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Description of document: Council of Inspectors General for Integrity and Efficiency (CIGIE) Selected Reports of Investigations 2014-2017

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Source of document: FOIA Request  
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## COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY

March 28, 2022

Subject: CIGIE Freedom of Information/Privacy Act Request 6330-2021-42

This letter serves as a final response to your Freedom of Information Act (FOIA) request, received on May 18, 2021, to the Council of the Inspectors General on Integrity and Efficiency (CIGIE). This request was assigned FOIA case number 6330-2021-42. Your request seeks copies of six reports of investigation (ROIs), namely IC #880, 841, 740, 720 and two other matters, later determined to be ROI #753 and #640.

Please note that ROIs #720 and #841 are available for viewing in the FOIA Reading Room on IGnet.gov. Regarding ROIs #880, #753, and #740, CIGIE has combined them into one pdf file, subject to the following redactions:

- Exemption (b)(5): allows the agency the discretion to withhold "...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." The purpose of this exemption is to protect the deliberative process by encouraging a frank exchange of views. In addition, this exemption protects from disclosure attorney-work product and attorney-client materials.
- Exemption (b)(6): allows Federal agencies the discretion to withhold information the disclosure of which would "...constitute a clearly unwarranted invasion..." of individual privacy and might adversely affect the individual and his/her family.
- Exemption (b)(7): protects from disclosure "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ...  
(C) could reasonably be expected to constitute an unwarranted invasion of personal privacy[.]"

Previously, CIGIE provided you with ROI #640 in response to your FOIA request #6330-2021-35.

If you have questions about this response, you may contact the FOIA Public Liaison directly by dialing (202) 478-8265. You may also send an email to [FOIASTAFF@cigie.gov](mailto:FOIASTAFF@cigie.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  
[ogis@nara.gov](mailto:ogis@nara.gov)  
(202) 741-5770  
(877) 684-6448 (toll free)  
(202) 741-5769 (facsimile)

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 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.

A requester may appeal a determination denying a FOIA request in any respect to the CIGIE Chairperson c/o Office of General Counsel, Council of the Inspectors General on Integrity and Efficiency, 1717 H Street NW, Suite 825, Washington, DC 20006. The appeal must be in writing, and must be submitted either by:

- (1) Regular mail sent to the address listed in this subsection, above; or
- (2) By fax sent to the FOIA Officer at (202) 254-0162; or
- (3) By email to [FOIAAPPEAL@cigie.gov](mailto:FOIAAPPEAL@cigie.gov).

Your appeal must be received within 90 days of the date of this letter. The outside of the envelope should be clearly marked "FOIA APPEAL."

Sincerely,



Faith R. Coutier  
Senior Assistant General Counsel

Enclosure: as stated

**Integrity Committee**  
Council of the Inspectors General on Integrity and Efficiency  
935 Pennsylvania Avenue, N.W., Room 3973  
Washington, D.C. 20535  
IC\_Complaints@ic.fbi.gov

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**Personal and Confidential**

November 12, 2014

The Honorable Beth Cobert  
Executive Chair  
Council of the Inspectors General on Integrity and Efficiency  
Eisenhower Executive Office Building, Room 216  
17<sup>th</sup> Street and Pennsylvania Avenue, N.W.  
Washington, D.C. 20503

The Honorable Jeh Johnson  
Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Avenue, N.W.  
Washington, D.C. 20528

Re: Integrity Committee Investigation of Charles Edwards

Dear Ms. Cobert and Secretary Johnson:

The Integrity Committee (IC) of the Council of Inspectors General on Integrity and Efficiency reports its findings, conclusions, and recommendations concerning various complaints of wrongdoing by U.S. Department of Homeland Security Acting Inspector General Charles Edwards. The report of investigation, conducted by the U.S. Department of Transportation (DOT) Office of Inspector General (OIG) on behalf of the IC, is included with this letter.

Pursuant to section 11(d)(8) of the Inspector General Reform Act of 2008, 5 U.S.C. App. §3, the IC requests your review and determination for the final resolution of the allegations, (b) (6), (b) (7)(C), (b) (5)

Background

The IC serves as an independent review and investigative mechanism for allegations of wrongdoing brought against Inspectors General (IGs) and designated staff members of an OIG.

The threshold standard for IC consideration of a matter is whether the complaint is made against an individual subject to the IC’s jurisdiction and substantially involves administrative misconduct (defined as a violation of law, rule, or regulation, gross waste of funds or abuse of authority in the exercise of official duties or while acting under color of office) or potentially involves conduct so serious that it may undermine the independence or integrity reasonably expected of an IG or OIG senior staff member. If a complaint meets the threshold standard and appears to have potential merit, the IC may refer the matter to the IC Chairperson for an investigation.

### Basis of the Complaint and Ensuing Investigation

The IC received a steady stream of complaints<sup>1</sup> against Acting IG Edwards, containing a wide range of allegations. In June 2013, the IC reviewed ten such complaints<sup>2</sup>, and determined that the allegations were serious enough to warrant an administrative investigation without first receiving a response to each allegation from Mr. Edwards.<sup>3</sup> The IC sought the assistance of the Department of Transportation OIG to investigate the allegations on behalf of the IC and to report the results to the IC Chairperson.

While DOT OIG was conducting its investigation, the IC referred the investigators six additional complaints that were related to the ten matters DOT OIG was already investigating.

DOT OIG conducted an extensive investigation, and provided a draft Report of Investigation (ROI) to the IC Chair in June 2014. Pursuant to the IC’s policies and procedures, the draft report was sent to Mr. Edwards who had an opportunity to provide comments and submit additional evidence. Mr. Edwards submitted his response on August 26, 2014. After reviewing his comments, the DOT OIG submitted its final ROI on October 17, 2014, and the IC met on October 30, 2104 to consider the matter.

### Results of the Investigation

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<sup>1</sup> The IC received 20 complaints about Mr. Edwards. The substance of 16 of these complaints is addressed in the DOT OIG Report of Investigation. The IC administratively closed two of the complaints since they failed to meet the IC’s threshold standard for consideration. In January 2013, five complaints against Mr. Edwards were ripe for IC consideration. The IC decided to review all pending complaints against Mr. Edwards at its April 2013 meeting. The IC continued to receive additional complaints against Mr. Edwards, and aggregated all the complaints for the IC’s June 2013 meeting. At the June 2013 meeting, the IC decided to initiate an administrative investigation.

<sup>2</sup> (b) (6), (b) (7)(C), (b) (5)  
[REDACTED]

<sup>3</sup> The IC’s Policies and Procedures provide that “normally” the IC will summarize allegations in a letter to the IG who is the subject of the complaint and request a timely response to the allegations that meet the IC’s threshold for action. However, “[t]he IC may dispense with the request for response if the allegations clearly warrant an investigation and the request for response would not serve a useful purpose or unnecessarily delay the initiation of that investigation.” Policies and Procedures, ¶8F. The IC determined at its June 2013 meeting that the allegations clearly warranted investigation and a request for response would unnecessarily delay the initiation of an investigation.

The DOT OIG substantiated four allegations: (1) Mr. Edwards failed to disclose his wife’s employment in DHS’s Program Accountability and Risk Management Office, which appeared to impair the independence of a DHS-OIG audit that cost the government \$659,943.32 and resulted in the rescission of the audit report; (2) Mr. Edwards could not account for all of his time during his June 2011 trip to the DHS OIG Miami field office, and there is evidence that his October 2011 trip to Miami was a pretext to have his personal travel expenses paid for by the government; (3) Mr. Edwards allowed his Acting Chief of Staff to use official time to work on his doctoral dissertation and encouraged her to set aside her official DHS OIG work to work on Mr. Edwards’s dissertation; and (4) Mr. Edwards allowed the OIG IT Branch Chief to use official time to perform work related to Mr. Edwards’s teaching responsibilities at Capitol College.

The IC determined that each substantiated allegation, both alone and taken as a whole, constituted administrative misconduct, with the exception of the portion of the allegation that Mr. Edwards could not account for all of his time during his June 2011 trip to Miami. While the IC also substantiated that finding, it concluded that Mr. Edwards’s inability to account for all of his time that day did not constitute administrative misconduct and is not a basis for the IC’s findings.

All of the remaining allegations against Mr. Edwards were not substantiated by either the DOT OIG or the IC.<sup>4</sup> (b) (6), (b) (7)(C), (b) (5)

[Redacted text block]

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<sup>4</sup> (b) (6), (b) (7)(C), (b) (5)

[Redacted footnote text]

The DOT OIG's draft report of investigation was provided to Mr. Edwards, and he was provided an opportunity to comment on the draft report and provide any additional information. His comments are included as an attachment to the DOT OIG report.

### Findings, Conclusions, and Recommendations of the Integrity Committee

The IC accepts and adopts the findings of the DOT OIG as its own findings regarding the conduct of Mr. Edwards, with the exception of the portion of the allegation that Mr. Edwards could not account for all of his time during his June 2011 trip to Miami.

The IC was particularly disturbed by those actions of Mr. Edwards which reflect a lack of independence and objectivity, and compromised the level of integrity and standards of behavior expected of an Inspector General. Though not illegal, it was unacceptable that Mr. Edwards would court and pressure officials at DHS to hire his wife at the same agency for which he was serving as the Acting IG. At a minimum, Mr. Edwards's actions raised the appearance that he was beholden to those DHS officials involved in the hiring, as well as the unit that hired (b) (6), (b) (7)(C), raising unsettling questions about the objectivity and independence of the Acting IG that would flow through to the entire DHS OIG. The IC was also troubled by the uncontested testimony of a witness that Mr. Edwards had told that witness that (b) (6), (b) (7)(C) was interviewing with DHS "for a job to fight audits." See, October 17, 2014 U.S. Department of Transportation Office of Inspector General Report of Investigation, at p. 7.

The substantiated allegations concerning pretextual travel and the misuse of staff resources to perform personal services similarly reflect bad judgment and a lack of understanding of the role of an IG. OIG's investigate the very type of behaviors that Mr. Edwards engaged in and condoned, and an IG must understand that the example they set has a substantial impact on the organization they lead and the agency they serve. Mr. Edwards's actions demonstrate that he clearly failed to appreciate that impact.

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5) IC Members concluded that the DOT OIG report depicts a portrait of a leader who was tone deaf to the impact of his actions on the DHS OIG staff and DHS as a whole. An IG, even in an acting capacity, is supposed to set a tone and personal example of rectitude and propriety.

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

### Further Action

Section 11(d)(8) of the Inspector General Act directs the IC to forward the report of investigation and the recommendations of the IC, including those concerning disciplinary action to the Executive Chair of the Council of Inspectors General on Integrity and Efficiency and the head of

a designated Federal entity for resolution, “including what action was taken by the President or agency head.” The IC requests your coordination on a final disposition and a response from the Executive Chairperson to the IC with a statement of your determination.

The IG Act also requires the IC to provide an executive summary of the report of investigation and the IC’s recommendations to the Senate Homeland Security Committee and House Government Reform and Oversight Committee within 30 days of the submission of the report and this letter to the CIGIE Executive Chair.

If you have any questions, please feel free to contact Unit Chief (b) (6), (b) (7)(C).

Sincerely,

(b) (6)

Timothy Delaney  
Chair  
Integrity Committee

Enclosure



**Integrity Committee**  
**Council of the Inspectors General on Integrity and Efficiency**  
935 Pennsylvania Avenue, N.W., Room 3973  
Washington, D.C. 20535  
IC\_Complaints@ic.fbi.gov

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**Personal and Confidential**

November 19, 2014

The Honorable Thomas Carper  
Chairman  
Committee on Homeland Security and Governmental Affairs  
340 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Tom Coburn  
Ranking Member  
Committee on Homeland Security and Governmental Affairs  
344 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Darrell Issa  
Chairman  
Committee on Government Oversight and Reform  
2157 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Elijah Cummings  
Ranking Member  
Committee on Government Oversight and Reform  
2471 Rayburn House Office Building  
Washington, D.C. 20515

Re: Closing of Integrity Committee Cases Relating to Charles Edwards

Dear Chairmen and Ranking Members:

The Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) is charged by statute to consider and investigate allegations of serious administrative misconduct made against an Inspector General (IG) or a designated official within an Office of Inspector General (OIG).

Pursuant to section 11(d)(8)(A) of the Inspector General Reform Act of 2008 (Public Law 110-409), the IC reports its findings, conclusions, and recommendations regarding allegations of wrongdoing against Charles Edwards, the former Acting Inspector General (IG),

U.S. Department of Homeland Security (DHS). Included with this letter is the executive summary of the Report of Investigation (ROI) completed by the U.S. Department of Transportation (DOT) OIG on behalf of the IC.

## Background

The IC serves as an independent review and investigative mechanism for allegations of wrongdoing brought against IGs, designated staff members of an OIG, and the Special Counsel and Deputy Special Counsel of the Office of Special Counsel. The allegation must substantially involve administrative misconduct (defined as a violation of law, rule or regulation, gross waste of funds, or abuse of authority in the exercise of official duties or while acting under color of office) or potentially involve conduct so serious that it may undermine the appearance of integrity reasonably expected from individuals holding these positions. If a complaint meets the threshold standard and appears to have merit, the IC may refer the matter for an investigation by an independent OIG.

## Basis of the Complaint and Ensuing Investigation

Numerous allegations against Mr. Edwards were submitted to the Integrity Committee beginning in May 2012. The complaints included allegations that Mr. Edwards failed to disclose his wife's employment with a DHS office leading to an impairment of a DHS OIG audit of that office, allowed his Acting Chief of Staff to use official time to work on the doctoral dissertation of Mr. Edwards and encouraged her to set aside her official DHS OIG duties to perform the work on his dissertation, had telephone records destroyed that were responsive to a Freedom of Information Act (FOIA) request, awarded contracts to unqualified applicants, and allowed DHS officials to direct the content and timing of DHS OIG audit reports.<sup>1</sup>

In June 2013, the IC reviewed ten pending complaints against Mr. Edwards and determined that the allegations met the IC's threshold standard for potential administrative misconduct and were serious enough to warrant an administrative investigation without first receiving a response to each allegation from Mr. Edwards.<sup>2</sup> The IC sought the assistance of an independent OIG to investigate the allegations on behalf of the IC. The U.S. Department of Transportation (DOT) OIG conducted this investigation on behalf of the IC. While DOT OIG was conducting its investigation, the IC referred the investigators six additional complaints related to the ten matters DOT OIG was already investigating.

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<sup>1</sup> The IC reviewed 18 complaints about Mr. Edwards. Two of the complaints were closed administratively since they failed to meet the IC's threshold for consideration. The substance of the remaining 16 complaints is addressed in the DOT OIG Report of Investigation. (b) (6), (b) (7)(C), (b) (5)

<sup>2</sup> The IC's Policies and Procedures provide that "normally" the IC will summarize allegations in a letter to the IG who is the subject of the complaint and request a timely response to the allegations that meet the IC's threshold for action. However, "[t]he IC may dispense with the request for response if the allegations clearly warrant an investigation and the request for response would not serve a useful purpose or unnecessarily delay the initiation of that investigation." Policies and Procedures, para. 8F. The IC determined at its June 2013 meeting that the allegations clearly warranted investigation and a request for response would unnecessarily delay the initiation of an investigation.

The DOT OIG conducted an extensive investigation, and provided a draft ROI to the IC Chair in June 2014. Pursuant to the IC's policies and procedures, the draft ROI was sent to Mr. Edwards who had an opportunity to provide comments and submit additional materials. Mr. Edwards submitted his response on August 26, 2014. After reviewing his comments, the DOT IG submitted its final ROI on October 17, 2014, and the IC met on October 30, 2014 to consider the matter.

Results of the Investigation

The DOT OIG substantiated four allegations: (1) Mr. Edwards failed to disclose his wife's employment in DHS's Program Accountability and Risk Management Office, which appeared to impair the independence of a DHS OIG audit that cost the government \$659,943.32 and resulted in the rescission of the audit report; (2) Mr. Edwards could not account for all of his time during his June 2011 trip to the DHS OIG Miami field office, and there is evidence that his October 2011 trip to Miami was a pretext to have his personal travel expenses paid for by the government; (3) Mr. Edwards allowed his Acting Chief of Staff to use official time to work on his doctoral dissertation and encouraged her to set aside her official DHS-OIG work to do so; and (4) Mr. Edwards allowed the DHS OIG Information Technology (IT) Branch Chief to use official time to perform work related to Mr. Edwards's teaching responsibilities at Capitol College.

All of the remaining allegations against Mr. Edwards were not substantiated by either the DOT OIG or the IC. (b) (6), (b) (7)(C), (b) (5)

[REDACTED]

Findings, Conclusions, and Recommendations of the Integrity Committee

The IC accepts and adopts the findings of the DOT OIG as its own findings regarding the conduct of Mr. Edwards, with the exception of the portion of the allegation that Mr. Edwards could not account for all of his time during his June 2011 trip to Miami. While the IC also

substantiated that finding, it concluded that Mr. Edwards's inability to account for all of his time that day did not constitute administrative misconduct, and was not a basis for the IC's findings.

The IC determined that each substantiated allegation, both alone and taken as a whole, constituted administrative misconduct. The IC was particularly disturbed by those actions of Mr. Edwards which reflect a lack of independence and objectivity, and compromised the level of integrity and standards of behavior expected of an Inspector General. Though not illegal, it was unacceptable that Mr. Edwards would court and pressure officials at DHS to hire his wife at the same agency for which he was serving as the Acting IG. At a minimum, Mr. Edwards's actions raised the appearance that he was beholden to those DHS officials involved in the hiring, as well as the unit that hired (b) (6), (b) (7)(C), raising questions about the objectivity and independence of the Acting IG that would flow through to the entire DHS OIG.

The substantiated allegations concerning pretextual travel and the misuse of staff resources to perform personal services similarly reflect poor judgment and a lack of understanding of the role of an IG. OIG's investigate the very type of behaviors that Mr. Edwards engaged in and condoned, and an IG must understand that the example they set has a substantial impact on the organization they lead and the agency they serve. Mr. Edwards's actions demonstrate that he failed to appreciate that impact.

(b) (6), (b) (7)(C), (b) (5) the IC Members concluded that the DOT OIG report depicts a portrait of a leader who was tone deaf to the impact of his actions on the DHS OIG staff and DHS as a whole. An IG, even in an Acting capacity, is supposed to set a tone and personal example of rectitude and propriety.

