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Description of document:	Closing documents for eight (8) Equal Employment Opportunity Commission (EEOC) Inspector General (OIG) investigations, 2013-2016
Requested date:	10-February-2017
Released date:	17-October-2017
Posted date:	01-January-2018
Source of document:	FOIA Request Stephanie D. Garner, Assistant Legal Counsel, Equal Employment Opportunity Commission, Office of Legal Counsel, FOIA Programs, 131 M Street, N.E., Suite 5NW22B, Washington, D.C. 20507 Fax: (202) 653-6034 Email: <a href="mailto:foia@eeoc.gov">foia@eeoc.gov</a>

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**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Office of Legal Counsel**

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October 17, 2017

**Re: FOIA No.: 820-2017-002708**

Closed EEOC Office of Inspector General Investigations

Your Freedom of Information Act (FOIA) request, received on February 10, 2017 is processed. Our search began on March 22, 2017. The initial due date was extended by 10-business days to March 27, 2017. All agency records in creation as of March 22, 2017 are within the scope of EEOC's search for responsive records. The paragraph(s) checked below apply.

[ X ] Your request is granted in part and denied in part. Portions not released are withheld pursuant to the subsections of the FOIA indicated at the end of this letter. An attachment to this letter explains the use of these exemptions in more detail.

[ X ] You may contact the EEOC FOIA Public Liaison for further assistance or to discuss any aspect of your request. In addition, you may contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer.

The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll free 1-877-684-6448; or facsimile at (202)741-5769.

The contact information for the FOIA Public Liaison: (see contact information in the above letterhead or under signature line).

[ X ] If you are not satisfied with the response to this request, you may administratively appeal in writing. Your appeal must be postmarked or electronically transmitted in 90 days from receipt of this letter to the Office of Legal Counsel, FOIA Programs, Equal Employment Opportunity Commission, 131 M Street, NE, 5NW02E, Washington, D.C. 20507, or by fax to (202) 653-6034, or by email to [FOIA@eeoc.gov](mailto:FOIA@eeoc.gov). <https://publicportalfoiappal.eeoc.gov/palMain.aspx>. Your appeal will be governed by 29 C.F.R. § 1610.11.

Re: FOIA No.: 820-2017-002708

[ X ] See the attached Comments page for further information.

Sincerely,

*/s/Sdgarner*

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Stephanie D. Garner  
Assistant Legal Counsel  
(202) 663-4634  
[FOIA@eeoc.gov](mailto:FOIA@eeoc.gov)

Applicable Sections of the Freedom of Information Act, 5 U.S.C. § 552(b):

**Exemption Codes Used:**

Exemption (b)(3)(A)(i), (b)(6) and (b)(7)(C)

Exemption (b)(3)(A)(i), as amended by the FOIA Improvement Act of 2016, states that disclosure of information is not required for a matter specifically prohibited from disclosure by another federal statute. Title VII of the Civil Rights Act of 1964, sections 706(b) and 709(e) of Title VII provide that information pertaining to the Commission's informal endeavors to resolve a charge of unlawful employment discrimination shall not be made public. Information obtained by the EEOC in the investigation of a charge of unlawful employment practices shall not be made public by any officer or employee of the Commission. Section 107 of the Americans with Disabilities Act (ADA) adopts the confidentiality provisions of sections 706(b) and 709(e) of Title VII, GINA, section 207 of the Genetic Information Nondiscrimination Act (GINA) adopts the confidentiality provisions of sections 706(b) and 709(e) of Title VII.

**RECORDS WITHHELD PURSUANT TO THE THIRD EXEMPTION TO THE FOIA**

1. OIG Investigation (Complaint No. 14-0249) Fraudulent Acceptance of a Mediation Settlement, one charge number, was redacted.
2. OIG Investigation (Complaint No. 13-0512) Memo to Close – Possible Violation of Title 17 U.S.C. § 208, one charge number in four locations, was redacted.
3. OIG Investigation (Complaint No. 13-0832) Memo to Close – Possible Violation of Title 17 U.S.C. § 208, one charge number in three locations and one case name, were redacted.
4. OIG Investigation (Complaint No. 14-1173) Dallas Conflict of Interest, one charge number and one case name, were redacted.
5. OIG Investigation (Complaint No. 13-0061) Investigative Report Seattle Field Office, one case number, was redacted.

**Re: FOIA No.: 820-2017-002708**

Exemption (b)(6) permits withholding of information about individuals in "personnel and medical files and similar files" if its disclosure "would constitute a clearly unwarranted invasion of personal privacy." In addition to personnel records and medical files, the term "similar files" encompasses all information that "applies to a particular individual." *Dep't of State v. Washington Post Co.*, 456 U.S. 595, 599-603 (1982). This exemption requires that the privacy interests of the individual be balanced against the public interest in disclosure. *Dep't of the Air Force v. Rose*, 425 U.S. 352, 372 (1976). In examining whether there is a "public interest" in disclosure of certain information, the "public interest" must truly be in the interest of the overall public. Personal details pertaining to an individual are generally protected under this exemption.

#### **RECORDS WITHHELD PURSUANT TO THE SIXTH EXEMPTION TO THE FOIA**

1. OIG Investigation (Complaint No. 14-0249) Fraudulent Acceptance of a Mediation Settlement, personal mailing address in one location, three non-federal employees/public names, were redacted.
2. OIG Investigation (Complaint No. 13-0061) Investigative Report Seattle Field Office, thirteen non-federal employees/public names, one personal mailing address and one personal email address, were redacted
3. OIG Investigation (Complaint No. 14-0248) two non-federal employees/public names, one personal mailing address, one bank account number, one social security number, one mail tracking number

Exemption (b)(7)(C) authorizes the Commission to withhold: records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information . . . (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy . . . . The seventh exemption applies to civil and criminal investigations conducted by regulatory agencies. *Abraham & Rose, P.L.C. v. United States*, 138 F.3d 1075, 1083 (6th Cir. 1998). Release of statements and identities of witnesses and subjects of an investigation creates the potential for witness intimidation that could deter their cooperation. *National Labor Relations Board v. Robbins Tire and Rubber Co.*, 437 U.S. 214, 239 (1978). "Personal privacy" only encompasses individuals, and does not extend to the privacy interests of corporations. *FCC v. AT&T Inc.*, 131 S.Ct. 1177, 1178 (2011).

#### **RECORDS WITHHELD PURSUANT TO THE SEVENTH EXEMPTION TO THE FOIA**

1. OIG Investigation (Complaint No. 14-0249) Fraudulent Acceptance of a Mediation Settlement, one charge number, personal address in one location, four federal employee names and three non-federal employees/public names were redacted.
2. OIG Investigation (Complaint No. 13-0061) Investigative Report Seattle Field Office, two federal employee names and thirteen non-federal employees/public names were redacted
3. OIG Investigation (Complaint No. 15-0317) Complaint against Seattle Field Office, one federal employee name was redacted.
4. OIG Investigation (Complaint No. 13-0512) Memo to Close – Possible Violation of Title 17 U.S.C. § 208, one federal employee name, one charge number in 4 locations were redacted.

**Re: FOIA No.: 820-2017-00270**

5. OIG Investigation (Complaint No. 13-0832) Memo to Close – Possible Violation of Title 17 U.S.C. § 208, one charge number in three locations, one case name and two federal employee names were redacted.
6. OIG Investigation (Complaint No. 15-0201) Improper Disclosure/Misuse of Position, three federal employee names were redacted.
7. OIG Investigation (Complaint No. 14-0248) one federal employee name, one personal mailing address, one bank account number, one social security number, and one mail tracking number were redacted.
8. OIG Investigation (Complaint No. 14-1173) Dallas Conflict of Interest, four federal employee names were redacted.

**Comments**

This is in response to your Freedom of Information Act (FOIA), request. You request a copy of the final Office of Inspector General reports for the complaint numbers below. Your request is granted in part and denied in part.

OIG 14-0248-C - (4 pages)  
OIG 13-0061-C - (14 pages)  
OIG 15-0201-C - (1 page)  
OIG 14-1173-C - (2 pages)  
OIG 15-0317-C - (2 pages)  
OIG 14-0249-C - (3 pages)  
OIG 13-0512-C - (1 page)  
OIG 13-0832-C - (1 page)

For a full description of the exemption codes used please find them at the following URL:  
<https://publicportalfoiapal.eeoc.gov/palMain.aspx>

This response was prepared by Tracy L. Smalls, Government Information Specialist, who may be reached at 202-663-4331.

