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Source of document: FOIA Officer
Office of General Counsel
Office of Inspector General
U.S. Department of State
1700 North Moore Street
Suite 1400
Arlington, VA 22209
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Subject: OIG Freedom of Information Act Request No. 17-00064 – First Interim Response

This is an interim response to your Freedom of Information Act (FOIA) request to the Department of State (DOS) Office of Information Programs and Systems (IPS), dated May 14, 2017. You seek copies of the reports of investigation for the following investigations: (2010093, C2011030, C2011057, C2011092, C2013003, C2013023, C2014046, C2014057, C2015005, C2015010, C2015018, C2015053, C2015058, C2015063, C2015075, C2015079, C2015114, C2015120, C2016033, C2016034, C2016035, C2016036, C2016048, C2016061. IPS referred your request to the DOS Office of Inspector General (OIG) for processing and direct response to you. OIG received that referral on May 16, 2017.

In response to your request we conducted a search in OIG’s Office of Investigations. Our search indicated that the reports of investigation for investigation numbers (2010093 and C2015114 were part of a grand jury proceeding. Thus, we are unable to provide you with copies of those records pursuant to Exemption 3 of the FOIA. Further information about this withholding is provided below.

Additionally, please be advised that the report of investigation for investigation number C2015120 contains information of interest to another entity. As such, we can respond regarding that record only after consulting with that entity regarding their information. 22 C.F.R. § 171.11(m)(1). Once that record is processed, we will provide you with the releasable portions.

Enclosed are 89 pages of records responsive to your request. We reviewed the records under the FOIA to determine whether they may be disclosed to you. Based on that review, this office is providing the following:

2 page(s) are released in full;
87 page(s) are released in part.

OIG redacted from the enclosed documents, names and identifying information of third parties to protect the identities of those individuals. Absent a Privacy Act waiver, the release of such
information concerning the third parties named in these records would result in an unwarranted invasion of personal privacy in violation of the Privacy Act. Information is also protected from disclosure pursuant to Exemptions 3, 5, 6 and 7(C) of the FOIA further discussed below.

Exemption 3, 5 U.S.C. § 552(b)(3)

Exemption 3 protects “information specifically exempted from disclosure by [another] statute.” 5 U.S.C. § 552 (b)(3). In this instance Rule 6(e) of the Federal Rules of Criminal Procedure, Pub. L. No. 95-78, 91 Stat. 319, exempts from disclosure material pertaining to a grand jury. Therefore, OIG is withholding the reports of investigation for investigation numbers C2010093 and C2015114.

Exemption 5, 5 U.S.C. § 552(b)(5)

Exemption 5 of the FOIA protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” 5 U.S.C. § 552(b)(5). DOS-OIG is invoking the deliberative process privilege of Exemption 5 to protect deliberative information.

Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6)(emphasis added). DOS-OIG is invoking Exemption 6 to protect the names of lower level investigative staff, third parties, subjects and any information that could reasonably be expected to identify such individuals.

Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes . . . [if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C). DOS-OIG is invoking Exemption 7(C) to protect the names of lower level investigative staff, third parties, subjects and any information contained in these investigative records that could reasonably be expected to identify those individuals.

Appeal

Because processing is not yet complete for this request, we ask that you defer any appeals until we have completed our production of records. You do, however, have the right to appeal this
response. Your appeal must be received within 90 calendar days of the date of this letter. Please address any appeal to:

Applies Officer  
Appeals Review Panel  
Office of Information Programs and Services  
U.S. Department of State  
State Annex 2 (SA-2)  
515 22nd Street, NW  
Washington, DC 20522-8100  
Facsimile: 202-261-8571

Both the envelope and letter of appeal should be clearly marked, “Freedom of Information Act/Privacy Act Appeal.” Your appeal letter should also clearly identify the DOS-OIG’s response. Additional information on submitting an appeal is set forth in the DOS regulations at 22 C.F.R. § 171.13. DOS-OIG will provide you with another response as it pertains to the record which is in consultation with another entity.

Assistance and Dispute Resolution Services

You may contact DOS-OIG’s FOIA Public Liaison at foia@stateoig.gov for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration 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, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Stephanie L.K. Fox  
FOIA Officer

Enclosures

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1 For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.
You are advised this report is derived from the INL Law Enforcement Recording Index, a system of records subject to the provisions of the Privacy Act of 1974. Consequently, this report may be disclosed only to appropriate DOS personnel for their official use.

The foregoing is provided for whatever action you deem appropriate. Within 30 days of this report, please furnish, to the agent whose contact information appears below, the results of any administrative action(s) or management decision(s) made in this matter by executing the attached Disposition Report subsequent to management's final decision in the matter.

This report is intended for the addressee, only. Please review the protective markings on this report, which restrict its duplication or forwarding. If this report or any part of it is to be duplicated or forwarded, INL must be notified prior to transmittal. Please destroy this report in accordance with 5 FAM 430, Records Disposition and Other Information. If your agency is not subject to 5 FAM 430, please destroy this report in accordance with your agency’s records disposition policy.

Should you have any questions or require additional information, please telephone:
Special Agent-in-Charge Robert Smolich at (703) 284-###

OIG Doc 01
This memorandum presents the findings and/or reason for closure regarding the above captioned matter.

BASIS FOR INVESTIGATION
This case was initiated on February 8, 2011, based upon a complaint from [redacted], alleging that Atlantic Diving Supply, Inc. (ADS), a BGD subcontractor, knowingly provided 18,000 pairs of substandard military-type boots on a Department contract to outfit Somali Transitional Federal Government (STFG) troops. On September 27, 2007, the prime contractor, DynCorp International LLC (DynCorp), was awarded contract order SAQMM07F2529. On February 22, 2010, DynCorp was awarded a $1,015,554 contract modification to provide 18,000 pairs of "Mil Spec" boots to the STFG. DynCorp subcontracted the boot order to Africa Skies Limited, who subcontracted the order to BGD, who then subcontracted the order to ADS.

ALLEGED VIOLATIONS
31 U.S.C. 3729 – Civil False Claims

SUMMARY
The investigation determined that ADS provided and shipped substandard boots to the STFG troops, as alleged. Investigation revealed there were differences in BGD's and ADS' understanding of the type and quality of boot required, which resulted in civil litigation between the two companies. In June, 2010, DynCorp, as prime contractor, accepted responsibility for providing substandard boots and recalled all 18,000 pairs except for approximately 2,000 pairs that were already distributed to the STFG troops. In December, 2011, DynCorp, at no cost to the Department, shipped 18,000 pairs of boots to replace the substandard ones previously supplied.
PROSECUTORIAL COORDINATION
CASE NUMBER: C2011-057

CASE TYPE: Final Report of Investigation

DATE REPORTED: April 8, 2011

INVESTIGATED BY: SA

SUBJECT(S):

1. Office of Inspector General, Department of State;
   [4 FAM 455: U.S. Government Purchase Card Uses and Oversight (Substantiated)]; [Worldwide Purchase Card Program Manual (Substantiated)]; [FAR Part 8: Required Sources (Substantiated)]; [FAR Part 13.003: Simplified Acquisitions Procedures (Substantiated)]; [18 USC 286: Conspiracy (Insufficient)]; [41 USC 2102: Prohibition on Disclosing Procurement Information (Insufficient)]

2. Office of Inspector General, Department of State;
   [4 FAM 455: U.S. Government Purchase Card Uses and Oversight (Substantiated)]; [Worldwide Purchase Card Program Manual, (Substantiated)]; [FAR Part 8: Required Sources (Substantiated)]; [FAR Part 13.003: Simplified Acquisitions Procedures (Substantiated)]; [18 USC 1001: False Statements (Substantiated)]; [18 USC 286: Conspiracy (Insufficient)]; [41 USC 2102: Prohibition on Disclosing Procurement Information (Insufficient)]

3. Office of Inspector General, Department of State;
   [4 FAM 455: U.S. Government Purchase Card Uses and Oversight (Substantiated)]

4. Office of Inspector General, Department of State;
   [4 FAM 455: U.S. Government Purchase Card Uses and Oversight (Insufficient)]

5. Office of Inspector General, Department of State;
   [Worldwide Purchase Card Program Manual (Substantiated)]; [FAR Part 8: Required Sources (Substantiated)]; [FAR Part 13.003: Simplified Acquisitions Procedures (Substantiated)]
6. Office of Inspector General, Department of State; [Worldwide Purchase Card Program Manual (Substantiated)]; [FAR Part 8: Required Sources (Substantiated)]; [FAR Part 13.003: Simplified Acquisitions Procedures (Substantiated)]

7. Office of Inspector General, Department of State; [4 FAM 455: U.S. Government Purchase Card Uses and Oversight (Substantiated)]

9. Office of Inspector General, Department of State; [4 FAM 455: U.S. Government Purchase Card Uses and Oversight (Substantiated)]; [2 FAM 020: Management Controls (Substantiated)]

10. Office of Acquisitions Management, Department of State; [FAR Subpart 8.405-6: Limiting sources (Substantiated)]; [FAR Subpart 4.8: Government Contract Files (Substantiated)]

11. Office of Acquisitions Management, Department of State; [FAR Subpart 8.405-6: Limiting sources (Substantiated)]

12. [18 USC 286: Conspiracy (Insufficient)]; [41 USC 2102: Prohibition on Disclosing Procurement Information (Insufficient)]

13. [18 USC 201: Bribery (Insufficient)]; [41 USC 2102: Prohibition on Disclosing and obtaining Procurement Information (Insufficient)]

14. NELLO WALL SYSTEMS; 6685 Santa Barbara Road Suite A Elkridge, MD 21075; [18 USC 201: Bribery (Insufficient)]; [41 USC 2102: Prohibition on Disclosing and obtaining Procurement Information (Insufficient)]

15. [18 USC 201: Bribery (Insufficient)]; [18 USC 286: Conspiracy (Insufficient)]; [41 USC 2102: Prohibition on Disclosing and obtaining Procurement Information (Insufficient)]

16. GRIFF ENTERPRISES; 6111 A Old Branch, Camp Springs, MD 20748; [18 USC 201: Bribery (Insufficient)]; [41 USC 2102: Prohibition on Disclosing and obtaining Procurement Information

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**WARNING**

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17. [18 USC 201: Bribery (Insufficient)]; [18 USC 286: Conspiracy (Insufficient)]

18. BROOKS ELECTRICAL CONTRACTOR & ASSOCIATES; 3026 Seventh St., SE, Washington, D.C. 20032; [18 USC 201: Bribery (Insufficient)]; [18 USC 286: Conspiracy (Insufficient)]

VICTIM(S):
U.S. Department of State, Office of Inspector General, Arlington, VA [4 FAM 455: U.S. Government Purchase Card Uses and Oversight (Substantiated)]; [FAR Subpart 8: Required Sources (Substantiated)]; [FAR Subpart 13.003: Simplified Acquisitions Procedures (Substantiated)]; [18 USC 1001: False Statements (Substantiated)]; [FAR Part 4.8: Government Contract Files (Substantiated)]; [FAR Subpart 8.405-6: Limiting sources (Substantiated)]; [18 USC 286: Conspiracy (Insufficient)]; [18 USC 201: Bribery (Insufficient)]; [41 USC 2102: Prohibition on Disclosing Procurement Information (Insufficient)]

BASIS FOR INVESTIGATION:
This investigation was initiated on April 18, 2011 based on information received from a Confidential Source that alleged he/she observed several instances of potential irregularities involving OIG/EX/AO (AO) contracting. Specifically, the Source alleged that contracts to procure office furniture and improvement services were steered by AO staff to a contract company owned by a friend of [redacted]. Additionally, the Source alleged [redacted] directed AO staff to cover up the activity of steering contracts to friends.

From January 2008 to September 2010, with the support of U.S. Department of State (DOS) Office of Acquisitions Management (AQM), AO awarded seven contracts valued at $1,073,178.90 to Nello Wall Systems, using Griff Enterprises as their installer, for office and modular furniture.

DEVELOPED ALLEGATION:
During the course of the investigation, AO purchase card expenditures were reviewed for the period May 2008 to August 2011. The review disclosed that [redacted], inappropriately used a Government Purchase Card (GPC) to purchase goods and services from Griff Enterprises that were directly related to the existing contracts instead of completing appropriate contract modifications. The review also disclosed multiple instances of violations of GPC policies by several AO staff members. Also, during this investigation it was revealed that AO staff, specifically, [redacted] may have had personal relationships with vendors, specifically, [redacted], who were the beneficiaries of multiple AO procurements.

CONCLUSION:
Investigation established by a preponderance of evidence that [redacted] violated 4 FAM 455, U.S. Government Purchase Card Uses and Oversight, when she
failed to obtain required approvals prior to purchasing goods and services with a GPC; when she did not maintain complete and accurate GPC records; and when she made purchases of recurring services without approval from the Bureau of Administration, Office of Operations (A/OPR), without seeking another contract vehicle. [Redacted] also violated FAR Part 8, Required Sources of Supplies and Services, when she failed to satisfy the requirements from the sources listed prior to making open market purchases from commercial vendors, and without documenting a justification or waiver for doing so. Additionally, [Redacted] violated FAR Part 13.003, Simplified Acquisition Procedures, when she split requirements to stay under her $3,000 per transaction limit.

One hundred and eleven of [Redacted] purchase card transactions, all from May 2008 to August 2011, were examined. All 111 transactions violated FAR Part 8. Additionally, 100 of the transactions violated 4 FAM 455 and FAR Part 13.003. In March 2010, [Redacted] completed PA 297, Purchase Card Self-Certification, through the Foreign Service Institute (FSI). [Redacted] also completed training for purchase card certification through the Bureau of Administration in August 2005, February 2008 and March 2010. [Redacted] originally completed a Cardholder application in April 2008 and was issued a GPC. On January 24, 2013, [Redacted] was interviewed and stated as part of her duties she was assigned a government purchase card.

The investigation also determined by a preponderance of the evidence that [Redacted] violated 18 USC 1001 (making a materially false, fictitious, or fraudulent statement or representations during the course of an official interview). [Redacted] was interviewed on January 24, 2013, and when asked specifically whether or not [Redacted] from Brooks Electrical, performed any work at her home, she stated "No." (Agent Note: OIG purchased services from [Redacted] of Brooks Electrical from January 2009 thru September 2010). [Redacted] was then presented with an e-mail between herself and [Redacted] discussing work to be performed at her home including the replacement of a switch on her HVAC system. After reviewing the e-mail, [Redacted] stated that [Redacted] did look at her HVAC system and told her she needed a new switch, but he did not replace the switch or perform any work. [Redacted] stated that [Redacted] recommended someone else to perform the repairs, but she could not recall who [Redacted] recommended. On February 13, 2013, [Redacted] Brooks Electrical Contractor & Associates was interviewed and stated that on three separate occasions he completed repairs at [Redacted] residence, including the HVAC system. [Redacted] provided investigators an invoice for those repairs.

Investigation established by a preponderance of the evidence that [Redacted] violated 4 FAM 455, FAR Part 8, FAR Part 13.003 when she, as a properly designated Approving Official, failed to review all cardholder monthly purchases and failed to ensure [Redacted] complied with applicable GPC policies. [Redacted] failed to require [Redacted] to use the Ariba database to create and document purchase requests, and allowed [Redacted] to split requirements to avoid exceeding her $3,000 purchase limit.