Pursuant to section 11(d)(8)(A)(ii) of the Inspector General Reform Act of 2008, on November 12, 2014, the IC provided the DOT OIG report to the Secretary of DHS and to the Executive Chair of CIGIE. DHS will determine what administrative or disciplinary action to take, if any, concerning Mr. Edwards.

The IC considers this complaint closed.

Sincerely,

(b) (6)

Timothy Delaney  
Chair  
Integrity Committee

Enclosure: Report of Investigation Executive Summary

CC:

Beth Cobert, Executive Chair, Council of the Inspectors General on Integrity and Efficiency

**Integrity Committee**  
Council of the Inspectors General on Integrity and Efficiency  
935 Pennsylvania Avenue, N.W., Room 3973  
Washington, D.C. 20535  
IC\_Complaints@ic.fbi.gov

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**Personal and Confidential**

November 19, 2014

Mr. Charles Edwards

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

Re: Closing of Integrity Committee Cases

Dear Mr. Edwards:

The Integrity Committee (IC) has completed its review of sixteen allegations that were made against you between May 2012 and November 2013. The IC accepted these complaints as meeting its threshold standard for potential administrative misconduct, and sought the assistance of an independent OIG to investigate the allegations on behalf of the IC. The U.S. Department of Transportation (DOT) OIG conducted this investigation on behalf of the IC.

Ten of these complaints were reviewed by the IC in June 2013, and six additional complaints were referred to DOT OIG during the course of their investigation.

The complaints alleged that:

1. You failed to disclose your wife's employment in the Department of Homeland Security (DHS) Program Accountability and Risk Management Office (PARM) which impaired the independence of a DHS-OIG audit and resulted in the rescission of the audit report.
2. You made pretextual visits to Miami, Florida so that the government would pay for your personal travel expenses.
3. You allowed your Acting Chief of Staff to use official time to work on your doctoral dissertation and encouraged her to set aside her official DHS-OIG work to do so.
4. You allowed the DHS OIG Information Technology (IT) Branch Chief to use official time to perform work related to your teaching responsibilities at Capitol College.

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

The DOT OIG substantiated the allegations concerning your failure to disclose your wife's employment in the Department of Homeland Security (DHS) Program Accountability and Risk Management Office (PARM) and noted that your failure to disclose this information appeared to impair the independence of a DHS-OIG audit that cost the government \$659,943.32, and resulted in the rescission of the audit report. The DOT OIG also substantiated the allegations concerning your pretextual visits to the Miami field office and the misuse of DHS OIG staff resources to perform personal services for you.

The DOT OIG did not substantiate the remaining allegations against you.

The IC reviewed the DOT OIG Report of Investigation (ROI) as well as your response to the draft ROI and the materials you submitted to the IC. The IC accepts and adopts the findings of the DOT OIG as its own findings and conclusions, with the following exception. While the IC determined that you were unable to account for all of your time during your June 2012 trip to

Miami, that inability to account for all of your time that day did not constitute administrative misconduct, and was not a basis for the IC's findings.

The IC concluded that each of the substantiated allegations, both individually and taken as a whole, constitute administrative misconduct and undermine the integrity and standards of behavior reasonably expected of an IG.

The Inspector General Reform Act of 2008 requires the IC to forward the final ROI, together with the IC's findings, opinions, and recommendations, if any, to the Executive Chairperson of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) and to the Secretary of the Department of Homeland Security. The Senate Committee on Homeland Security and Governmental Affairs and House Committee on Government Oversight and Reform will also receive an executive summary of the final ROI as well as the IC's letter to the Executive Chairperson of CIGIE. A copy of the transmittal letters to the CIGIE Executive Chair and Congressional oversight committees is enclosed.

Should you have any questions, please contact IC program manager (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) or by email at [IC\\_Complaints@ic.fbi.gov](mailto:IC_Complaints@ic.fbi.gov).

Sincerely,

(b) (6)

Timothy Delaney  
Chair  
Integrity Committee

Enclosures

**Integrity Committee**  
Council of the Inspectors General on Integrity and Efficiency  
935 Pennsylvania Avenue, N.W., Room 3973  
Washington, D.C. 20535  
IC\_Complaints@ic.fbi.gov

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**Personal and Confidential**

November 19, 2014

The Honorable Michael McCaul  
Chairman  
Committee on Homeland Security  
H2-176 Ford House Office Building  
Washington, D.C. 20515

The Honorable Bennie G. Thompson  
Ranking Member  
Committee on Homeland Security  
117 Ford House Office Building  
Washington, D.C. 20515

Re: Closing of Integrity Committee Cases Relating to Charles Edwards

Dear Chairman McCaul and Ranking Member Thompson:

The Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) is charged by statute to consider and investigate allegations of serious administrative misconduct made against an Inspector General (IG) or a designated official within an Office of Inspector General (OIG).

Pursuant to section 11(d)(8)(A) of the Inspector General Reform Act of 2008 (Public Law 110-409), the IC reports its findings, conclusions, and recommendations regarding allegations of wrongdoing against Charles Edwards, the former Acting Inspector General (IG), U.S. Department of Homeland Security (DHS). Included with this letter is the executive summary of the Report of Investigation (ROI) completed by the U.S. Department of Transportation (DOT) OIG on behalf of the IC.

Background

The IC serves as an independent review and investigative mechanism for allegations of wrongdoing brought against IGs, designated staff members of an OIG, and the Special Counsel and Deputy Special Counsel of the Office of Special Counsel. The allegation must substantially involve administrative misconduct (defined as a violation of law, rule or regulation, gross waste of funds, or abuse of authority in the exercise of official duties or while acting under color of office) or potentially involve conduct so serious that it may undermine the appearance of



integrity reasonably expected from individuals holding these positions. If a complaint meets the threshold standard and appears to have merit, the IC may refer the matter for an investigation by an independent OIG.

### Basis of the Complaint and Ensuing Investigation

Numerous allegations against Mr. Edwards were submitted to the Integrity Committee beginning in May 2012. The complaints included allegations that Mr. Edwards failed to disclose his wife's employment with a DHS office leading to an impairment of a DHS OIG audit of that office, allowed his Acting Chief of Staff to use official time to work on the doctoral dissertation of Mr. Edwards and encouraged her to set aside her official DHS OIG duties to perform the work on his dissertation, had telephone records destroyed that were responsive to a Freedom of Information Act (FOIA) request, awarded contracts to unqualified applicants, and allowed DHS officials to direct the content and timing of DHS OIG audit reports.<sup>1</sup>

In June 2013, the IC reviewed ten pending complaints against Mr. Edwards and determined that the allegations met the IC's threshold standard for potential administrative misconduct and were serious enough to warrant an administrative investigation without first receiving a response to each allegation from Mr. Edwards.<sup>2</sup> The IC sought the assistance of an independent OIG to investigate the allegations on behalf of the IC. The U.S. Department of Transportation (DOT) OIG conducted this investigation on behalf of the IC. While DOT OIG was conducting its investigation, the IC referred the investigators six additional complaints related to the ten matters DOT OIG was already investigating.

The DOT OIG conducted an extensive investigation, and provided a draft ROI to the IC Chair in June 2014. Pursuant to the IC's policies and procedures, the draft ROI was sent to Mr. Edwards who had an opportunity to provide comments and submit additional materials. Mr. Edwards submitted his response on August 26, 2014. After reviewing his comments, the DOT OIG submitted its final ROI on October 17, 2014, and the IC met on October 30, 2014 to consider the matter.

### Results of the Investigation

The DOT OIG substantiated four allegations: (1) Mr. Edwards failed to disclose his wife's employment in DHS's Program Accountability and Risk Management Office, which appeared to impair the independence of a DHS OIG audit that cost the government \$659,943.32 and resulted in the rescission of the audit report; (2) Mr. Edwards could not account for all of his

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<sup>1</sup> The IC reviewed 18 complaints about Mr. Edwards. Two of the complaints were closed administratively since they failed to meet the IC's threshold for consideration. The substance of the remaining 16 complaints is addressed in the DOT OIG Report of Investigation. (b) (6), (b) (7)(C), (b) (5)

<sup>2</sup> The IC's Policies and Procedures provide that "normally" the IC will summarize allegations in a letter to the IG who is the subject of the complaint and request a timely response to the allegations that meet the IC's threshold for action. However, "[t]he IC may dispense with the request for response if the allegations clearly warrant an investigation and the request for response would not serve a useful purpose or unnecessarily delay the initiation of that investigation." Policies and Procedures, para. 8F. The IC determined at its June 2013 meeting that the allegations clearly warranted investigation and a request for response would unnecessarily delay the initiation of an investigation.

time during his June 2011 trip to the DHS OIG Miami field office, and there is evidence that his October 2011 trip to Miami was a pretext to have his personal travel expenses paid for by the government; (3) Mr. Edwards allowed his Acting Chief of Staff to use official time to work on his doctoral dissertation and encouraged her to set aside her official DHS-OIG work to do so; and (4) Mr. Edwards allowed the DHS OIG Information Technology (IT) Branch Chief to use official time to perform work related to Mr. Edwards's teaching responsibilities at Capitol College.

All of the remaining allegations against Mr. Edwards were not substantiated by either the DOT OIG or the IC. (b) (6), (b) (7)(C), (b) (5)

[REDACTED]

#### Findings, Conclusions, and Recommendations of the Integrity Committee

The IC accepts and adopts the findings of the DOT OIG as its own findings regarding the conduct of Mr. Edwards, with the exception of the portion of the allegation that Mr. Edwards could not account for all of his time during his June 2011 trip to Miami. While the IC also substantiated that finding, it concluded that Mr. Edwards's inability to account for all of his time that day did not constitute administrative misconduct, and was not a basis for the IC's findings.

The IC determined that each substantiated allegation, both alone and taken as a whole, constituted administrative misconduct. The IC was particularly disturbed by those actions of Mr. Edwards which reflect a lack of independence and objectivity, and compromised the level of integrity and standards of behavior expected of an Inspector General. Though not illegal, it was unacceptable that Mr. Edwards would court and pressure officials at DHS to hire his wife at the same agency for which he was serving as the Acting IG. At a minimum, Mr. Edwards's actions raised the appearance that he was beholden to those DHS officials involved in the hiring, as well as the unit that hired (b) (6), (b) (7)(C), raising questions about the objectivity and independence of the Acting IG that would flow through to the entire DHS OIG.

The substantiated allegations concerning pretextual travel and the misuse of staff resources to perform personal services similarly reflect poor judgment and a lack of understanding of the role of an IG. OIG's investigate the very type of behaviors that Mr. Edwards engaged in and condoned, and an IG must understand that the example they set has a substantial impact on the organization they lead and the agency they serve. Mr. Edwards's actions demonstrate that he failed to appreciate that impact.

(b) (6), (b) (7)(C), (b) (5)

, the IC Members concluded that the DOT OIG report depicts a portrait of a leader who was tone deaf to the impact of his actions on the DHS OIG staff and DHS as a whole. An IG, even in an Acting capacity, is supposed to set a tone and personal example of rectitude and propriety.

Pursuant to section 11(d)(8)(A)(ii) of the Inspector General Reform Act of 2008, on November 12, 2014, the IC provided the DOT OIG report to the Secretary of DHS and to the Executive Chair of CIGIE. DHS will determine what administrative or disciplinary action to take, if any, concerning Mr. Edwards.

The IC considers this complaint closed.

Sincerely,

(b) (6)

Timothy Delaney  
Chair  
Integrity Committee

Enclosure: Report of Investigation Executive Summary

CC:

Beth Cobert, Executive Chair, Council of the Inspectors General on Integrity and Efficiency



**U.S. Department of Transportation**  
Office of Inspector General

<b>REPORT OF INVESTIGATION</b>	<b>INVESTIGATION NUMBER</b> I13Z001SINV	<b>DATE</b> Oct. 17, 2014
<b>TITLE</b> Conduct of Charles K. Edwards Department of Homeland Security Office of Inspector General	<b>PREPARED BY:</b> (b) (6), (b) (7)(C) Senior Special Agent Special Investigations, JI-3	<b>STATUS</b> AMENDED FINAL
	<b>DISTRIBUTION</b> CIGIE Integrity Committee File	<b>APPROVED BY:</b> (b) (6), (b) (7)(C)

**TABLE OF CONTENTS**

**EXECUTIVE SUMMARY**..... 4

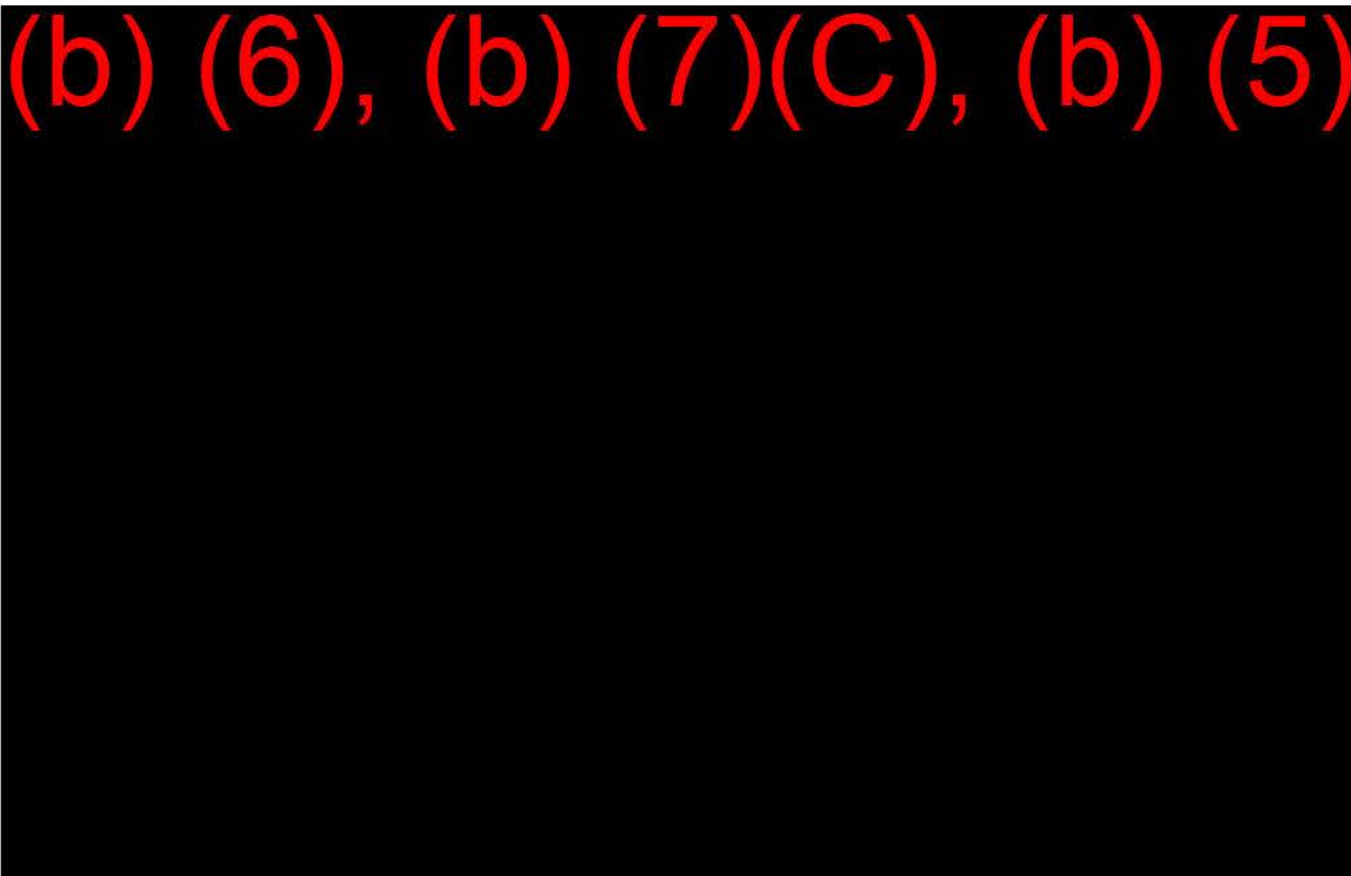
**SUBSTANTIATED ALLEGATIONS**..... 6

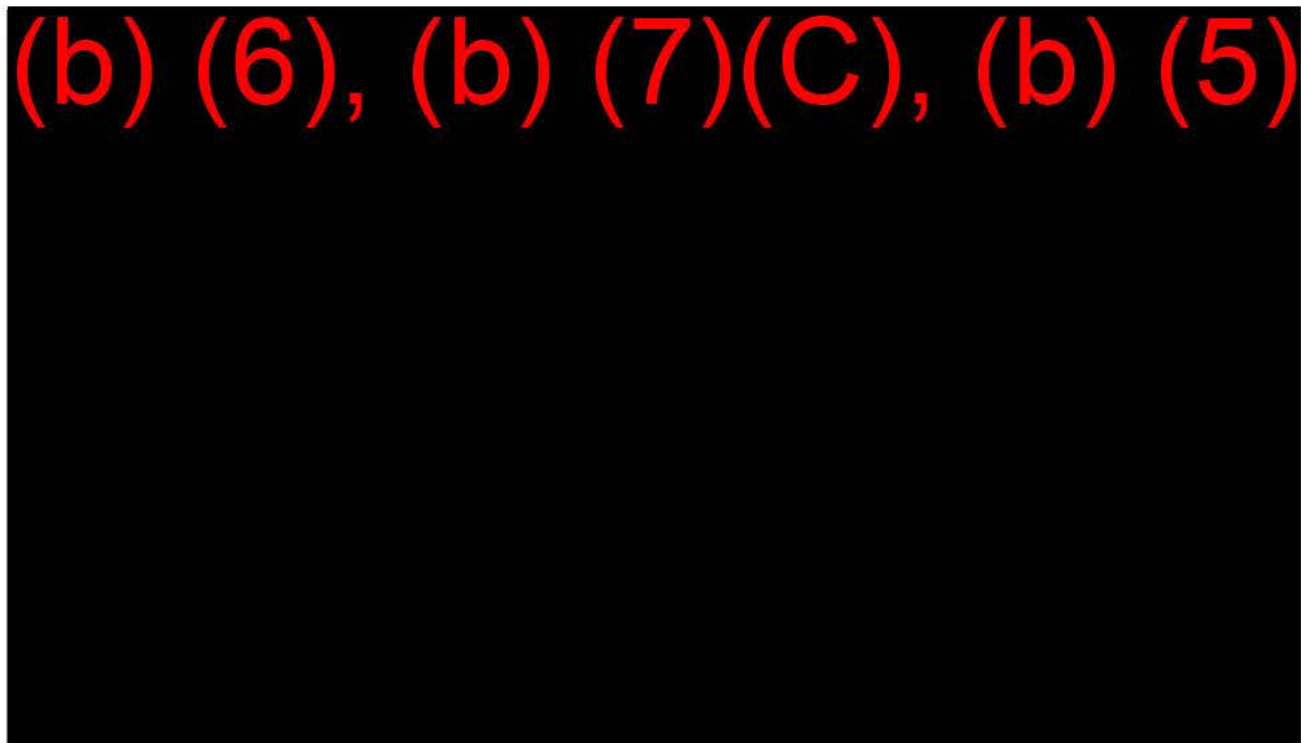
1. Mr. Edwards failed to disclose his wife’s employment in DHS’s Program Accountability and Risk Management office, which appeared to impair the independence of a DHS-OIG audit that cost \$659,943.32 and resulted in the rescission of the report of that audit..... 6
2. Mr. Edwards is unable to account for all his time during his June 2011 trip to the DHS-OIG Miami field office, and there is evidence his October 2011 trip to that office was a pre-text to have his personal travel expenses paid for by the government..... 9
3. Mr. Edwards allowed his Acting Chief of Staff to use official time to work on his doctoral dissertation and encouraged her to set aside her DHS-OIG work to do his work..... 11
4. Mr. Edwards allowed his IT Branch Chief to use official and personal time to perform work related to his teaching at Capitol College..... 12

**MR. EDWARDS’ RESPONSE TO DOT-OIG ROI**..... 13

**DOT-OIG REPLY TO MR. EDWARDS’ RESPONSE**..... 13

**(b) (6), (b) (7)(C), (b) (5)**





ADDENDA..... 22

ATTACHMENTS..... 22

## EXECUTIVE SUMMARY

The Inspector General Act of 1978, as amended, established the Council of Inspectors General on Integrity and Efficiency (CIGIE) as an independent entity within the executive branch of the federal government. The Act also established a CIGIE Integrity Committee to receive, review, and refer allegations of wrongdoing by Inspectors General and designated staff. The Department of Homeland Security (DHS) Office of Inspector General is subject to oversight by the Integrity Committee.