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
OFFICE OF INSPECTOR GENERAL**

**RECOMMENDATION TO CLOSE CASE**

**CASE: Fraudulent Acceptance of a Mediation Settlement**

**CASE NUMBER: 14-0249-C**

**AGENT: Thomas L. Spellman**

**DATE OF RECOMMENDATION: December 15, 2015**

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**BASIS FOR RECOMMENDATION TO CLOSE CASE:**

After conducting interviews with all individuals associated to this case, it is our determination there is no evidence of criminal intent by any of the parties to defraud Lowes of \$5,000 in the EEOC mediation of charge number (b)(3)(A)(i) - Title VII of the Civil Rights Act.

**STATEMENT OF ISSUES, FACTS, AND BASIS FOR OIG DISPOSITION:**

Issues:

On January 8, 2014, (b)(7)(C) a contract mediator with the EEOC conducted mediation with an individual who he believed was (b)(6),(b)(7)(C). On this date (b)(6),(b)(7)(C) and Lowe's agreed to a settlement of \$5000. Settlement terms were prepared and sent to everyone involved.

(b)(6),(b)(7)(C) emailed signed copies of the settlement agreements she received to (b)(7)(C) and mailed a W-9 tax form to Lowe's as part of the settlement. (b)(6),(b)(7)(C) provided a name change, address change and different social security number for the issuance of the check.

On January 15, 2014, Lowe's issues a check to (b)(6),(b)(7)(C) at (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) in the amount of \$5000. Lowe's mailed the check via United Parcel Service to (b)(6),(b)(7)(C). The check was received by (b)(6),(b)(7)(C) on January 27, 2014 was cashed at the "The Bank" in Jennings LA on January 30, 2014.

The New Orleans Field Office was contacted by (b)(6),(b)(7)(C) in late January 2014 questioning the status of her charge of discrimination. When (b)(6),(b)(7)(C) was told her charge had been settled, she advised that she has not had any contact with anyone from the EEOC since her charge went to ADR.



### Facts:

There is no evidence to dispute that (b)(6),(b)(7)(C) received and cashed a check for \$5,000 from Lowe's after a mediation conducted by (b)(7)(C). An interview with (b)(6),(b)(7)(C) identified that she had worked for Lowes from February 11, 2012 through May 16, 2013; this information was also supported by a search of Lowe's records by (b)(6),(b)(7)(C), who serves as counsel for Lowe's.

(b)(6),(b)(7)(C) indicated when she was contacted by (b)(7)(C) and believed it was regarding a complaint she had with Lowe's. (b)(6),(b)(7)(C) stated that she indicated to (b)(7)(C) that her name was wrong on the settlement agreement and other documents he emailed her. (b)(7)(C) advised (b)(6),(b)(7)(C) this was how her name was listed in the complaint and he was not able to change it. She should just sign the document as it was printed.

Email records obtained as part of the investigations identify a conversation between (b)(7)(C) and (b)(6),(b)(7)(C) concerning the name change for the check and the name on the W-9. The agreement for Lowe's, Confidential Settlement Agreement and Release of Claims was also signed as (b)(6),(b)(7)(C).

In an interview with (b)(7)(C), he advised that it was not his responsibility/nor is he required to properly identify the charging party in mediations for the EEOC. He does not verify birthdays for charging parties or signatures of charging parties, and he does not ask for identification from charging parties.

(b)(7)(C) conducted the mediation of this complaint telephonically from his office located in Benicia, California.

(b)(7)(C) ADR Coordinator in the Houston District Office advised that (b)(7)(C) never requested authorization to conduct this particular mediation telephonically.

(b)(7)(C) Program Manager for ADR in the Office of Field Programs advised that a contract mediator should never conduct a telephonic mediation without authorization from the district coordinator.

### Basis for Disposition:

After conducting interviews with all individuals associated to this case, it is our determination there is no evidence of criminal intent by any of the parties to defraud Lowes of \$5,000 in the EEOC mediation of charge number (b)(3),(A)(i) - Title VII of the Civil Rights Act.

- (b)(7)(C) in an effort to reduce cost in the mediation made a decision to conduct this particular mediation telephonically and failed to obtain the appropriate authorization from the ADR Coordinator for the District.
- (b)(7)(C) failed to properly identify who he was in contact with.

- (b)(7)(C) along with (b)(6),(b)(7)(C) Counsel for Lowe's, failed to recognize the indicators as to race, age and name in who they were dealing with. (b)(6),(b)(7)(C) never attempted to hide her identity from them or manipulate the process.
- New Orleans Director, (b)(7)(C) advised that Lowe's has since reached a settlement with (b)(6),(b)(7)(C).
- Based on our observations made during the interview with (b)(6),(b)(7)(C), she does not have the means to repay the settlement she received.

This appears to be a series of mistakes by the EEOC Mediation Officer, (b)(7)(C) and Lowe's Attorney, (b)(6),(b)(7)(C), in the settlement of this charge of discrimination and no criminal conduct has been noted.

It is recommended this case be closed.

**INVESTIGATIVE SUBJECT(S)**

**WITNESS (ES)**

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

(b)(6),(b)(7)(C) Counsel Lowe's  
 (b)(7)(C) Contract Mediator  
 (b)(7)(C) EEOC ADR, Houston  
 (b)(7)(C) EEOC New Orleans, Director  
 (b)(7)(C) OFP, ADR, PM

\*\*\*\*\*

I recommend this case be closed, and certify that the file(s) in this investigation contain(s) a complete chronology and all documents received during the investigation. My working copies of such documents are contained in this file, or have been destroyed, and disk files created in this matter have been deleted.

\_\_\_\_\_  
 Special Agent Date

\_\_\_\_\_  
 Counsel to the Inspector General Date

\_\_\_\_\_  
 Acting Deputy Inspector General Date

\_\_\_\_\_  
 Inspector General Date





**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Washington, D.C. 20507**

Office of  
Inspector General

February 11, 2015

Federal Bureau of Investigation  
Robert J. Shields, Special Agent in Charge  
330 E. Kilbourne Avenue Suite 600  
Milwaukee, WI 53202

Agent Shields:

The Equal Employment Opportunity Commission (EEOC), Office of Inspector General received a complaint from our Milwaukee Field Office concerning the falsification of a settlement agreement in January 2014. The settlement agreement was between (b)(7)(C) and the Department of Treasury, provided by Oasis Legal Finance.

We have conduct a preliminary investigation into the matter and determined the settlement document was presented to Oasis Legal Finance as proof of a legal settlement between (b)(7)(C) and the Department of Treasury is a forged document. The signatures of EEOC employees have been forged along with the Agency's seal on the document.

Records obtained during the preliminary investigation show Oasis Legal Finance purchased the settlement for \$35,000 in October 2012. The check issued by Oasis Legal Finance was deposited in an account at JPMorgan Chase in Madison Wisconsin. The account was registered to a (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)  
(b)(7)(C) appears to be a career criminal currently serving a sentence at Terre Haute, Federal Correction Institute.

We are forwarding this matter to your office for any action you may deem appropriate. Attached you will find all documents obtained by the OIG to support our findings.

Should you need any further assistance, please contact me at 202-663-4375.

Sincerely,

Thomas L. Spellman  
Special Agent  
EEOC Office of Inspector General  
131 M Streets NE  
Washington, DC 20507

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
OFFICE OF INSPECTOR GENERAL

Investigative Report Seattle Field Office/ (b)(7)(C)

OIG Control No. 13-0061-C

**EXECUTIVE SUMMARY**

(b)(7)(C) is an investigator for the Equal Employment Opportunity Commission in the Seattle Field Office, a position he has held since April 2007.

It has been alleged that (b)(7)(C) has misused his position, acted inappropriately with a charging party (Complaint 1); and misused his official agency credentials, and generally engaged in infamous conduct as a federal employee (Complaint 2).

**Complaint 1:**

The Office of Inspector General finds that (b)(7)(C) conduct violated *5 C.F.R. 735.203* which admonishes employees to avoid engaging in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the government: when he engaged in inappropriate conduct with a charging party in a charge of discrimination assigned to him for investigation.

(b)(7)(C) actions are documented in 72 emails between him and the charging party. Additionally, there were 91 phone calls with the charging party, and testimony from the charging party stating that these conversations involved comments of a sexual nature.

**Complaint 2:**

OIG finds that (b)(7)(C) conduct violated 18 U.S.C. §912<sup>1</sup> by impersonating a law enforcement officer on December 16, 2010, December 21, 2010, and on November 2, 2012, when he attempted to by-pass normal security procedures in the Seattle-Tacoma Airport, by stating he was traveling armed and with a prisoner in each of these three instances.

