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Description of document: Reports of investigation for twenty-one (21) U.S.

Department of State - Broadcasting Board of Governors Inspector General (OIG) investigations, 2012-2017

Requested date: 14-May-2017

Released date: 03-August-2017

Posted date: 07-May-2018

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

Email: FOIA@stateoig.gov

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August 3, 2017

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: 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.

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 C2010093 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.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

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

Stephania L.K. Yox

FOIA Officer

Enclosures

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.

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

Any additional exemptions used are noted near their respective redaction.*



FOR OFFICIAL USE ONLY

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

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 Case Closing Memorandum

TO: File

FROM: OIG/INV -

OIG/INV -

Assistant Special Agent in

Charge

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

Cin e U.S. State U.S. State Cin Stat

Robert J Smolich

Date: Mar 30, 2016

THRU:

SUBJECT: Case Closing Memorandum re: C2011-030

DynCorp INternational LLC 13500 Heritage Pkwy Fort Worth, TX 76177-5318

Atlantic Diving Supply 621 Lynnhaven Parkway, Suite 400 Virginia Beach, VA 23452

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 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 SAQMMA07F2529. 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.

All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C). Any additional exemptions used are noted near their respective redaction.

PROSECUTORIAL COORDINATION

On June 6, 2011, ______, Trial Attorney, Public Integrity Section, U.S. Department of Justice (DOJ), declined criminal prosecution. On January 19, 2012, _____, AUSA, Eastern District of Virginia (EDVA), DOJ, declined criminal prosecution. On February 16, 2012, _____, Supervisory AUSA, Norfolk Office, EDVA, opened an Affirmative Civil Enforcement (ACE) file on ADS. On March 14, 2016, _____, AUSA, Civil Division, Norfolk Office, EDVA, declined civil prosecution.

b.



United States Department of State and the Broadcasting Board of Governors Office of Inspector General, Office of Investigations 1700 N. Moore St, Suite 800 Arlington, VA 22209

***************************************	minimbeon, vii and	
		Date: August 13, 2013
CASE NUMBER: C2011-057		
CASE TYPE: Final Report of Inv	vestigation	
DATE REPORTED: April 8, 201	1	
INVESTIGATED BY: SA	, SA	
SUBJECT(S):		
(Substantiated)]; [FAR Part 13.003	Office of Inspector General, Department [4 FAM 455: U.S. Government Purchase hase Card Program Manual (Substantiated)]; Simplified Acquisitions Procedures (Substantiated) Procurement 2102: Prohibition on Disclosing Procurement	Card Uses and Oversight [FAR Part 8: Required Sources ntiated)]; [18 USC 286:
; [4 FAM 455: U.S [Worldwide Purchase Card Program (Substantiated)]; [FAR Part 13.003	ce of Inspector General, Department of State; S. Government Purchase Card Uses and Over m Manual, (Substantiated)]; [FAR Part 8: Red S: Simplified Acquisitions Procedures (Substated SC 286: Conspiracy (Insufficient)]; [41 USC on (Insufficient)]	sight (Substantiated)]; quired Sources ntiated)]; [18 USC 1001: False
	ector General, Department of State; ment Purchase Card Uses and Oversight (Subs	stantiated)]
4. , Office of Inspector Generation 455: U.S. Government Purchase Co	ral, Department of State; ard Uses and Oversight (Insufficient)]	; [4 FAM
	Office of Inspector General, Department ridwide Purchase Card Program Manual (Sub ; [FAR Part 13.003: Simplified Acquisitions F	stantiated)]; [FAR Part 8:
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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; (Substantiated) 7. (FAM)
Office of Inspector General, Department of State; ; [4 FAM 455: U.S. Government Purchase Card Uses and Oversight (Insufficient)]
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)]
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; Limiting sources (Substantiated)] Office of Acquisitions ; [FAR Subpart 8.405-6:
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)]
[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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(Insufficient)]

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 Additionally, the Source alleged 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 expendit	tures were reviewed for the period May 2008
to August 2011. The review disclosed that	, inappropriately
used a Government Purchase Card (GPC) to purchase goods and s	services from Griff Enterprises that were
directly related to the existing contracts instead of completing app	ropriate 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,	may have had
personal relationships with vendors, specifically,	, who were the beneficiaries of multiple
AO procurements.	

CONCLUSION:

Investigation established by a preponderance of evidence that		
violated 4 FAM 455, U.S. Governme	ent Purchase Card Uses and Oversight,	when she

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	Sensitive But Unclassified WARNING
p 1 N	the investigation examined 110 purchases in which acted as the Approving Official. All 110 rehases violated FAR Part 8. Additionally, of the 110 purchases, 99 also violated 4 FAM 455 and FAR Part 1.003. On February 4, 2013, was interviewed and stated that she was was authorized to have a GPC, and she reviewed purchase card files on a monthly basis. In arch 2010, completed PA 297, Purchase Card Self-Certification, through FSI. also mpleted training for purchase card certification through the Bureau of Administration in June 2006, January 08 and March 2010.
F n	vestigation established by a preponderance of the evidence that violated 4 FAM 455, FAR Part 8, AR Part 13.003 when she, as a properly designated Approving Official, failed to review all cardholder onthly purchases and failed to ensure complied with applicable GPC policies. failed to quire to use the Ariba database to create and document purchase requests, and allowed it requirements to avoid exceeding her \$3,000 purchase limit.
p p n h p o	recommended that was interviewed on January 24, 2013, and when asked specifically whether or not grown of Brooks Electrical, performed any work at her home, she stated "No." (Agent Note: OIG rechased services from of Brooks Electrical from January 2009 thru September 2010). was then presented with an e-mail between herself and discussing work to be reformed at her home including the replacement of a switch on her HVAC system. After reviewing the e-mail, stated that did look at her HVAC system and told her she needed a new switch, but did not replace the switch or perform any work. Stated that recommended someone else to reform the repairs, but she could not recall who recommended. On February 13, 2013, Brooks Electrical Contractor & Associates was interviewed and stated that on three separate casions he completed repairs at residence, including the HVAC system.
e: 4 tl tl c	purchase card transactions, all from May 2008 to August 2011, were amined. All 111 transactions violated FAR Part 8. Additionally, 100 of the transactions violated 4 FAM 5 and FAR Part 13.003. In March 2010, completed PA 297, Purchase Card Self-Certification, rough the Foreign Service Institute (FSI). also completed training for purchase card certification rough the Bureau of Administration in August 2005, February 2008 and March 2010. originally empleted a Cardholder application in April 2008 and was issued a GPC. On January 24, 2013, was serviewed and stated as part of her duties she was assigned a government purchase card.
n a v s v P	also violated FAR Part 8, Required Sources of Supplies and Services, when she failed to disfy the requirements from the sources listed prior to making open market purchases from commercial ndors, and without documenting a justification or waiver for doing so. Additionally, willow violated FAR results and services, when she failed to requirements from the sources listed prior to making open market purchases from commercial ndors, and without documenting a justification or waiver for doing so. Additionally, willow violated FAR results 13.003, Simplified Acquisition Procedures, when she split requirements to stay under her \$3,000 per insaction limit.

OIG Doc 2

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The investigation established by a preponderance of the evidence that as a properly designated GPC Approving Official, violated 4 FAM 455 when he failed to ensure maintained complete and accurate GPC records and that she complied with all applicable GPC policies and procedures. 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, certified the statement as accurate and complete, failing to have identified the flawed transaction. Although serving in an acting capacity as the approving official, was designated to serve in that position via Delegation of Authority Memorandum, dated
signed the memorandum on Additionally, completed the required training to act in that capacity, PA-297, Purchase Card Self Certification, on was interviewed on March 14, 2013, and admitted to approving the purchase card statement.
The investigation established by preponderance of the evidence that 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. 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. 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 was the Department of State, Office of Inspector General, in and was not interviewed during the course of this investigation.
The investigation could neither prove nor disprove that Approving Official and failed to ensure maintained complete and accurate records, and failed to ensure she followed the Required Sources Rule. The investigation revealed that 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 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, was interviewed and stated he was not aware that in order to act as an Approving Official he needed to be delegated as such.
The investigation established by a preponderance of the evidence that holder, violated 4 FAM 455 when he failed to enter a GPC purchase request into Ariba. It also violated FAR Part 8 when he failed to utilize the Required Sources List without justification or waiver. On January 23, 2009, 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 and On November 28, 2012, provided the receipt and an e-mail approval for the purchase. The e-mail was dated January 21, 2009, and was authored by On March 18, 2013, was interviewed and affirmed that he purchased the television utilizing his GPC.

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refresher training on April 1, 2010.

