 5 CFR § 2635.704 (Use of Government Property) and 5 CFR § 2635.705 (Use of Official Time).

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## REPORT OF INVESTIGATION (continuation sheet)

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8. Obtained and reviewed FCC Directives, Policies, and Guidance related to limited personal use of FCC computer resources.
9. Conducted an interview of [REDACTED].

### **Finding: Use of Government Equipment and Use of Official Time**

Part 5 of the Code of Federal Regulation section 2635.704 (5 CFR § 2635.704) entitled "Use of Government Property" states that "(a)n employee has a duty to protect and conserve Government property and shall not use that property, or allow its use, for other than authorized purposes." The section defines authorized purposes as "those purposes for which Government property is made available to members of the public or those purposes authorized in accordance with law or regulation."

Part 5 of the Code of Federal Regulations section 2635.705 (5 CFR § 2635.705) entitled "Use of Official Time" states that "(u)nless authorized in accordance with law or regulations to use such time for other purposes, an employee shall use official time in an honest effort to perform official duties" and that (a)n employee not under a leave system ... has an obligation to expend an honest effort and a reasonable proportion of his time in the performance of official duties."

In furtherance of these rules, the Commission has adopted a limited personal use policy regarding the use of FCC computer resources. The policy is referenced and described in several Commission policies and directives.

FCC Directive FCCINST 1479.4, entitled "FCC Cyber Security Program" and effective May 1, 2011, establishes policy and assigns responsibilities for assuring optimal levels of protection required for FCC data and information systems. Section 7.12 of the directive, entitled "Authorized Network/Workstation System Users", states that Users must:

- Read, sign indicating acceptance of, and comply with the FCC Computer System User Rules of Behavior;
- Use FCC information system resources only for authorized FCC business purposes, except as provided by the **FCC's limited personal use policy** (emphasis added);
- Be aware of their responsibilities to comply with this directive;

The Commission's Cyber Security Policy, version 3.5 promulgated by the Office of the

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Managing Director and effective June 20, 2013, establishes the security policies, consistent with Federal regulations, mandates, and directives for the protection of FCC data and information systems using a risk-based approach. Section 2.0.2 of the Cyber Security Policy, entitled "Broad Organizational Policies", states the following:

- Staff must adhere to the security policies contained in FCCINST 1479.4, this policy document, and the FCC Computer System User Rules of Behavior (FCC Form A-201).
- Staff using FCC information systems or accounts must not participate in unethical, illegal or inappropriate activities such as: **for-profit commercial activities** (emphasis added), pirating software, stealing passwords, stealing credit card numbers, and viewing/exchanging inappropriate written or graphic material (e.g., pornography).

Section 2.8 of the Cyber Security Policy, entitled "Policy Violation and Disciplinary Action", states that "Cyber security-related violations are addressed in the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR Part 2635); FCC employees may be subject to criminal, civil, or disciplinary action for failure to comply with the FCC security policy."

Section 2.11 of the Cyber Security Policy, entitled "Internet Usage", provides FCC-specific guidelines for Internet use when using an FCC internet connection or account including the following guideline related to personal use:

- You must use the Internet for FCC business activities except that personal use is permissible as long as:
  - The use does not interfere with official duties,
  - The use does not cause degradation of network services.

Section 2.11 also provides a listing of unacceptable uses for the Internet when using an FCC internet connection or account including the following prohibition:

- You must not use the Internet for **private or personal for-profit activities** (emphasis added). This includes marketing or business transactions, private advertising of products or services, and any activity meant to foster personal gain.

FCC Form A-201, entitled "FCC Computer System User Rules of Behavior" revised in January 2006, states that "Use of all computer resources, including personal computers, laptops, all parts of the FCC Network, communication lines, and computer facilities are restricted to FCC-

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authorized purposes only. A copy of FCC Form A-201 signed by [REDACTED] on March 13, 2007 is included as Attachment #2 to this Report of Investigation.

Based on these rules and policies, OIG agents investigated whether [REDACTED] used FCC-issued computer equipment (1) for personal use to an extent that interfered with official duties, in violation of Section 2.11 of the Cyber Security policy and 5 CFR § 2635.705 and, or (2) in furtherance of a personal or private for-profit commercial activity in violation of the Cyber Security Policy and 5 CFR § 2635.704, 705.

Investigators obtained and forensically examined an image from [REDACTED]'s FCC-issued computer as well as copies of [REDACTED]'s Outlook mailbox and network share. During the examination of digital evidence, the computer forensics investigator identified numerous Microsoft Office and Adobe Acrobat documents as well as image files, email messages, and internet browser activity related to [REDACTED]'s apartment building located at [REDACTED] [REDACTED].

Our investigation also found evidence that [REDACTED] performed some of these activities during business hours. However, the investigation also found that of the five-hundred ninety-six (596) Microsoft Office documents, Adobe Acrobat documents, images files, and email messages related to [REDACTED]'s property, only eleven (11) of the artifacts were determined to be related to personal or private for-profit commercial activities concerning the apartment building [REDACTED] owns.

After completing the forensic examination of digital evidence, OIG investigators interviewed [REDACTED]. [REDACTED] admitted to owning an apartment building located at [REDACTED] [REDACTED] [REDACTED]. [REDACTED] purchased the building in 2006 and has owned the building for eight (8) years. [REDACTED] lives in an apartment in the building and the building has two (2) other apartments that [REDACTED] rents to tenants. The rent paid by the two tenants essentially covers the mortgage for the building. One tenant has been in the apartment for two years and the other has been in the apartment for almost two years. One of the tenants pays the rent annually and the other tenant pays on a monthly basis. [REDACTED] stated that [REDACTED] does not consider the apartment building as a business that [REDACTED] is running and that the work [REDACTED] does associated with the property is the same as the work done by any homeowner. [REDACTED] does very little work related to [REDACTED] tenants and that, in fact, [REDACTED] has very little contact with the tenants.

[REDACTED] admitted that [REDACTED] has used [REDACTED] FCC computer resources to perform activities related to the apartment building. [REDACTED] stated that one of [REDACTED] tenants pays the rent online to [REDACTED] and that [REDACTED] receives an email message from [REDACTED] to [REDACTED] FCC email account

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indicating that the rent payment has been made. [REDACTED] accesses a link in the email message to confirm the payment and the payment is deposited in his account.

[REDACTED] stated that [REDACTED] is having remodeling work done on the bathroom in the apartment that [REDACTED] occupies in the building. The remodeling project was started in the spring of this year (2014) and was recently completed. The project did not involve any work on the apartments occupied by [REDACTED] tenants. During the remodeling project, [REDACTED] used [REDACTED] FCC email account to correspond with vendors. [REDACTED] could not estimate the number of email messages with vendors. [REDACTED] also used the FCC network to access the internet to research materials related to the remodeling project (e.g., Google searches for Kohler faucets and marble). [REDACTED] would sometime perform a search and minimize the results explaining that a review of [REDACTED] access would show activity even when [REDACTED] wasn't actively reviewing the search results. [REDACTED] made an effort to minimize the use of [REDACTED] email account and the FCC network to perform activities related to the remodeling project.

[REDACTED] also has pictures of the apartment building on [REDACTED] FCC-issued computer. [REDACTED] was unable to provide an estimate of the number of pictures of the apartment building on [REDACTED] FCC-issued computer but stated that they are "in a folder" on the computer. The pictures were taken with an FCC-issued camera. The pictures were not taken for reasons related to [REDACTED] management of the building, but simply to show coworkers. According to [REDACTED], [REDACTED] is aware of the pictures and [REDACTED] shared the pictures with [REDACTED] because [REDACTED] has expressed an interest in the remodeling project because [REDACTED] ( [REDACTED] ) is also considering a remodeling project. [REDACTED] claims [REDACTED] has shown [REDACTED] various pictures of items that have been installed.

[REDACTED] stated that [REDACTED] is familiar with the Commission's rules of behavior regarding limited personal use of computer resources. [REDACTED] stated that it is [REDACTED] understanding that the Commission's limited personal use policy allows the type of computer activity [REDACTED] has conducted. It is [REDACTED] understanding that personal use of Commission computer resources is allowed if the resources are used in moderation. [REDACTED] understands that Commission computer resources cannot be used to access inappropriate sites and that personal use should be limited to breaks and use during lunch. According to [REDACTED], [REDACTED] has never raised the issue of personal use of Commission computer resources. However, when we asked [REDACTED] if [REDACTED] has warned [REDACTED] about using FCC computer resources to conduct activities related to the apartment building on official time, [REDACTED] indicated that [REDACTED] had done so on two (2) occasions. In late June or early July 2014, [REDACTED] had a conversation with [REDACTED] regarding computer use during which [REDACTED] stated that "Federal employees cannot do personal business on the computer." On August 18, 2014, [REDACTED] had an email exchange with [REDACTED] related to a document

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that was discovered on the office fax machine. During that exchange, [REDACTED] stated "(t)his is a friendly reminder that you may want to let parties know who are faxing to you at the office, that we cannot use government equipment for personal business." [REDACTED] provided the following response:

"The fax received was not a personal fax. It is in regards to the pirate investigation conducted last Thursday, 8/14. The lessee is of the premises is the person receiving the NOUO (104.1 MHz). You being familiar with our procedures, you should of known this is not a personal fax. For future reference I always refrain from using company equipment for my personal use."

During the interview, we showed [REDACTED] a copy of section 2.0.2 of the FCC Cyber Security Policy entitled "Broad Organization Policies" that states that "(s)taff using FCC information systems or accounts must not participate in unethical, illegal or inappropriate activities, such as: **for-profit commercial activities** (emphasis added)." [REDACTED] was not familiar with that section of the FCC Cyber Security Policy.

[REDACTED] stated that, as a result of this investigation, [REDACTED] recently purchased [REDACTED] own computer and established a personal email account, but acknowledged prior to this purchase [REDACTED] had used [REDACTED] FCC email account for various documents, websites, businesses when an email address was required. [REDACTED] stated that [REDACTED] is in the process of unsubscribing to websites and businesses that used [REDACTED] Commission email account as a means of notification and that [REDACTED] will use [REDACTED] personal email account in the future. [REDACTED] gave [REDACTED] FCC email address to tenants, stating that [REDACTED] did this because this is the easiest and quickest way to get in touch. [REDACTED] rarely gets personal email messages in [REDACTED] FCC email account. [REDACTED]'s tenants usually text [REDACTED] when they need to contact [REDACTED] for some reason.

### Conclusion

Based on the forensic examination of digital evidence and the subject interview, our investigation found evidence that [REDACTED] did use FCC computer resources to perform personal work related to the apartment building that [REDACTED] owns, manages and resides in, and that [REDACTED] performed some of this work during business hours. Although [REDACTED] admitted that [REDACTED] has used FCC computer resources to perform personal activities related to the apartment building, [REDACTED] description of this usage as being in moderation, seems to be consistent with the forensic evidence obtained by investigators, and does not appear to violate FCC rules and policies.

However, 2% of this limited activity related to the for-profit commercial element of the

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apartment building and was therefore in violation of the Standards of Ethical Conduct and Commission policies and procedures [REDACTED]  
[REDACTED]

**Attachments**

Attachment #1 Media Analysis Report (electronic copies of the Forensic Toolkit and Internet Evidence Finder reports are available upon request)

Attachment #2 FCC Computer System User Rules of Behavior signed by [REDACTED] on March 13, 2007

Attachment #3 Memorandum of Interview for interview with [REDACTED] dated September 23, 2014

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## MEDIA ANALYSIS REPORT

Date and Time:  October 2, 2014	Written by:  [REDACTED], Computer Forensics Investigator, FCC OIG
Analysis of:  Forensic examination of digital evidence obtained during the investigation of [REDACTED], a Field Engineer with the [REDACTED] Field Office of the Enforcement Bureau (EB). Digital evidence examined included a forensic image of [REDACTED]'s FCC-issued computer (FCC Barcode [REDACTED], IP Address [REDACTED]), Outlook Mailbox, and Network Share.	Location of Analysis:  FCC OIG Computer Forensic Laboratory, FCC Headquarters Facility, 445 12 <sup>th</sup> Street, S.W., Room 2-C423, Washington, DC 20554

### Subject Matter/Remarks

**Case Background:** The FCC Office of Inspector General (OIG) is investigating allegations that [REDACTED], a Field Engineer/Agent with the [REDACTED] Field Office of the Enforcement Bureau (EB), is using FCC computer resources to conduct personal business in violation of 5 C.F.R. § 2635.704 (Use of Government Property) and Commission policies and procedures. In addition, FCC OIG is also investigating allegations that [REDACTED] is conducting personal business while on duty in violation of 5 C.F.R. § 2635.705 (Use of official time).

On April 18, 2014, the computer forensics investigator contacted [REDACTED], ITC, and requested the IP address of the FCC-issued computer used by [REDACTED] as well as current copies of [REDACTED]'s Outlook email and network share. On April 18, 2014, [REDACTED] provided a DVD-R containing [REDACTED]'s network share and a CD-R containing [REDACTED]'s Outlook mailbox. On April 25, 2014, the computer forensics investigator received an email message from [REDACTED] that included the IP address of the FCC-issued computer used by [REDACTED]. On April 30, 2014, the computer forensics investigator used the EnCase Enterprise application on the P2PENC01 server to obtain a forensic image of [REDACTED]'s FCC-issued computer (FCC Barcode [REDACTED], IP Address [REDACTED]). On May 14, 2014, the computer forensics investigator initiated a forensic examination of the digital evidence. The forensic examination was completed on August 1, 2014.

**Status:** This investigation is ongoing.

**Objective of Examination:** The objective of this forensic examination was to examine [REDACTED]'s FCC-issued computer, Outlook mailbox, and network share to determine if [REDACTED] is using FCC computer resources to conduct personal business.

**Items Analyzed:** The computer forensics investigator obtained and examined copies of [REDACTED]'s Outlook Mailbox and network share (N:\ drive). In addition, the computer forensics investigator used EnCase Enterprise (version 7.4.1.10) on the Commission's P2PENC01 server

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Federal Communications Commission Office of Inspector General

to obtain a forensic image of [REDACTED]'s FCC-issued computer (FCC Barcode [REDACTED] IP Address [REDACTED]). The computer forensics investigator obtained a logical image of the user volume (C: drive) with the following characteristics:

Name	([REDACTED]) - C
Description	Volume, Sector 0-974467118, 464.7GB
File Acquired	04/30/14 07:44:02AM
Logical Size	32,768
Physical Size	32,768
Physical Location	20,480
Physical Sector	40
File System	NTFS
Sectors per cluster	8
Bytes per sector	512
Total Sectors	974,467,119
Total Capacity	498,927,161,344 Bytes (464.7GB)
Total Clusters	121,808,389
Unallocated	440,027,844,608 Bytes (409.8GB)
Free Clusters	107,428,673
Allocated	58,899,316,736 Bytes (54.9GB)
Volume Offset	0

**Relevant Software:** The computer forensics investigator used the following software to perform the forensic examination. All of the digital evidence was examined on an Apple Mac Pro forensic analysis workstation marked "Forensic1" (FCC Barcode P203584, Serial Number C07JV0CMF4MH) in the computer forensics lab. The computer forensics lab is located in Room 2-C423) of the Commission's Portals II facility in Washington, DC.

Program Name	Version\Build	Serial Number
AccessData Forensic Toolkit (FTK)	Version 4.2.1.22	Dongle Serial # 2-1307037
AccessData FTK Imager	Version 3.1.0.1514	n/a
AccessData Registry Viewer	Version 1.6.3.35	n/a
EnCase Enterprise	Version 6.19.4.11	n/a
EnCase Forensic	Version 6.19.2.10	Dongle Serial # 1353191497
Internet Evidence Finder	Version 6.3.3.0007	Dongle Serial # 3133314942
Symantec Endpoint Protection	Version 11.0.7300.1294	n/a
Roxio Creator NXT	Version 14.0.36.0	n/a
VLC Media Player	Version 2.0.5	n/a

**Analysis Process:** A complete description of the process followed to obtain digital evidence ([REDACTED]'s FCC-issued computer, Outlook mailbox, and network share) is contained in a separate Investigative Activity Report (IAR) dated May 13, 2014. A complete description of the process followed to examine the digital evidence is contained in a separate IAR dated August 1, 2014. A summary of the process that was followed to perform the examination is as follows:

1. Used FTK Imager application to mount the forensic images of [REDACTED]'s FCC-issued computer and network share as read-only.
2. Used Symantec Endpoint Protection and Malwarebytes to scan the forensic images of [REDACTED]'s FCC-issued computer and network share for viruses and malware.

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3. Created a case in EnCase and used EnCase to obtain information about the configuration of the logical volume.
4. Created a case in AccessData's Forensic Toolkit (FTK) application and added the forensic image files created from the digital evidence as evidence in FTK.
5. Used FTK to perform a manual review.
6. Used FTK to search for Web-Based email artifacts.
7. Used FTK to review Client-Based email.
8. Used FTK to perform an analysis of file signatures.
9. Used FTK to review Recycle Bin artifacts.
10. Used FTK to review Instant Messaging artifacts.
11. Used FTK to review thumbcache.db files.
12. Used Internet Evidence Finder (IEF) to review Internet browser artifacts.
13. Used FTK to review EFS files.
14. User FTK to review password protected files.
15. Used FTK to review Microsoft Office files.
16. Used FTK to perform a keyword search using search terms developed during the examination.
17. Used FTK to review image files.
18. Used Roxio Creator NXT to burn a DVD-ER with the HTML versions of the reports created in FTK and IEF.

**Detailed Findings:** The computer forensics investigator identified numerous Microsoft Office and Adobe Acrobat documents as well as image files, email messages, and internet browser activity indicating that [REDACTED] used [REDACTED] FCC computer resources to perform work related to [REDACTED] ownership of an apartment building located at [REDACTED] [REDACTED] [REDACTED]. However, the computer forensics investigator also determined that the vast majority of the digital evidence that was obtained relates to [REDACTED]'s ownership of the apartment building (which is also [REDACTED] personal residence) and not to the for-profit commercial element of the apartment building (i.e., the rental apartments in the building). All relevant information, including evidence related to [REDACTED]'s ownership of the apartment building, was bookmarked using Forensic Toolkit (FTK) and Internet Evidence Finder (IEF). Complete electronic copies of these reports are provided on a DVD-R included as **Attachment 1** to this Media Analysis Report. An explanation of the findings from this forensic examination by artifact type, with examples, is provided below.

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## Microsoft Office Documents

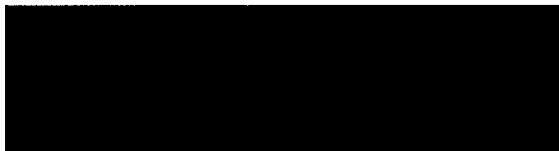
The computer forensics investigator identified twenty-four (24) unique Microsoft Office documents that appear to be related to the property that [REDACTED]'s owns at [REDACTED]. Three (3) of the twenty-four (24) Microsoft Office documents appear to be related to the "for-profit commercial" element of [REDACTED]'s property. A detailed description of those documents is as follows:

The computer forensics investigator identified a Microsoft Office document entitled "3<sup>rd</sup> Floor Apt. Advertisement.doc." This document was at [/root]/Users/[REDACTED]/Documents/My Documents/Temp/3rd Floor Apt. Advertisement.doc. The document appears to be an advertisement for the 3<sup>rd</sup> floor apartment in [REDACTED]'s property. The metadata shows that the author of the document is [REDACTED] ([REDACTED] account was logged in when the document was created) and that the document was last saved by [REDACTED] ([REDACTED] account was logged in when the document last saved). The metadata also shows that the document was created and last saved on September 30, 2009 at 2:30:00 PM GMT. The document is as follows:

Light, airy, spacious floor-through apartment in a newly renovated brownstone located in the historic [REDACTED] is waiting for you. "So spacious the apartment should be deemed illegal." It features a large 1 bdrm, spacious living/dining area (dining area with a serve through window), large kitchen with new appliances, full bathroom, long hallway, 4 closets (1 large walk-in closet, 2 large coat closets, and 1 linen closet), large windows through-out, satin finish hardwood floors. Approx. 1000 sqft. Tree-lined street near cultural institutions. Close to transportation. [REDACTED] (just 1 block away), [REDACTED]. Very quiet, perfect for the professional with good salary & credit. Price has been reduced, "a must see". Call for an appointment. [REDACTED]

The computer forensics investigator identified a Microsoft Office document entitled "[REDACTED] Applicant Information.doc." This document was located at Network Share.ad1/My Mail Archives/My Mail Archives/archive 2.pst>archive 2>Top of Personal Folders>Inbox 2>IPM.Note.>[REDACTED] Applicant Information.doc. The document appears to be a credit report created by an organization called [REDACTED]. The document is dated February 3, 2010 and contains credit information for an individual named [REDACTED]. The Lexis-Nexis Law Enforcement Portal report for [REDACTED] indicates that [REDACTED] is a tenant in Apartment 2 of [REDACTED]'s building at [REDACTED]. A screenshot from the first page of this document is as follows:

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Applicant Information	
Name: [REDACTED]	Requesting Company: [REDACTED]
SSN: XXXXX [REDACTED]	Date Requested: 2/3/2010
DOB: 11/05/80	Application Number: 111048
Address: [REDACTED]	

Subject Identification			
[REDACTED]	XXX-XX- [REDACTED]	YOB: [REDACTED]	Est.Age: [REDACTED]
Address			
[REDACTED]	[REDACTED]	[REDACTED]	
05/07/2009	02/20/2007		
Employment			
[REDACTED]	[REDACTED]		
06/30/2009	10/31/2007		

Messages
Default AddOn Product EMPIRICA (code: 00950) was delivered.

Demographics
--------------



Profile Summary							
Total File History							
PubRec=0 Collection=0 Tradelines=57 Negative=0 Inquiries=6							
MOP: Paid as Agreed=171430 day=1060 day=1 90/120 day=0 Repo=0 Charge Off=0							
	cnt	HighCred	CredLim	Balance	PastDue	MthlyPay	Avail%
Revolving:	22	\$17938	\$17505	\$17059	0	\$154	3%
Installment:	32	\$225926	-	\$223141	0	\$876	0%
Mortgage:	1	\$210200	-	\$201775	0	\$1960	0%
Open:	2	\$-1	-	-	0	\$0	0%
Total:	57	\$454064	\$17505	\$451280	0	\$3489	0%

The computer forensics investigator identified a Microsoft Office document entitled "Lease Addendum.doc." The document was located at Network Share.ad1/Backup/Desktop/Lease Addendum.doc. The document appears to be an unsigned lease addendum for a property rental. The metadata shows that the author of the document is [REDACTED] ([REDACTED] account was logged in when the document was created) and that the document was last saved by [REDACTED] ([REDACTED] account was logged in when the document last saved). The metadata also shows that the document was created and last saved on March 27, 2012 at 4:50:00 PM GMT. A section from the document is as follows:

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### LEASE ADDENDUM

The following rules apply to all tenants and their guests. Your signature at the bottom of the following page means that you agree to obey all house rules. Non-compliance with these rules will be considered a breach of contract and will be grounds for removal from premises.

- No smoking of any illegal substances is permitted.
- No smoking
- No Pets
- No loud music should be audible to other tenants.
- No washing machine, dryer, or other heavy-duty appliances will be permitted on the premises **without the written or verbal consent of the landlord.**
- Common areas should be kept clear at all times.
- No sheets, towels, or anything other than blinds or curtains is allowed in the windows.
- Garbage should be removed daily from the apartment.
- All tenants will be expected to recycle.
- No loitering in front of building or in hallways.

### Image Files

The computer forensics investigator identified one-hundred sixty-three (163) unique image files (.JPG and .PNG files) that appear to be related to the property that [REDACTED]'s owns at [REDACTED]. The computer forensics investigator did not identify any image files that appear to be related to the "for-profit commercial" element of [REDACTED]'s property (e.g., images used for advertising rental space, pictures of remodeling efforts in rental apartments, etc.).

As part of the forensic examination, the computer forensics investigator examined the metadata associated with the image files. The computer forensics investigator determined that one-hundred sixty-one (161) of the one-hundred sixty-three (163) image files were created with an Olympus model C2Z, D520Z, or C220Z digital camera. The computer forensics investigator determined that two (2) of the one-hundred sixty-three (163) image files were created with a NIKON COOLPIX model L820 digital camera. The computer forensics investigator obtained a recent copy of FCC Form A-535 entitled "Sensitive and Telecommuting Property Self-Certification Form" showing that [REDACTED] has been assigned a NIKON COOLPIX model L820 digital camera (FCC Barcode [REDACTED] and serial number [REDACTED]). No record was found indicating that the FCC has issued [REDACTED] issued an Olympus model C2Z, D520Z, or C220Z digital camera. A copy of FCC Form A-535 entitled "Sensitive and Telecommuting Property Self-Certification Form" showing that [REDACTED] has been assigned a NIKON COOLPIX model L820 digital camera is as follows:

Case Number:

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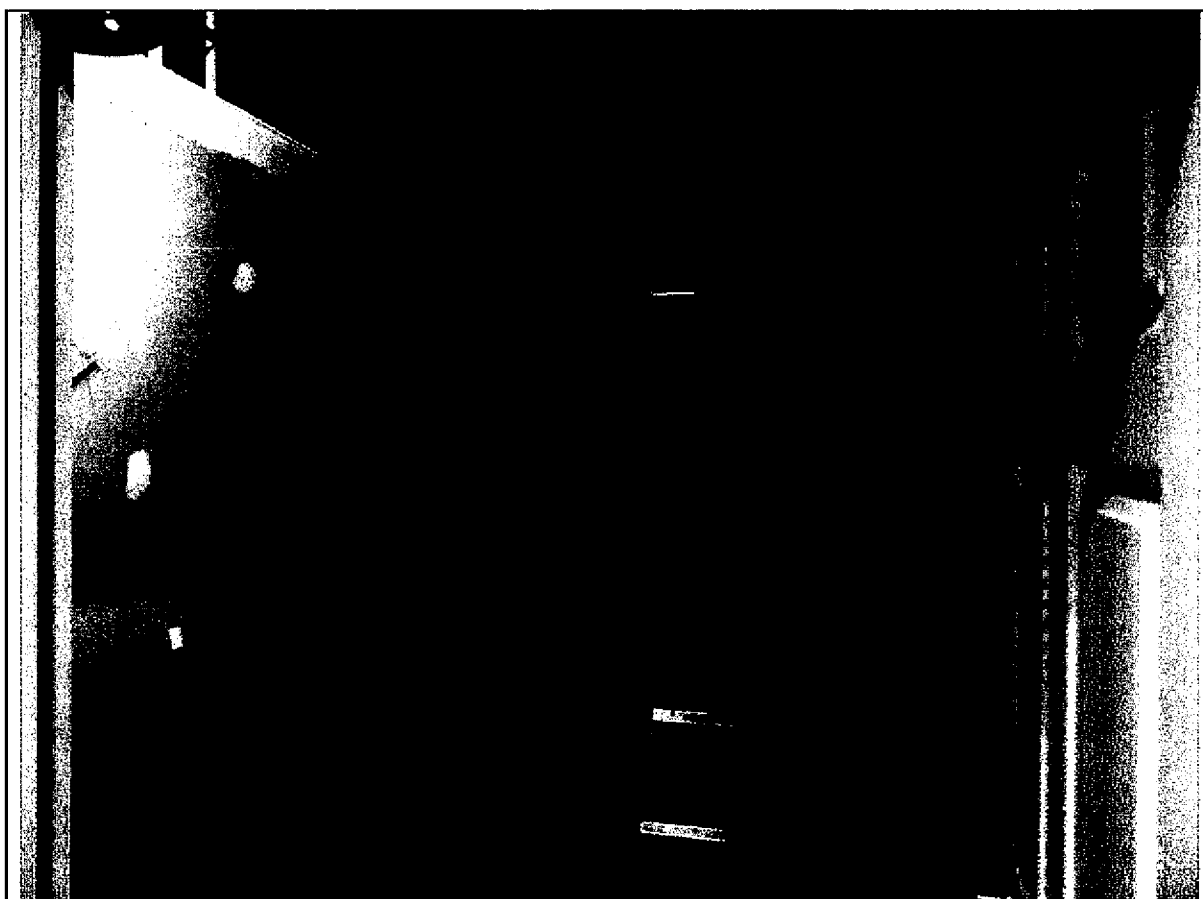
Case Title:

Federal Communications Commission

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FEDERAL COMMUNICATIONS COMMISSION			
SENSITIVE AND TELECOMMUTING PROPERTY SELF-CERTIFICATION FORM			
BAR CODE NUMBER	ITEM DESCRIPTION (Make & Model)	SERIAL NUMBER	REMARKS
██████████	TOSHIBA SATELLITE PRO S300 EZ2501	██████████	
██████████	HP ELITEBOOK 8560P	██████████	
██████████	Digital Camera (NIKON COOLPIX L820)	██████████	

The two (2) image files created with the NIKON COOLPIX model L820 digital camera and the associated metadata are as follows:



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## DSCN0345.JPG EXIF & IPTC DATA

### EXIF DATA

Exif.Image.ImageDescription:  
Exif.Image.Make:NIKON  
Exif.Image.Model:COOLPIX L820  
Exif.Image.Orientation:1  
Exif.Image.XResolution:300/1  
Exif.Image.YResolution:300/1  
Exif.Image.ResolutionUnit:2  
Exif.Image.Software:COOLPIX L820V1.0  
Exif.Image.DateTime:2014:03:18 20:58:21  
Exif.Image.YCbCrPositioning:2  
Exif.Image.ExifTag:268  
Exif.Photo.ExposureTime:10/150  
Exif.Photo.FNumber:30/10  
Exif.Photo.ExposureProgram:2  
Exif.Photo.ISOSpeedRatings:800  
Exif.Photo.SensitivityType:1  
Exif.Photo.ExifVersion:48 50 51 48  
Exif.Photo.DateTimeOriginal:2014:03:18 20:58:21  
Exif.Photo.DateTimeDigitized:2014:03:18 20:58:21  
Exif.Photo.ComponentsConfiguration:1 2 3 0  
Exif.Photo.CompressedBitsPerPixel:2/1  
Exif.Photo.ExposureBiasValue:0/10  
Exif.Photo.MaxApertureValue:32/10  
Exif.Photo.MeteringMode:5  
Exif.Photo.LightSource:0  
Exif.Photo.Flash:16  
Exif.Photo.FocalLength:40/10



Case Number:  
OIG-I-14-0023

Case Title:

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## DSCN0365.JPG EXIF & IPTC DATA

### EXIF DATA

Exif.Image.ImageDescription:  
Exif.Image.Make:NIKON  
Exif.Image.Model:COOLPIX L820  
Exif.Image.Orientation:1  
Exif.Image.XResolution:300/1  
Exif.Image.YResolution:300/1  
Exif.Image.ResolutionUnit:2  
Exif.Image.Software:COOLPIX L820V1.0  
Exif.Image.DateTime:2014:04:17 07:36:50  
Exif.Image.YCbCrPositioning:2  
Exif.Image.ExifTag:268  
Exif.Photo.ExposureTime:10/300  
Exif.Photo.FNumber:30/10  
Exif.Photo.ExposureProgram:2  
Exif.Photo.ISOSpeedRatings:250  
Exif.Photo.SensitivityType:1  
Exif.Photo.ExifVersion:48 50 51 48  
Exif.Photo.DateTimeOriginal:2014:04:17 07:36:50  
Exif.Photo.DateTimeDigitized:2014:04:17 07:36:50  
Exif.Photo.ComponentsConfiguration:1 2 3 0  
Exif.Photo.CompressedBitsPerPixel:2/1  
Exif.Photo.ExposureBiasValue:0/10  
Exif.Photo.MaxApertureValue:32/10  
Exif.Photo.MeteringMode:5  
Exif.Photo.LightSource:0  
Exif.Photo.Flash:16  
Exif.Photo.FocalLength:40/10

### Adobe Acrobat Documents

The computer forensics investigator identified ninety-one (91) unique Adobe Acrobat documents that appear to be related to the property that [REDACTED]'s owns at [REDACTED] [REDACTED] [REDACTED]. Two (2) of the ninety-one (91) Adobe Acrobat documents appear to be related to the "for-profit commercial" element of [REDACTED]'s property. A detailed description of those documents is as follows:

The computer forensics investigator identified an Adobe Acrobat document with the file name "Lease Addendum.pdf" located at Network Share.ad1/Documents/My Documents/Temp/Temp/Lease Addendum.pdf. The document was created on January 21, 2011 at 4:45:35 PM EST (21:45:35 GMT). A screenshot showing a portion of the document is as follows:

Case Number:  
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Case Title:

### LEASE ADDENDUM

The following rules apply to all tenants and their guests. Your signature at the bottom of the following page means that you agree to obey all house rules. Non-compliance with these rules will be considered a breach of contract and will be grounds for removal from premises.