The investigation examined 110 purchases in which [Redacted] acted as the Approving Official. All 110 purchases violated FAR Part 8. Additionally, of the 110 purchases, 99 also violated 4 FAM 455 and FAR Part 13.003. On February 4, 2013, [Redacted] was interviewed and stated that she was [Redacted], was authorized to have a GPC, and she reviewed [Redacted] purchase card files on a monthly basis. In March 2010, [Redacted] completed PA 297, Purchase Card Self-Certification, through FSI. [Redacted] also completed training for purchase card certification through the Bureau of Administration in June 2006, January 2008 and March 2010.
The investigation established by a preponderance of the evidence that [redacted] as a properly designated GPC Approving Official, violated 4 FAM 455 when he failed to ensure [redacted] maintained complete and accurate GPC records and that she complied with all applicable GPC policies and procedures. [Redacted] was November 2010 credit card statement which contained 15 purchase card transactions, one of which included a purchase for carpet cleaning that was made without appropriate approvals and violated the Required Sources Rule. As the approving official, [redacted] certified the statement as accurate and complete, failing to have identified the flawed transaction. Although serving in an acting capacity as the approving official, [redacted] was designated to serve in that position via Delegation of Authority Memorandum, dated [redacted] signed by [redacted] signed the memorandum on [redacted] Additionally, [redacted] completed the required training to act in that capacity, PA-297, Purchase Card Self Certification, on [redacted] was interviewed on March 14, 2013, and admitted to approving the purchase card statement.

The investigation established by preponderance of the evidence that [redacted] as a properly designated GPC holder, violated 4 FAM 455 when she failed to maintain complete and accurate GPC records and failed to have an approving official review and approve the Purchase Card Buying Log. [Redacted] is also in violation of FAR Part 8 for failing to satisfy this requirement from the Required Sources List without a justification or waiver to do so. [Redacted] GPC was used to purchase services from Brooks Electrical on October 16, 2009, without documenting a justification for not utilizing the services of an electrician from the required services list prior to selecting [redacted]. [Redacted] was [redacted] the Department of State, Office of Inspector General, in [redacted] and was not interviewed during the course of this investigation.

The investigation could neither prove nor disprove that [redacted] violated 4 FAM 455 when he acted as an Approving Official and failed to ensure [redacted] maintained complete and accurate records, and failed to ensure she followed the Required Sources Rule. The investigation revealed that [redacted] was not a properly designated GPC Approving Official as required by 4 FAM 455.2, which defines an Approving Official as an individual who must be officially designated in the GPC program through a written delegation memorandum. The investigation determined that [redacted] was not issued a GPC Delegation of Authority Memorandum and did not have the proper training in order to act as an Approving Official. On August 5, 2013, [redacted] was interviewed and stated he was not aware that in order to act as an Approving Official he needed to be delegated as such. [Redacted] also stated he was not aware of the responsibilities of an Approving Official.

The investigation established by a preponderance of the evidence that [redacted] as a properly designated GPC holder, violated 4 FAM 455 when he failed to enter a GPC purchase request into Ariba. [Redacted] also violated FAR Part 8 when he failed to utilize the Required Sources List without justification or waiver. On January 23, 2009, [redacted] purchased a Dynex 26" television from Best Buy utilizing his assigned GPC. No purchase request or receipt was located for the transaction in Ariba or the GPC files. The Purchase Card Buying Log and Citibank Card Statement were signed by [redacted] and [redacted] On September 13, 2012, INV requested the missing documentation from [redacted] On November 28, 2012, [redacted] provided the receipt and an e-mail approval for the purchase. The e-mail was dated January 21, 2009, and was authored by [redacted]. On March 18, 2013, [redacted] was interviewed and affirmed that he purchased the television utilizing his GPC. [Redacted] received his initial purchase card training on June 25, 2007 and completed his
refresher training on April 1, 2010.

The investigation established by a preponderance of the evidence that [redacted] as a properly designated GPC Approving Official, violated 4 FAM 455 when he failed to ensure [redacted] maintained complete and accurate records and that [redacted] complied with applicable GPC policies. [redacted] was the GPC Approving Official for the January 23, 2009 purchase of the television made by [redacted] which did not have appropriate documentation. [redacted] signed the Purchase Card Buying Log and the Citibank card statement for that purchase. [redacted] was designated to serve in the position as approving official via Delegation of Authority Memorandum, dated [redacted] signed by [redacted].

Additionally, [redacted] completed the required training to act in that capacity on [redacted]. On March 14, 2013, [redacted] was interviewed and admitted to signing the Government Purchase Card Statement and the Purchase Card Buying Log that included the purchase of the television. [redacted] stated he was familiar with the Required Sources Rule but that he believed the television was purchased for a visually impaired employee and that it’s not unusual to make an exception of the Required Sources Rule before making a purchase for that kind of purpose.

The investigation could neither prove or disprove that [redacted] violated 4 FAM 455 when he acted as an Approving Official and failed to ensure [redacted] maintained complete and accurate records and failed to ensure she followed the Required Sources Rule. The investigation revealed that [redacted] was not a properly designated GPC Approving Official as required by 4 FAM 455.2, which defines an Approving Official as an individual who must be officially designated in the GPC program through a written delegation memorandum. The investigation determined that [redacted] was not issued a GPC Delegation of Authority Memorandum and did not have the proper training in order to act as an Approving Official. On August 6, 2013, [redacted] was interviewed and stated he does not recall receiving a Delegation of Authority Memorandum from either [redacted] or from [redacted].

The investigation established by a preponderance of the evidence that [redacted] violated 4 FAM 455 when he failed to perform the required annual GPC reviews for fiscal years 2008 through 2012. Further investigation established by a preponderance of evidence that [redacted] violated 2 FAM 020 (Management Controls) when he failed to manage the OIG GPC program in a responsible manner and consistent with the Federal Managers' Financial Integrity Act (FMFIA). As the Executive Director, Office of the Executive Director, OIG, from October 2009 to February 2013, [redacted] was the designated GPC Program Coordinator with responsibility for oversight of the entire OIG program. The responsibility included oversight of all GPC cardholders, approving officials and designated billing officials activities. The Delegation of Authority Memorandum issued to and signed by [redacted] specifically states that the Program Coordinator position cannot be re-delegated. [redacted] was designated to serve in the position as Program Coordinator via Bureau of Administration Delegation of Authority Memorandum signed by [redacted] on February 17, 2010. Additionally, on February 16, 2010, [redacted] completed the required GPC training, PA-297 - Purchase Card Self Certification. This investigation concluded that the entire OIG GPC program was mismanaged and vulnerable to fraud, waste and abuse. This was evidenced by the fact that required GPC delegations were not made; employees who were acting as GPC Approval Officials did not receive required GPC training; GPC records were not properly maintained; numerous GPC purchases were conducted improperly; purchase card approvals
were not obtained; and oversight was not present at any level of the program. On May 8, 2013, [redacted] was interviewed and stated that he was unfamiliar with the required documents used to complete the annual GPC review and that he did not recall ever completing the review or signing the required DS-4108 “Certification of Completion of Purchase Card Annual Review.” He also stated he did not recall maintaining the annual GPC review records for the required three years. Additionally, on August 9, 2013, a follow-up interview was conducted with [redacted] who stated the GPC program was not his primary focus and he was aware there were problems with the program. He stated he did not review employee records and that the GPC program did not receive the management interest it deserved and that he should have paid more attention to it.

Investigation did not prove or disprove that [redacted] conspired with, or disclosed procurement information to contractors who were awarded contracts for goods or services. A thorough investigation, to include review of e-mail, contracts, financial and business records and interviews with employees and contractors, did not develop a preponderance of evidence to support these allegations.

Investigation established by a preponderance of evidence that [redacted] violated FAR Subpart 4.801 when he failed to maintain complete and accurate contract files for contracts SAQMMA09F2406 (F2406) and SAQMMA09F2880 (F2880). During both interviews, [redacted] was interviewed on August 2, 2011, and again on July 1, 2013. During both interviews, [redacted] admitted that he did not maintain complete and accurate contract files for F2406 and F2880. A review of contract files relating to F2406 and F2880, along with a review of the DOS Global Financial Management System (GFMS), determined that [redacted] did not document his justification to award Nello Wall Systems contracts F2406 and F2880 after they were determined to be the highest bidder. As a result, DOS paid $18,464.06 more on contract F2406; and $74,699.43 more on contract F2880 by failing to consider a lower bidder.

Investigation established by a preponderance of evidence that [redacted] and [redacted] violated FAR Subpart 8.405-6 when they failed to ensure the Brand Name Only justifications, which they approved for SAQMMA10F4883 (F4883) and SAQMMA10F4945 (F4945), met the condition of being essential to the Government’s requirements, or that no other product could meet or modified to meet the agency’s needs. The investigation revealed that the Brand Name Only justifications used for contracts F4883 and F4945 were identical and were both based on Nello Wall Systems design or capabilities so that new cubicles and furniture matched existing OIG furnishings. However, the Brand Name Only justifications did not meet the needs of contract F4883 as the renovation involved the complete removal and replacement of carpet and furnishings in the AO Office Suite. Additionally, the need for soundproofing “to support OIG’s investigative need for privacy” was unwarranted based on the fact that AO does not conduct investigations.

[redacted] and [redacted] certified that the Brand Name Only justifications applied to contracts F4883 and F4945 by signing them on September 28, 2010. The contracts were awarded on September 27, 2010. FAR 8.405-6(3)(i)(B) requires the Brand Name Only justification be posted on GSA e-buy as an attachment to the Request for Quotation (RFQ). The RFQ was posted on August 26, 2010. During their respective interviews, [redacted] and [redacted] both stated they reviewed the Brand Name Only justification prior to being posted to GSA e-buy, but then later admitted they couldn’t be certain that the reviews had been completed.

STATUS:

On January 11, 2013, [redacted], Assistant United States Attorney, Eastern District of Virginia, was
briefed on the investigative results as they related to [REDACTED] and [REDACTED]. AUSA [REDACTED] declined to prosecute, in lieu of administrative action.

On March 25, 2013, DS/SI/PSS concurred with a revocation of the Top Secret security clearances for [REDACTED] and [REDACTED].

On April 26, 2013, during a settlement conference, [REDACTED] agreed to retire in lieu of administrative action effective [REDACTED].

On [REDACTED] was terminated.

On [REDACTED] was terminated.

On [REDACTED] retired from DOS.

On [REDACTED] was terminated.

ATTACHED EXHIBITS:

1. Information Record Form (IRF) - Interview of CS-1 on April 8, 2011, prepared by SAC Brian Rubendall
2. IRF - Review of OIG/EX Purchase Card Transactions, March 4, 2013, prepared by SA [REDACTED]
3. IRF - Interview of [REDACTED] on March 14, 2013, prepared by SA [REDACTED]
4. IRF - Review of Training Records on March 4, 2013, prepared by SA [REDACTED]
5. IRF - Interview of [REDACTED] on March 18, 2013, prepared by SA [REDACTED]
6. IRF - Interview of [REDACTED] on March 14, 2013, prepared by SA [REDACTED]
7. IRF - Interview of [REDACTED] on March 18, 2013, prepared by SA [REDACTED]
8. IRF - Interview of [REDACTED] on August 6, 2013, prepared by SA [REDACTED]
9. IRF - Interview of [REDACTED] on March 14, 2013, prepared by SA [REDACTED]
10. IRF - Interview of [REDACTED] on August 5, 2013, prepared by SA [REDACTED]
11. IRF - Interview of [REDACTED] on May 8, 2013, prepared by SA [REDACTED]
12. IRF - Interview of [REDACTED] on August 9, 2013, prepared by SA [REDACTED]
13. IRF - Interview of [REDACTED] and [REDACTED] on May 1, 2013, prepared by SA [REDACTED]
14. IRF - Interview of [REDACTED] on November 14, 2012, prepared by SA
15. IRF - Interview of [REDACTED] on July 1, 2013, prepared by SA
16. IRF - Interview of [REDACTED] on December 18, 2012, prepared by SA
17. IRF - Interview of [REDACTED] on July 2, 2013, prepared by SA
18. IRF - Interview of [REDACTED] on November 8, 2012, prepared by SA
19. IRF - Interview of [REDACTED] on November 16, 2012, prepared by SA
20. IRF - Record of Conversation with [REDACTED] and [REDACTED] on April 26, 2013, prepared by SA
21. IRF - Interview of [REDACTED] on April 27, 2011, prepared by SA
22. IRF - Interview of [REDACTED] on June 26, 2012, prepared by SA
23. IRF - Interview of [REDACTED] on April 21, 2011, prepared by SA
24. IRF - Interview of [REDACTED] on April 22, 2011, prepared by SA
25. IRF - Interview of [REDACTED] on February 15, 2012, prepared by SA
26. IRF - Interview of [REDACTED] on September 17, 2012, prepared by SA (without attachments).
29. IRF - Interview of [REDACTED], dated February 13, 2013, prepared by SA (without attachments).
30. IRF - Interview of [REDACTED], dated January 24, 2013, prepared by SA (without attachments).
31. IRF - Interview of [REDACTED], dated February 4, 2013, prepared by ASAC (without attachments).


UNATTACHED EXHIBITS: (In OIG/INV case file.)

38. DOS contract SAQMMA-08-F3488 - Awarded 1/25/2008; $15,887.34


40. DOS contract SAQMMA-09-F2880 - Awarded 8/26/2009; $154,297.84

41. DOS contract SAQMMA-09-F4066 - Awarded 9/24/2009; $10,133.44

42. DOS contract SAQMMA-10-F2653 - Awarded 7/23/2010; $34,106.40

43. DOS contract SAQMMA-10-F4883 - Awarded 9/27/2010; 450,116.59

44. DOS contract SAQMMA-10-F494 - Awarded 9/27/2010; $360,760.09

45. FedBid results for DOS contract SAQMMA-10-F2653

46. Attachments (3) for IRF - Interview of [redacted] on September 17, 2012, prepared by SA [redacted], #26 above.

47. Attachments (4) for IRF - Review of Training Records, dated August 21, 2012, prepared by SA [redacted], #27 above.

48. Attachments (2) for IRF - Review of the Training Records of [redacted] and [redacted], dated November 26, 2012, prepared by SA [redacted], #28 above.

49. Attachments (1) for IRF - Interview of [redacted], dated February 13, 2013, prepared by SA [redacted], #29 above.
50. Attachments (8) for IRF - Interview of [redacted], dated January 24, 2013, prepared by SA [redacted], #30 above.

51. Attachments (5) for IRF - Interview of [redacted], dated February 4, 2013, prepared by ASAC [redacted], #31 above.


53. Attachments (20) for IRF - Review of Television Purchases, dated August 21, 2012, prepared by SA [redacted], #33 above.

54. Attachments (27) for IRF - Review of Purchase Card Charges for Electrical Services, dated October 4, 2012, prepared by SA [redacted], #34 above.

55. Attachments (17) for IRF - Review of Purchase Card Charges for Painting Services, dated October 25, 2012, prepared by SA [redacted], #35 above.

56. Attachments (53) for IRF - Review of Purchase Card Charges for Office Furniture and Cubicle Panels, dated December 17, 2012, prepared by SA [redacted], #36 above.

Report Prepared By:

Report Approved By:

Special Agent in Charge

Distribution:
OIG/OGC; HR/ER; A/LM/AQM (Cathy Read); A/OPR (Corey Rindner)

Use these buttons to add attachments to this PDF form

WARNING
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CASE NUMBER: C2011-0092

CASE TYPE: Final Report of Investigation

DATE/TIME REPORTED: August 29, 2011 5:00 PM

INVESTIGATED BY: SA

DATE/TIME/LOCATIONS OF OCCURRENCES:
Unknown; July 20, 2009 to April 21, 2012; U.S. Embassy

SUBJECT(S):

VICTIM(S):
BASIS FOR INVESTIGATION:

On August 29, 2011 an investigation was initiated based upon information received from an anonymous source alleging that a U.S. Embassy (Embassy) staff of the U.S. Department of State (DOS), had misused a Government Owned Vehicle (GOV), misused his Embassy issued Taxi Card, as well as solicited and accepted gifts; including concert tickets and artwork.