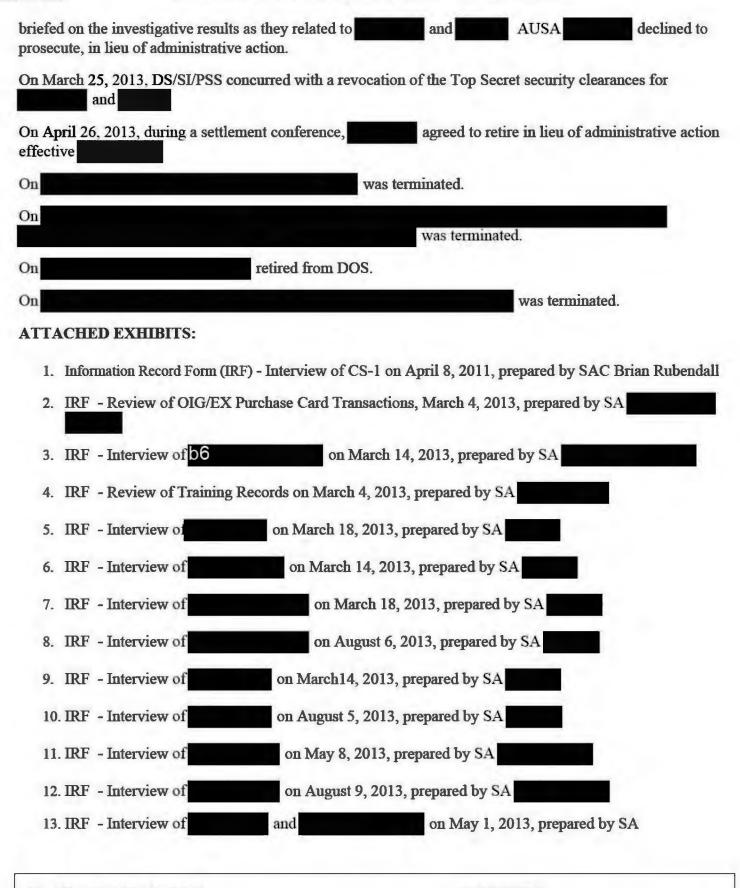
The investigation established by a preponderance of the evidence that
Approving Official, violated 4 FAM 455 when he failed to ensure maintained complete and accurate
records and that complied with applicable GPC policies. was the GPC Approving Official for
the January 23, 2009 purchase of the television made by which did not have appropriate
documentation. signed the Purchase Card Buying Log and the Citibank card statement for that
purchase. was designated to serve in the position as approving official via Delegation of Authority
Memorandum, dated signed by
signed the memorandum on Additionally, completed the required training to act in that
capacity on . On March 14, 2013, was interviewed and admitted to signing the
Government Purchase Card Statement and the Purchase Card Buying Log that included the purchase of the
television. 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.
sources Rule before making a purchase for marking of purpose.
The investigation could neither prove or disprove that violated 4 FAM 455 when he acted as an
Approving Official and failed to ensure maintained complete and accurate records and failed to
ensure she followed the Required Sources Rule. The investigation revealed that was not a properly
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did not have the proper training in order to act as an Approving Official. On August 6, 2013, was interviewed and stated he does not recall receiving a Delegation of Authority Memorandum from either or from . The investigation established by a preponderance of the evidence that violated 4 FAM 455
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did not have the proper training in order to act as an Approving Official. On August 6, 2013, interviewed and stated he does not recall receiving a Delegation of Authority Memorandum from either or from The investigation established by a preponderance of the evidence that 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 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, was the designated GPC Program Coordinator
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did not have the proper training in order to act as an Approving Official. On August 6, 2013, was interviewed and stated he does not recall receiving a Delegation of Authority Memorandum from either or from The investigation established by a preponderance of the evidence that 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 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, 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 specifically states that the Program Coordinator via Bureau of
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did not have the proper training in order to act as an Approving Official. On August 6, 2013, was interviewed and stated he does not recall receiving a Delegation of Authority Memorandum from either or from The investigation established by a preponderance of the evidence that wiolated 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 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, 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 specifically states that the Program Coordinator position cannot be re-delegated. was designated to serve in the position as Program Coordinator via Bureau of Administration Delegation of Authority Memorandum signed by on February 17, 2010. Additionally, on February 16, 2010, completed the required GPC training, PA-297 - Purchase Card Self Certification. This investigation concluded that the entire OIG GPC program was mismanaged and vulnerable

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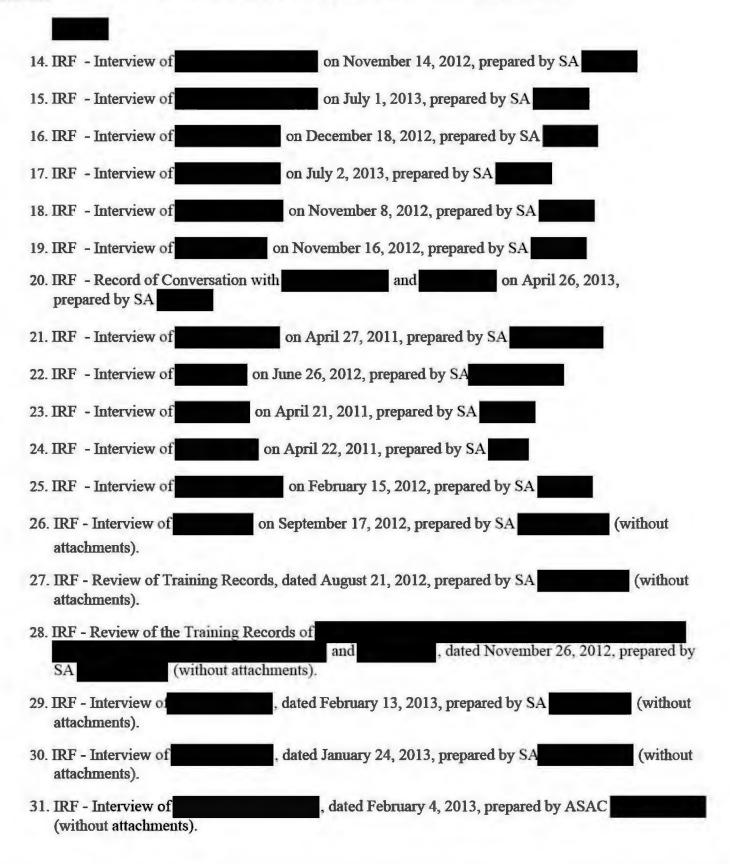
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reviewed and stated that he was use review and that he did not recall ever Completion of Purchase Card Annual review records for the required three conducted with who stated the problems with the program. He stated	s not present at any level of the program. On May 8, 2013, was a familiar with the required documents used to complete the annual GPC of completing the review or signing the required DS-4108 "Certification of all Review." He also stated he did not recall maintaining the annual GPC years. Additionally, on August 9, 2013, a follow-up interview was not GPC program was not his primary focus and he was aware there were ad he did not review employee records and that the GPC program did not reserved and that he should have paid more attention to it.
thorough investigation, to include re-	conspired with, or contractors who were awarded contracts for goods or services. A view of e-mail, contracts, financial and business records and interviews not develop a preponderance of evidence to support these allegations.
(F2406) and SAQMMA09F2880 (F2 1, 2013. During both interviews, files for F2406 and F2880. A review DOS Global Financial Management justification to award Nello Wall Sys	mplete and accurate contract files for contracts SAQMMA09F2406 was interviewed on August 2, 2011, and again on July admitted that he did not maintain complete and accurate contract of contract files relating to F2406 and F2880, along with a review of the System (GFMS), determined that did not document his stems contracts F2406 and F2880 after they were determined to be the d \$18,464.06 more on contract F2406; and \$74,699.43 more on contract
approved for SAQMMA10F4883 (Fessential to the Government's require agency's needs. The investigation reand F4945 were identical and were becubicles and furniture matched exists not meet the needs of contract F4883 carpet and furnishings in the AO Office.	they failed to ensure the Brand Name Only justifications, which they 4883) and SAQMMA10F4945 (F4945), met the condition of being ements, or that no other product could meet or modified to meet the vealed that the Brand Name Only justifications used for contracts F4883 ooth based on Nello Wall Systems design or capabilities so that new ing OIG furnishings. However, the Brand Name Only justifications did as the renovation involved the complete removal and replacement of fice Suite. Additionally, the need for soundproofing "to support OIG's inwarranted based on the fact that AO does not conduct investigations.
F4945 by signing them on September 8.405-6(3)(i)(B) requires the Brand Request for Quotation (RFQ). The Fand Both state	that the Brand Name Only justifications applied to contracts F4883 and r 28, 2010. The contracts were awarded on September 27, 2010. FAR Name Only justification be posted on GSA e-buy as an attachment to the RFQ was posted on August 26, 2010. During their respective interviews, at they reviewed the Brand Name Only justification prior to being posted they couldn't be certain that the reviews had been completed.
STATUS:	
On January 11, 2013,	, Assistant United Stated Attorney, Eastern District of Virginia, was
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- 32. IRF Review of Purchase Card Charges for Carpet Cleaning Services, dated August 15, 2012, prepared by SA (without attachments).
- 33. IRF Review of Television Purchases, dated August 21, 2012, prepared by SA attachments). (without
- 34. IRF Review of Purchase Card Charges for Electrical Services, dated October 4, 2012, prepared by SA (without attachments).
- 35. IRF Review of Purchase Card Charges for Painting Services, dated October 25, 2012, prepared by SA (without attachments).
- 36. IRF Review of Purchase Card Charges for Office Furniture and Cubicle Panels, dated December 17, 2012, prepared by SA (without attachments).
- 37. Department of Interior, Office of Inspector General, Investigations, Report of Investigation #PI-PI-11-0377-I.