From several sources, the Integrity Committee received allegations of wrongdoing, including abuses of authority, gross waste of funds, and prohibited personnel practices, by DHS Acting Inspector General Charles Edwards. (**Attachment 1**) In July 2013, the Integrity Committee asked the Department of Transportation (DOT) Office of Inspector General (OIG) to conduct an investigation into the allegations against Mr. Edwards.

DOT-OIG agreed to investigate the following allegations. Mr. Edwards is alleged to have:

1. failed to disclose his wife's employment in the DHS Program Accountability and Risk Management (PARM) office;
2. had OIG staff use official time to re-write his Ph.D dissertation and conduct other work for his wife, who was also a doctoral candidate;
3. used OIG staff to write lesson plans and review work associated with his outside employment;

**(b) (6), (b) (7)(C), (b) (5)**



(b) (6), (b) (7)(C), (b) (5)

Mr. Edwards began his career at DHS-OIG on February 17, 2008, as the Deputy Assistant Inspector General for Administration. In April 2009, he became the Assistant Inspector General for Administrative Services and, in July 2010, the Deputy Inspector General.

In February 2011, Mr. Edwards became the Acting DHS Inspector General. He returned to the Deputy Inspector General position in January 2013. Because the Inspector General position remained vacant, he remained the senior DHS-OIG official. He served as Deputy Inspector General until December 17, 2013, when, in the midst of this and another investigation into his alleged wrongdoing at DHS-OIG, he was reassigned to a position in DHS's Science and Technology Directorate. Mr. Edwards is married to (b) (6), (b) (7)(C).

We found Mr. Edwards:

1. Failed to disclose his wife's employment in DHS's PARM office, which appeared to impair the independence of a DHS-OIG audit of that office. As a result, the PARM audit was terminated, and the final audit report to DHS was rescinded. The PARM office audit cost DHS-OIG \$659,943.32.
2. Was unable to account for all his time during his June 2011 trip to the DHS-OIG Miami field office, and there is evidence his October 2011 trip to the Miami field office was a pre-text to have his personal travel expenses paid for by the government.
3. Allowed his Acting Chief of Staff to use official time and government equipment to perform work related to his doctoral dissertation and encouraged her to set aside her OIG work to do his school work.
4. Allowed his IT Branch Chief to use official time and personal time to perform work related to his teaching at Capitol College.

We did not substantiate the remaining allegations against Mr. Edwards.



## SUBSTANTIATED ALLEGATIONS

### Findings

1. Mr. Edwards failed to disclose his wife’s employment in DHS’s Program Accountability and Risk Management office, which appeared to impair the independence of a DHS-OIG audit that cost \$659,943.32 and resulted in the rescission of the report of that audit.

On February 18, 2011, DHS-OIG’s Office of Audits initiated an audit to evaluate the Department’s internal controls and oversight of its acquisition programs. **(Attachment 2)** The PARM office, a part of the DHS Management Directorate, was the primary subject of the audit. **(Attachment 3)**

On November 8, 2011, after receiving an “excellent” performance rating at another federal agency, **(b) (6), (b) (7)(C)** sent Mr. Edwards, her husband and the DHS Acting Inspector General, an email expressing her unhappiness with her current employer and her desire to leave. **(Attachment 4)** **(b) (6), (b) (7)(C), (b) (5)**

[REDACTED]

**(b) (6), (b) (7)(C), (b) (5)**  
[REDACTED]

[REDACTED]

By December 21, 2011, **(b) (6), (b) (7)(C)** sent **(b) (6), (b) (7)(C)** résumé to a Deputy Under Secretary in the Management Directorate and told him **(b) (6), (b) (7)(C), (b) (5)**

[REDACTED]

[REDACTED]

**(b) (6), (b) (7)(C), (b) (5)**

<sup>1</sup> What Mr. Edwards said and did in making those contacts may implicate the prohibitions on nepotism. It is a violation of 5 U.S.C. § 2302(b)(7) and 5 U.S.C. § 3110 for a public official to, among other things, “advocate” for a spouse’s appointment to a civilian position in his department.

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

Ultimately, (b) (6), (b) (7)(C) selected (b) (6), (b) (7)(C) and she began her PARM employment on June 17, 2012. (Attachment 17)

Mr. Edwards did not notify DHS-OIG auditors or the DHS-OIG Office of Counsel that his wife was now an employee of the PARM office. (Attachments 2, 18 and 19)

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

<sup>2</sup> (b) (6), (b) (7)(C) intention to offer a job to (b) (6), (b) (7)(C) before the position description was written and the vacancy was announced may implicate prohibited personnel practices. It is a prohibited personnel practice under 5 U.S.C. § 2302(b)(6) to “grant any preference or advantage not authorized by law, rule, or regulation to an applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment.” Additionally, 5 U.S.C. § 2302(b)(12) prohibits, among other things, taking a personnel action that violates any law, rule, or regulation implementing, or directly concerning, the merit system principles contained in 5 U.S.C. § 2301. The merit systems principle found at 5 U.S.C. § 2301(b)(1) states that “[r]ecruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity.”

(b) (6), (b) (7)(C), (b) (5)

On Friday, July 27, 2012, DHS-OIG issued to the Department its final audit report entitled, "DHS Management Impact on Acquisition Processes (OIG-12-101)." Among other things, the audit found that a DHS component office acquired 13 radiation detection monitors originally expected to cost \$11 million; however, with minimal Departmental oversight, the component office spent \$259 million on the monitors and cancelled the program after seven years because it did not meet operational needs. The audit found that the Department did not fully implement internal controls and, therefore, could not be sure costs were effectively monitored and controlled throughout program acquisition life cycles. **(Attachment 21)**

Also on July 27, Mr. Edwards sent, via a transmittal memo dated July 25, the final PARM office audit report to the DHS Under Secretary for Management. In the memo, he expressed DHS-OIG's intention to provide a copy of the report to Congressional oversight committees and post it to the DHS-OIG website for public dissemination. **(Attachment 22)**

On Saturday, July 28, 2012, (b) (6), (b) (7)(C) sent (b) (6), (b) (7)(C), and others, an email with a subject, "Urgent HOLD on Final Report OIG-12-101." **(Attachment 23)** The email read, "Per the Acting IG, until further notice, please put a HOLD on final report OIG-12-101, DHS Management Impact on Acquisition Process." **(Id.)** In a Monday, July 30 email, (b) (6), (b) (7)(C) wrote, "Clarification: This report is being put on hold for distribution to Congress and the web until further notice." **(Id.)** (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

<sup>3</sup> Edwards's conduct may also implicate the standard of ethical conduct for executive branch employees intended to ensure an employee takes appropriate steps to avoid an appearance of loss of impartiality in the performance of his official duties. Under 5 C.F.R. § 2635.502(a)(2), a federal employee who is concerned that his circumstances would raise a question regarding his impartiality should consult with

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

Further, because the audit was terminated and not published, DHS-OIG auditors could not track whether the PARM office followed three audit recommendations (to which the office had already concurred) to improve processes used on an estimated \$17 billion in annual acquisitions by the Department. **(Attachment 17)**

2. Mr. Edwards was unable to account for all his time during his June 2011 trip to the DHS-OIG Miami field office, and there is evidence his October 2011 trip to that office was a pre-text to have his personal travel expenses paid for by the government.

Mr. Edwards is alleged to have charged personal travel expenses to DHS for five trips associated with his Ph.D studies at Nova Southeastern University in Fort Lauderdale, Florida. Although we found that, on each of the five trips, Mr. Edwards visited his Ph.D advisor, we did not find sufficient evidence to conclude that all of the trips were pre-texts for Nova Southeastern Ph.D activities. However, for a June 5-7, 2011, trip, there is evidence that he travelled to and met with his Ph.D advisor between 9:00 a.m. and 10:30 a.m. – official duty hours. And, for his October 20-22, 2011, trip, there is evidence that it was a pre-text to have his personal travel expenses paid for by the government.

#### *June 5-7 trip*

On Sunday June 5, Mr. Edwards flew to Fort Lauderdale to visit the DHS-OIG Miami field office on June 6. (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5). **(Attachment 6)** The night before the trip, Saturday evening June 4, Mr. Edwards's special assistant emailed him directions for travel from his Fort Lauderdale hotel to Nova Southeastern University. **(Attachment 26)** About an hour later, she sent an email to (b) (6), (b) (7)(C) notifying her that Mr. Edwards had a 9:00 a.m. meeting on June 6 and he would like to meet with audit staff at about 10:30 a.m. **(Attachment 27)** The email does not say with whom Mr. Edwards would meet at 9:00 a.m. or the location of the meeting. Mr. Edwards's time and attendance records do not show he took leave between 9:00 a.m. and 10:30 a.m. on June 6. **(Attachment 28)**

(b) (6), (b) (7)(C), (b) (5)

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the agency designee to determine whether he should participate in a particular matter. In determining whether a reasonable person would question his impartiality, the employee may seek assistance from his supervisor, an agency ethics official, or the agency designee. 5 C.F.R. § 2635.502(a)(1).

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(b) (6), (b) (7)(C), (b) (5)

*October 20-22 trip*

A DHS-OIG time and attendance record shows that, on October 12, 2011, Mr. Edwards planned to use eight hours of annual leave for October 21. (Attachment 31) Before October 12, Mr. Edwards scheduled a visit to the Miami field office for October 20. (Attachment 32) The agenda for the trip indicated Mr. Edwards and (b) (6), (b) (7)(C) would arrive at the Ft. Lauderdale airport at 11:00 a.m. (Attachment 33) At 12:00 noon, they were scheduled to meet with investigations staff at the Miami field office. The agenda does not describe the purpose for the trip. Mr. Edwards and (b) (6), (b) (7)(C) were scheduled to depart the Miami field office at 2:00 p.m. At that time, (b) (6), (b) (7)(C) would return to Washington, DC, and Mr. Edwards would obtain a rental car at the Ft. Lauderdale airport. (Id.) Mr. Edwards also reserved a room at a nearby Plantation, Florida, hotel room for two nights – October 20 and 21. (Attachment 34)

On October 19, 2011, (b) (6), (b) (7)(C) sent an email to his staff notifying them that Mr. Edwards would still travel to Miami, but would not appear at the office on October 20. (Attachment 35) On October 20, Mr. Edwards and (b) (6), (b) (7)(C) arrived at the Ft. Lauderdale airport at approximately 11:30 a.m., where they were met by (b) (6), (b) (7)(C). (Attachment 36) (b) (6), (b) (7)(C), (b) (5)

(Attachment 37) When the lunch meeting ended, (b) (6), (b) (7)(C) flew back to Washington, while Mr. Edwards retrieved his rental car at 2:11 p.m. (Attachments 36, 37 and 38) Around 4:15 p.m., Mr. Edwards checked into his hotel. (Attachment 38) The total cost to the government for Mr. Edwards's trip (airfare, hotel for one night, rental car, gas, meals, mileage and airport parking) was \$742.39. (Id.) The cost for (b) (6), (b) (7)(C) to make the trip was \$678.65. (Attachment 38)

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

There is evidence that Mr. Edwards used this trip as a pre-text to have his expenses related to his annual leave paid for by the government. First, none of the three reasons given by Mr. Edwards for the trip occurred. His October 20 meeting with staffers was cancelled. Instead, he met with (b) (6), (b) (7)(C) at a waterfront restaurant for lunch. He did not make a presentation on the mission of the DHS-OIG on October 20 (b) (6), (b) (7)(C), (b) (5). And, he did not meet with auditors on October 21 about the treatment of minority employees, (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5). **(Attachments 30 and 41)** Second, the subject matter of the meeting that did occur, i.e., staff assignments, did not require a trip to Miami for a face-to-face meeting. And, the discussion regarding staff assignments took only 15 minutes. Third, his time and attendance record shows, contradicting what he told us, that he knew in advance he would be on annual leave on the second day of his trip – Friday, October 21.

3. Mr. Edwards allowed his Acting Chief of Staff to use official time to work on his doctoral dissertation and encouraged her to set aside her DHS-OIG work to do his school work.

Mr. Edwards allegedly used his Acting Chief of Staff to perform work related to his doctoral dissertation, and his IT Branch Chief to perform work associated with (b) (6), (b) (7)(C) graduate studies.<sup>4</sup>

We found the amount of official time the IT Branch Chief spent assisting (b) (6), (b) (7)(C) was *de minimis*. (b) (6), (b) (7)(C), (b) (5)

(Id.) As shown below, however, the Acting

<sup>4</sup> Under 5 C.F.R. § 2635.705, a federal employee may not use official time to perform activities not necessary for the performance of official duties or not authorized by law or regulation.

Chief of Staff used 20-25 hours of official time to assist Mr. Edwards with his dissertation.

(b) (6), (b) (7)(C), (b) (5)

Mr. Edwards did not merely accept his Acting Chief of Staff's assistance, he encouraged her to set aside her OIG work so she could work on his dissertation. For example, in September 2011, he sent her an email asking her to review written comments on a dissertation-related paper he received from his Ph.D advisor and asked her to "start fixing it." (Attachment 44) When she replied that she would "work on it this morning," he responded, "[P]lease let me [know] what is on [your] plate today so that I can delegate the work to other folks." (Id.) Also, in a February 2012, email, he asked her to telework from home to finish her edits to a dissertation-related document he drafted. (Attachment 45) And, she did so. (Attachment 46)

(b) (6), (b) (7)(C), (b) (5)

. (Attachment 6)

4. Mr. Edwards allowed his IT Branch Chief to use official time and her personal time to perform work related to his teaching at Capitol College.

Mr. Edwards allegedly used his IT Branch Chief, his Executive Assistant and his Acting Chief of Staff to write lesson plans, review paperwork, and conduct other work associated with his employment at Capitol College and at System and Information Services Corporation (SISC).

(b) (6), (b) (7)(C), (b) (5)

We found the Executive Assistant and Chief of Staff also spent time assisting Mr. Edwards with work related to his teaching. The amount of time, however, was *de*

<sup>5</sup> Under 5 C.F.R. § 2635.704(a), a federal employee may not use government property for other than authorized purposes.