CONCLUSIONS:

The investigation determined that violated 6 FAM 1931.2(a) - Restrictions on the Use of U.S. Government Vehicles, 5 C.F.R. Part 2635§704 - Use of Government property, and 5 C.F.R. Part 2635§705(b) - Use of official time, when he used his GOV and driver for his own personal use to run errands and transport personal guests, as well as for other non-official purposes. Overall, misused his GOV and driver on approximately 42 occasions, 25 of which he admitted to using the GOV under the defense of "Post Practices." The investigation did not find any written or verbal authorizations to support his defense of "Post Practices" which according to would have allowed him to use the GOV in the manner he did. The current and former Post officials stated that they have never heard of "Post Practice" use of a GOV knew the rules governing GOV use because he initialed Management Notice Tri Missions, Number: 10-122, Dated July 15, 2010. In addition, in order to use the GOV for Home-to-Office (HTO) he received a letter from dated September 16, 2009, authorizing "home-to-office transportation and transportation for official purposes. The investigation also determined that violated 6 FAM 1931.2(h) (2) - Documentation, when he failed to properly sign the OF-108, Daily Vehicle Use Record approximately 111 times. Within the OF-108, failed to properly document which trips were HTO transportation approximately 522 times. Improper documentation of his HTO use on the OF-118 resulted in a $464.40 loss in Embassy funds because he was not charged correctly for each one way trip (Each one way trip is charged at $2.70).

The investigation determined that violated Title 18 USC § 641 - Theft, and C.F.R. Part 2635§704 - Use of Government property, when he, on 29 occasions, used an Embassy issued Taxi Card for personal use. The amount of Government Funds used for personal use totaled $685.00.

The investigation determined that violated 2 FAM 962.1-2 - Gifts of Cash, Goods and Services, and 5 C.F.R. Part 2635§ 702 - Use of office for private gain when he accepted a painting for his residence from without approval from Under Secretary for Management. The artwork was valued at approximately $13,706. also accepted six loaned paintings from his official position. He further used his official position for the private gain of when he organized and hosted an official representational event, when in fact, the event was meant to promote artwork. No other American Artist were given the opportunity to display their artwork at . Two months after receiving the art, gave a character reference for for the Condominium Association.

The investigation determined that violated 3 FAM 3240 - Representational Allowances, when he misused $1,100.26 of representational funds for a September 22, 2010, art exhibition at his residence for
(mentioned above).

violated 5 C.F.R. Part 2635§702 - Use of office for private gain, when he misused his position and Government resources by using his subordinate’s official time to solicit tickets for non-official events. Through the solicitation for tickets, Protocol staff would also obtain free tickets to events by using his official position. would, on occasion, accept the free tickets. The investigation also determined that he misused his official position to assist a personal friend, to secure a concert venue. also misused Government resources when he used Embassy personnel to arrange a visit to the concert site.

STATUS:

On October 20, 2011, this investigation was referred to the United States Attorney’s Office, District of Columbia, Fraud and Public Corruption Section, Assistant United States Attorney (AUSA), for prosecutorial consideration. AUSA declined the case for criminal prosecution in lieu of administrative action. On that date, also approved the use of “Warning and Assurances to Employee Required to Provide Information (Kalkines).”

ATTACHED EXHIBITS:

4. Information of Record Form (without attachments), interviewed on October 24, 2011, prepared by SA
5. Information of Record Form, interviewed on September 1, 2011, prepared by SA
6. IRF, Embassy interviewed on September 30, 2011, prepared by SA
7. Information of Record Form, Embassy Financial Management Center, interviewed on October 3, 2011, prepared by SA
8. Information of Record Form, Embassy interviewed on October 7, 2011, prepared by SA

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9. Information of Record Form, interviewed on October 11, 2011, prepared by SA

10. Information of Record Form, interviewed on October 12, 2011, prepared by SA

11. Information of Record Form, interviewed on September 30, 2011, prepared by SA

12. Information of Record Form, interviewed on October 13, 2011, prepared by SA

13. Information of Record Form, interviewed on October 13, 2011, prepared by SA

14. Information of Record Form, interviewed on October 13, 2011, prepared by SA

15. Information of Record Form, interviewed on November 4, 2011, prepared by SA

16. Information of Record Form, interviewed on November 4, 2011, prepared by SA

17. Information of Record Form, interviewed on November 8, 2011, prepared by SA

18. Information of Record Form, interviewed on November 10, 2011, prepared by SA

19. Record of Conversation, conversation on December 5, 2011, prepared by SA

20. Record of Conversation, conversation on January 27, 2012, prepared by SA


22. Memorandum to file, response to his alleged misuse of the GOV on January 20, 2012, (via email) dated February 27, 2012, prepared by SA

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**Warning**

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23. Memorandum to file, Embassy statement about GOV use instructions. February 27, 2011, prepared by SA.


25. DOS cable message 05 STATE 00134824 "Straight Talk on Official Vehicles" is the source document related to use of Official Vehicles sent to all Diplomatic and Consular Post Collective on July 20, 2005, prepared by SA.


27. Information of Record Form (without attachments), interviewed on October 28, 2011, prepared by SA.


29. Subject Matter Expert (SME), Inventory Management Officer, Office of Logistics Management (LM), Bureau of Administration (A) was asked if who must sign an OF-108.

30. Information of Record Form, interviewed on October 7, 2011, prepared by SA.

31. Information of Record Form, U.S. Embassy, interviewed on October 4, 2011, prepared by SA.

32. Information of Record Form, Embassy, interviewed on October 4, 2011, prepared by SA.

33. Information of Record Form, interviewed on October 31, 2011, prepared by SA.

34. Information of Record Form, interviewed on December 14, 2011, prepared by SA.

35. Memorandum to file, February 2, 2012, prepared by SA.
36. Memorandum to file, Attorney-Adviser, L/Ethics, DOS, February 1, 2012, prepared by SA.

37. OIG/INV, Excel spreadsheet analyzing Taxi charges, prepared by SA.

38. Memorandum to file, Attorney-Adviser, Office of the Legal Advisor (L), Office of the Under Secretary for Management (M), dated January 30, 2012, representation event test, prepared by SA.

39. Memorandum to file, response to OIG/INV questions how the expenditure of representational funds (via email) dated February 8, 2012, prepared by SA.

40. Memorandum to file, Attorney Adviser, Office of the Legal Advisor (L), U.S. Embassy January 12, 2012, his involvement with prepared by SA.

41. Memorandum to file, response to OIG/INV questions about his involvement with (via email) dated January 26, 2012, prepared by SA.


43. Information of Record Form, interviewed on March 28, 2012, prepared by SA.

44. Office of Government Ethics (OGE) guidance on widely attended gathering (WAG).

45. Memorandum to file, Character Reference for dated December 17, 2010, prepared by SA.

46. OIG/INV, Excel spread sheet listing 42 incidents of vehicle misuse, prepared by SA.

47. Memorandum to file, Concert Program 2012, listing Concert, prepared by SA.

48. CD containing all Information of Record Form (with attachments), interviewed on October 24, 2011 and Information of Record Form (with attachments), interviewed on October 28, 2011, prepared by SA.
Report Prepared By:

Special Agent

Distribution:
HR/ER
DS/SI/PSS
OIG/INV File

Report Approved By:

Assistant Special Agent in Charge

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The foregoing is provided for whatever action you deem appropriate. Within 30 days of this report, please furnish, to the agent whose contact information appears below, the results of any administrative action(s) or management decision(s) made in this matter by executing the attached Disposition Report subsequent to management's final decision in the matter.

This report is intended for the addressees only. Please review the protective markings on this report, which restrict its duplication or forwarding. If this report or any part of it is to be duplicated or forwarded, INV must be notified prior to transmittal. Please destroy this report in accordance with 5 FAM 430, Records Disposition and Other Information. If your agency is not subject to 5 FAM 430, please destroy this report in accordance with your agency's records disposition policy.

Should you have any questions or require additional information, please telephone:
Special Agent-in-Charge Jason T. Loeffler at (703) 284-____
This memorandum presents the findings and/or reason for closure regarding the above captioned matter.

**BASIS FOR INVESTIGATION**

This investigation was initiated based upon information received from [redacted] citizen and businessman, who alleged that in 2011, [redacted] Former Consul General (CG) at U.S. Consulate General, [redacted] (Consulate [redacted]), inappropriately influenced the [redacted] People's Committee on behalf of [redacted], a U.S. citizen and Chairman and Chief Executive Officer of [redacted], alleged that CG [redacted] influenced the [redacted] People's Committee to support an application to transfer the designation of official legal representative for [redacted] from [redacted] in [redacted] to [redacted] in exchange for [redacted] donating a Chrysler 300C automobile to a [redacted] charity supported by CG [redacted], was formerly the official legal representative of [redacted].

**ALLEGED VIOLATIONS**

5 C.F.R. Part 2635.202(a)(1) - General Standards for gifts from outside sources  
18 U.S.C. § 201 - Bribery of public official  
18 U.S.C. § 1546 - Fraud and misuse of visas, permits or other documentation
**SUMMARY**

The investigation substantiated that CG violated 5 C.F.R. Part 2635.202(a)(1) - General Standards for gifts from outside sources, when he directly solicited for the donation of an automobile to a charitable event for which CG was the patron. was a prohibited source at the time he donated the vehicle because he was seeking official action by Consulate on behalf of . The official action was to transfer the designation of official legal representative for in to .

The investigation determined there was insufficient evidence to substantiate the allegations that donated a Chrysler 300C automobile to a charity supported by CG in exchange for submitting a letter on behalf to the People's Committee, in violation of 18 U.S.C § 201 - Bribery of public official.

During the course of the investigation, allegations were developed from two U.S. Department of State (Department) employees who were allegedly told that , accepted money for visa referrals. The investigation determined the allegations were unsubstantiated. The individuals who allegedly made the original allegations were interviewed and denied having knowledge of accepting money for visa referrals.

**PROSECUTORIAL COORDINATION**

This case was not presented to the U.S. Department of Justice for prosecution due to the lack of sufficient evidence to support the criminal allegations against and .

**DETAILS OF THE INVESTIGATION**

On November 29, 2010, CG emailed , Management Counselor, U.S. Embassy (Embassy and ), Deputy Chief of Mission (DCM), Embassy to advise them that had been asked, in his capacity as the U.S. Consul General, to be the honorable patron for a fundraising Gala Dinner on March 4, 2011.

On January 10, 2011, Ambassador approved CG patron position for the charity event. In the Ambassador’s approving memorandum it was written that the U.S. Department of State would not be directly involved in fundraising.

On January 18, 2011, CG sent an email to detailing the aforementioned charity event and said the charity had asked him to approach and to ask for a donation of either a Chrysler 300C or a Jeep Cherokee to be auctioned at the charity event.

On March 8, 2011, emailed CG and requested his assistance in getting the Department of Planning and Investment (DPI), to approve the transfer of the designation of official legal representative for from to . According to , would not be licensed to operate in without the name of the legal representative being changed. CG subsequently wrote a letter to the DPI Deputy Director, dated March 16, 2011, requesting that they address matter.

On April 14, 2011, the charity event was held at the Convention Center in where the Chrysler 300C automobile donated by was auctioned.

On January 28, 2013, Economic Officer, Consulate stated in an email to SA that request for assistance on behalf of which held the Chrysler distribution franchise, was a legitimate problem that warranted official U.S. Government attention, as it related to potential sales of U.S. made Chrysler automobiles. He stated export promotion was a high priority and that the time spent on this matter was justified.

On March 19, 2013, stated in an email to SA that he did not believe there was a quid pro quo between him and involving the donation of the automobile to the charity in exchange for the assistance
he received from CG regarding the legal name change issue.

On March 20, 2013, DCM stated in an email to SA that she did not recall a specific discussion with CG about soliciting a vehicle for a charity event, but she did recall she had warned CG about the prohibitions of fund-raising or soliciting donations and warned him he needed to be scrupulous in avoiding even the appearance of soliciting goods or fund-raising for a charity. This warning was further documented in a memorandum to file dated February 18, 2011, prepared by DCM.

On November 30, 2013, CG retired from the Department. On April 9, 2014, CG was appointed (as a reemployed annuitant) to a one year Excepted Service Appointment to the Bureau of European and Eurasian Affairs as an Administrative Officer, and April 9, 2015, he was granted a one year extension, not to exceed April 8, 2016. On March 26, 2015, CG sent an email to SA stating that he declined to be interviewed for this investigation.

On August 13, 2015, was interviewed and stated he did not donate the Chrysler 300C to the charity, through CG to influence CG to intervene on his behalf to resolve the licensing and legal name change issue that was pending with the DPI, nor did CG state or imply this was a requirement for Consulate to provide assistance to

During the course of the investigation two Department employees stated they were told that CG, his wife, accepted money for visa referrals. They identified and as the original sources of the information. and were interviewed and they denied having any knowledge of accepting money for visa referrals.

On June 26, 2015, stated in an email to SA that she declined to be interviewed for this investigation. She further stated in the email that she never told anyone that visa referrals were available for a fee.

EXHIBITS

1. Information of Record Form (IRF) dated April 10, 2013, detailing review of CG approval to serve as patron to a charitable event.
2. IRF dated March 26, 2013, detailing email responses from Economic Officer, Consulate.
3. IRF dated March 13, 2013, detailing email responses from Economic Officer, Consulate.
4. Email correspondence between CG and dated March 9, 2011.
5. Letter to Deputy Director, Department of Planning and Investment, from CG dated March 16, 2011.
6. Memorandum to the Files from DCM, dated February 18, 2011, regarding concerns about raised by Consulate staff.
7. IRF dated March 25, 2013, detailing email responses from DCM.
8. IRF dated November 27, 2012, detailing interview of, former Deputy Principal Officer, Consulate.
9. IRF dated March 31, 2015, detailing email responses from CG
10. IRF dated September 25, 2013, detailing interview of, Political Affairs Officer, Consulate
11. IRF dated November 6, 2013, detailing interview of, Senior Advisor, Harvard Kennedy School.
12. IRF dated December 12, 2013, detailing email responses from, Chief Executive Officer, Trade Alliance.
Sensitive But Unclassified

Case Closing Memorandum

August 16, 2016

To: INV FILE
From: [Redacted], Assistant Special Agent in Charge
Thru: Robert Smolich, Special Agent-in-Charge
Subject: Closing Memorandum for C2013023

<table>
<thead>
<tr>
<th>SUBJECTS</th>
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| 1. Name: [Redacted]  
   Associated Entity: System Sciences Corporation International  
   Grade/Position: Unknown  
   Address: [Redacted]  
   Alleged Violation(s):  
   18 USC § 1030 Fraud and related activity in connection with computers |
| 2. Name: [Redacted]  
   Associated Entity: System Sciences Corporation International  
   Grade/Position: Unknown  
   Address: [Redacted]  
   Alleged Violation(s):  
   5 USC § 552A(i) Records Maintained on Individuals |
| 3. Name: [Redacted]  
   Associated Entity: Department of State, Bureau of Consular Affairs  
   Grade/Position: Unknown  
   Address: [Redacted]  
   Alleged Violation(s):  
   [Redacted]  
   5 USC § 552a(1) Records Maintained on Individuals |

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All redactions to this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).

Alleged Violation(s):
8 USC § 1202 Application for Visa

4. Name: [Redacted]
Associated Entity: Department of State, Bureau of Consular Affairs
Grade/Position: Unknown
Address: [Redacted]

Alleged Violation(s):
9 FAM § App. G Expedition of Clearance Request

**BASIS OF INVESTIGATION**

This investigation was developed from OIG/INV Case #2011-103. While reviewing the electronic files and e-mails of Department contractor [Redacted] System Sciences Corporation International (SSCI), we obtained records that indicated [Redacted] utilized the Consular Consolidated Database (CCD) for his personal use. Documents indicated that [Redacted] accessed the CCD to check the status of his family members', including his brother's, sister-in-law's and niece's, non-immigrant visa requests in 2011.

Additional documentation indicated that [Redacted] utilized CCD information in his communications with Consular Affairs personnel at U.S. Embassy [Redacted], regarding his family members' June 2011 visa interviews.

**SUMMARY**

We determined that, due to internal control deficiencies, [Redacted], and [Redacted] did not violate any Federal criminal or civil statutes, or violate any Department regulations, as initially indicated in our review of [Redacted] electronic files and emails.

