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**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

**The Special Counsel**

February 14, 2019

The Honorable Steven Mnuchin  
Secretary  
Department of the Treasury  
1500 Pennsylvania Avenue, N.W.  
Washington, D.C. 20220

Re: OSC File No. DI-14-1216

Dear Secretary Mnuchin:

Thank you for the reports that former Deputy Secretary Sarah Bloom Raskin and Inspector General Eric M. Thorson provided to me in response to disclosures of wrongdoing within the Office of the Comptroller of the Currency (OCC), Law Department, Washington, D.C. The whistleblower, who chose to remain anonymous, disclosed that OCC officials knowingly failed to enforce ethics regulations. The agency substantiated that certain OCC employees should have been prohibited from participating in certain matters in which they had a personal financial interest but did not find that this oversight was part of a coordinated effort to subvert the law.

I have enclosed my letter to the President and the whistleblower's comments. As stated in the letter, I have determined that the agency reports appear reasonable. While the agency did not substantiate all of the whistleblower's allegations, it did implement updated policies to correct its misinterpretation of relevant ethics requirements and ensure that employees receive appropriate ethical guidance.

Copies of the letter to the President, the agency reports, and the whistleblower's comments have also been sent to the Chairmen and Ranking Members of the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Financial Services. I have also filed redacted copies of these documents and the redacted §1213(c) referral letter in our public file, which is available online at [www.osc.gov](http://www.osc.gov). This matter is now closed.

Sincerely,

A handwritten signature in blue ink, appearing to read "H. Kerner".

Henry J. Kerner  
*Special Counsel*

Enclosures



## U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

The Special Counsel

February 14, 2019

The President  
The White House  
Washington, D.C. 20500

Re: OSC File No. DI-14-1216

Dear Mr. President:

I am forwarding to you reports from the Department of the Treasury (Treasury), based on disclosures of wrongdoing in the Office of the Comptroller of the Currency (OCC), Law Department, Washington, D.C. The whistleblower, who chose to remain anonymous, disclosed that OCC officials knowingly failed to enforce ethics regulations. I have reviewed the agency reports and whistleblower comments and, in accordance with 5 U.S.C. § 1213(e), provide the following summary of the reports, whistleblower comments, and my findings.<sup>1</sup>

The whistleblower alleged that for over a decade OCC ethics officials failed to enforce 5 C.F.R. § 2640, which prohibits Treasury employees from participating in an official capacity in certain matters in which they had a personal financial interest, commonly known as particular matters of general applicability (PMGA), resulting in numerous ethics violations. The whistleblower also alleged that OCC officials failed to fully disclose the ethical lapse to employees and the public. The whistleblower specifically cited OCC's ethics review of employee David Wilson's appointment to a senior policymaking position as an example of OCC's failure to properly interpret and implement PMGA.

The agency substantiated that some OCC employees should have been prohibited from participating in certain matters in which they had a personal financial interest but did not find that this oversight was part of a coordinated effort to subvert the law. The agency explained that § 2640.103(a)(1), which the U.S. Office of Government Ethics (OGE) issued in 1997 to interpret financial conflict of interest prohibitions in 18 U.S.C. § 208(a), defined "particular matters" as those that involve "deliberation, decision or action that is focused upon the interest of specific persons, or a discrete and identifiable class of persons." In 2006, the OGE issued a memorandum further explaining that PMGA may

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<sup>1</sup>The whistleblower's allegations were referred to former Treasury Secretary Jacob J. Lew for investigation pursuant to 5 U.S.C. § 1213(c) and (d). The Treasury Office of the Inspector General conducted the investigation. Former Deputy Secretary Sarah Bloom Raskin reviewed and signed the agency's report. The agency's supplemental report was reviewed and signed by the Honorable Eric M. Thorson, Inspector General.



The President  
February 14, 2019  
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include “legislation and policymaking if they were focused on a specific class or industry.”