- No smoking of any illegal substances is permitted.
- No smoking
- No Pets
- No loud music should be audible to other tenants.
- No washing machine, dryer, or other heavy-duty appliances will be permitted on the premises without the written or verbal consent of the landlord.
- Common areas should be kept clear at all times.
- No sheets, towels, or anything other than blinds or curtains is allowed in the windows.
- Garbage should be removed daily from the apartment.
- All tenants will be expected to recycle.
- No loitering in front of building or in hallways.
- Tenants will inform guests to behave in a sensible and responsible manner, and tenant will be held responsible for any damages or problems associated with their involvement with and on the premises.
- Loud, boisterous and violent behavior will not be tolerated and episodes of such allowed by the tenants and guest will be considered a breach of this contract (lease).

The computer forensics investigator identified an Adobe Acrobat document with the file name "Requirements for Apartment Rental & Application.pdf" located Network Share.ad1/My Mail Archives/My Mail Archives/archive 2.pst»archive 2»Top of Personal Folders»Inbox 2»RE: New Appt. The document was attached to an email message from [REDACTED] to [REDACTED]@gmail.com that was sent January 26, 2010 1:20:10 PM EST (18:20:10 GMT). Screenshots showing the email message and document are as follows:

Case Number:  
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Case Title:  
[REDACTED]



**From:** [REDACTED] <FCC/FIRST ADMINISTRATIVE  
GROUP/RECIPIENTS/[REDACTED]>  
**Sent:** 1/26/2010 6:20:10 PM +00:00  
**To:** [REDACTED]@gmail.com  
**Subject:** RE: New Appt.  
**Attachments:** Requirements for Apartment Rental & Application.pdf

Hi [REDACTED]

Attached is the Requirements for Apartment Rental and Application. After you gather your information and fill out the application, you can contact me so we can meet. As discussed previously, I can be available this weekend, either the latter part of Saturday afternoon or Sunday if that will work for you. If you have any questions, don't hesitate to contact me. You can either email me or call my cell number [REDACTED] or my office number that is listed below.

Regards,

[REDACTED]  
Federal Communications Commission  
Field Office  
[REDACTED]

—Original Message—

**From:** [REDACTED]@gmail.com [mailto:[REDACTED]@gmail.com]  
**Sent:** Monday, January 25, 2010 12:14 PM  
**To:** [REDACTED]  
**Subject:** New Appt.

Hi [REDACTED]

It was a pleasure meeting you yesterday. I really appreciate you showing me the apartment on the 2nd floor of your brownstone. I would like to give you a deposit (pending moving date May 1st). I just had a couple of questions.

- 1 - does the apartment have central a/c
- 2 - will the apartment come with a washer and dryer unit

My best regards,

[REDACTED]  
Sent on the Sprint® Now Network from my BlackBerry®

**REQUIREMENTS FOR APARTMENT RENTAL:**

- A completely filled out Application form.
- Copies of all Pay stubs for the last 4 months or letter from your employer.
- A copy of the last years Federal taxes filed.
- Rent stubs or cancelled rent checks from the last 4 months.
- A copy of bank statements for the past 2 months.
- A copy of your Drivers License.
- Pay credit check fee of \$60.

*If you are picked, you will be asked to:*

- Pay one months' rent and one months' security deposit upon lease signing.
- Pay all final fees that are required.

**Outlook Mailbox**

The computer forensics investigator identified three-hundred eighteen (318) email messages in [REDACTED]'s FCC Outlook Mailbox that appear to be related to the property that [REDACTED] owns at [REDACTED]. Six (6) of the three-hundred eighteen (318) email messages appear to be related to the "for-profit commercial" element of [REDACTED]'s property.

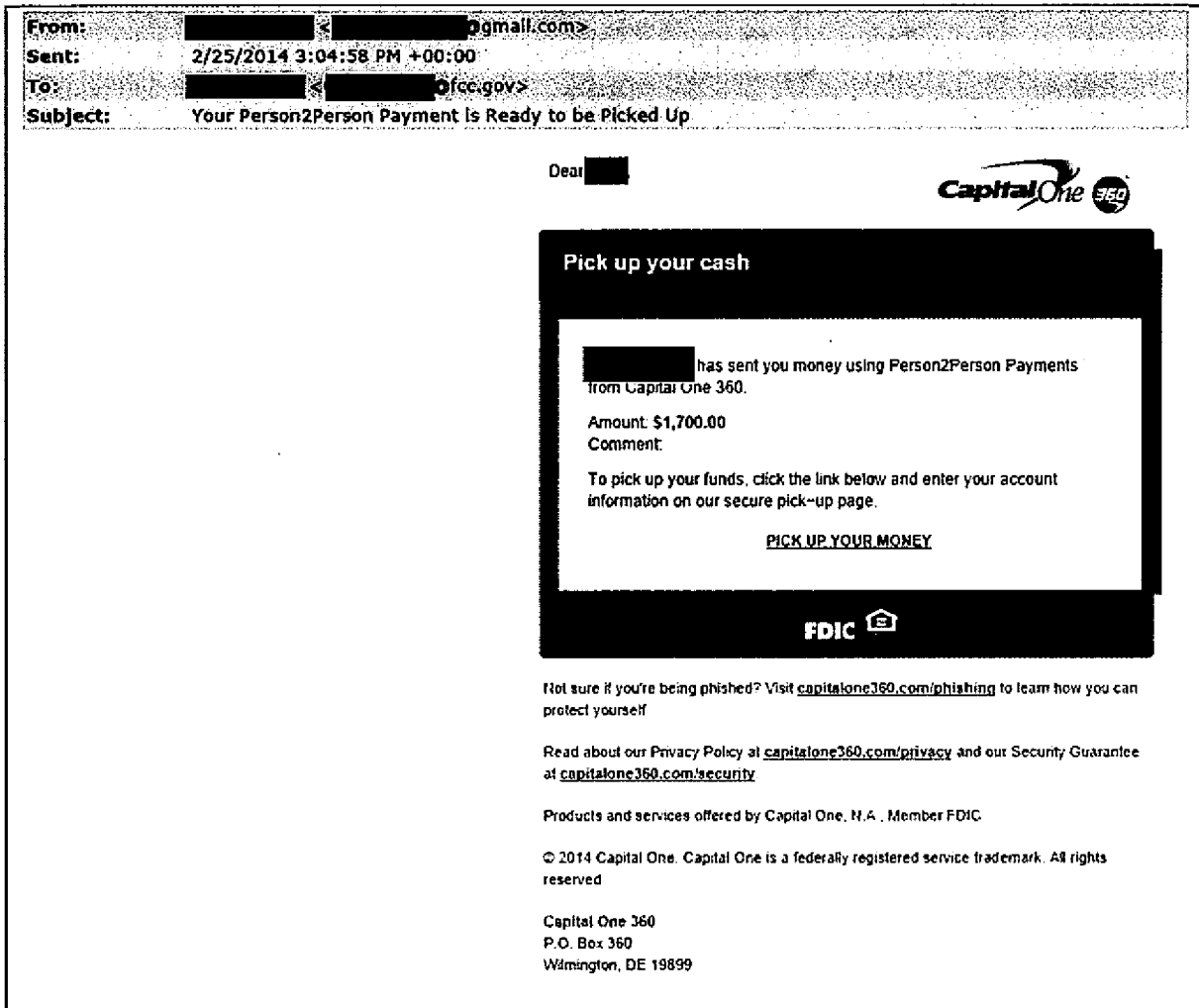
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The computer forensics investigator identified three (3) email messages with the subject line "Your Person2Person Payment is Ready to be Picked Up." These messages are from [REDACTED] ([REDACTED]@gmail.com) and reference payments through Capital One bank that appear to be related to rent payments. According to the Lexis-Nexis LEP report on [REDACTED], [REDACTED] is a tenant in [REDACTED]'s apartment building. A screenshot of one (1) of the three (3) email messages is as follows:



The computer forensics investigator identified an email message with the subject line "RE: 1 Bdrm Apartment for Rent on [REDACTED] [REDACTED]." The email message is from [REDACTED] ([REDACTED]@TVLand.com) and was sent on November 3, 2009 at 5:52:47 PM EST (22:52:47 PM GMT). The email message appears to be related to the rental of one of the apartments in [REDACTED]'s building. The email message is as follows:

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From: [REDACTED]@TVLand.com  
 Sent: 11/3/2009 10:52:47 PM +00:00  
 To: [REDACTED]@FCC/FIRST ADMINISTRATIVE GROUP/RECIPIENTS  
 Subject: RE: 1 Bdrm Apartment for Rent on 135th Street

Hi [REDACTED]

Sorry to hear your tenant fell thru. I will definitely post a notice here. Do you have any photos you could email me?

Thanks  
 [REDACTED]

TV Land  
 Manager, Development & Original Programming  
 [REDACTED]

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From: [REDACTED] Email: [REDACTED]@fcc.gov  
 Sent: Tuesday, November 03, 2009 3:49 PM  
 To: [REDACTED]  
 Subject: 1 Bdrm Apartment for Rent on [REDACTED]

Hi [REDACTED]

Just as we spoke last night about the apartment that I thought was rented, I received a phone call from the prospective tenant this morning. She was very upset and informed me that she received word from her family last night that her father doesn't have long to live. He is 56 years old and has pancreatic cancer. She will not be able to relocate to [REDACTED] and will need to stay closer to North Carolina. And so, the apartment is available. It is a 1 bedroom apartment approximately 850 - 900 sq feet. I'm asking \$1575 which is negotiable. Can you advertise as you mentioned at TV Land? Anyone interested can call me direct on my cell [REDACTED] or at my office number below. I don't have your phone number so if you call and need to leave me a message also remember to leave me your phone number in case I need to contact you. If you would like to see the apartment, I am home most evenings after 7:30 pm; just give me a call. If someone else is interested I could be available earlier. Thanks for any assistance.

[REDACTED]  
 Federal Communications Commission  
 Field Office  
 [REDACTED]

### Internet Browser Artifacts

The computer forensics investigator used IEF to examine the digital evidence for artifacts related to the property [REDACTED] owns at [REDACTED]. The computer forensics investigator identified numerous internet browser artifacts related to the property but no artifacts specifically related to the "for-profit commercial" element of the property. For example, the computer forensics investigator identified the Google searches that appear to be related to a remodeling project on the property that [REDACTED] owns at [REDACTED].

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Record	Search Term	Search Engine	Google Original Search Query	URL
189	casablanca fans	Google	casa blanca f	https://www.google.com/search?q=casablanca+fans&oeq=casa+blanca+f&aqs=chrome.1.6957j0l5.9314j0l8&sourceid=chrome&es_sm=93&ie=UTF-8
190	hunter fans	Google	hunter fans	https://www.google.com/search?q=hunter+fans&oeq=hunter+fans&aqs=chrome.6957j0l5.9530j0l8&sourceid=chrome&es_sm=93&ie=UTF-8
191	casablanca fans	Google	ca	https://www.google.com/search?q=casablanca+fans&oeq=ca&aqs=chrome.1.6957j0l5.952j0l8&sourceid=chrome&es_sm=93&ie=UTF-8
192	lutron	Google	lu	https://www.google.com/search?q=lutron&oeq=lu&aqs=chrome.0.6959j0l5.957j0l4.3659j0l8&sourceid=chrome&es_sm=93&ie=UTF-8
193	lutron	Google	lutr	https://www.google.com/search?q=lutron&oeq=lutr&aqs=chrome.1.6957j0l5.8952j0l8&sourceid=chrome&es_sm=93&ie=UTF-8
194	kohler sinks	Google	Kohler	https://www.google.com/search?q=kohler+sinks&oeq=Kohler&aqs=chrome.1.6957j0l5.4322j0l8&sourceid=chrome&es_sm=93&ie=UTF-8
195	capital lighting and supply	Google	capital lighting	https://www.google.com/search?q=capital+lighting+and+supply&oeq=capital+lighting&aqs=chrome.1.6957j0l5.9770j0l8&sourceid=chrome&es_sm=93&ie=UTF-8
196	capital lighting and supply	Google	capital lighting	https://www.google.com/search?q=capital+lighting+and+supply&oeq=capital+lighting&aqs=chrome.1.6957j0l5.9770j0l8&sourceid=chrome&es_sm=93&ie=UTF-8
197	capital lighting and supply	Google	capital lighting	https://www.google.com/search?q=capital+lighting+and+supply&oeq=capital+lighting&aqs=chrome.1.6957j0l5.9770j0l8&sourceid=chrome&es_sm=93&ie=UTF-8
198	best plumbing	Google	Best plu	https://www.google.com/search?q=best+plumbing&oeq=Best+plu&aqs=chrome.5.6957j0l5.10166j0l8&sourceid=chrome&es_sm=93&ie=UTF-8
199	lutron	Google	lutr	https://www.google.com/search?q=lutron&oeq=lutr&aqs=chrome.1.6957j0l5.8952j0l8&sourceid=chrome&es_sm=93&ie=UTF-8
200	casa blanca	Google	casa b	https://www.google.com/search?q=casa+blanca&oeq=casa+b&aqs=chrome.2.6957j0l5.9562j0l8&sourceid=chrome&es_sm=93&ie=UTF-8
201	casablanca fans	Google	casa blanca f	https://www.google.com/search?q=casablanca+fans&oeq=casa+blanca+f&aqs=chrome.1.6957j0l5.9314j0l8&sourceid=chrome&es_sm=93&ie=UTF-8

The computer forensics investigator also determined that [REDACTED] used Google Chrome and Internet Explorer to access internet websites that appear to be related to a remodeling project on the property that [REDACTED] owns at [REDACTED]. Screenshots from IEF showing Google Chrome and Internet Explorer activity are as follows:

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Case Title:

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# Chrome Current Session

Print This Page

Record	URL	Title
8	<a href="http://www.casablancafanco.com/">http://www.casablancafanco.com/</a>	Casablanca Fan - Ceiling Fans, Portable Fans
9	<a href="http://www.casablancafanco.com/Accessories/Ceiling-Fan/">http://www.casablancafanco.com/Accessories/Ceiling-Fan/</a>	Casablanca Fan - Ceiling Fans, Portable Fans
10	<a href="http://www.casablancafanco.com/Accessories/Ceiling-Fan/Controls/">http://www.casablancafanco.com/Accessories/Ceiling-Fan/Controls/</a>	Casablanca Fan - Ceiling Fans, Portable Fans
11	<a href="http://www.casablancafanco.com/Products/Controls/W-81/">http://www.casablancafanco.com/Products/Controls/W-81/</a>	Casablanca Fan - Ceiling Fans, Portable Fans
12	<a href="https://www.google.com/search?q=lutron&amp;oq=lu&amp;aqs=chrome.0.69i59j69i57j0l4.3609j0j8&amp;sourceid=chrome&amp;es_sm=93&amp;ie=UTF-8">https://www.google.com/search?q=lutron&amp;oq=lu&amp;aqs=chrome.0.69i59j69i57j0l4.3609j0j8&amp;sourceid=chrome&amp;es_sm=93&amp;ie=UTF-8</a>	Lutron - Google Search
13	<a href="http://www.lutron.com/en-US/Pages/default.aspx">http://www.lutron.com/en-US/Pages/default.aspx</a>	Lutron Electronics, Inc. - Dimmers And Lighting Controls
14	<a href="http://www.lutron.com/en-US/Products/Pages/StandAloneControls/FanControls/FanControls.aspx">http://www.lutron.com/en-US/Products/Pages/StandAloneControls/FanControls/FanControls.aspx</a>	Lutron Fan Controls
15	<a href="https://www.google.com/search?q=kohler+sinks&amp;oq=Kohler&amp;aqs=chrome.1.69i57j0l5.4322j0j8&amp;sourceid=chrome&amp;es_sm=93&amp;ie=UTF-8">https://www.google.com/search?q=kohler+sinks&amp;oq=Kohler&amp;aqs=chrome.1.69i57j0l5.4322j0j8&amp;sourceid=chrome&amp;es_sm=93&amp;ie=UTF-8</a>	kohler sinks - Google Search
16	<a href="http://www.us.kohler.com/us/Bathroom-Sinks/category/429706/429204.htm?brand=kpast&amp;source=google&amp;mat=exact&amp;cat=General+Sinks&amp;kwd=bathroom+sinks&amp;iq=65910295-VQ16-c-VQ6-37920479709-VQ15-1t1-VQ14-65917420">http://www.us.kohler.com/us/Bathroom-Sinks/category/429706/429204.htm?brand=kpast&amp;source=google&amp;mat=exact&amp;cat=General+Sinks&amp;kwd=bathroom+sinks&amp;iq=65910295-VQ16-c-VQ6-37920479709-VQ15-1t1-VQ14-65917420</a>	KOHLER   Bathroom Sinks   Bathroom

Case Number:  
OIG-I-14-0023

Case Title:

Federal Communications Commission

Office of Inspector General

Internet Explorer Main History			
Print This Page			
Record	Local View Date / Time (UTC) (MM/DD/YYYY)	User	URL
21	03/13/2014 05:56:15 PM		http://www.steamsaunabath.com/search-results.html
68	04/17/2014 05:38:49 PM		file:///C:/Users/ [REDACTED] /Pictures/OSCI0365.JPG
111	04/08/2014 06:32:12 PM		http://www.us.kchler.com/us/Toilets-One-Piece-Toilets/Saile/brand/974123/972259.htm?brand#Value=4294892622
115	04/03/2014 08:11:33 PM		http://www.bestplumbingonline.com/favicon.ico
125	04/03/2014 03:23:36 PM		file:///C:/Users/ [REDACTED] /Desktop/Your%20Signature%20Hardware%20Quote%20
134	03/04/2014 04:45:43 PM		http://www.build.com/imagebase/resized/x800/decolavimages/decolav_cameron_76_cameron_collection_in_es_1.jpg
150	03/11/2014 08:22:26 PM		http://www.us.kchler.com/us/Thermostatic-Valves-%26-Trim-Valve-Trim--Thermostatic/Stanco/brand/1001326
151	04/03/2014 06:25:42 PM		https://www.google.com/search?hl=en&source=hp&q=honey+onyx+marble&gbv=2&eq=honey+onyx+ma&gs_l=hairleo m-hp..0.13.1140.jebFYh9Bag
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155	04/03/2014 06:25:57 PM		http://www.sucasatilegranite.com/comments/feed
165	04/03/2014 06:31:51 PM		http://www.us.kchler.com/us/Bathroom-Toilets/category/429984

## FTK Report

A listing of the file paths for relevant items contained in the FTK Report is as follows:

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\$INXU74P.pdf (HTML link)

\$T007X1.docx (HTML link)

\$RFX089V.pdf

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docProps

app.xml

Case Number: OIG-I-14-0023	Case Title: [REDACTED]
Federal Communications Commission	Office of Inspector General















































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  - ..... AppData
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      - ..... Google
        - ..... Chrome
          - ..... User Data
            - ..... Default
              - ..... Cache
                - ..... f 000052
                - ..... f 000053
              - ..... Microsoft
                - ..... Windows
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                    - ..... Content.Outlook
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                - ..... Your Signature Hardware Quote # SHP1610764.pdf.lnk (HTML link)
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          - ..... 2nd Fl Apt Bdm Windows.exif.html
          - ..... 2nd Fl Apt Kitchen.JPG
          - ..... 2nd Fl Apt Kitchen.exif.html
          - ..... 3rd FL Kitchen.JPG
          - ..... 3rd FL Kitchen.exif.html
          - ..... 3rd FL Living Rm.JPG

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| Case Number:<br><b>OIG-I-14-0023</b> | Case Title:<br> |
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









































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|-------------------------------|---------------------------|
| Case Number:<br>OIG-I-14-0023 | Case Title:<br>[REDACTED] |
|-------------------------------|---------------------------|



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| Case Number:<br><b>OIG-I-14-0023</b> | Case Title:<br> |
|--------------------------------------|--|

.....  [Old Walk-through closet.JPG](#)  
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Case Number:

OIG-I-14-0023

Case Title:

[REDACTED]
















































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- ..... Pictures
  - ..... DSCN0345.JPG
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  - ..... DSCN0365.JPG
  - ..... DSCN0365.exif.html
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- ..... [REDACTED].pst
- ..... Outlook Data File
  - ..... Top of Outlook data file
  - ..... Contacts
    - ..... Best Plumbing (Scarsdale, NY)
    - ..... [REDACTED]
    - ..... DEP (water & sewage)
    - ..... Goggle Chrome
    - ..... Housing Preservation Development
    - ..... Housing Preservation Development (Inspector General Office)
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Case Number:  
OIG-I-14-0023















































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| Case Number:<br>OIG-I-14-0023 | Case Title:<br>[REDACTED] |
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











































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| Case Number:<br>OIG-I-14-0023 | Case Title:<br>[REDACTED] |
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| Case Number:<br><b>OIG-I-14-0023</b> | Case Title:<br>[REDACTED] |
| Federal Communications Commission    |                           |
| Office of Inspector General          |                           |

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☒ Read: Acknowledgement S3246287 PO# J  
☐ ATT00001  
☒ Read: Additional cover pages (1/14/14 & 2/6/14)  
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☒ Read: Additional cover pages r2  
☐ ATT00001  
☒ Read: Cover page  
☐ ATT00001  
☒ Read: Order  
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☒ Read: RE: QUOTE  
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☒ Relayed: Additional cover pages (1/14/14 & 2/6/14)  
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Case Number:

OIG-I-14-0023

Case Title:

[REDACTED]


















































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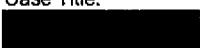
Case Number:  
OIG-I-14-0023

Case Title:

Federal Communications Commission

Office of Inspector General

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| Case Number:<br><b>OIG-I-14-0023</b> | Case Title:<br> |
| Federal Communications Commission    |  |
| Office of Inspector General          |  |















































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Case Number:

OIG-I-14-0023

Case Title:

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| Case Number:<br>OIG-I-14-0023 | Case Title:<br> |
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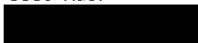
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| Federal Communications Commission <span style="float: right;">Office of Inspector General</span> |   |
















































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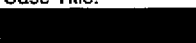
Case Number:

OIG-I-14-0023

Case Title:


















































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| Federal Communications Commission |  |
| Office of Inspector General       |  |

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- ... P1361010014.exif.html

|                               |                           |
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| Case Number:<br>OIG-I-14-0023 | Case Title:<br>[REDACTED] |
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.....  [P1361010015.JPG](#)  
 .....  [P1361010015.exif.html](#)  
 .....  [Message](#)  
 .....  [Need to know!](#)  
 .....  [RE: Need to know!](#)  
 .....  [RE: Need to know!](#)  
 .....  [RE: Need to know!](#)  
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 .....  [image001.jpg](#)  
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 .....  [image001.jpg](#)  
 .....  [RE: Need to know!](#)  
 .....  [image001.jpg](#)  
 .....  [RE: Sewage Line Invoice](#)  
 .....  [RE: Sewage Line Invoice](#)  
 .....  [RE: Sewage Line Invoice](#)  
 .....  [Inv 11690 from \[REDACTED\] Plum \[REDACTED\].pdf](#)  
 .....  [RE: Sewage Line Invoice](#)  
 .....  [P1361010007.JPG](#)  
 .....  [P1361010007.exif.html](#)  
 .....  [P1361010008.JPG](#)  
 .....  [P1361010008.exif.html](#)  
 .....  [P1361010009.JPG](#)  
 .....  [P1361010009.exif.html](#)  
 .....  [P1361010010.JPG](#)  
 .....  [P1361010010.exif.html](#)  
 .....  [P1361010011.JPG](#)  
 .....  [P1361010011.exif.html](#)  
 .....  [P1361010012.JPG](#)  
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 .....  [P1361010014.exif.html](#)  
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 .....  [P1361010015.exif.html](#)  
 .....  [RE: Status](#)  
 .....  [RE: Status](#)  
 .....  [image003.jpg](#)  
 .....  [RE: Status](#)  
 .....  [image003.jpg](#)  
 .....  [Read: Any progress?](#)  
 .....  [Read: Any word?"](#)  
 .....  [Read: FW: Sewage Line Invoice](#)  
 .....  [Read: Message](#)  
 .....  [Read: Need to know!](#)  
 .....  [Read: RE: Need to know!](#)















































Case Number:  
OIG-I-14-0023

Case Title:

..... [Read: RE: Need to know!](#)  
 ..... [Read: RE: Status](#)  
 ..... [Read: Sewage Line Inspection Photo and Video Cassette Label](#)  
 ..... [Read: Sewage Line Invoice](#)  
 ..... [Read: Status](#)  
 ..... [Sewage Line Inspection Photo and Video Cassette Label](#)  
 ..... [Label to Inspection Cassette.pdf](#)  
 ..... [Sewer Line Photo lq.wmv](#)  
 ..... [Sewage Line Invoice](#)  
 ..... [Inv 11690 from \[REDACTED\].pdf](#)  
 ..... [Status](#)  
 ..... Top of Personal Folders  
 ..... Deleted Items  
 ..... [REDACTED]  
 ..... [Any progress?](#)  
 ..... [Any word?"](#)  
 ..... [FW: Sewage Line Inspection Photo and Video Cassette Label](#)  
 ..... [Label to Inspection Cassette.pdf](#)  
 ..... [Sewer Line Photo lq.wmv](#)  
 ..... [FW: Sewage Line Invoice](#)  
 ..... [P1361010007.JPG](#)  
 ..... [P1361010007.exif.html](#)  
 ..... [P1361010008.JPG](#)  
 ..... [P1361010008.exif.html](#)  
 ..... [P1361010009.JPG](#)  
 ..... [P1361010009.exif.html](#)  
 ..... [P1361010010.JPG](#)  
 ..... [P1361010010.exif.html](#)  
 ..... [P1361010011.JPG](#)  
 ..... [P1361010011.exif.html](#)  
 ..... [P1361010012.JPG](#)  
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 ..... [P1361010015.JPG](#)  
 ..... [P1361010015.exif.html](#)  
 ..... [Message](#)  
 ..... [Need to know!](#)  
 ..... [RE: Need to know!](#)  
 ..... [RE: Need to know!](#)  
 ..... [RE: Need to know!](#)  
 ..... [image001.jpg](#)  
 ..... [RE: Need to know!](#)  
 ..... [image001.jpg](#)  
 ..... [RE: Need to know!](#)

|                               |                           |
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| Case Number:<br>OIG-I-14-0023 | Case Title:<br>[REDACTED] |
|-------------------------------|---------------------------|

Federal Communications Commission Office of Inspector General

.....  [image001.jpg](#)  
 .....  [RE: Sewage Line Invoice](#)  
 .....  [RE: Sewage Line Invoice](#)  
 .....  [RE: Sewage Line Invoice](#)  
 .....  [Inv 11690 from \[REDACTED\].pdf](#)  
 .....  [RE: Sewage Line Invoice](#)  
 .....  [P1361010007.JPG](#)  
 .....  [P1361010007.exif.html](#)  
 .....  [P1361010008.JPG](#)  
 .....  [P1361010008.exif.html](#)  
 .....  [P1361010009.JPG](#)  
 .....  [P1361010009.exif.html](#)  
 .....  [P1361010010.JPG](#)  
 .....  [P1361010010.exif.html](#)  
 .....  [P1361010011.JPG](#)  
 .....  [P1361010011.exif.html](#)  
 .....  [P1361010012.JPG](#)  
 .....  [P1361010012.exif.html](#)  
 .....  [P1361010013.JPG](#)  
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 .....  [P1361010014.JPG](#)  
 .....  [P1361010014.exif.html](#)  
 .....  [P1361010015.JPG](#)  
 .....  [P1361010015.exif.html](#)  
 .....  [RE: Status](#)  
 .....  [RE: Status](#)  
 .....  [image003.jpg](#)  
 .....  [RE: Status](#)  
 .....  [image003.jpg](#)  
 .....  [Read: Any progress?](#)  
 .....  [Read: Any word?"](#)  
 .....  [Read: FW: Sewage Line Invoice](#)  
 .....  [Read: Message](#)  
 .....  [Read: Need to know!](#)  
 .....  [Read: RE: Need to know!](#)  
 .....  [Read: RE: Status](#)  
 .....  [Read: Sewage Line Inspection Photo and Video Cassette Label](#)  
 .....  [Read: Sewage Line Invoice](#)  
 .....  [Read: Status](#)  
 .....  [Sewage Line Inspection Photo and Video Cassette Label](#)  
 .....  [Label to Inspection Cassette.pdf](#)  
 .....  [Sewer Line Photo lq.wmv](#)  
 .....  [Sewage Line Invoice](#)  
 .....  [Inv 11690 from \[REDACTED\].pdf](#)  
 .....  [Status](#)  
 .....  [Inbox 2](#)

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|-------------------------------|---------------------------|
| Case Number:<br>OIG-I-14-0023 | Case Title:<br>[REDACTED] |
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



































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| Case Number:<br>OIG-I-14-0023 | Case Title:<br>[REDACTED] |
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..... %20JAN%202012%20016.JPG  
 ..... %20JAN%202012%20017.JPG  
 ..... %20JAN%202012%20020.JPG  
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 ..... %20JAN%202012%20024.JPG  
 ..... %20JAN%202012%20026.JPG  
 ..... %20JAN%202012%20027.JPG  
 ..... : Annual Filing of Confidential Financial Disclosure Report OGE450 & A54A  
 ..... : Annual Filing of Confidential Financial Disclosure Report OGE450 & A54A  
 ..... : Annual Filing of Confidential Financial Disclosure Report OGE450 & A54A  
 ..... 2014 Confidential Financial Disclosure Report.pdf  
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 ..... 2014 Confidential Financial Disclosure Report.pdf  
 ..... 2014 Confidential Supplement Statement of Employment and Financial Statement.pdf  
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 ..... GOTHIC CABINET CRAFT  
 ..... 1.jpg  
 ..... 2.jpg  
 ..... 3.jpg  
 ..... FINAL.jpg  
 ..... Hello  
 ..... IPM.Note  
 ..... Applicant Information.doc  
 ..... #1;CompObj  
 ..... #5;DocumentSummaryInformation (HTML link)  
 ..... #5;SummaryInformation (HTML link)  
 ..... 1Table  
 ..... Data  
 ..... WordDocument  
 ..... Kitchen cabinets  
 ..... Lease Addendum  
 ..... [Untitled].pdf  
 ..... New Kitchen Pictures  
 ..... P1010006 01.JPG  
 ..... P1010006 01.exif.html  
 ..... P1010007 01.JPG  
 ..... P1010007 01.exif.html  
 ..... P1010008 01.JPG  
 ..... P1010008 01.exif.html  
 ..... P1010009 01.JPG  
 ..... P1010009 01.exif.html  
 ..... P1010010 01.JPG  
 ..... P1010010 01.exif.html  
 ..... P1010011 01.JPG  
 ..... P1010011 01.exif.html  
 ..... P1010012 01.JPG

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| Case Number:<br>OIG-I-14-0023 | Case Title:<br>[REDACTED] |
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Federal Communications Commission

Office of Inspector General

.....  P1010012 01.exif.html  
 .....  P1010013 01.JPG  
 .....  P1010013 01.exif.html  
 .....  P1010014 01.JPG  
 .....  P1010014 01.exif.html  
 .....  P1010015 01.JPG  
 .....  P1010015 01.exif.html  
 .....  P1010016 01.JPG  
 .....  P1010016 01.exif.html  
 .....  [REDACTED] Real Estate Tax Transaction Record Notice  
 .....  Order Status Update  
 .....  paperwork correct  
 .....  pw1 [REDACTED].pdf  
 .....  tr1 newcode FIN.pdf  
 .....  tr1 newcode IN.pdf  
 .....  percentage removed  
 .....  Inv 11690 from [REDACTED].pdf  
 .....  Quotation No. 5098251-04 from [REDACTED]  
 .....  SendDoc.pdf  
 .....  TermsAndConditions.pdf  
 .....  RE: 1 Bdrm Apartment for Rent on [REDACTED]  
 .....  RE: Marble tub bath  
 .....  emperadore bathbaseboard.jpg  
 .....  emperadore bathbaseboard2.jpg  
 .....  image001.jpg  
 .....  RE: New Appt.  
 .....  Requirements for Apartment Rental & Application.pdf  
 .....  Refinance  
 .....  image001.jpg  
 .....  Successful [REDACTED] Real Estate Tax Registration and Activation Code Instructions  
 .....  Thank you for your order 5025036!  
 .....  THIS IS THE PAPERWORK NEEDED TIO CLOSE OUT JOB ONCE U GET CALL ME  
 .....  [REDACTED] PW3.pdf  
 .....  tr1 oldcode.pdf [REDACTED].pdf  
 .....  this r the paper required to close out ur job CALL WHEN U RECIEVE  
 .....  pw1 [REDACTED].pdf  
 .....  pw3 [REDACTED].pdf  
 .....  tr1 newcode FIN.pdf  
 .....  tr1 newcode IN.pdf  
 .....  Union Matters  
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 .....  FW: EB field management  
 .....  FBfile.pdf  
 .....  FW: EB field management  
 .....  FBfile.pdf  
 .....  Your Beautiful Apartment  
 .....  Your Furnitureland South Order

Case Number:

OIG-I-14-0023

Case Title:

[REDACTED]

..... Your [REDACTED] Order  
 ..... Your [REDACTED] Order # 1355415 Final 06/29/10 11:42:39AM  
 ..... C FLSPProd959201-001355415.PDF  
 ..... Your [REDACTED] Order # 1355416 Final 06/24/10 11:14:27AM  
 ..... C FLSPProd959201-001355416.PDF  
 ..... Your [REDACTED] Order  
 ..... C FLSPProd959201-001381346.PDF  
 ..... Your [REDACTED] Order  
 ..... C FLSPProd959201-001381346.PDF  
 ..... Your [REDACTED] web payment is being processed - Customer: 959201 Order: 1355415  
 ..... Your [REDACTED] web payment is being processed - Customer: 959201 Order: 1355416  
 ..... Your KitchenAid Extended Service Plan contract is now available  
 ..... ATT3396894.jpg  
 ..... ATT3396894.exif.html  
 ..... ATT3396895.jpg  
 ..... ATT3396895.exif.html  
 ..... ATT3396896.jpg  
 ..... archive.pst  
 ..... archive  
 ..... Top of Personal Folders  
 ..... Inbox  
 ..... Peek-A-Boo! Whoa!  
 ..... image001.jpg  
 ..... image002.jpg  
 ..... image003.jpg  
 ..... image004.jpg  
 ..... [REDACTED] Assoc - Notes from Jan Meeting  
 ..... Architect  
 ..... footer.gif  
 ..... footerHead.gif  
 ..... spacer.gif  
 ..... FW: (no subject)  
 ..... (no subject)  
 ..... image001.gif  
 ..... image002.gif  
 ..... image003.gif  
 ..... image004.gif  
 ..... image005.gif  
 ..... image006.gif  
 ..... Grevience  
 ..... Copy of Step 3-filed today  
 ..... new [REDACTED].DOC  
 ..... #1:CompObj  
 ..... #5:DocumentSummaryInformation (HTML link)  
 ..... #5:SummaryInformation (HTML link)  
 ..... 1Table  
 ..... Data

|                               |                           |
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| Case Number:<br>OIG-I-14-0023 | Case Title:<br>[REDACTED] |
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..... ObjectPool  
 ..... 1166359782  
 ..... #1:CompObj  
 ..... #1:Ole  
 ..... #3:ObjInfo  
 ..... CONTENTS  
 ..... CONTENTSV30  
 ..... WordDocument  
 ..... FW: Concerns About Workplace Safety  
 ..... FW: Concerns About Workplace Safety  
 ..... FW: Concerns About Workplace Safety  
 ..... FW: Concerns About Workplace Safety  
 ..... s change of address  
 ..... No Subject-20212.EML  
 ..... Dummydemo.doc  
 ..... #1:CompObj  
 ..... #5:DocumentSummaryInformation (HTML link)  
 ..... #5:SummaryInformation (HTML link)  
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 ..... WordDocument  
 ..... Homeownership Seminar  
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 ..... homebuyers-seminar-09-04.doc  
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 ..... #5:SummaryInformation (HTML link)

Case Number:

OIG-I-14-0023


Case Title:



- ..... ? 1Table
- ..... WordDocument
- ..... IMAGE (142).PDF
- ..... IMAGE (142).PDF
- ..... Paint List
- ..... RE: Architect
- ..... RE: Banking Information

## Internet Evidence Finder (IEF) Report

A screenshot showing the artifacts contained in the IEF Report is as follows:

| Case Info   |  |
|---|--|
|    | Date Created: Jul 23, 2014 19:37:54<br>Case Number: OIG-14-0023<br>Evidence Number: [REDACTED]<br>Examiner: [REDACTED]<br>Notes: Not Entered   |
| <b>Recovered Artifacts</b><br><br><b>Refined Results</b><br><br><ul style="list-style-type: none"> <li>• C:\Users\JBLA</li> <li>• Parcel Search Results</li> <li>• Refund Requests</li> </ul>   | C:\E01 - E:\Data Disk (Microsoft NTFS, 464.66 GB); Network Share: Network Share\all - Partition 1 - ADL - Outlook Mailbox; File Location: C:\Users\JBLA\Documents\Parcel Search Results (PDF) (G-1 - Evidence Files Outlook Mailbox) |
| <b>Web Related</b><br><br><ul style="list-style-type: none"> <li>• Chrome Current Session</li> <li>• Chrome Current Tabs</li> <li>• Internet Explorer Current URLs</li> <li>• Internet Explorer Data History</li> <li>• Internet Explorer Address History</li> <li>• Internet Explorer Favicon History</li> </ul> |  |

Case Number:  
OIG-I-14-0023

Case Title:

## FCC Computer System User Rules of Behavior

### POLICY FOR USE OF COMPUTER RESOURCES.

As an employee or contractor of the Federal Communications Commission (FCC), you are required to be aware of, and comply with the FCC's policy on usage and security of computer resources, per OMB Circular A-130, Appendix III. Use of this system is for FCC authorized purposes only. Any other use may be misuse of Government property in violation of Federal regulations. All information in this system is subject to access by authorized FCC personnel at any time. Individual users have no privacy interest in such information.

### YOU ARE RESPONSIBLE FOR ALL ACTIONS PERFORMED WITH YOUR PERSONAL USER ID.

- UserIDs and passwords are for your individual use only, and are confidential FCC information.
- Your UserID and password must be used solely to access computer resources for the performance of your official FCC job functions. (Refer to 5 CFR Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch.")

### POLICY, STANDARDS, AND PROCEDURES MUST BE FOLLOWED.

- Use of all computer resources, including personal computers, laptops, all parts of the FCC Network, communication lines, and computing facilities are restricted to FCC-authorized purposes only.
- You must be aware of, and abide by the "Computer Fraud and Abuse Act of 1986" (Public Law 99-474), the civil and criminal penalties of the Privacy Act, the Trade Secrets Act (18 U.S.C. 1905), and other Federal Regulations applying to unauthorized use of FCC files, records, and data. Training will be provided to educate you about your responsibilities under these statutes.
- Be aware that all computer resources assigned, controlled, accessed, and maintained by FCC employee and contractor personnel are subject to periodic test, review, and audit.

### ACCESS TO INFORMATION MUST BE CONTROLLED.

- Access only the information for which you are authorized, and have "need to know/access."
- Do not leave computers logged on and unattended. Log off, use "lock workstation" feature, or use access control software (i.e., Screen Saver with password) during unattended use.
- If you know that a person, other than yourself, has used or is using your userID, you must report the incident immediately to your supervisor and the Computer Security Ir.
- Take steps necessary to maintain security of computer files and reports containing FCC information.

### YOU ARE RESPONSIBLE FOR THE PROPER USE OF YOUR COMPUTER RESOURCES.

- Only use FCC-approved software, and comply with vendor software license agreements.
- Back up your programs and data on a regular basis, and do not store sensitive or mission-critical data on your PC's hard drive.
- All FCC computer resources, including hardware, software, programs, files, paper reports, and data are the sole property of the FCC.

### USER CERTIFICATION

I certify that I have read the above statements, fully understand my responsibilities, and agree to comply.  
I recognize that any violation of the requirements indicated above may be cause for disciplinary actions.

Name (please print):

Signature:

Bureau/Office: EB

Date: 3/13/07



Federal Communications Commission  
Office of Inspector General

**Memorandum of Interview**

|  |   |
|--|---|
| <b>Type of Activity:</b><br><input checked="" type="checkbox"/> Personal Interview<br><input type="checkbox"/> Telephone Interview<br><input type="checkbox"/> Other | <b>Interview Date and Time:</b><br>September 23, 2014 at 11:00am  |
| <b>Interview of:</b><br>[REDACTED]   | <b>Location of Interview:</b><br>FCC Headquarters<br>445 12 <sup>th</sup> Street, S.W., Room 2-C423<br>Washington, D.C. 20554 |
| <b>Report Date:</b><br>September 23, 2014  | <b>Conducted By:</b><br>[REDACTED], Computer Forensic Investigator<br>[REDACTED], Investigator                                |

Subject Matter/Remarks

On September 23, 2014, Federal Communications Commission (FCC) Office of Inspector General (OIG) Agents [REDACTED] and [REDACTED] conducted an interview with [REDACTED] regarding allegations of violation of 5 CFR § 2635.704 (Use of Government Equipment) and 5 CFR § 2635.705 (Use of Official Time) by [REDACTED]. [REDACTED], Wireline Competition Bureau (WCB), participated in the interview as a Union Representative at the request of [REDACTED]. [REDACTED] is the author of this report and [REDACTED] contributed to this report.

BACKGROUND of [REDACTED]

[REDACTED]'s contact information is as follows:

Work Address: [REDACTED]  
Work Telephone: [REDACTED]  
Work Email: [REDACTED]@fcc.gov

INFORMATION PROVIDED BY BARKER:

[REDACTED] and [REDACTED] presented credentials to [REDACTED] at the beginning of the interview. [REDACTED] started the interview by explaining the Kalkines warning. [REDACTED] provided a copy of the Kalkines warning to [REDACTED] and requested that [REDACTED] sign the form

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[REDACTED]

## MEMORANDUM OF INTERVIEW (continuation sheet)

acknowledging that the warning had been provided and explained. [REDACTED] requested that the form section identifying the misconduct be completed before the form was signed and [REDACTED] agreed to complete that section at the conclusion of the interview (the form was completed and signed at the conclusion of the interview and is attached to this MOI).

[REDACTED] is a GS-0855-13 Electronics Engineer with the [REDACTED] Field Office of the Enforcement Bureau (EB). [REDACTED] started his career with the FCC as an Electronics Engineer in 2001. [REDACTED] reports to [REDACTED] who is the Director of EB's [REDACTED] Field Office. [REDACTED] has reported to [REDACTED] for approximately 1 ½ years. [REDACTED]'s work hours are flexible because of the type of work that [REDACTED] does (pirate radio investigations). [REDACTED] sometimes comes in as early as 9 am and sometimes as late as 11 am. [REDACTED] frequently stays in the office late into the evening sometimes leaving as late as midnight. [REDACTED] is frequently the last person to leave the office. [REDACTED]'s flexible work schedule was verbally approved by [REDACTED] who in turn had to get approval for this flexible schedule from the Regional Director. [REDACTED] teleworks every Monday and also teleworks on an Ad Hoc basis with supervisory approval.

[REDACTED] owns an apartment building located at [REDACTED]. [REDACTED] purchased the building in 2006 and has owned the building for eight (8) years. [REDACTED] purchased the building as part of a program offered by the city ([REDACTED]). The program is run by a church and designed to keep neighborhood buildings occupied. [REDACTED] stated that [REDACTED] was lucky to get the building. Over 3,000 people applied for the opportunity to purchase thirteen buildings. The program requires that the owner live in the building. [REDACTED] lives in an apartment in the building and that the building has two other apartments that [REDACTED] rents to tenants. The rent paid by the two tenants essentially covers the mortgage for the building. One tenant has been in the apartment for two years and that the other has been in the apartment for almost two years. One of the tenant's pays the rent annually and that the other pays on a monthly basis.

[REDACTED] asked if running the apartment building is a "for-profit commercial activity." [REDACTED] stated that [REDACTED] does not consider the apartment building as a business that [REDACTED] is running and that the work [REDACTED] does associated with the property is the same as the work done by any homeowner. [REDACTED] does very little work related to [REDACTED] tenants and that, in fact, [REDACTED] has very little contact with the tenants. [REDACTED] asked [REDACTED] if [REDACTED] makes a profit on the building and [REDACTED] stated that the rent paid by [REDACTED] tenants covers [REDACTED] mortgage payment.

[REDACTED] admitted that [REDACTED] has used [REDACTED] FCC-issued computer and the FCC network to perform activities related to the apartment building. [REDACTED] asked [REDACTED] to provide examples. [REDACTED] stated that one of [REDACTED] tenant's pays the rent online to Capital Bank and that [REDACTED] receives an email message from Capital Bank to [REDACTED] FCC email account indicating that the rent payment has been made. [REDACTED] accesses a link in the email message to confirm the payment and the payment is deposited in his account.

[REDACTED] asked if [REDACTED] is managing a remodeling project at the apartment building. [REDACTED] stated that [REDACTED] is having remodeling work done on the bathroom in the apartment that

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## MEMORANDUM OF INTERVIEW (continuation sheet)

█ occupies in the building. The remodeling project was started in the spring of this year (2014) and was recently completed. The project did not involve any work on the apartments occupied by █ tenants. During the remodeling project, █ used █ FCC email account to correspond with vendors. █ could not estimate the number of email messages with vendors. █ also used to FCC network to access the internet to research materials related to the remodeling project (e.g., Google searches for Kohler faucets and marble). █ would sometime perform a search and minimize the results explaining that a review of █ access would show activity even when █ wasn't actively reviewing the search results. █ made an effort to minimize the use of █ email account and the FCC network to perform activities related to the remodeling project.

█ also has pictures of the apartment building on █ FCC-issued computer. █ was unable to provide an estimate of the number of pictures of the apartment building on █ FCC-issued computer but stated that they are "in a folder" on the computer. The pictures were taken with an FCC-issued camera. The pictures were not taken for reasons related to █ management of the building, but simply to show coworkers. █ is aware of the pictures. █ has shared the pictures with █ because █ has expressed an interest in the remodeling project because █ (█) is also considering a remodeling project. █ claims █ has shown █ various pictures of items that have been installed.

█ asked if there would be documents related to the apartment building on █ FCC-issued computer. █ stated that there probably would be documents on the computer. As an example, █ stated that there would probably be a blank copy of a lease agreement on the computer. █ asked if there would be documents related to the apartment building on the FCC network (either the shared K:\ drive or his N:\ drive network share). █ stated that there would not be documents on the shared K:\ drive but there would possibly be documents on the N:\ drive.

█ asked if █ is familiar with the Commission's computer security policy. █ stated that █ is familiar with the rules of behavior. █ provided a copy of █'s signed rules of behavior form and █ confirmed that it was █ signature on the form. █ stated that it is █ understanding that the Commission's limited use policy allows the type of computer activity that █ has conducted. It is █ understanding that personal use of Commission computer resources is allowed if the resources are used in moderation. █ understands that the Commission computer resources cannot be used to access inappropriate sites and that personal use should be limited to breaks and use during lunch. █ has never raised the issue of personal use of Commission computer resources. █ asked if █ was familiar with section 2.0.2 of the FCC Cyber Security Policy entitled "Broad Organization Policies." Specifically, █ asked █ if █ was familiar with the section of 2.0.2 that states that "(s)taff using FCC information systems or accounts must not participate in unethical, illegal or inappropriate activities, such as: for-profit commercial activities (emphasis added)." █ was not aware of this specific prohibition.

█ asked how █ found tenants for the apartment building. █ stated that █ gets tenants through real estate agents and through word of mouth. █ does not pay

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**MEMORANDUM OF INTERVIEW (continuation sheet)**

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real estate agents to locate tenants that, in fact, the prospective tenants pay real estate agents to locate apartments.

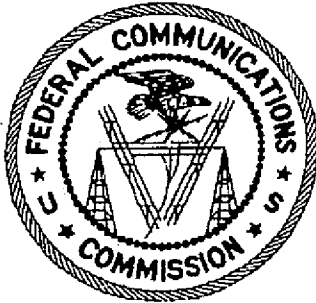
█████ asked █████ why █████ gave █████ FCC email address to tenants. █████ stated that █████ did this because this is the easiest and quickest way to get in touch. █████ rarely gets personal email messages in █████ FCC email account. █████'s tenants usually text █████ when they need to contact █████ for some reason.

█████ stated that, as a result of this investigation, █████ recently purchased his own computer and established a personal email account, but acknowledged prior to this purchase █████ had used █████ FCC email account for various documents, websites, businesses when an email address was required. █████ stated that █████ is in the process of unsubscribing to websites and businesses that used █████ Commission email account as a means of notification and that █████ will use █████ personal email account in the future.

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UNITED STATES GOVERNMENT  
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OFFICE OF INSPECTOR GENERAL



# MEMORANDUM

**DATE:** October 28, 2014

**TO:** David L. Hunt, Inspector General

**CC:** [REDACTED], Deputy Inspector General

**FROM:** [REDACTED], Assistant Inspector General for Investigations, [REDACTED], Investigatory Attorney, [REDACTED], Investigator

**SUBJECT:** Investigation into Abuse of Power by FCC Regional Director

## Background of Investigation

On December 30, 2013 a written statement was provided to the Office of Inspector General (OIG) in which [REDACTED] alleges that EB [REDACTED] Regional Director [REDACTED] 1) committed perjury and 2) made false statements in [REDACTED] written statements in [REDACTED], a complaint filed by [REDACTED] in March 2013 and is still pending before the EEO. [REDACTED] also alleges that [REDACTED]'s denial of a 2012 end-of-the-year performance award to [REDACTED] was in retaliation for his providing testimony in an earlier EEO complaint, [REDACTED], involving another [REDACTED] Region employee.

<sup>1</sup> Agent, Federal Communications Commission (FCC) Enforcement Bureau (EB), [REDACTED] District Office

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## REPORT OF INVESTIGATION (continuation sheet)

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OIG Investigators undertook this investigation to determine whether [REDACTED] abused [REDACTED] position as Regional Director by (1) making false statements in an EEO proceeding and/or (2) engaging in retaliation in denying [REDACTED] a performance award in 2012, the same year [REDACTED] was deposited in another employee's EEO case. We found no evidence of abuse of authority.

### Scope Of Investigation

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

#### Interviews of

- [REDACTED], Regional Director for the Enforcement Bureau (EB)
- [REDACTED], EEO Investigator at First Tech hired by the FCC to conduct the Investigation and Interviews of [REDACTED] v Federal Communications Commission FCC Case Number [REDACTED]

### Background

[REDACTED] has been the [REDACTED] Regional Director for the Enforcement Bureau (EB) since January 2003. [REDACTED] oversees eight offices in the [REDACTED] Region of the United States including [REDACTED]. [REDACTED] directly reports to [REDACTED], EB Deputy Bureau Chief. [REDACTED] started at the Commission in 1994 in the Cable Division, and has worked in the Office of General Counsel (OGC) and Office of Engineering Technology (OET).

[REDACTED] was deposited in the case of [REDACTED] (EEO Case [REDACTED]) on June 5, 2012. In March 2013, [REDACTED] filed an EEO complaint ([REDACTED]) (Complaint) against [REDACTED] alleging that [REDACTED]'s decision to deny [REDACTED] a performance award for the 2012 rating period was in retaliation for [REDACTED] participation in the [REDACTED] case<sup>2</sup>

### OIG Investigation

<sup>2</sup> [REDACTED] claims participating in an employment discrimination proceeding, even as a witness is a protected activity.

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## REPORT OF INVESTIGATION (continuation sheet)

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The OIG investigation focused on two questions concerning potential abuse of power that are essentially intertwined. First, did [REDACTED] give a false statement to the FCC's investigator in [REDACTED]'s EEO proceeding when [REDACTED] explained [REDACTED] rationale for denying [REDACTED] a performance award; (2) was [REDACTED] denial of [REDACTED]'s performance award in retaliation for [REDACTED] participation in the [REDACTED] case.

### **False Statement Relative to Performance Award**

In furtherance of the [REDACTED] Complaint, [REDACTED] was interviewed by EEO Contract Investigator [REDACTED] on or about October 18, 2013. [REDACTED] explained that, to determine performance awards, [REDACTED]: (1) conferred with the [REDACTED] Region District Directors, Deputy Regional Director and Regional Counsel on preliminary recommendations for performance awards of [REDACTED] Region employees; (2) approved submitted supporting justifications and write-ups for employees in the [REDACTED] Region offices from recommending officials; (3), approved awards for [REDACTED] Region employees as the approving official and; (4) submitted the [REDACTED] Region award paperwork to the Enforcement Bureau Front Office for approval and processing. In this case, the paperwork was submitted to EB's Front Office on July 31, 2012.<sup>3</sup>

Specifically, [REDACTED] told [REDACTED] that [REDACTED], [REDACTED], consulted with [REDACTED] [REDACTED] Region Counsel who, during the 2012 performance period had worked closely with [REDACTED] and Sr. Agent [REDACTED] on [REDACTED] office cases. As part of [REDACTED] review of every sanction proposed by the [REDACTED] agents, [REDACTED] reviewed the Enforcement Bureau Activity Tracking System (EBATS) for sufficiency and completeness of evidence supporting the sanction. (EBATS is the database that stores factual entries, inspection/investigative files and evidence for every case handled within the office). [REDACTED] did not consult with Acting District Director [REDACTED], as [REDACTED] had just been named Acting District Director several days before the award allocations were distributed to the Regions.