*minimis.* (b) (6), (b) (7)(C), (b) (5)

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(b) (6), (b) (7)(C), (b) (5)

**MR. EDWARDS' RESPONSE TO DOT-OIG ROI**

By letter dated August 25, 2014, Mr. Edwards responded to our report. **(Addendum A)**

**DOT-OIG REPLY TO MR. EDWARDS' RESPONSE**

This memorandum corrects our finding in our June 6, 2014, ROI regarding the first substantiated allegation and sets forth our factual reply to Mr. Edwards' response. **(Addendum B)**

(b) (6), (b) (7)(C), (b) (5)

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(b) (6), (b) (7)(C), (b) (5)



(b) (6), (b) (7)(C), (b) (5)



(b) (6), (b) (7)(C), (b) (5)



(b) (6), (b) (7)(C), (b) (5)



(b) (6), (b) (7)(C), (b) (5)



(b) (6), (b) (7)(C), (b) (5)



(b) (6), (b) (7)(C), (b) (5)





## ADDENDA

<i>Item</i>	<i>Description</i>
A	Charles Edwards' response to DOT-OIG ROI, August 25, 2014 (without Declaration and Exhibits)
B	DOT-OIG Reply to Mr. Edwards' Response, October 6, 2014

## ATTACHMENTS

<i>Number</i>	<i>Description</i>
1	CIGIE summary of allegations involving Charles Edwards, June 26, 2013
2	DHS Management Impact on Acquisition Processes – Office of Audits decision not to issue the final report
3	DHS-OIG memorandum terminating the audit report, entitled DHS Management Impact on Acquisition Processes (OIG-12-101), September 6, 2012
4	(b) (6), (b) (7)(C) email to Charles Edwards, Subject: RE: Performance Rating, November 8, 2011
5	Charles Edwards email to (b) (6), (b) (7)(C), Subject: RE: Performance Rating, November 8, 2011
6	Charles Edwards interview, April 3, 2014
7	(b) (6), (b) (7)(C) interview, December 16, 2013
8	(b) (6), (b) (7)(C) interview, November 21, 2013
9	Charles Edwards and (b) (6), (b) (7)(C) email exchange, Subject: RE: Need to talk to when u have a minute, December 23, 2011
10	(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) email exchange, Subject: Re: Interview w/ (b) (6), (b) (7)(C) December 29, 2011
11	(b) (6), (b) (7)(C) email to (b) (6), (b) (7)(C), Subject: Follow up re (b) (6), (b) (7)(C), April 25, 2014
12	(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) email exchange, Subject: Re: How did your mid-day meeting go?, January 4, 2012
13	(b) (6), (b) (7)(C) and Charles Edwards email exchange, Subject: (b) (6), (b) (7)(C) just called did (b) (6), (b) (7)(C) reach out to u, January 5, 2012
14	(b) (6), (b) (7)(C) interview, September 26, 2013
15	(b) (6), (b) (7)(C) interview, September 25, 2013
16	Memorandum of Activity, document receipt from (b) (6), (b) (7)(C) May 8, 2014
17	(b) (6), (b) (7)(C) email to (b) (6), (b) (7)(C), Subject: Cert Received – MPA GS-15, September 25, 2013
18	(b) (6), (b) (7)(C) interview, August 14, 2013
19	(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) email exchange, August 1, 2012
20	Memorandum of Activity, telephone call with (b) (6), (b) (7)(C), April 14, 2014
21	DHS-OIG Audit Report DHS Management Impact on Acquisition Processes (OIG-12-101)

<i>Number</i>	<i>Description</i>
22	Charles Edwards memorandum on DHS Management Impact on Acquisition Processes, July 25, 2012
23	(b) (6), (b) (7)(C) emails, Subject: RE: Urgent HOLD on Final Report OIG-12-101, July 30, 2012
24	Summary of audit analysis regarding reported inaccuracies in DHS Management Impact on Acquisition Processes Report
25	(b) (6), (b) (7)(C) email, Subject: HSGAC questions, August 31, 2012
26	(b) (6), (b) (7)(C) email, Subject: Directions from Hotel to Nova Southeastern, June 4, 2011
27	(b) (6), (b) (7)(C) email, Subject: Audits Meeting, June 4, 2011
28	Charles Edwards time and attendance summary, June 5-18, 2011
29	(b) (6), (b) (7)(C) email, Subject: Re: Dissertation, June 6, 2011
30	Charles Edwards email to (b) (6), (b) (7)(C), Subject: RE: MEETING CONFIRMATION, April 16, 2014
31	Charles Edwards time and attendance summary, October 9-22, 2011
32	(b) (6), (b) (7)(C) emails, Subject: RE: MIA Trvl, October 3, 2011 and Subject: FW: MIA Site Visit, October 11, 2011
33	Miami site visit agenda for October 20, 2011
34	Charles Edwards hotel reservations for October 20 and 21, 2011
35	(b) (6), (b) (7)(C) email, Subject: IG Visit, October 19, 2011
36	Memorandum of Activity, phone call with (b) (6), (b) (7)(C), April 11, 2014
37	Memoranda of Activities, interview and telephone call with (b) (6), (b) (7)(C), May 13 and 21, 2014
38	Charles Edwards travel voucher, Fort Lauderdale, October 20-22, 2011
39	(b) (6), (b) (7)(C) travel voucher, Fort Lauderdale, October 20, 2011
40	Edwards timeline on Ph.D in Computing Technology Education
41	Time and attendance summaries for (b) (6), (b) (7)(C) for October 9-22, 2011
42	(b) (6), (b) (7)(C) interview, December 12, 2013
43	(b) (6), (b) (7)(C) interview, December 12, 2013
44	Charles Edwards email to (b) (6), (b) (7)(C), Subject: Re: Dissertation Feedback, September 15, 2011
45	Charles Edwards email to (b) (6), (b) (7)(C), Subject: RE: (No Subject), February 3, 2012
46	(b) (6), (b) (7)(C) emails to Charles Edwards, February 6, 2012
47	Memorandum of Activity, telephone call with (b) (6), (b) (7)(C), June 6, 2014
48	Memorandum of Activity, email with (b) (6), (b) (7)(C), May 28, 2014
49	Fiscal Year 2011 performance appraisals for (b) (6), (b) (7)(C)
50	DHS-OIG job vacancy announcement number OG-2010-384045
51	Selection record – DHS-OIG job vacancy announcement number OG-2010-384045
52	(b) (6), (b) (7)(C) interview, August 27, 2013

<i>Number</i>	<i>Description</i>
53	DHS-OIG job vacancy announcement number OG-2012-580458
54	Selection record – DHS-OIG job vacancy announcement number OG-2012-580458
55	OPM email, Subject: QRB Action (DHS/IG) <b>**DISAPPROVAL**</b> for June 7, 2012
56	(b) (6), (b) (7)(C) email, Subject: QRB Actions (DHS/IG) for August 14, 2012
57	(b) (6), (b) (7)(C) interview, August 14, 2013
58	(b) (6), (b) (7)(C) interview, July 17, 2013
59	(b) (6), (b) (7)(C) interview, July 16, 2013
60	(b) (6), (b) (7)(C) interview, September 17, 2013
61	DHS-OIG contracts BPD-FIG-10-CI-0003 and HSIQAQ-11-C-002
62	(b) (6), (b) (7)(C) interview, August 27, 2013
63	(b) (6), (b) (7)(C) interview, November 19, 2013
64	OIG file documents relating to award recommendations for DHS-OIG contracts TPD-FIG-10-C-0001 and HSIQAQ-11-C-002
65	Memorandum of Activity, document receipt from (b) (6), (b) (7)(C), September 26, 2013
66	Selective Service answers to Charles Edwards' 2007 and 2010 Background Security Questionnaires and his Declaration for Federal Employment with DHS-OIG
67	DHS-OIG Human Resources letter to Charles Edwards, October 17, 2011
68	Office of Personnel Management letter to (b) (6), (b) (7)(C), November 8, 2011
69	Office of Personnel Management letter to Charles Edwards, November 17, 2011
70	Memorandum of Activity, telephone call with (b) (6), (b) (7)(C), February 4, 2014
71	DHS-OIG cost estimate for investigations all-hands training
72	DHS-OIG all-hands training program plan
73	DHS-OIG approval of request for coins, January 2011
74	DHS-OIG response to FOIA 2012-119
75	Charles Edwards' financial disclosure forms, 2010-2012
76	Charles Edwards' self-disclosure letter to the CIGIE Integrity Committee, April 30, 2013
77	Charles Edwards international and domestic travel records
78	(b) (6), (b) (7)(C) interview, September 25, 2013
79	Memorandum of Activity, telephone call with (b) (6), (b) (7)(C), May 23, 2014
80	Email exchanges between DHS-OIG and DHS representatives regarding concerns and changes to the DHS Detainee Removals and Reliance on Assurances Report (OIG-11-100)
81	(b) (6), (b) (7)(C) PTS note, August 22, 2011
82	Memorandum of Activity, interview with (b) (6), (b) (7)(C), May 20, 2014

<i>Number</i>	<i>Description</i>
83	Memorandum of Activity, interview with (b) (6), (b) (7)(C), March 21, 2014
84	Memorandum of Activity, telephone call with (b) (6), (b) (7)(C), March 31, 2014
85	(b) (6), (b) (7)(C) email to (b) (6), (b) (7)(C), Subject: FW: Secure Communities, May 19, 2014
86	DHS-OIG report Communication Regarding Participation in Secure Communities, OIG-12-66
87	(b) (6), (b) (7)(C) and Charles Edwards email exchange, Subject: Re: (no Subject), March 9, 2012
88	(b) (6), (b) (7)(C) email to (b) (6), (b) (7)(C), Subject: FW: Secure Communities Final Report (OIG-12-66) Timeline
89	DOT-OIG Memoranda of Activities regarding review of DHS-OIG hotlines

**ADDENDUM A**

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

August 25, 2014

Angela Byers  
Acting Chair, Council of the Inspectors General on Integrity and Efficiency  
935 Pennsylvania Avenue, N.W.  
Room 3973  
Washington, D.C. 20535

Re: Charles Edwards/Integrity Committee Administrative Investigation

Dear Ms. Byers:

Please allow this letter to serve as Mr. Edwards' comments to the draft report of investigation ("ROI") prepared by the U.S. Department of Transportation Office of Inspector General ("DOT OIG"). We appreciate your courtesy in allowing additional time to review relevant documents and prepare our comments to the ROI.

As a threshold matter, we note that the Integrity Committee has withheld not only the identity of witnesses, but a majority of the documents upon which it has relied in making the findings set forth in the draft ROI. As you know, Mr. Edwards requested copies of attachments 1 through 48 to the ROI, which were cited and relied upon in the draft ROI. In response to our request for all of the attachments cited in the draft ROI with regard to the four (4) substantiated allegations, your office produced a total of seventy-one (71) pages of documents consisting of the following: (i) the audit (DHS Management Impact on Acquisition Process) conducted by DHS-OIG (Department of Homeland Security Office of Inspector General); (ii) email regarding Mr. Edwards' travels to Florida; (iii) Mr. Edwards' travel itinerary and reimbursed expenses; (iv) email regarding the hiring of his spouse, Madhuri Edwards; and (v) email regarding Mr. Edwards' doctoral dissertation. Witness statements and many other documents cited in the draft ROI were withheld despite the fact that they are clearly not protected from disclosure by any legal privilege.

We understand that your office withheld many of the attachments to protect the identity of witnesses who allegedly came forward with relevant information regarding the substantiated

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 2

allegations. While we appreciate this concern, Mr. Edwards is entitled to know the identity of witnesses with relevant knowledge -- without this information, Mr. Edwards cannot effectively respond to the allegations at issue. Further, withholding documents specifically relied upon by the DOT OIG with regard to the four (4) substantiated allegations raises serious due process concerns and violates Mr. Edwards' right to review all evidence considered by the DOT OIG. Shielding this evidence has prejudiced and severely hampered Mr. Edwards' ability to address the relevant allegations and adequately prepare his defense. On these grounds alone, the four (4) allegations substantiated by the DOT OIG should not be sustained.

While fully reserving the foregoing objections to the findings of the DOT OIG, Mr. Edwards' comments to the draft ROI are set forth below. Mr. Edwards' sworn declaration substantiating these comments is attached hereto. Mr. Edwards has restricted his response to the following allegations substantiated in the ROI:

1. That he failed to disclose his wife's employment in DHS's PARM office, which impaired the independence of a DHS-OIG audit of that office. As a result, the PARM audit was terminated, and the final audit report to DHS was rescinded. The PARM office audit cost DHS-OIG \$659,943.32.
2. That he was unable to account for all his time during his June 2011 trip to the DHS-OIG Miami field office, and that there is evidence his October 2011 trip to the Miami field office was a pre-text to have his personal travel expenses paid for by the government.
3. That he allowed his Acting Chief of Staff to use official time and government equipment to perform work related to his doctoral dissertation and encouraged her to set aside her OIG work to do his school work.
4. That he allowed his IT Branch Chief to use official time and personal time to perform work related to his teaching at Capitol College.

**First Substantiated Allegation**

*Mr. Edwards failed to disclose his wife's employment in DHS's Program Accountability and Risk Management office, which impaired the independence of a DHS-OIG audit that cost \$659,943.32 and resulted in the rescission of the report of that audit.*

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 3

**DOT OIG Findings**

On February 18, 2011, DHS-OIG's Office of Audits initiated an audit to evaluate the Department's internal controls and oversight of its acquisition program. (Attachment 2). The PARM office, a part of the DHS Management Directorate, was the primary subject of the audit. (Attachment 3).

On November 8, 2011, after receiving an "excellent" performance rating at another federal agency, (b) (6), (b) (7)(C) sent Mr. Edwards, her husband and the DHS Acting Inspector General, an email expressing her unhappiness with her current employer and her desire to leave. (Attachment 4). (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

By December 21, 2011, (b) (6), (b) (7)(C) sent (b) (6), (b) (7)(C) resume to a Deputy Under Secretary in the Management Directorate (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)



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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 4

(b) (6), (b) (7)(C), (b) (5)

(Footnote omitted). Ultimately, (b) (6), (b) (7)(C) selected (b) (6), (b) (7)(C) and she began her PARM employment on June 17, 2012. (Attachment 17).

Mr. Edwards did not notify DHS-OIG auditors or the DHS-OIG Office of Counsel that his wife was now an employee of the PARM office. (Attachments 2, 18 and 19). (b) (6), (b) (7)(C), (b) (5)

On Friday, July 27, 2012, DHS-OIG issued to the Department its final audit report entitled, "DHS Management Impact on Acquisition Processes (OIG-12-101)." Among other things, the audit found that a DHS component office acquired 13 radiation detection monitors originally expected to cost \$11 million; however, with minimal Departmental oversight, the component office spent \$259 million on the monitors and cancelled the program after seven years because it did not meet operational needs. The audit found that the Department did not fully implement internal controls and, therefore, could not be sure costs were effectively monitored and controlled throughout program acquisition life cycles. (Attachment 21).

Also on July 27, Mr. Edwards sent, via a transmittal memo dated July 25, the final PARM office audit report to the DHS Under Secretary for Management. In the memo, he expressed DHS-OIG's intention to provide a copy of the report to Congressional oversight committees and post it to the DHS-OIG website for public dissemination. (Attachment 22).

On Saturday, July 28, 2012, (b) (6), (b) (7)(C) sent (b) (6), (b) (7)(C), and others, an email with a subject, "Urgent HOLD on Final Report OIG-12-101." (Attachment

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 5

23). The email read, "Per the Acting IG, until further notice, please put a HOLD on final report OIG-12-101, DHS Management Impact on Acquisition Process." (Id.). In a Monday, July 30 email, (b) (6), (b) (7)(C) wrote, "Clarification: This report is being put on hold for distribution to Congress and the web until further notice." (Id.). (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

25). Further, because the audit was terminated and not published, DHS-OIG auditors could not track whether the PARM office followed three audit recommendations (to which the office had already concurred) to improve processes used on an estimated \$17 billion in annual acquisitions by the Department. (Attachment 17).

#### Mr. Edwards' Response to Findings

There is no factual basis to substantiate this allegation. As set forth below, (b) (6), (b) (7)(C) potential employment at DHS was disclosed to and vetted by the Agency's General Counsel's office who specifically determined that her employment did not implicate any ethical or other concerns. Subsequently, DHS's Associate General Counsel for Ethics and Associate General Counsel for General Law, issued a written opinion concluding that the ethics laws did not prohibit PARM from employing (b) (6), (b) (7)(C) while her husband served as the Acting Inspector General. Further, there is no evidence whatsoever that (b) (6), (b) (7)(C) employment in any way impaired the independence of the PARM audit. (b) (6), (b) (7)(C) occupied a non-supervisory position and was not involved with the work being audited. Similarly, Mr. Edwards was not involved with the audit and later recused himself altogether from audit responsibilities.

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 6

This very issue was carefully considered by Agency attorneys who concluded that (b) (6), (b) (7)(C) employment by PARM did not and does not create a threat or impairment to the independence of OIG audits.

#### Relevant Background

Prior to the events at issue, Mr. Edwards' spouse, (b) (6), (b) (7)(C), was employed by DHS-OIG as an Audit Manager. (b) (6), (b) (7)(C) voluntarily left her position with DHS-OIG in January 2011 after Mr. Edwards was appointed DHS Deputy IG. Given their employment in the same office within DHS and Mr. Edwards' sudden elevation to DHS Deputy IG, (b) (6), (b) (7)(C) voluntarily left the Agency to avoid any appearance of a conflict of interest.

Following her departure from DHS, (b) (6), (b) (7)(C) began employment with (b) (6), (b) (7)(C) on January 30, 2011. (b) (6), (b) (7)(C) was hired by (b) (6), (b) (7)(C) under direct hiring authority as a Senior Audit Manager in the (b) (6), (b) (7)(C) Office of Audits. Unfortunately, (b) (6), (b) (7)(C) grew disenchanted with her role within the FHFA OIG and, in late 2011, began exploring other career options, including returning to a position with DHS outside of the OIG. Ultimately, (b) (6), (b) (7)(C) submitted applications for positions with several Federal agencies, including the Library of Congress. See Exhibit 1 attached hereto. Mr. and (b) (6), (b) (7)(C) also discussed the potential for her return to DHS outside the OIG. Mr. Edwards was aware of the fact that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), was permitted to work at DHS-OIG while his wife was employed by (b) (6), (b) (7)(C). Mr. Edwards was also aware that at the Social Security Administration Office of Inspector General, the wife of (b) (6), (b) (7)(C) was also employed at the Agency. Accordingly, Mr. Edwards considered his wife's employment at DHS, in a position for which she was qualified outside the OIG, a viable option, particularly if safeguards were put into place to prevent any actual conflict or the appearance of a conflict of interest.<sup>1</sup>

DHS's General Counsel was aware of and approved (b) (6), (b) (7)(C) employment

(b) (6), (b) (7)(C), (b) (5)

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 7

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 8

(b) (6), (b) (7)(C) was hired because of her qualifications and not as a result of undue or improper influence by Mr. Edwards or any other official

While the circumstances underlying (b) (6), (b) (7)(C) hiring are not directly at issue, the ROI incorrectly implies that (b) (6), (b) (7)(C) was hired by DHS as a result of undue or improper influence by Mr. Edwards individually or collectively with other Agency officials. The facts, however, clearly demonstrate that (b) (6), (b) (7)(C) was hired under competitive merit systems promotion procedures based upon her extensive qualifications and not because of influence exerted by Mr. Edwards or any other Agency official.

(b) (6), (b) (7)(C), (b) (5)

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 9

(b) (6), (b) (7)(C), (b) (5)

On April 17, 2012, (b) (6), (b) (7)(C) received notice of her selection and a tentative job offer contingent upon her clearance for Entry on Duty by the Security Officer and obtaining the necessary security clearances. See Exhibit 13 attached hereto. On June 5, 2012, (b) (6), (b) (7)(C) received verification of her appointment and commenced employment at PARM on June 17, 2012 as Management and Program Analyst. See Exhibit 14 attached hereto. Significantly, the position occupied by (b) (6), (b) (7)(C) was non-supervisory with several layers of management above her and did not require direct involvement in any audit activity. Accordingly, proper safeguards were put in place at the very start to ensure that there would be no impairment or threat of impairment of future audits.