OIG finds that (b)(7)(C) violated *Title 18 U.S.C. §1001*, False Statements<sup>2</sup>, when:

<sup>1</sup> 18 U.S.C. §912 Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.

<sup>2</sup> Title 18 U.S.C. §1001, Statements or entries generally-(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
OFFICE OF INSPECTOR GENERAL

Investigative Report Seattle Field Office/ (b)(7)(C)

OIG Control No. 13-0061-C

- On December 16, 2010, (b)(7)(C) completed and signed the TSA Checkpoint Sign-In Log identifying himself as a Law Enforcement Officer (LEO) flying armed with a prisoner, (b)(6),(b)(7)(C) from Seattle to Las Vegas, NV;
- On December 21, 2010, (b)(7)(C) completed and signed the TSA Checkpoint Sign-In Log identifying himself as a LEO flying armed with a prisoner, (b)(6),(b)(7)(C) from Las Vegas to Seattle, WA.
- On November 2, 2012, (b)(7)(C) completed and signed the TSA Checkpoint Sign-In Log identifying himself as a LEO flying armed with a prisoner, (b)(6),(b)(7)(C) from Seattle to San Jose, CA; and
- On November 2, 2012, (b)(7)(C) made numerous false statements to TSA Officer (b)(6),(b)(7)(C) and TSA Officer (b)(6),(b)(7)(C) concerning the EEOC Unique Federal Agency Number (UFAN), stating he could not remember it, it had changed, and it had been a while since he had flown, indicating that he knew and implied he was authorized to use the EEOC UFAN.

The OIG finds that (b)(7)(C) conduct violated 5 C.F.R. 735.203 which admonishes employees to avoid engaging in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the government, when on November 2, 2012, (b)(7)(C) completed and signed the Alaskan Airlines Notice To Armed Individuals, and identified himself as a law enforcement officer with a low risk prisoner, (b)(6),(b)(7)(C). This instance is distinguished from the above referenced false statements because the Alaskan Airlines document is not a federal document.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
OFFICE OF INSPECTOR GENERAL

Investigative Report Seattle Field Office/ (b)(7)(C)

OIG Control No. 13-0061-C

## INTRODUCTION

The subject of this investigation, (b)(7)(C), is currently employed as a GS-1810-12 investigator assigned to the Seattle Area Office. He has been employed with the EEOC since April 15, 2007. (EX:24)

(b)(7)(C) began his civil service career with the Department of Veterans Affairs in May of 2002. In June 2003, he joined the Department of Health and Human Services and served from June 2003 to April 2007. (b)(7)(C) has 27 years of military service, with the United States Coast Guard<sup>3</sup>. (b)(7)(C) has approximately 12 years and 10 months of civilian service. (EX:24)

(b)(7)(C) resides at (b)(6),(b)(7)(C), with his domestic partner (b)(6),(b)(7)(C). (b)(6),(b)(7)(C) has a Bachelors' Degrees in Legal Administration and Business Administration both received from City University in Seattle, WA in 1982. (EX:24)

In January 2015, the OIG received allegations concerning (b)(6),(b)(7)(C). These matters concerned (b)(6),(b)(7)(C) alleged inappropriate behavior with a charging party. (Complaint 1) (EX:1)

In November 2012, the Office of Inspector General (OIG) was notified by the Seattle Field Office of the Air Marshal Service that on November 2, 2012, (b)(6),(b)(7)(C) had been detained and questioned by the San Jose Police Department officers, and a Federal Bureau of Investigations (FBI) agent for allegedly impersonating a Law Enforcement Officer (LEO) at the Seattle-Tacoma International Airport in connection with an Alaskan Airways flight that he took from Seattle, WA to San Jose, CA. OIG subsequently initiated an investigation of this matter. During the pendency of the investigation, FBI officials advised OIG that the Assistant United States Attorney had declined to prosecute the matter; therefore the FBI would not pursue criminal charges against (b)(6),(b)(7)(C). Accordingly, the OIG investigation proceeded as an administrative misconduct investigation. (Complaint 2) (EX:8)

This investigative report will deal with both the January 2015 allegations and the allegations brought to our attention in November 2012. Complaint 1 covers the most recent events, and complaint 2 will deal with the allegations of impersonation of a LEO dating 2012.

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<sup>3</sup> In 1996, (b)(6),(b)(7)(C) was court-martialed and later convicted of 11 counts of making false statements and one count of larceny. The court sentenced (b)(6),(b)(7)(C) to reduction of pay grade E-4; confinement for 1 year; and a \$5,000.00 fine. Although the conviction was appealed in 2001, the appellate court affirmed the conviction August 16, 2002. (EX:25)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
OFFICE OF INSPECTOR GENERAL

Investigative Report Seattle Field Office/ (b)(7)(C)

OIG Control No. 13-0061-C

**COMPLAINT 1-BACKGROUND**

(b)(6),(b)(7)(C) filed a discrimination complaint against the Siemens Company and Starbucks Corporation with the Seattle Field Office in February of 2012. Subsequently, an intake interview was conducted by (b)(7)(C) who later requested the charges be assigned to him. (EX:6 & 7)

In January 2015, (b)(6),(b)(7)(C) filed a complaint with the San Francisco District Office alleging that (b)(7)(C) manipulated him. According to (b)(6),(b)(7)(C) he suffers from Post Traumatic Stress Disorder (PTSD) and from a Traumatic Brain Injury (TBI) which he received while on active military duty in Iraq. (b)(6),(b)(7)(C) alleges (b)(6),(b)(7)(C) manipulated him into performing numerous sexual acts of self-stimulation while on the phone.<sup>4</sup> (EX:1)

**Complaint 1-EVIDENCE**

(b)(6),(b)(7)(C) asserted that (b)(7)(C) requested him to call on a weekly basis. It was during these weekly calls that the inappropriate communications with (b)(7)(C) occurred. A review of phone records provided by (b)(6),(b)(7)(C) revealed 91 calls between him and (b)(7)(C) during the period of May 2012 through August 2012, we're made or received on (b)(6),(b)(7)(C) phone. Eleven of those calls were made by (b)(7)(C) to (b)(6),(b)(7)(C) and 80 calls were made by (b)(6),(b)(7)(C) to (b)(7)(C) personal and office phones. Twenty-nine calls were made to (b)(7)(C) personal phone number. The calls lasted from 1 minute to a maximum of 35 minutes. (EX:5).

OIG conducted an interview with (b)(6),(b)(7)(C) on January 21, 2015 in the presence of his attorney Donna Mack. (EX:4). The following statements are attributed to (b)(7)(C) by (b)(6),(b)(7)(C):

(b)(7)(C) *"I know that everyone in your life (b)(6),(b)(7)(C) has left you, let you down, hurt you...I know that you have no idea what it means to be loved, well...I'm going to love you."* (EX:3)

(b)(7)(C) *"If you tell anyone or say anything about me taking your case because I am a Veteran also, I will fucking leave you in a heartbeat, one thing that will fuck this case up faster that shit is showing that I have a conflict of interest in this case an in loving you."* (EX:3)

(b)(7)(C) *"You and I are going to do things that you've probably never done with a man, well a man my age. I need you to trust me with everything, that includes the cock between your legs, do you understand?"* (EX:3)

<sup>4</sup> March 3, 2015, a complaint was filed in the U.S. District Court in the Western District of Washington, (b)(3)(A)(i) - Title VII of the Civil Rights Act of 1964, (b)(6),(b)(7)(C), Plaintiff v. (b)(7)(C), Defendant. (EX:26)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
OFFICE OF INSPECTOR GENERAL

Investigative Report Seattle Field Office (b)(7)(C)

OIG Control No. 13-0061-C

(b)(7)(C) *"I swear to god, if it is this hard already, I'm totally fucked with this case! If you call me Sir one more time, I will bend you over a chair and rape you with no fucking lube, do you want that?"* (EX:3)

(b)(6),(b)(7)(C) states: "(b)(7)(C) indicated he found pictures of me as a young person involved in sexual activity with people. (b)(7)(C) told me that I would not remember because I appeared to be drugged out. He spoke about images of me with men and women in my twenties, but I probably don't remember that too. It was about this time (b)(7)(C) asked me to start masturbating prior to their conversations to help with my stress. (b)(7)(C) had very specific instruction on what I was to do, if I did not follow his (b)(7)(C) rules, the case would be over." (EX: 3 & 4)