According to [REDACTED] statement in the [REDACTED] Complaint proceeding, [REDACTED] and [REDACTED] discussed and reviewed the criteria, data, analysis and justifications for awards for the [REDACTED] Office staff. [REDACTED] also stated that [REDACTED] discussed and explained the basis and justification for [REDACTED] receiving no award with [REDACTED] supervisors.<sup>4</sup>

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<sup>3</sup> Page 3, [REDACTED] Testimony  
<sup>4</sup> Page 7, [REDACTED] Testimony

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REPORT OF INVESTIGATION (continuation sheet)

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In the [REDACTED] Complaint proceeding, [REDACTED] explained that [REDACTED] did not receive a performance award in 2012 because [REDACTED] did not meet the criteria. [REDACTED] stated that [REDACTED] performance did not improve the efficiency, effectiveness, or economy of the FCC; [REDACTED] performance was not beyond normal duties, and [REDACTED] did nothing special or significant warranting recognition.<sup>5</sup> In addition, [REDACTED] stated that [REDACTED]'s performance of [REDACTED] duties and responsibilities was not what was expected of a GS-13 with [REDACTED]'s level of experience; [REDACTED] neglected to follow established guidelines and protocols; [REDACTED] made errors in researching background information, documenting case evidence, and drafting sanctions; and [REDACTED] had difficulty following instructions.

In [REDACTED] written response to the EEO investigator, [REDACTED], addressing a particular case assigned to [REDACTED], stated:

[REDACTED] went out on the case about nine different times, attempting to find the signal, but failed. Because this was a critical infrastructure interference matter, the case had to be reassigned to the Sr. Agent who found the source of the interference [REDACTED] first time out.<sup>6</sup>

It is this statement that [REDACTED] alleges to be false.

OIG investigators reviewed the EBATS entries related to the statement in question. In an interview conducted by OIG investigators, [REDACTED] was specifically asked to clarify and explain the notations found in EBATS, which was supplied by [REDACTED] in [REDACTED] original complaint. As noted above, EBATS is a record keeping system in which Enforcement Bureau Agents log their efforts when working a case. During the [REDACTED] Complaint interview [REDACTED] stated [REDACTED] had to "send a senior agent on the case" in question to locate the source of a signal as [REDACTED] had been unable to do so over a several month period. [REDACTED] also stated that the senior agent located the source of the signal on the first try.

However, the EBATS history appears to show that the senior agent may have actually

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<sup>5</sup> Page 10, [REDACTED] Testimony  
<sup>6</sup> Page 10, [REDACTED] Testimony

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REPORT OF INVESTIGATION (continuation sheet)

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gone out three times, as opposed to once as stated by [REDACTED] in the EEO interview.<sup>7</sup>

[REDACTED] explained to OIG's investigators that, on March 13, 2012, the senior agent, [REDACTED], and [REDACTED] did go out on the case in an attempt to track down the signal. On that same day the signal was tracked to a single block area. No further tracking was completed that day as the agents ran out of time. EBATS shows that [REDACTED] continued to work the case between March 26, 2012 and May 10, 2012 and visited the general area 9 (nine) times but was unable to locate the specific source of the signal. According to EBATS on May 4, 2012, [REDACTED] returned to the single block area originally identified and determined the source of the signal to a specific building. Access to all floors of the building was denied on that day for security reasons, but [REDACTED] and [REDACTED], another [REDACTED] Region EB employee, were told by building security that access could be granted in approximately one week. On May 15, 2012, [REDACTED] and [REDACTED] were granted access to the building by security and the specific source of the signal was located. [REDACTED] and [REDACTED] were able to locate the signal as soon as access was granted.

Review of the Enforcement Bureau Activity Tracking System (EBATS) for the [REDACTED] cellphone complaint ([REDACTED]) referenced by [REDACTED] and [REDACTED] indicates that [REDACTED] went out two (2) times to locate the interference instead of the one (1) time referenced by [REDACTED]. There is no dispute that [REDACTED] went out nine (9) times and was unable to locate the interference.

OIG investigators also interviewed [REDACTED]. The investigator stated that [REDACTED] did not see any material difference of facts and did not see a need to verify information through additional witnesses. [REDACTED] had no issue with [REDACTED]'s veracity in the EEO investigation which would cause the EEO investigator to search for additional evidence.

While in the first instance, it is within the jurisdiction of the EEOC to determine whether [REDACTED] made a false statement in the [REDACTED] complaint proceeding, we nevertheless conclude that [REDACTED]'s explanation of the EBATS notations of the number of visits by the senior agent versus [REDACTED] comments made to the EEO investigator were reasonable and justified. While the senior agent was physically on the site three times, the explanation by [REDACTED] of the events/timeline gives credibility to [REDACTED] response and no falsehood should be associated with [REDACTED] response.

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<sup>7</sup> It is this statement that [REDACTED] alleges to be false/perjury.

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## REPORT OF INVESTIGATION (continuation sheet)

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### Retaliation

In [REDACTED] interview, [REDACTED] told OIG investigators that [REDACTED] had no knowledge of the substance of [REDACTED]'s deposition in the [REDACTED] case. Moreover, [REDACTED] provided OIG no evidence tying [REDACTED] denial of a performance award to [REDACTED] participation in the [REDACTED] case. Rather, [REDACTED] is, in effect, requesting us to conclude that, because [REDACTED]'s justification for the award denial included a statement that [REDACTED] alleges is false, the denial was unjustified, and ergo, was based on retaliation.

We cannot make such a leap. First, as stated above, we conclude that [REDACTED]'s statement to the EEO investigator was reasonable and justified. Regardless, even if [REDACTED] statement had been false, [REDACTED] adequately explained that the reason for not giving [REDACTED] a performance award was specifically based on the fact that [REDACTED] did not perform at a level justifying an award and was unable to perform the job based on the standard of the GS13 (not merely on the singular incident upon which the alleged false statement focusses).

### Recommendation

Because we found no merit to the allegations presented by [REDACTED] it is recommended that this case be closed out without further investigation.

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UNITED STATES GOVERNMENT  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF INSPECTOR GENERAL



# MEMORANDUM

**DATE:** September 15, 2014

**TO:** David L. Hunt, Inspector General, Federal Communications Commission

**CC:** [REDACTED], Deputy Inspector General, Federal Communications Commission

**FROM:** [REDACTED], Assistant Inspector General for Investigations, [REDACTED], Investigator,  
[REDACTED], Computer Forensics Investigator

**SUBJECT:** [REDACTED]

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## Background

The Office of Inspector General had received information that [REDACTED] ([REDACTED]) an employee in CGB may have been selling items while on official duty hours and that some of the items may have been counterfeit. [REDACTED] was interviewed by OIG investigators who also conducted a forensic examination of [REDACTED] computer.

## Findings:

The forensic examination found no evidence that [REDACTED] was engaged in selling any type of merchandise. During the interview, [REDACTED] was directly asked if [REDACTED] sells items while at work. [REDACTED] responded by saying that [REDACTED] had sold things but that it has been "at least a year" since

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## REPORT OF INVESTIGATION (continuation sheet)

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█ last sold anything. █ explained that █ has sold gloves, hats, candy, wrapping paper and cakes as part of fund raising efforts for a "steppers group" █ and █ sister are involved with, as well as for █ church and for █ nephew's school fund-raising efforts. When asked to quantify the times █ has sold items, █ stated "a million times" over █ forty year career.

█ did not solicit sales throughout the Commission, but would only approach █ friends/coworkers who █ thought may be interested in the products. According to █, none of █ sales were for profit at any time, and █ sales efforts were conducted only during █ lunch period. The merchandise was obtained through various fund raising vendors. █ stated that █ has accepted cash and checks and that the amounts were never over \$10.

█ denied ever having sold knock-off/bootlegged/counterfeit items. █ further denied attempting to sell, or selling DVDs or CDs. █ indicated █ was a board member of the FCC Recreation Association (FCCRA) for many years, but was not involved with selecting vendors and claims no association with any of the vendors at any time.

FCC OIG has received allegations that vendors associated with the FCCRA sell counterfeit merchandise, and at least one such vendor has admitted this. Thus, █ was provided a copy of a letter that the Immigration and Customs Enforcement agency provides to individuals regarding possession and/or sale of counterfeit merchandise.

### Conclusion

Based on the forensic examination and responses to questions during the interview, we cannot find evidence to suggest that █ is, or was involved in the selling of counterfeit/bootlegged merchandise. However, even though █ admitted to selling fund-raising merchandise in the building, short of time consuming surveillance or evidence provided by employees who purchased goods from █, there is no way to either rebut █ claim that █ engaged in this activity solely during her lunch hour, or whether what █ exceeded acceptable limits of personal activity. We had only a vague allegation from the whistleblower and found no evidence to rebut █'s statements, and we are not inclined to engage in surveillance in this case.

### Recommendations

Based on our findings, we recommend the investigation be closed without taking additional action. █  
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UNITED STATES GOVERNMENT  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF INSPECTOR GENERAL



# MEMORANDUM

DATE: September 16, 2014

TO: David L. Hunt, Inspector General

CC: [REDACTED], Deputy Inspector General

FROM: [REDACTED], Assistant Inspector General for Investigations, [REDACTED], Investigatory Attorney, [REDACTED], Investigator

SUBJECT: Gross Mismanagement And Gross Incompetence By [REDACTED]

## Background of Investigation

On April 3, 2014, a Federal Communications Commission (FCC) employee (WHISTLEBLOWER) in the [REDACTED] office in the Enforcement Bureau (EB) filed a written complaint with the Office of Inspector General (OIG) alleging "[REDACTED] ([REDACTED]), my supervisor at the [REDACTED] Office is engaged in on-going gross mismanagement and / or abuse and / or waste." On April 7, 2014, WHISTLEBLOWER followed up with an additional email complaint stating, "I'd like to add that [REDACTED] is a GS-15 and has not and cannot write anything beyond a simple email. [REDACTED] has never written a technical or legal summary of any sort, cannot recommend a policy, cannot give coherent instructions verbally and much less in writing, and [REDACTED] cannot review enforcement actions."

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Case Title:  
Gross Mismanagement And Gross Incompetence By [REDACTED]

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## REPORT OF INVESTIGATION (continuation sheet)

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### Scope Of Investigation:

OIG reviewed the matter and determined the WHISTLEBLOWER's allegations concerned performance/management-related activities and thus more appropriately fell within the jurisdiction of the operating Bureau.in the first instance. On April 8, 2014, Assistant Inspector General for Investigations (AIGI) [REDACTED] referred the matter to [REDACTED], Deputy Chief, Enforcement Bureau for action. On July 9, 2014, [REDACTED] forwarded the matter to [REDACTED], EB's former Acting Chief of Staff, and [REDACTED], EB's new Chief of Staff.

### Findings:

On July 14, 2014, EB concluded its review of the WHISTLEBLOWER's complaint and forwarded its report to the OIG. EB's findings indicate that there is a "larger, ongoing management conflict between WHISTLEBLOWER and [REDACTED]." EB management in [REDACTED] and in DC have been actively working to resolve this conflict.<sup>1</sup>

### Conclusion:

OIG has reviewed EB's response and based on its evaluation, finds the allegations are unfounded and no additional action is warranted. EB management is aware of the situation between management and staff in the [REDACTED] office and is attempting to take proactive steps to mitigate and abate the situation to the satisfaction of the WHISTLEBLOWER, while supporting the mission of EB. Further steps and actions should be address by Labor Relations.

### Recommendation:

It is recommended that this case be closed out without further investigation.

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<sup>1</sup> Page 1, Enforcement Bureau Response to Office of Inspector General Concerning Grievance filed by Whistleblower

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OFFICE OF INSPECTOR GENERAL

## MEMORANDUM

DATE: March 26, 2014

TO: [REDACTED] Bureau Chief Public Safety and Homeland  
Security Bureau, [REDACTED] Acting Chief Human Capital Officer

FROM: David L. Hunt, Inspector General *David L. Hunt*

SUBJECT: [REDACTED] *by* [REDACTED]

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

Attachment

UNITED STATES GOVERNMENT  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF INSPECTOR GENERAL



# MEMORANDUM

**DATE:** March 26, 2014

**TO:** David L. Hunt, Inspector General

**CC:** [REDACTED], Deputy Inspector General

**FROM:** [REDACTED], Assistant Inspector General for Computer Forensics Investigation, [REDACTED]

**SUBJECT:** [REDACTED]

## Overview

On March 12, 2014, [REDACTED], Chief of the Operations and Emergency Management Division within the Public Safety and Homeland Security Bureau (PSHSB), contacted the Assistant IG for Investigations and reported possible computer misuse (pornography) by one of his employees. On March 15, 2014, the OIG Computer Forensics Investigator contacted [REDACTED] to obtain additional information related to the allegations. [REDACTED] suggested contacting [REDACTED], the direct supervisor for the person suspected of computer misuse. On March 18, 2014, the Computer Forensics Investigator spoke with [REDACTED] about the allegations. [REDACTED] provided an overview of the [REDACTED] systems operated at PSHSB's facility in [REDACTED]. [REDACTED] explained that, because of the unique nature of the work being performed, the workstations used in the [REDACTED] facility are not built on the standard FCC baseline image. [REDACTED] further explained that [REDACTED] employees use a shared account on a shared workstation to access the FCC network for Internet access and to check Outlook email.

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[REDACTED]

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## REPORT OF INVESTIGATION (continuation sheet)

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shared workstation to access the FCC network for Internet access and to check Outlook email. Lastly, [REDACTED] explained that the employee suspected of computer misuse, [REDACTED], is a probationary employee and that the probationary period ends on April 7, 2014. Based on the allegations, OIG initiated an investigation of [REDACTED]. Specifically, OIG investigated allegations that [REDACTED] used a shared FCC computer to view pornography.

Our investigation found evidence that [REDACTED] used an FCC computer to view pornographic material in violation of the Commission's directive and policies governing cyber security.

### Investigation

To investigate this matter, OIG investigators performed the following steps:

1. Obtained and reviewed screenshots of Mozilla browser history purportedly from the [REDACTED] workstation located in PSHSB's facility in [REDACTED]. OIG received two (2) pages of browser history screenshots showing activity for the period from March 7, 2014 at 7:16 am EST through March 9, 2014 at 7:51 am EST.
2. Obtained and reviewed Blue Coat firewall log for the period 3/8/2014 between the hours of 7:00 am and 3:00 pm for client IP = [REDACTED] (workstation) and web application = "YouTube."
3. Obtained and reviewed event logs from the [REDACTED] workstation for the period from 8/13/12 at 2:04 pm through 3/14/14 at 3:34 pm.
4. Obtained and reviewed the employee sign in log for the [REDACTED] Center for the March 2014 (log is erroneously marked "Mar 2012").
5. Obtained remote access to the [REDACTED] workstation using EnCase Enterprise and performed a limited scope forensic examination of the workstation.

### Finding: Prohibited Use of Government Equipment (Desktop Computer)

Our investigation found evidence that [REDACTED] used an FCC computer to view pornographic material in violation of the Commission's directive and policies governing cyber security.

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FCC Directive FCCINST 1479.4, entitled “FCC Cyber Security Program” and effective May 1, 2011, establishes policy and assigns responsibilities for assuring optimal levels of protection required for FCC data and information systems. Section 7.12 of the directive, entitled “Authorized Network/Workstation System Users”, states that Users must:

- Read, sign indicating acceptance of, and comply with the FCC Computer System User Rules of Behavior;
- Use FCC information system resources only for authorized FCC business purposes, except as provided by the FCC's limited personal use policy;
- Be aware of their responsibilities to comply with this directive;

The Commission’s Cyber Security Policy, version 3.5 promulgated by the Office of the Managing Director and effective June 20, 2013, establishes the security policies, consistent with Federal regulations, mandates, and directives for the protection of FCC data and information systems using a risk-based approach. Section 2.0.2 of the Cyber Security Policy, entitled “Broad Organizational Policies”, states the following:

- Staff must adhere to the security policies contained in FCCINST 1479.4, this policy document, and the FCC Computer System User Rules of Behavior (FCC Form A-201).
- Staff using FCC information systems or accounts must not participate in unethical, illegal or inappropriate activities such as: for-profit commercial activities, pirating software, stealing passwords, stealing credit card numbers, and viewing/exchanging inappropriate written or graphic material (e.g., pornography).

Section 2.8 of the Cyber Security Policy, entitled “Policy Violation and Disciplinary Action”, states that “Cyber security-related violations are addressed in the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR Part 2635); FCC employees may be subject to criminal, civil, or disciplinary action for failure to comply with the FCC security policy.”

Section 2.11 of the Cyber Security Policy, entitled “Internet Usage”, states that “You must not use the Internet to view or download pornography.”

FCC Form A-201, entitled “FCC Computer System User Rules of Behavior” revised in January 2006, states that “Use of all computer resources, including personal computers, laptops, all parts

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## REPORT OF INVESTIGATION (continuation sheet)

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of the FCC Network, communication lines, and computer facilities are restricted to FCC-authorized purposes only. A copy of FCC Form A-201 signed by [REDACTED] on April 8, 2013 is included as Attachment #1 to this Report of Investigation.

To investigate the allegation, the Computer Forensics Investigator obtained and examined log files from the PSHSB [REDACTED] network, event logs from the [REDACTED] workstation, Internet browser history screenshots from the [REDACTED] workstation and employee sign in logs from the [REDACTED] facility. In addition, the Computer Forensics Investigator obtained remote access to the [REDACTED] workstation and extracted and reviewed Mozilla Firefox browser artifacts.

The employee sign in log from the [REDACTED] facility in [REDACTED] shows that [REDACTED] and [REDACTED] were in the [REDACTED] facility during the day shift (7:00 am to 3:30 pm) on March 8, 2014 (the date of the alleged activity).

The Security Event Log for the [REDACTED] workstation shows that the workstation was used to access the Outlook mailbox for the account [REDACTED] on March 8, 2014 at 7:00:01 am EST. The log also shows that no other Outlook mailboxes were accessed from the [REDACTED] workstation on March 8, 2014. The Security Event Log for the [REDACTED] workstation (the other workstation used by [REDACTED] employees to access the Internet and Outlook) shows that the workstation was used to access the Outlook mailbox for account [REDACTED] on March 8, 2014 at 7:04:09 am EST. The Computer Forensics Investigator did not find any evidence that [REDACTED] used the [REDACTED] workstation to access his Outlook mailbox on March 8, 2014.

The browser history screenshots, Blue Coat log files, and Mozilla Firefox history file obtained from the [REDACTED] workstation showed that the Mozilla Firefox browser on the [REDACTED] workstation was used to access eighteen (18) webpages that appear to contain pornography based on the title of the webpage. To determine if the webpages contained pornographic material, the Computer Forensics Investigator used a workstation not connected to the FCC network to navigate to the webpages. For those webpages that the Computer Forensics Investigator was able to access<sup>1</sup>, the Computer Forensics Investigator briefly previewed the video file and took screenshots showing video content. The detailed results of the examination of webpages including screenshots showing video content are included in the Appendix to this

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<sup>1</sup> The Computer Forensics Investigator was not able to access all eighteen (18) of the video files that appear to contain pornographic material. Some of the video files were marked private and others had been removed from YouTube. Private video files can only be seen by the person uploading the file and those persons designated by the person uploading the file.

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### Report of Investigation.

In addition to showing access to webpages that appear to contain pornographic material, the browser history screenshots, Blue Coat log files, and Mozilla Firefox history file obtained from the [REDACTED] workstation showed that the Mozilla Firefox browser on the [REDACTED] workstation was used to access a Yahoo Mail account four (4) times on March 8, 2014 . The account name associated with the Yahoo Mail account is [REDACTED]. The Computer Forensics Investigator did not subpoena account information from Yahoo to determine conclusively that this Yahoo Mail account is associated with [REDACTED]. However, the Computer Forensics Investigator believes that this Yahoo Mail account is associated with [REDACTED] based on the account name.

### Conclusion

Our investigation found evidence that [REDACTED] used an FCC computer to view pornographic material in violation of the Commission's directive and policies governing cyber security.

### Recommendations

[REDACTED]

### Attachment

Attachment #1 FCC Computer System User Rules of Behavior signed by [REDACTED] on April 8, 2013

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<sup>2</sup> The [REDACTED] Yahoo Email account was accessed at 07:07 hours, 09:34 hours, 11:47 hours, and 13:06 hours on March 8, 2014.

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## REPORT OF INVESTIGATION (continuation sheet)

### Appendix - Detailed results of the examination of webpages with screenshots showing video content

| Date/Time           | Webpage   | Name                                      |
|---------------------|---|---|
| 3/8/2014 7:42:22 AM | <a href="http://www.youtube.com/watch?v=XmIN-SKzgQo">http://www.youtube.com/watch?v=XmIN-SKzgQo</a> | +18 Brasil Movie - Doce Delirio - YouTube |

www.youtube.com/feed/subscriptions

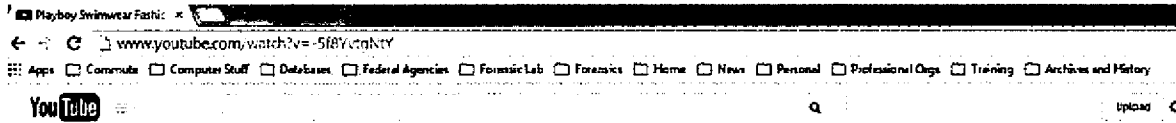
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| Date/Time           | Webpage   | Name  |
|---------------------|---|---|
| 3/8/2014 9:47:19 AM | <a href="http://www.youtube.com/watch?v=5f8YvtgNtY">http://www.youtube.com/watch?v=5f8YvtgNtY</a> | ► Playboy Swimwear Fashion Show - Miami Beach - YouTube |



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| Date/Time           | Webpage   | Name                            |
|---------------------|---|---------------------------------|
| 3/8/2014 9:47:35 AM | <a href="http://www.youtube.com/watch?v=0tS9l-oOUJ8">http://www.youtube.com/watch?v=0tS9l-oOUJ8</a> | ▶ TOPLESS MODEL SHOOT - YouTube |



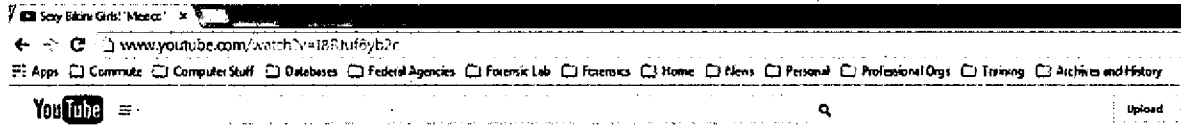
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## REPORT OF INVESTIGATION (continuation sheet)

| Date/Time           | Webpage   | Name                                  |
|---------------------|---|---------------------------------------|
| 3/8/2014 9:49:38 AM | <a href="http://www.youtube.com/watch?v=1BRUuf6yb2c">http://www.youtube.com/watch?v=1BRUuf6yb2c</a> | Sexy Bikini Girls! 'Mexico' - YouTube |



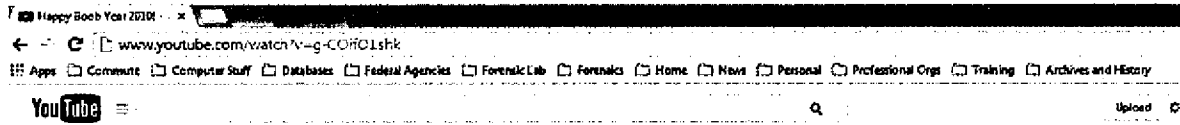
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## REPORT OF INVESTIGATION (continuation sheet)

| Date/Time           | Webpage   | Name                              |
|---------------------|---|-----------------------------------|
| 3/8/2014 9:51:42 AM | <a href="http://www.youtube.com/watch?v=g-COif01shk">http://www.youtube.com/watch?v=g-COif01shk</a> | ► Happy Boob Year 2010! - YouTube |



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## REPORT OF INVESTIGATION (continuation sheet)

| Date/Time           | Webpage   | Name   |
|---------------------|---|--|
| 3/8/2014 9:51:54 AM | <a href="http://www.youtube.com/watch?v=3KkXS4IGZoA">http://www.youtube.com/watch?v=3KkXS4IGZoA</a> | phim sex chồng đi vắng vợ ở nhà một mình ngoại tỉnh 2014 - YouTube |



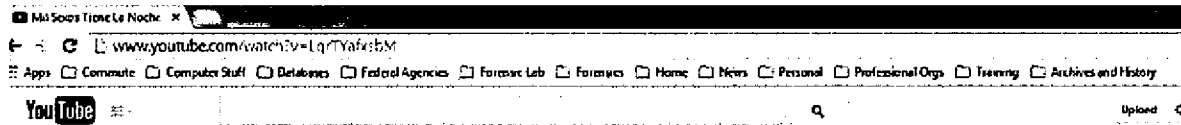
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| Date/Time            | Webpage   | Name   |
|----------------------|---|--|
| 3/8/2014 10:40:32 AM | <a href="http://www.youtube.com/watch?v=LqrTYafxsbM">http://www.youtube.com/watch?v=LqrTYafxsbM</a> | Mil Sexos Tiene La Noche Pelicula Completa +18 - YouTube |



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## REPORT OF INVESTIGATION (continuation sheet)

| Date/Time            | Webpage   | Name   |
|----------------------|---|--|
| 3/8/2014 10:43:25 AM | <a href="http://www.youtube.com/watch?v=V6ZFJC9KGbA">http://www.youtube.com/watch?v=V6ZFJC9KGbA</a> | ► +18 Brasil Movie   A Dama da Zona   Full Movie - YouTube |

www.youtube.com/results?search\_query=%2B18%20Brasil%20Movie&sm=5

Apps | Commute | Computer Stuff | Databases | Federal Agencies | Forensic Lab | Forensics | Home | News | Personal | Professional Orgs | Trai

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**Bye Bye Brazil 1980 Movie Clip**  
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**11 - +18 Brasil Movie \_ As Delicias Da Vida \_ Full Movie.mp4**  
by Plus HD film 11 • 1 week ago  
11 - +18 Brasil Movie \_ As Delicias Da Vida \_ Full Movie.mp4.