(b) (6), (b) (7)(C) employment at PARM did not create an impairment under GAGAS

The general standards established by GAO under GAGAS provides a conceptual framework and guidance on the practical considerations and documentation necessary to identify, evaluate, determine independence, and apply safeguards as applicable based on facts and circumstances that are often unique to specific environments (see GAGAS page 28-29). As recognized by DHS's attorneys evaluating this very issue, GAGAS defines a threat to independence as:

[C]ircumstances that could impair independence. Whether independence is impaired depends on the nature of the threat, whether the threat is of such significance that it would compromise an auditor's professional judgment or create the appearance that the auditor's professional judgment may be compromised, and on the specific safeguards applied to eliminate the threat or reduce it to an acceptable level. Threats are conditions to be evaluated using

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 10

the conceptual framework. *Threats do not necessarily impair independence.*

GAO-12-331G, Ch. 3:13, Threats at 31 (emphasis added).

According to GAGAS, proper safeguards (i.e. controls designed to eliminate or reduce threats to independence), and in some instances, multiple safeguards, can be applied to eliminate or reduce threats to independence to an acceptable level. *Id.* at 32. In this case, the potential threat to independence was evaluated and appropriate safeguards were put into place to eliminate any potential conflict of interest. (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

In the draft ROI, Mr. Edwards is accused of impairing the independence of the PARM audit, yet, according to the standards set forth in GAGAS, no impairment existed. Neither Mr. Edwards nor his wife were involved in any aspect of the audit and DHS's general counsel's office was aware of and had cleared (b) (6), (b) (7)(C) employment. To the extent any threat to independence existed, which is doubtful, appropriate safeguards were utilized to eliminate this threat. Similar safeguards have been used by DHS and the Social Security Administration to eliminate threats to independence in situations where the spouse of (b) (6), (b) (7)(C) personnel are employed within the same agency.

In addition to the absence of an impairment, it should be noted that the audit at issue began in October 2010, well before (b) (6), (b) (7)(C) was hired and commenced employment. More importantly, when (b) (6), (b) (7)(C) commenced employment on June 17, 2012, all audit work was completed, PARM had already concurred to all three audit recommendations and only the final issuance of the report was pending.<sup>3</sup> See Exhibit 15 attached hereto. In this regard, the initial

<sup>2</sup> (b) (6), (b) (7)(C), (b) (5)

<sup>3</sup> (b) (6), (b) (7)(C), (b) (5)

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 11

report to the Director of PARM on the findings was issued on April 3, 2012. See Exhibit 16 attached hereto. The report was endorsed by (b) (6), (b) (7)(C) and not (b) (6), (b) (7)(C) or Mr. Edwards. The response to this initial report on accepting the audit recommendations was dated May 25, 2012 and was sent by the Director of PARM to (b) (6), (b) (7)(C). See Exhibit 17 attached hereto. After further delay, the final report was to be issued on July 25, 2012 to the Director of PARM from (b) (6), (b) (7)(C).

On July 27, 2012, DHS-OIG issued its final audit report entitled “DHS Management Impact on Acquisition Processes (OIG-12-101).” On this date, Mr. Edwards sent the final PARM office audit report to the DHS Under Secretary for Management and expressed DHS-OIG’s intention to provide a copy of the report to Congressional oversight committees and post it to the DHS-OIG website for public dissemination. Subsequently, Mr. Edwards ordered that the final report be held after the Under Secretary for Management, (b) (6), (b) (7)(C), voiced concerns about the content of the report. See Exhibit 18 attached hereto.

Shortly thereafter, the issue of (b) (6), (b) (7)(C) employment with PARM arose. Mr.

(b) (6), (b) (7)(C), (b) (5)

On September 6, 2012, (b) (6), (b) (7)(C) announced his decision to terminate the PARM audit. This decision was made notwithstanding the absence of any impairment under GAGAS and the appropriate safeguards utilized in connection with (b) (6), (b) (7)(C) hiring, which assured the audit would not be compromised. As a result of this decision, the PARM audit was not published nor was the PARM office required to follow the recommendations set forth in the audit.<sup>4</sup>

(b) (6), (b) (7)(C), (b) (5)

<sup>4</sup> In 2013, DHS planned a new audit to determine whether PARM had effective oversight and management of the Department’s acquisitions. The audit was initiated on October 17, 2013 while Mr. Edwards was still the Deputy Inspector General. This audit was subsequently cancelled as



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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 12

### Second Substantiated Allegation

*Mr. Edwards was unable to account for all his time during his June 2011 trip to the DHS-OIG Miami field office, and there is evidence his October 2011 trip to that office was a pre-text to have his personal travel expenses paid for by the government*

### DOT OIG Findings

Mr. Edwards is alleged to have charged personal travel expenses to DHS for five trips associated with his Ph.D studies at Nova Southeastern University in Fort Lauderdale, Florida. Although we found that, on each of the five trips, Mr. Edwards visited his Ph.D advisor, we did not find sufficient evidence to conclude that all of the trips were pre-texts for Nova Southeastern Ph.D activities. However, for a June 5-7, 2011, trip, there is evidence that he traveled to and met with his Ph.D advisor between 9:00 a.m. and 10:30 a.m. - official duty hours. And, for his October 20-22, 2011, trip, there is evidence that it was a pre-text to have his personal travel expenses paid for by the government.

#### *June 5-7 trip*

On Sunday June 5, Mr. Edwards flew to Fort Lauderdale to visit the DHS-OIG Miami field office on June 6. (b) (6), (b) (7)(C), (b) (5)

The night before the trip, Saturday evening June 4, Mr. Edwards's special assistant emailed him directions for travel from his Fort Lauderdale hotel to Nova Southeastern University. (Attachment 26). About an hour later, she sent an email to (b) (6), (b) (7)(C) notifying her that Mr. Edwards had a 9:00 a.m. meeting on June 6 and he would like to meet with audit staff at about 10:30 a.m. (Attachment 27). The email does not say with whom Mr. Edwards would meet at 9:00 a.m. or the location of the meeting. Mr. Edwards's time and attendance records do not show he took leave between 9:00 a.m. and 10:30 a.m. on June 6. (Attachment 28).

(b) (6), (b) (7)(C), (b) (5)

duplicative when it was determined that GAO was performing an audit and review of PARM oversight of DHS Acquisitions.

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 13

(b) (6), (b) (7)(C), (b) (5)

*October 20-22 trip*

A DHS-OIG time and attendance record shows that, on October 12, 2011, Mr. Edwards planned to use eight hours of annual leave for October 21. (Attachment 31). Before October 12, Mr. Edwards scheduled a visit to the Miami field office for October 20. (Attachment 32). The agenda for the trip indicated Mr. Edwards and (b) (6), (b) (7)(C) would arrive at the Ft. Lauderdale airport at 11:00 a.m. (Attachment 33). At 12:00 noon, they were scheduled to meet with investigations staff at the Miami field office. The agenda does not describe the purpose for the trip. Mr. Edwards and (b) (6), (b) (7)(C) were scheduled to depart the Miami field office at 2:00 p.m. At that time, (b) (6), (b) (7)(C) would return to Washington, DC, and Mr. Edwards would obtain a rental car at the Ft. Lauderdale airport. (Id.) Mr. Edwards also reserved a room at a nearby Plantation, Florida, hotel room for two nights - October 20 and 21. (Attachment 34).

On October 19, 2011, (b) (6), (b) (7)(C) sent an email to his staff notifying them that Mr. Edwards would still travel to Miami, but would not appear at the office on October 20. (Attachment 35). On October 20, Mr. Edwards and (b) (6), (b) (7)(C) arrived at the Ft. Lauderdale airport at approximately 11:30 a.m., where they were met by (b) (6), (b) (7)(C). (Attachment 36). (b) (6), (b) (7)(C), (b) (5)

When the lunch meeting ended, (b) (6), (b) (7)(C) flew back to Washington, while Mr. Edwards retrieved his rental car at 2:11 p.m. (Attachments 36, 37 and 38). Around 4:15 p.m., Mr. Edwards checked into his hotel. (Attachment 38). The total cost to the government for Mr. Edwards's trip (airfare, hotel for one night, rental car, gas, meals, mileage and airport parking) was \$742.39. (Id.) The cost for (b) (6), (b) (7)(C) to make the trip was \$678.65. (Attachment 38).

(b) (6), (b) (7)(C), (b) (5)

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 14

(b) (6), (b) (7)(C), (b) (5)

There is evidence that Mr. Edwards used this trip as a pre-text to have his expenses related to his annual leave paid for by the government. First, none of the three reasons given by Mr. Edwards for the trip occurred. His October 20 meeting with staffers was cancelled. Instead, he met with (b) (6), (b) (7)(C) at a waterfront restaurant for lunch. He did not make a presentation on the mission of the DHS-OIG on October 20 (b) (6), (b) (7)(C), (b) (5). And, he did not meet with auditors on October 21 about the treatment of minority employees, (b) (6), (b) (7)(C), (b) (5).

Second, the subject matter of the meeting that did occur, i.e., staff assignments, did not require a trip to Miami for a face-to-face meeting. And, the discussion regarding staff assignments took only 15 minutes. Third, his time and attendance record shows, contradicting what he told us, that he knew in advance he would be on annual leave on the second day of his trip - Friday, October 21.

#### **Mr. Edwards' Response to Findings**

The evidence does not support the substantiation of the allegations concerning Mr. Edwards' travel to Florida in June and October 2011. It was a standard and customary DHS-OIG practice that the IG visit each field office in the United States at least twice during each fiscal year. This practice was followed by Mr. Edwards and his predecessor, (b) (6), (b) (7)(C). These visits were not typically scheduled to address any particular urgent issues confronted by the field offices; rather, they were intended to allow field office staff to periodically meet with the IG and functioned as a forum in which field office employees could discuss work issues and related concerns. The on-site visits also allowed the IG to remain informed regarding significant matters being handled by the field offices.<sup>5</sup>

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<sup>5</sup> While Acting IG, Mr. Edwards made several trips to Florida for activities relating to his graduate studies at Nova. These trips were taken while Mr. Edwards was on leave and at his personal expense. While these trips were non-business related, Mr. Edwards used some of his personal time to meet with officials at the Miami field office in order to keep abreast of important issues and cases with which the office was involved.

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 15

In keeping the with custom and practice of his office, since his appointment as acting IG, Mr. Edwards regularly visited each of the IG field offices located in the United States, including the field offices located in Miami and Orlando Florida. During his tenure as Acting IG, Mr. Edwards traveled to Florida to visit the field offices on a total of five (5) separate occasions. Although each of these visits were business related and involved, among other things, meetings with field office staff, Mr. Edwards was accused of making these trips as a pretext to further his Ph.D. studies at Nova Southeastern University in Fort Lauderdale, Florida.

According to the draft ROI, there is not sufficient evidence to support a finding that all five (5) of these trips were pretextual. ROI at 9. However, the draft ROI substantiates the allegations concerning two (2) of these trips, concluding: (i) that Mr. Edwards met with his Ph.D. advisor during official duty hours during his trip to Florida in June 2011; and (ii) that his October 2011 trip to Florida was a pretext in order to have his personal travel expenses paid by the government.

As set forth below, the evidence does not support these findings of wrongdoing.

June 5-7 trip

(b) (6), (b) (7)(C), (b) (5)

Mr. Edwards was scheduled to travel to the Miami and Orlando field offices from June 5-7, 2011. See Exhibit 20 attached hereto. (b) (6), (b) (7)(C), (b) (5)

[REDACTED]

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 16

This is no allegation that the basis for this trip was pretextual. Indeed, Mr. Edwards conducted Agency business during his flight to Miami on June 5, 2011. The following day, Mr. Edwards had an early conference call with his staff and then met with various Miami field office personnel, including members of the Audit and Investigations staff as well as (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). Later that evening, at approximately 6:00 p.m., Mr. Edwards went to Nova and made a presentation to graduate students concerning the DHS-OIG mission. See Exhibit 21 attached hereto. The following day (June 7, 2011), Mr. Edwards traveled from Miami to Orlando and met with the Orlando office staff. At approximately 5:00 p.m., (b) (6), (b) (7)(C) of the Miami/Orlando field office transported Mr. Edwards to the Orlando airport for a 6:20 p.m. flight. Mr. Edwards did not arrive home that day until 9:30 p.m. See Exhibit 20 attached hereto.

(b) (6), (b) (7)(C), (b) (5)

#### October 20-22 trip

The October 20-22 trip to Florida, like the trip in June, was a regular, planned field office visit -- one of many undertaken by Mr. Edwards in 2011. Mr. Edwards planned to meet with staff as was customary during such visits, obtain updates with regard to ongoing investigations and hold meetings concerning a proposed realignment affecting personnel in the New Orleans and Orlando field offices. The agenda for this trip confirms the meetings at the Miami field office on October 20, 2011. See Exhibit 22 attached hereto. While there were no pressing issues that mandated his presence in Florida in October, Mr. Edwards believed it was important to regularly meet with his field audit staff and felt it was within his authority to complete this trip.  
(b) (6), (b) (7)(C), (b) (5)

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 17

(b) (6), (b) (7)(C), (b) (5)

The draft ROI emphasizes the fact that after Mr. Edwards scheduled this trip, he submitted a request for eight (8) hours of leave on October 21, 2011 (a Friday). Assuming the purpose of the trip was legitimate, and it was, there is nothing significant about the fact that Mr. Edwards took some personal time off during this trip. Mr. Edwards had ample leave that was available. Further, we are aware of no rules, regulations or policies (none are cited in the draft ROI) that would prohibit the use of leave in this situation, provided during any period of leave Mr. Edwards paid for his lodging, transportation, meals and other expenses with personal funds. This is exactly what occurred and there are no allegations that Mr. Edwards charged the government for his personal expenses while he was on leave.<sup>7</sup>

Originally, Mr. Edwards was scheduled to travel to Florida for a meeting with the Miami field office with (b) (6), (b) (7)(C). When (b) (6), (b) (7)(C) developed a conflict, (b) (6), (b) (7)(C) was tasked with accompanying Mr. Edwards to Florida. (b) (6), (b) (7)(C), (b) (5)

[Redacted]

<sup>6</sup> (b) (6), (b) (7)(C), (b) (5)

<sup>7</sup> Given that he would have to return to Washington following the conclusion of his meetings, the cost associated with the flight home would, in our view, be an appropriate charge to the government.

<sup>8</sup> (b) (6), (b) (7)(C), (b) (5)

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 18

Mr. Edwards and (b) (6), (b) (7)(C) arrived in Fort Lauderdale on October 20, 2011 at approximately 11:30 a.m. They were met at the airport by (b) (6), (b) (7)(C) and proceeded to a restaurant for a working lunch to discuss the proposed office realignment. (b) (6), (b) (7)(C), (b) (5)

While the draft ROI minimizes the importance and length of this meeting, it contains no information about the topic of discussion after the alleged fifteen (15) minute dialogue about the realignment. (b) (6), (b) (7)(C), (b) (5)

After the conclusion of this meeting, (b) (6), (b) (7)(C) drove the parties back to the airport where (b) (6), (b) (7)(C) caught his previously scheduled return flight to Washington and Mr. Edwards picked up his rental car and drove to his hotel. Although a scheduled day off, Mr. Edwards planned to drive to the Miami field office the following day (October 21) to meet with the Audit employees. (b) (6), (b) (7)(C), (b) (5)

Mr. Edwards subsequently checked out of his hotel the following day (the reservation specifies a noon checkout) and returned home via BWI airport that evening. Mr. Edwards used his personal funds and did not seek reimbursement from the government for the additional day. See Exhibit 22 attached hereto.

Contrary to the conclusions set forth in the draft ROI, the evidence does not support a finding that this trip was a pretext used by Mr. Edwards to have the government pay expenses relating to his personal leave. In this regard, the brevity of the trip suggests that Mr. Edwards did not travel to Florida for personal reasons. If Mr. Edwards was traveling to Florida for personal reasons, one would logically expect a lengthier stay and there would be no reason to include (b) (6), (b) (7)(C). Moreover, the trip was planned in advance as one of Mr. Edwards' regular visits to the Miami field office and, as was customary, an agenda, to include a field office visit, was prepared.

It is certainly true that certain action items on the agenda, such as an office visit, did not occur. Likewise, the necessity of a face to face meeting between DHS officials may be debatable with the benefit of hindsight. However, viewed in proper context, it is apparent that Mr. Edwards acted appropriately and within his authority when he traveled to Florida in October

(b) (6), (b) (7)(C), (b) (5)

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 19

2011. Trips like this one were routine and in keeping with customary practice of the DHS-IG. It was certainly Mr. Edwards' expectation to visit the Miami field office during this trip and meet with staff. While the agenda changed, the need to discuss the proposed realignment did not.

While Mr. Edwards' decision making is now questioned, his actions are not objectively unreasonable, particularly because he could not possibly predict how long the realignment meeting would last, whether the proposed realignment would also require a visit to the Miami field office or whether the meeting would raise any other unexpected issues that would require additional time. Further, Mr. Edwards also intended to meet with Audit personnel at the Miami field office on October 21, 2011, although he would be on scheduled leave that day.

As set forth above, there was a reasonable business justification for Mr. Edwards' travel to Florida and the evidence does not support a finding of a nefarious and pretextual motivation as suggested in the draft ROI. To the contrary, the evidence demonstrates that Mr. Edwards traveled to Florida to accomplish, and did accomplish, important business objectives on behalf of DHS-OIG.

**Third Substantiated Allegation**

*Mr. Edwards allowed his Acting Chief of Staff to use official time to work on his doctoral dissertation and encouraged her to set aside her DHS-OIG work to do his school work.*

**DOT OIG Findings**

Mr. Edwards allegedly used his Acting Chief of Staff to perform work related to his doctoral dissertation, and his IT Branch Chief to perform work associated with (b) (6), (b) (7)(C) graduate studies. (Footnote omitted).

We found the amount of official time the IT Branch Chief spent assisting (b) (6), (b) (7)(C) was de minimis. (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)



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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 20

Mr. Edwards did not merely accept his Acting Chief of Staff's assistance, he encouraged her to set aside her OIG work so she could work on his dissertation. For example, in September 2011, he sent her an email asking her to review written comments on a dissertation-related paper he received from his Ph.D. advisor and asked her to "start fixing it." (Attachment 44). When she replied that she would "work on it this morning," he responded, "[P]lease let me [know] what is on [your] plate today so that I can delegate the work to other folks." (Id.) Also, in a February 2012, email, he asked her to telework from home to finish her edits to a dissertation-related document he drafted. (Attachment 45). And, she did so. (Attachment 46).