In 1996, OCC issued a memorandum summarizing the various approaches to PMGA under 18 U.S.C. § 208(a) and recommending that OCC recuse only employees who are negotiating for employment with a bank from matters focusing on the specific bank or narrowly focused on a discrete and identifiable class of banks. Despite subsequent guidance issued by Treasury that should have informed OCC’s interpretation, including the Treasury Ethics Handbook beginning in 2000, which advised a broader approach to PMGA than OCC’s guidance, OCC continued to follow this erroneous guidance for 15 years. The agency acknowledged that OCC district ethics officials were not aware of the PMGA guidance in the Ethics Handbook.

The agency asserted that OCC did not directly advise employees regarding PMGA but applied its interpretation consistently when addressing recusals. OCC officials acknowledged that they should have coordinated with OGE on their approach to PMGA. However, OCC did not coordinate with OGE until the 2011 appointment of David Wilson to the position of Senior Deputy Controller for Bank Supervision Policy and Chief National Bank Examiner led OGE officials to voice concerns about OCC’s interpretation of PMGA. Mr. Wilson was ultimately transitioned into a different position.

OCC issued a press release in October 2011 announcing that Mr. Wilson had switched jobs with another employee. The press release did not mention the issue of PMGA or explain the underlying reason for the switch. The agency, however, determined that this oversight did not constitute a false statement, and that OCC did not have an obligation to disclose the reasons for Mr. Wilson’s reassignment. Thereafter, OCC headquarters ethics official Jennifer Dickey addressed PMGA with OCC ethics officials during a conference call and, according to the agency, OCC ethics officials took immediate action to amend OCC’s interpretation and guidance on PMGA. Thus, the agency did not substantiate the whistleblower’s allegation that OCC officials attempted to downplay PMGA in communication with employees.

In 2011, OCC officials repeatedly discussed the issue of PMGA and, according to the agency, proactively reviewed senior employee financial disclosure forms, identifying only Mr. Wilson as having a PMGA conflict. Non-senior employees who were implicated were also advised in 2012 of their now-expanded recusals. In 2012, OCC initiated an ethics clearance process for employees in public filer positions and higher-graded positions under the Chief National Bank Examiner. OCC also issued an agency-wide ethics bulletin on the scope of the recusal requirements. Thus, the agency determined that OCC training and policy currently reflects an appropriate interpretation of PMGA. In addition, the agency noted that OCC has increased its communication with the Treasury

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Legal Division in recent years, including reviews of ethics advice and financial disclosure filings.

The whistleblower believes that the agency did not make a good faith effort to conduct a serious investigation of the allegations. For example, the whistleblower stated that OCC had no interpretation of PMGA at all, notwithstanding the agency's initial finding that OCC officials from 1996 onward had applied a consistent approach to PMGA. The whistleblower further asserted that the 1996 OCC PMGA memorandum was not distributed to ethics officials, and that the concept of PMGA was never discussed or explained to staff. In fact, PMGA was not raised at all with employees until 2011, which the whistleblower believes was a purposeful concealment of the PMGA concept by OCC officials. The whistleblower also posited that the 2011 press release regarding the reassignment of an OCC official was further evidence of OCC's attempts to conceal its failure to address and implement PMGA. The whistleblower strongly advocated that OCC should have directly stated that the move was the result of a conflict of interest under PMGA.

The whistleblower further asserted that the report overlooked witness statements that the whistleblower characterized as falsehoods. These include whether a highly-placed OCC official was involved in policymaking pursuant to PMGA and whether Jennifer Dickey obscured the discovery and rollout out of PMGA compliance to employees. The whistleblower opined that the report whitewashed these actions to obscure their origin and effect. Specifically, the whistleblower pointed to actions by OCC officials, including Ms. Dickey, to downplay the rollout of OCC's "new" PMGA interpretation and make it appear to be less than a significant change to standing policy.

The whistleblower also addressed OCC's remedial actions, asserting that the agency overcorrected to deflect attention from its lapses. The whistleblower stated that OCC officials subjected employees who were not involved in policymaking to PMGA review, requiring them to complete expanded recusals or divest their holdings, causing undue stress for employees and ethics officials.