**+18 Brasil Movie | As Delicias da Vida | Full Movie**  
by Snema Izemeta • 17 hours ago  
NEW

**+18 Brasil Movie - Doce Delirio**  
by Adult Films 2014 07 • 2 days ago • 26 views  
NEW

www.youtube.com/feed/subscriptions

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| Date/Time            | Webpage   | Name  |
|----------------------|---|---|
| 3/8/2014 10:57:48 AM | <a href="http://www.youtube.com/watch?v=MadWW1KYGUI">http://www.youtube.com/watch?v=MadWW1KYGUI</a> | ► Swedish Fly Girls (1971) Full Movie 17+ - YouTube |



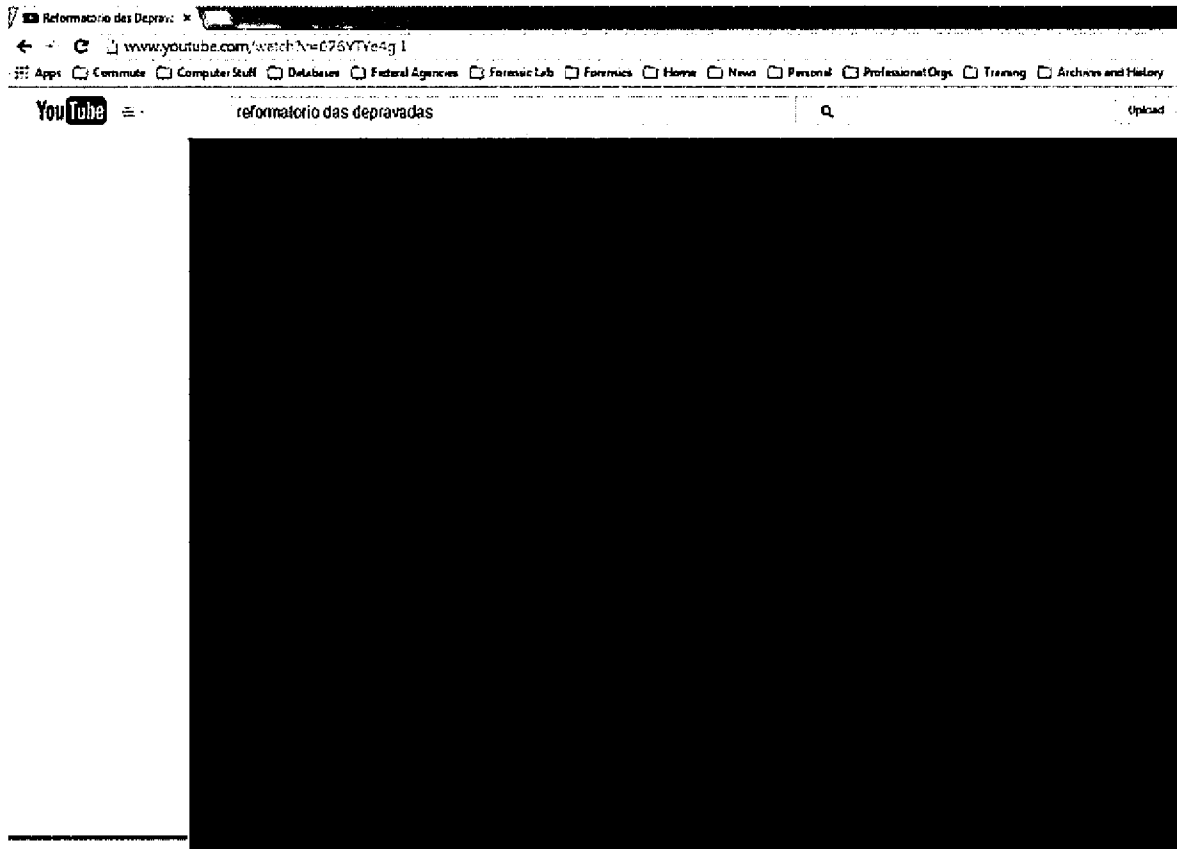
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## REPORT OF INVESTIGATION (continuation sheet)

| Date/Time            | Webpage   | Name   |
|----------------------|---|--|
| 3/8/2014 11:10:27 AM | <a href="http://www.youtube.com/watch?v=076YTYe4g-I">http://www.youtube.com/watch?v=076YTYe4g-I</a> | ► Reformatório das Depravadas   Full Movie - YouTube |



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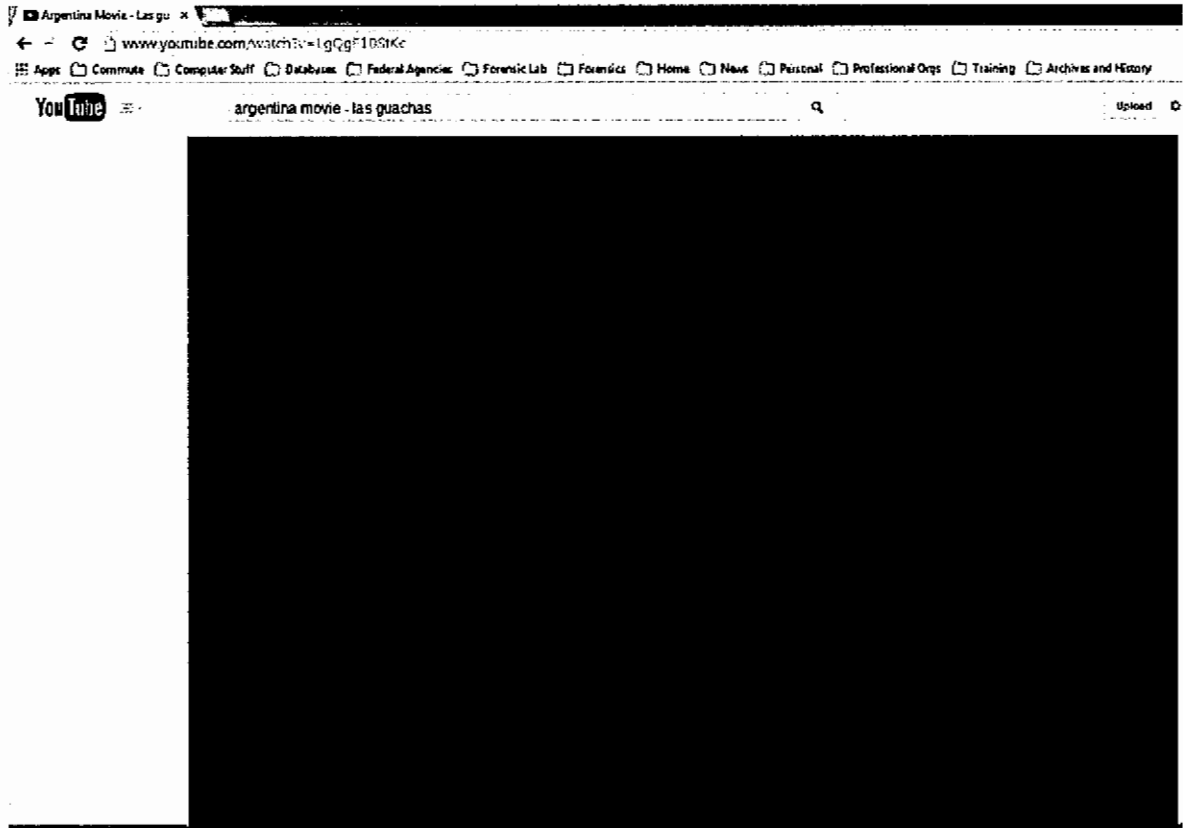
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## REPORT OF INVESTIGATION (continuation sheet)

| Date/Time            | Webpage   | Name                                    |
|----------------------|---|---|
| 3/8/2014 11:10:50 AM | <a href="http://www.youtube.com/watch?v=krsuYeO8gXM">http://www.youtube.com/watch?v=krsuYeO8gXM</a> | Argentina Movie - Las guachas - YouTube |



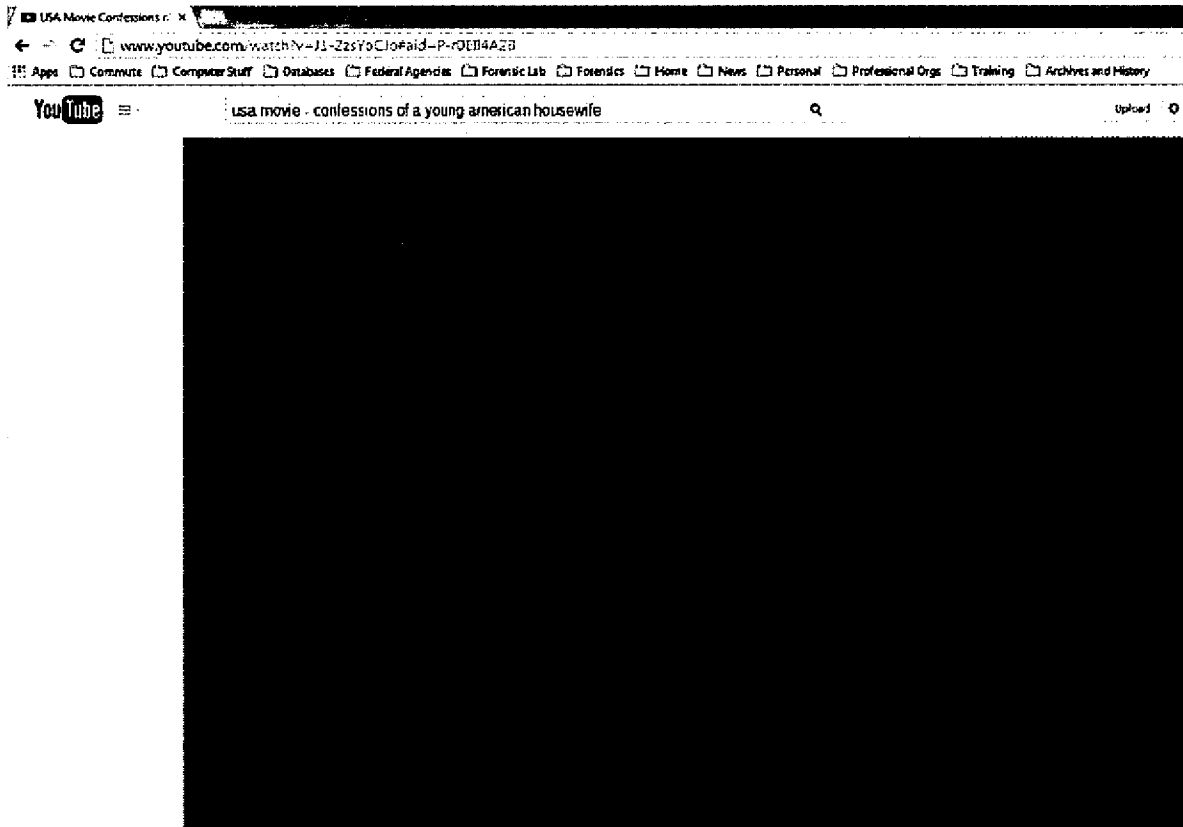
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## REPORT OF INVESTIGATION (continuation sheet)

| Date/Time            | Webpage   | Name  |
|----------------------|---|---|
| 3/8/2014 11:12:40 AM | <a href="http://www.youtube.com/watch?v=J1-z2sY0CJo#id=P-r0EB4AZB">http://www.youtube.com/watch?v=J1-z2sY0CJo#id=P-r0EB4AZB</a> | USA Movie - Confessions of a Young American Housewife - YouTube |



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## FCC Computer System User Rules of Behavior

### POLICY FOR USE OF COMPUTER RESOURCES.

As an employee or contractor of the Federal Communications Commission (FCC), you are required to be aware of, and comply with the FCC's policy on usage and security of computer resources, per OMB Circular A-130, Appendix III. Use of this system is for FCC authorized purposes only. Any other use may be misuse of Government property in violation of Federal regulations. All information in this system is subject to access by authorized FCC personnel at any time. Individual users have no privacy interest in such information.

### YOU ARE RESPONSIBLE FOR ALL ACTIONS PERFORMED WITH YOUR PERSONAL USER ID.

- UserIDs and passwords are for your individual use only, and are confidential FCC information.
- Your UserID and password must be used solely to access computer resources for the performance of your official FCC job functions. (Refer to 5 CFR Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch.")

### POLICY, STANDARDS, AND PROCEDURES MUST BE FOLLOWED.

- Use of all computer resources, including personal computers, laptops, all parts of the FCC Network, communication lines, and computing facilities are restricted to FCC-authorized purposes only.
- You must be aware of, and abide by the "Computer Fraud and Abuse Act of 1986" (Public Law 99-474), the civil and criminal penalties of the Privacy Act, the Trade Secrets Act (18 U.S.C. 1905), and other Federal Regulations applying to unauthorized use of FCC files, records, and data. Training will be provided to educate you about your responsibilities under these statutes.
- Be aware that all computer resources assigned, controlled, accessed, and maintained by FCC employee and contractor personnel are subject to periodic test, review, and audit.

### ACCESS TO INFORMATION MUST BE CONTROLLED.

- Access only the information for which you are authorized, and have "need to know/access."
- Do not leave computers logged on and unattended. Log off, use "lock workstation" feature, or use access control software (i.e., Screen Saver with password) during unattended use.
- If you know that a person, other than yourself, has used or is using your userID, you must report the incident immediately to your supervisor and the Computer Security Officer.
- Take steps necessary to maintain security of computer files and reports containing FCC information.

### YOU ARE RESPONSIBLE FOR THE PROPER USE OF YOUR COMPUTER RESOURCES.

- Only use FCC-approved software, and comply with vendor software license agreements.
- Back up your programs and data on a regular basis, and do not store sensitive or mission-critical data on your PC's hard drive.
- All FCC computer resources, including hardware, software, programs, files, paper reports, and data are the sole property of the FCC.

### USER CERTIFICATION

I certify that I have read the above statements, fully understand my responsibilities, and agree to comply.  
I recognize that any violation of the requirements indicated above may be cause for disciplinary actions.

Name (please print):

[Redacted Name]

Bureau Office: PS 453

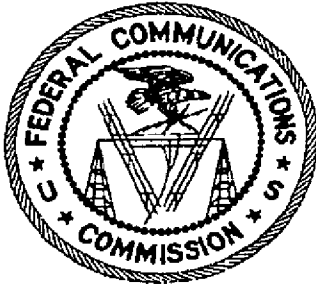
Signature:

[Redacted Signature]

Date: 04/08/13

Return Form to: TW-C417

UNITED STATES GOVERNMENT  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF INSPECTOR GENERAL



# MEMORANDUM

**DATE:** April 28, 2014

**TO:** David L. Hunt, Inspector General, Federal Communications Commission

**CC:** [REDACTED], Deputy Inspector General, Federal Communications Commission

**FROM:** [REDACTED], Assistant Inspector General for Investigations, [REDACTED], Investigator,  
[REDACTED], Computer Forensics Investigator

**SUBJECT:** [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

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## Background

On February 3, 2014 a written statement was provided, by a person who requested anonymity, to the Office of Inspector General in which the writer outlines various allegations concerning six (6) individuals who work in the FCC Reference Information Center. The allegations included:

1. "Sleeping at their respective desks"
2. "No to minimal work production (with evidently, no accountability) with the only exception of tending to plants located on the window sill."
3. "Arguing with one another and the use foul language."
4. "Constantly printing personal items of interest."

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**REPORT OF INVESTIGATION (continuation sheet)**

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5. "Using the phones of others and at the RIC counter to make personal calls to creditors, etc."
6. "Falsifying time."
7. "Selling of products i.e. Avon, Bootleg DVDs, Clothing, Perfume, etc."
8. "Sitting together in chairs and looking out the window."
9. "Talking to the Guard"

██████████ (GS-11) is alleged to have committed time and attendance fraud by working fewer hours than ██████ tour of duty required, and spending considerable time while on official duty away from ██████ work area, copying numerous personal documents and talking and arguing on the phone for long periods of time. The writer observed a general lack of any FCC-related work performed by, or work product produced by ██████.

██████████ (GS-9) is alleged to often sleeping in her chair, selling Avon products and staring out the window. The writer observed a general lack of any FCC-related work performed by, or work product produced by ██████.

██████████ (GS-12) is alleged to never do anything other than tending to the plants on the window and collecting personal items from the printer as well as staring out the window.

██████████, (GS-9) who is physically located in the ██████████, is alleged to sleep at ██████ desk, play computer games or argue on the phone. ██████ will frequent the Resource Information Center to discuss topics of interest with other employees and does not appear to perform any FCC-related work.

██████████ (GS-10) is alleged to travel back and forth to the lunch room and "hang-out" at the guard's station. The writer observed on at least one occasion that ██████████ stayed at the guard station for the entire guard shift. The writer observed a general lack of any FCC-related work performed by ██████████.

The 6<sup>th</sup> person named in the statement is ██████████ (GS-11) who was the subject of a separate investigation that has since been forwarded to the Bureau.

**Time and Attendance Rules**

5 USC § 6101 - Basic 40-hour workweek; work schedules; regulations

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## REPORT OF INVESTIGATION (continuation sheet)

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(a) (1) For the purpose of this subsection, “employee” includes an employee of the government of the District of Columbia and an employee whose pay is fixed and adjusted from time to time under section 5343 or 5349 of this title, or by a wage board or similar administrative authority serving the same purpose, but does not include an employee or individual excluded from the definition of employee in section 5541 (2) of this title, except as specifically provided under this paragraph.

(3) Except when the head of an Executive agency, a military department, or of the government of the District of Columbia determines that his organization would be seriously handicapped in carrying out its functions or that costs would be substantially increased, he shall provide, with respect to each employee in his organization, that—

(A) assignments to tours of duty are scheduled in advance over periods of not less than 1 week;

(B) the basic 40-hour workweek is scheduled on 5 days, Monday through Friday when possible, and the 2 days outside the basic workweek are consecutive;

(C) the working hours in each day in the basic workweek are the same;

(D) the basic non-overtime workday may not exceed 8 hours;

(E) the occurrence of holidays may not affect the designation of the basic workweek; and

(F) breaks in working hours of more than 1 hour may not be scheduled in a basic workday.

### 5 USC Chapter 63. Subchapter I – Annual and Sick Leave

#### 5 USC § 6302 - General provisions

(a) The days of leave provided by this subchapter are days on which an employee would otherwise work and receive pay and are exclusive of holidays and non-workdays established by Federal statute, Executive order, or administrative order.

According to the Federal Communications Commission’s Employee Handbook<sup>1</sup>, page 16, “Tours of duty will be established by the supervisor to cover an eight and one-half hour period, including lunch, and will begin between 7:00 a.m. and 10:00 a.m. and end between 3:30 p.m. and 6:30 p.m.”

### **Findings: Time and Attendance Issues**

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<sup>1</sup> [http://intranet.fcc.gov/docs/omd/hrm/employee\\_handbook/OMDEmployeeHandbook.pdf](http://intranet.fcc.gov/docs/omd/hrm/employee_handbook/OMDEmployeeHandbook.pdf)

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| Case Number:<br>OIG-I-14-0022 | Case Title:<br>[REDACTED] |
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**REPORT OF INVESTIGATION (continuation sheet)**

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On February 3, 2014 and April 8, 2014 Building Access Control Records were obtained and reviewed for [REDACTED] covering the period from October 27, 2013 through April 7, 2014, which for this specific review, equaled 83 days of badge data. This review showed that [REDACTED] amassed a total of 27.45 hours that can be attributed to leaving before [REDACTED] regular tour of duty.

On February 4, 2014 and April 8, 2014 Time and Attendance (T&A) records from the FCC payroll office were obtained and reviewed for [REDACTED] covering the same period. An excel spreadsheet (attachment 1) was created showing arrivals and departures from the FCC Headquarters building as well as any leave taken during the period reviewed. The review indicated that [REDACTED] did not request leave for the 27.45 hours that [REDACTED] worked less than [REDACTED] tour of duty.

**Findings: Inappropriate Activities During Official Tour Of Duty**

After reviewing the other alleged activities it has been determined that those issues, while serious, are more appropriately addressed by Bureau Management, in the first instances, as managers are best positioned to observe, and evaluate their employees' on- the- job performance and take appropriate remedial action if necessary.

**Conclusion:**

Based upon the access control system badge data as well as the time and attendance data, it is reasonable to conclude that [REDACTED] has not followed the time and attendance rules relative to [REDACTED] official tour of duty. However the other claims of inappropriate activity while on official government time should be considered by Bureau management with appropriate action taken as necessary to ensure performance.

**Findings:**

After reviewing the alleged activities, it has been determined that those issues, while serious, are more appropriately addressed by Bureau Management, in the first instances, as managers are best positioned to observe, and evaluate their employees' on- the- job performance and take appropriate remedial action if necessary.

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REPORT OF INVESTIGATION (continuation sheet)

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**Recommendations**

[REDACTED]

Case Number:  
OIG-I-14-0022

Case Title:

[REDACTED]





UNITED STATES GOVERNMENT  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF INSPECTOR GENERAL

# MEMORANDUM

**DATE:** August 27, 2014

**TO:** David L. Hunt, Inspector General

**CC:** [REDACTED], Deputy Inspector General

**FROM:** [REDACTED], Assistant Inspector General for Investigations, [REDACTED], Computer Forensics Investigator

**SUBJECT:** FCC [REDACTED], Violation of 5 C.F.R. § 2635.704 (Use of Government Property)

## Background of Investigation

In April 2014, the Office of Inspector General received allegations that [REDACTED], [REDACTED], was using the Commission's computer network to perform work related to several outside tax and accounting businesses.

## Scope of Investigation

The objective of this investigation was to determine if [REDACTED] used the Commission's computer network to perform work related to several outside tax and accounting businesses. To conduct the investigation, FCC OIG investigators performed the following steps.

1. Obtained and reviewed FCC Directive FCCINST 1479.4, entitled "FCC Cyber Security Program" and effective May 1, 2011. This Directive establishes policy and assigns

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| Case Number:<br>OIG-1-14-0024 | Case Title:<br>[REDACTED] |
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## REPORT OF INVESTIGATION (continuation sheet)

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responsibilities for assuring optimal levels of protection required for FCC data and information systems.

2. Obtained and reviewed the Commission's Cyber Security Policy, version 3.5 promulgated by the Office of the Managing Director and effective June 20, 2013. This policy establishes the security policies, consistent with Federal regulations, mandates, and directives for the protection of FCC data and information systems using a risk-based approach.
3. Obtained and reviewed FCC Form A-201, entitled "FCC Computer System User Rules of Behavior" revised in January 2006.
4. Obtained and reviewed [REDACTED]'s FCC Outlook Mailbox.
5. Obtained and reviewed [REDACTED]'s network share.

### **Conclusions:**

Our investigation did not substantiate the allegations. Specifically, we did not find any evidence that [REDACTED] used the Commission's computer network to perform work related to several outside tax and accounting businesses. In fact, we found correspondence between [REDACTED] and the Office of General Counsel (OGC) that demonstrates an effort of [REDACTED]'s part to ensure that there is no conflict of interest related to [REDACTED] work for the outside businesses. Further, we conducted a keyword search of the digital evidence using the names of the outside businesses and did not identify any relevant email correspondence, Microsoft Office documents, Excel Spreadsheets, or any other files.

### **Recommendations**

Based on our findings, we would recommend no further investigation into this issue at this time.

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UNITED STATES GOVERNMENT  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF INSPECTOR GENERAL



# MEMORANDUM

DATE: August 18, 2014

TO: David L. Hunt, Inspector General

CC: [REDACTED], Deputy Inspector General

FROM: [REDACTED], Assistant Inspector General for Investigations, [REDACTED], Computer Forensics Investigator, [REDACTED], Investigator

SUBJECT: FCC Employee [REDACTED], Prohibited Use of Government Issued Credit Card-

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## Background of Investigation

On June 18, 2014 [REDACTED], Labor Relations, called [REDACTED], AIGI, and informed [REDACTED] that [REDACTED] office had been working on a case involving [REDACTED]. Subsequently [REDACTED] had been informed by [REDACTED], agency program coordinator for travel, Financial Operations that a notification was sent by J.P. Morgan/Chase Bank to the FCC indicating "possible suspicious activity" on a government travel card issued to [REDACTED], [REDACTED], [REDACTED], International Bureau. On June 19, 2014, FCC OIG initiated a preliminary investigation

## Scope of Investigation

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| Case Number:<br>OIG-1-14-0028 | Case Title:<br>[REDACTED] |
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## REPORT OF INVESTIGATION (continuation sheet)

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

Interview of [REDACTED]:

On June 19, 2014 a telephone interview was conducted with [REDACTED]. On Wednesday June 11, 2014, [REDACTED] received an email from the J.P. Morgan/Chase fraud section indicating a possible fraud alert for the travel card belonging to FCC employee [REDACTED]. According to J.P. Morgan/Chase three (3) cash advances were taken using the travel card on June 3, 2014 and June 4 2014 for a total amount of \$480.11. The travel card was deactivated on June 5, 2014. According to [REDACTED] J.P. Morgan/Chase will not be pursuing this issue as a fraud case as it appears to be a case of "user misuse".

After receiving the fraud alert [REDACTED] sent an email to [REDACTED]'s supervisor and [REDACTED], Assistant Bureau Chief for Management – IB, explaining the report of suspicious activity on the card and asking [REDACTED] to call [REDACTED]. To date [REDACTED] has not responded to [REDACTED]'s request.

[REDACTED] contacted [REDACTED]'s [REDACTED] who confirmed that [REDACTED] is not on official travel and should not be using [REDACTED] travel card. [REDACTED] further confirmed that the bureau is currently working with the FCC Labor Relations office in regard to issues they are having with [REDACTED] and indicated [REDACTED] has not been in the office in recent weeks. [REDACTED] voluntarily provided a copy of [REDACTED]'s J.P. Morgan/Chase travel card statement and spreadsheet (attached) showing attempted use of the card.

Interview of [REDACTED]:

[REDACTED] is the [REDACTED] Bureau, Federal Communications Commission. Since approximately January 2014 [REDACTED] along with [REDACTED], supervisor to [REDACTED], has been working with the FCC's Office of Labor Relations regarding issues with [REDACTED]. According to [REDACTED], [REDACTED] has been listed as AWOL intermittently since January 2014.

[REDACTED] advised that [REDACTED] is currently on administrative leave and is not being allowed into the building, due to a possible medical condition, and is being required to bring in a doctor's note before [REDACTED] will be allowed to come back to work.

[REDACTED] confirmed that [REDACTED] is not on official government travel and that [REDACTED] has not responded to attempts to contact [REDACTED] regarding the suspicious charges on [REDACTED] travel card.

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## REPORT OF INVESTIGATION (continuation sheet)

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Several attempts were made to contact J.P. Morgan/Chase fraud department in an effort to determine if CCTV footage from any of the locations at which withdrawals were made would be available for review. No response was received from J.P. Morgan/Chase. Additionally an attempt to contact [REDACTED] by telephone was made but no response was received from [REDACTED].

### Conclusions:

Based on the information provided by [REDACTED] and [REDACTED] along with a review of the travel card information and spreadsheet it appears that [REDACTED] may have used the card without authorization. However there is no monetary loss to the government as the employee is responsible for the debt and the card has been cancelled eliminating any future possibility that the card can be used. It appears that [REDACTED]'s management is dealing with other employment related issues concerning [REDACTED] and can include the misuse of the travel card in any action they deem warranted.

### Recommendations

It is recommended that [REDACTED]  
[REDACTED]

### Attachments

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| Case Number:<br>OIG-I-14-0028 | Case Title:<br>[REDACTED] |
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UNITED STATES GOVERNMENT  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF INSPECTOR GENERAL

## MEMORANDUM

**DATE:** August 21, 2014

**TO:** David L. Hunt, Inspector General

**CC:** [REDACTED], Deputy Inspector General

**FROM:** [REDACTED], Assistant Inspector General for Investigations, [REDACTED], Computer Forensics Investigator, [REDACTED], Investigator

**SUBJECT:** FCC Employee [REDACTED], Violations of the Hatch Act, 5 U.S.C. §§ 7321-7326

### Background of Investigation

On June 21, 2014, the Office of Inspector General received an anonymous letter from "A concern (sic) employee" alleging Hatch Act violations by [REDACTED], Enforcement Bureau (EB). The letter states that [REDACTED], a former attorney with EB, recently resigned from the Commission to run for the office of the [REDACTED]. The letter alleges that certain FCC employees, including [REDACTED], who are "friends of [REDACTED]" have been "engaged on a daily basis in personal activities during the work day by surfing the internet using their FCC computers to search for news about [REDACTED]'s candidacy" and "using the FCC email network to send emails to colleagues at the FCC about [REDACTED]'s candidacy." The letter further alleges that when [REDACTED] sends an email message about [REDACTED], "[REDACTED] emails contain [REDACTED] electronic signature showing [REDACTED] official position and title at the FCC."

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OIG-1-14-0029

Case Title:  
[REDACTED]

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## REPORT OF INVESTIGATION (continuation sheet)

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### Scope of Investigation

The objective of this investigation was to determine if [REDACTED] used the Commission's computer network to engage in "partisan political activity" in violation of the Hatch Act and Commission policies and directives. To conduct the investigation, FCC OIG investigators performed the following steps.

1. Obtained and reviewed the Hatch Act as contained in 5 U.S.C. §§ 7321-7326.
2. Obtained and reviewed the FCC Office of General Counsel (OGC) ETHICSgram from October 2011 addressing the Hatch Act.
3. Obtained and reviewed FCC Directive FCCINST 1479.4, entitled "FCC Cyber Security Program" and effective May 1, 2011. This Directive establishes policy and assigns responsibilities for assuring optimal levels of protection required for FCC data and information systems.
4. Obtained and reviewed the Commission's Cyber Security Policy, version 3.5 promulgated by the Office of the Managing Director and effective June 20, 2013. This policy establishes the security policies, consistent with Federal regulations, mandates, and directives for the protection of FCC data and information systems using a risk-based approach.
5. Obtained and reviewed FCC Form A-201, entitled "FCC Computer System User Rules of Behavior" revised in January 2006.
6. Obtained and reviewed [REDACTED]'s FCC Outlook Mailbox.

### Conclusions:

Our investigation did not substantiate the allegations. We found one email message that included a link to a fundraising page for [REDACTED] that [REDACTED] received from the [REDACTED] campaign. [REDACTED] responded to that email by requesting that [REDACTED] work email address be removed from the site. We found several email messages from [REDACTED] to FCC colleagues that included links to articles about the campaign. However, we do not believe that this activity (either using the Commission's network to search for articles on the campaign or forwarding links to these articles) violates the Hatch Act or the Commission's personal use policy. Thus, we did not find evidence that [REDACTED] sent any email message that could be construed as violating the Hatch Act

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**REPORT OF INVESTIGATION (continuation sheet)**

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(e.g., soliciting contributions, allowing official title to be used in fund raising activities, engaging in political activity, etc.).

We shared our conclusions with [REDACTED], Senior Legal Advisor (Ethics), Office of General Counsel (OGC). [REDACTED] agreed with the OIG conclusions.

**Recommendations**

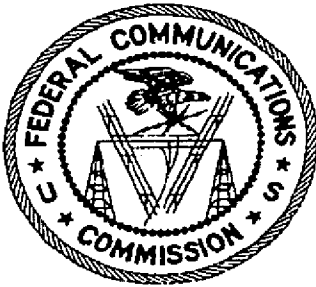
Based on our findings, we would recommend no further investigation into this issue at this time.

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UNITED STATES GOVERNMENT  
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OFFICE OF INSPECTOR GENERAL



# MEMORANDUM

TO: David L. Hunt, Inspector General, Federal Communications Commission

CC: [REDACTED], Deputy Inspector General, Federal Communications Commission

FROM: [REDACTED], Acting Assistant Inspector General for Investigations, [REDACTED],  
Investigator

SUBJECT: [REDACTED] (FCC Employee Time and Attendance)

DATE: September 8, 2014

## Background

An anonymous allegation was made to [REDACTED], who in turn passed the allegation to the  
OIG, alleging that [REDACTED], CGB, has been given preferential treatment regarding time off  
during [REDACTED]. According to [REDACTED], [REDACTED] currently maintains a "high leave balance"  
despite the fact that [REDACTED] was not at work for approximately three (3) months.