We determined that, although [Redacted] accessed the CCD to obtain information on his family members' visa requests, the information was not obtained for personal use in violation of 18...
U.S.C. 1030. At the time, [redacted] accessed the CCD, he was providing training on the CCD to personnel at Embassy [redacted]. At the same time, [redacted] family members were interviewing with Embassy [redacted] to obtain non-immigrant visas. [redacted] used the real-time information on his family members as examples during his CCD training sessions. When interviewed, [redacted] admitted that during the course of his job, he would use CCD records with which he was familiar to evaluate the system, troubleshoot it, check system performance and even conduct presentations for CA personnel.

We interviewed the Consular Training Team at the Department's Foreign Service Institute who confirmed that, at the time of [redacted] CCD access, there was no available module within the CCD to allow individuals to conduct training without accessing live data. In their response to OIG Management Assistance Report (MAR) entitled Misuse of Consular Consolidated Database, dated June 25, 2014, the Bureau of Consular Affairs also corroborated the fact that there was no training module within the CCD at the time of [redacted] access. The only way to conduct training or troubleshoot the CCD as a system administrator was to use live CCD data. 7 FAM 1310, Requirement For All Employees to Safeguard the Privacy of All Passport and Consular Records, identifies allowable and prohibited use of the CCD. Although [redacted] accessed the CCD files of personal family members, he did so for official purposes, which is an allowable caveat under 7 FAM 1310.

[redacted]

We determined SSCI employee [redacted] did not violate 5 U.S.C. 552A(i) when, on June 17, 2011, he provided [redacted] with CCD information on [redacted] family members as they were in the process of obtaining their non-immigrant visas. [redacted] requested, via email, that [redacted] run his family members' information through the CCD system. We reviewed CCD records which revealed [redacted] accessed the Visa Opinion Information Service (VOIS) once on June 17, 2011, session 779135464, and once again on June 19, 2011, session 780245033. These requests were consistent with the period in which [redacted] was providing training for the Consular Section at Embassy [redacted].

[redacted]

We determined Department Management Analysis Officer [redacted] did not violate 8 U.S.C. 1202/INA 222(f) when he shared CCD information with [redacted] regarding [redacted] family members' Security Advisory Opinion (SAO) status. This was consistent with the record checks and training [redacted] was conducting, using his family members' information, as they progressed.
through the visa process at Embassy

We determined Department Senior Coordinator for Interagency Issues did not violate 9 FAM Appendix G when, on June 17, 2011, requested expedited clearances for family members. Due to their country of origin, family members required special clearances in the form of Visa Condor SAOs. While did expedite the Visa Condor requests for family members, this interaction was consistent with the record checks and training was conducting on his family members as they progressed through the visa process at Embassy.

PROSECUTORIAL COORDINATION

On December 17, 2015, SAUSA declined prosecution as there was no evidence to support that a Federal criminal or civil violation occurred. The internal control deficiencies identified during this investigation were addressed in OIG’s June 25, 2014, MAR to CA to which CA responded on September 15, 2014, and identified the steps they were taking to address the deficiencies.

Prepared By:

Assistant Special Agent in Charge

Signed on: 8/16/2016 2:37:32 PM

Approved By:

Robert Smolich
Special Agent in Charge

Signed on: 8/17/2016 7:32:50 AM

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U.S. Department of State
Office of Inspector General
Office of Investigations
Case Closing Memorandum

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Should you have any questions or require additional information, please telephone:

Special Agent-in-Charge Brian Grossman at (703) 284-
This memorandum presents the findings and/or reason for closure regarding the above captioned matter.

**BASIS FOR INVESTIGATION**

This investigation was initiated based upon the receipt of a complaint alleging **Redacted**. The complaint was received on **Redacted**. The investigation was initiated following a telephone conference call (call) on May 21, 2014, with **Redacted**, in violation of his post-employment, permanent restriction on communications and appearances to the Department on behalf of **Redacted**.

**ALLEGED VIOLATIONS**

18 USC § 207 - Restrictions on former officers, employees, and elected officials of the executive and legislative branches.

5 C.F.R. Part 2641.201 - Permanent restrictions on any former employee's representations to the United States concerning particular matter in which the employee participated personally and substantially.

**SUMMARY**

There was insufficient evidence for us to either substantiate or disprove the allegation that **Redacted** knowingly, with the intent to influence the **Redacted** contract, participated in a call on May 21, 2014, with **Redacted** personnel in his capacity as a **Redacted** employee, in violation of 18 USC § 207 - Restrictions on former officers, employees, and elected officials of the executive and legislative branches, and 5 C.F.R. Part 2641.201 - Permanent restrictions on any former employee's representations to the United States concerning particular matter in which the employee participated personally and substantially. We determined that **Redacted** had a
permanent restriction on communicating to or appearing before the Department on behalf of because he had participated personally and substantially in matters involving contracts while employed by the Department. However, we found no evidence that attempted to influence any Department officials during the May 21, 2014, call, or at any other time, while he was employed with

A review was conducted of Executive Branch Confidential Disclosure Reports (OGE Form 450) for 2013 and 2014. In his OGE Form 450, electronically signed on January 31, 2013, did not list any agreements or arrangements for future employment. In his OGE Form 450, electronically signed on January 31, 2014, listed in the agreements or arrangements section that he received a conditional employment offer letter from on November 1, 2013.

A review of post-government employment restrictions material provided to by Attorney-Adviser, Office of the Legal Adviser, Ethics and Financial Disclosure Division (L/EFD), revealed that had received post-government employment ethics guidance and material, and that he had sought a "30 Day Letter" (Letter) from L/EFD about his proposed employment with. On April 1, 2013, was issued a Letter advising him that he could not accept compensation from as an employee, director, or consultant until February 22, 2014, because he had served as the administrative contracting officer for a contract in excess of ten million dollars, until February 22, 2013. further wrote that L/EFD had not identified any ethical problem that would prohibit him from accepting the proposed employment with after the one year cooling period ended on February 22, 2014. advised us that commenced employment for them on March 3, 2014.

A review of the worksheet submitted by on March 31, 2013, in support of the Letter and Post-Employment Restrictions, revealed that he planned to retire in either February or March 2014, and that he had submitted a recusal letter from working on the contract on February 15, 2013.

We interviewed who stated that he participated in the May 21, 2014, call, in which also participated. described the call as a monthly status call and he said it was not used to influence any contract decisions. could not say with any certainty that the content of the call involved particular and/or specific matters that were under scope of duties and/or authority when he worked at AQM. could not recall if said anything during the call, nor did he recall if tried to influence anything related to the contract during the call. stated administered the contract, when he worked for AQM, until the date he recused himself because he was seeking employment with. He was not aware if participated in any additional calls after this initial May 21, 2014, call.

We interviewed who stated had recused himself from the contract for one year prior to retiring from the Department, but said never specifically told him he was going to work for. In response to presence during the call and the ethical concerns it caused, stated he contacted and told him that could not participate on the contract because he had signed the contract when he worked at the Department. said he told that needed to "stay off it," and stated understood that could not work on the contract.

We interviewed who stated that after the May 21, 2014, call, was precluded from participating on any matters with the Department. stated he was aware that was precluded from working on the contract with the Department and thought would have respected this preclusion. Once he was informed of participation in the call, advised to stop working on the contract with the Department, and the contract was reassigned to another employee.

We interviewed who stated he only participated in the one call on May 21, 2014. He said the only time he spoke during the call was at the beginning to identify himself as being present. stated he knew he had a lifetime ban and could not represent back to the Department. However, based
upon his understanding of post-employment rules, he viewed that just listening in on the call, and not participating, was not an issue. He said he was aware that he could not physically go to the Department and represent ______ however, he did not believe that just listening in on the call was a problem. ______ stated he was now aware that listening in on the call could have been perceived as a violation of post-government employment regulations. ______ stated this call was the only activity he participated in with respect to ______ contract with the Department, and after the call he was not involved with ______ contract with the Department.

PROSECUTORIAL COORDINATION
We determined there was a lack of evidence to support that a criminal, civil, or administrative violation occurred and therefore, the case was not presented for prosecutorial consideration.
Sensitive But Unclassified

Case Closing Memorandum

December 19, 2016

To: INV FILE

From: [Redacted], Special Agent

Thru: Brian Grossman, Special Agent-in-Charge

Subject: Closing Memorandum for C2014057

SUBJECTS

1. Name: Green Diamond, LLC
   Address: 4513 4th Road N. Arlington, VA 22203
   DUNS: 96-215-6340

   Alleged Violation(s):
   41 USC § 8702 Prohibited conduct (kickbacks)
   18 USC § 287 False Claims

2. Name: [Redacted]
   Associated Entity: Green Diamond, LLC
   Grade/Position: [Redacted]
   Address: [Redacted]

   Alleged Violation(s):
   41 USC § 8702 Prohibited conduct (kickbacks)
   18 USC § 287 False Claims
BASIS OF INVESTIGATION

This investigation was initiated based on information received from Office of Overseas Buildings Operations (OBO) employee [rest of text redacted]. According to [rest of text redacted], alleged that [rest of text redacted] solicited kickbacks from Green Diamond employees. Green Diamond LLC, was a subcontractor to Tantus/OnPoint Accelerated Transformation Solutions, LLC (Tantus) for OBO Task Order SAQMMMA13F4078 (TO4078). According to [rest of text redacted] alleged Green Diamond LLC did not possess a facility clearance and therefore could not have employees on their payroll. As a result, [rest of text redacted] signed a consultant agreement with Tantus and was paid by them even though he was a Green Diamond contractor. [rest of text redacted] alleged verbally solicited a kickback of one third of [rest of text redacted] salary, and [rest of text redacted] told [rest of text redacted] that other Green Diamond team members were participating in the kickback scheme and that he needed to "get on board." [rest of text redacted] also alleged OBO was double billed on the contract and stated he had audio tapes to prove it. [rest of text redacted] subsequently filed a Whistle blower disclosure case at the OIG.

TO4078 was awarded to Tantus on September 30, 2013. TO4078 was a task order against General Services Administration's (8a) STARS II Contract S-06F-1234Z for key OBO computer programming services, to include the Building Management Information System. The contract term was one year plus four option years with the total value of the contract being approximately $5,995,858.72 per year.

SUMMARY

The allegation that [rest of text redacted] solicited kickbacks from [rest of text redacted] in violation of 41 USC 8702 – Anti kickback Act, was unsubstantiated. [rest of text redacted] did not provide any evidence that a kickback was solicited, did not correctly use the term "kickback" as defined by the statute, and [rest of text redacted] never actually received a paycheck from Green Diamond. Several current and former Green Diamond contractors were interviewed and while they thought the payment system put in place by Tantus and Green Diamond was unusual, none of them described it as a kickback scheme or stated [rest of text redacted] solicited kickbacks from them. [rest of text redacted] was interviewed and described the payment system. He stated he negotiated with his contractors a firm, fixed amount of payment they received from Green Diamond. Concurrently, the Green Diamond contractors signed consulting agreements with Tantus and were paid by Tantus on an hourly rate under what was a time and materials contractual arrangement. Because of the differences between the firm, fixed price system utilized by Green Diamond and the time and materials method used by Tantus when Green
Diamond contractors were paid by Tantus, three scenarios arose. First, the contractor owed money because the contractor received more from Tantus than his agreement with Green Diamond allowed. Second, the contractor owed money because the contractor did not receive the minimum amount from Tantus agreed to between Green Diamond and the contractor. Third, was a break-even situation where and the contractor did not owe each other any money. stated he explained this payment system numerous times to but did not understand it. denied he ever asked to kickback part of his Tantus salary to or that a kickback scheme existed.

stated Onpoint executives created this payment system and said the reason it was created was because Tantus did not want Green Diamond to be noncompliant with the contract which required Green Diamond to have a facility security clearance. The payment system was supposed to be a temporary approach until Green Diamond obtained their security clearance. However, according to it became a “never ending scenario” because Green Diamond did not receive a facility clearance due to contractual disagreements between Tantus officials and Green Diamond. He said he preferred a normal type of billing situation where one invoice was submitted by Green Diamond to Tantus for all of the work performed by Green Diamond contractors on the contract but this was not achieved.

The allegation that and Green Diamond double billed the government, in violation of 18 USC 287 - False Claims, was unsubstantiated. provided an audio tape of a conversation he recorded with that said contained evidence of double billing, but when the 46 page transcript of the tape was read, it did not provide any evidence of a double billing scheme. In addition, when interviewed, neither the Contracting Officer nor the Contracting Officer’s Representative, stated there were billing issues with the contract.

PROSECUTORIAL COORDINATION

We determined there was a lack of evidence to support that a criminal, civil or administrative violation occurred and therefore, the case was not presented for prosecutorial consideration.

Prepared By:

Approved By:

Brian Grossman
Special Agent in Charge
Case Closing Memorandum

Signed on: 12/19/2016 4:20:25 PM
Signed on: 12/20/2016 8:22:37 AM

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Whistleblower Reprisal Investigation

OIG/INV Case No. C2015-005
MEMORANDUM

TO: OIG – Steve A. Linick

FROM: OIG/INV – Geoffrey Cherrington

SUBJECT: Whistleblower Reprisal Investigation

Executive Summary: The Office of Inspector General (OIG) initiated this investigation based on information received by the OIG Hotline on November 14, 2014, from [redacted] Law Firm, PLLC, representing complainant, and former Deloitte Consulting LLP (Deloitte) employee [redacted] alleged she disclosed to the U.S. Department of State (Department), Bureau of Diplomatic Security, Criminal Investigations Division, Criminal Intelligence Research Branch (DS/CI/CIR) Criminal Investigator [redacted] and Supervisory Special Agents [redacted] instances of gross mismanagement of government funds and violations of law, rule, and/or regulations which she identified while serving as a Federal Government contractor employed by Deloitte under the Financial Analysis and Forfeiture Program. [redacted] also alleged that her position as [redacted] was eliminated by [redacted] and [redacted] after she made her disclosures.

While INV’s investigation of [redacted] reprisal complaint determined that [redacted] made protected disclosures while employed as a contractor, and [redacted] alleged that Department employees [redacted] and [redacted] reprised against her, the investigation did not determine that Deloitte retaliated against [redacted]. A review of documents and interviews disclosed that Deloitte tried to resolve the communication and/or personality conflicts between [redacted] and [redacted] that allegedly arose as a result of [redacted] disclosures. [redacted] eventually eliminated [redacted] position by converting it to a full-time employee position. Despite the elimination of [redacted] position, Deloitte tried to work with CIR and within Deloitte to find another position for [redacted] but was unsuccessful. [redacted] was removed from the contract in mid-September 2014, yet Deloitte continued to pay her through the end of September 2014.

Background. [redacted] was hired to work as [redacted] under Department contract [redacted] awarded to Deloitte on August 27, 2008, with Renzulli & Associates as the sub-contractor. [redacted] started as [redacted]

1 Section 828 of Public Law 112-239, the 2013 National Defense Authorization Act (2013 NDAA), instituted a four year pilot program for the enhancement of whistleblower protection for the employees of government contractors, subcontractors, or grantees.
Deloitte contract was for one base year and four option years and was scheduled to expire on September 30, 2014. In late June or early July 2014, it was decided to extend the contract to November 30, 2014 to allow for the transition of the employees on the Deloitte contract over to the new contract.

Whistleblower protection for contractor employees who make protected disclosures is governed by 41 U.S.C. 4712, "Pilot program for enhancement of contractor protection from reprisal for disclosure of certain information," which codifies Section 828 of the NDAA for FY 2013. The statute sets forth four criteria that must be met in order for an individual to obtain relief because of the reprisal under the statute:

- The employee made a protected disclosure.  
- The employee making the disclosure is an employee of a Department contractor, subcontractor, or grantee.
- The disclosure was made to a covered body as defined by Section (a)(2) of the statute.
- The employee was discharged, demoted, or otherwise discriminated against as a reprisal for, or because of, the disclosure.

**OIG Investigation**: INV evaluated each criterion to determine whether there was a prohibited reprisal against under 41 U.S.C. 4712.