I have reviewed the original disclosure, agency reports, and whistleblower comments. As the whistleblower noted, and as the agency acknowledged in its supplemental report, OCC engaged in a serious ethical lapse spanning 15 years by failing to implement any kind of PMGA oversight between 1996 and 2011. The reports also show that OCC failed to consult with OGE or Treasury regarding PMGA at any point during that time. I am concerned by such a critical ethical oversight, particularly given the availability of alternative PMGA interpretations, the extended period of the lapse, and the number of employees who may have been affected.



The President

February 14, 2019

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Nevertheless, upon recognizing its failures, OCC implemented policies to correct its interpretation of PMGA and to ensure that employees received updated ethical guidance. While the whistleblower disagreed with the manner of OCC's PMGA "rollout" and questioned the forthrightness of its public statements, the report makes clear that OCC identified and corrected its PMGA policy and reassigned affected employees as required. OCC has also increased its collaboration with the Treasury Legal Division, which may limit the occurrence of similar lapses in the future. As the agency's supplemental report noted, internal deliberation and disagreement over the language of OCC's internal and public announcements is not unexpected, and such discussion does not bear directly on whether the agency is now meeting its ethical responsibilities.

Although the whistleblower takes issue with how the agency conducted its investigation, it appears that the agency did conduct a good faith investigation. Furthermore, it appears the agency took appropriate corrective actions in response to the substantiated allegations. For these reasons I have determined that the report meets all statutory requirements, and the findings appear reasonable.

As required by 5 U.S.C. § 1213(e)(3), I have sent a copy of this letter, the agency reports, and the whistleblower comments to the Chairmen and Ranking Members of the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Financial Services. I have also filed redacted copies of these documents and the redacted § 1213(c) referral letter in our public file, which is available at [www.osc.gov](http://www.osc.gov). This matter is now closed.

Respectfully,

A handwritten signature in blue ink, appearing to read "H. Kerner", is written over the typed name.

Henry J. Kerner  
*Special Counsel*

Enclosure

XXXX,

Thank you for the response.

Catherine McMullen

*Catherine A. McMullen  
Chief, Disclosure Unit  
U.S. Office of Special Counsel  
202-804-7088*

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**From:** XXXX, XXXX [<mailto:XXXXL@oig.treas.gov>]  
**Sent:** Wednesday, February 21, 2018 9:52 AM  
**To:** Delmar, Richard K. <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>; McMullen, Catherine <[CMcMullen@osc.gov](mailto:CMcMullen@osc.gov)>  
**Cc:** XXXX, XXXX XXXX <[sXXXX@osc.gov](mailto:sXXXX@osc.gov)>; XXXX, XXXX <[XXXX@osc.gov](mailto:XXXX@osc.gov)>  
**Subject:** RE: OIG followup - OSC File No. DI-14-1216

Ms. McMullen,

Attached is the supplemental response from TOIG on the OCC matter. Please let us know if you have any questions or need additional information.

Thank You,

XXXX J. XXXX, Assistant Counsel  
U.S. Department of the Treasury, Office of Inspector General  
875 15<sup>th</sup> Street, NW  
Washington, DC 20005  
202-927-xxxx, [XXXXL@oig.treas.gov](mailto:XXXXL@oig.treas.gov)

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**From:** Delmar, Richard K.  
**Sent:** Tuesday, February 20, 2018 3:57 PM  
**To:** 'McMullen, Catherine' <[CMcMullen@osc.gov](mailto:CMcMullen@osc.gov)>  
**Cc:** XXXX, XXXX <[XXXXL@oig.treas.gov](mailto:XXXXL@oig.treas.gov)>; XXXX, XXXX XXXX <[sXXXX@osc.gov](mailto:sXXXX@osc.gov)>; XXXX, XXXX

<XXXX@osc.gov>

**Subject:** RE: OIG followup - OSC File No. DI-14-1216

formal response from Mr. Thorson to Mr. Kerner is written, should be signed and sent to you tomorrow.