(b) (6), (b) (7)(C), (b) (5)

Mr. Edwards' Response to Findings

Mr. Edwards acknowledges that he accepted his Acting Chief of Staff's offer to help him proof read, format and edit work relating to his dissertation. See Sworn Interview of Charles Edwards at 7. (b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

Further, it should also be noted that it is not entirely clear that (b) (6), (b) (7)(C) used official time to assist Mr. Edwards with his dissertation. (b) (6), (b) (7)(C), (b) (5)

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 21

attached hereto. Further, most of the emails sent between Mr. Edwards and (b) (6), (b) (7)(C) concerning the dissertation were sent before or after core work hours.

Even if some of the work was performed during the work day, the distinction between core work hours and non-work hours is blurred in the DHS-OIG. (b) (6), (b) (7)(C), (b) (5)

Mr. Edwards acknowledges that he should have declined (b) (6), (b) (7)(C) offer of assistance in order to completely avoid the appearance of any impropriety. With that said, there is no evidence that Mr. Edwards abused his authority or that this decision impaired the work of the DHS-OIG or in any way deprived the government of the services of a federal employee.<sup>9</sup> As such, this allegation should not be substantiated.

#### **Fourth Substantiated Allegation**

*Mr. Edwards allowed his IT Branch Chief to use official time and her personal time to perform work related to his teaching at Capitol College*

Mr. Edwards allegedly used his IT Branch Chief, his Executive Assistant and his Acting Chief of Staff to write lesson plans, review paperwork, and conduct other work associated with his employment at Capitol College and at System and Information Services Corporation (SISC).

(b) (6), (b) (7)(C), (b) (5)

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<sup>9</sup> (b) (6), (b) (7)(C) received appropriate credit for her work in Mr. Edwards' dissertation.

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 22

We found the Executive Assistant and Chief of Staff also spent time assisting Mr. Edwards with work related to his teaching. The amount of time, however, was de minimis. According

(b) (6), (b) (7)(C), (b) (5)

#### Mr. Edwards' Response to Findings

According to the draft ROI, Mr. Edwards acted improperly by accepting an offer from the IT Branch Chief, (b) (6), (b) (7)(C), to assist with work associated with his teaching at Capitol College. Mr. Edwards denies this allegation.

According to the draft ROI, (b) (6), (b) (7)(C) assistance was limited to answering technical questions, reviewing a presentation and preparing notes. ROI at 12. (b) (6), (b) (7)(C), (b) (5)

These allegations are clearly insufficient to establish wrongdoing on Mr. Edwards' part. There is no evidence that (b) (6), (b) (7)(C) performed any work on Mr. Edwards' behalf during work hours, except for very limited periods of time during her lunch break when she was presumably free to engage in any lawful activity of her choosing.

With regard to her use of her OIG computer, DHS Management Directive 4600.1 allows for limited personal use of government office equipment, such as computers, during non-work time when such use:

1. Involves minimal additional expense to the government.
2. Is performed on the employee's non-work time.
3. Does not reduce productivity or interfere with the mission or operations of DHS organizational elements.
4. Does not violate the Standards of Ethical Conduct for Employees of the Executive Branch.

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 23

Measured under these standards, (b) (6), (b) (7)(C) de minimus use of her work computer to assist Mr. Edwards with his work during her lunch breaks was clearly an authorized use of government property in that: (i) there was no expense to the government; (ii) the work was performed during her lunch break; (iii) there is no evidence that the work reduced her productivity or interfered with the mission or operations of DHS; and (iv) the work did not violate any applicable ethical standards.

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C) rendition of the facts is substantially similar:

After I joined DHS OIG as the Branch Chief and knowing the [sic] Mr. Edwards is teaching, I volunteered on several occasions to oversee, cross check or review some the [sic] work since I am very familiar with C sharp and C ++ and also have the visual studio software. I did not prepare his lesson plans nor his class notes. Whenever he sent me an email to clarify certain technical questions I did it on my own time. The entire time spent on this effort is about 5 hours.

See Exhibit 24 attached hereto.

According to the draft ROI, the Chief of Staff also spent about 5 hours of time assisting Mr. Edwards with work related to his teaching. This amount of time was considered de minimus. See ROI at 13. The five (5) hours of time spent by (b) (6), (b) (7)(C) assisting Mr. Edwards should similarly be considered de minimus. Moreover, the evidence only demonstrates that (b) (6), (b) (7)(C) provided limited assistance to Mr. Edwards during non-work time at home or during lunch breaks. As set forth above, her limited personal use of her OIG computer during non-work status was permissible under Management Directive 4600.1. As such, this allegation should not be substantiated.

### Conclusion

The decision to withhold a number of documents relied upon by the DOT OIG in preparing its draft ROI raises significant due process concerns. In effect, Mr. Edwards has been

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<sup>10</sup> (b) (6), (b) (7)(C) did not report to Mr. Edwards and was not within the group of employees at DHS-OIG that Mr. Edwards considered to be on duty 24/7, like (b) (6), (b) (7)(C).

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

Angela Byers, Acting Chair  
Council of the Inspectors General on Integrity and Efficiency  
August 25, 2014  
Page | 24

deprived of the right to review the evidence allegedly supporting the four (4) allegations substantiated in the draft ROI. On this basis alone, these allegations cannot be substantiated.

Further, as set forth above, the evidence simply does not support substantiation of any of the four (4) allegations at issue. In this regard, Mr. Edwards' wife's employment at DHS was properly disclosed and vetted in advance, his travels to Florida were appropriate and customary and the assistance provided by his subordinates was voluntary and in no way interfered with their work on behalf of DHS-OIG. Accordingly, we respectfully submit that the allegations at issue cannot and should not be substantiated.

Sincerely,

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

## DECLARATION OF CHARLES K. EDWARDS

1. I am over the age of 21 years, and make the statements in this Declaration based upon personal knowledge.

### First Substantiated Allegation

2. As set forth in more detail below, my spouse's potential employment at DHS was disclosed to and vetted by the Agency's General Counsel's office (b) (6), (b) (7)(C), (b) (5)

[REDACTED] Subsequently, DHS's Associate General Counsel for Ethics and Associate General Counsel for General Law, issued a written opinion concluding that the ethics laws did not prohibit PARM from employing my spouse, (b) (6), (b) (7)(C), while I served as the Acting Inspector General. Further, there is no evidence whatsoever that (b) (6), (b) (7)(C) employment in any way impaired the independence of the PARM audit. (b) (6), (b) (7)(C) occupied a non-supervisory position and was not involved with the work being audited. Similarly, I was not involved with the audit and later recused myself altogether from audit responsibilities. This very issue was carefully considered by Agency attorneys who concluded that (b) (6), (b) (7)(C) employment by PARM did not and does not create a threat or impairment to the independence of OIG audits.

3. Prior to the events at issue, (b) (6), (b) (7)(C) was employed by DHS-OIG as an Audit Manager. (b) (6), (b) (7)(C) voluntarily left her position with DHS-OIG in January 2011 after I was appointed DHS Deputy IG. Given our employment in the same office within DHS and my sudden elevation to DHS Deputy IG, (b) (6), (b) (7)(C) voluntarily left the Agency to avoid any appearance of a conflict of interest.

4. Following her departure from DHS, (b) (6), (b) (7)(C) began employment with (b) (6), (b) (7)(C)

[REDACTED] on January 30, 2011.

(b) (6), (b) (7)(C) was hired by (b) (6), (b) (7)(C) under direct hiring authority as a Senior Audit Manager in the (b) (6), (b) (7)(C) Office of Audits. In late 2011, (b) (6), (b) (7)(C) began exploring other career options, including returning to a position with DHS outside of the OIG. Ultimately, (b) (6), (b) (7)(C) submitted applications for positions with several Federal agencies, including the Library of Congress. We

(b) (6), (b) (7)(C), (b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

5. On Nov 29, 2011, I attended a meeting at the DHS Secretary's office concerning unrelated Agency matters. After the meeting adjourned, I met privately with (b) (6), (b) (7)(C)

[Redacted], to inquire about (b) (6), (b) (7)(C), (b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

6. (b) (6), (b) (7)(C), (b) (5)

[Redacted]

(b) (6), (b) (7)(C), (b) (5)

8. While the circumstances underlying (b) (6), (b) (7)(C) hiring are not directly at issue, the ROI incorrectly implies that my wife was hired by DHS as a result of undue or improper



influence. The facts, however, clearly demonstrate that [REDACTED] was hired under competitive merit systems promotion procedures based upon her extensive qualifications and not because of influence exerted by me or any other Agency official.

9. DHS was not the only Agency at which [REDACTED] sought employment. As set

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

14. On April 17, 2012, (b) (6), (b) (7)(C) received notice of her selection and a tentative job offer contingent upon her clearance for Entry on Duty by the Security Officer and obtaining the necessary security clearances. On June 5, 2012, (b) (6), (b) (7)(C) received verification of her appointment and commenced employment at PARM on June 17, 2012 as Management and Program Analyst. Significantly, the position occupied by (b) (6), (b) (7)(C) was non-supervisory with several layers of management above her and did not require direct involvement in any audit

activity. Accordingly, proper safeguards were put in place at the very start to ensure that there would be no impairment or threat of impairment of future audits.

15. The general standards established by GAO under GAGAS provides a conceptual framework and guidance on the practical considerations and documentation necessary to identify, evaluate, determine independence, and apply safeguards as applicable based on facts and circumstances that are often unique to specific environments (see GAGAS page 28-29). As recognized by DHS's attorneys evaluating this very issue, GAGAS defines a threat to independence as:

[C]ircumstances that could impair independence. Whether independence is impaired depends on the nature of the threat, whether the threat is of such significance that it would compromise an auditor's professional judgment or create the appearance that the auditor's professional judgment may be compromised, and on the specific safeguards applied to eliminate the threat or reduce it to an acceptable level. Threats are conditions to be evaluated using the conceptual framework. *Threats do not necessarily impair independence.*

GAO-12-331G, Ch. 3:13, Threats at 31 (emphasis added).

16. According to GAGAS, proper safeguards (i.e. controls designed to eliminate or reduce threats to independence), and in some instances, multiple safeguards, can be applied to eliminate or reduce threats to independence to an acceptable level. In this case, the potential threat to independence was evaluated and appropriate safeguards were put into place to eliminate any potential conflict of interest. In this regard, (b) (6), (b) (7)(C) potential employment was evaluated and vetted by DHS's General Counsel's office and her position did not report directly to the Director of PARM and did not entail any involvement in the OIG's audit activities. Similarly, there is no evidence that (b) (6), (b) (7)(C) was involved in any aspect of the PARM audit or that she was even aware of its existence.

17. In the draft ROI, I am accused of impairing the independence of the PARM audit, yet, according to the standards set forth in GAGAS, no impairment existed. My wife and I were not involved in any aspect of the audit and DHS's general counsel's office was aware of and had cleared (b) (6), (b) (7)(C) employment. To the extent any threat to independence existed, which is doubtful, appropriate safeguards were utilized to eliminate this threat. (b) (6), (b) (7)(C), (b) (5)

[REDACTED]

[REDACTED]

[REDACTED].

18. In addition to the absence of an impairment, it should be noted that the audit at issue began in October 2010, well before (b) (6), (b) (7)(C) was hired and commenced employment. More importantly, when (b) (6), (b) (7)(C) commenced employment on June 17, 2012, all audit work was completed, PARM had already concurred to all three audit recommendations and only the final issuance of the report was pending. In this regard, the initial report to the Director of PARM on the findings was issued on April 3, 2012. The report was endorsed by (b) (6), (b) (7)(C) and not (b) (6), (b) (7)(C) or myself. The response to this initial report on accepting the audit recommendations was dated May 25, 2012 and was sent by the Director of PARM to (b) (6), (b) (7)(C). After further delay, the final report was to be issued on July 25, 2012 to the Director of PARM from (b) (6), (b) (7)(C).

19. On July 27, 2012, DHS-OIG issued its final audit report entitled "DHS Management Impact on Acquisition Processes (OIG-12-101)." On this date, I sent the final PARM office audit report to the DHS Under Secretary for Management and expressed DHS-OIG's intention to provide a copy of the report to Congressional oversight committees and post it to the DHS-OIG website for public dissemination. Subsequently, I ordered that the final report

be held after the Under Secretary for Management, (b) (6), (b) (7)(C), voiced concerns about the content of the report.

20. Shortly thereafter, the issue of (b) (6), (b) (7)(C) employment with PARM arose. I was

(b) (6), (b) (7)(C), (b) (5)

21. On September 6, 2012, (b) (6), (b) (7)(C) announced his decision to terminate the PARM audit. This decision was made notwithstanding the absence of any impairment under GAGAS and the appropriate safeguards utilized in connection with (b) (6), (b) (7)(C) hiring, which assured the audit would not be compromised. As a result of this decision, the PARM audit was not published nor was the PARM office required to follow the recommendations set forth in the audit.

#### Second Substantiated Allegation

22. The evidence does not support the substantiation of the allegations concerning my travel to Florida in June and October 2011. It was a standard and customary DHS-OIG practice that the IG visit each field office in the United States at least twice during each fiscal year. This practice was followed by me and my predecessor, (b) (6), (b) (7)(C). These visits were not typically scheduled to address any particular urgent issues confronted by the field offices; rather,

they were intended to allow field office staff to periodically meet with the IG and functioned as a forum in which field office employees could discuss work issues and related concerns. The on-site visits also allowed the IG to remain informed regarding significant matters being handled by the field offices.

23. In keeping the with custom and practice of my office, since my appointment as acting IG, I regularly visited each of the IG field offices located in the United States, including the field offices located in Miami and Orlando Florida. During my tenure as Acting IG, I traveled to Florida to visit the field offices on a total of five (5) separate occasions. Although each of these visits were business related and involved, among other things, meetings with field office staff, I was accused of making these trips as a pretext to further my Ph.D. studies at Nova Southeastern University in Fort Lauderdale, Florida.

24. According to the draft ROI, there is not sufficient evidence to support a finding that all five (5) of these trips were pretextual. However, the draft ROI substantiates the allegations concerning two (2) of these trips, concluding: (i) that I met with my Ph.D. advisor during official duty hours during my trip to Florida in June 2011; and (ii) that my October 2011 trip to Florida was a pretext in order to have my personal travel expenses paid by the government. These allegations are baseless.

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

27. I was scheduled to travel to the Miami and Orlando field offices from June 5-7, 2011. (b) (6), (b) (7)(C), (b) (5)

28. This is no allegation that the basis for this trip was pretextual. Indeed, I conducted Agency business during my flight to Miami on June 5, 2011. The following day, I had an early conference call with my staff and then met with various Miami field office personnel, including members of the Audit and Investigations staff as well as (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). Later that evening, at approximately 6:00 p.m., I went to Nova and made a presentation to graduate students concerning the DHS-OIG mission. The following day (June 7, 2011), I traveled from Miami to Orlando and met with the Orlando office staff. At approximately 5:00 p.m., (b) (6), (b) (7)(C) of the Miami/Orlando field office transported me to the Orlando airport for a 6:20 p.m. flight. I did not arrive home that day until 9:30 p.m.

29. While the legitimacy of my travel to Florida is not questioned, I am accused of meeting with my Ph.D. advisor on campus at 9:00 a.m. on June 6, 2011, during duty hours. I acknowledge meeting with my Ph.D. advisor; however, the meeting was very brief because, as is noted in the draft ROI, I had a meeting with Audit staff at the Miami field office scheduled at 10:30 a.m. While I did not take leave when I met with my Ph.D. advisor, it is important to note that my time and attendance records only indicate total work hours for the day in question. In this regard, my position at DHS was not a “9 to 5” job. In my position as Acting IG of one of the largest agencies in the federal government, I had an extraordinarily broad range of responsibilities and regularly worked late evenings and weekends. During this trip, I performed various official duties in excess of my expected eight (8) duty hours each day. For example, when I returned home, I did not arrive at my residence until after 9:30 p.m. Accordingly, the minimal amount of time I spent meeting with his advisor was more than offset by my before and after hours work during this trip.

30. The October 20-22 trip to Florida, like the trip in June, was a regular, planned field office visit -- one of many undertaken by me in 2011. I planned to meet with staff as was customary during such visits, obtain updates with regard to ongoing investigations and hold meetings concerning a proposed realignment affecting personnel in the New Orleans and Orlando field offices. The agenda for this trip confirms the meetings at the Miami field office on October 20, 2011. While there were no pressing issues that mandated my presence in Florida in October, I believed it was important to regularly meet with my field audit staff and felt it was within my authority to complete this trip. (b) (6), (b) (7)(C), (b) (5)

[REDACTED]

[REDACTED]



(b) (6), (b) (7)(C), (b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

31. The draft ROI emphasizes the fact that after I scheduled this trip, I submitted a request for eight (8) hours of leave on October 21, 2011 (a Friday). There is nothing significant about the fact that I took some personal time off during this trip. I had ample leave that was available. Further, I am aware of no rules, regulations or policies (none are cited in the draft ROI) that would prohibit the use of leave in this situation, provided during any period of leave I pay for my lodging, transportation, meals and other expenses with personal funds. This is exactly what occurred and there are no allegations that I charged the government for my personal expenses while I was on leave.

32. Originally, I was scheduled to travel to Florida for a meeting with the Miami field office with (b) (6), (b) (7)(C) [Redacted]. When (b) (6), (b) (7)(C) [Redacted] developed a conflict, (b) (6), (b) (7)(C) [Redacted] was tasked with accompanying me to Florida. (b) (6), (b) (7)(C), (b) (5) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

33. We arrived in Fort Lauderdale on October 20, 2011 at approximately 11:30 a.m. We were met at the airport by (b) (6), (b) (7)(C) [Redacted] and proceeded to a restaurant

for a working lunch to discuss the proposed office realignment. (b) (6), (b) (7)(C), (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

34. After the conclusion of this meeting, (b) (6), (b) (7)(C) drove us back to the airport where (b) (6), (b) (7)(C) caught his previously scheduled return flight to Washington and I picked up my rental car and drove to my hotel. Although a scheduled day off, I planned to drive to the Miami field office the following day (October 21) to meet with the Audit employees.