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

- 38. DOS contract SAQMMA-08-F3488 Awarded 1/25/2008; \$15,887.34
- 39. DOS contract SAQMMA-09-F2406 Awarded 7/29/2009; \$47,877.11
- 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 on September 17, 2012, prepared by SA , # 26 above.
- 47. Attachments (4) for IRF Review of Training Records, dated August 21, 2012, prepared by SA , #27 above.
- 48. Attachments (2) for IRF Review of the Training Records of and , dated November 26, 2012, prepared by SA , #28 above.
- 49. Attachments (1) for IRF Interview of , dated February 13, 2013, prepared by SA , #29 above.

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057	*All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C).*
50.	Attachments (8) for IRF - Interview of , dated January 24, 2013, prepared by SA , #30 above.
51.	Attachments (5) for IRF - Interview of ASAC , #31 above. , dated February 4, 2013, prepared by
52.	Attachments (25) for IRF - Review of Purchase Card Charges for Carpet Cleaning Services, dated August 15, 2012, prepared by SA #32 above.
53.	Attachments (20) for IRF - Review of Television Purchases, dated August 21, 2012, prepared by SA , #33 above.
54.	Attachments (27) for IRF - Review of Purchase Card Charges for Electrical Services, dated October 4, 2012, prepared by SA , #34 above.
55.	Attachments (17) for IRF - Review of Purchase Card Charges for Painting Services, dated October 25, 2012, prepared by SA # 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 436 above.
eno	rt Prepared By: Report Approved By:

Report Prep

KARIN M **PACHECO** Karin Pacheco

Special Agent in Charge

Special Agent

Distribution:

C2011-057

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

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United States Department of State and the Broadcasting Board of Governors

Office of Inspector General, Office of Investigations 1700 N. Moore St, Suite 800 Arlington, VA 22209

Date: September 7, 2012

CASE NUMBER: C2011-0092

CASE TYPE: Final Report of Investigation

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

INVESTIGATED BY: SA b6,7C

DATE/TIME/LOCATIONS OF OCCURRENCES:

Unknown; July 20, 2009 to April 21, 2012; U.S. Embassy 66,7C

SUBJECT(S):

1. b6,7C U.S. Embassy b6,7C (Misuse of a Government Vehicle (GOV): [6 FAM 1931.2(a)- Restrictions on the Use of U.S. Government Vehicles, {Founded}]; [Use of Government property, 5 C.F.R. Part 2635§704 {Founded}]; [Use of official time, 5 C.F.R. Part 2635§705(b) {Founded}]; Improper Documentation of Use of GOV: [Documentation, 6 FAM 1931.2(h) (2) {Founded}]; Misuse of Taxi Card: [Theft, 18 USC § 641 {Founded}]; [Use of Government property, 5 C.F.R. Part 2635§704 {Founded}]; Acceptance of Gifts: [Gifts of Cash, Goods and Services, 2 FAM 962.1-2 {Founded}]; [General standards, 5 C.F.R. Part 2635§202(a)(1) & (2) {Founded}]; [Use of office for private gain, 5 C.F.R. Part 2635§ 702 {Founded}]; Misuse of Representational Allowance: [Representational Allowances, 3 FAM 3240 {Founded}]. Misuse of Official Position and Official Time: [Use of office for private gain, 5 C.F.R. Part 2635§702 {Founded}].

VICTIM(S):

1. U.S. Department of State, U.S. Embassy 56,7C : (Misuse of a Government Vehicle (GOV): [6 FAM 1931.2(a)- Restrictions on the Use of U.S. Government Vehicles, {Founded}]; [Use of Government property, 5 C.F.R. Part 2635§704 {Founded}]; [Use of official time, 5 C.F.R. Part 2635§705(b) {Founded}]; Improper Documentation of Use of GOV: [Documentation, 6 FAM 1931.2(h) (2) {Founded}]; Misuse of Taxi Card: [Theft, 18 USC § 641{Founded}]; [Use of Government property, 5 C.F.R. Part 2635§704 {Founded}]; Acceptance of Gifts: [Gifts of Cash, Goods and Services, 2 FAM 962.1-2 {Founded}]; [General standards, 5 C.F.R. Part 2635§202(a)(1) & (2) {Founded}]; [Use of office for private gain, 5 C.F.R. Part 2635§ 702 {Founded}]. Misuse of Representational Allowance: [Representational Allowances, 3 FAM 3240 {Founded}]. Misuse of Official Position and Official Time: [Use of office for private gain, 5 C.F.R. Part 2635§702 {Founded}].

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BASIS FOR INVESTIGATION:

On August 29, 2011 an investigation was initiated based upon information received from an anonymous source alleging b6,7C U.S. Embassy b6,7C (Embassy b6,7C U.S. Department of State (DOS), had misused a Government Owned Vehicle (GOV), misused Embassy b6,7C staff to procure Concert Tickets and run personal errands, misused his Embassy issued Taxi Card, as well as solicited and accepted gifts; including concert tickets and artwork.

CONCLUSIONS:

The investigation determined that b6,7C 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, b6,7C 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 66,7C defense of "Post Practices" which according to b6,7C 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. b6,7C knew the rules governing GOV use because he initialed Management Notice 66,70 Tri Missions, Number: 10-122, Dated July 15, 2010. In addition, in order for b6,7C to use the GOV for Home-to-Office (HTO) he received a letter from b6,7C dated September 16, 2009, authorizing b6,7C "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, b6,7C failed to properly document which trips were HTO transportation approximately 522 times. b6,7C 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 b6,7C 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 b6,7C issued Taxi Card for personal use. The amount of Government Funds used for personal use totaled \$685.00.

The investigation determined that b6,7C 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 b6,7C without approval from Under Secretary for Management. The artwork was valued at approximately \$13,706. b6,7C also accepted six loaned paintings from b6,7C because of his official position. He further used his official position for the private gain of b6,7C when b6,7C organized and hosted an official representational event, when in fact, the event was meant to promote b6,7C artwork. No other American Artist were given the opportunity to display their artwork at b6,7C Two gave b6,7C a character reference for for b6,7C months after receiving the art, b6,7C Condominium Association.

The investigation determined that b6,7C 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

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b6,7C (me	entioned above).
Government resources by using his sub Through the solicitation for tickets, Pro official position. b6,7C would, on that he misused his official position to a , to secure a conce	\$702 - Use of office for private gain, when he misused his position and fordinate's official time to solicit tickets for non-official events. Stocol staff would also obtain free tickets to events by using occasion, accept the free tickets. The investigation also determined assist a personal friend, officert venue in officer
STATUS:	
Columbia, Fraud and Public Corruption for prosecutorial consideration.	a was referred to the United States Attorney's Office, District of a Section, Assistant United States Attorney (AUSA), b6,7C AUSA b6,7C declined the case for criminal prosecution in lieu of also approved the use of "Warning and Assurances to Employee ines)."
ATTACHED EXHIBITS:	
1. Management Notice b6,7C	Tri Missions Dated April 24, 2007.
2. Management Notice b6,7C	Tri Missions, Number: 10-122, Dated July 15, 2010.
3. Letter from b6,7C "home-to-office" transportation	, dated September 16, 2009, authorizing b6,7C tion and transportation for official purposes.
4. Information of Record Form interviewed on October 24,	
5. Information of Record Form, b6,7C 1, 2011, prepared by SA b6,	, interviewed on September
6. IRF, b6,7C Embassy b6,7C in	terviewed on September 30, 2011, prepared by SA b6,7C
7. Information of Record Form, Management Center, intervi	b6,7C Embassy b6,7C Financial ewed on October 3, 2011, prepared by SA b6,7C
8. Information of Record Form, October 7, 2011, prepared b	b6,7C , Embassy b6,7C interviewed on
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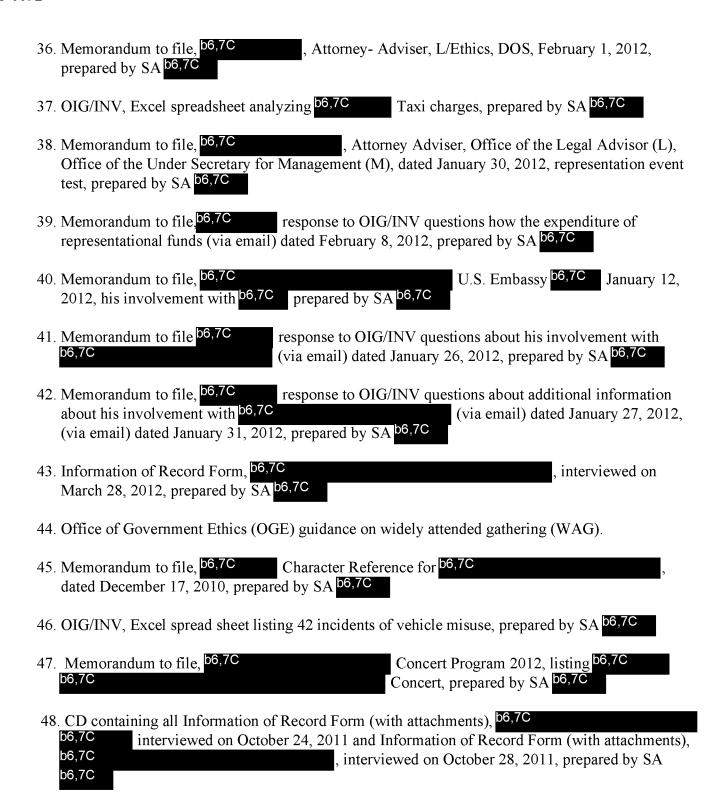
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Information of Record Form b6,7C prepared by SA b6,7C Information of Record Form interviewed on October 4, 20 Information of Record Form prepared by SA b6,7C Information of Record Form b6,7C Memorandum to file, b6,7C b6,7C b6,7C	U.S. Embassy b6,7 b6,7C 011, prepared by S b6,7C	A b6,7C , in December 14, 2011, p	, U.S. Embassy b6,7C wed on October 4, 2011, , Embassy b6,7C terviewed on October 31, 201 prepared by SA b6,7C ruary 2, 2012, prepared by SA
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prepared by SA b6,7C Information of Record Form	U.S. Embassy ^{b6,7}		wed on October 4, 2011,
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Information of Record Form Embassy b6,7C interviewe	ed on October 7, 20	011, prepared by SA	, b6,7C
Logistics Management (LM) OF-108.), Bureau of Admi		gement Officer, Office of ked if who must sign an
through June 16, 2011, prepa	ared by SA b6,7C		Ç
interviewed on October 28, 2	2011, prepared by	SA b6,7C	oriods of August 20, 2000
Information of Record Form	(without attachme	ents), b6,7C	,
6,7C Bureau Directive dated	d June 14, 2011, Si	abject: 6,7C per D	edicated Driver Policy, prepar
document related to use of O	Official Vehicles se	-	
about vehicle use. Con	versation on Marc	h 15, 2012, prepared	by SA b6,7C
Record of conversation, b6,7	C		Statement informing b6,
Memorandum to file, b6,7C GOV use instructions.	. February 27, 201		
	GOV use instructions Record of conversation, b6,7 about vehicle use. Condoos cable message 05 STA document related to use of OJuly 20, 2005, prepared by States of STA b6,7C Bureau Directive dates by SA b6,7C Information of Record Formation of Record Formation of Cotober 28, 2016/INV, Excel spread sheet through June 16, 2011, prep	Record of conversation, b6,7C 26,7 about vehicle use. Conversation on Marc DOS cable message 05 STATE 00134824 "Str document related to use of Official Vehicles sel July 20, 2005, prepared by SA 5,7C Bureau Directive dated June 14, 2011, Su by SA 6,7C Information of Record Form (without attachment atterviewed on October 28, 2011, prepared by OIG/INV, Excel spread sheet analyzing b6,7C Subject Matter Expert (SME) 6,7C Subject Matter Expert (SME)	Record of conversation, b6,7C D6,7 about vehicle use. Conversation on March 15, 2012, prepared DOS cable message 05 STATE 00134824 "Straight Talk on Official document related to use of Official Vehicles sent to all Diplomatic and July 20, 2005, prepared by SA b6,7C Bureau Directive dated June 14, 2011, Subject: 6,7C per Doy SA b6,7C Information of Record Form (without attachments), b6,7C interviewed on October 28, 2011, prepared by SA b6,7C OIG/INV, Excel spread sheet analyzing b6,7C OIG/INV, Excel spread sheet analyzing b6,7C OIG/INV, Excel spread sheet analyzing b6,7C OF-108s for pathrough June 16, 2011, prepared by SA b6,7C