## Findings

Review of time and attendance records as well as building access control badge records were  
completed covering the period from September 26, 2013 to December 31, 2013. The access  
control record show that [REDACTED]'s badge was used a total of 17 times in the above stated period.  
There was no badge activity from September 22, 2013 through December 31, 2014 except for

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OIG-I-14-0035

Case Title:  
[REDACTED]

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## REPORT OF INVESTIGATION (continuation sheet)

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two days in November. The time and attendance records show that [REDACTED] used a total of 474 hours of approved leave in the period using a combination of annual leave (176 hours), sick leave (146 hours) and time-off award leave (152 hours).

It should be noted that for the 17 days of badge activity found, [REDACTED] did not complete [REDACTED] full tour of duty by 17 hours and 33 minutes. (See attached excel spreadsheet)

### Conclusion

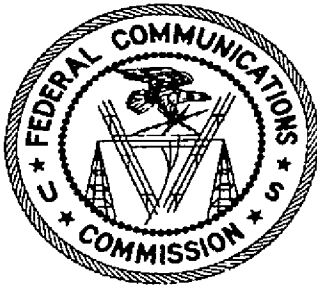
Based upon the time and attendance records reviewed, it is reasonable to conclude that [REDACTED] appropriately followed the rules governing leave. Thus, the allegation of preferential treatment is without merit. However, based on the access control records, it appears that [REDACTED] did not complete [REDACTED] official tour of duty in the period under review.

### Recommendations

Based on our findings, [REDACTED]  
[REDACTED]

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UNITED STATES GOVERNMENT  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF INSPECTOR GENERAL



# MEMORANDUM

**DATE:** June 30, 2014

**TO:** David L. Hunt, Inspector General, Federal Communications Commission

**CC:** [REDACTED], Deputy Inspector General, Federal Communications Commission

**FROM:** [REDACTED], Assistant Inspector General for Investigations, [REDACTED], Investigator

**SUBJECT:** [REDACTED]

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## **Background**

On April 6, 2014 a written statement was provided to the Office of Inspector General Hotline in which the writer, a former Commission employee, outlines various allegations involving what [REDACTED] feels are "serious management problem[s] at the FCC dealing with excessive and unreasonable delays in regulatory actions that address new sources of spectrum interference" and ask the Office of Inspector General to investigate "why [the] FCC has been so slow in resolving serious problems with interservice radio interference" in two rulemaking proceedings.

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## REPORT OF INVESTIGATION (continuation sheet)

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### Findings

On April 9, 2014 a redacted copy of the letter was forwarded by [REDACTED] to [REDACTED], [REDACTED] and [REDACTED] asking for their assessment of the allegations. A response was requested within 60 days.

On June 11, 2014 a response was received from [REDACTED], Deputy Bureau Chief, Enforcement Bureau. The response indicated that management from the Enforcement Bureau, Office of Engineering and Technology and Wireless Telecommunications Bureau reviewed the complaint and provided the following:

At this time management believes no specific action by the FCC is needed to address the complaint. The complaint alleges a number of harms to consumers and industry as the result of two rulemaking proceedings; however, it provides no substantiated facts to support those allegations, nor does it provide any evidence of waste, fraud or abuse by Commission employees involved in this rulemaking.

In any event, the Commission acted appropriately in both proceedings in balancing the effects of specific actions on licensees, manufacturers and the public. Specifically, the complaint does not accurately reflect the situation regarding signal boosters as it evolved over time. CTIA submitted a white paper detailing several specific interference events that were investigated by carriers and found to be attributable to non-compliant equipment. At the same time, the Enforcement Bureau, working with CTIA, established a hotline for any additional interference complaints that were investigated and resolved as the Commission became aware. All of the instances of interference were found to be the result of equipment not authorized by carriers or non-compliant equipment.

Subsequently, in response to Petitions from the industry, the Commission opened a rulemaking proceeding to craft a set of rules that would provide for much needed signal boosters to provide service to rural areas while also protecting the wireless networks from interference. This proved to be a very contentious and complex undertaking. In seeking solutions, the Commission engaged all parties, which ultimately resulted in a collaborative process to resolve the issues to all parties' satisfaction. Experience has shown that such a process may be lengthy, but ultimately yields the best result and generally takes less time as it minimizes the potential for reconsideration petitions and court appeals.

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## REPORT OF INVESTIGATION (continuation sheet)

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### **Conclusion**

Based on the information contained in the response from the Bureaus involved with the issue it appears that prudent, appropriate measures were taken to deal with, and ultimately resolve, the complex policy and technical issues that were raised in the complaint.

### **Recommendation**

It is recommended that no further action be taken in this case.

Case Number:  
OIG-I-14-0021

Case Title:



UNITED STATES GOVERNMENT  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF INSPECTOR GENERAL



# MEMORANDUM

DATE: April 13, 2014

TO: David L. Hunt, Inspector General

CC: [REDACTED], Deputy Inspector General

FROM: [REDACTED], Deputy Inspector General for Investigations, [REDACTED], Investigator,  
[REDACTED], Computer Forensics Investigator

SUBJECT: [REDACTED]

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## Background

As a result of an ongoing Office of Inspector General investigation, it was discovered that [REDACTED], a Federal Communications Commission (FCC) employee may have been "burning" and providing copies of copyrighted music to various employees at the FCC. A separate investigation was conducted to determine if [REDACTED] was (a) providing the music in violation of agency policy using government issued equipment or software, or (b) downloading music in violation of digital copyright laws.

### A. Prohibited Use of Government Equipment (Desktop Computer)

1. FCC Directive FCCINST 1479.4. FCC Cyber Security Program, effective May 1, 2011

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## REPORT OF INVESTIGATION (continuation sheet)

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Subparagraph 7.12 of FCCINST 1479.4 provides that users must:

- Read, sign indicating acceptance of, and comply with the FCC Computer System User Rules of Behavior;
- Use FCC information system resources only for authorized FCC business purposes, except as provided by the FCC's limited personal use policy

2. FCC Cybersecurity Policy v3.1, Office of the Managing Director (OMD),  
Effective Date: July 31, 2012

Paragraph 2.0.2 Broad Organizational Policies of FCC Cybersecurity Policy provides:

Staff using FCC information systems or accounts must not participate in unethical, illegal or inappropriate activities such as: for-profit commercial activities, pirating software, stealing passwords, stealing credit card numbers, and viewing/exchanging inappropriate written or graphic material (e.g., pornography).

Paragraph 2.11 Internet Usage of FCC Cybersecurity Policy provides that unacceptable uses of the Internet when using an FCC internet connection or account include:

- You must not use the Internet to view or download pornography.

3. FCC Computer System User Rules of Behavior Form A-201, Revised January 2006  
(Attachment #2 Rules of Behavior (ROB) signed by [REDACTED])

FCC Computer System User Rules of Behavior provides:

**POLICY FOR USE OF COMPUTER RESOURCES.**

As an employee or contractor of the Federal Communications Commission (FCC), you are required to be aware of, and comply with the FCC's policy on usage and security of computer resources, per OMB Circular A-130, Appendix III. Use of this system is for FCC authorized purposes only. Any other use may be misuse of Government property in violation of Federal regulations. All information in this system is subject to access by authorized FCC personnel at any time. Individual users have no privacy interest in such information.

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## REPORT OF INVESTIGATION (continuation sheet)

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### **B. Digital Millennium Copyright Act (DMCA)**

Congress enacted Title I of the Digital Millennium Copyright Act (DMCA) on October 28, 1998, with the twin goals of protecting copyrighted works from piracy and promoting electronic commerce. Congress accomplished these goals by enacting prohibitions relating to the circumvention of copyright protection systems (as set forth in 17 U.S.C. §1201), and the integrity of copyright management information (pursuant to 17 U.S.C. §1202).

### **Findings**

On October 24, 2013, the computer forensics investigator contacted [REDACTED], ITC, and requested Outlook email and network share information for [REDACTED]. On October 25, 2013, [REDACTED] provided a recordable compact disc (CD-R) containing network share information for [REDACTED]. On October 31, 2013, the computer forensics investigator obtained a forensic image of [REDACTED]'s FCC-issued computer. On November 11, 2013, [REDACTED] provided a CD-R containing an Outlook data file for [REDACTED]. During the period from January 13, 2014 to May 9, 2014, the computer forensics investigator conducted a forensic examination of the digital evidence.

The computer forensics investigator did not find any evidence to substantiate the allegation that [REDACTED] was using [REDACTED] FCC-issued computer to illegally copy copyrighted music and video files and selling the bootlegged copies. The computer forensics investigator did find a ZIP file containing a copy of Streambox ripper on [REDACTED]'s network share. Streambox ripper is a software tool that could be used to "rip" CDs. However, the computer forensics investigator did not find any evidence that the software had been installed or used on [REDACTED]'s FCC-issued computer. The computer forensics investigator also found a relatively small number of pornographic images (63). Based on a review of Internet browser artifacts, the computer forensics investigator believes that these images were on Facebook sites visited by [REDACTED] (i.e., not on websites that would normally be expected to contain pornography).

### **Conclusion**

Based on the forensic examination, no evidence was found that [REDACTED] is using [REDACTED] FCC-issued computer to illegally bootleg copyrighted material. While 63 pornographic images were found it appears that the images were not specifically sought out on pornographic websites but

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## REPORT OF INVESTIGATION (continuation sheet)

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were part of Facebook sites [REDACTED] visited. It also appears that these visits to Facebook fall under the agency's limited personal use policy.

### **Recommendations**

Based on our findings, we would recommend no further investigation into this issue at this time.

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UNITED STATES GOVERNMENT  
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OFFICE OF INSPECTOR GENERAL



# MEMORANDUM

**DATE:** February 20, 2014

**TO:** [REDACTED], Assistant Inspector General for Investigations/Counsel to the Inspector General

**FROM:** [REDACTED], Investigatory Attorney

**SUBJECT:** Accusation of [REDACTED] Underpaying Data Refunds According to Consent Decree

## Overview

The law firm of [REDACTED] ([REDACTED]) filed a petition with the Federal Communications Commission (FCC) on July 2, 2013, requesting that the FCC Office of Inspector General (OIG) investigate the circumstances of the 2010 Consent Decree<sup>1</sup> between the Enforcement Bureau (EB) and [REDACTED] ([REDACTED]). [REDACTED] claims [REDACTED] misrepresented the facts and that EB failed to adequately investigate. [REDACTED] claims [REDACTED] (i) credited or refunded only a small portion of the data fee overcharges subject to the investigation; (ii) misrepresented to the Commission the amount of data fee overcharges; and (iii) made misrepresentations to the Commission in a preinvestigation letter to Commission staff. [REDACTED] also claims that EB improperly conducted a confidential (rather than public) investigation and should have audited and verified the accuracy of [REDACTED]'s representations.

On August 23, 2013, [REDACTED] submitted a written response to the [REDACTED] petition. The response argued that EB's settlement with [REDACTED] (the Consent Decrees) was entirely

<sup>1</sup> See [REDACTED] (EB 2010) ("Order"); [REDACTED] (EB 2010) ("Consent Decree").

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| Case Number:<br>OIG-I-14-0004 | Case Title:<br>Accusation of [REDACTED] Underpaying Data Refunds According to Consent Decree |
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appropriate and that the settlement had been found "in all respects fair, reasonable, adequate and just" in class action litigation in federal court.

### **Background**

Various newspapers published articles in 2009 alleging that [REDACTED] had imposed unauthorized charges for data usage on certain customers who had not signed up for a data plan and therefore were charged for data usage at the rate of \$1.99 per megabyte ([REDACTED] customers").

In response to consumer complaints and press reports that some [REDACTED] customers had observed unexpected data charges on their bills, the Enforcement Bureau initiated an investigation into the potential overcharges. Specifically, on January 14, 2010, the Bureau issued a Letter of Inquiry ("LOI") to [REDACTED] seeking detailed information about [REDACTED]'s \$1.99 per MB data usage charge for certain customers. The Bureau sought to assess whether violations of Section 201(b) of the Act, which prohibits common carriers from engaging in unjust and unreasonable practices, or of the Commission's truth-in-billing rules, had occurred.

EB's Investigation followed an initial letter by the Commission's Wireless Telecommunications Bureau (WTB) and Consumer and Governmental Affairs Bureau (CGB) seeking information about [REDACTED] Web charges. [REDACTED] responded to the Bureau's January LOI on March 1, 2010, and supplemented its response on March 15, April 9, April 23, and September 10, 2010.

To clarify the record further, EB issued a second LOI to [REDACTED] on July 1, 2010. [REDACTED] responded to the second LOI on August 2, 2010, supplementing its responses on August 27, September 1, 22, and 30, and October 1, 2010.

On September 30, 2010, [REDACTED] reported that it had concluded a comprehensive, internal investigation concerning the data charges and was able to make representations regarding the scale and scope of the underlying problems. In an attempt to limit further incorrect charges while it worked to identify and correct the underlying cause or causes for those charges, [REDACTED] also implemented a 50 KB free data allowance "tailored to accommodate billing issues identified at that time" because "historically to that point, a majority of credits were issued for subscribers on a pay-as-you-go data plan who had used fewer than 50 kilobytes during a given billing cycle."<sup>2</sup> [REDACTED] maintains that the 50 KB data allowance was over-inclusive because it provided free data even to those who were legitimately being charged for data usage.

<sup>2</sup> Supplemental Response of [REDACTED] to Enforcement Bureau's July 1, 2010 Letter of Inquiry (File No. EB-09-TC-458), at 2 (Aug. 27, 2010).

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After this investigation, EB and [REDACTED] entered into a Consent Decree. The Consent Decree included the following representations from [REDACTED], consistent with its prior sworn responses:

- (i) the Company conducted a comprehensive, good-faith, internal investigation into whether [REDACTED] Customers had been incorrectly billed for data usage;
- (ii) based on the internal investigation, the Company has concluded that the majority of the erroneous charges involved data exchanges caused by third-party software built into certain customers' phones, while other charges resulted from, inter alia, customers accessing certain web links that should not have incurred charges, devices that incurred charges for attempts to access data when there was insufficient network coverage to complete the transfer, and unwanted third-party data transfers affecting customers with content filters;
- (iii) based on the internal investigation, the Company has further determined that a total of approximately 15 million [REDACTED] Customers were, or may have been, erroneously billed for data usage from November 2007 to the Effective Date; and
- (iv) based on the internal investigation, including a review of billing records and other relevant data, the Company estimates that the total amount of the refunds and credits that should be paid to those [REDACTED] Customers is approximately \$52.8 million.<sup>3</sup>

Under the Consent Decree, [REDACTED] agreed to make a \$25 million payment to the United States Treasury.<sup>4</sup> [REDACTED] also agreed to refund or credit approximately \$52 million to its [REDACTED] customers, and to provide additional credits or refunds to customers who initially did not receive one but were subsequently demonstrated to be entitled to one.<sup>5</sup>

[REDACTED] subsequently submitted a report to the court assigned to oversee the class action litigation. This class action litigation consolidated more than 30 separate class action lawsuits alleging wrongful data charges including all former or current [REDACTED] customers nationwide who incurred one or more pay-as-you-go data usage charge(s) at any time from the date when billing for data usage on a megabyte basis commenced in November 2007 to January 31, 2011.<sup>6</sup> That report explained the \$52.8 million credit and refund program described

<sup>3</sup> Consent Decree, 25 FCC Rcd at 15109

<sup>4</sup> Id at 15113

<sup>5</sup> Id at 15110-11

<sup>6</sup> See *In RE*: [REDACTED]

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in the Consent Decree ("Credit and Refund Program").<sup>7</sup> As part of the class action settlement process, counsel for the class action plaintiffs retained a telecommunications billing expert with "depth of knowledge of the billing systems used in the telecommunications industry" who "spent over 270 hours analyzing [REDACTED] documents and representations in order to determine independently whether the Credit and Refund Program that [REDACTED] reported in its December 1, 2010 letter to the Court was complete, accurate and beneficial to members of the class."<sup>8</sup> The Credit and Refund Program was based on the FCC Consent Decree. As a result of this process, [REDACTED] increased the amount to be credited or refunded by approximately \$4.5 million consistent with the Consent Decree's recognition that additional refunds may be required. The court issued an order accepting the settlement, finding it "in all respects fair, reasonable, adequate and just to the Settlement Class Members."<sup>9</sup> [REDACTED] disclosed to EB the additional payments to customers.<sup>10</sup> It also disclosed to EB an additional \$2.3 million in credits and refunds for a data issue discovered after the Consent Decree (relating to a caller ID application).<sup>11</sup> In the end, [REDACTED] credited or refunded a total of approximately \$59.6 million in connection with the Credit and Refund Program.

### Investigation

[REDACTED] reviewed both the Petition and Response. In addition, [REDACTED] reviewed the [REDACTED] Litigation, [REDACTED] pleadings and related filings, including the analysis and confirmation of payments under the Credit and Refund Program to [REDACTED] customers.

### Findings

OIG finds that the Consent Decree fully contemplated and required that [REDACTED] issue refunds to all affected customers including those later identified as entitled to refunds. In addition, OIG finds that the [REDACTED] Litigation fully credited those members identified to receive refunds and supports the bona fides of the Consent Decree.

### Conclusion

OIG concludes that the Consent Decree and the further [REDACTED] Litigation adequately and fully address the issues brought forth by [REDACTED] customers

<sup>7</sup> Letter from [REDACTED], Attorney for [REDACTED], to Honorable [REDACTED] [REDACTED] Litigation (Case File [REDACTED])

<sup>8</sup> Declaration of [REDACTED] in Support of Plaintiffs Motion for Final Approval at 6-7 [REDACTED] Litigation, Civil Action [REDACTED]

<sup>9</sup> Final Judgment and Order of Dismissal with Prejudice at 3, [REDACTED] Litigation, Civil Action [REDACTED]

<sup>10</sup> [REDACTED] Compliance Report at 1, FCC, File No. EB-[REDACTED]; [REDACTED] Compliance Report at 1-2, File No. EB-09-[REDACTED]

<sup>11</sup> April 2011 Compliance Report at 2, 4; [REDACTED] Compliance Report at 2-3, File No. EB-09-[REDACTED]

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and the articles from 2009. The petitioner identified no additional issues meriting investigation and any action OIG might pursue under the federal False Claims Act, would simply replicate what has already been done (through the class action litigation. There is no need for OIG to reinvestigate matters that have been investigated and litigated fully by both EB and the United States District Court.

**Recommendations**

Based on the above findings, we recommend that this matter be closed and no further action be taken on this case.

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UNITED STATES GOVERNMENT  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF INSPECTOR GENERAL



# MEMORANDUM

**DATE:** February 19, 2014

**TO:** [REDACTED], Assistant Inspector General for Investigations/Counsel to the Inspector General

**FROM:** [REDACTED], Investigatory Attorney and [REDACTED], Investigator

**SUBJECT:** Contracting and Purchasing Center Hotline Whistleblower Complaint Summary Report of Investigations (ROI) 14 cases

## Overview

Between January 31, 2011 and September 22, 2011, the Federal Communications Commission (FCC) Office of Inspector General (OIG) Hotline received twenty-two (22) whistleblower complaints from an FCC employee concerning the FCC Contracting and Purchasing Center (CPC). The employee has since left the Commission. This Office has previously closed 6 cases involving the most serious allegations concerning abuse of management authority and mismanagement of contractual authority and funds.<sup>1</sup> After review of the remaining allegations, all of which provided virtually no evidence of wrongdoing, OIG investigators were not able to substantiate the allegations made against the FCC employees, policies, or programs. Moreover, OIG investigators have found that the FCC CPC has taken positive steps, including the initiation of outreach programs and education, to reduce the likelihood of future wrongdoing or mismanagement. This memo finalizes the investigation of 14 more of the initial 22 complaints.

<sup>1</sup> OIG-I-12-0062 (Improper Representation of Apparent Authority), OIG-I-12-0063 (Destruction of Contract Records and Government Property), OIG-I-12-0065 (Potential Misuse of Government Equipment and Resources), OIG-I-12-0066 (Use of Personal Services Contracts), OIG-I-12-0067 (Waste of Taxpayers' Dollars Housekeeping Services and Breach of Classified Information SCIF Vehicle), 1 Prior to CMS (Wasteful Use of Lease Space)

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Many of the allegations of the Whistleblower involved similar subjects or legal areas. The following fourteen cases are summarized by subject matter.

#### **Purchase Card Use (4)<sup>2</sup>**

##### **Allegation:**

FCC employees were improperly using Government Purchase Cards for recurring purchases. Whistleblower made four (4) separate allegations that FCC employees were improperly using Government Purchase Cards for reoccurring purchases.

##### **Findings:**

Under FAR 13.303-5(d)(ii)(1), should "[R]ecurring requirements for the same or similar supplies or services seem likely" A Blanket Purchase Agreement (BPA) should be established and Government Purchase Cards should not be used.

On February 15, 2011 and twice on June 28, 2011, Whistleblower made allegations that "employees were using Government Purchase Cards for recurring services." When asked to provide additional information in these cases, Whistleblower could not provide names of employees or services being purchased. OIG was unable to conduct investigations into Whistleblower's allegations in these instances. On January 31, 2011, Whistleblower made an allegation that [REDACTED] in the Enforcement Bureau (EB) was "using his purchase card for recurring requirements (cleaning services)." [REDACTED] interviewed [REDACTED] and determined that [REDACTED] had used his Purchase Card at the direction of [REDACTED], Contracting Officer (CO) from the CPC. [REDACTED] and [REDACTED] were working together to establish a BPA to cover the cleaning services, but until the BPA was finalized, it was necessary for [REDACTED] to use [REDACTED] Purchase Card to pay for the services. [REDACTED] interviewed [REDACTED] and confirmed that a BPA was being finalized at the time of Whistleblower's complaint.

##### **Conclusion:**

Based on our investigation, including information provided by Whistleblower, OIG finds that there is lack of evidence of Purchase Card violations.

#### **Incremental Funding of Contracts (3)**

##### **Allegation:**

FCC employees were incrementally funding contracts in violation of the Antideficiency Act.

<sup>2</sup> The number in parentheses ( ) indicates the number of cases on this subject that the Whistleblower filed with OIG.

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Findings:

The Antideficiency Act (ADA) prohibits federal employees from

(1) making or authorizing an expenditure from, or creating or authorizing an obligation under, any appropriation or fund in excess of the amount available in the appropriation or fund unless authorized by law. 31 U.S.C. § 1341(a)(1)(A);

(2) involving the government in any obligation to pay money before funds have been appropriated for that purpose, unless otherwise allowed by law. 31 U.S.C. § 1341(a)(1)(B).

The Whistleblower only provided 2 contracts where funding was at issue. Upon review of these cases, Investigators verified that funding was fully available at the time the work was performed and that the FCC was not in violation of the ADA at any time.

Conclusion:

Based on our investigation, including information provided by Whistleblower, OIG finds that there is lack of evidence of ADA violations.

**Bona Fide Need of Goods (2)**

Allegation:

FCC is purchasing goods without a *bona fide need* in the current fiscal year.

Findings:

The *Bona Fide Need* rule requires that appropriated funds be used only for goods and services for which a need arises during the period of that appropriation's availability for obligation.<sup>3</sup>

In one case, the Whistleblower made comments about "excess of wasted inventory stored for years in the warehouse," but was unable to provide contracts or other evidence. Investigators asked Whistleblower for additional information to conduct an investigation into the amount of inventory and whether there was excess inventory being stored. Whistleblower could not provide contracts or evidence for OIG investigators to compare or review inventory manifests. Because Whistleblower could not provide evidence for investigators to compare or analyze, OIG was unable to follow-up on the allegations.

In the other instance, Whistleblower made comments about the FCC Information Technology Center (ITC) buying duplicate maintenance orders. Specifically, on September 25, 2011,

<sup>3</sup> 31 USC 1502(a) states that, "The balance of an appropriation or fund limited for obligation to a definite period is available only for payment of expenses properly incurred during the period of availability, or to complete contracts properly made within that period of availability and obligated consistent with section 1501 of this title."

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Whistleblower made allegations about CPC and ITC buying "everything from a vendor to include in its system."<sup>4</sup> At the beginning on September 2011, the FCC suffered a security breach. The purchase the Whistleblower references in his/her complaint was one of several that were a direct result of this incident which lead to the development of the Enhanced Secured Network (ESN). In a separate investigation<sup>5</sup>, OIG confirmed that purchases made in response to the September 2011 incident were made in the Fiscal Year 2012 with duly appropriated funds. Based on the findings in that investigation, OIG confirmed that there was a *Bona Fide Need* for items purchase in September 2011.

**Conclusion:**

Based on our investigation, including information provided by Whistleblower, OIG finds that there is lack of evidence for additional OIG investigation.

**Hiring of FCC Employees (1)**

**Allegation:**

Vacancy notice and hiring under Announcement ICTAP-OMD-2011-0001, for a Supervisory Procurement Analyst, violated direct hire authority

**Findings:**

A Direct-Hire Authority (DHA) is an appointing (hiring) authority that the Office of Personnel Management (OPM) can give to Federal agencies for filling vacancies when a critical hiring need or severe shortage of candidates exists. DHA enables an agency to hire, after public notice is given, any qualified applicant without regard to 5 U.S.C. 3309-3318, 5 CFR part 211, or 5 CFR part 337, subpart A. A DHA expedites hiring by eliminating competitive rating and ranking, veterans' preference, and "rule of three" procedures. Whistleblower believed that the announcement was too restrictive and that the FCC was violating DHA.

In fact, the posting of the position was done according to the Interagency Career Transition Assistance Plan (ICTAP), a process by which employees who have been involuntarily separated may receive selection priority for jobs in agencies other than the one in which they were previously employed (5 CFR 330). According to the rules of 5 CFR 330, FCC was eligible to post the position as ICTAP position and fill it according. [REDACTED], who was hired, left the position on December 4, 2012.

**Conclusion:**

<sup>4</sup> Whistleblower stated that ITC purchase Semantic (sic). OIG Investigators believe he/she meant Symantec which was security software rolled out to FCC computers shortly after the security breach on September 2011.

<sup>5</sup> OIG-I-12-0095

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Based on our investigation, including information provided by Whistleblower, OIG finds that there is lack of evidence for additional OIG investigation.

**ITC Receiving and Using Gifts (1)**

**Allegation:**

ITC Tech Center is accepting and keeping high end equipment (televisions, etc.) from industry and using them in the Tech Center.

**Findings:**

Section 4(g)(3)(A) of the Communications Act of 1934, as amended, 47 USC 154(g)(3) states, "Notwithstanding any other provision of law, in furtherance of its functions the Commission is authorized to accept, hold, administer, and use unconditional gifts, donations, and bequests of real, personal, and other property (including voluntary and uncompensated services, as authorized by section 3109 of title 5<sup>6</sup>)."

In addition, under Section 47 USC 154(g)(3)(D) "The Commission shall promulgate regulations to carry out the provisions of this paragraph. Such regulations shall include provisions to preclude the acceptance of any gift, bequest, or donation that would create a conflict of interest or the appearance of a conflict of interest." To assist with this, the implementing language found in Subpart R Section Sec. 1.3004 Public disclosure and reporting requirements sets forth the steps the Commission must take to accept gifts from prohibited sources which include:

- (1) The identity of the prohibited source;
- (2) A description of the gift;
- (3) The market value of the gift;
- (4) Documentation concerning the prohibited source's reason for the gift as required in Sec. 1.3003(f);
- (5) A signed statement of verification from the prohibited source that the gift is unconditional and is not contingent on any promise or expectation that the Commission's receipt of the gift will benefit the proposed donor in any regulatory matter; and
- (6) The date the gift is accepted by the Commission.

Investigators spoke to ITC staff and confirmed that they reported and documented the items donated from sources accordingly. For compliance with requirement (5) there is a statement on the Technology Experience Center Website, stating that "Donation to the Center is strictly voluntary and is not contingent on and does not imply any expected benefit to the donor. Acceptance of any donated device or item by the FCC does not constitute endorsement of the device, its manufacturer, vendor, or any company offering such device." In addition, there are

<sup>6</sup> 5 USC § 3109 Employment of experts and consultants; temporary or intermittent

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brochures in the Center that donors can also take away when they bring in items for donation. The Director of the Technology Experience Center (FCC TEC) is responsible for maintaining the documentation and reporting to the Office of Managing Director (OMD) on a semi-annual basis to be included in a semi-annual report to Congress. OIG was able to confirm that the TEC was in the process of being established at the time of the Whistleblower's complaint. There were no donations of high end televisions, but the TEC was receiving I-pads from Apple and new BlackBerrys from Research in Motion both regulatees of the FCC. Documentation was available and on file with the TEC.

**Conclusion:**

Based on our investigation, including information provided by Whistleblower, OIG finds that there is lack of evidence for additional OIG investigation.