(b)(6),(b)(7)(C) states: "(b)(7)(C) advised me on one occasion that he had to go to Columbia to interview the prostitutes involving the Secret Service agents." (b)(6),(b)(7)(C) stated further that (b)(7)(C) threatens: "that if I ever disclosed this information to anyone that I (b)(6),(b)(7)(C) would get what's coming to me, giving me direct death threats." (EX:3)

According to (b)(6),(b)(7)(C) (b)(7)(C) indicated that he had connections that could help him get the "Purple Heart" for his TBI. This was discussed on many occasions. (EX:3 & 4)

(b)(7)(C) told (b)(6),(b)(7)(C) on numerous occasions, *"The hardest thing, and the best thing I do every day is Love you (b)(6),(b)(7)(C)"* (EX:3)

(b)(7)(C) told (b)(6),(b)(7)(C) that there will be what he called the final interview in his EEOC claim. He asserts that (b)(7)(C) advised him, he would serve as his attorney and stated that this day *"is going to be one of the fucking worst days of your life. I'm going to break you down and make you my bitch."* (EX:3)

(b)(6),(b)(7)(C) characterized (b)(7)(C) as stating that if he ever disclosed anything that he was told, he would be, *"fucking with his (b)(7)(C) badge, commission and right to practice law, and therefore he'd (b)(6),(b)(7)(C) be fucking with his family...and nobody fucks with his family."* (EX:3)

(b)(6),(b)(7)(C) related that after about 8 months everything just came to an end. He stated (b)(7)(C) was preparing him for this final interview. *"I spent a week preparing for this final interview, I was coming downtown, we we're final going to meet, two days prior to the interview he said it's off. (b)(7)(C) said I stuttered too much that no one would ever believe me. (b)(7)(C) said he would violate the rules and have the final interview by phone, but I should not tell anyone."* (EX:3 & 4)



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
OFFICE OF INSPECTOR GENERAL

Investigative Report Seattle Field Office

(b)(7)(C)

OIG Control No. 13-0061-C

**Emails**

Emails supplied by (b)(6),(b)(7)(C) provide more details into the type of conversations he and (b)(7)(C) engaged in.<sup>5</sup> (EX: 2)

- (b)(7)(C) Agency computer records identified 72 emails sent by (b)(7)(C) to (b)(6),(b)(7)(C) between February 2012 and August 2012. (EX:23)

An example of the email exchange dated February 23, 2012, from (b)(7)(C) ((b)(7)(C)@eeoc.gov) to (b)(6),(b)(7)(C) ((b)(6),(b)(7)(C)@gmail.com) stated: *"I swear to gawd that I am going to break you down like a shot gun...dude...the last vertiage of your virginity belongs to me...if you HAVE NOT sent the documents to DOL DO NOT...ARGUUH...how did sending stuff to DOL<sup>6</sup> get into the equation????????...oh Dude, your voice mail is full, how the hel is anyone suppose to call you, eh? ARGUUH....."* (EX: 2 & 23)

**Complaint 1-ANALYSIS & CONCLUSION**

At issue in this investigation is whether (b)(7)(C) made the alleged comments during the course of his investigation of (b)(6),(b)(7)(C) charge of discrimination.

While the veracity of (b)(6),(b)(7)(C) has not been challenged, his credibility<sup>7</sup> can be established through the consistency of his statements provided in affidavits and sworn testimony, and supported through email and phone records.

For example: The previously referenced email from (b)(7)(C) to (b)(6),(b)(7)(C) dated February 23, 2012, clearly establishes that (b)(7)(C) was profane, inappropriate, and intimidating, in communicating with (b)(6),(b)(7)(C). The emails establish that (b)(7)(C) communicated with (b)(6),(b)(7)(C) on matters unrelated to his charge of discrimination. There were several emails obtained by OIG relating to (b)(7)(C) offering his assistance in helping (b)(6),(b)(7)(C) obtain a Purple Heart for his injuries in Iraq. Finally, the volume of phone calls between (b)(6),(b)(7)(C) and (b)(7)(C), particularly the number of calls to (b)(7)(C) personnel cell phone, support perception that (b)(7)(C) was a trusted friend and related to him as a veteran.

<sup>5</sup> All emails obtained in this investigation can be found in exhibit 2 and exhibit 23.

<sup>6</sup> DOL (Washington State Department of Licensing) (EX:4)

<sup>7</sup> Credibility is dependent upon the willingness of the witness to tell the truth and upon his ability to do so. *1 McCormick on Evidence III n.1 (4<sup>th</sup> ed. 1992)*. The credibility of a witness may be attacked by any of the following methods: 1) proof of prior inconsistent statements; 2) proof of witness= bias or self-interest; 3) introduction of extrinsic evidence that contradicts the witness= testimony; 4) attack upon the character of the witness; 5) showing a defect in the witness to observe, remember or recount matters testified about.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
OFFICE OF INSPECTOR GENERAL

Investigative Report Seattle Field Office/ (b)(7)(C)

OIG Control No. 13-0061-C

(b)(7)(C) has not submitted to an OIG interview or provided any other testimonial or documentary evidence to refute (b)(6),(b)(7)(C) assertions. Despite OIG's ongoing efforts to interview (b)(7)(C), he has not made himself available for an interview.<sup>8</sup> However the OIG believes there is sufficient evidence to make a credibility determination involving (b)(7)(C)

(b)(7)(C) propensity for false and/or misleading statements undermines his credibility. For example: Complaint #2 of this report reveals (b)(7)(C) propensity for false and/or misleading statements. Documentary and testimonial evidence adduced during our review of the allegations contained in Complaint #2 discloses that his various statements were inconsistent and false (e.g., falsely stating that he was armed while attempting to board a domestic airliner; and that he was a Federal LEO escorting a prisoner whom he had in custody, etc).

A search of (b)(7)(C) computer also revealed numerous documents and resumes indicating he was a certified law enforcement officer, attorney, etc. (EX:23) Although there is no evidence to support his inference that he was in the military in 2010, in February 2010 while working for the EEOC, he emailed a friend and asserted he had "just received unexpected orders for Afghanistan," and he would not be seeing him in the foreseeable future. (EX:23)

Additionally, in 2014, (b)(7)(C) related to a charging party that he was an attorney, a war veteran and carried a badge and a gun. (EX:21) Finally, (b)(7)(C) was subjected to a court-martial

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<sup>8</sup> The OIG attempted to interview (b)(7)(C) the week of February 2<sup>nd</sup>, 2015. OIG contacted the Office of Field Programs and Seattle Management Officials requesting to interview (b)(7)(C)

At the time of our request for an interview, (b)(7)(C) submitted two statements from doctors in support of his request for 300 hours leave, but refused to file appropriate Family and Medical Leave Act documentation in support of that request.

On February 10, 2015, OIG spoke with Neil Fox, Criminal Defense Attorney, who advised he was representing (b)(7)(C) and wanted to know the nature of the interview request. Mr. Fox was advised the interview would involve the actions of (b)(7)(C) as it relates to his conduct as an employee of the EEOC. Mr. Fox was advised the matter would not be a criminal case, that the United States Attorney's Office had declined prosecution.

On February 19, 2015, OIG contacted (b)(7)(C) to request an interview and was advised by (b)(7)(C), he would submit to an interview, but we should work through his Union Representative, (b)(7)(C), to arrange the interview.

Working through (b)(7)(C) OIG arranged for an interview with (b)(7)(C) and his Union Representative for March 24, 2015.

OIG arrived in Seattle on March 23, 2015 in preparation of the interview and received notification from (b)(7)(C) via his new attorney (b)(6),(b)(7)(C), he was requesting another 60 days of medical leave effective immediately, at the request of another doctor.

(b)(7)(C) did not appear for an interview on March 24, 2015.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
OFFICE OF INSPECTOR GENERAL

Investigative Report Seattle Field Office/ (b)(7)(C)

OIG Control No. 13-0061-C

and found guilty on 11 counts of false statements in 1997, while serving in the Coast Guard.  
(EX:25)

This behavior tends to lend credence to the assertions made by (b)(6),(b)(7)(C). In sum, we credit (b)(6),(b)(7)(C) characterization of the conduct he attributes to (b)(7)(C).

The OIG finds that (b)(7)(C) conduct violated 5 C.F.R. 735.203 which admonishes employees to avoid engaging in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the government:

- when he engaged in conversations with a charging party of a sexual or otherwise inappropriate nature;
- when he misled a charging party regarding his authority;
- when he threatened a charging party;
- when he lied to a charging party;
- when he manipulated a charging party into performing self-stimulating sexual acts; and
- When he misrepresented himself as an attorney.