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Report Prepared By:



b6,7C

Special Agent

Distribution: HR/ER DS/SI/PSS OIG/INV File Report Approved By:



Digitally signed by 6.7 C. P. DN: cn=6.7 C. P. Cr. Co-U.s. Department of State, ou=01fice of Investigations, emails 6.2 estate, gov. c= US Date: 2012.09.07 15.00.54 -04100

b6,7C

Assistant Special Agent in Charge

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Consul General (Retired)

Spouse of Indochina Auto

OfG/INV Case No. C2013-003

USW 821/15 ination

OGC Coordination



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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 Jason T. Loeffler at (703) 284

Jason T.

Sensitive But Unclassified Report of Investigation

TO: HR/ER - John Bernlohr, Director

Date: Aug 27, 2015

FROM: OIG/INV - Special Agent

THRU: OIG/INV - Assistant Special Agent in Charge

THRU: OIG/INV - Jason T, Loeffler

Loeffler.

Special Agent in Charge

SUBJECT: C2013-003 Report of Investigation Re:

Consul General (Retired)
U.S. Consulate General
Indochina Auto

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

BASIS FOR INVESTIGATION

Spouse of

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

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

that he did not believe there was a guid pro guo

between him and CG involving the donation of the automobile to the charity in exchange for the assistance

made Chrysler automobiles. He stated export promotion was a high priority and that the time spent on this

stated in an email to SA

matter was justified.

On March 19, 2013,

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 wife, accepted money for visa referrals. They identified and and as the original sources of the information. They identified 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
4. Email correspondence between CG and and dated March 9, 2011. 5. Letter to provide the provide dated 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
CG raised by Consulate staff. 7. IRF dated March 25, 2013, detailing email responses from DCM response from DCM responses from
9. IRF dated March 31, 2015, detailing email responses from CG 10. IRF dated September 25, 2013, detailing interview of the control of the co
11. IRF dated November 6, 2013, detailing interview of the state of School.
12. IRF dated December 12, 2013, detailing email responses from Trade Alliance.
13. Email from Management, dated June 26, 2015. 14. IRF dated August 13, 2015, detailing interview of the control of the cont



INV FILE

To:

Case Closing Memorandum

August 16, 2016

From:	, Assistant Special Agent in Charge
Thru:	Robert Smolich, Special Agent-in-Charge
Subjec	t: Closing Memorandum for C2013023
SUBJE	<u>SCTS</u>
1.	Name: Associated Entity: System Sciences Corporation International Grade/Position: Unknown/ Address:
	Alleged Violation(s): 18 USC § 1030 Fraud and related activity in connection with computers
2.	Name: Associated Entity: System Sciences Corporation International Grade/Position: Unknown/
	Address: Alleged Violation(s): 5 USC § 552A(i) Records Maintained on Individuals
3.	Name: Associated Entity: Department of State, Bureau of Consular Affairs Grade/Position: Unknown/ Address:
This rope	et is declared from the Office of Inspector Coneral, Office of Inspections (INVA) Law Enforcement December In

system of records under 5 USC 552a and intended solely for the official use of the Department or entity receiving a copy directly from the OIG and is disseminated only as authorized by the Privacy Act, such as intra Departmental need to know basis, 5 USC 552a(b)(1). This report

Unauthorized disclosure of this report may result in criminal, civil or administrative penaltics.

remains the property of the OIG, and no secondary distribution or reproduction may be made, in whole or in part, without prior written authorization by the OIG. This report shall be returned to the OIG or destroyed in accordance with 5 FAM 430, Records Disposition and Other Information. Agency's not subject to 5 FAM 430, shall return this report to the OIG or destroy the report in accordance with that agency's records disposition policy. Public availability of the report will be determined by the OIG under the Freedom of Informatic OIG Doc 5

Alleged Viol	ation(s):		
8 USC § 1202	2 Application for Visa		
	ntity: Department of State, Bu on: Unknown/	ureau of Consular Affairs	
Alleged Viola 9 FAM § App	ation(s): o. G Expedition of Clearance R	.equest	
BASIS OF INVESTIG	<u>SATION</u>		
files and e-mails of I Sciences Corporatio Consular Consolidat accessed the CCD to law's and niece's, no	as developed from OIG/INV (Department contractor In International (SSCI), we obtained Database (CCD) for his perocheck the status of his family on-immigrant visa requests in	ained records that indicated rsonal use. Documents ind y members', including his b 2011.	System d utilized the licated that prother's, sister-in-
	s personnel at U.S. Embassy	ilized CCD information in h	is communications his family members'
<u>SUMMARY</u>			
	ederal criminal or civil statute our review of		, and ent regulations, as
We determined that members' visa requ	accessed the ests, the information was not	e CCD to obtain information obtained for personal use i	•
			Page 2 of 4

This report is derived from the Office of Inspector General, Office of Investigations (INV) Law Enforcement Recording Index, a Privacy Act system of records under 5 USC 552a and intended solely for the official use of the Department or entity receiving a copy directly from the OIG and is disseminated only as authorized by the Privacy Act, such as intra Departmental need to know basis, 5 USC 552a(b)(1). This report remains the property of the OIG, and no secondary distribution or reproduction may be made, in whole or in part, without prior written authorization by the OIG. This report shall be returned to the OIG or destroyed in accordance with 5 FAM 430, Records Disposition and Other Information. Agency's not subject to 5 FAM 430, shall return this report to the OIG or destroy the report in accordance with that agency's records disposition policy. Public availability of the report will be determined by the OIG under the Freedom of Information Act, 5 USC 552. Unauthorized disclosure of this report may result in criminal, civil or administrative penaltics

U.S.C. 1030. At the time accessed the CCD, he was providing training on the CCD to personnel at Embassy accessed the same time, and family members were interviewing with Embassy accessed to obtain non-immigrant visas. It used the real-time information on his family members as examples during his CCD training sessions. When interviewed, 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 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 Consular Affairs 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 Consular Records accessed the CCD files of personal family members, he did so for official purposes, which is an allowable caveat under 7 FAM 1310.
We determined SSCI employee did not violate 5 U.S.C. 552A(i) when, on June 17, 2011, he provided with CCD information on family members as they were in the process of obtaining their non-immigrant visas. requested, via email, that run his family members' information through the CCD system. We reviewed CCD records which revealed 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 was providing training for the Consular Section at Embassy
We determined Department Management Analysis Officer did not violate 8 U.S.C. 1202/INA 222(f) when he shared CCD information with regarding family members' Security Advisory Opinion (SAO) status. This was consistent with the record checks and training was conducting, using his family members' information, as they progressed
Page 3 of 4