**From:** McMullen, Catherine [<mailto:CMcMullen@osc.gov>]

**Sent:** Tuesday, February 20, 2018 1:41 PM

**To:** Delmar, Richard K. <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>

**Cc:** XXXX, XXXX <[XXXXL@oig.treas.gov](mailto:XXXXL@oig.treas.gov)>; XXXX, XXXX XXXX <[sXXXX@osc.gov](mailto:sXXXX@osc.gov)>; XXXX, XXXX <[XXXX@osc.gov](mailto:XXXX@osc.gov)>

**Subject:** FW: OIG followup - OSC File No. DI-14-1216

Rich,

Does the agency plan on providing a supplemental report? Thank you.

Catherine McMullen

*Catherine A. McMullen  
Chief, Disclosure Unit  
U.S. Office of Special Counsel  
202-804-7088*

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**From:** McMullen, Catherine

**Sent:** Thursday, February 1, 2018 11:42 AM

**To:** Delmar, Richard K. <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>; XXXX, XXXX <[XXXXL@oig.treas.gov](mailto:XXXXL@oig.treas.gov)>

**Cc:** XXXX, XXXX XXXX <[sXXXX@osc.gov](mailto:sXXXX@osc.gov)>; XXXX, XXXX <[XXXX@osc.gov](mailto:XXXX@osc.gov)>

**Subject:** RE: OIG followup - OSC File No. DI-14-1216

Rich,

As noted below, the supplemental report was due on January 5, 2018. It is important that we receive it as soon as possible. Otherwise, we will move forward with our review without the additional information. Thank you.

Catherine McMullen

*Catherine A. McMullen  
Chief, Disclosure Unit  
U.S. Office of Special Counsel  
202-804-7088*



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**From:** McMullen, Catherine  
**Sent:** Friday, January 19, 2018 5:37 PM  
**To:** 'Delmar, Richard K.' <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>; XXXX, XXXX <[XXXXL@oig.treas.gov](mailto:XXXXL@oig.treas.gov)>  
**Cc:** XXXX, XXXX XXXX <[sXXXX@osc.gov](mailto:sXXXX@osc.gov)>; XXXX, XXXX <[XXXX@osc.gov](mailto:XXXX@osc.gov)>  
**Subject:** RE: OIG followup - OSC File No. DI-14-1216

Thanks Rich. Have a good week-end!

**From:** Delmar, Richard K. [<mailto:DelmarR@oig.treas.gov>]  
**Sent:** Friday, January 19, 2018 5:34 PM  
**To:** McMullen, Catherine <[CMcMullen@osc.gov](mailto:CMcMullen@osc.gov)>; XXXX, XXXX <[XXXXL@oig.treas.gov](mailto:XXXXL@oig.treas.gov)>  
**Cc:** XXXX, XXXX XXXX <[sXXXX@osc.gov](mailto:sXXXX@osc.gov)>; XXXX, XXXX <[XXXX@osc.gov](mailto:XXXX@osc.gov)>  
**Subject:** RE: OIG followup - OSC File No. DI-14-1216

we will prepare a formal letter from IG Thorson to Special Counsel Kerner incorporating our findings. Look for it next week, assuming we're employed.

**From:** McMullen, Catherine [<mailto:CMcMullen@osc.gov>]  
**Sent:** Friday, January 19, 2018 3:16 PM  
**To:** Delmar, Richard K. <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>; XXXX, XXXX <[XXXXL@oig.treas.gov](mailto:XXXXL@oig.treas.gov)>  
**Cc:** XXXX, XXXX XXXX <[sXXXX@osc.gov](mailto:sXXXX@osc.gov)>; XXXX, XXXX <[XXXX@osc.gov](mailto:XXXX@osc.gov)>  
**Subject:** RE: OIG followup - OSC File No. DI-14-1216

Rich,

It is the agency's determination who should sign the supplemental. Please let me know if you would like to discuss. Thank you.