The OIG further finds (b)(7)(C) violated the basic obligations of public service of 5 C.F.R. 2635.101.<sup>9</sup> His actions related to the charging party are outside any acceptable ethical standard for a federal employee and the treatment is especially troubling even the fact they involved a disabled veteran who served this country. It shows a lack of judgment and his ability to maintain impartiality in carrying out his duties as an investigator. (b)(7)(C) actions with a charging party created an appearance he was violating the laws of the United States and ethical standards of employees.

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<sup>9</sup> PART 2635 — STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH  
§2635.101 Basic obligation of public service. (a) *Public service is a public trust.* Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations. (14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
OFFICE OF INSPECTOR GENERAL

Investigative Report Seattle Field Office/ (b)(7)(C)

OIG Control No. 13-0061-C

**COMPLAINT 2:- BACKGROUND**

On November 2, 2012, (b)(7)(C) along with his domestic partner flying from Seattle Washington to San Jose, CA entered the security checkpoint at the Seattle & Tacoma (SEA-TAC) airport. (b)(7)(C) signed the TSA Checkpoint Sign-In Log for those individuals flying armed. (b)(7)(C) presented his EEOC credentials to the TSA Officer along with the Alaska Airlines Notice to Armed Individuals which identified him as flying armed with a low risk prisoner, (b)(7)(C) (EX:9)

When the TSA Officer requested (b)(7)(C) provide his Unique Federal Agency Number (UFAN) (b)(7)(C) provided a number that did not match the one on file for the EEOC. (b)(7)(C) (b)(7)(C) stated the number must have been changed, and advised the TSA Officer he would use the regular security gate used by the general public. (EX:9)

The TSA Officer advised (b)(7)(C) he could not use the regular gate because he was flying armed. (b)(7)(C) indicated he would contact his partner who would bring a hard case to check the weapon into the airlines. (EX:9)

(b)(7)(C) then went through the regular security check-in at the airport, and then went to the Alaskan Airline gate where he spoke with the gate agent and advised her of his low risk prisoner. At that time, (b)(7)(C) and his "prisoner" were escorted for pre-boarding on the plane. (EX:12)

TSA Officers then confronted (b)(7)(C) on the plane and asked him to step off the plane for additional questioning. When (b)(7)(C) was questioned about flying armed, he advised the officers that he was not armed, and advised he did not understand the Alaska Airlines Flying Armed document they requested him to fill out. When questioned about the prisoner, he advised that he was just an acquaintance. (b)(7)(C) advised the TSA Officers that he was wrong for his misrepresentation and that it would not happen again. Alaskan Airlines allowed (b)(7)(C) (b)(7)(C) to continue his flight to San Jose. (EX: 9 & 10)

On arrival at the San Jose airport, (b)(7)(C) was met by a TSA Inspector and Officers with the San Jose Police Department. They conducted an interview of (b)(7)(C) at the airport. (b)(7)(C) (b)(7)(C) stated he used his agency credentials because he had packed his wallet in his checked luggage, and Alaska Airlines asked him to fill out the Flying Armed Form, but he did not fully understand the form. When questioned about the UFAN he presented in Seattle, he advised that he had not flown recently and he did not remember the current number. (EX:19)

After an FBI background search and contacting (b)(7)(C) Supervisor, (b)(7)(C) and San Francisco District Director, (b)(7)(C), it was determined that (b)(7)(C) was not a Law Enforcement Officer. After determining (b)(7)(C) had no weapon, nor did he really have a prisoner, it was determined he was not threat. (b)(7)(C) was allowed to leave the airport. (EX:19)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
OFFICE OF INSPECTOR GENERAL

Investigative Report Seattle Field Office/ (b)(7)(C)

OIG Control No. 13-0061-C

**Complaint 2-EVIDENCE**

(b)(6),(b)(7)(C) **Alaskan Airline Agent**

Agent (b)(6),(b)(7)(C) advised on Friday November 2, 2012, (b)(7)(C) checked in First Class with her, showed his official ID and told her he was escorting a prisoner. She asked if he was flying armed and alone, and (b)(7)(C) replied yes and he needed to fill the paperwork out. (EX:11)

(b)(6),(b)(7)(C) **TSA Incident Report**

(b)(6),(b)(7)(C), a Supervisory Transportation Officer in the Seattle-Tacoma airport, on November 2, 2012, at 11:15 AM, observed (b)(7)(C) filling out the Checkpoint Log for individuals flying armed. Officer (b)(6),(b)(7)(C) provided OIG with her incident report regarding her interaction with (b)(7)(C). (EX:9)

(b)(7)(C) presented his EEOC credentials and an Alaska Airlines "Notice to Armed Individuals" to Officer (b)(7)(C), which identified him as flying with a low risk prisoner, (b)(6),(b)(7)(C) (EX:9)

Officer (b)(6),(b)(7)(C) requested the UFAN from (b)(7)(C) the number he provided did not match the one on file. When advised it did not match, (b)(7)(C) advised it was correct unless it had changed in the past six months. Officer (b)(6),(b)(7)(C) advised the number changes every 6 months. (EX:9)

(b)(7)(C) indicated he would use the regular checkpoint and Officer (b)(6),(b)(7)(C) advised that he could not because he was flying armed. (b)(7)(C) stated he would call his partner to bring a hard case to check in the firearm. When Officer (b)(6),(b)(7)(C) suggested he just call his partner and get the UFAN, (b)(7)(C) replied, "it was no problem, we both have our jobs to do." (EX:9)

Officer (b)(6),(b)(7)(C) next interaction with (b)(7)(C) occurred at Gate C9 in the boarding area for Alaskan Airlines flight 324 to San Jose, CA. (b)(7)(C) indicated to her that the UFAN had changed 3 weeks ago, and thanked her for her assistance. (EX:9)

Officer (b)(6),(b)(7)(C) advised (b)(6),(b)(7)(C), Deputy Assistant Federal Security Director, of the actions taken by (b)(7)(C). (b)(6),(b)(7)(C) ordered Officer (b)(6),(b)(7)(C) and Officer (b)(6),(b)(7)(C) to remove (b)(7)(C) from the plane for interviewing. (EX:9)

(b)(6),(b)(7)(C) **Alaskan Airline Agents**

Gate agent, (b)(6),(b)(7)(C), stated that (b)(7)(C) checked in with her and indicated he had a very low risk prisoner. When pre-boarding began (b)(6),(b)(7)(C) escorted (b)(7)(C) and his prisoner down the jet way. (EX:12)



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
OFFICE OF INSPECTOR GENERAL

Investigative Report Seattle Field Office/ (b)(7)(C)

OIG Control No. 13-0061-C

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

**Statement**

(b)(6),(b)(7)(C) Deputy Assistant Federal Security Director for the Seattle & Bellingham International Airport, questioned (b)(7)(C) after he was pulled from the plane. (EX:10)

He asked (b)(7)(C) if he was attempting to bypass screening and come through the security exit. (b)(7)(C) replied, "Yes". (EX:10)

He asked (b)(7)(C) if he was attempting to bring a prisoner through the exit with him. (b)(7)(C) replied, "No." (EX:10)

He asked (b)(7)(C) who (b)(6),(b)(7)(C) was and what their relationship was? (b)(7)(C) replied, "a friend". (EX:10)

He asked (b)(7)(C) if he was attempting to bypass screening for himself and his friend. (b)(7)(C) replied, "Yes." (EX:10)

He asked (b)(7)(C) if he was flying armed. (b)(7)(C) replied, "No." (EX:10)

He asked (b)(7)(C) "didn't you tell my Supervisor at the exit you were armed?" (b)(7)(C) replied, "yes, I lied". (EX:10)

After this questioning, Alaskan Airline Officials decided to allow (b)(7)(C) to travel on to his destination.