**Criterion #1**: The employee made a protected disclosure.

OIG's investigation substantiated that satisfied this criterion of the statute. made protected disclosures between June 27, 2014, and July 30, 2014, when she verbally and electronically (email) informed Deloitte officials and CIR Supervisory Special Agents and of her concerns involving identified several concerns which she believed to be instances of gross mismanagement of government funds and/or violations of law, rule, and/or regulations. alleged that improperly awarded contract

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2 41 U.S.C 4712(a)(1). A protected disclosure is one "the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant."

3 41 U.S.C. 4712(a)(2). Covered bodies are defined as: "(A) A Member of Congress or a representative of a committee of Congress, (B) An Inspector General, (C) The Government Accountability Office, (D) A Federal employee responsible for contract or grant oversight or management at the relevant agency, (E) An authorized official of the Department of Justice or other law enforcement agency, (F) A court or grand jury, (G) A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct."
To Madison Associates, Inc. Additionally, [redacted] alleged [redacted] made false statements in a July 24, 2014 letter to DOJ; specifically, that the letter indicated DS deposited approximately $5.2M into the Asset Forfeiture Fund (AFF) when the actual amount was approximately $1.4M. [redacted] believed the alleged false figures resulted in DS erroneously receiving $2M from the AFF. Lastly, [redacted] alleged [redacted] sought to falsify information when she directed [redacted] to create, and also delete, a Consolidated Asset Tracking System (CATS) identification number within the AFF program.

Criterion #2: The employee making the disclosure is an employee of a Department contractor, subcontractor, or grantee.

OIG's investigation substantiated that [redacted] satisfied this criterion of the statute. [redacted] was employed by Deloitte under Department contract [redacted] at the time her disclosures were made.

Criterion #3: The disclosure was made to a covered body as defined by Section (a)(2) of the statute.

OIG's investigation substantiated that [redacted] satisfied this criterion of the statute. [redacted] first made protected disclosures to covered bodies when she electronically (email) and verbally informed CIR Supervisory Special Agents [redacted] and [redacted] of her concerns involving [redacted] relating to instances of gross mismanagement of government funds and/or violations of law, rule, and/or regulations between June 27, 2014, and July 30, 2014. [redacted] and [redacted] are both covered under the statute because they are federal employees responsible for contract or grant oversight or management at the Department who has the responsibility to investigate, discover or address misconduct. [redacted] also submitted a formal complaint to the OIG Hotline on November 14, 2014.

Criterion #4: The employee was discharged, demoted, or otherwise discriminated against as a reprisal for or because of the disclosure.

OIG's investigation determined that [redacted] has not satisfied this criterion. [redacted] was allegedly retaliated against by Department employees, rather than the contractor, Deloitte, thus not meeting the requirements of the statute. A review of e-mail and interviews of Deloitte employees disclosed that Deloitte took [redacted] concerns seriously, supported [redacted] and worked to try to resolve the conflict that developed between [redacted] and [redacted] In addition, Deloitte paid [redacted] through the original end date of the contract for which they were not legally

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4 Ibid.

5 41 U.S.C. 4712(c)(1) In general.— Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of the executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor or grantee concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:
obligated to do. employment was temporary and project contingent. The investigation also found that Deloitte officials reported a series of incidents to Department management officials concerning and her alleged mistreatment of Deloitte personnel during the course of the contract.

In her complaint dated November 5, 2014 stated that removed several duties and responsibilities from her after she made her disclosures. also stated in her complaint that she was advised by Deloitte Program Manager on August 15, 2014, that she would be terminated from her position effective September 12, 2014.

**Conclusion:** satisfied three of the four required criteria for eligibility for protection as a whistleblower under 41 U.S.C 4712.

OIG determined that a Department contractor, made protected disclosures to a covered body, when, between June 27, 2014, and July 30, 2014, she notified CIR of her concerns related to. On November 14, 2014, she filed a complaint with OIG.

OIG determined that made protected disclosures between June 27, 2014, and July 30, 2014, in several e-mails to CIR employees and Deloitte officials. After the disclosures with approval, removed some of duties and responsibilities and ultimately eliminated position within six weeks of making her protected disclosures.

disclosures to CIR and to OIG identified allegations of gross mismanagement of government funds and/or violations of law, rule, and/or regulations. OIG initiated a separate investigation under case number P2015-022 to review these allegations and the alleged actions of Department employees and as they pertained to disclosures. Because was retaliated against by Department employees rather her employer, the investigation determined Deloitte did not violate 41 U.S.C 4712.

**Attachments:**
3. Information of Record Form (IRF), dated December 17, 2014, detailing the interview of prepared by SA.
3.1 E-mail, dated, June 26, 2014, Action Memo PSC for Forfeiture Specialist.
3.2 E-mail, dated, July 1, 2014, Re: Formal Complaint Against.
3.3 E-mail, dated, July 24, 2014, Re: Money Judgment Partial Payment/USA v. USA.
3.4 E-mail, dated, July 24, 2014, FW: DS CUG Rep.
3.5 E-mail, dated, August 4, 2014, Conversation with.
3.6 E-mail, dated, August 4, 2014, Re: Retaliation and Workplace Bullying by.
3.7 Letter, to from.
4. IRF, dated, February 26, 2015, detailing the interview of prepared by SA.
4.1 E-mail, dated, August 4, 2014, Re: Retaliation and Workplace Bullying by [REDACTED].

5. IRF, dated, March 16, 2015, detailing the interview of [REDACTED], prepared by SA [REDACTED].

5.1 E-mail, dated, August 4, 2014, Re: Retaliation and Workplace Bullying by [REDACTED].

6. IRF, dated March 13, 2015, detailing the interview of [REDACTED], prepared by SA [REDACTED].

7. IRF, dated March 26, 2015, detailing the interview of [REDACTED], prepared by ASAC [REDACTED].

7.1 E-mail dated June 30, 2014, Re: Formal Complaint Against [REDACTED].

8. IRF, dated March 25, 2015, detailing the review of documents provided by [REDACTED], prepared by [REDACTED].

8.1 E-mail dated July 24, 2014, FW: DS CUG Rep.

8.2 E-mail dated July 24, 2014, Re: Hey [REDACTED] -- are you no longer handling CUG stuff for CATS??

8.3 E-mail dated July 24, 2014, CATS ID Help.

8.4 E-mail dated July 16, 2014, Re: PF-2013-00297.

8.5 E-mail dated July 29, 2014, Conversation with [REDACTED].

8.6 E-mail dated August 4, 2014, Conversation with [REDACTED] Instant Message conversation between [REDACTED] and [REDACTED].

8.7 E-mail dated August 19, 2014, FW: Conversion of Contract Position to FTE.

8.8 E-mail dated October 17, 2014, Re: email from DS head of contracts.

8.9 [REDACTED] provided e-mail from [REDACTED] dated June 4, 2014, Action Memo PSC for Forfeiture Specialist with the draft action memo attached requesting a PSC position be created for [REDACTED].

9. IRF, dated April 10, 2015, detailing the interview of [REDACTED], prepared by SA [REDACTED].

10. IRF, dated April 14, 2015, detailing the interview of [REDACTED], prepared by SA [REDACTED].

11. IRF, dated April 16, 2015, detailing the review of documents provided by [REDACTED], prepared by SA [REDACTED].

11.1 E-mail dated July 11, 2014, Re: Deloitte.

11.2 E-mail dated July 11, 2014, FW: Deloitte.

11.3 Chain e-mail beginning July 11, 2014, through July 22, 2014, Request for Meeting July 14, 2014-Follow-up Transfer of Contracting Officer Cognizance and Meet/Greet U.S. Department of State.

11.4 Chain e-mail beginning October 7, 2014, through October 15, 2014, DS Telework Forms-

12. IRF, dated May 18, 2015, detailing the interview of [REDACTED], prepared by SA [REDACTED].

13. IRF, dated June 2, 2015, detailing the interview of [REDACTED] and [REDACTED], prepared by SA [REDACTED].


15. Offer of Employment Letter, dated March 29, 2015, from Deloitte to [REDACTED].

17. IRF, dated June 4, 2015, detailing the interview of [REDACTED], prepared by SA [REDACTED]
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U.S. Department of State
Office of Inspector General
Office of Investigations
Report of Investigation

You are advised this report is derived from the INV Law Enforcement Recording Index, a system of records subject to the provisions of the Privacy Act of 1974. Consequently, this report may be disclosed only to appropriate DOS personnel for their official use.

The foregoing is provided for whatever action you deem appropriate. Within 30 days of this report, please furnish, to the agent whose contact information appears below, the results of any administrative action(s) or management decision(s) made in this matter by executing the attached Disposition Report subsequent to management's final decision in the matter.

This report is intended for the addressees only. Please review the protective markings on this report, which restrict its duplication or forwarding. If this report or any part of it is to be duplicated or forwarded, INV must be notified prior to transmittal. Please destroy this report in accordance with 5 FAM 430, Records Disposition and Other Information. If your agency is not subject to 5 FAM 430, please destroy this report in accordance with your agency's records disposition policy.

Should you have any questions or require additional information, please telephone:
Special Agent-in-Charge Robert Smolich at (703) 284-
Sensitive But Unclassified
Report of Investigation

TO: DS/EX - Stephen B. Dietz, III, Director
A/OPE - Corey Rindner, Procurement Executive
FROM: OIG/INV - [Redacted] Special Agent
THRU: OIG/INV - Robert Smolich, Special Agent-in-Charge

SUBJECT: Final Report of Investigation re: C2015-010

This memorandum presents the findings and/or reason for closure regarding the above captioned matter.

BASIS FOR INVESTIGATION
This investigation was initiated based on information received from the Bureau of Diplomatic Security, Domestic Office, Office of Special Investigations (DS/DO/OSI) alleging that [Redacted] conducted at least one unauthorized computer search on a "Law Enforcement Sensitive" database.

ALLEGED VIOLATIONS
18 USC 1001 - False Statements
18 USC 1030 - Computer Fraud
5 USC 552a - The Privacy Act of 1974
3 FAM 4542, Paragraph 21 - Use or allowing uses of U.S. Government funds, property, or other resources for unofficial purposes or private benefit
3 FAM 4542, Paragraph 22 - Conducting personal affairs while in duty status, which negatively impacts on the efficiency of the Service
3 FAM 4542, Paragraph 29 - Improper use of official authority or information
3 FAM 4542, Paragraph 38 - Conduct demonstrating untrustworthiness, unreliability, or use of poor judgment

SUMMARY
Investigation substantiated that [Redacted] conducted unauthorized computer searches on a "Law Enforcement Sensitive" database, in violation of 18 USC 1030, 5 USC 552a and 3 FAM 4542, Paragraphs 21, 22, 29 and 38.
Investigation also substantiated that [REDACTED] violated 18 USC 1001 when he repeatedly lied, not only to DS/DO/OSI management about conducting one of the unauthorized searches, but also to an outside law enforcement agency in order to obtain Personally Identifiable Information (PII) through the use of his official position to which he was not entitled.

PROSECUTORIAL COORDINATION
The investigation was presented to Special Assistant United States Attorney [REDACTED] Eastern District of Virginia, for prosecutorial consideration on September 21, 2015. On October 6, 2015, [REDACTED] declined prosecution on all charges.

DETAILS OF THE INVESTIGATION
On January 8, 2015, Division Chief [REDACTED] was interviewed by INV. [REDACTED] stated that on December 19, 2014, he retrieved an incoming fax from the [REDACTED] Police Department (PPD). The PPD fax received contained an arrest record for [REDACTED]. Since [REDACTED] was not familiar with the name, he asked [REDACTED] if he was familiar with the name, [REDACTED] stated he was not. [REDACTED] hand delivered the fax to [REDACTED] and asked him to what case [REDACTED] was associated. [REDACTED] replied it was a name variance check; that he did not recall which case it was associated to; and that he had been waiting on a response for a while because it was an old request.

[REDACTED] conducted a review of OSI's case management database and determined [REDACTED] name was not associated with any OSI investigations. In addition, [REDACTED] corroborated [REDACTED] discussion with [REDACTED] concerning the fax. [REDACTED] questioned [REDACTED] about [REDACTED] on December 22 and 23, 2014. Later in the day on December 23, 2014, [REDACTED] entered the office and said, "I fucked up," and then subsequently informed [REDACTED] that he knew [REDACTED] explained to [REDACTED] that [REDACTED] was a family acquaintance that had asked for an employment reference letter because he was applying for a job with the police department (NFI). Because [REDACTED] felt he did not know [REDACTED] well enough and did not want to put his reputation in jeopardy if [REDACTED] had a "troubled" past, he proceeded to conduct a criminal history check on [REDACTED] and then contacted the [REDACTED] requesting a copy of [REDACTED] arrest record. [REDACTED] had called him and verbally provided the information he requested, therefore, he did not expect them to follow up with a fax.

[REDACTED] admitted to [REDACTED] that he conducted an unauthorized search of [REDACTED] name on the National Crime Information Center (NCIC) and TECS databases but denied conducting any additional unauthorized searches on those systems.

Additional interviews of OSI Supervisory Special Agent [REDACTED] OPPD Records Clerk [REDACTED] and OPPD Commander [REDACTED] corroborated the events surrounding [REDACTED] admission. Specifically, [REDACTED] stated [REDACTED] told him he worked for the Department's Internal Affairs investigative department, a law enforcement agency, and the record request was part of an official investigation.

A review of [REDACTED] NCIC/TECS history for 2013 and 2014, revealed that he conducted 180 name searches in 2013 and 302 name searches in 2014. These names were then searched against DS/OSI's case management systems, including open and closed investigations, and it was determined that 24 searches in 2013 and 15 searches in 2014 were not associated to any OSI official investigation. Of the 39 searches that were questionable, four individuals were contacted for interviews (only five witnesses were located in the DC metro area). Three individuals did not know [REDACTED] had never applied for jobs with the Department; never requested anyone to run their criminal history check; and never paid anyone to conduct their criminal history check.

The fourth individual, [REDACTED] relayed an incident from November 2014 in which he was pulled over on a traffic stop and the officers informed him there was an arrest warrant issued for him out of New Jersey. [REDACTED] thought this was erroneous and shared the incident with a personal friend, [REDACTED] was
interviewed and admitted to sharing incident with but denied asking to run a criminal history check on also stated she has known for approximately ten years but had not seen since December 2014. A review of NCIC/TECS record checks revealed conducted a search for on December 15, 2014. could not recall if informed her of his record check or his name.

On December 29, 2014, was placed on administrative leave until January 5, 2015. On January 9, 2015, received an unsolicited phone call from in which he again made admissions related to his request involving On January 30, 2015, suspended security clearance. On February 4, 2015, was again placed on administrative leave based on the security clearance suspension.

On February 26, 2015, proposed suspending indefinitely without pay. On March 18, 2015, special agents attempted to interview at his residence. declined to be interviewed, but made several statements indicating he had done something wrong, but did not provide specific statements related to his actions.

On March 25, 2015, advised that the proposal to suspend him indefinitely without pay was sustained. On March 27, 2015, submitted his letter of resignation to HR/ER, effective immediately.

On October 14, 2015, declined a second interview with special agents.

This report is not being provided to HR/ER or DS/SS/PSS as both organizations have completed their administrative actions. The ROI will be provided to A/OPE for consideration for suspension and/or debarment and to DS/EX for informational purposes only.