Catherine

**From:** Delmar, Richard K. [<mailto:DelmarR@oig.treas.gov>]  
**Sent:** Friday, January 19, 2018 3:13 PM  
**To:** McMullen, Catherine <[CMcMullen@osc.gov](mailto:CMcMullen@osc.gov)>; XXXX, XXXX <[XXXXL@oig.treas.gov](mailto:XXXXL@oig.treas.gov)>  
**Cc:** XXXX, XXXX XXXX <[sXXXX@osc.gov](mailto:sXXXX@osc.gov)>; XXXX, XXXX <[XXXX@osc.gov](mailto:XXXX@osc.gov)>  
**Subject:** RE: OIG followup - OSC File No. DI-14-1216

Catherine – in terms of format for the supplemental – should we produce a letter from the IG to Mr. Kerner, or do we need to fleet our report up to the Secretary as we did the original inquiry?

**From:** McMullen, Catherine [<mailto:CMcMullen@osc.gov>]  
**Sent:** Friday, January 19, 2018 2:56 PM  
**To:** XXXX, XXXX <[XXXXL@oig.treas.gov](mailto:XXXXL@oig.treas.gov)>

**Cc:** Delmar, Richard K. <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>; XXXX, XXXX XXXX <[sXXXX@osc.gov](mailto:sXXXX@osc.gov)>; XXXX, XXXX <[XXXX@osc.gov](mailto:XXXX@osc.gov)>

**Subject:** RE: OIG followup - OSC File No. DI-14-1216

XXXX,

Thank you for the information. As mentioned in Rich's December 22, 2017, email, an extension was requested until January 5 to submit a formal supplemental report. To date, we have not received one. Could you please provide the status?

Catherine McMullen

*Catherine A. McMullen  
Chief, Disclosure Unit  
U.S. Office of Special Counsel  
202-804-7088*

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**From:** XXXX, XXXX [<mailto:XXXXL@oig.treas.gov>]  
**Sent:** Tuesday, January 16, 2018 9:42 AM  
**To:** McMullen, Catherine <[CMcMullen@osc.gov](mailto:CMcMullen@osc.gov)>  
**Cc:** Delmar, Richard K. <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>  
**Subject:** FW: OIG followup - OSC File No. DI-14-1216

Catherine,  
Per your conversation with Rich, here is the response sent on December 22, with attachments. Please let us know if you have any questions.  
Thank You,  
XXXX

XXXX J. XXXX, Assistant Counsel  
U.S. Department of the Treasury, Office of Inspector General  
875 15<sup>th</sup> Street, NW  
Washington, DC 20005  
202-927-xxxx, [XXXXL@oig.treas.gov](mailto:XXXXL@oig.treas.gov)

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**From:** Delmar, Richard K.  
**Sent:** Friday, December 22, 2017 2:59 PM  
**To:** 'McMullen, Catherine' <[CMcMullen@osc.gov](mailto:CMcMullen@osc.gov)>  
**Cc:** XXXX, XXXX <[XXXXL@oig.treas.gov](mailto:XXXXL@oig.treas.gov)>  
**Subject:** FW: OIG followup - OSC File No. DI-14-1216

Catherine – Earlier this week we got the remaining tranche of the information we requested from OCC, enabling us to complete this supplemental report (last attachment). I've attached our answers to the questions you sent us in August, along with exhibits. We will provide a more formal transmittal in the first week of January, and I request an extension until January 5 to accomplish that, but we wanted you to see where we are as quickly as we could.

Rich Delmar  
Counsel to the Inspector General  
Department of the Treasury  
202-927-3973  
202-528-8997 (cell)  
[delmarr@oig.treas.gov](mailto:delmarr@oig.treas.gov)

Sorry for the delayed response – this email slipped through the cracks somehow. The threat is not a personnel action, so we have no authority to correct it. We may look into the threat and the agency's reaction to it as a matter tangential to Ms. XXXX's other claims, but we would just be information-gathering rather than taking any action or making any recommendation. Thus, I don't think we have any conflict. Let me know if you have any other questions.