(b) (6), (b) (7)(C), (b) (5)

[REDACTED]. As a result, I concluded that these employees would be unavailable to meet with me and consequently, I did not travel to the Miami field office on October 21, 2011 as I had originally planned. I subsequently checked out of my hotel the following day (the reservation specifies a noon checkout) and returned home via BWI airport that evening. I used personal funds and did not seek reimbursement from the government for the additional day.

35. Contrary to the conclusions set forth in the draft ROI, the evidence does not support a finding that this trip was a pretext to have the government pay expenses relating to my personal leave. In this regard, the brevity of the trip suggests that I did not travel to Florida for personal reasons. If I was traveling to Florida for personal reasons, one would logically expect a lengthier stay and there would be no reason to include (b) (6), (b) (7)(C). Moreover, the trip was

planned in advance as one of my regular visits to the Miami field office and, as was customary, an agenda, to include a field office visit, was prepared.

36. It is certainly true that certain action items on the agenda, such as an office visit, did not occur. Likewise, the necessity of a face to face meeting between DHS officials may be debatable with the benefit of hindsight. However, viewed in proper context, it is apparent that I acted appropriately and within my authority when I traveled to Florida in October 2011. Trips like this one were routine and in keeping with customary practice of the DHS-IG. It was certainly my expectation to visit the Miami field office during this trip and meet with staff. While the agenda changed, the need to discuss the proposed realignment did not.

37. While my decision making is now questioned, my actions are not objectively unreasonable, particularly because I could not possibly predict how long the realignment meeting would last, whether the proposed realignment would also require a visit to the Miami field office or whether the meeting would raise any other unexpected issues that would require additional time. Further, I also intended to meet with Audit personnel at the Miami field office on October 21, 2011, although I would be on scheduled leave that day. There was a reasonable business justification for my travel to Florida and the evidence does not support a finding of a nefarious and pretextual motivation as suggested in the draft ROI. To the contrary, the evidence demonstrates that I traveled to Florida to accomplish, and did accomplish, important business objectives on behalf of DHS-OIG.

#### Third Substantiated Allegation

38. I acknowledge that I accepted my Acting Chief of Staff's offer to help me proof read, format and edit work relating to my dissertation. As set forth in my earlier interview, my

(b) (6), (b) (7)(C), (b) (5)

[REDACTED]

39. I specifically deny that (b) (6), (b) (7)(C) work on my behalf in any way interfered with, impeded or took precedence over the work requirements of the DHS-OIG. (b) (6), (b) (7)(C), (b) (5)

[REDACTED] With regard to the assertion in the draft ROI that I encouraged (b) (6), (b) (7)(C) to set aside her OIG work so she could work on his dissertation,” I deny this allegation. I did not delegate (b) (6), (b) (7)(C) work to other employees so she could work on my dissertation. (b) (6), (b) (7)(C), (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

40. Further, it should also be noted that it is not entirely clear that (b) (6), (b) (7)(C) used official time to assist me with my dissertation. (b) (6), (b) (7)(C), (b) (5)

[REDACTED] Further, most of our emails sent concerning the dissertation were sent before or after core work hours.

41. Even if some of the work was performed during the work day, the distinction between core work hours and non-work hours is blurred in the DHS-OIG. Work in the DHS-OIG was not a “nine to five” job and required demanding hours well beyond core work hours.

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

However, regardless of when (b) (6), (b) (7)(C) worked on my dissertation, the nominal amount of time (b) (6), (b) (7)(C) spent assisting me with my dissertation is easily counter-balanced by the time she has spent working on DHS-OIG matters outside her core work hours.

42. I acknowledge that I should have declined (b) (6), (b) (7)(C) offer of assistance in order to completely avoid the appearance of any impropriety. With that said, there is no evidence that I abused my authority or that this decision impaired the work of the DHS-OIG or in any way deprived the government of the services of a federal employee.

Fourth Substantiated Allegation

43. According to the draft ROI, I acted improperly by accepting an offer from the IT Branch Chief, (b) (6), (b) (7)(C) to assist with work associated with my teaching at Capitol College. I deny this allegation.

44. According to the draft ROI, (b) (6), (b) (7)(C) assistance was limited to answering technical questions, reviewing a presentation and preparing notes. (b) (6), (b) (7)(C), (b) (5)

. There is no evidence that (b) (6), (b) (7)(C) performed any work on my behalf during work hours, except for very limited periods of time during her lunch break when she was presumably free to engage in any lawful activity of her choosing.

45. With regard to her use of her OIG computer, DHS Management Directive 4600.1 allows for limited personal use of government office equipment, such as computers, during non-work time when such use:

- (1) Involves minimal additional expense to the government.
- (2) Is performed on the employee's non-work time.
- (3) Does not reduce productivity or interfere with the mission or operations of DHS organizational elements.
- (4) Does not violate the Standards of Ethical Conduct for Employees of the Executive Branch.

46. Measured under these standards, (b) (6), (b) (7)(C) de minimus use of her work computer to assist me with my work during her lunch breaks was clearly an authorized use of government property in that: (i) there was no expense to the government; (ii) the work was performed during her lunch break; (iii) there is no evidence that the work reduced her productivity or interfered with the mission or operations of DHS; and (iv) the work did not violate any applicable ethical standards.

47. (b) (6), (b) (7)(C), (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. (b) (6), (b) (7)(C) rendition of the facts is substantially similar:

After I joined DHS OIG as the Branch Chief and knowing the [sic] Mr. Edwards is teaching, I volunteered on several occasions to oversee, cross check or review some the [sic] work since I am very familiar with C sharp and C ++ and also have the visual studio software. I did not prepare his lesson plans nor his class notes. Whenever he sent me an email to clarify certain technical questions I did it on my own time. The entire time spent on this effort is about 5 hours.

48. According to the draft ROI, the Chief of Staff also spent about 5 hours of time assisting me with work related to my teaching. This amount of time was considered de minimus. The five (5) hours of time spent by (b) (6), (b) (7)(C) assisting me should similarly be considered de minimus. Moreover, the evidence only demonstrates that (b) (6), (b) (7)(C) provided limited assistance to me during non-work time at home or during lunch breaks. As set forth above, her limited personal use of her OIG computer during non-work status was permissible under Management Directive 4600.1. As such, this allegation should not be substantiated.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 25th day of August, 2014.

(b) (6)



Charles K. Edwards

**ADDENDUM B**





U.S. Department of  
Transportation

Office of the Secretary  
of Transportation

Office of Inspector General

# Memorandum

Subject: Conduct of Charles K. Edwards  
Department of Homeland Security  
Office of Inspector General

Date: October 8, 2014

From: (b) (6), (b) (7)(C)

Reply to  
Attn. of: JI-3

To: File – I13Z001SINV

On June 9, 2014, we transmitted to the CIGIE Integrity Committee our June 6, 2014, report of investigation (ROI) into allegations of wrongdoing by then Department of Homeland Security Acting Inspector General Charles Edwards. By letter dated August 25, 2014, Mr. Edwards responded to our report. This memorandum corrects our finding in our June 6 ROI regarding the first substantiated allegation, and sets forth our factual reply to Mr. Edwards' response.

### *First Substantiated Allegation-Corrected Finding*

- **The first substantiated allegation in our report should read, “Mr. Edwards failed to disclose his wife’s employment in DHS’s Program Accountability and Risk Management office, which *appeared* to impair the independence of a DHS-OIG audit that cost \$659,943.32 and resulted in the rescission of the report of that audit.”**

On September 6, 2012 (our ROI mistakenly says September 6, 2013, which will be corrected in the Amended Final ROI), (b) (6), (b) (7)(C) explained to the DHS Under Secretary for Management why DHS-OIG would not publish the final PARM audit report:

We conducted this audit pursuant to the Inspector General Act of 1978, as amended, and according to generally accepted government auditing standards (GAGAS), we identified an impairment to our independence in *appearance*. Following the completion of our fieldwork, it came to our attention that [PARM], the primary entity reviewed in this audit, employed a family member of a senior OIG official. Since the audit’s

focus was on PARM, we were not able to mitigate the impairment to our independence in *appearance*.

**(ROI Attachment 3; emphases added)** Our June 6, 2014, report found that (b) (6), (b) (7)(C) concluded Mr. Edwards' failure to disclose his wife's PARM employment "impaired the independence" of the PARM audit. Given (b) (6), (b) (7)(C) September 6, 2012, statement, the first substantiated allegation in our report should read, "Mr. Edwards failed to disclose his wife's employment in DHS's Program Accountability and Risk Management office, which *appeared* to impair the independence of a DHS-OIG audit that cost \$659,943.32 and resulted in the rescission of the report of that audit." Our final ROI will be amended to reflect this correction.

*First Substantiated Allegation – Factual Reply to Mr. Edwards' Response*

- **Mr. Edwards did not notify DHS-OIG auditors or the DHS-OIG Office of Counsel that, during the time he oversaw the PARM audit as Acting Inspector General, he was aware a PARM official intended to offer his wife a job and, later, hired her.**

Although Mr. Edwards states in his response that he "was not involved in any aspect of the audit" **(ROI addendum A, p. 10)**, as the Acting Inspector General he was aware of the audit and was responsible for the audit results. **(ROI Attachments 22 and 6)** It was Mr. Edwards who, on July 27, 2012, sent, via a transmittal memo dated July 25, 2012, the final PARM office audit report to the DHS Under Secretary for Management. **(ROI Attachment 22)** Mr. Edwards recognized his involvement in the PARM audit by recusing himself from it (after the audit was complete and he had transmitted the final report to the Under Secretary), and transferring oversight to (b) (6), (b) (7)(C) **(ROI Addendum A, p. 11)**

We found that, by January 5, 2012 – nearly eight months before Mr. Edwards sent the final PARM office audit report to the DHS Under Secretary for Management on July 27, 2012 – Mr. Edwards knew the PARM Executive Director planned to make (b) (6), (b) (7)(C) a job offer. **(ROI Attachment 13)** We also found that, by June 17, 2012 – over a month before Mr. Edwards sent the final PARM audit report to the Under Secretary – Mr. Edwards was aware that (b) (6), (b) (7)(C) had begun her PARM employment. **(ROI Addendum A, Exs. 13 and 14)** We also found, however, Mr. Edwards did not inform DHS-OIG auditors or the DHS-OIG Office of Counsel that, while the final PARM audit report was pending, a PARM official intended to offer his wife a job and, later, hired her. **(ROI Attachments 18 and 19)**

(b) (6), (b) (7)(C), (b) (5)

<sup>1</sup> (b) (6), (b) (7)(C), (b) (5)

According to GAGAS Chapter 3.02, "In all matters relating to the audit work, the audit organization and the individual auditor, whether government or public, must be free from personal, external, and organizational impairments to independence, and must avoid the appearance of such impairments of independence." Regarding personal impairments, GAGAS 3.07 states:

Auditors participating on an audit assignment must be free from personal impairments to independence. Personal impairments of auditors result from relationships or beliefs that might cause auditors to limit the extent of the inquiry, limit disclosure, or weaken or slant audit findings in any way. Individual auditors should notify the appropriate officials within their audit organizations if they have any personal impairment to independence.

(b) (6), (b) (7)(C), (b) (5)

(ROI Attachment 12)

*Second Substantiated Allegation – Factual Reply to Mr. Edwards' Response*

- **The failure of Mr. Edwards and (b) (6), (b) (7)(C) to meet with investigators and auditors during their October 2011 trip to the Miami field office suggests the trip was a pre-text to have the government pay Mr. Edwards' personal travel expenses to visit Nova Southeastern University in nearby Ft. Lauderdale.**

According to Mr. Edwards' response to our report, his field office visits "were intended to allow field office staff to meet with the IG and function as a forum in which field office employees could discuss work issues and related concerns ... [and] allowed [him] to remain informed regarding significant matters being handled by the field offices." (ROI Addendum A, p. 14) (b) (6), (b) (7)(C), (b) (5)

He also intended to "hold meetings concerning a proposed realignment affecting personnel in the New Orleans and Orlando field offices." (Id.)

The evidence is, however, Mr. Edwards did not meet with any Miami field office investigators or auditors, (b) (6), (b) (7)(C) (ROI Attachment 6) Mr. Edwards appears to imply that he did not meet with investigators because, "At some point prior to departure, [he] learned that the Miami field office had no new cases to report." (ROI Addendum A, p. 17) Yet, Mr. Edwards' agenda for his October 2011 trip to Miami lists four cases for discussion. (Id., Ex. 22) In any event, according to Mr. Edwards, his meeting with the investigators was not only to discuss new cases, but to provide investigators a "forum" for "work issues and related concerns" and to inform him about "significant matters being handled" by the investigators. (Id., p. 14)

(b) (6), (b) (7)(C), (b) (5)

(ROI Addendum

A, p. 17) Mr. Edwards did not explain why he accepted (b) (6), (b) (7)(C) alleged proposal when Mr. Edwards' purported reason for the trip was to meet with field office employees, (b) (6), (b) (7)(C). Nor did Mr. Edwards explain in his response why he did not go to the Miami field office after lunch on October 20 to

meet with any of the employees.<sup>2</sup> Further, instead of meeting with the employees in the Miami field office after lunch, the evidence shows Mr. Edwards drove from the airport rental car facility to his hotel approximately three miles from the Nova Southeastern University campus (and approximately 19 miles from the Miami field office). **(ROI Attachment 38)**

Rather than meet Miami employees after lunch, Mr. Edwards said he intended to conduct unscheduled meetings with the Miami auditors the next day – October 21 – his scheduled day off. Again, he did not explain why he intended to meet them on his scheduled day off rather than after lunch on Thursday, October 20. Nor did he explain why he would attempt unscheduled meetings with the auditors on a Friday – the day of the week employees are least likely to be in the office.

**(b) (6), (b) (7)(C), (b) (5)**

He, however, did not say why he assumed the auditors, who “generally” teleworked on Fridays, would not, in fact, be in the office that particular Friday. Nor did he state that he confirmed on October 21 that the auditors would not be in the office. Time and attendance records show that, had he sought confirmation, he would have learned that three of the four auditors he wanted to meet were in the office that day. **(ROI Attachment 41)**

Finally, Mr. Edwards also states that if he “was traveling to Florida for personal reasons ... there would be no reason to include **(b) (6), (b) (7)(C)**.” **(ROI Addendum A, p. 18)** **(b) (6), (b) (7)(C)**

**(b) (6), (b) (7)(C)** said he went with Mr. Edwards to Miami in order to present to Miami employees the proposed realignment of the New Orleans and Orlando field offices. **(ROI Attachment 37)** However, because Mr. Edwards agreed to hold an off-site lunch meeting with **(b) (6), (b) (7)(C)** and **(b) (6), (b) (7)(C)**, the DAIGI said he did not make the presentation. **(Id.) (b) (6), (b) (7)(C), (b) (5)**

**(b) (6), (b) (7)(C)** The fact that Mr. Edwards’ agreement to hold an off-site lunch meeting prevented **(b) (6), (b) (7)(C)** from performing his assigned task for the trip – making his realignment presentation to the Miami employees – and the fact that Mr. Edwards was not completely engaged in **(b) (6), (b) (7)(C)** short discussion of the issue at lunch, is evidence that Mr. Edwards included **(b) (6), (b) (7)(C)** on the trip for a reason unrelated to the realignment presentation.

<sup>2</sup> Mr. Edwards’ statement in his response that he did not go to the Miami field office on October 20 **(ROI addendum A, p. 18)** is contradicted by his interview testimony, in which he said he “spent quite some time there” that day **(ROI attachment 6)**.

<sup>3</sup> **(b) (6), (b) (7)(C), (b) (5)**

*Third Substantiated Allegation – Factual Reply to Mr. Edwards’ Response*

- There is evidence that (b) (6), (b) (7)(C) worked on Mr. Edwards’ dissertation during her DHS-OIG duty hours, her work on his dissertation took precedence over her work for DHS-OIG, and Mr. Edwards delegated her work to others to accomplish his work.

In his response, Mr. Edwards states (b) (6), (b) (7)(C) work on his dissertation did not take precedence over her DHS-OIG work. (ROI Addendum A, p. 20) (b) (6), (b) (7)(C), (b) (5)

There is evidence Mr. Edwards offered to delegate (b) (6), (b) (7)(C) DHS-OIG work to others so she could work on his dissertation. (b) (6), (b) (7)(C), (b) (5)

Mr. Edwards states his September 15 message “was not intended as a request that (b) (6), (b) (7)(C) put aside her DHS-OIG work so she could work on his dissertation; rather, his inquiry was merely part of his daily routine of prioritizing and delegating his staff’s work.” (ROI Addendum A, p. 20) His statement, however, does not comport with the plain language he used in the email chain. He made no mention of “prioritizing” (b) (6), (b) (7)(C) work. Instead, he asked for her work, without limitation, so he could give it to someone else. Moreover, (b) (6), (b) (7)(C) told us that Mr. Edwards’ dissertation work took precedence at times over her OIG work. She said, under oath:

And I always look at – I always prioritize. If I know something that wouldn’t take long to do, and I can still get it done – there is a deadline and I still get it done with that timeframe, then I will work on – on ... what he asked me, and then I’ll work on my work.

(ROI Attachment 43) We found no other evidence to support Mr. Edwards’ statement that his email “inquiry was merely part of his daily routine of prioritizing and delegating his staff’s work.” For example, we did not find any email (nor did Mr.

Edwards produce any email in his response) in which he asked (b) (6), (b) (7)(C) or other any other DHS-OIG member about prioritizing and delegating work.

Also, contrary to Mr. Edwards' statement, there is evidence he had (b) (6), (b) (7)(C) work on his dissertation during OIG work hours. (b) (6), (b) (7)(C), (b) (5)

[Redacted]

(b) (6), (b) (7)(C), (b) (5)

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<sup>4</sup> (b) (6), (b) (7)(C), (b) (5)

**Integrity Committee**  
Council of the Inspectors General on Integrity and Efficiency  
935 Pennsylvania Avenue, N.W., Room 3973  
Washington, D.C. 20535  
IC\_Complaints@ic.fbi.gov

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**Personal and Confidential**

July 2, 2015

The Honorable Beth Cobert  
Executive Chair  
Council of the Inspectors General on Integrity and Efficiency  
Eisenhower Executive Office Building, Room 216  
17<sup>th</sup> Street and Pennsylvania Avenue, N.W.  
Washington, D.C. 20503

Chairman Mark G. Pearce  
National Labor Relations Board  
1099 14<sup>th</sup> Street, N.W.  
Washington, D.C. 20570

Re: Integrity Committee Investigation of (b) (6), (b) (7)(C)

Dear Ms. Cobert and Chairman Pearce:

The Integrity Committee (IC) of the Council of Inspectors General on Integrity and Efficiency reports its findings, conclusions, and recommendations concerning complaints of wrongdoing by National Labor Relations Board Inspector General (b) (6), (b) (7)(C). The report of investigation, conducted by the Smithsonian Institution (SI) Office of Inspector General (OIG) on behalf of the IC, is included with this letter.