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through the visa process at Embassy

We determined Department Senior Coordinator for Interviolate 9 FAM Appendix G when, on June 17, 2011,	ragency Issues did not 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	nt with the record checks and training
was conducting on his family members as they pro	gressed 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:
Rahert Smalish

Robert Smolich Special Agent in Charge

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

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FOR OFFICIAL USE ONLY

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

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 Brian Grossman at (703) 284-



Sensitive But Unclassified **Case Closing Memorandum**

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

Grossman 2

Date: Jun 10, 2016

SUBJECT: Case Closing Memorandum re: C2014-046

Office of Acquisitions Management Office of Logistics Management U.S. Department of State

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 .S. Department of State (Department), Office of Acquisitions Management (AQM), Office of Logistics Management, represented in a telephone conference call (call) on May 21, 2014, with Department personnel, in violation of his post-employment, permanent restriction on communications and appearances to the Department on behalf of

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

knowingly, There was insufficient evidence for us to either substantiate or disprove the allegation that with the intent to influence the contract, participated in a call on May 21, 2014, with Department personnel in his capacity as a 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 OIG Doc 6

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, agreements or arrangements for future employment. In his OGE Form 450, electronically signed on January 31, 2014, agreements or arrangements or arrangements section that he received a conditional employment offer letter from an 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 participated in the May 21, 2014, a 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 the was not aware if participated in any additional calls after this initial May 21, 2014, call.
We interviewed 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 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 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 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.

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

Associated Entity: Green Diamond, LLC

Grade/Position:

Address:

Alleged Violation(s):

41 USC § 8702 Prohibited conduct (kickbacks)

18 USC § 287 False Claims

Page 1 of 4

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BASIS OF INVESTIGATION

This investigation was initiated based	on information received from Office of Overseas Buildings
Operations (OBO) employee	. According to
alleged that	Green Diamond LLC, solicited
kickbacks from Green Diamond emplo	oyees. Green Diamond LLC, was a subcontractor to
Tantus/OnPoint Accelerated Transform	mation Solutions, LLC (Tantus) for OBO Task Order
SAQMMA13F4078 (TO4078). Accordi	ing to alleged Green Diamond LLC did not
possess a facility clearance and theref	fore could not have employees on their payroll. As a result
signed a consultant agreement v	with Tantus and was paid by them even though he was a
Green Diamond contractor.	ged that verbally solicited a kickback of one third of
Tantus salary, and told	that other Green Diamond team members were
participating in the kickback scheme	and that he needed to "get on board."
OBO was double billed on the contract	ct and stated he had audio tapes to prove it.
subseque	ently 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 solicited kickbacks from in violation of 41 USC 8702 – Anti kickback Act, was unsubstantiated. It did not provide any evidence that a kickback was solicited, did not correctly use the term "kickback" as defined by the statute, and 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 solicited kickbacks from them. 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

Page 2 of 4

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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:

Special Agent

Approved By:

Brian Grossman

Brian Grossman

Special Agent in Charge

Page 3 of 4

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All redactions in this document are pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). Case Closing Memorandum C2014057

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

OGC Coordination

Nov. 2, 2015 Date



SENSITIVE BUT UNCLASSIFIED

November 3, 2015

MEMORAN	DUM
TO:	OIG - Steve A. Linick
FROM:	OIG/INV – Geoffrey Cherrington
SUBJECT:	Whistleblower Reprisal Investigation (
Diplomatic (DS/CI/CIR) and law, rule, ar contractor alleged that	ummary: The Office of Inspector General (OIG) initiated this investigation based on a received by the OIG Hotline on November 14, 2014, from Law Firm, PLLC, a complainant, and former Deloitte Consulting LLP (Deloitte) employee alleged she disclosed to the U.S. Department of State (Department), Bureau of Security, Criminal Investigations Division, Criminal Intelligence Research Branch Criminal Investigator and Supervisory Special Agents, instances of gross mismanagement of government funds and violations of ad/or regulations which she identified while serving as a Federal Government employed by Deloitte under the Financial Analysis and Forfeiture Program. also ther position as was eliminated by and and ster she made her disclosures.
an retaliated a resolve the allegedly ar by converting Deloitte trie unsuccessful.	reprisal complaint determined that made protected while employed as a contractor, and alleged that Department employees described against her, the investigation did not determine that Deloitte gainst her. A review of documents and interviews disclosed that Deloitte tried to communication and/or personality conflicts between and that rose as a result of disclosures. eventually eliminated positioning it to a full-time employee position. Despite the elimination of position, and to work with CIR and within Deloitte to find another position for but was all. was removed from the contract in mid-September 2014, yet Deloitte to pay her through the end of September 2014.
Backgroun contract	was hired to work as under Department awarded to Deloitte on August 27,

started as

2008, with Renzulli & Associates as the sub-contractor.

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.

offer of employment letter, dated stated that employment would be temporary, project contingent and project specific. duties and responsibilities included.
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 the new contract.
Whistleblower protection for contractor employees who make protected disclosures is governe 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.² 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.³ The employee was discharged, demoted, or otherwise discriminated against as a reprise 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. Improve 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. It alleged that improperly awarded contract
41 U.S.C 4712(a)(1). A protected disclosure is one "the employee reasonably believes is evidence of gross

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."

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."

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. See believed the alleged false figures resulted in DS erroneously
receiving \$2M from the AFF, Lastly, alleged sought to falsify information when she directed 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 satisfied this criterion of the statute. was employed by Deloitte under Department contract 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. ⁴
OlG's investigation substantiated that satisfied this criterion of the statute. first made protected disclosures to covered bodies when she electronically (email) and verbally informed CIR Supervisory Special Agents and of her concerns involving 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. and 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. 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.
OlG's investigation determined that has not satisfied this criterion. 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 concerns seriously, supported and worked to try to resolve the conflict that developed between and and In addition, Deloitte paid through the original end date of the contract for which they were not legally
^a Ibid.

⁵41 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:
1. Deloitte Contract dated August 28, 2008. 2. November 14, 2014, incoming complaint made by 3. Information of Record Form (IRF), dated December 17, 2014, detailing the interview of 3. Information of Record Form (IRF), dated December 17, 2014, detailing the interview of 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. 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 3.6 E-mail, dated, February 26, 2015, detailing the interview of 3.7 Prepared by SA
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
5. IRF, dated, March 16, 2015, detailing the interview of prepared by 5A
5.1 E-mail, dated, August 4, 2014, Re: Retaliation and Workplace Bullying by
6. IRF, dated March 13, 2015, detailing the interview of the second prepared by SA
7. IRF, dated March 26, 2015, detailing the interview of prepared by ASAC
7.1 E-mail dated June 30, 2014, Re: Formal Complaint Against
8. IRF, dated March 25, 2015, detailing the review of documents provided by prepared by
8.1 E-mail dated July 24, 2014, FW: DS CUG Rep.
8.2 E-mail dated July 24, 2014, Re: Hey 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
8.6 E-mail dated August 4, 2014, Conversation with Instant Message
conversation between and and and
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 provided e-mail from dated June 4, 2014, Action Memo PSC for Forfeiture
Specialist with the draft action memo attached requesting a PSC position be created for
9. IRF, dated April 10, 2015, detailing the interview of prepared by SA
10. IRF, dated April 14, 2015, detailing the interview of the state of the prepared by SA
11. IRF, dated April 16, 2015, detailing the review of documents provided by prepared by
SA CONTRACTOR OF THE CONTRACTO
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 prepared by SA
13. IRF, dated June 2, 2015, detailing the interview of
prepared by SA
14. Binder, dated June 2, 2015, Deloitte Presentation to OIG in Matter, prepared
by and and and an and an
15. Offer of Employment Letter, dated March 29, 2015, from Deloitte to
16. Separation Memorandum, dated August 28, 2014, from Memorandum, Deloitte to

17. IRF, dated June 4, 2015, detailing the interview of prepared by SA



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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 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 - Special Agent

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

Robert J Smolich Date: Jan 5, 2016

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 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 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 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 Virginia, for prosecutorial consideration on September 21, 2015. On October 6, 2015, declined prosecution on all charges.
On January 8, 2015, Division Chief was interviewed by INV. stated that on December 19, 2014, retrieved an incoming fax addressed to from the Police Department PD. The PD fax received contained an arrest record for was not familiar with the name, he asked if he was familiar with hame. Stated he was not. hand delivered the fax to and asked him to what case was associated. 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.
conducted a review of OSI's case management database and determined name was not associated with any OSI investigations. In addition, corroborated discussion with concerning the fax. Questioned about on December 22 and 23, 2014. Later in the day on December 23, 2014, gentered office and said, "I fucked up," and then subsequently informed that he knew explained to that 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 felt he did not know well enough and did not want to put his reputation in jeopardy if had a "troubled" past, he proceeded to conduct a criminal history check on and then contacted the DD requesting a copy of arrest record. Told expect them to follow up with a fax.
admitted to that he conducted an unauthorized search of 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 OPPD Records Clerk and PD Commander corroborated the events surrounding admission. Specifically, stated 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 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 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, relayed an incident from November 2014 in which he was pulled over or a traffic stop and the officers informed him there was an arrest warrant issued for him out of New Jersey. Thought this was erroneous and shared the incident with a personal friend,