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**From:** Delmar, Richard K. <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>  
**Sent:** Friday, February 8, 2019 1:37 PM  
**To:** <[XXXX@osc.gov](mailto:XXXX@osc.gov)>  
**Cc:** XXXX  
**Subject:** FW: XXXX Case

On February 5, 2019, XXXX, Attorney, U.S. Department of Treasury, provided to the Treasury OIG (TIG) : "It was reported to me today that approximately 6 months ago, an unnamed employee overheard OFR Program Manager XXXX state to OFR Management and Program Analyst XXXX that he hated and wanted to kill all whistleblowers, and, in particular, wanted to remove XXXX XXXX's skin and watch her die. I understand that the unnamed employee reported to XXXX XXXX what he or she overheard near to the time that the employee heard it. I do not believe XXXX XXXX reported it to anyone until today, when she reported it to an Office of Special Counsel attorney. The information was relayed to me today by the OSC attorney."

On February 6, 2019, TIG contacted XXXX who stated that she did not inform Treasury officials or TIG of the aforementioned threat that occurred in approximately the summer of 2018, because she feared retaliation and felt that nothing happened after previous complaints to DO and TIG. She did contact the Office of Special Counsel. She was not certain if the OSC was conducting an investigation. She did not want to provide TIG with the person whom heard the threat and relayed it to her.

**From:** XXXX [<mailto:XXXX@osc.gov>]  
**Sent:** Thursday, February 7, 2019 4:54 PM  
**To:** Delmar, Richard K. <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>  
**Cc:** XXXX  
**Subject:** RE: XXXX Case

Probably not, but it might be helpful to know what the matter is. I think I know what it is, but I'm not certain.



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**From:** Delmar, Richard K. <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>  
**Sent:** Thursday, February 7, 2019 4:52 PM  
**To:** XXXX <[XXXX@osc.gov](mailto:XXXX@osc.gov)>  
**Cc:** XXXX <[XXXX@oig.treas.gov](mailto:XXXX@oig.treas.gov)>  
**Subject:** RE: XXXX Case

thank you very much. May I conclude that OSC has no issue with OIG picking this new matter up?

**From:** XXXX [<mailto:XXXX@osc.gov>]  
**Sent:** Thursday, February 7, 2019 4:43 PM  
**To:** Delmar, Richard K. <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>  
**Subject:** XXXX Case

Rich,

I am the attorney handling Ms. XXXX's PPP complaint; I think we exchanged emails earlier in my investigation. Catherine from our DI shop informed me about your most recent inquiry about possible conflicts. Ms. XXXX has apprised me of recent events, so I likely know about the incident(s) you referenced in your message to XXXX. I am happy to talk to you about conflicts, but at this point, I am not actively investigating anything that happened in the last month.

XXXX

XXXX  
Attorney – IPD  
Office of Special Counsel  
1730 M Street, Suite 218  
Washington, DC 20036  
Tel: (202) 804-xxxx  
[XXXX@osc.gov](mailto:XXXX@osc.gov)

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Sure!

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**From:** Delmar, Richard K. <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>  
**Sent:** Tuesday, April 24, 2018 3:16 PM  
**To:** XXXX<[xxxx@osc.gov](mailto:xxxx@osc.gov)>  
**Subject:** RE: OSC Request for Information -- XXXX Investigation

meet you in your lobby at 3:40?

**From:** XXXX[<mailto:xxxx@osc.gov>]  
**Sent:** Tuesday, April 24, 2018 3:05 PM  
**To:** Delmar, Richard K. <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>  
**Subject:** RE: OSC Request for Information -- XXXX Investigation

I am done now.

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**From:** Delmar, Richard K. <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>  
**Sent:** Tuesday, April 24, 2018 3:05 PM  
**To:** XXXX<[xxxx@osc.gov](mailto:xxxx@osc.gov)>  
**Subject:** RE: OSC Request for Information -- XXXX Investigation

I'd like to make the delivery in-person. Let me know when you're done; I can get over to M Street in 15 minutes.

I should be able meet you at 3:30, but I can't guarantee it. I'm in a meeting of indeterminate length. You can also try dropping it off at the mailroom at Rm 218 (2<sup>nd</sup> Floor), or at our reception desk through the glass doors on the 3<sup>rd</sup> Floor.