(b)(6),(b)(7)(C) had (b)(6),(b)(7)(C) notify TSA in San Jose, CA that (b)(7)(C) was impersonating himself as a law enforcement officer. All information was forwarded to the TSA in San Jose, CA, which took the lead on the investigation at that point. (EX:10)

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

**Statement**

(b)(6),(b)(7)(C) Senior Transportation Manager for the Behavior Detection Program, accompanied Officer (b)(6),(b)(7)(C) to Gate C9 to interview (b)(7)(C) (EX:18)

Officer (b)(6),(b)(7)(C) asked (b)(7)(C) if he was flying armed. (b)(7)(C) replied, No. (EX:18)

Officer (b)(6),(b)(7)(C) asked (b)(7)(C) why he told TSA he was flying armed? (b)(7)(C) replied, "I did not understand what I was being asked". (EX:18)

Officer (b)(6),(b)(7)(C) asked (b)(7)(C) why he filled out the flying armed paperwork? (b)(7)(C) replied, "I did not know what I was being asked to fill out". (EX:18)



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
OFFICE OF INSPECTOR GENERAL

Investigative Report Seattle Field Office/ (b)(7)(C)

OIG Control No. 13-0061-C

Officer (b)(6),(b)(7)(C) advised (b)(7)(C) it stated it across the top of the paperwork in large print. (b)(7)(C) replied, "I was wrong it won't happen again". (EX:18)

Officer (b)(6),(b)(7)(C) examined (b)(7)(C) credentials and paperwork as Officer (b)(6),(b)(7)(C) photographed the items. (EX:18)

An Alaskan Airlines official indicated (b)(7)(C) could board the flight.

(b)(6),(b)(7)(C) **Statement**

(b)(6),(b)(7)(C) Transportation Security Inspector for the Transportation Security Administration in San Jose, CA, was contacted concerning a suspicious passenger, who had presented himself as a Law Enforcement Officer flying armed and transporting a prisoner, on Alaskan Airlines flight 324 arriving at Gate 27. (EX:19)

Inspector (b)(6),(b)(7)(C) accompanied by San Jose Police Officers (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) met (b)(7)(C) at Gate 27 upon arrival. (b)(7)(C) was escorted to Terminal B to be interviewed. (EX:19)

(b)(7)(C) explained that during check-in at the Seattle airport, he realized that he did not have his wallet, it was in a carry-on bag of another family member. (b)(7)(C) presented his EEOC credentials to the check-in and was given a form to fill out. (b)(7)(C) advised he did not fully understand what the form stated; he was not wearing his glasses and had trouble reading the form. When questioned about what happened in Seattle, (b)(7)(C) stated that he was asked if he was flying armed, and he replied "Right". He stated that his reply was sarcastic as he was not wearing clothing conducive to concealing a weapon. When asked about not knowing the UFAN, (b)(7)(C) indicated that he had not flown recently, so the number he remembered was not current. (EX:19)

San Jose Police Officers (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) contacted (b)(7)(C), San Francisco District Director and (b)(7)(C) Seattle Field Office Supervisory Investigator to confirm (b)(7)(C) identity and authority. (b)(6),(b)(7)(C) confirmed that (b)(7)(C) was his employee, but was not a Law Enforcement Officer; that he had no arrest authority; no authority to carry a gun in the course of his duties; and was not involved in any work that involved prisoner transport. (EX:19)

**TSA Records Search**

A record search by the Transportation Security Administration (TSA) showed a previous incident on December 16, 2010, (b)(7)(C) took flight AS606 from Seattle to Las Vegas and completed the TSA Checkpoint Sign-in Log required for armed law enforcement officials. Using his EEOC badge #1111 and credentials, (b)(7)(C) identified himself as a Federal Officer flying armed, and that he had Completed Required LEO Flying Armed Training. He

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
OFFICE OF INSPECTOR GENERAL

Investigative Report Seattle Field Office/

(b)(7)(C)

OIG Control No. 13-0061-C

further indicated that he was escorting an individual, identified as (b)(6),(b)(7)(C) (b)(7)(C) provided travel documents identified on the log as Badge, Credential, Second Photo ID, Airline Flying Armed Form, and Boarding Pass. The log contains the statement, "I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both (See 18 U.S.C. 1001)." (EX:16)

The search also revealed (b)(7)(C) committed the same act on the return flight AS601 from Las Vegas to Seattle on December 21, 2010. (b)(7)(C) completed the TSA Checkpoint Sign-in Log required for armed law enforcement officials. Using his EEOC badge #1111 and credentials, (b)(7)(C) identified himself as a Federal Officer flying armed, and that he had Completed Required LEO Flying Armed Training. He further indicated that he was escorting an individual, identified as (b)(6),(b)(7)(C). (b)(7)(C) provided travel documents identified on the log as Badge, Credential, Second Photo ID, Airline Flying Armed Form, and Boarding Pass. The log contains the statement, "I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both (See 18 U.S.C. 1001)." (EX:17)

**Complaint 2- ANALYSIS & CONCLUSION**

OIG finds that (b)(7)(C) conduct violated 18 U.S.C. §912<sup>10</sup> with intent to impersonate a law enforcement officer on December 16, 2010, December 21, 2010, and on November 2, 2012, when he attempted to by-pass normal security procedures in the Seattle-Tacoma Airport and the Las Vegas airport, in a self-serving fashion so that he and his partner would not be inconvenienced by standing in normal security lines, by stating he was traveling armed and with a prisoner in each of these three instances.

Even after being confronted regarding his law enforcement status (b)(7)(C) continued in the deception by lying to the TSA and presenting a false UFAN for the EEOC.

The deception continued after going through the normal security checkpoint, by presenting himself to Alaskan Airline personnel as a LEO with a prisoner, and was granted pre-boarding access to the plane.

(b)(7)(C) continued the ruse after being detained in San Jose by TSA and the San Jose police, when he related that he had not traveled in a while and could not recall the UFAN.<sup>11</sup>

OIG finds that (b)(7)(C) violated *Title 18 U.S.C. §1001*, False Statements, when:

- On December 16, 2010, (b)(7)(C) complete and signed the TSA Checkpoint Sign-In Log identifying himself as a LEO flying armed with a prisoner, (b)(6),(b)(7)(C) from Seattle to Las Vegas, NV; (EX:16)

<sup>11</sup> UFAN (Unique Federal Agency Number) is assigned to designated Law Enforcement entities. The only EEOC UFAN is assigned to the Office of Inspector General.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
OFFICE OF INSPECTOR GENERAL

Investigative Report Seattle Field Office/

(b)(7)(C)

OIG Control No. 13-0061-C

- On December 21, 2010, (b)(7)(C) completed and signed the TSA Checkpoint Sign-In Log identifying himself as a LEO flying armed with a prisoner, (b)(6),(b)(7)(C), from Las Vegas to Seattle, WA. (EX:17)
- On November 2, 2012, (b)(7)(C) completed and signed the TSA Checkpoint Sign-In Log identifying himself as a LEO flying armed with a prisoner, (b)(6),(b)(7)(C) from Seattle to San Jose, CA; (EX:15)
- On November 2, 2012, (b)(7)(C) made numerous false statements to TSA Officer (b)(6), (b)(7)(C) and TSA Officer (b)(6),(b)(7)(C) concerning the EEOC UFAN, stating he could not remember it, it had changed, and it had been a while since he had flown, indicating that he knew and implied that he was authorized to use the EEOC UFAN.(EX:9 & 19)

The OIG finds that (b)(7)(C) conduct violated 5 C.F.R. 735.203 which admonishes employees to avoid engaging in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the government, when on November 2, 2012, (b)(7)(C) completed and signed the Alaskan Airlines Notice To Armed Individuals, identified himself as a law enforcement officer with a low risk prisoner, (b)(6),(b)(7)(C). This instance is distinguished from the above referenced false statements because in this instance the Alaskan Airlines Notice To Armed Individuals is not a federal document. (EX:14)

In each of the above acts, (b)(7)(C) violated the statute by identifying himself as a LEO<sup>12</sup> with the EEOC, when in fact he is not employed as a certified law enforcement officer with the EEOC. He represented that he was carrying a firearm, when he was not. He also pretended to escort a prisoner, when in fact he was traveling for pleasure with his domestic partner. Furthermore he represented that he had knowledge and presumptive use of the EEOC UFAN, when in fact he did not.

### **Recommendations**

The OIG has been informed by the FBI that the Assistant United States Attorney has declined prosecution in this matter, and no further action will be taken by the FBI<sup>13</sup>.

Accordingly, OIG recommends the Seattle Field Office Management, San Francisco District Office Management, and the Office of Field Programs consult with the EEOC Office of the Chief Human Capital Officer, and the Designated Agency Ethics Official, if appropriate, before determining appropriate corrective action.

<sup>12</sup> 5 U.F.C. 550.103, Defines: Criminal Investigator 5 U.S.C 5541(3)

<sup>13</sup> Although the United States Attorney Office in San Jose has declined to prosecute this matter, the Agency is not precluded from pursuing administrative action for this offense.