**EXHIBITS**

1. Information of Record Form (IRF), dated January 2, 2015, detailing the interview of prepared by SA

1.1 Copy of fax received from the Police Department (redacted)
1.2 Copy of email from Houston to dated December 19, 2014
1.3 Copy of signed statement from detailing his involvement in the incident

2. IRF, dated January 2, 2015, detailing the interview of prepared by SA

2.1 Copy of fax received from the Police Department (redacted)
2.2 Copy of the DS/SS/PSS memorandum dated December 24, 2014
2.3 Copy of the HR/ER letter dated December 24, 2014 and signed Acknowledgment Receipt

3. IRF, dated January 2, 2015, detailing the interview of prepared by SA

4. IRF, dated January 2, 2015, detailing the interview of Commander prepared by SA

5. IRF, dated January 9, 2015, detailing the interview of prepared by SA

6. IRF, dated January 12, 2015, detailing the receipt of an email from prepared by SA

6.1 Copy of email from to prepared by SA dated January 9, 2015

7. IRF, dated February 25, 2015, detailing the search of DS/DO/OSI's case management systems, prepared by SA

7.1 Spreadsheet listing the 2013 name searches.
7.2 Spreadsheet listing the 2014 name searches.

8. IRF, dated July 8, 2015, detailing the interview of [redacted] prepared by SA [redacted]

9. IRF, dated July 8, 2015, detailing the interview of [redacted] prepared by SA [redacted]

10. IRF, dated July 8, 2015, detailing the interview of [redacted] prepared by SA [redacted]

11. IRF, dated July 8, 2015, detailing the interview of [redacted] prepared by SA [redacted]

12. IRF, dated July 8, 2015, detailing the interview of [redacted] prepared by SA [redacted]

13. IRF, dated March 18, 2015, detailing the interview of [redacted] prepared by SA [redacted]


16. Copy of HR Letter (undated) and Acknowledgment of Receipt, signed February 3, 2015.


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Case Closing Memorandum

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Should you have any questions or require additional information, please telephone:
Special Agent-in-Charge Robert Smolich at (703) 284-
Sensitivity Status: Sensitive But Unclassified

Case Closing Memorandum

TO: File

FROM: OIG/INV - [redacted], Special Agent

THRU: OIG/INV - [redacted], Assistant Special Agent

THRU: OIG/INV - Robert Smolich, Special Agent-in-Charge

SUBJECT: Case Closing Memorandum re: C2015-018

Date: Feb 25, 2016

This memorandum presents the findings and/or reason for closure regarding the above captioned matter.

BASIS FOR INVESTIGATION

This investigation was initiated based on allegations by [redacted], the complaint went to the Office of Acquisitions Management (AQM) and Department contractor FedBid, which provides an on-line reverse auction tool (FedBid.com) for awarding contracts. The complainant did not specify or describe what the alleged financial conflict of interest was that involved [redacted]. According to [redacted], since 2002, [redacted] has continued to advocate for the Department's use of FedBid.com, despite FedBid's suspension by the U.S. Air Force and the U.S. Department of Veterans Affairs, and the additional costs incurred by the Department when using FedBid.com. Additionally, [redacted] alleged the Department's use of FedBid.com restricts competition and allows the Department to circumvent the Small Business Act and Competition in Contracting Act.

[redacted] based his allegations on [redacted] actions with regard to a protest he filed with the Government Accountability Office for a Department contract award. The protest was based upon the fact that FedBid suspended [redacted] from using its website. [redacted] argued this was a de facto debarment from bidding on contracts advertised on FedBid.com. Despite the protest, [redacted] signed a justification awarding the contract in question to another company before the GAO protest adjudication.

ALLEGED VIOLATIONS

18 USC 208: Acts affecting a Personal Financial Interest.

SUMMARY

The investigation did not substantiate [redacted] violated 18 USC 208 as alleged. [redacted] could provide no direct evidence that [redacted] had financial interests in FedBid. In interviews, AQM contracting officers denied that using FedBid.com restricted competition, advised costs to the Department were minimal, and said [redacted] was not advocating the use of FedBid.com. Moreover, email searches, law enforcement database reviews and financial record reviews failed to yield any evidence that [redacted] had financial interests in FedBid. The investigation did reveal [redacted] has a history of filing frivolous award protests for himself and others, from which he tries to profit.
This investigation is closed to File.

**PROSECUTORIAL COORDINATION**
Since there was no credible evidence found to support the allegations, this case was not presented for prosecution.
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U.S. Department of State
Office of Inspector General
Office of Investigations
Case Closing Memorandum

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Should you have any questions or require additional information, please telephone:
Special Agent-in-Charge Brian Grossman at (703) 284-
TO: OIG/INV File

FROM: OIG/INV - [Redacted]

THRU: OIG/INV - [Redacted]

THRU: OIG/INV - Brian Grossman

Special Agent in Charge

SUBJECT: C2015-053 Case Closing Memorandum re:

[Redacted]

Assistant Regional Security Officer

U.S. Embassy [Redacted]

This memorandum presents the findings and/or reason for closure regarding the above captioned matter.

BASIS FOR INVESTIGATION

This investigation was initiated based on information received from [Redacted], and [Redacted], a former Department employee with the [Redacted] alleged that [Redacted] perjured himself while providing sworn testimony during the Merit Systems Protection Board (MSPB) hearing for [Redacted].

ALLEGED VIOLATIONS

18 U.S.C. 1621 - Perjury

SUMMARY

We determined that the allegations that [Redacted] perjured himself while providing sworn testimony during a MSPB hearing related to his investigation of [Redacted] were unsubstantiated.

In August 2011, [Redacted] while working for the Bureau of Diplomatic Security (DS), Office of Professional Responsibility (OPR), conducted an investigation involving allegations of sexual misconduct made against [Redacted]. The DS/OPR investigation substantiated the allegations against [Redacted], and his employment with the Department was terminated on August 25, 2014. [Redacted] later filed an appeal with the MSPB, and the case was heard on February 25, 2015.

We interviewed [Redacted], who alleged [Redacted] perjured himself while testifying during the [Redacted] MSPB hearing on February 25, 2015, when he [Redacted] stated under oath that he never talked to [Redacted] prior to the first compelled interview of [Redacted] on August 18, 2011, and that [Redacted] never told [Redacted] that [Redacted] was representative for the first compelled interview.

We interviewed [Redacted], who alleged [Redacted] perjured himself during his [Redacted] sworn testimony at the MSPB hearing when he [Redacted] stated the following: [Redacted] did not fully cooperate during the

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U.S. Department of State, Office of Inspector General, Washington, D.C. 20522-0308
investigation because he did not answer all of the questions during the two compelled interviews; that he never talked to a prior to his first compelled interview with and that he did not ask to speak with an attorney during the first compelled interview.

We reviewed an audio recording of testimony during the MSPB hearing for on February 25, 2015, and found that made the following statements: brought with him, but he told that she would not be with him during the interview; declined to answer all questions during the first compelled interview and did not fully cooperate; and did not ask to speak with his attorney during the interview.

We interviewed who denied perjuring himself when he stated during the MSPB hearing that did not answer all of the questions and was not cooperative during the compelled interviews. stated that when he testified about not being cooperative at the MSPB hearing, he was referring to a statement that he left the interview prior to answering all of his questions. stated that neither nor told him was going to be a representative during the first compelled interview. said that when he received an email from stating that he was going to bring a representative to the compelled interview, he thought was referring to an American Foreign Service Association representative and not . denied ever telling that she could not be present during the first compelled interview and he denied escorting her to the downstairs lobby. further denied perjuring himself when he testified that did not ask for an attorney during the compelled interviews. explained he was referring to initially making only general statements about wanting to speak with an attorney, and not specifically asking to speak with an attorney.

We interviewed supervisor during the investigation of , who did not recall ever speaking with , telling her she could not be present for the first compelled interview, or escorting her to the downstairs lobby of SA-20. stated that he did not recall any yelling, or screaming during the first compelled interview, and he did not recall requesting to speak with an attorney. explained that at some point during the first compelled interview requested to leave before answering every question, but did not recall who escorted out of the building.

PROSECUTORIAL COORDINATION
We determined there was a lack of evidence to support that a criminal, civil, or administrative violation occurred and therefore, the case was not presented for prosecutorial consideration.
Sensitive But Unclassified

Case Closing Memorandum

August 15, 2016

To: INV FILE
From: , Special Agent
Thru: , Assistant Special Agent-in-Charge
Thru: Robert Smolich, Special Agent-in-Charge
Subject: Closing Memorandum for C2015058

SUBJECTS

1. Name: 

   Associated Entity: Department of State

   Grade/Position:

   Address:

   Alleged Violation(s):
   18 USC § 1030 Fraud and related activity in connection with computers
   3 FAM § 4542 Improper Use of Official Authority or Information

BASIS OF INVESTIGATION

This investigation was initiated based on allegations a confidential complainant submitted to our Hotline. The confidential complainant alleged that Management Officer, U.S. Department of State (Department), U.S. Embassy may have improperly accessed employee e-mails and/or files through an administrative network account.
SUMMARY

The investigation determined that [redacted] did not improperly access employee e-mails and/or files through an administrative network account.

On April 20, 2015, the confidential complainant was interviewed and advised that on April 15, 2015, Embassy [redacted] Information Technology (IT) personnel discovered a "MGMT Counselor Emergency Admin" network account. The account appeared to have administrator rights which allowed for the retrieval/review of Embassy personnel e-mail and/or files. The complainant advised that [redacted] was the Account Manager. The complainant also related that he/she recalled a number of "odd" occasions when he/she heard [redacted] discuss matters that correlated to private conversations the complainant had in his/her personal e-mail communications with others to which [redacted] had not been a party.

[redacted] Regional Cyber Security Officer, U.S. Embassy [redacted], performed a review to identify pertinent logs from the active directory server for information concerning the "MGMT Counselor Emergency Admin" account. [redacted] also sought to identify the privilege level assigned to the "MGMT Counselor Emergency Admin" account from January 2013 through July 2015.

Based on [redacted] review, it was determined that the "MGMT Counselor Emergency Admin" account resided on the [redacted] domain, had administrator privileges, and was also named "HanadminMGTCons." The account was created on January 11, 2013, with an expiration date of August 15, 2015.

[redacted] review also determined that the account was last modified on March 17, 2015, last logged into on February 6, 2015, and the password for the account was last reset on March 17, 2015. [redacted] was associated with the account, but there was no Outlook Mailbox associated with the account. The "MGMT Counselor Emergency Admin" account was identified as falling within the IT Contingency and Emergency Action Plan (12 FAM 620) for use in emergency situations and exceptional conditions.

Additional review by [redacted] determined that the "MGMT Counselor Emergency Admin" account was not associated with, or loaded on, any Embassy [redacted] Management Office local workstations, or systems associated with the Information Systems Center; Embassy [redacted] [redacted] was not found to be associated with any other elevated or administrative network account privileges.

It was determined that the only individual with knowledge of the "MGMT Counselor Emergency Admin" account and its password was [redacted], Information Systems Officer, Embassy [redacted].
had only accessed the account to change the password, per Department password policy.

On January 12, 2016, [redacted] was interviewed and denied knowledge of the "MGMT Counselor Emergency Admin" account. [redacted] stated he had not accessed anyone's e-mail or files without their knowledge. Further, [redacted] stated he was not aware of anyone else at Embassy [redacted] who had the ability to access Embassy personnel e-mails or files, and he had never heard anyone complain that someone had accessed their e-mails or files.

**PROSECUTORIAL COORDINATION**

This case was not presented to the U.S. Department of Justice, U.S. Attorney's Office, because there was no evidence that a federal criminal or civil violation occurred. This case is being closed to file.

**Prepared By:**

Special Agent  
Signed on: 8/25/2016 9:13:13 AM

**Approved By:**

Assistant Special Agent in Charge  
Signed on: 8/29/2016 1:04:36 PM
International Energy Affairs

OIG/INV Case No. C2015-063
You are advised this report is derived from the INV Law Enforcement Recording Index, a system of records subject to the provisions of the Privacy Act of 1974. Consequently, this report may be disclosed only to appropriate DOS personnel for their official use.

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Should you have any questions or require additional information, please telephone:
Special Agent-in-Charge Brian Grossman at (703) 284-

U.S. Department of State, Office of Inspector General, Washington, D.C. 20522-0308
Sensitive But Unclassified
Report of Investigation

TO: HR/ER - Robert B. Nolan
   Director

FROM: OIG/INV - [Redacted]
   Special Agent

THRU: OIG/INV - [Redacted]
   Assistant Special Agent-in-Charge

THRU: OIG/INV - Brian Grossman
   Special Agent-in-Charge

SUBJECT: 2015-063 Report of Investigation Re:
            [Redacted] International Energy Affairs
            U.S. Department of State
            Washington, D.C.

This memorandum presents the findings and/or reason for closure regarding the above captioned matter.

BASIS FOR INVESTIGATION
This investigation was initiated based upon the receipt of a complaint alleging [Redacted] International Energy Affairs, misused his official travel by taking personal trips to visit his family.

ALLEGED VIOLATIONS
5 CFR § 2635.702 - Use of public office for private gain
3 FAH-1 H-2361.2 - Telework Agreement

SUMMARY
The allegation that [Redacted] misused his public office for personal gain, in violation of 5 CFR 2635.702 - Use of public office for private gain, was unsubstantiated. The investigation determined that during the time period September 2014 through August 2015, [Redacted] took frequent personal trips to/from [Redacted] to visit his family residing in [Redacted] but he personally paid for all of those trips, and they were not part of his official travel with the U.S. Department of State (Department).

However, the investigation did determine that [Redacted] violated 3 FAH-1 H-2361.2 - Telework Agreement, when he teleworked from [Redacted] for 29 days, between September 2014 and August 2015, without having an approved Domestic Employee Teleworking Overseas (DETO) agreement.

PROSECUTORIAL COORDINATION
This case was not presented to the U.S. Department of Justice for prosecution because the allegations against [Redacted] were administrative and not criminal.
DETAILS OF THE INVESTIGATION

OIG/INV conducted a review of E2 travel records for the time period of March 2012 through November 2015, and identified 28 trips he took to/from during that time period. A review of those trips found that they were all for official purposes and did not involve personal travel. Additionally, 16 of the 28 trips were identified as having originated from during the time period his family was residing there from September 2014 through July 2015, even though Washington, D.C. was his duty station. A review of those trips did not find any evidence that charged any personal expenses to the U.S. Government for airfare from Washington D.C. to for lodging, or meals and incidental expenses.

During the course of the investigation, OIG/INV developed information indicating teleworked from during 2014 and 2015 without having an approved DETO agreement. OIG/INV reviewed work and travel calendars for the time period of August 1, 2014 through August 31, 2015, and compared that information with his official payroll and travel records. The review determined that teleworked a total of 29 days from between September 2, 2014 through August 6, 2015, without an approved DETO agreement.

On August 18, 2015, was interviewed and stated he did not recall being asked to authorize official travel to originate and/or end in . However, stated if was on a personal trip at his own expense, and he was required to travel for official business, then his trip would be authorized to originate from because the cost of the airfare from would be less than the cost of the airfare if the trip originated from Washington, D.C. further explained that if was on official travel he would have been allowed to visit his family in if he took annual leave, and if no additional costs were incurred by the U.S. Government. also stated that he did not approve telework from was not aware of telework arrangements, did not approve a telework agreement form for him, and had no knowledge if ever teleworked from .

On August 25, 2015, Office of Under Secretary for Economic Growth, Energy and Environment, was interviewed and stated he had no role in supervising travel other than to ensure his travel was consistent with the Bureau's policy objectives, which it always was. stated told him that had approved as an alternate work site and that it was a condition for him accepting the position. However, stated he had never seen this alternate work site approval in writing.

On August 31, 2015, Economic Growth, Energy and Environment, was interviewed and stated she was supervisor. said to her knowledge official travel was legitimate, but she did not approve his travel, and was not aware of his travel. further stated she did not approve a telework agreement form authorizing to telework from . She said that told her that approved of him having an alternate work site in .

On December 3, 2015, teleworked from the Bureau of Economic and Business Affairs, was interviewed and stated but she could not recall if she approved a teleworking agreement for him. stated that told her that had approved of his teleworking from but she never saw the approval in writing. In June 2015, sent an email to and his staff stating he must account for his time in as telework or annual leave.

On December 4, 2015, Bureau of Human Resources, stated in an email that she researched the database and did not find a record of a telework agreement for On January 29, 2016, stated in an email that position was eligible for telework.

On December 9, 2015, and January 8, 2016, Bureau of Energy Resources

U.S. Department of State, Office of Inspector General, Washington, D.C. 20522-0308
(ENR), was interviewed and confirmed that [REDACTED] did not have a telework agreement on file.