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interviewed and admitted to sharing 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 the informed her of his record check of the 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 OPPD request involving on January 30, 2015, DS/SI/PSS suspended security clearance. On February 4, 2015, was again placed on administrative leave based on the security clearance suspension on February 26, 2015, HR/ER proposed suspending indefinitely without pay.
On March 18, 2015, INV 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, HR/ER advised that the February 26, 2015, 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 INV special agents.
This report is not being provided to HR/ER or DS/SI/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 and 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/SI/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
4. IRF, dated January 2, 2015, detailing the interview of Commander prepared by SA
5. IRF, dated January 9, 2015, detailing the interview of the state of prepared by SA
6 IRE dated lanuary 12 2015, detailing the receipt of an email from prepared by SA

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

dated January 9, 2015

to SA

7.1 Spreadsheet listing the 2013 name searches.

6.1 Copy of email from

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- 7.2 Spreadsheet listing the 2014 name searches.
- 8. IRF, dated July 8, 2015, detailing the interview of prepared by SA
- 9. IRF, dated July 8, 2015, detailing the interview of
- 10. IRF, dated July 8, 2015, detailing the interview of
- 11. IRF, dated July 8, 2015, detailing the interview of prepared by SA
- 12. IRF, dated July 8, 2015, detailing the interview of prepared by SA
- 13. IRF, dated March 18, 2015, detailing the interview of
- 14. Copy of DS/SI/PSS Memorandum dated January 30, 2015.
- 15. Copy of DS/EX Memorandum dated February 5, 2015.
- 16. Copy of HR Letter (undated) and Acknowledgment of Receipt, signed February 3, 2015.
- 17. Copy of HR Letter dated March 25, 2015.
- 18. Copy of the letter of resignation dated March 27, 2015.



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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 Robert Smolich at (703) 284-





Sensitive But Unclassified Case Closing Memorandum

TO: File

reveal profit.

FROM: OIG/INV -Special Agent THRU: OIG/INV -**Assistant Special Agent** in Charge THRU: OIG/INV - Robert Smolich, Special Agent-in-Charge Robert J Smolich = SUBJECT: Case Closing Memorandum re: C2015-018 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 Latvian Connections, that there was a conflict of interest between 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 According to since 2002, interest was that involved 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. 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. based his allegations on 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 Latvian Connections from using its website. argued this was a defacto debarment from bidding on contracts advertised on FedBid.com. Despite the protest, 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 violated 18 USC 208 as alleged. The investigation did not substantiate could provide no direct 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 advocating the use of FedBid.com. Moreover, email searches, law enforcement database reviews and financial record reviews failed to yield any evidence that had financial interests in FedBid. The investigation did

Date: Feb 25, 2016

has a history of filing frivolous award protests for himself and others, from which he tries to

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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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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-



Sensitive But Unclassified

We interviewed

the MSPB hearing when he

Case Closing Memorandum Date: Jul 5, 2016 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 Grossman 2 SUBJECT: C2015-053 Case Closing Memorandum re: Assistant Regional Security Officer U.S. Embassy 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 , and , a former Department employee with perjured himself while providing sworn alleged that the testimony during the Merit Systems Protection Board (MSPB) hearing for ALLEGED VIOLATIONS 18 U.S.C. 1621 - Perjury SUMMARY perjured himself while providing sworn testimony during a We determined that the allegations that MSPB hearing related to his investigation of were unsubstantiated. In August 2011, while working for the Bureau of Diplomatic Security (DS), Office of Professional Responsibility (OPR), conducted an investigation involving allegations of sexual misconduct made against The DS/OPR investigation substantiated the allegations against , and his employment with the later filed an appeal with the MSPB, and the case Department was terminated on August 25, 2014. was heard on February 25, 2015. We interviewed , who alleged perjured himself while testifying during hearing on February 25, 2015, when he stated under oath that he never talked to prior to the first compelled interview of on August 18, 2011, and that) never told that

stated the following:

perjured himself during his

representative for the first compelled interview.

, who alleged

sworn testimony at

OIG Doc 11

did not fully cooperate during the

All redactions in this document are pursuant to FOIA Exemption (b)(6) and (b)(7)(C). investigation because he did not answer all of the questions during the two compelled interviews; that he never talked to prior to 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 with him, but he brought that she would not be with him to answer all questions during the first compelled interview and did not fully cooperate; and 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. In not being cooperative at the MSPB hearing, he was referring to first compelled interview, when he questions. It is stated that neither that the preparative during the first compelled interview. It is stated that neither that the preparative during the first compelled interview. It is stated that neither that the preparative during the first compelled interview. It is stated that the preparative during the first compelled interview, he preparative to the compelled interview, he prepared that he prepared that the preparative denied ever telling that she could not be present during the first compelled interview and he denied excerting her to the downstairs lobby. It is stated during the MSPB hearing the was referring to answering all of his told him the preparative told him the preparative during the received an email from the preparative during the received and her referring to an American Foreign Service Association representative and not denied excerting her to the downstairs lobby. It is stated during the MSPB hearing, he was referring to answering all of his told him the was going to be prepared that when he received an email from the preparative to the compelled interview, her that the prepared that the preparative to the compelled interview and not denied excerting her to the downstairs lobby. In the MSPB hearing, he was referring to answering all of his told him the was going to be prepared that when he received an email from the preparative to the compelled interview, her that the preparative to the compelled interview and not denied excerting the first compelled interview. In the MSPB hearing, he was referring to answering all of his the mass going to be prepared to answering all of his told him the was going to be prepared to answering all of his told him the mass going to be prepared to answering all of his told
We interviewed supervisor during the investigation of the proof of the

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: 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

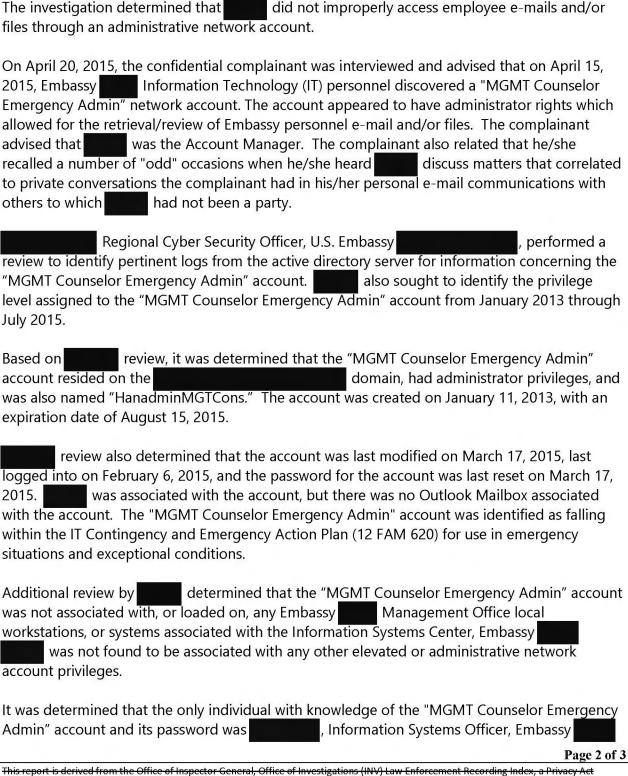
BASIS OF INVESTIGATION

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 (Embassy may have improperly accessed employee e-mails and/or files through an administrative network account.

Page 1 of 3

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SUMMARY



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Case Closing Memorandum C2015058

had only accessed the account to change the password, per Department password policy.

On January 12, 2016, was interviewed and denied knowledge of the "MGMT Counselor Emergency Admin" account. stated he had not accessed anyone's e-mail or files without their knowledge. Further, stated he was not aware of anyone else at Embassy 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

special / Belli

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

Page 3 of 3

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International Energy Affairs

OIG/INV Case No. C2015-063

OGC Coordination



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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 Brian Grossman at (703) 284-





Sensitive But Unclassified Report of Investigation Date: Mar 24, 2016 TO: HR/ER - Robert B. Nolan Director FROM: OIG/INV -Special Agent THRU: OIG/INV -Assistant Special Agent-in-Charge THRU: OIG/INV - Brian Grossman Special Agent-in-Charge SUBJECT: C2015-063 Report of Investigation Re: 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 International Energy Affairs, misused his official travel by taking personal trips to 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 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, took frequent personal trips to/from to visit his , but he personally paid for all of those trips, and they were not part of his family residing in official travel with the U.S. Department of State (Department). However, the investigation did determine that violated 3 FAH-1 H-2361.2 - Telework Agreement, when he teleworked from for 29 days, between September 20 14 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 were administrative and not criminal.