**Teleworking of FCC Employees (2)**

**Allegation:**

Misuse of telework, employees teleworking from offsite areas.

**Findings:**

Investigators were able to verify the telework agreements and locations of the employees cited by the Whistleblower. In addition, the subject employees' wages are appropriately based on the locality pay applicable to their place of residence.

**Conclusion:**

Based on our investigation, including information provided by Whistleblower, OIG finds that there is lack of evidence for additional OIG investigation.

**Financial Operations Deobligating Contracts with Modification Paperwork (1)**

**Allegation:**

Financial Operations team is deobligating<sup>7</sup> funds in a contract without modification paperwork or notifying the contracting officer (CO).

**Findings:**

<sup>7</sup> Downward adjustment of the obligations recorded in a contract document

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Investigators were unable to verify the allegations made by the Whistleblower because s/he was unable to provide specific contracts as evidence of the allegations. When asked in a follow-up interview, Whistleblower said s/he was still waiting for information.

**Conclusion:**

Based on our investigation, including information provided by Whistleblower, OIG finds that there is lack of evidence for additional OIG investigation.

**Recommendations**

Based on the above findings, we recommend that above 14 matters be closed and no further action be taken on these cases.

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Federal Communications Commission  
Office of Inspector General

## Investigative Activity Report

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| <b>Type of Activity:</b><br><input type="checkbox"/> Personal Interview<br><input type="checkbox"/> Telephone Interview<br><input checked="" type="checkbox"/> Records Review<br><input type="checkbox"/> Hotline (phone, email)<br><input type="checkbox"/> Other | <b>Location of Activity:</b><br>FCC Headquarters<br>Washington, D.C. 20554             |
| <b>Activity Date and Time:</b><br>01/30/2012   | <b>Activity Description:</b><br>Review email history previous 90 days                  |
| <b>Report Date:</b><br>11/27/2013  | <b>Conducted By:</b><br>[REDACTED], Investigator<br>[REDACTED], Investigatory Attorney |

### Subject Matter/Remarks

On September 15, 2011 an email was sent from [REDACTED] to [REDACTED] passing along information told to [REDACTED] by one of [REDACTED] employees, [REDACTED]. [REDACTED] was "venting about all the stuff that goes on in this building" referring to the FCC headquarters. [REDACTED] said that one of [REDACTED] employees, no name provided, told [REDACTED] that [REDACTED] an employee in the Consumer and Governmental Affairs Bureau (CGB) was selling "bootlegged" CDs. [REDACTED] thought that this attempt to sell the CD's was a "fairly recent event" but did not provide any additional information or specific dates.

On January 30, 2012 a review of [REDACTED]'s most recent 90 day email history was reviewed. There was no indication in the emails that would indicate that [REDACTED] was involved in selling CDs.

It is recommended that no further action be taken at this time based on the email review, the fact that [REDACTED] is no longer employed at the FCC, as well as the age of the case.

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UNITED STATES GOVERNMENT  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF INSPECTOR GENERAL



## MEMORANDUM

**DATE:** October 17, 2013

**TO:** David L. Hunt, Inspector General

**CC:** [REDACTED]

**FROM:** [REDACTED] Investigations; [REDACTED], Computer Forensics Investigator; [REDACTED], Investigator

**SUBJECT:** FCC Employee [REDACTED], Prohibited Use of Government Equipment and Time and Attendance Issues

### Background of Investigation

On March 21, 2013, FCC OIG initiated a proactive investigation of child pornography on the FCC Network (FCC OIG Case # OIG-I-13-0017). To conduct the investigation, FCC Investigators provided a comprehensive listing of child pornography keywords to contractors from the FCC's Network Security Operations Center (NSOC). The contractors used the child pornography keywords to search for contraband on the network. On April 11, 2013, FCC Investigators were advised by contractor personnel assigned to the project that the keyword search had identified Internet Browser Favorites believed to be associated with child pornography on a computer workstation (FCC Barcode [REDACTED]) assigned to [REDACTED] in the Office of the Managing Director (OMD). The browser favorites included "youngamateurs", "Young Porn", and "Topless 16." On April 12, 2013, during an examination of access control badge data, FCC Investigator [REDACTED] identified a pattern of access that appears to indicate

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[REDACTED]

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## REPORT OF INVESTIGATION (continuation sheet)

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indicate that [REDACTED] may be committing time and attendance fraud. As a result of this information an investigation was opened covering the computer misuse/potential child pornography issue as well as time and attendance fraud.

### Scope of Investigation

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

#### Interviews

- [REDACTED] (Attachment #5)
- [REDACTED] (Attachment #6)
- [REDACTED] (Attachment #7)

#### Reports/Equipment Reviewed

- Forensic examination of [REDACTED]'s FCC-issued computer (Attachment #1 Media Analysis Report)

### Findings: Prohibited Use of Government Equipment (Desktop Computer)

#### FCC Directive FCCINST 1479.4, FCC Cyber Security Program, effective May 1, 2011

Subparagraph 7.12 of FCCINST 1479.4 provides that users must:

- Read, sign indicating acceptance of, and comply with the FCC Computer System User Rules of Behavior;
- Use FCC information system resources only for authorized FCC business purposes, except as provided by the FCC's limited personal use policy;

#### FCC Cybersecurity Policy v3.1

#### Office of the Managing Director (OMD)

#### Effective Date: July 31, 2012

Paragraph 2.0.2 Broad Organizational Policies of FCC Cybersecurity Policy provides: Staff using FCC information systems or accounts must not participate in unethical, illegal or inappropriate activities such as: for-profit commercial activities, pirating software, stealing passwords, stealing credit card numbers, and

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## REPORT OF INVESTIGATION (continuation sheet)

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viewing/exchanging inappropriate written or graphic material (e.g., pornography).

Paragraph 2.11 Internet Usage of FCC Cybersecurity Policy provides that unacceptable uses of the Internet when using an FCC internet connection or account include:

- You must not use the Internet to view or download pornography.

### FCC Computer System User Rules of Behavior

Form A-201

Revised January 2006

(See Attachment #2 Rules of Behavior (ROB) signed by [REDACTED] 2/5/07)

### FCC Computer System User Rules of Behavior provides:

#### **POLICY FOR USE OF COMPUTER RESOURCES.**

As an employee or contractor of the Federal Communications Commission (FCC), you are required to be aware of, and comply with the FCC's policy on usage and security of computer resources, per OMB Circular A-130, Appendix III. Use of this system is for FCC authorized purposes only. Any other use may be misuse of Government property in violation of Federal regulations. All information in this system is subject to access by authorized FCC personnel at any time. Individual users have no privacy interest in such information.

[REDACTED], FCC OIG computer forensics investigator, identified eleven (11) image files depicting pornographic material on [REDACTED]'s FCC-issued computer. Nine (9) of the eleven (11) images were of a young woman undressing another young woman. Because of the young age of the young women appearing in this series of images, the computer forensics investigators obtained MD5 hash values<sup>1</sup> for the images and ran the hash values against hash values of known child pornography maintained by the National Center for Missing and Exploited Children (NCMEC). None of the nine (9) images are known images of child pornography according to the NCMEC database.

The computer forensics investigator also identified a series of Microsoft Office documents that appear to be Craigslist posts including posts that describe sexual activity in graphic terms and other documents that appear to be fantasy stories involving an individual named "[REDACTED]" and describing sexual activity in graphic terms. Further, the computer forensics

<sup>1</sup> An MD5 hash value is an alphanumeric string that serves to identify an individual digital file as a kind of "digital fingerprint."

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REPORT OF INVESTIGATION (continuation sheet)

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investigator found documents that contain email exchanges between a person named "████" and women with whom "████" appears to be discussing sex for money. Lastly, the computer forensics investigator discovered a large number of Internet "bookmarks" for websites that appear to contain pornography including several websites that may contain child pornography. The computer forensics investigator did not find any evidence that █████ used the FCC network to access/obtain the pornographic material or to access Craigslist. Neither did the forensic investigator find evidence that █████ was using the FCC network to distribute pornographic material. However, given the age of the material that was identified and given that the operating system on █████'s FCC issued computer has been upgraded since the material was obtained, it is possible that the FCC network was used to obtain the material and that the artifacts identifying that activity are no longer in the computer.

In an interview, █████ admitted using his FCC issued desktop for "other than official government work," including accessing personal email, searching "music stuff," and visiting adult sites. With regards to "adult sites," █████ admitted to visiting the sites frequently "depending on what's going on" and "how busy I am." In the last 2-3 months, █████ does not think █████ has visited any adult sites "because I've been busy." Prior to this time, "when things were slow" █████ would visit adult sites "about 8 hours or more a week." █████ offered that "people would say 'have you seen this site'" and send █████ an email with a link to the site. "If it's (the site) is blocked I would not go any further." █████ said █████ does not attempt to circumvent FCC internet safeguards. █████ explained that there are about 5 – 10 FCC employees in █████ immediate area in OMD FO who are exchanging such links, but █████ would not provide their names. █████ is sent links about once a week. █████ also goes to sites that █████ researches or finds "interesting." Some of the prohibited sites █████ visits are from "non-prohibited" websites like "the DMV of Virginia."

About 10 years ago, when six or seven employees shared a workspace on the 12<sup>th</sup> Street level, █████ saw an employee with adult videos and movies and asked how █████ did that. The employee said █████ "had someone help █████ set something up to get access to sites." █████ did not ask how or who could help █████ because "I thought it was wrong that █████ shouldn't be doing it." Also, █████ thought that the implication was that an IT person helped the employee set it up. █████ thought the individual might have been an intern at the time, but █████ knows it wasn't a contractor since no contractors were working in his area at that time. Again, █████ would not provide the name of this person and would not confirm if this person was still employed at the FCC. █████ admitted to using █████ home computer to access adult sites about "an hour or two (hours) a week." Because █████ and children also use the computer, █████ has set up █████ home computer to automatically delete cookies when █████ logs out.

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██████████ acknowledged that there is a banner when ██████ logs onto his FCC issued computer that advised against “using the computer for personal stuff.” In addition, ██████ said that ██████ “knew it was wrong” but continued to do it because “work was slow and I was interested in what other people and employees sent to me.” ██████ would also search for sites using Internet Explorer. ██████ stated does not use Google Chrome or Mozilla/Firefox.<sup>2</sup> ██████ was initially reluctant to acknowledge visiting the adult sites was wrong, but later in the interview agreed that it was against our (FCC) code of ethics and conduct, but that ██████ was going to these sites out of boredom.

█████ stated that █████ "cannot think of any time" that █████ viewed pictures of children without clothes on, but has viewed pictures of children with clothes on. █████ asserted that the adult web sites █████ went to "had a waiver on the bottom, the one that says that the girls in the pictures are 18 and above."<sup>3</sup> █████ did affirm that the "girls were young looking." █████ reiterated █████ would click on links sent to █████ by other employees and said "I would guess there could be some under 18."

When first asked, [REDACTED] denied ever visiting Craigslist. When asked again, [REDACTED] admitted going to Craigslist to "buy stuff, like a crib." [REDACTED] specifically asked [REDACTED] if [REDACTED] had ever visited the adult section of Craigslist. Only at this time did [REDACTED] admit to "probably" going to the adult section "about 4 or 5 years ago." [REDACTED] continued "I may have gone to the site about a year ago just because it's there." [REDACTED] said [REDACTED] never chatted or emailed

<sup>3</sup> 18 USC § 2257 – Record keeping requirements and 28 C.F.R. Part 75 CHILD PROTECTION RESTORATION AND PENALTIES ENHANCEMENT ACT OF 1990; PROTECT ACT; ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006; RECORDKEEPING AND RECORD-INSPECTION PROVISIONS

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**REPORT OF INVESTIGATION (continuation sheet)**

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anyone. In addition, [REDACTED] claimed [REDACTED] never met up with anyone from the site. [REDACTED] specifically asked [REDACTED] "are you saying that you have never exchanged emails of a sexual nature with someone on Craigslist?" [REDACTED] responded, "it escapes my memory, but it sounds plausible." [REDACTED] asserted that "it was a funny gesture, an experiment, but I never chatted with anyone." [REDACTED] confirmed that [REDACTED] never used a chat program via Craigslist but "maybe I exchanged emails."

[REDACTED] does not use any external media (thumb drive, external hard drive) to transfer documents or spreadsheets between [REDACTED] work computer and [REDACTED] home computer. At first, [REDACTED] said that [REDACTED] only emailed documents to [REDACTED], but later admitted to burning spreadsheets to CDs and transporting those back and forth.

**Findings: Time and Attendance Issues**

**5 USC § 6101 - Basic 40-hour workweek: work schedules; regulations**

(a) (1) For the purpose of this subsection, "employee" includes an employee of the government of the District of Columbia and an employee whose pay is fixed and adjusted from time to time under section 5343 or 5349 of this title, or by a wage board or similar administrative authority serving the same purpose, but does not include an employee or individual excluded from the definition of employee in section 5541 (2) of this title, except as specifically provided under this paragraph.

(3) Except when the head of an Executive agency, a military department, or of the government of the District of Columbia determines that his organization would be seriously handicapped in carrying out its functions or that costs would be substantially increased, he shall provide, with respect to each employee in his organization, that—

(A) assignments to tours of duty are scheduled in advance over periods of not less than 1 week;

(B) the basic 40-hour workweek is scheduled on 5 days, Monday through Friday when possible, and the 2 days outside the basic workweek are consecutive;

(C) the working hours in each day in the basic workweek are the same;

(D) the basic nonovertime workday may not exceed 8 hours;

(E) the occurrence of holidays may not affect the designation of the basic workweek; and

(F) breaks in working hours of more than 1 hour may not be scheduled in a basic workday.

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## REPORT OF INVESTIGATION (continuation sheet)

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### 5 USC Chapter 63, Subchapter I – Annual and Sick Leave

#### 5 USC § 6302 - General provisions

(a) The days of leave provided by this subchapter are days on which an employee would otherwise work and receive pay and are exclusive of holidays and nonworkdays established by Federal statute, Executive order, or administrative order.

According to the Federal Communications Commission's Employee Handbook, page 16, "Tours of duty will be established by the supervisor to cover an eight and one-half hour period, including lunch, and will begin between 7:00 a.m. and 10:00 a.m. and end between 3:30 p.m. and 6:30 p.m."

█████ admitted to teleworking but does not recall signing anything to formalize █████ telework arrangement. (Attachment #4 Telework Agreement for █████) █████ teleworks approximately one day a week and usually works on spreadsheets.

█████'s tour of duty is from 8am until 4:30pm. However, █████ often shows up at 8:30 or 9:00am and "works through lunch" to make up the hours. █████, █████'s supervisor said, "█████ rarely gets in at 8:00" and arrives "more likely at 10:00 or 10:30." Access Badge Data shows that █████ typically arrives between 9:30 and 11am (usually around 10/10:30 am). █████ said █████ will ask before taking leave or leaving early and then follow-up with putting the leave requests in WebTA. █████ said, "█████ and █████ have allowed █████ to leave early, work times other than █████ tour of duty, or do work after hours at home." Additionally, █████ states that █████ only leaves early about 2 times or less a week.

When interviewed █████ said █████ expects employees to work their full tour of duty (8 hours) each day. █████ stated █████ would "absolutely not" let an employee cut corners and never authorized █████ to leave early, work times other than █████ tour of duty or do work after hours at home. █████ would "never ever do that."

According to █████, █████ and █████ have an "informal arrangement" that allows █████ to come in late and put in leave slips and/or work later to make up any time owed to the government. When interviewed, █████ admitted to not knowing when █████ actually arrives or departs but has a "gut feeling" and "suspects" that █████ may not be taking the full amount of leave █████ should be taking for the time █████ is not actually at work. █████ commented "I've thought to myself, █████'s putting in leave slips but is █████ putting in enough?" (Attachment

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█████

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## REPORT OF INVESTIGATION (continuation sheet)

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#3 Access control badge data analysis Spreadsheet) [REDACTED] approves [REDACTED]'s leave in WebTA, but does not verify that [REDACTED] is in the office during the hours [REDACTED] should be.

[REDACTED] was specifically asked why our review of [REDACTED] badge data versus [REDACTED] leave data would show 189 hour shortfall, (that [REDACTED] was out of the office for 189 hours for which leave was not approved) from February 4, 2013 through August 12, 2013. [REDACTED] appeared shocked and did not think that was possible. [REDACTED] stated that "I oftentimes work at home after hours and keep a mental report of the hours I work at home." In addition, [REDACTED] said "if I'm working at home, I don't charge it." [REDACTED] could not explain what "I don't charge it" means. [REDACTED] admitted that [REDACTED] may have some "delayed reporting," but [REDACTED] usually catches up with leave requests the next day or by the end of the time period. When [REDACTED] works at home "in my mind I'm off-setting my leave." [REDACTED] explained that, if [REDACTED] does work for a couple hours in the morning and then goes to the doctor, if [REDACTED] worked the hours, [REDACTED] won't take leave. However, [REDACTED] keeps "a mind total" and "internal notes" of the extra hours [REDACTED] worked [REDACTED] suggested that [REDACTED] calendar would have the notes about [REDACTED] hours but also offered "my calendar might not even be correct." [REDACTED] insisted that [REDACTED] works at home to cover any hours that [REDACTED] hasn't worked in the building and keeps it all "mentally."

### Conclusions: Prohibited Use of FCC Owned Computer

Our investigation has established that [REDACTED] engaged in personal, extensive non-work related use of [REDACTED] FCC-issued computer in violation of FCC Directive 1479.4 and the FCC Cybersecurity Policy. [REDACTED] has admitted to visiting and viewing pornographic material and adult sites as well as possessing and writing inappropriate written graphic material.

### Conclusions: Time and Attendance Issues

Based upon the access control system badge data and [REDACTED]'s admission that [REDACTED] has arrived later and left earlier than [REDACTED] official tour of duty hours, it is reasonable to conclude the [REDACTED] has not followed the time and attendance rules relative to [REDACTED] official tour of duty. Analysis of Access Badge Data and payroll records show 152 hours for which [REDACTED] was paid but was not in the building and was not on authorized leave." NOTE: Human Resources Payroll office could not produce the Time and Attendance Records for Pay Period (PP) 02 (1/27/13 – 2/9/13) and PP03 (2/10/13 – 2/23/13). As a result, we have not included data from these pay periods in the overall calculation.

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REPORT OF INVESTIGATION (continuation sheet)

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**Recommendations**

[REDACTED]

**Attachments**

Attachment #1 Media Analysis Report, 8/7/13 (note: graphic images and language)

Attachment #2 Rules of Behavior (ROB) signed by [REDACTED] 2/5/07

Attachment #3 Access control badge data analysis spreadsheet

Attachment #4 Telework Agreement for [REDACTED]

Attachment #5 Memorandum of Interview: [REDACTED]

Attachment #6 Memorandum of Interview: [REDACTED]

Attachment #7 Memorandum of Interview: [REDACTED]

Case Number:  
OIG-I-13-0024

Case Title:

[REDACTED]

UNITED STATES GOVERNMENT  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF INSPECTOR GENERAL



# MEMORANDUM

**DATE:** January 27, 2014

**TO:** David L. Hunt, Inspector General

**CC:** [REDACTED], Deputy Inspector General

**FROM:** [REDACTED], Deputy Inspector General for Investigations, [REDACTED], Investigator,  
[REDACTED], Investigatory Attorney

**SUBJECT:** [REDACTED]

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## Background

As a result of an ongoing Office of Inspector General investigation, it was discovered that [REDACTED], a Federal Communications Commission (FCC) employee may have been "burning" and providing copies of copyrighted music to various employees at the FCC. A separate investigation was conducted to determine if [REDACTED] was (a) providing the music in violation of agency policy using government issued equipment or software, or (b) downloading music in violation of digital copyright laws.

### A. Prohibited Use of Government Equipment (Desktop Computer)

1. FCC Directive FCCINST 1479.4, FCC Cyber Security Program, effective May 1, 2011

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## REPORT OF INVESTIGATION (continuation sheet)

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Subparagraph 7.12 of FCCINST 1479.4 provides that users must:

- Read, sign indicating acceptance of, and comply with the FCC Computer System User Rules of Behavior;
- Use FCC information system resources only for authorized FCC business purposes, except as provided by the FCC's limited personal use policy

2. FCC Cybersecurity Policy v3.1, Office of the Managing Director (OMD),  
Effective Date: July 31, 2012

Paragraph 2.0.2 Broad Organizational Policies of FCC Cybersecurity Policy provides:

Staff using FCC information systems or accounts must not participate in unethical, illegal or inappropriate activities such as: for-profit commercial activities, pirating software, stealing passwords, stealing credit card numbers, and viewing/exchanging inappropriate written or graphic material (e.g., pornography).

Paragraph 2.11 Internet Usage of FCC Cybersecurity Policy provides that unacceptable uses of the Internet when using an FCC internet connection or account include:

- You must not use the Internet to view or download pornography.

3. FCC Computer System User Rules of Behavior Form A-201, Revised January 2006  
(Attachment #2 Rules of Behavior (ROB) signed by [REDACTED])

FCC Computer System User Rules of Behavior provides:

**POLICY FOR USE OF COMPUTER RESOURCES.**

As an employee or contractor of the Federal Communications Commission (FCC), you are required to be aware of, and comply with the FCC's policy on usage and security of computer resources, per OMB Circular A-130, Appendix III. Use of this system is for FCC authorized purposes only. Any other use may be misuse of Government property in violation of Federal regulations. All information in this system is subject to access by authorized FCC personnel at any time. Individual users have no privacy interest in such information.

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## REPORT OF INVESTIGATION (continuation sheet)

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### **B. Digital Millennium Copyright Act (DMCA)**

Congress enacted Title I of the Digital Millennium Copyright Act (DMCA) on October 28, 1998, with the twin goals of protecting copyrighted works from piracy and promoting electronic commerce. Congress accomplished these goals by enacting prohibitions relating to the circumvention of copyright protection systems (as set forth in 17 U.S.C. §1201), and the integrity of copyright management information (pursuant to 17 U.S.C. §1202).

### **Findings**

On October 25, 2013, in response to a request from computer forensics investigator [REDACTED], [REDACTED], ITC, provided a compact disc containing network share information for [REDACTED]. On October 28, 2013, [REDACTED] obtained a forensic image of [REDACTED]'s FCC-issued computer. On November 12, 2013, [REDACTED] provided a compact disc containing an Outlook data file for [REDACTED].

From November 19, 2013 to January 8, 2014, [REDACTED] conducted a forensic examination of the digital evidence. The examination revealed that [REDACTED] was using [REDACTED] FCC-issued computer to download MP3 music files from Amazon.

### **Conclusion**

Based on the forensic examination, no evidence was found that [REDACTED] is using [REDACTED] FCC-issued computer to illegally bootleg copyrighted material. Downloading MP3 files from Amazon is a legal method of downloading MP3 music files and thus [REDACTED] is not in violation of the DMCA. Moreover, although it appears that [REDACTED] was using [REDACTED] FCC-issued computer to download MP3 music files, ITC management stated that this activity does not violate the Commission's computer security policy.

### **Recommendations**

Based on our findings, we would recommend no further investigation into this issue at this time.

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UNITED STATES GOVERNMENT  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF INSPECTOR GENERAL

## MEMORANDUM

DATE: October 22, 2013

TO: [REDACTED] Acting Chief, Human Resources, [REDACTED] Acting Chief, Consumer  
and Governmental Affairs Bureau, [REDACTED] Chief, Office of Native Affairs and  
Policy

FROM: David L. Hunt, Inspector General *David L. Hunt* [REDACTED]

SUBJECT: [REDACTED]

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

Attachment

UNITED STATES GOVERNMENT  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF INSPECTOR GENERAL



## MEMORANDUM

DATE: October 22, 2013

TO: David L. Hunt, Inspector General

CC: [REDACTED]

FROM: [REDACTED] for Investigations; [REDACTED] Computer  
Forensics In [REDACTED] Attorney; [REDACTED] Investigator

SUBJECT: FCC Employee [REDACTED] Prohibited Use of Government Equipment and  
Time and Attendance Issues

### Background of Investigation

On March 21, 2013, FCC OIG initiated a proactive investigation of child pornography on the FCC Network (FCC OIG Case # OIG-I-13-17). To conduct the investigation, FCC Investigators provided a comprehensive listing of child pornography keywords to contractors from the FCC's Network Security Operations Center (NSOC). The contractors used the child pornography keywords to search for contraband on the network. On April 22, 2013, FCC Investigators were advised by contractor personnel assigned to the project that the keyword search had identified Internet Browser Favorites<sup>1</sup> believed to be associated with child

<sup>1</sup> The browser favorites included MEGAROTIC - The red light district of file hosting & online storage. Adults ONLY!.url, Big ass latino titiles - leenks.com.url, ANGRYBLACKGIRL FUCK THE DUMB!!!!.url, Good Booty Girls.url, Hot Curves, and Nude Girls. Fast Women...Curvelocity by Robert Fein.url

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[REDACTED]

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## REPORT OF INVESTIGATION (continuation sheet)

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pornography on a computer workstation (FCC Barcode [REDACTED]) assigned to [REDACTED] in the Consumer and Governmental Affairs Bureau (CGB).

On September 12, 2013, during an examination of access control badge data which shows that a target is present when a computer is used, FCC Investigator [REDACTED] identified a pattern of access that appears to indicate that [REDACTED] may be committing time and attendance fraud. As a result of this information an investigation was opened covering the potential child pornography issue as well as time and attendance fraud.

### **Scope of Investigation**

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

#### **Interviews**

- [REDACTED] (Attachment #4)
- [REDACTED] / [REDACTED] (Attachment #5)

#### **Reports/Equipment Reviewed**

- Forensic examination of [REDACTED]'s FCC-issued computer (Attachment #1 Media Analysis Report)
- Access Control Badge Data Analysis Spreadsheet (Attachment #3)

### **Findings: Prohibited Use of Government Equipment (Desktop Computer)**

#### **1.FCC Directive FCCINST 1479.4, FCC Cyber Security Program, effective May 1, 2011**

Subparagraph 7.12 of FCCINST 1479.4 provides that users must:

- Read, sign indicating acceptance of, and comply with the FCC Computer System User Rules of Behavior;
- Use FCC information system resources only for authorized FCC business purposes, except as provided by the FCC's limited personal use policy

#### **2. FCC Cybersecurity Policy v3.1**

#### **Office of the Managing Director (OMD)**

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## REPORT OF INVESTIGATION (continuation sheet)

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Effective Date: July 31, 2012

Paragraph 2.0.2 Broad Organizational Policies of FCC Cybersecurity Policy provides:

Staff using FCC information systems or accounts must not participate in unethical, illegal or inappropriate activities such as: for-profit commercial activities, pirating software, stealing passwords, stealing credit card numbers, and viewing/exchanging inappropriate written or graphic material (e.g., pornography).

Paragraph 2.11 Internet Usage of FCC Cybersecurity Policy provides that unacceptable uses of the Internet when using an FCC internet connection or account include:

- You must not use the Internet to view or download pornography.

### 3. FCC Computer System User Rules of Behavior

Form A-201

Revised January 2006

(Attachment #2 Rules of Behavior (ROB) signed by [REDACTED])

FCC Computer System User Rules of Behavior provides:

#### **POLICY FOR USE OF COMPUTER RESOURCES.**

As an employee or contractor of the Federal Communications Commission (FCC), you are required to be aware of, and comply with the FCC's policy on usage and security of computer resources, per OMB Circular A-130, Appendix III. Use of this system is for FCC authorized purposes only. Any other use may be misuse of Government property in violation of Federal regulations. All information in this system is subject to access by authorized FCC personnel at any time. Individual users have no privacy interest in such information.

[REDACTED], FCC OIG computer forensics investigator, identified a large volume of pornographic and inappropriate<sup>2</sup> images and video files on [REDACTED]'s FCC-issued computer. Specifically, the computer forensics investigator identified two-hundred forty eight (248), pornographic image files, one-hundred thirty five (135) inappropriate image files, twenty-two (22) pornographic video files, and thirty-one (31) inappropriate video files. The computer

<sup>2</sup> For purposes of the forensic examination, the computer forensics investigator defined inappropriate images and video as images or videos depicting scantily clad women in sexually provocative poses.

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## REPORT OF INVESTIGATION (continuation sheet)

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forensics investigator also found one (1) Adobe Acrobat document containing graphic descriptions of sexual activity and one (1) Microsoft Office document containing an inappropriate image. Further, the computer forensics investigator identified seven (7) video files depicting graphic violence. The computer forensics investigator determined that [REDACTED] used the FCC network to obtain some of the pornographic and inappropriate material.