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**From:** Delmar, Richard K. <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>  
**Sent:** Tuesday, April 24, 2018 1:22 PM  
**To:** XXXX <[XXXX@osc.gov](mailto:XXXX@osc.gov)>  
**Cc:** xxxx@oig.treas.gov  
**Subject:** RE: OSC Request for Information – XXXX Investigation

I've got the CD-ROM. I can deliver it to you – nice day for a walk. Please advise.

Rich Delmar  
Counsel to the Inspector General  
Department of the Treasury  
202-927-3973  
202-528-8997 (cell)  
[delmarr@oig.treas.gov](mailto:delmarr@oig.treas.gov)

**From:** XXXX [<mailto:XXXX@osc.gov>]  
**Sent:** Monday, April 23, 2018 12:35 PM  
**To:** Delmar, Richard K. <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>  
**Cc:** xxxx@oig.treas.gov  
**Subject:** RE: OSC Request for Information – XXXX Investigation

Hi,

Thanks for the reply. Our position is that we can see everything you have under the regulations cited in the request. Under 5 U.S.C. 1212(b)(5)(A), OSC is entitled to ALL material relevant to our investigation. I cannot think of an exception to this provision that would allow you withhold the witnesses' names and information. I will do my best to keep their information and testimony confidential, as I try to do anyway. I will not identify them as OIG witnesses. In general, I intend to let the OIG to speak for itself.

XXXX

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**From:** Delmar, Richard K. <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>  
**Sent:** Friday, April 20, 2018 1:23 PM  
**To:** XXXX <[XXXX@osc.gov](mailto:XXXX@osc.gov)>  
**Cc:** xxxx@oig.treas.gov  
**Subject:** RE: OSC Request for Information – XXXX Investigation

We are pulling together all the information in our investigative data bases that were collected/created in the course of the investigations. It'll be on a CD-ROM. Plan to have it completed and deliverable to you next week.

A complicating factor: There were four confidential witnesses in this body of work; many of the records exist with their names and other identifying information redacted. What is your position on access to such information – take it redacted, or is there a legal basis for you wanting, and being entitled to getting, it unredacted?

**From:** XXXX [<mailto:XXXX@osc.gov>]  
**Sent:** Thursday, April 19, 2018 7:33 PM  
**To:** Delmar, Richard K. <[DelmarR@oig.treas.gov](mailto:DelmarR@oig.treas.gov)>  
**Cc:** xxxx@oig.treas.gov  
**Subject:** RE: OSC Request for Information – XXXX Investigation

Hello,

Can either of you provide an update on the request below?

Thanks,  
XXXX

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**From:** XXXX  
**Sent:** Monday, April 9, 2018 2:30 PM  
**To:** 'delmarr@oig.treas.gov' <[delmarr@oig.treas.gov](mailto:delmarr@oig.treas.gov)>  
**Cc:** 'xxxx@oig.treas.gov'  
**Subject:** OSC Request for Information – XXXX Investigation

Mr. Delmar,

Special Agent XXXX told me to contact you about OSC's Request for Information (RFI) regarding the investigative documents and report generated in connection to the allegations made by XXXX. Attached you will find OSC's standard RFI. This request should authorize Treasury OIG to release the requested information to OSC. My understanding is that the report into Ms. XXXX's allegations is not finalized, however, I don't think that fact should prevent production of the report and associated material to OSC. OSC would not release or reference draft material provided to it without permission from the IG.

Please let me know if you have any questions or concerns. It's possible that I can tweak the RFI in response to concerns.

Thanks,  
XXXX  
XXXX  
Attorney – IPD  
Office of Special Counsel  
1730 M Street, Suite 218  
Washington, DC 20036  
Tel: (202) 804-xxxx  
[XXXX@osc.gov](mailto:XXXX@osc.gov)

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Date: 4/4/18

Subject: anonymous complaint

Hello Mr. Delmar,

Thank you so much for returning my call.

Attached is our Closure letter as well as the information that was sent to us.

If you have any questions please feel free to contact me.

Thanks.

*XXXX*

*Administrative Assistant*

*Disclosure Unit*

*U.S. Office of Special Counsel*

*Tel: (202) 804-xxxx*

*Fax: (202) 254-3711*

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