28MAR2017

**15-0317-C**Other

**Complaint Summary:** Complaint received from USPS/OIG re: Complaint against Seattle Field Office Deputy Director by postal service employee

**Current Status:** CLOSED FINAL; ASSOC. WITH PRIOR INVEST. OR COMPLAINT

**Current Status Date:** 31MAR2016

**Current Status Notes:** Refer to Case #15-0192 Seattle Conflict of Interest Case

**Date Received:** 23MAR2015

**Date Initiated:** 23MAR2015

**Primary Investigator:**

(b)(7)(C)

**Other Investigators:**

**Type:** Complaint

**Subject Type:** Employee

**Special Flags:**

**Category:** Other

**Received By:** Written

**Complaint Source:** Federal Agency - Other

**Complainant Organization:** USPS

**Complainant Location:** [Other]

**Allegation Organization:** ; ;

**Allegation Location:** SEATTLE FIELD OFFICE

**Documents:**

No Data Available

**Close Actions**

Admin Action Checked Date 31MAR2016

**Techniques**                      **No Data Available**

**Admin Actions**

CLOSED W/O ACTION LETTER

31MAR2016

**Memorandum to Close (Case File: (b)(7)(C) 13-0512-C)**

**Case Agent: Lisa G. Lewis**

**Date: April 01, 2016**

On May 2, 2013, Peggy Mastroianni, EEOC (b)(7)(C) informed the (b)(7)(C) the (b)(7)(C) , Supervisory Trial Attorney, on his 2012 Confidential Financial Disclosure Form (CFDF). On said form, (b)(7)(C) indicated that he owns stock in Verizon, valued in excess of \$15,000.00 in 2012. It has since been learned that (b)(7)(C) reviewed a charge file (Charge No. (b)(3)(A)(i) - Title VII of the Civil Rights Act) involving Verizon on March 18, 2012. (b)(7)(C) reviewed the PCHP Assessment Form and concurred with the categorization of Charge No. (b)(3)(A)(i) - Title VII of the Civil Rights Act as an "A" charge. Thus, it appears (b)(7)(C) participated personally and substantially in the disposition of Charge No. (b)(3)(A)(i) - Title VII of the Civil Rights Act.

At issue in this investigation is whether the Subject violated criminal regulations by reviewing the PCHP Assessment Form and concurring with the categorization of Charge No. (b)(5) (b)(5) as an "A" charge. The regulation in question is Title 18 U.S.C. §208 Conflict of Interest, which "prohibits Government employees from participating "personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child,...has a financial interest."

During the week of August 26, 2015, OIG Special Agents interviewed (b)(7)(C) , reviewed files and relevant documentation, and interviewed relevant investigators regarding this conflict of interest allegation. During the interview with (b)(7)(C) on August 26, 2015, he stated that he inherited the stock from his mother's estate in 2010. He further stated that his Morgan Stanley financial adviser handled all of his stock transactions, and chose additional stocks for (b)(7)(C) investment. OIG Agent Lewis advised (b)(7)(C) that he needed to provide his 2012 financial statement from his investment broker. He was advised that the documentation would need to disclose the dollar value and number of shares he owned in Verizon during the period in question.

In January 2016, Agent Lewis sent a second written request to (b)(7)(C) requesting the financial statement from his financial broker regarding his Verizon stock. In February 2016, (b)(7)(C) provided his financial statements to Agent Lewis. The documentation revealed that (b)(7)(C) did not own Verizon stock, valued in excess of \$15,000.00, when he filed his 2012 CFDF.

As such, the OIG investigation is closed.



**Memorandum to Close (Case File: (b)(7)(C) 13-0832-C)**  
**Case Agent: Lisa G. Lewis**  
**Date: March 10, 2016**

On July 31, 2013, Peggy Mastroianni, EEOC (b)(7)(C), informed the OIG that a possible violation of Title 18 U.S.C. § 208, had been committed by (b)(7)(C), Regional Attorney, on his 2012 Confidential Financial Disclosure Form (CFDF). On said form, (b)(7)(C) indicated that he owns stock in Cisco Systems, valued in excess of \$15,000.00 in 2012. It has since been learned that (b)(7)(C) reviewed a charge file (Charge No. (b)(3)(A)(i) - Title VII of the Civil Rights Act - (b)(3)(A)(i) - Title VII of the Civil Rights Act) involving Cisco Systems on February 1, 2013, (which falls outside of the period covered by (b)(7)(C) 2012 CFDF). (b)(7)(C) reviewed the file's contents and concurred with the PCHP categorization of the case as a "B" during the legal review. On March 19, 2014, OLC presented the 2013 CFDF to OIG. (b)(7)(C) 2013 CFDF shows that he maintains stock in Cisco Systems in excess of \$15,000.00. Thus, it appears (b)(7)(C) participated personally and substantially in the disposition of Charge No. (b)(3)(A)(i) - Title VII of the Civil Rights Act of 19

At issue in this investigation is whether the Subject violated criminal regulations by reviewing the file's contents and concurring with the PCHP categorization of the case as a "B" during the legal review for Charge No. (b)(3)(A)(i) - Title VII of the Civil Rights Act of 19. The regulation in question, Title 18 U.S.C. §208 Conflict of Interest, "prohibits Government employees from participating "personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child,...has a financial interest."

During the week of September 3, 2015, OIG Special Agents interviewed (b)(7)(C), reviewed files and documentation, and interviewed enforcement investigators regarding the conflict of interest allegation. During the interview with (b)(7)(C) on September 3<sup>rd</sup>, he stated that he needed to review the CFDF in question, because he believed he misstated the actual amount of stock he had in Cisco Systems. Agent Lewis requested that (b)(7)(C) provide a financial statement from his stock broker regarding the actual dollar amount and number of shares he owned in Cisco Systems.

In January 2016, Agent Lewis sent a written request to (b)(7)(C) requesting the financial statement from his stock broker regarding his Cisco Systems stock. In March 2016, (b)(7)(C) forwarded his financial statement to Agent Lewis. The documentation revealed that he did not own Cisco Systems stock, valued in excess of \$15,000.00, when he filed his 2012 CFDF.

As such, the OIG investigation is closed.



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Washington, D.C. 20507**

Office of  
Inspector General

**Memorandum to the File**

Case: Improper Disclosure / Misuse of Position  
OIG #15-0201-C

Date: July 1, 2015

Prepared by: Thomas L. Spellman, Special Agent

Subject: Case Closure

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On February 4, 2015, the Office of Inspector General was contacted by the Dallas District Office Director, (b)(7)(C), regarding a breach of confidentiality by an employee in the office. An attorney, Greg Placzek, with the Rob Wiley Law Firm, advised the San Antonio Field Office Director, (b)(7)(C) of information received by the Wiley Law Firm regarding employees in the Dallas District Office.

(b)(7)(C) was requesting an immediate investigation into the release of this information.

(b)(7)(C) was immediately identified as a possible subject of this investigation due to her access to the information and her current disciplinary problems (suspension and a PIP) in the Dallas District Office.

The information sent to the Wiley Law Firm was prepared by (b)(7)(C), and was eventually found in the inbox of her office after a search was conducted.

OIG contacted the Wiley Law Firm and obtained the original documents and envelope used to mail the information and determined that the mailing occurred outside the office zip code.

OIG also conducted background checks and internet search's involving (b)(7)(C) and her actions around the time the information was sent to the Wiley Law Firm.

During this investigation (b)(7)(C) also had her laptop computer stolen on the DART (Dallas Area Rapid Transit) system.

(b)(7)(C) also engaged in a physical altercation with an employee in the Dallas District Office and was placed on administrative leave during this investigation.

On May 5, 2015, (b)(7)(C) was granted disability retirement and retired effectively May 15, 2015, prior to OIG's opportunity to interview her on this matter.

Base on the retirement of the suspect I recommend this case be closed.

Equal Employment Opportunity Commission  
Office of Inspector General  
OIG Investigation #14-0248

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**Complaint:**

On January 16, 2014 the Equal Employment Opportunity Commission (EEOC), Office of Inspector General (OIG) was contacted by (b)(7)(C), Director of the Milwaukee Area Office. (b)(7)(C) indicated that she was contacted by Nathan Polum, Attorney for Oasis Legal Finance, regarding a settlement agreement between (b)(7)(C) and the Department of Treasury.

Mr. Polum stated that Oasis Legal Finance provided pre-settlement funding in the amount of \$34,901.00, to (b)(7)(C) based on the EEOC Settlement Agreement.