In an interview, [REDACTED] admitted to using [REDACTED] FCC issued desktop for "other than official government work." [REDACTED] offered that [REDACTED] may have music on [REDACTED] computer, as well as pictures of videogames, cars, shoes, women in bikinis as well as "naked women, but nothing under 18 or 21." [REDACTED] admitted that [REDACTED] was getting these pictures from message boards or from Facebook pictures. These message boards also include topics related to sports and politics. [REDACTED] visits these message boards daily and thought [REDACTED] might have approximately 80 to 90 pornographic pictures. [REDACTED] informed [REDACTED] that during the computer forensic examination, 248 pornographic pictures and 22 pornographic videos were found. After additional questioning [REDACTED] ultimately admitted to downloading pictures and knowing that [REDACTED] had pornographic videos on his Commission-issued computer.

[REDACTED] stated [REDACTED] is not passing pictures to FCC or other federal employees via [REDACTED] FCC.GOV email address, nor does [REDACTED] share articles [REDACTED] finds on the message boards via [REDACTED] FCC.GOV email address or visit adult web sites. [REDACTED] admitted to using [REDACTED] FCC computer to transfer pictures from [REDACTED] phone to a Zip or thumb drive, and saved pornographic pictures and videos to [REDACTED] C:\ drive on [REDACTED] computer.

[REDACTED] offered that during the forensic examination, 7 videos of violence were found. [REDACTED] stated that [REDACTED] hasn't viewed it in a long time, "maybe 3,4, 5 years ago." [REDACTED] admitted to finding these photos on YouTube or WorldStar. [REDACTED] stated "I'm not searching for it."

### Findings: Suspected Marijuana Use

#### 1.Executive Order 12564 of September 15, 1986 Drug-Free Federal Workplace

Section 1 provides that:

- (a) Federal employees are required to refrain from the use of illegal drugs.
- (b) The use of illegal drugs by Federal employees, whether on duty or off duty, is contrary to the efficiency of the service.
- (c) Persons who use illegal drugs are not suitable for Federal employment.

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## REPORT OF INVESTIGATION (continuation sheet)

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The computer forensic examination showed both images and videos of ██████ using what the investigators believed to be marijuana. These electronically stored pictures contain metadata (imbedded electronic information that gives GPS location information regarding where images or video were accessed, information that is stored on most electronic devices to include cell phones.) Investigators were able to use the GPS location information contained in the metadata associated with the pictures and determined that the pictures were taken at ██████'s home address.

██████ admitted to using marijuana about three times a month and as recently as 2 weekends prior to the interview.<sup>3</sup> ██████ claimed to use marijuana socially and does not smoke before or at work and only at night. ██████ says "it does not run my life." ██████ purchases marijuana on a monthly basis, spending between \$10 and \$20 per month. ██████ also trades alcohol for marijuana when friends come over to ██████ apartment. ██████ was shown several still images and asked if they were from ██████ computer and ██████ said "If it's on there, I'll be held accountable. I'll take full responsibility for it." ██████ indicated that these were older pictures and videos that ██████ had on ██████ phone and ██████ was using ██████ FCC computer to transfer files to a thumb drive but "I may have forgotten about them." ██████ is aware of the government policy on drug use and admitted "if you gave me a piss test today, I would fail." ██████ does not use marijuana with FCC employees. ██████ acknowledged the pictures were "from a while back when I was young and dumb." ██████ also conceded that the videos were of ██████ and "I should not have them on my computer."

### Findings: Time and Attendance Issues

#### 1.5 USC § 6101 - Basic 40-hour workweek; work schedules; regulations

(a) (1) For the purpose of this subsection, "employee" includes an employee of the government of the District of Columbia and an employee whose pay is fixed and adjusted from time to time under section 5343 or 5349 of this title, or by a wage board or similar administrative authority serving the same purpose, but does not include an employee or individual excluded from the definition of employee in section 5541 (2) of this title, except as specifically provided under this paragraph.

(3) Except when the head of an Executive agency, a military department, or of the government of the District of Columbia determines that his organization would be seriously handicapped in carrying out its functions or that costs would be substantially increased, he shall provide, with respect to each employee in his organization, that—

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<sup>3</sup> Based on the interview date of September 18, 2013.

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## REPORT OF INVESTIGATION (continuation sheet)

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- (A) assignments to tours of duty are scheduled in advance over periods of not less than 1 week;
- (B) the basic 40-hour workweek is scheduled on 5 days, Monday through Friday when possible, and the 2 days outside the basic workweek are consecutive;
- (C) the working hours in each day in the basic workweek are the same;
- (D) the basic nonovertime workday may not exceed 8 hours;
- (E) the occurrence of holidays may not affect the designation of the basic workweek; and
- (F) breaks in working hours of more than 1 hour may not be scheduled in a basic workday.

### 2. 5 USC Chapter 63, Subchapter I – Annual and Sick Leave

#### 5 USC § 6302 - General provisions

(a) The days of leave provided by this subchapter are days on which an employee would otherwise work and receive pay and are exclusive of holidays and nonworkdays established by Federal statute, Executive order, or administrative order.

According to the Federal Communications Commission's Employee Handbook, page 16, "Tours of duty will be established by the supervisor to cover an eight and one-half hour period, including lunch, and will begin between 7:00 a.m. and 10:00 a.m. and end between 3:30 p.m. and 6:30 p.m."

██████████'s tour of duty is from 8am until 4:30pm. ██████████ does not telework or work a compressed work schedule. ██████████ admitted that ██████████ "usually gets in the office around 8-8:30 and leaves around 3:45-4:00pm." ██████████ stated that "██████████<sup>4</sup> okays me coming in 5 -10 minutes late, and ██████████ is okay if I have to leave early." ██████████ stated that if ██████████ is missing more than 2 hours of work, ██████████ would put in a leave slip, but for 30 minutes to an hour ██████████ does not.

██████████ informed ██████████'s that ██████████ badge access data from July 12, 2013 to September 11, 2013 shows that ██████████ is short by 55 hours. ██████████ stated that 4 -5 months ago ██████████ had to "duck out early" for some personal things. When ██████████ explained the time period reviewed covered two months, not just a few days in which ██████████ may have left early, ██████████ offered that "██████████ begs me to take leave." ██████████ also stated that "I have the leave to cover the hours, just take it." ██████████ showed ██████████ the spreadsheet and asked if ██████████ had any

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<sup>4</sup> ██████████, Bureau Chief, Office of Native Affairs and Policy (ONAP), Consumer and Governmental Affairs Bureau (CGB), FCC

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## REPORT OF INVESTIGATION (continuation sheet)

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explanation for the missing hours. [REDACTED] stated "it sounds about right." When initially asked how long [REDACTED] had been leaving early [REDACTED] said 3 or 4 months, however after additional questioning admitted [REDACTED] has been arriving late or leaving early for "a couple of years."<sup>5</sup>

### Conclusions: Prohibited Use of FCC Owned Computer

Our investigation has established that [REDACTED] engaged in personal, extensive non-work related use of [REDACTED] FCC-issued computer in violation of FCC Directive 1479.4 and the FCC Cybersecurity Policy. [REDACTED] has admitted to visiting and viewing pornographic material and adult sites.

### Conclusions: Suspected Marijuana Use

Our investigation established the likelihood of and [REDACTED] has in fact admitted to, marijuana use in violation of Government illegal drug use policy.

### Conclusions: Time and Attendance Issues

Based upon the access control system badge data and [REDACTED]'s admission that [REDACTED] has arrived later and left earlier than [REDACTED] official tour of duty hours, it is reasonable to conclude that [REDACTED] has not followed the time and attendance rules relative to [REDACTED] official tour of duty. Analysis of Access Badge Data and payroll records show 55 hours for which [REDACTED] was paid but was not in the building and was not on authorized leave.

### Recommendations

[REDACTED]

### Attachments

<sup>5</sup> [REDACTED] and [REDACTED] interviewed [REDACTED] on Wednesday September 18, 2013. The interview concluded at approximately 10:50am. At 11:06am on that same day, [REDACTED] completed [REDACTED] timesheet covering pay period 18, from September 8 through September 21. [REDACTED] did not account for leave on [REDACTED] timesheet, even though [REDACTED] had just admitted to investigators that [REDACTED] arrived late and left early during this time period.

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**REPORT OF INVESTIGATION (continuation sheet)**

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Attachment #1 Media Analysis Report dated 9/6/2013(**note: graphic images and language**)

Attachment #2 Rules of Behavior (ROB) signed by [REDACTED] 1/5/07

Attachment #3 Access control badge data analysis spreadsheet

Attachment #4 Memorandum of Interview: [REDACTED]

Attachment #5 Memorandum of Interview: [REDACTED]

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UNITED STATES GOVERNMENT  
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# MEMORANDUM

**DATE:** January 22, 2014

**TO:** [REDACTED], Assistant Inspector General for Investigations/Counsel to the Inspector General

**FROM:** [REDACTED] and [REDACTED], Investigatory Attorneys

**SUBJECT:** [REDACTED], FCC Employee Complaint of Violation of Hiring Practices

## Overview

On March 11, 2011, [REDACTED], a Federal Communications Commission (FCC) [REDACTED] in the Wireline Competition Bureau's (WCB) [REDACTED] ( [REDACTED] ), contacted the Office of Inspector General (OIG) to discuss an administrative grievance [REDACTED] filed with the FCC. This grievance pertained to the selection of [REDACTED] for the Consumer and Governmental Affairs Bureau's [REDACTED] position (Supervisory, [REDACTED] Vacancy Announcement (VA) Number [REDACTED] ). [REDACTED] alleged that [REDACTED] had not received a response from the Commission to [REDACTED] grievance alleging several violations of hiring practices.

## Background

On March 11, 2009 the Commission posted FCC Vacancy Announcement Number: [REDACTED] on FCC Jobs. This posting announced an opening for a [REDACTED] at the Federal Communications Commission (FCC) Consumer and Governmental Affairs Bureau (CGB) [REDACTED] ( [REDACTED] ) located at the FCC Headquarters in Washington, DC. The Pay Plan/Series/Grade was GS-[REDACTED]. The announcement restricted eligibility to current FCC employees. The Commission originally set the closing date of the vacancy announcement as March 24, 2009, however the

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Commission later extended the closing date to April 3, 2009. [REDACTED] filed [REDACTED] application via USAJobs in a timely manner before the closing of the vacancy announcement. On July 8, 2009, the Commission notified [REDACTED] that [REDACTED] was not selected for the position.

On July 29, 2009, [REDACTED] filed [REDACTED] Administrative Grievance with the Labor Relations and Performance Management Service. [REDACTED] elected to have [REDACTED] represent [REDACTED] although [REDACTED] is not a Bargaining Unit Employee. To this date, there has been no notification from the FCC Human Resources and Labor Relations to [REDACTED] or [REDACTED] as to their findings. In addition, neither [REDACTED] nor [REDACTED] has filed any additional grievances or appeals

### Investigation

OIG investigators reviewed [REDACTED]'s complaint and the FCC Personnel Manual Chapter 771 Agency Grievance Procedures. Interviewers separately interviewed with [REDACTED] and [REDACTED]. They interviewed [REDACTED]<sup>1</sup> and discussed the status of the grievance with [REDACTED]<sup>2</sup>.

### Findings

The investigation revealed that, according to Agency Grievance Procedures (Subchapter 2), an employee must file a Grievance must within 15 days after the employee becomes aware of an act or occurrence. [REDACTED] filed [REDACTED] Grievance on July 29, 2009 and the Step 1 Grievance decision was due within 10 days of that date.

According to [REDACTED], the parties agreed to an extension of the Grievance Decision deadline until August 19, 2009. However, no Step 1 Grievance Decision was issued to [REDACTED] by that date and [REDACTED] never filed any subsequent appeals. As of December 12, 2013, Human Resources and Labor Relations had not provided [REDACTED] a Grievance Decision or an explanation concerning its delay.

### Conclusion

Based on our investigation, including information provided by [REDACTED], OIG finds that there is evidence of lack of communication from Human Resources and Labor Relations regarding [REDACTED]'s Grievance. However, the Agency's Grievance Procedures provide adequate guidelines regarding the duties of employees and their representatives in the Grievance Process should they fail to receive the desired outcome of their Grievance. Under the Agency's Step 2 Grievance Procedure, [REDACTED] should have filed an appeal within 10 days of a Grievance Decision or lack thereof. [REDACTED] never filed an appeal. Accordingly, under the Agency Grievance Procedure, [REDACTED] failed to file a timely Step 2 appeal with the Bureau/Office Chief to maintain any rights in [REDACTED] Grievance. [REDACTED] abandoned [REDACTED] rights in

<sup>1</sup> Acting Chief Human Capital Officer

<sup>2</sup> Human Resource Specialist, Employee and Labor Relations

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the Grievance process by not timely filing a Step 2 Appeal.

**Recommendations**

Based on the above findings, we recommend that this matter be closed and no further action be taken on this case.

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UNITED STATES GOVERNMENT  
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## MEMORANDUM

**DATE:** November 18, 2013

**TO:** [REDACTED], Assistant Inspector General for Investigations/Counsel to the Inspector General

**FROM:** [REDACTED], Investigatory Attorney and [REDACTED], Investigator

**SUBJECT:** Investigation of Enforcement Bureau [REDACTED] Time and Attendance Issues of Former District Director [REDACTED]

On June 7, 2013, Whistleblower Agent (AGENT) from the Federal Communications Commission (FCC) called the FCC Office of Inspector General (OIG) Hotline Phone claiming "former [REDACTED] Director/Supervisor [REDACTED] was asked to step down from [REDACTED] position but was given a promotion to a GS-15." According to the whistleblower, staff in the [REDACTED] Region do not know what work [REDACTED] is performing. They maintain [REDACTED] does not come into the office. The whistleblower reported that the employees in the [REDACTED] Enforcement Bureau Office believe that [REDACTED] is only "running reports out of the Enforcement Bureau Activity Tracking System (EBATS) and is not doing substantial work. The whistleblower alleges waste of government funds and mismanagement. For the reasons explained below, we recommend that this matter be closed and no further action be taken on this case.

### Whistleblower Complaint

After an initial telephone interview with AGENT on June 7, 2013, AGENT sent a written complaint<sup>1</sup> to Investigatory Attorney [REDACTED] alleging the following:

<sup>1</sup> AGENT's written complaint contained a "request that my identity be kept anonymous and confidential."

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- On June 27, 2012, due to incompetence and unacceptably poor performance, [REDACTED] was reassigned as a manager to the [REDACTED] Region management team as an 'Electronic Engineer Advisor. This position was created for [REDACTED] and did not exist before.
- [REDACTED] was instructed not to go into the [REDACTED] Office but to appear twice a week at the [REDACTED] office.
- Employees in the [REDACTED] do not know what [REDACTED] does and believe [REDACTED] only "runs EBATS reports." EBATS is an Enforcement Bureau database. It takes little skill to 'run EBATS reports', it takes little time to 'run EBATS reports', it's not a big deal to 'run EBATS reports', other employees 'run EBATS reports', it's hard to believe that 'running EBATS reports' could be a full time job, a much lower grade such as a GS-7 or a GS-9 can 'run EBATS reports', and so on."
- [REDACTED] and [REDACTED] supervisor, the [REDACTED] Region Director, [REDACTED], had a fall-out and [REDACTED] was 'reassigned to headquarters' which is understood to mean that [REDACTED] was reassigned as a manager to the Enforcement Bureau in Washington, DC.
- [REDACTED] was promoted to GS-15.
- [REDACTED] lives in [REDACTED], has not been to the [REDACTED] office since June 2012, and hasn't been to the [REDACTED] office in months.

### Scope of Investigation

FCC OIG staff conducted interviews as detailed below:

#### Interviews

- [REDACTED] [REDACTED] Regional Director for the Enforcement Bureau (EB)
- [REDACTED] Special Advisor to the Chief of EB

### Findings

[REDACTED] began working for [REDACTED] in January 2009 as the [REDACTED] District Director (DD). [REDACTED] had previous experience in the private sector working for a telecommunications provider as a manager and as an assistant professor at [REDACTED] State University.

[REDACTED] counseled [REDACTED] about [REDACTED] performance on February 12, 2012, and acknowledged the "difficulties" in the [REDACTED]. During this conversation, [REDACTED] told [REDACTED] that this was a "3 month head's up" that [REDACTED] would have to "make substantial improvements or find another position." During this 3 month period, [REDACTED] received ongoing counseling on how to avoid conflict with employees as well as assistance on handling/assigning cases, and providing advice. [REDACTED] offered that the Bargaining Unit employees "make life miserable for the DDs to force them to leave and have a vacancy at the top so they can show they can self-manage." In addition, [REDACTED] maintained that the Bargaining Union employees often

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take information learned from EEO or FLRA hearings and use that to file additional grievances against management. [REDACTED] pointed out that the Union Employees have been unsuccessful and no violation by management has ever been proven. There have been no findings of fault against the [REDACTED] or EB staff.

On June 27, 2012, [REDACTED] met with [REDACTED] at an "offsite location" (from the [REDACTED]) in an effort to not further inflame the already contentious office situation, to discuss [REDACTED] "deteriorating performance." In particular, [REDACTED] explained that "[REDACTED] had become afraid of [REDACTED] staff and was starting to disengage from [REDACTED] management responsibilities." [REDACTED] said "the situation in [REDACTED] had become intolerable where the staff, management, and front office were unhappy. It was unfunctional." [REDACTED] reviewed [REDACTED] notes from the meeting and verbally walked through the bullet points of [REDACTED] prepared notes that [REDACTED] used in [REDACTED] conversation with [REDACTED]. The intent of the meeting was not to remove [REDACTED] from [REDACTED] position, but to offer a newly created position that "better utilized [REDACTED] strengths and removed [REDACTED] from a difficult environment." [REDACTED] explained to [REDACTED] that [REDACTED] was not being fired, but that [REDACTED] was there to present a "rehabilitation offer and voluntary reassignment." [REDACTED] explained a new position was being created for an electrical engineer responsible for working on the Enforcement Bureau Activity Tracking System (EBATS) to better manage and develop EBATS to meet EB's needs, including data analysis and mining of information already available in the database, creating and designing EBATS reports for the front office and management, and developing expertise in other databases throughout the FCC. This would be a non-supervisory position awarded at a GS-14 with promotion potential to GS-15. The candidate would report to [REDACTED] as well as work with [REDACTED], Special Advisor to the Chief, Enforcement Bureau. This position had been approved by HR, OGC, and EB management.

[REDACTED] described [REDACTED] as "relieved that [REDACTED] was not getting terminated and excited about the new opportunity which better fit [REDACTED] electrical engineering background." In addition, [REDACTED] had complained of increasing stress and health problems because of the situation in the [REDACTED] and felt that a lower stress, positive environment would help [REDACTED] out.

[REDACTED] told [REDACTED] that they would have to put [REDACTED] on Administrative Leave until July 2, 2012, when [REDACTED] would be officially transferred to [REDACTED] new position. This was extended until July 9, 2012, because the Position Description (PD) had not been approved at this time. This would be a lateral move into a new position since it was a position with a similar promotion potential to the position [REDACTED] currently was in. At first [REDACTED] would be assigned to the [REDACTED] as [REDACTED] Duty Station until the salary adjustment could be resolved in HR involving the pay differential between [REDACTED] and [REDACTED], which was closer to [REDACTED]'s home.

[REDACTED] agreed to the lateral position and returned to the [REDACTED] to gather [REDACTED] belongings. [REDACTED] only returned to the [REDACTED] one more time on a weekend in July, and then reported to the [REDACTED] Office. [REDACTED] was announced as "Acting District Director" on July 6, 2012 and [REDACTED] was transferred to [REDACTED] new position.

[REDACTED] approved a 120 day teleworking agreement with [REDACTED] that included 2-3 days a week of telework and 2 days in the [REDACTED] office. [REDACTED] told [REDACTED] that [REDACTED]

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would be able to take leave one of the 2 days that [REDACTED] was supposed to be in the office. Also, [REDACTED] was told [REDACTED] may become eligible for a "pilot program" for full time teleworking.

During the 120 days, [REDACTED] did submit assignments to [REDACTED] but also began working for [REDACTED]. [REDACTED] was not sure what [REDACTED] was doing for the EB Front Office but said "I know they were very happy with [REDACTED] work." [REDACTED] believes [REDACTED] thought [REDACTED] was "picking on [REDACTED]." [REDACTED] wasn't in constant communication with [REDACTED] and [REDACTED] did not necessarily know whether [REDACTED] was physically in the [REDACTED] office, but [REDACTED] understood that the lateral move meant [REDACTED] was also working for someone else and could be talking to them more. The teleworking agreement expired in November 2012 and [REDACTED], approved the agreement for another 120 days "so [REDACTED] would be papered." [REDACTED] approved performance awards for 2010 and 2011 but not 2012. [REDACTED] described [REDACTED] as "not happy with that." [REDACTED] believes [REDACTED] approved [REDACTED]'s timesheets through the end of 2012, but does not currently have that role. [REDACTED] did explain that [REDACTED] was never placed on a formal Performance Improvement Plan (PIP).

[REDACTED] explained that at the end of 2012, [REDACTED] received a new position description (PD) which provided for three job performance areas: 1) Responsibility for providing coding and "back-end" management of the EBATS system and to providing reports as required by EB Management, 2) Testing the EBATS after the contractor, CompuTech, had made changes in the system ([REDACTED] would test items on the Development server before CompuTech migrated the approved code to the Production server), and 3) Working with the Office of General Counsel (OGC) in reviewing bankruptcies that effect enforcement actions.

[REDACTED]'s work on testing EBATS has saved the Commission between \$3,000 and \$10,000 a month since the contractor does not have to perform the work. [REDACTED] has a background in programming SQL and has even taught programming at [REDACTED] University. [REDACTED]'s role as the system engineer better fits his skill set. [REDACTED] said [REDACTED] "would be lost without [REDACTED]," and added that [REDACTED] is "the most dedicated employee" [REDACTED] knows. [REDACTED] also believes that [REDACTED] is much happier in [REDACTED] new role.

Ever since [REDACTED] has been reporting to [REDACTED], [REDACTED] has teleworked from [REDACTED] home in [REDACTED] five days a week. [REDACTED] has never had an issue contacting or getting in touch with [REDACTED] via email or phone. They have a standing Monday meeting at 11am that [REDACTED] has never missed. [REDACTED] even works weekends and after hours to get projects done. [REDACTED] frequently emails and calls [REDACTED] to discuss projects and to provide final work products. [REDACTED] has never had to counsel [REDACTED] about [REDACTED] performance. [REDACTED] also highlighted how important [REDACTED]'s work is to both FCC Management and in preparing reports for the Hill. Finally, [REDACTED] is back-up to EB's webmaster [REDACTED] who has had a long career at the FCC. [REDACTED] hopes that if someday [REDACTED] retires, that [REDACTED] will be able to quickly fill [REDACTED] shoes because of [REDACTED] experience and ability. [REDACTED] is thrilled with [REDACTED]'s performance and said that "any question of [REDACTED]'s performance is without merit."

### Conclusion

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Based on our investigation, including the investigation conducted and information provided by EB, OIG finds there is insufficient evidence to support AGENT's claim that [REDACTED] committed waste of government funds or mismanagement.

**Recommendations**

We recommend that this matter be closed and no further action be taken on this case.

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# MEMORANDUM

TO: [REDACTED], Assistant Inspector General for Investigations/Counsel to the  
Inspector General

FROM: [REDACTED], Investigatory Attorney

DATE: January 5, 2014

SUBJECT: Investigation of Complaint by [REDACTED] and [REDACTED] against [REDACTED]  
[REDACTED]

The Office of Inspector General ("OIG") has concluded its investigation of the Commission's handling of the complaint by [REDACTED] against [REDACTED] (collectively, [REDACTED]). The long history of this matter spans 5 years and 2 OIG investigations from the filing of the complaint to the adoption of an order in 2010<sup>1</sup>. This memorandum concludes the second OIG

<sup>1</sup> *In the Matter of* [REDACTED] *Complainants, v. [REDACTED] Inc. Memorandum Opinion and Order, [REDACTED] FCC Rcd [REDACTED] (Enf. Bur. [REDACTED])* [REDACTED] alleged that the [REDACTED] violated the Telephone Consumer Protection Act of 1991, by failing to honor do-not-call requests by purportedly making multiple prohibited telephone solicitations to [REDACTED], and by failing to record properly [REDACTED] requests to be placed on the companies' do-not-call lists. The Commission found that none of the calls at issue constituted "telephone solicitations" within the meaning of section 227 of the Communications Act, and thus there was no violation of the Act or of Commission rules in connection with those calls. However, the Commission also found that the companies did not honor [REDACTED]'s requests to be placed on their do-not-call lists, and concluded that [REDACTED] violated section 64.1200(e)(2)(iii) of the Commission's rules and section 201(b) of the Act, by failing to record a company-specific do-not-call request made by [REDACTED] in September 2003.

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[REDACTED]

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MEMORANDUM (continuation sheet)

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investigation into this matter.

**Background**

On April 3, 2007, [REDACTED] ([REDACTED]) requested that OIG investigate the Commission's failure to render an opinion on a formal complaint filed by [REDACTED] against [REDACTED] on January 25, 2005. OIG conducted an investigation and submitted its findings via letter on July 24, 2007, wherein it concluded that a perceived novel legal issue and party disputes necessitated use of extensive amounts of staff time, justifying the delay. When OIG's findings were released, a resolution of the case was expected imminently and thus no further action was taken by OIG

[REDACTED], on behalf of [REDACTED], contacted OIG via email on August 4, 2009. In that email, [REDACTED] asserted that the formal complaint had not yet been resolved. [REDACTED] indicated [REDACTED] was seeking personal damages against FCC staff.

During the period during which the [REDACTED] complaint languished, there was a change in the Administration, as well as changes in EB and OIG leadership and staff.

**Findings**

OIG's second investigation into the Commission's handling of the [REDACTED] complaint commenced more than 2 years after resolution of the first investigation. The matter in dispute was resolved on April 1, 2010 whereby the FCC found that [REDACTED] did violate section 64.1200(e)(2)(iii) of the Commission's rules and section 201(b) of the Act by failing to record a company-specific do-not-call request made by [REDACTED] in September 2003. The FCC denied all other counts.<sup>2</sup> This Order was issued 63 months after [REDACTED]'s original complaint.

We conclude that progress in this case was prolonged and unduly lengthy. In the time since the conclusion of the first investigation, there were numerous periods that involved review, editing and commenting on draft orders by old and new EB staff and management, along with time spent on collaboration with other bureaus and agencies. These review periods included extended periods of time for seemingly minor edits.

Additionally, we observed instances in which Commission's decision to prioritize

<sup>2</sup> [REDACTED]

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[REDACTED]

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MEMORANDUM (continuation sheet)

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complaints subject to statutes of limitations and as well as other categories of complaints fully utilized the resources of the Enforcement Bureau as well as consumed the attentions of the Office of the Chairman. As a result, [REDACTED]'s complaint received no attention and lay dormant.<sup>3</sup> Moreover, the time necessary to resolve the complaint was affected by changes in personnel; a determination to elevate the complaint from a Bureau level decision to a Commission level decision; and a subsequent reversal of that determination.

This investigation revealed that although the [REDACTED] complaint languished for periods of time and underwent a litany of revisions both substantive and procedural, no FCC employee committed misconduct, acted maliciously or singled out [REDACTED] for unusual treatment. Although attention was given to the [REDACTED] complaint since the change in senior management of the Enforcement Bureau ("EB") in 2009, progress on this case was nevertheless lengthy and delayed.

We find that current bureau senior management, which took their positions beginning September 28, 2009, implemented changes to EB's policies and procedures to allow for prioritization and discussions with staff on items of concern and importance. Specifically, senior management of EB has indicated the need to address the timeliness concerns highlighted in this case and to make changes to policy and procedures in an effort to better prioritize and organize issues for resolution. In furtherance thereof, the EB Front Office provides management with a weekly list of "high priorities" including statute of limitation issues, pending resolution of orders, and other items for closure and comment. This list is developed with input from staff and is updated with any new activity or progress. The process is intended to provide senior management with the ability to identify important and time sensitive issues and to quickly address them in order and significance to the bureau. In addition, key players and requirements are easily identifiable and challenges are easily addressable. These "priority lists" should successfully communicate to EB management and staff items that require attention.

**Conclusion**

Unlike the statutorily mandated deadline to resolve tariff-related complaints, there is no deadline imposed on or by the Commission for resolving complaints such as [REDACTED]'s.

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<sup>3</sup> Notably, in 2006, the Commission's project for handling the numerous Telephone Consumer Protection Act ("TCPA") complaints severely affected the availability of staff to work on other matters. TCPA complaints were designated a priority and any and all staff were used on this project. EB was required to meet stringent metrics and at times it was necessary to devote all of TCD staff's time to this project. The metrics included response to 100% of the complaints within 120 days. This project continued until early 2009.

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Because there is no deadline, complaints of this nature may not be given priority and thus they are not quickly resolved. Moreover, complaints involving statute of limitation issues must be given appropriate priority. OIG believes that the complaint process should be one that will ensure that all complaints are addressed within reasonable periods of time. OIG believes that the changes in EB's processes should go a long way to seeing that all cases are, to the extent possible, handled expeditiously. We recommend that this matter be closed and no further action be taken on this case.

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