DETAILS OF THE INVESTIGATION	
OIG/INV conducted a review of E2 travel records for the ti November 2015, and identified 28 trips he took to/from during found that they were all for official purposes and did not involve perso trips were identified as having originated from during the time p	onal travel. Additionally, 16 of the 28
September 2014 through July 2015, even though Washington, D.C. was trips did not find any evidence that charged any personal examples for lodging, or meals and incident airfare from Washington D.C. to the control of the lodging of meals and incident the charged are personal examples.	s his duty station. A review of those spenses to the U.S. Government for
During the course of the investigation, OIG/INV developed information during 2014 and 2015 without having an approved DETO agreer work and travel calendars for the time period of August 1, 2014 through information with his official payroll and travel records. The review detected of 29 days from between September 2, 2014 through August agreement.	ment. OIG/INV reviewed grant and grant and compared that ermined that
On August 18, 2015, he did not recall being asked to authorize for the However, stated if was in on a personal trip to travel for the Department on official business, then his trip would be because the cost of the airfare from would be less than the cost Washington, D.C. further explained that if was on allowed to visit his family in if he took annual leave, and if no ad Government. also stated that he did not approve telework arrangements, did not approve a telework agreements, did not approve a telework agreements.	at his own expense, and he was required authorized to originate from of the airfare if the trip originated from official travel he would have been ditional costs were incurred by the U.S. to telework from was not aware
Energy and Environment, was interviewed and stated he had no role in than to ensure his travel was consistent with the Bureau's policy object told him that had approved as an alternate w	tives, which it always was a stated
Environment, was interviewed and stated she was supervision official travel was legitimate, but she did not approve his travel. further stated she did not approve a telework agreement	ravel, and was not aware of all of his
Affairs, was interviewed and stated teleworked from a teleworking agreement for him. It is stated that told her teleworking from the but she never saw the approval in writing. In J	
On December 4, 2015, Resources, stated in an email that she researched the eTelework database telework agreement for On January 29, 2016, stated in eligible for telework.	
On December 9, 2015, and January 8, 2016	, Bureau of Energy Resources

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(ENR), was interviewed and confirmed	that did not have a telework agreement on file.
said her understanding of telework wa travel, but was being responsive and e said when was in	i, ENR, was interviewed and stated she did not for telework, but they operated on the assumption that he was as that if was not physically in the office and not on official executing his official duties, then this was considered to be teleworking and told them he was working that day, it was recorded as telework used the exact word "telework" when referring to what he was doing king or not working.
associated with travel to Affairs he had official reasons to travel discussed his travel plans with scheduling of official round trip busine stated that he did not have originated in the traveled to	
definition of telework, he occasionally admitted that he did not ha	re-interviewed and stated based on his current understanding of the teleworked from during the period when his family resided there. We an approved telework agreement during this time period, and he upon him to verify his own telework eligibility and submit the telework
1. MOI of	r. Interviewed on August 18, 2015.
2. MOI of Executive Assistant	, interviewed on August 25, 2015.
3. MOI of	, interviewed on
August 31, 2015.	
4. MOI of	, interviewed on
October 22, 2015.	
5. MOI of former	, interviewed on December 3, 2015.
6. MOI of	, interviewed on December 9, 2015,
7. MQL of	, interviewed on December 9, 2015.
8. MOI of	interviewed on December 16, 2015. Interviewed on January 8, 2016.
10, MOI of former	interviewed on January 6, 2016.
	February 25, 2016.
	m Office of Employee Relations, Work/Life Division, advising that they
	having an active or inactive telework agreement.
	Office of Employee Relations, Work/Life Division, advising that
position was telework	
14. Photocopy of June 8, 2015, email fr	
assistants, providing guidelines on	
15. OIG/INV Review of Telework Days	
official payroll records.	
	vel vouchers for trips involving travel to
17. Spread sheet containing	personally paid travel information



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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-





Sensitive But Unclassified Case Closing Memorandum

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

to Chape trained of State on a part of State on a p

Date: Jul 7, 2016

City to ly agency to 10-20 (City to ly agency to 10-20 (City to 10

Brian Grossman

SUBJECT: C2015075: Case Closing Memorandum, re:

Former Public Attairs Officer

U.S. Embassy

Former Public Affairs Officer

U.S. Embassy

Former Public Affairs Officer

U.S. Embassy

Former Public Attairs Officer

U.S. Embassy

Former Officer

Bureau of International Narcotics and Law Enforcement Affairs

U.S. Embassy

Local National

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 processing and Locally Employed (LE) Staff at Embassy related to the importation of vehicles to

OIG Doc 14



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, a loca National, developed a scheme to import personally owned by utilizing diplomatic identity cards issued to USDH employees from Embassy
scheme began when he sought out USDH employees who wished to rent vehicles while serving at Embassy Once identified, wished the USDH employees diplomatic identifications to fraudulently import a vehicle into Who rented the vehicle to another USDH employee, or sold the vehicle, without payment of any duties, to the Who 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 that they did not pay for because they only intended to rent the vehicle while at post. Public Affairs Officer (PAO) PAO
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 the USDH employeed did not purchase the vehicles.
The allegation of misconduct against , and was substantiated. , and participated in a scheme led by to import the vehicles into which allowed to avoid payment on local import tax laws and caused the

PROSECUTORIAL COORDINATION

DS did not present the case for prosecutorial consideration.

EXHIBIT

1) DS Report of Investigation PR-2016-00105



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Office of Investigations
Case Closing Memorandum

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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

Brian
Grossman
Grossman
Grossman
Grossman

ffice of Counterintelligence and Consular Support (INR/CCS)
U.S. Department of State

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

BASIS FOR INVESTIGATION

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

This investigation was initiated based on information received from OIG/ESP concerning allegations made by at the U.S. Consulate in alleged that alleged that submitted in April 2013, as part of an investigation into an Equal Employment Opportunity (EEO) complaint filed by

ALLEGED VIOLATIONS

18 U.S.C. § 1001 - False Statements

SUMMARY	
were unsubstantiated. was only one opportuduring periods that have been named actions assigned at Consulate	made a false statement in an affidavit filed as part of an EEO investigation. According to the allegation made by stated in an affidavit there is stated in an affidavit there are to be named acting during his stated in an affidavit there was away. It is claimed there were at least three other opportunities for him to make there was only one opportunity for him (to have officially been named was out of the country.
course of an EEO investopportunity for	was interviewed and stated that made a false statement during the tigation, when he swore in an affidavit in April 2013 that there was only one to have been named acting at Consulate during the time period that claimed that there were three other opportunities for him to serve as acting

Date: Feb 3, 2016

due to being awa	tions in this document are pursuant to FOIA y from post on three other occasions. at Consulate appoint appoint the that there were three other opportunity.	provided copies of emails from inting
from September as acting state appointed only when the occasion when wa naming	d determined that during the time period 2011 through May 2012, there was only ed that U.S. State Department regulation permanent leaves the country and is assigned at Consulate	one opportunity for to officially serve
to be named as ac was out of the co as acting and occasions because explained that the design	related to the EEO investigation. cting during the period was as ountry on only one occasion. he stated that was not officially had not left and an acting was	as interviewed and denied making a false stated there was only one opportunity for ssigned to Consulate because he riewed the emails from listing appointed as acting on those three is not authorized to be named. Formal title, and that he was not seign Affairs Manual (FAM).
permanent principal offic	firmed that the official appointment of a er was absent from post was o <u>nly r</u> equir rict; in this case the country of	n acting principal officer while the red when the permanent principal officer had
A comparative review of profile disclosed that who 2012, never had o	government travel records and le was assigned to Consulate official travel outside of	human resources assignments from September 23, 2011 to May 7,

PROSECUTORIAL COORDINATION

This case was not presented to the U.S. Department of Justice for prosecution because the allegations against were unsubstantiated.



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-





FROM: OIG/INV — Special Agent

Digitally signed by Discuss oracle gardment of the transport of the transport

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 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 23, 2013, stemming from an injury incurred by a fall in On his LinkedIn profile, listed himself as working for from June 2012 until Present. A review of worker's compensation never claimed earned income from or any other employer on his CA-1032s.

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. returned to work in July 2014 as part of the "return-to-work" rehabilitation program. 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.

Date: Jun 15, 2016

All redactions i	n this docu men	ant to FOIA exemptions (b)(6) and (b)(7)(C).
His last qualified payment was in July 2014.		last compensation payment was in November 2014,
which was taken back due to overpayment. A wage and record check through the Texas Department of Labo		
revealed made appr	oximately \$29,659.98	during the fourth quarter of 2014. There were no reported
earnings prior to then.	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.



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

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Special Agent-in-Charge Tamara Yoder at (703) 284-



TO: File

FROM: OIG/INV — Special Agent Digitally digned by the state of the beauty user and a Committee of the beauty user and a Committee of the beauty user and a Committee of the beauty on the state of the beauty on the state of the beauty of the

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

TAMARA

B YODER

THRU:

SUBJECT: C2016-034: 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 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 compensation file determined never claimed earned income on his CA-1032s. Preliminary investigation revealed 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.

Date: Jun 15, 2016

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



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

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Special Agent-in-Charge Tamara Yoder at (703) 284-



TO: File

FROM: OIG/INV – , Special Agent

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

THRU:

SUBJECT: C2016-035: Case Closing Memorandum, re:

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

B YODER

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 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 November 1, 1990, stemming from an injury incurred while handling packaged materials. A review of the worker's compensation file determined never claimed earned income on his CA-1032s. Preliminary investigation revealed 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 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.

Date: Jun 15, 2016

*All redactions in this document are pursuant to FOIA ex receiving monthly disability payments in the amount of \$2,894.42. The has received a total of \$481,014 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.