On January 13, 2016, [REDACTED], ENR, was interviewed and stated she did not know if [REDACTED] was ever approved for telework, but they operated on the assumption that he was. [REDACTED] said her understanding of telework was that if [REDACTED] was not physically in the office and not on official travel, but was being responsive and executing his official duties, then this was considered to be teleworking. [REDACTED] said when [REDACTED] was in [REDACTED] and told them he was working that day, it was recorded as telework and did not recall if [REDACTED] ever used the exact word "telework" when referring to what he was doing and he usually said he was either working or not working.

On October 22, 2015, [REDACTED] was interviewed and denied misusing official travel by taking personal trips to [REDACTED] to visit his family. [REDACTED] stated he did not claim any travel expenses that he was not entitled to associated with travel to [REDACTED] and other countries in the region. [REDACTED] claimed he discussed his travel plans with [REDACTED] and he [REDACTED] told him that for official travel purposes and the scheduling of official round trip business trips, he could use [REDACTED] as his duty station. However, [REDACTED] stated that he did not have [REDACTED] approval in writing. [REDACTED] said that for any official travel that originated in [REDACTED] he traveled to [REDACTED] and returned to the U.S. at his own expense. [REDACTED] was asked about telework and he stated he did not know the exact definition of telework, and it was never his intention to telework from [REDACTED].

On February 25, 2016, [REDACTED] was re-interviewed and stated based on his current understanding of the definition of telework, he occasionally teleworked from [REDACTED] during the period when his family resided there. [REDACTED] admitted that he did not have an approved telework agreement during this time period, and he acknowledged that it was incumbent upon him to verify his own telework eligibility and submit the telework form for approval.

EXHIBITS

1. MOL of [REDACTED], interviewed on August 18, 2015.
2. MOL of Executive Assistant [REDACTED], interviewed on August 25, 2015.
3. MOL of [REDACTED], interviewed on August 31, 2015.
4. MOL of [REDACTED], interviewed on October 22, 2015.
5. MOL of former [REDACTED], interviewed on December 3, 2015.
6. MOL of [REDACTED], interviewed on December 9, 2015.
7. MOL of [REDACTED], interviewed on December 9, 2015.
8. MOL of [REDACTED], interviewed on December 9, 2015.
9. MOL of [REDACTED], interviewed on January 8, 2016.
10. MOL of [REDACTED], interviewed on January 13, 2016.
11. MOL of [REDACTED], interviewed on February 25, 2016.
12. Email dated December 4, 2015, from Office of Employee Relations, Work/Life Division, advising that they did not have a record of [REDACTED] having an active or inactive telework agreement.
13. Email dated January 29, 2016, from Office of Employee Relations, Work/Life Division, advising that [REDACTED] position was telework eligible.
14. Photocopy of June 8, 2015, email from former [REDACTED] to [REDACTED] and his staff assistants, providing guidelines on [REDACTED] travel, including telework instructions.
15. OIG/INV Review of Telework Days from [REDACTED] Daily/Travel Calendars, Travel Records and official payroll records.
16. OIG/INV Review of [REDACTED] travel vouchers for trips involving travel to [REDACTED].
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Office of Inspector General
Office of Investigations
Case Closing Memorandum

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Should you have any questions or require additional information, please telephone:
Special Agent-in-Charge Brian Grossman at (703) 284-___
This memorandum presents the findings and/or reason for closure regarding the above captioned matter.

**BASIS FOR INVESTIGATION**
On March 11, 2015, the Bureau of Diplomatic Security (DS), Office of Domestic Operations (DO), Office of Special Investigations (OSI), was informed via email by [redacted], U.S. Embassy [redacted] (Embassy [redacted]) of possible misconduct involving U.S. Direct Hire (USDH) employees and Locally Employed (LE) Staff at Embassy [redacted] related to the importation of vehicles to...
**ALLEGED VIOLATIONS**

3 FAM 4377.42: Conduct demonstrating untrustworthiness, unreliability, or use of poor judgment.

3 FAM 4377.47: Violation of host-country, agency, or Foreign Service post currency exchange laws/regulations.

**SUMMARY**

This investigation was conducted solely by DS/DO/OSI under case number PR-2016-00105. The DS Report of Investigation is summarized below and is attached as an exhibit to this case closing memorandum (Exhibit 1).

DS determined that [redacted], a local National, developed a scheme to import personally owned vehicles from Japan to [redacted] by utilizing diplomatic identity cards issued to USDH employees from Embassy [redacted].

The scheme began when he sought out USDH employees who wished to rent vehicles while serving at Embassy [redacted]. Once identified, [redacted] used the USDH employees diplomatic identifications to fraudulently import a vehicle into [redacted]. At the end of the USDH employee’s tour, the vehicle was fraudulently ‘sold’ back to [redacted] who rented the vehicle to another USDH employee, or sold the vehicle, without payment of any duties, to the [redacted] government. [Note: [redacted] needed to rent vehicles for a period of three years. After [redacted] rented the vehicles for more than three years, he was free to sell the vehicle on the open market without paying any duties.]

Five USDH employees were alleged to have taken part in the scheme and having defrauded the U.S. Department of State (Department) after they imported a vehicle into [redacted] that they did not pay for because they only intended to rent the vehicle while at post. Public Affairs Officer (PAO) [redacted], PAO [redacted], PAO [redacted], PAO [redacted], and Bureau of International Narcotics and Law Enforcement Affairs (INL) officer [redacted] signed their names on paperwork at post that indicated they purchased and imported vehicles when in actuality, performed this process for them.

This caused the Department to fraudulently submit paperwork to Ministry of Foreign Affairs (MFA) on the employee’s behalf. The Department also paid to ship the vehicles from [redacted] to [redacted] even though the USDH employee did not purchase the vehicles.

The allegation of misconduct against [redacted] and [redacted] was substantiated. [redacted] and [redacted] participated in a scheme led by [redacted] to import the vehicles into [redacted] which allowed [redacted] to avoid payment on local import tax laws and caused the Department to be defrauded after it paid to have the vehicles shipped from [redacted] to [redacted].

**PROSECUTORIAL COORDINATION**

DS did not present the case for prosecutorial consideration.

**EXHIBIT**

1) DS Report of Investigation PR-2016-00105
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U.S. Department of State
Office of Inspector General
Office of Investigations
Case Closing Memorandum

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Should you have any questions or require additional information, please telephone:
Special Agent-in-Charge Brian Grossman at (703) 284-
TO: OIG/INV File

FROM: OIG/INV - Special Agent

THRU: OIG/INV - Assistant Special Agent-in-Charge

THRU: OIG/INV - Brian Grossman
     Special Agent-in-Charge

SUBJECT: C2015-079: Case Closing Memo, re:

This memorandum presents the findings and/or reason for closure regarding the above captioned matter.

BASIS FOR INVESTIGATION
This investigation was initiated based on information received from OIG/ESP concerning allegations made by [redacted] at the U.S. Consulate in [redacted] while assigned as [redacted] at Consulate [redacted]. [Redacted] made a false statement in an affidavit he submitted in April 2013, as part of an investigation into an Equal Employment Opportunity (EEO) complaint filed by [redacted].

ALLEGED VIOLATIONS
18 U.S.C. § 1001 - False Statements

SUMMARY
The allegations that [redacted] made a false statement in an affidavit filed as part of an EEO investigation were unsubstantiated. According to the allegation made by [redacted], [redacted] stated in an affidavit there was only one opportunity for [redacted] to be named acting [redacted] during his [redacted] tenure at Consulate [redacted] during periods when [redacted] was away. [Redacted] claimed there were at least three other opportunities for him to have been named acting [redacted]. The OIG investigation determined during the time period that [redacted] was assigned at Consulate [redacted] there was only one opportunity for him (redacted) to have officially been named acting [redacted] when [redacted] was out of the country.

On September 3, 2015, [redacted] was interviewed and stated that [redacted] made a false statement during the course of an EEO investigation, when he swore in an affidavit in April 2013 that there was only one opportunity for [redacted] to have been named acting [redacted] at Consulate [redacted] during the time period that [redacted] was assigned there. [Redacted] claimed that there were three other opportunities for him to serve as acting
On November 4, 2015 and December 30, 2015, [redacted] interviewed and denied making a false statement in the affidavit related to the EEO investigation. [redacted] stated there was only one opportunity for [redacted] to be named as acting during the period. [redacted] was assigned to Consulate because he was out of the country on only one occasion. [redacted] reviewed the emails from [redacted] listing [redacted] as acting and he stated that [redacted] was not officially appointed as acting on those three occasions because [redacted] had not left and an acting [redacted] was not authorized to be named. [redacted] explained that the designation of [redacted] as acting was an informal title, and that he [redacted] was not technically acting based on the requirements listed in the Foreign Affairs Manual (FAM).

A review of the FAM confirmed that the official appointment of an acting principal officer while the permanent principal officer was absent from post was only required when the permanent principal officer had to leave the consular district; in this case the country of [redacted].

A comparative review of government travel records and human resources assignments profile disclosed that while [redacted] was assigned to Consulate from September 23, 2011 to May 7, 2012, [redacted] never had official travel outside of [redacted].

PROSECUTORIAL COORDINATION
This case was not presented to the U.S. Department of Justice for prosecution because the allegations against [redacted] were unsubstantiated.
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U.S. Department of State
Office of Inspector General
Office of Investigations
Case Closing Memorandum

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Should you have any questions or require additional information, please telephone:
Special Agent-in-Charge Tamara Yoder at (703) 284-
Sens iti ve But Un cl assified
Case Closing Memorandum

TO: File

FROM: OIG/INV – [redacted], Special Agent

THRU: OIG/INV – Tamara Yoder, Special Agent-in-Charge

SUBJECT: (2016-033 : Case Closing Memorandum , re:

This memorandum presents the findings and/or reason for closure regarding the above captioned matter.

BASIS FOR INVESTIGATION
This investigation was predicated upon a proactive effort to review Department of Labor, Office of Worker's Compensation Program (OWCP) cases for anomalies. Preliminary investigation revealed [redacted] may have been employed while receiving OWCP compensation and failed to report his outside income as required by the Federal Employee's Compensation Act certification form CA-1032. Every 15 months, beneficiaries are required to re-certify on the CA-1032 that they have not earned income for the prior 15 months.


ALLEGED VIOLATIONS
18 U.S.C. § 641 - Theft of Government Funds
18 U.S.C. §1001 - False Statements
18 U.S.C § 1920 - False statement or fraud to obtain Federal employees' compensation

SUMMARY
The investigation did not substantiate that [redacted] violated 18 U.S.C. § 641; 18 U.S.C. §1001; or 18 U.S.C § 1920, by falsely certifying his CA-1032s. [redacted] returned to work in July 2014 as part of the "return-to-work" rehabilitation program. [redacted] reported to DOL that he became employed by a manufacturing plant in Arlington, TX in July 2014, causing his OWCP benefits to terminate and his case was subsequently closed.
His last qualified payment was in July 2014. The last compensation payment was in November 2014, which was taken back due to overpayment. A wage and record check through the Texas Department of Labor revealed that he made approximately $29,659.98 during the fourth quarter of 2014. There were no reported earnings prior to then. He received a total of $87,899.57 in OWCP compensation payments.

**PROSECUTORIAL COORDINATION**

We determined there was a lack of evidence to support that a criminal or civil violation occurred and therefore, the case was not presented for prosecutorial consideration.
FOR OFFICIAL USE ONLY

U.S. Department of State
Office of Inspector General
Office of Investigations
Case Closing Memorandum

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Should you have any questions or require additional information, please telephone:

Special Agent-in-Charge Tamara Yoder at (703) 284-
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**BASIS FOR INVESTIGATION**
This investigation was predicated upon a proactive effort to review Department of Labor, Office of Worker's Compensation Program (OWCP) cases for anomalies. Preliminary investigation revealed that may have been employed while receiving OWCP compensation and failed to report his outside income as required by the Federal Employee's Compensation Act certification form CA-1032. Every 15 months, beneficiaries are required to re-certify on the CA-1032 that they have not earned income for the prior 15 months.

was approved for worker's compensation benefits on June 16, 1989, stemming from an injury incurred by falling objects. He was employed by the Bureau of Diplomatic Security. A review of worker's compensation file determined that never claimed earned income on his CA-1032s. Preliminary investigation revealed that is an Attorney, possibly practicing in Alexandria, Virginia.

**ALLEGED VIOLATIONS**
18 U.S.C. § 641 - Theft of Government Funds

18 U.S.C. §1001 - False Statements

18 U.S.C § 1920 - False statement or fraud to obtain Federal employees' compensation

**SUMMARY**
The investigation did not substantiate that violated 18 U.S.C. § 641; 18 U.S.C. §1001; or 18 U.S.C § 1920, by falsely certifying his CA-1032s. A wage and record check through Maryland Department of Labor, which receives wage records from each state, failed to reveal any earnings reported on behalf while he was receiving OWCP benefits. currently has no active BAR licenses to practice law in the State of Virginia or
is currently receiving monthly disability payments in the amount of $6,330.06. has received a total of $1,026,313.10 in OWCP compensation payments.

**PROSECUTORIAL COORDINATION**

We determined there was a lack of evidence to support that a criminal or civil violation occurred and therefore, the case was not presented for prosecutorial consideration.
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**BASIS FOR INVESTIGATION**

This investigation was predicated upon a proactive effort to review Department of Labor, Office of Worker's Compensation Program (OWCP) cases for anomalies. Preliminary investigation revealed that [redacted] may have been employed while receiving OWCP compensation and failed to report his outside income as required by the Federal Employee's Compensation Act certification form CA-1032. Every 15 months, beneficiaries are required to re-certify on the CA-1032 that they have not earned income for the prior 15 months.

[Redacted] was approved for worker's compensation benefits on November 1, 1990, stemming from an injury incurred while handling packaged materials. A review of [redacted] worker's compensation file determined that [redacted] never claimed earned income on his CA-1032s. Preliminary investigation revealed that [redacted] may have been a licensed real estate agent in Texas.

**ALLEGED VIOLATIONS**

18 U.S.C. § 641 - Theft of Government Funds

18 U.S.C. §1001 - False Statements

18 U.S.C § 1920 - False statement or fraud to obtain Federal employees' compensation

**SUMMARY**

The investigation did not substantiate that [redacted] violated 18 U.S.C. § 641; 18 U.S.C. §1001; or 18 U.S.C § 1920, by falsely certifying his CA-1032s. A wage and record check through Maryland Department of Labor, which receives wage records from each state, failed to reveal any earnings reported on [redacted] behalf while he was receiving OWCP benefits. [Redacted] is not a licensed real estate agent in Texas. [Redacted] is currently
PROSECUTORIAL COORDINATION
We determined there was a lack of evidence to support that a criminal or civil violation occurred and therefore, the case was not presented for prosecutorial consideration.
Sensitive But Unclassified

Case Closing Memorandum

To: INV FILE

From: [Redacted], Special Agent

Thru: [Redacted], Assistant Special Agent-in-Charge

Thru: Robert Smolich, Special Agent-in-Charge

Subject: Closing Memorandum for C2016036

SUBJECTS

1. Name: [Redacted]
   Associated Entity: DEFAULT, DEFAULT
   Grade/Position: Unknown/Unknown
   Address: Unknown

   Alleged Violation(s):
   18 USC § 1001 Statements or entries generally

2. Name: [Redacted]
   Associated Entity: Department of State, Overseas Buildings Operations
   Grade/Position: [Redacted]
   Address: Unknown

   Alleged Violation(s):
   18 USC § 1001 Statements or entries generally

*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).*
BASIS OF INVESTIGATION

The Office of Inspector General, Office of Investigations (OIG/INV) Hotline received a complaint alleging that [redacted], Bureau of Overseas Operations (OBO) [redacted], Bureau of Overseas Operations (OBO), [redacted] provided false statements to the OIG/INV on September 23, 2015, when they provided an answer to OIG/INV Hotline Complaint (H20150312). The complaint alleged that [redacted], [redacted], misused his position with regards to interviewing and hiring [redacted], his personal friend and that [redacted] inappropriately shipped his personal effects to his overseas assignment at the government’s expense.