(b)(7)(C) reviewed the Settlement Agreement provided by Oasis Legal Finance and determined that it was never prepared by the EEOC, and the names of the EEOC employee signatures that appear on the agreement appeared to be forged. (*Fraudulent Settlement Agreement attached*)

(b)(7)(C) advised Mr. Polum the Settlement Agreement was not issued by the EEOC, and that (b)(7)(C) had filed no charges with the EEOC.

**Background:**

On October 31, 2012, Oasis Legal Finance was contacted by Paul Bookter, Attorney for (b)(7)(C) in a discrimination matter filed with the EEOC against the Department of Treasury. Mr. Bookter purported to Oasis Legal Finance there was a \$150,000.00 settlement agreement between his client and the Department of Treasury. On this date Oasis Legal Finance agreed to purchase a portion of the settlement for \$35,000.00.

On November 1, 2012, Oasis Legal Finance issued a check for \$34,901.00 to (b)(7)(C) and sent the check via FedEx, tracking (b)(6),(b)(7)(C).

On November 2, 2012, the check was posted for deposit in J.P. Morgan Chase Bank account # (b)(6),(b)(7)(C), belonging to (b)(6),(b)(7)(C), DBA Staff on Demand, located at (b)(6),(b)(7)(C), (b)(6),(b)(7)(C), SS# (b)(6),(b)(7)(C), owner, opened the account on February 24, 2012, as a sole proprietorship.

After several attempts to contact (b)(6),(b)(7)(C) through-out 2013 with no response, Attorney Paul G. Bookter was placed Oasis Legal Finance's blacklist due to fraud payback status.

Equal Employment Opportunity Commission  
Office of Inspector General  
OIG Investigation #14-0248

Oasis Legal Finance received a call on November 18, 2013, from Paul Bookter who advised he worked as a (b)(6),(b)(7)(C) teacher at Green Bay West High School in Wisconsin. He advised he was a member of the state bar in Wisconsin but has chosen not to practice law. Mr. Bookter stated he had no involvement in the (b)(7)(C) v. Department of Treasury case and if there is anything with his signature on it, is a forgery.

**Findings:**

The OIG requested a copy of all documentation in the purchase of the settlement agreement from Oasis Legal Finance. *(All Documents and emails attached)*

Oasis Legal Finance provided OIG with the copy of the check issued to (b)(6),(b)(7)(C) in July 2014. After obtaining this information the OIG issued a subpoena for records from JPMorgan Chase Bank on the cashing of the check issued by Oasis Legal Finance. *(JPMorgan Chase Records Attached)*

JPMorgan Chase provided the information on the cashing of the check issued to (b)(7)(C) in October 2014.

**Suspect:**

Based on the records provided by JPMorgan Chase, a suspect was identified as (b)(6),(b)(7)(C) aka (b)(6),(b)(7)(C); aka (b)(6),(b)(7)(C), aka (b)(6),(b)(7)(C), with addresses in Athens Tennessee, Madison Wisconsin, Middleton Wisconsin, Terre Haute, Indiana.

Records obtained from PACER on (b)(6),(b)(7)(C) indicate a criminal background in Mail Fraud; False Statements; False Claims; Bank Fraud; Passport Fraud; Aggravated Identity Theft.

(b)(6),(b)(7)(C) is a career criminal from a Tennessee and a gay lifestyle. In the late 90's, (b)(6),(b)(7)(C) discovered major security flaws in the payroll systems of large corporations and used a Trojan program to steal data from corporate websites, then submit payroll request to staffing agencies, either in his own name or someone else's. In 1999, he was arrested and found guilty, where he received 8 years.

While serving his prison sentence (b)(6),(b)(7)(C) filed a bogus tax return claiming a \$17,155 refund the IRS actually paid. The following year (b)(6),(b)(7)(C) filed for a \$1.2 million return, complete with forged letters on charity letterhead acknowledging enormous contributions. The IRS caught him this time.

Equal Employment Opportunity Commission  
Office of Inspector General  
OIG Investigation #14-0248

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(b)(6),(b)(7)(C) began Supervised Release in the Western District of Wisconsin in May 27, 2010.

On July 17, 2012, a Petition for Warrant for (b)(6),(b)(7)(C) was submitted to the Court of the Western District of Wisconsin, for failing to report for employment, traveling outside the district, failure to report for required meetings, and failing to submit monthly reports. A warrant was issued of July 18, 2012.

(b)(6),(b)(7)(C) was arrested on new charges in the Eastern District of Tennessee on March 27, 2013. On June 5, 2013, (b)(6),(b)(7)(C) pled guilty to false statements in his application for a passport and aggravated identity theft. He was sentenced to a total term of 33 months.

Records indicate (b)(6),(b)(7)(C) is currently serving his sentence in the Terre Haute FCI and is scheduled for release on September 6, 2016. *(All records attached)*

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
OFFICE OF INSPECTOR GENERAL**

**RECOMMENDATION TO CLOSE CASE**

**CASE:** Dallas Conflict of Interest – (b)(7)(C)

**CASE NUMBER:** 14-1173-C

**AGENT:** Thomas L. Spellman

**DATE OF RECOMMENDATION:** July 15, 2015

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**BASIS FOR RECOMMENDATION TO CLOSE CASE:**

Title 18 U.S.C. §208 requires an individual to have substantial participation in a particular matter, however this provision was not intended to prohibit an employee's involvement in purely ministerial or procedural acts. Accordingly, the regulations interpreting the meaning of substantiality expressly exclude such minor activities. A finding requires more than official responsibility, knowledge, perfunctory involvement, or involvement on administrative or peripheral issues.

OIG finds that (b)(7)(C) signatory action on the Certification/Attestation of Records, as the Custodian of Records for the Dallas District Office, was purely an administrative action.

Accordingly, there is no violation of 18 U.S.C. §208.

**STATEMENT OF ISSUES, FACTS, AND BASIS FOR OIG DISPOSITION:**

On September 16, 2014, the Office of Legal Counsel forwarded a matter for investigation consistent with 28 U.S.C. §535. A review of the Public Financial Disclosure Report in June 2014 identified (b)(7)(C), Director, Dallas District Office as an employee who may have taken an official action in a matter involving an entity in which she had a financial interest.

A review of the charge of discrimination # (b)(3):(A)(i) - Title VII of the Civil Rights Act of 1964, (b)(3):ADA, (b)(3):GINA, (b)(7)(C), identified three documents with (b)(7)(C) signature. The documents in question are two Freedom of Information Act disclosure letters and one Certification/Attestation of Records certificate.

File records indicate the charging party had representation of counsel throughout the process. A signed drafted charge was not received until August 7, 2013. After a failed mediation process the file was forwarded to (b)(7)(C) for assignment. Prior to the assignment for investigation the charging party's attorney requested a Right-to-Sue. The



Right-to-Sue was issued on March 5, 2014 by Investigator, (b)(7)(C) effectively closing the charge of discrimination.

The charging party's attorney filed a FOIA (Freedom of Information Act) request on March 12, 2014 and filed a civil action with the U.S. District Court in Dallas on March 17, 2014. A second FOIA was received on April 3, 2014 by the respondent in (b)(3)(A)(i) - Title VII of the Civil Rights Act of 1964, (b)(3):ADA, (b)(3):GINA (b)(7)(C)

All FOIA request in the Dallas District Office is processed by (b)(7)(C)

In the processing of this and all FOIA request, (b)(7)(C) independently prepares the request for documents without supervision or direction. After she has completed these FOIA packages (b)(7)(C) drafted the FOIA response letters and apply (b)(7)(C) signature in an electronic format.

The Respondent in this matter requested a Certification/Attestation of Records, which requires the Custodian of Records for the Dallas District Office, (b)(7)(C) to sign. The certification was then notarized by (b)(7)(C)

The action taken in this matter by (b)(7)(C) was in her official capacity as Custodian of Records in the Dallas District Office. There was no substantial participation by (b)(7)(C) in this charge of discrimination.

**INVESTIGATIVE SUBJECT(S)**

**WITNESS (ES)**

(b)(7)(C) District Director

(b)(7)(C)

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I recommend this case be closed, and certify that the file(s) in this investigation contain(s) a complete chronology and all documents received during the investigation. My working copies of such documents are contained in this file, or have been destroyed, and disk files created in this matter have been deleted.

\_\_\_\_\_  
Special Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Counsel to the Inspector General

\_\_\_\_\_  
Date

\_\_\_\_\_  
Deputy Inspector General

\_\_\_\_\_  
Date

\_\_\_\_\_  
Inspector General

\_\_\_\_\_  
Date