Sensitive But Unclassified

Case Closing Memorandum

September 14, 2016

To: INV FILE

From: , Special Agent

Thru: , Assistant Special Agent-in-Charge

Thru: Robert Smolich, Special Agent-in-Charge

Subject: Closing Memorandum for C2016036

SUBJECTS

1. Name:

Associated Entity: DEFAULT, DEFAULT Grade/Position: Unknown/Unknown

Address: Unknown

Alleged Violation(s):

18 USC § 1001 Statements or entries generally

2. Name:

Associated Entity: Department of State, Overseas Buildings Operations

Grade/Position:

Address: Unknown

Alleged Violation(s):

18 USC § 1001 Statements or entries generally

Page 1 of 3

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BASIS OF INVESTIGATION

The Office of Inspector General, O	ffice of Investigations (OIG/INV) Hotline received a complaint
alleging that	, Bureau of Overseas C	perations (OBO)
and		, Bureau of Overseas
Operations (OBO),		provided
false statements to the OIG/INV o	n September 23, 2015, when the	ey provided an answer to
OIG/INV Hotline Complaint (H201	50312). The complaint alleged	that
OBO/	, misused his position with re	gards to interviewing and
hiring , his personal friend	d and that inappropria	itely shipped his personal
effects to his overseas assignment	at the government's expense.	
SUMMARY		
We determined that the allegation	ns were unsubstantiated. Review	w of email did not
reveal any attempt to mislead the	OIG or provide any inaccurate	or false information. Review of
Personal Services Contr	racts	
		page 13, section (I)
BENEFITS AT OVERSEAS POSTS, su	ubsection (b), authorizes	Storage and Shipment of
Household Effects (HHE).		
response to OIG/INV sta		
	and the selecting official wa	
	nterviewed on March 21, 2016, a	
response to the OIG/INV, dated Se		and stated that hired
and that was the selecti	ng 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.

Prepared By:	Approved By:
	Robert Smalich

Page 2 of 3

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Signed on: 9/14/2016 10:30:27 AM

Robert Smolich Special Agent in Charge Signed on: 9/14/2016 12:00:04 PM

Page 3 of 3

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

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Special Agent-in-Charge Tamara Yoder at (703) 284-



Sensitive	But	Unclass	ified
Report of	Inv	estinati	on

Date: Jun 30, 2016 TO: EXIM/OIG - Michael T. McCarthy, Deputy Inspector General FROM: OIG/INV 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 Export Import Bank (EXIM), indicating that EXIM, allegedly paid a bribe to a airport official during an official EXIM trip. **ALLEGED VIOLATIONS** 18 U.S.C. 201 - Bribery of a Public Official **SUMMARY** paid a fee required

Our investigation was unable to substantiate that violated 18 U.S.C 201. by all travelers when attempting to enter without a Yellow Card immunization record.

Our investigation was unable to substantiate 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 United States Attorney's Office, Eastern District of Virginia (EDVA), declined to prosecution, as no criminal violations were substantiated.

DETAILS OF THE INVESTIGATION We reviewed travel vouchers and travel card statements 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 for using a hired driver for an entire week (Exhibit 1).
We interviewed to go through immigration in least later told and and that he forgot his yellow card (immunization record) and the immigration official charged him a \$10 or \$20 fee. later mentioned the incident to and and sold that he forgot his yellow card (immunization record) and the immigration official charged him a \$10 or \$20 fee. later mentioned the incident to and sold the incident to and sold the immigration official charged him a \$10 or \$20 fee. Sold the immigration official charged him a \$10 or \$20 fee. Sold the immigration of State (DOS) Foreign Service Officers, at the U.S. Embassy (Exhibit 2).
We reviewed customs declarations and cargo shipments, which revealed that he did not ship items from during his official trip.
We interviewed in an airport official was pre-inspecting people's yellow cards prior to the immigration desk. became separated from and and after he discovered he did not have his yellow card. After was reunited with them, he told and and 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 was vaccinated at Inspections that day. I questioned the card's validity, but dismissed it (Exhibit 3).
According to at a meeting the following day at U.S. Embassy to brought up the yellow card issue to a few of the DOS Economics officers. Stated she walked away when began speaking with speaking with said. Foreign Service Officer, and did not hear the substance of their conversation.
We reviewed international travel records. has extensive international travel on both his official and personal passports. last traveled on his personal passport in November 2015.
We interviewed stated he has no recollection of making any comments about a yellow card at U.S. Embassy was unsure of the process in 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 people in the office talking about a man from EXIM who came all the way to and forgot his yellow card. She also heard that fixed the problem at the airport. Could not recall a specific conversation with regarding the matter. Stated people sometimes travel to without a visa, and there is an Embassy protocol for that is unaware if a process exists for missing yellow cards and stated that was the only case she knows of where someone forgot theirs. Stated did not tell what he did was okay, as she has no knowledge of the yellow card processes or procedures (Exhibit 5).
We interviewed Security Officer, EXIM. 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 of that requirement when they receive their initial security briefing. Was never read-on to SCI because his clearance was due for reinvestigation.
checked EXIM records for self-reported travel. has not self-reported any personal travel since his employment with EXIM. When asked if was briefed on the requirement to self-report, stated he did not have a signed disclosure form on file for and attested to the fact that would likely not know he needed to report his foreign travel since he was not briefed otherwise by

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).
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. It 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. It 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. The 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 the but did not request the reimbursement for the application, because it was his own fault.
According to he told he told he said it was fine and normal. It was 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 Garrity

3.	MOI dated April 22, 2016, detailing interview
3.1	Garrity
4.	MOI dated May 4, 2016, detailing interview
5.	MOI dated May 2, 2016, detailed 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.	Garrity
9.2	
10.	Way Back Time Machine archived CDC web page from July 27, 2014 and retrieved May 16, 2016
11.	



Sensitive But Unclassified

Case Closing Memorandum

October 13, 2016

To: INV FILE

From: Special Agent

Thru: Tamara Yoder, Special Agent-in-Charge

Subject: Closing Memorandum for C2016061

SUBJECTS

1. Name:

Associated Entity: N/A

Grade/Position:

Address:

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,

Passport Services a \$50 check to consider the use of his software (software).

Page 1 of 2

This report is derived from the Office of Inspector General, Office of Investigations (INV) Law Enforcement Recording Index, a Privacy Act system of records under 5 USC 552a and intended solely for the official use of the Department or entity receiving a copy directly from the OIG and is disseminated only as authorized by the Privacy Act, such as intra Departmental need to know basis, 5 USC 552a(b)(1). This report remains the property of the OIG, and no secondary distribution or reproduction may be made, in whole or in part, without prior written authorization by the OIG. This report shall be returned to the OIG or destroyed in accordance with 5 FAM 430, Records Disposition and Other Information. Agency's not subject to 5 FAM 430, shall return this report to the OIG or destroy the report in accordance with that agency's records disposition policy. Public availability of the report will be determined by the OIG under the Freedom of Information Act, 5 USC 552. Unauthorized disclosure of this report may result in criminal, civil or administrative penalties.

SUMMARY

Our investigation did not substantiate that violated of 18 U.S.C. 201. We completed a consensual monitored conversation with Initially 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 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 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 actions constituted a bribe. This investigation will be closed to file.

Prepared By:

Special Agent

Signed on: 10/19/2016 8:44:33 AM

Approved By:

Tamara Yeder

Tamara Yoder Special Agent in Charge

Signed on: 10/25/2016 9:53:51 AM

Page 2 of 2

This report is derived from the Office of Inspector General, Office of Investigations (INV) Law Enforcement Recording Index, a Privacy Act system of records under 5 USC 552a and intended solely for the official use of the Department or entity receiving a copy directly from the OIG and is disseminated only as authorized by the Privacy Act, such as intra Departmental need to know basis, 5 USC 552a(b)(1). This report remains the property of the OIG, and no secondary distribution or reproduction may be made, in whole or in part, without prior written authorization by the OIG. This report shall be returned to the OIG or destroyed in accordance with 5 FAM 430, Records Disposition and Other Information. Agency's not subject to 5 FAM 430, shall return this report to the OIG or destroy the report in accordance with that agency's records disposition policy. Public availability of the report will be determined by the OIG under the Freedom of Information Act, 5 USC 552. Unauthorized disclosure of this report may result in criminal, civil or administrative penalties



October 13, 2017

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

Stephani K 70%

Enclosure



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

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 Brian Grossman at (703) 284-





A review of

Case Closing Memorandum Date: Dec 7, 2015 TO: OIG/INV File FROM: OIG/INV-Special Agent THRU: OIG/INV-Brian Grossman, Special Agent-in-Charge Grossman THRU: SUBJECT: C2015-120: Case Closing Memo, re: Formerly GS-15/Information Technology Specialist IRM/DCIO/OPS **US** Department of State 2025 E Street, NW Washington, DC 20006 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 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 18 U.S.C. § 209 - Salary of Government Officials and Employees payable only by United States 18 U.S.C. § 1001 - False Statements SUMMARY The OIG received information that had received payment(s) from for performing "technology services" for . These payments were in addition to his federal salary. Upon request, counsel. of provided the OIG with a schedule of payments made by to 2013 for performing information technology services. According to the information provided by 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.

did not report the

GS-15 from approximately May 2009 to February 2013. Further review disclosed

Department personnel files revealed he was employed as an IT Specialist at pay grade

All redactions in this document are pursuant to FOIA exemptions (b)(6) and (b)(7)(C). aforementioned compensation on his yearly required OGE Form 278, Public Financial Disclosure Report. 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.