SUMMARY

We determined that the allegations were unsubstantiated. Review of [redacted] email did not reveal any attempt to mislead the OIG or provide any inaccurate or false information. Review of BENEFITS AT OVERSEAS POSTS, subsection (b), authorizes Storage and Shipment of Household Effects (HHE).

The response to OIG/INV stated that [redacted] was hired by OBO [redacted] and the selecting official was OBO [redacted]. The response was interviewed on March 21, 2016, and stated that the response to the OIG/INV, dated September 23, 2015, was correct and stated that [redacted] was hired and that [redacted] was the selecting official.

PROSECUTORIAL COORDINATION

This matter was not presented to a United States Attorney’s Office for prosecution because there was insufficient evidence to support that a federal criminal or civil violation occurred.
FOR OFFICIAL USE ONLY

U.S. Department of State
Office of Inspector General
Office of Investigations
Report of Investigation

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Should you have any questions or require additional information, please telephone:
Special Agent-in-Charge Tamara Yoder at (703) 284 _______

U.S. Department of State, Office of Inspector General, Washington, D.C. 20522-0308

OIG Doc 21
TO: EXIM/OIG - Michael T. McCarthy, Deputy Inspector General
FROM: OIG/INV [redacted], Special Agent
THRU: OIG/INV Tamara Yoder, Special Agent in Charge
THRU:
SUBJECT: Report of Investigation, re: C2016-048

Export Import Bank of the United States of America (EXIM)
811 Vermont Avenue, NW
Washington, DC 20571

This memorandum presents the findings and/or reason for closure regarding the above captioned matter.

BASIS FOR INVESTIGATION
We initiated our investigation based upon information received from [redacted] Export Import Bank (EXIM), indicating that [redacted] EXIM, allegedly paid a bribe to a [redacted] airport official during an official EXIM trip.

ALLEGED VIOLATIONS
18 U.S.C. 201 - Bribery of a Public Official

SUMMARY
Our investigation was unable to substantiate that [redacted] violated 18 U.S.C 201. [redacted] paid a fee required by all travelers when attempting to enter [redacted] without a Yellow Card immunization record.

Our investigation was unable to substantiate [redacted] knowingly violated any travel reporting requirement as required by clearance holders with special accesses. The EXIM Security Office did not have a written policy in place at the time of this report requiring clearance holders to self-report their personal travel.

PROSECUTORIAL COORDINATION
On May 25, 2016, Assistant U.S. Attorney [redacted] United States Attorney's Office, Eastern District of Virginia (EDVA), declined to prosecution, as no criminal violations were substantiated.

Date: Jun 30, 2016
DETAILS OF THE INVESTIGATION

We reviewed [redacted] travel vouchers and travel card statement for anomalous activity with negative results. The only item related to a gratuity or bribe activity was a $20 reimbursement request for a gratuity paid to a hired driver during [redacted] official trip to [redacted]. In his request for reimbursement, [redacted] noted that the gratuity was customary for using a hired driver for an entire week (Exhibit 1).

We interviewed [redacted], Foreign Service Officer, DOS. According to [redacted], it took much longer than he and [redacted] to go through immigration in [redacted]. Later told [redacted] and [redacted] that he forgot his yellow card (immunization record) and the immigration official charged him a $10 or $20 fee. Later mentioned the incident to [redacted] and [redacted], U.S. Department of State (DOS) Foreign Service Officers, at the U.S. Embassy [redacted] (Exhibit 2).

We interviewed [redacted] customs declarations and cargo shipments, which revealed that he did not ship items from [redacted] during his official trip.

We interviewed [redacted], Foreign Service Officer, DOS. [redacted] stated when [redacted], and [redacted] arrived in [redacted] an airport official was pre-inspecting people's yellow cards prior to the immigration desk. Became separated from [redacted] and [redacted] after he discovered he did not have his yellow card. After [redacted] was reunited with them, he told [redacted] and [redacted] that he was able to get a yellow card and that he had to pay a $20 or $25 fee for it. Looked at the card, which attested [redacted] was vaccinated at [redacted] Inspections that day. Questioned the card's validity, but [redacted] dismissed it (Exhibit 3).

According to [redacted], at a meeting the following day at U.S. Embassy [redacted], brought up the yellow card issue to a few of the DOS Economics officers. [redacted] stated she walked away when [redacted] began speaking with [redacted], Foreign Service Officer, and did not hear the substance of their conversation. Later told [redacted] that [redacted] said what he did was okay.

We reviewed [redacted] international travel records. [redacted] has extensive international travel on both his official and personal passports. [redacted], last traveled on his personal passport in November 2015.

We interviewed [redacted], Foreign Service Officer, DOS. [redacted] stated he has no recollection of [redacted] making any comments about a yellow card at U.S. Embassy [redacted]. [redacted] was unsure of the process in [redacted] if someone arrived without their yellow card. He reviewed his Outlook calendar and could not find anything that reflects a meeting with EXIM (Exhibit 4).

We interviewed [redacted], Foreign Service Officer, DOS. According to [redacted], he remembered hearing people in the office talking about a man from EXIM who came all the way to [redacted] and forgot his yellow card. She also heard that [redacted] fixed the problem at the airport. [redacted] could not recall a specific conversation with [redacted] regarding the matter. [redacted] stated people sometimes travel to [redacted] without a visa, and there is an Embassy protocol for that. [redacted] is unaware if a process exists for missing yellow cards and stated that [redacted] was the only case she knew of where someone forgot theirs. [redacted] did not tell [redacted] what he did was okay, as she has no knowledge of the [redacted] yellow card processes or procedures (Exhibit 5).

We interviewed [redacted], Security Officer, EXIM. [redacted] stated that all EXIM employees who hold a Top Secret security clearance with special access to SCI are required to self-report their foreign travel, including personal trips. Individuals who are read-on to SCI are briefed on that requirement when they receive their initial security briefing. [redacted] was never read-on to SCI because his clearance was due for re-investigation. [redacted] intended to read [redacted] on upon successful re-investigation.

[redacted] checked EXIM records for [redacted] self-reported travel. [redacted] has not self-reported any personal travel since his employment with EXIM. When asked if [redacted] was briefed on the requirement to self-report, [redacted] stated he did not have a signed disclosure form on file for [redacted] and attested to the fact that he would likely not know he needed to report his foreign travel since he was not briefed otherwise.
the security office (Exhibit 6).

We reviewed ethics consultations and annual financial filings. We did not identify any anomalies or blatant failure to report required items.

We reviewed official EXIM emails between July and September 2014. The review did not reveal any indication of misconduct by in regard to his official trip to (Exhibit 7).

, Assistant Regional Security Officer, U.S. Embassy informed us he was unable to find a written policy at the International Airport in that specifies the procedures when a traveler arrives without appropriate immunization documentation. However, stated that the current procedure as told to him by immigration officials, is that when a traveler arrives without the appropriate immunization records, they are taken to secondary inspection and given a yellow fever shot. charges 100 cedi, or approximately $25 USD (Exhibit 8).

We interviewed According to the only issue he encountered in was that they had to wait over an hour for his luggage. did not have any unusual experiences at the airport.

When we presented with the allegation made against him, stated that when he went through the immigration line, he showed his passport at the airport counter. didn't have a yellow card, so they told him that he had to fill out a waiver form. stated he did bring his World Health Organization immunization record with him, but was told by an airport official that it was not sufficient. was taken into a separate office within view of the main airport holding area, where he filled out an application attesting to the fact that he had received the specified immunizations. Then, he paid a $10 fee (discrepant) in cash and got back in the immigration line. received both a receipt and a waiver. According to the application and fee seemed like a normal process and he had no reason to believe it was not a legitimate process. stated it was not like giving a $20 bribe. stated he did request a $20 reimbursement on his travel voucher for a gratuity to a taxi driver in but did not request the reimbursement for the application, because it was his own fault.

According to, he told , her supervisor, and about it and they said it was fine and normal. stated he did not report the issue to EXIM because he mentioned it to the Embassy staff and they said it was okay.

said he does travel internationally on a personal basis. indicated he reports his personal travel to the EXIM security office. most recent personal travel was in the Summer of 2015. He went to Spain. He reported that trip to the EXIM security office by email (Exhibit 9).

We reviewed the Center for Disease Control's (CDC) archived webpage, http://wwwnc.cdc.gov/travel/destinations/traveler/none/ dated July 27, 2014, using a webpage archival tool, which specified the required immunizations for travel to in 2014. According to the CDC, the government of required proof of yellow fever vaccination for all travelers, except infants (Exhibit 10).

indicated he was unable to provide additional documentation in regard to the application he filled out, the fee he paid to immigration, or the waiver form he obtained during his official travel to (Exhibit 11).

We requested any documentation from immigration available, which we have not received at the completion of this report.

**EXHIBITS**

1. request for reimbursement, dated September 10, 2014
2. Memorandum of Interview (MOI) dated April 18, 2016, detailing interview
2.1 Garity
3. MOI dated April 22, 2016, detailing interview
3.1 [redacted] Garrity
4. MOI dated May 4, 2016, detailing interview
5. MOI dated May 2, 2016, detailing interview
6. MOI dated May 11, 2016, detailing interview
7. MOA detailing email review, dated May 9-10, 2016
8. ARSO email, dated May 12, 2016
9. MOI dated May 12, 2016, detailing interview
9.1 [redacted] Garrity
9.2 [redacted] written statement
11. [redacted] email, dated May 18, 2016
Sensitive But Unclassified

Case Closing Memorandum

October 13, 2016

To: INV FILE
From: [redacted], Special Agent
Thru: Tamara Yoder, Special Agent-in-Charge
Subject: Closing Memorandum for C2016061

SUBJECTS

1. Name: [redacted]
   Associated Entity: N/A
   Grade/Position: [redacted]
   Address: [redacted]

   Alleged Violation(s): 18 U.S.C. 201, Bribery of public officials and witnesses

BASIS OF INVESTIGATION

We initiated this investigation based on information received from the U.S. Department of State (Department), Bureau of Consular Affairs, Passport Services, Support Operations (CA/PPT/S) that in October 2014, [redacted], offered Passport Services a $50 check to consider the use of his [redacted] software (software).
SUMMARY

Our investigation did not substantiate that [redacted] violated of 18 U.S.C. 201. We completed a consensual monitored conversation with [redacted]. Initially [redacted] stated he did not remember why he sent a $50 check to the Department, along with his software to CA/PPT/S. He then said he remembered he sent it, out of frustration, after making numerous unsuccessful telephone calls to CA/PPT/S and his local state representatives about his software. According to [redacted] he included the check in hopes someone at the Department would take his software seriously and assist him with contacting an authorizing representative, rather than throw his letter away. He further stated he did not know if his actions were allowed or legal.

Our investigation further revealed that [redacted] was a college student in 2014 when he submitted the $50 dollars to CA/PPT/S and that he had not been awarded any United States Government contracts.

PROSECUTORIAL COORDINATION

This investigation was presented to the United States Attorney Office (USAO), U.S. District Court Eastern District of Virginia (EDVA) on August 5, 2016. The USAO declined prosecution because of lack of evidence that [redacted] actions constituted a bribe. This investigation will be closed to file.

Prepared By:

[redacted]
Special Agent
Signed on: 10/19/2016 8:44:33 AM

Approved By:

Tamara Yoder
Special Agent in Charge
Signed on: 10/25/2016 9:53:51 AM
Subject: OIG Freedom of Information Act Request No. 17-00064 – Final Response

This is our final response to your Freedom of Information Act (FOIA) request to the Department of State (DOS) Office of Information Programs and Services (IPS), dated May 14, 2017. You seek copies of the reports of investigation for the following investigations: C2010093, C2011030, C2011057, C2011092, C2013003, C2013023, C2014046, C2014057, C2015005, C2015010, C2015018, C2015053, C2015058, C2015063, C2015075, C2015079, C2015114, C2015120, C2016033, C2016034, C2016035, C2016036, C2016048, C2016061. IPS referred your request to the DOS Office of Inspector General (OIG) for processing and direct response to you. OIG received that referral on May 16, 2017.

Our interim response, dated August 3, 2017, provided you with a response regarding all of the requested reports numbers, except number C2015120. We notified you that report contains information of interest to another entity. As such, we could only respond regarding that record after consulting with that entity.

Our consultation is now complete, and enclosed is the remaining report responsive to your request. We reviewed the record under the FOIA to determine whether it may be disclosed to you. Based on that review, this office is providing the following:

- 0 page(s) are released in full;
- 3 page(s) are released in part;
- 0 page(s) are withheld in full.

OIG redacted from the enclosed record, names and identifying information of third parties to protect the identities of those individuals. Absent a Privacy Act waiver, the release of such information concerning the third parties named in these records would result in an unwarranted invasion of personal privacy in violation of the Privacy Act. Information is also protected from disclosure pursuant to Exemptions 6 and 7(C) of the FOIA further discussed below.
Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6)(emphasis added). DOS-OIG is invoking Exemption 6 to protect the names of lower level investigative staff, third parties, subjects and any information that could reasonably be expected to identify those individuals.

Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes . . . [if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C). DOS-OIG is invoking Exemption 7(C) to protect the names of lower level investigative staff, third parties, subjects and any information contained in these investigative records that could reasonably be expected to identify those individuals.

Appeal

You have the right to appeal this response.¹ Your appeal must be received within 90 calendar days of the date of this letter. Please address any appeal to:

Appeals Officer
Appeals Review Panel
Office of Information Programs and Services
U.S. Department of State
State Annex 2 (SA-2)
515 22nd Street, NW
Washington, DC 20522-8100
Facsimile: 202-261-8571

Both the envelope and letter of appeal should be clearly marked, “Freedom of Information Act/Privacy Act Appeal.” Your appeal letter should also clearly identify the DOS-OIG’s response. Additional information on submitting an appeal is set forth in the DOS regulations at 22 C.F.R. § 171.13.

Assistance and Dispute Resolution Services

For further assistance and to discuss any aspect of your request you may contact DOS-OIG’s FOIA Public Liaison at:

¹ For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.
FOIA Officer  
Office of General Counsel  
Office of Inspector General  
U.S. Department of State  
1700 North Moore Street  
Suite 1400  
Arlington, VA 22209  
foia@stateoig.gov  

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration 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, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Stephanie K. Fox  
FOIA Officer

Enclosure
FOR OFFICIAL USE ONLY

U.S. Department of State
Office of Inspector General
Office of Investigations
Case Closing Memorandum

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Special Agent-in-Charge Brian Grossman at (703) 284-
Sensitive But Unclassified
Case Closing Memorandum

TO: OIG/INV File

FROM: OIG/INV [Redacted] Special Agent

THRU: OIG/INV-Brian Grossman, Special Agent-in-Charge

SUBJECT: C2015-120: Case Closing Memo, re:

[Redacted]

This memorandum presents the findings and/or reason for closure regarding the above captioned matter.

BASIS FOR INVESTIGATION
This investigation was opened on Sep 25, 2015, based on information provided to OIG/INV that [Redacted] while an Information Technology Specialist for the Department of State (Department), was paid by someone other than the United States government for performing services that fell within his official Government duties.

ALLEGED VIOLATIONS

SUMMARY
The OIG received information that [Redacted] had received payment(s) from [Redacted] for performing “technology services” for [Redacted]. These payments were in addition to his federal salary.

Upon request, [Redacted] counsel, [Redacted] of the [Redacted], provided the OIG with a schedule of payments made by [Redacted] to [Redacted] between 2009 and 2013 for performing information technology services. According to the information provided by [Redacted], [Redacted] was paid $5,350 in 2009, $650 in 2010, $16,812.36 in 2011, $8,793.75 in 2012 and $3,187.50 in 2013.

A review of [Redacted] Department personnel files revealed he was employed as an IT Specialist at pay grade GS-15 from approximately May 2009 to February 2013. Further review disclosed [Redacted] did not report the
signed and certified on his 2009, 2011, and 2012 Financial Disclosure Reports that he was not provided compensation in excess of $5,000 paid by one source.

PROSECUTORIAL COORDINATION
In November 2015, the Federal Bureau of Investigation assumed investigative jurisdiction over this matter.