Pursuant to section 11(d)(8) of the Inspector General Reform Act of 2008, 5 U.S.C. App. §3, the IC requests your review and determination for the final resolution of the allegations, and that you take whatever action you deem appropriate.

Background

The IC serves as an independent review and investigative mechanism for allegations of wrongdoing brought against Inspectors General (IGs) and designated staff members of an OIG. The threshold standard for IC consideration of a matter is whether the complaint is made against an individual subject to the IC's jurisdiction and substantially involves administrative



misconduct (defined as a violation of law, rule, or regulation, gross waste of funds or abuse of authority in the exercise of official duties or while acting under color of office) or potentially involves conduct so serious that it may undermine the independence or integrity reasonably expected of an IG or OIG senior staff member. If a complaint meets the threshold standard and appears to have potential merit, the IC may refer the matter to the IC Chairperson for an investigation.

### Basis of the Complaint and Ensuing Investigation

In October 2013, a complainant alleged (b) (6), (b) (7)(C) compromised his impartiality and independence by communicating with the Office of Government Ethics (OGE) and relaying its advice about whether a dispute between the NLRB's Acting General Counsel (b) (6), (b) (7)(C) and the NLRB's Designated Agency Ethics Office (DAEO) created a conflict of interest such that the DAEO should not review (b) (6), (b) (7)(C) travel reimbursements and financial disclosure forms.

At the next IC meeting in December 2013, the IC accepted the complaint as meeting its threshold standard and sought a response from (b) (6), (b) (7)(C) regarding the allegations. His submissions were reviewed at the IC's January 2014 meeting. Due to an allegation description difference between (b) (6), (b) (7)(C) response and the IC's request, a supplemental request for a response was sent to (b) (6), (b) (7)(C) in February 2014.

(b) (6), (b) (7)(C) additional response was reviewed at the IC's March 2014 meeting, and the IC determined to seek the assistance of an independent OIG to investigate the allegations on behalf of the IC and to report the results to the IC Chairperson. The SI OIG accepted the investigation on April 21, 2014.

During the course of investigation the SI OIG also looked into an additional allegation stemming from the original complaint, that (b) (6), (b) (7)(C) showed a lack of impartiality and independence in how he reported a conflict of interest investigation concerning (b) (6), (b) (7)(C). The complainant alleged that (b) (6), (b) (7)(C) did not present the criminal findings to federal prosecutors and included a section on mitigating circumstances in the report that showed partiality towards (b) (6), (b) (7)(C).

In April 2015, the SI OIG completed its draft report of investigation. Pursuant to the IC's policies and procedures, the draft report was sent to (b) (6), (b) (7)(C) to provide an opportunity for comments and to submit additional evidence. (b) (6), (b) (7)(C) comments were received on May 7, 2015 and forwarded to the SI OIG the following day. After reviewing these comments, the SI OIG submitted its final report of investigation, and the IC met on May 22, 2015 to review the report. The IC determined to seek additional information from (b) (6), (b) (7)(C), and received a response on June 4, 2015.

The IC met on June 24, 2015 to consider the matter and the additional information received.

## Results of the Investigation

The SI OIG determined that, while the Inspector General Act authorizes an IG to keep the head of the establishment fully and currently informed of serious problems and deficiencies relating to an agency program or operation, (b) (6), (b) (7)(C) method of this notification caused an appearance of partiality.

Regarding the additional complaint alleging the failure to present criminal findings to prosecutors and further partiality, the SI OIG found (b) (6), (b) (7)(C) investigation was appropriately referred to federal prosecutors and that his findings and the inclusion of mitigating circumstances were appropriate.

The SI OIG's draft report of investigation was provided to (b) (6), (b) (7)(C), and he was provided an opportunity to comment on the draft report and provide any additional information. His comments are included as an attachment to the SI OIG report. The additional request for information by the IC and response from (b) (6), (b) (7)(C) is also included as an attachment.

## Findings, Conclusions, and Recommendations of the Integrity Committee

The IC accepts and adopts the findings of the SI OIG as its own findings regarding the conduct of (b) (6), (b) (7)(C).

The IC determined that, although well intentioned, (b) (6), (b) (7)(C) involving himself in the communications between OGE and (b) (6), (b) (7)(C) amount to administrative misconduct because it created the appearance of partiality that could undermine the independence of the OIG.

The IC notes this conduct and appearance of partiality at the NLRB OIG for any action you deem appropriate.

## Further Action

Section 11(d)(8) of the Inspector General Act directs the IC to forward the report of investigation and the recommendations of the IC, including those concerning disciplinary action to the Executive Chair of the Council of Inspectors General on Integrity and Efficiency and the head of a designated Federal entity for resolution, "including what action was taken by the President or agency head." The IC requests your coordination on a final disposition and a response from the Executive Chairperson to the IC with a statement of your determination.

The IG Act also requires the IC to provide an executive summary of the report of investigation and the IC's recommendations to the Senate Homeland Security Committee, Senate Committee on Health, Education, Labor & Pensions, House Government Reform and Oversight Committee, and House Committee on Education and the Workforce, within 30 days of the submission of the report and this letter to the CIGIE Executive Chair.

If you have any questions, please feel free to contact Unit Chief (b) (6), (b) (7)(C).

Sincerely,

(b) (6)

Joseph S. Campbell  
Chair  
Integrity Committee

Enclosure

**Integrity Committee**  
Council of the Inspectors General on Integrity and Efficiency  
935 Pennsylvania Avenue, N.W., Room 3973  
Washington, D.C. 20535  
IC\_Complaints@ic.fbi.gov

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**Personal and Confidential**

July 13, 2015

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

Inspector General  
National Labor Relations Board  
Office of the Inspector General  
1099 14th Street, N.W. Room 9820  
Washington, DC 20570

Re: IC753 Closing

Dear (b) (6), (b) (7)(C) :

The Integrity Committee (IC) has completed its review of the allegations that were initially made against you in October 2013. The complaint alleged that:

1. You compromised your impartiality and independence by communicating with the Office of Government Ethics (OGE) and relaying its advice about whether a dispute between the NLRB's Acting General Counsel (b) (6), (b) (7)(C) and the NLRB's Designated Agency Ethics Office (DAEO) created a conflict of interest such that the DAEO should not review (b) (6), (b) (7)(C) travel reimbursements and financial disclosure forms.
2. You showed a lack of impartiality and independence in how you reported a conflict of interest investigation concerning (b) (6), (b) (7)(C) including not presenting the criminal findings to federal prosecutors and included a section on mitigating circumstances in the report that showed partiality towards (b) (6), (b) (7)(C)

The IC accepted the complaint as meeting its threshold standard for potential administrative misconduct, and sought the assistance of an independent OIG to investigate the allegations on behalf of the IC. The Smithsonian Institution (SI) OIG conducted this investigation over a period of months.

The SI OIG determined that, while the Inspector General Act authorizes an IG to keep the head of the establishment fully and currently informed of serious problems and deficiencies relating to an agency program or operation, your method of this notification caused an appearance of partiality.

Regarding the additional complaint alleging the failure to present criminal findings to prosecutors and further partiality, the SI OIG found your investigation was appropriately referred to federal prosecutors and that your findings and the inclusion of mitigating circumstances were appropriate.

The IC reviewed the SI OIG report of investigation as well as your additional responses to the draft Report of Investigation (ROI). The IC accepts and adopts the findings of the SI OIG as its own findings and conclusions. The IC concluded that, although well intentioned, involving yourself in the communications between OGE and (b) (6), (b) (7)(C) amounts to administrative misconduct because it created the appearance of partiality that could undermine the independence of the OIG.

The Inspector General Reform Act of 2008 requires the IC to forward the final ROI, together with the IC's findings, opinions, and recommendations, if any, to the Executive Chairperson of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) and to the Chairman of NLRB. The Congressional oversight committees of the NLRB will also receive an executive summary of the final ROI as well as the IC's letter to the Executive Chairperson of CIGIE. A copy of the transmittal letter to the CIGIE Executive Chair and Chairman of NLRB, and a copy of the final report of investigation is enclosed.

Should you have any questions, please contact IC program manager (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) or by email at IC\_Complaints@ic.fbi.gov.

Sincerely,

(b) (6)

Joseph S. Campbell  
Chair  
Integrity Committee

Enclosures

**Integrity Committee**  
Council of the Inspectors General on Integrity and Efficiency  
935 Pennsylvania Avenue, N.W., Room 3973  
Washington, D.C. 20535  
IC\_Complaints@ic.fbi.gov

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**Personal and Confidential**

July 22, 2015

The Honorable Ron Johnson  
Chairman  
Committee on Homeland Security and Governmental Affairs  
340 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Thomas Carper  
Ranking Member  
Committee on Homeland Security and Governmental Affairs  
340 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Jason Chaffetz  
Chairman  
Committee on Government Oversight and Reform  
2157 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Elijah Cummings  
Ranking Member  
Committee on Government Oversight and Reform  
2471 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Lamar Alexander  
Chairman  
Committee on Health, Education, Labor, and Pensions  
428 Senate Dirksen Office Building  
Washington, DC 20510

The Honorable Patty Murray  
Ranking Member  
Committee on Health, Education, Labor, and Pensions  
428 Senate Dirksen Office Building  
Washington, DC 20510

The Honorable John Kline  
Chairman  
Committee on Education and the Workforce  
2181 Rayburn House Office Building  
Washington, DC 20515

The Honorable Robert “Bobby” Scott  
Ranking Member  
Committee on Education and the Workforce  
2181 Rayburn House Office Building  
Washington, DC 20515

Re: IC753 Closing

Dear Chairmen and Ranking Members:

The Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) is charged by statute to consider and investigate allegations of serious administrative misconduct made against an Inspector General (IG) or a designated official within an Office of Inspector General (OIG).

Pursuant to section 11(d)(8)(A) of the Inspector General Reform Act of 2008 (Public Law 110-409), the IC reports its findings, conclusions, and recommendations regarding allegations of wrongdoing against (b) (6), (b) (7)(C), Inspector General (IG), National Labor Relations Board. Included with this letter is the report of investigation (ROI) executive summary completed by the Smithsonian (SI) OIG on behalf of the IC.

### Background

The IC serves as an independent review and investigative mechanism for allegations of wrongdoing brought against IGs, designated staff members of an OIG, and the Special Counsel and Deputy Special Counsel of the Office of Special Counsel. The allegation must substantially involve administrative misconduct (defined as a violation of law, rule or regulation, gross waste of funds, or abuse of authority in the exercise of official duties or while acting under color of office) or potentially involve conduct so serious that it may undermine the appearance of integrity reasonably expected from individuals holding these positions. If a complaint meets the threshold standard and appears to have merit, the IC may refer the matter for an investigation by an independent OIG.

### Basis of the Complaint and Ensuing Investigation

In October 2013, a complainant alleged (b) (6), (b) (7)(C) compromised his impartiality and independence by communicating with the Office of Government Ethics (OGE) and relaying its advice about whether a dispute between the NLRB’s Acting General Counsel (b) (6), (b) (7)(C) and

the NLRB's Designated Agency Ethics Office (DAEO) created a conflict of interest such that the DAEO should not review (b) (6), (b) (7)(C) travel reimbursements and financial disclosure forms.

At the next IC meeting in December 2013, the IC accepted the complaint as meeting its threshold standard and sought a response from (b) (6), (b) (7)(C) regarding the allegations. His submissions were reviewed at the IC's January 2014 meeting. Due to an allegation description difference between (b) (6), (b) (7)(C) response and the IC's request, a supplemental request for a response was sent to (b) (6), (b) (7)(C) in February 2014.

(b) (6), (b) (7)(C) additional response was reviewed at the IC's March 2014 meeting, and the IC determined to seek the assistance of an independent OIG to investigate the allegations on behalf of the IC and to report the results to the IC Chairperson. The SI OIG accepted the investigation on April 21, 2014.

During the course of investigation the SI OIG also looked into an additional allegation stemming from the original complaint, that (b) (6), (b) (7)(C) showed a lack of impartiality and independence in how he reported a conflict of interest investigation concerning (b) (6), (b) (7)(C). The complainant alleged that (b) (6), (b) (7)(C) did not present the criminal findings to federal prosecutors and included a section on mitigating circumstances in the report that showed partiality towards (b) (6), (b) (7)(C).

In April 2015, the SI OIG completed its draft report of investigation. Pursuant to the IC's policies and procedures, the draft report was sent to (b) (6), (b) (7)(C) to provide an opportunity for comments and to submit additional evidence. (b) (6), (b) (7)(C) comments were received on May 7, 2015 and forwarded to the SI OIG the following day. After reviewing these comments, the SI OIG submitted its final report of investigation, and the IC met on May 22, 2015 to review the report. The IC determined to seek additional information from (b) (6), (b) (7)(C), and received a response on June 4, 2015.

The IC met on June 24, 2015 to consider the matter and the additional information received.

### Results of the Investigation

The SI OIG determined that, while the Inspector General Act authorizes an IG to keep the head of the establishment fully and currently informed of serious problems and deficiencies relating to an agency program or operation, (b) (6), (b) (7)(C) method of this notification caused an appearance of partiality.

Regarding the additional complaint alleging the failure to present criminal findings to prosecutors and further partiality, the SI OIG found (b) (6), (b) (7)(C) investigation was appropriately referred to federal prosecutors and that his findings and the inclusion of mitigating circumstances were appropriate.

### Findings, Conclusions, and Recommendations of the Integrity Committee



The IC accepts and adopts the findings of the SI OIG as its own findings regarding the conduct of (b) (6), (b) (7)(C).

The IC determined that, although well intentioned, (b) (6), (b) (7)(C) involving himself in the communications between OGE and (b) (6), (b) (7)(C) amount to administrative misconduct because it created the appearance of partiality that could undermine the independence of the OIG.

The IC noted this conduct and appearance of partiality at the NLRB OIG to the Chairman at NLRB for any action deemed appropriate.

The IC considers this complaint closed.

Sincerely,

Joseph S. Campbell  
Chair  
Integrity Committee

Enclosure: Report of Investigation Executive Summary

CC:

Beth Cobert, Executive Chair, Council of the Inspectors General on Integrity and Efficiency



Smithsonian  
Institution

**Report of Investigation on Behalf  
of the Integrity Committee of the  
Council of the Inspectors  
General on Integrity and  
Efficiency**

**Allegation of Misconduct  
by (b) (6), (b) (7)(C),  
Inspector General,  
National Labor Relations Board**

**Office of the Inspector General  
Report Number IC-753/OIG 14-046  
May 14, 2015**

## Table of Contents

<b>EXECUTIVE SUMMARY</b> .....	<b>1</b>
<b>BACKGROUND</b> .....	<b>2</b>
<b>TIMELINES</b> .....	<b>2</b>
Timeline of NLRB OIG’s Investigation of Improper Conduct by (b) (6), (b) (7)(C) .....	2
Timeline of NLRB OIG’s Management Implication Report on DAEO .....	3
<b>ANALYSIS</b> .....	<b>3</b>
Whether (b) (6), (b) (7)(C) Compromised His Impartiality and Independence by Providing Advice to (b) (6), (b) (7)(C) .....	3
Summary of Facts .....	3
Discussion .....	4
Whether (b) (6), (b) (7)(C) Responses to the Integrity Committee Regarding OGE’s Advice Were Fully Accurate .....	6
Summary of Facts .....	6
Discussion .....	6
Whether (b) (6), (b) (7)(C) Showed a Lack of Impartiality and Independence in His Investigation of Improper Conduct on the Part of (b) (6), (b) (7)(C) .....	7
Summary of Facts .....	7
Discussion .....	7
<b>CONCLUSIONS</b> .....	<b>8</b>
<b>APPENDIX I: MANAGEMENT IMPLICATION REPORT 2012-01</b> .....	<b>9</b>
<b>APPENDIX II: INTERVIEW OF (b) (6), (b) (7)(C) JULY 28, 2014</b> .....	<b>11</b>
<b>APPENDIX III: INTERVIEW OF (b) (6), (b) (7)(C) JUNE 25, 2014</b> .....	<b>13</b>
<b>APPENDIX IV: (b) (6), (b) (7)(C) RESPONSE TO DRAFT REPORT TO IC</b> .....	<b>21</b>
(b) (6), (b) (7)(C) Response To Draft Report To IC (Enclosure 1) .....	26
(b) (6), (b) (7)(C) Response To Draft Report To IC (Enclosure 2) .....	28
(b) (6), (b) (7)(C) Response To Draft Report To IC (Enclosure 3) .....	47
(b) (6), (b) (7)(C) Response To Draft Report To IC (Enclosure 4) .....	53

## Abbreviations

CIGIE	Council of the Inspectors General on Integrity and Efficiency
DAEO	Designated Agency Ethics Officer
DOJ	Department of Justice
EEO	Equal Employment Opportunity
NLRB	National Labor Relations Board
OGE	Office of Government Ethics
OIG	Office of the Inspector General
SI	Smithsonian Institution

## EXECUTIVE SUMMARY

On April 21, 2014, the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) requested that the Smithsonian Institution (SI) Office of Inspector General (OIG) conduct an investigation into a complaint of misconduct by (b) (6), (b) (7)(C), Inspector General, National Labor Relations Board (NLRB). The complainant alleged that (b) (6), (b) (7)(C) compromised his impartiality and independence by providing advice to the Acting General Counsel (b) (6), (b) (7)(C) about matters not within the jurisdiction of the NLRB OIG; specifically, (b) (6), (b) (7)(C) allegedly advised (b) (6), (b) (7)(C) whether it was appropriate for a particular NLRB official, the Designated Agency Ethics Officer (DAEO), to review (b) (6), (b) (7)(C) travel reimbursements and financial disclosure forms. Additionally, the Integrity Committee requested that SI OIG review (b) (6), (b) (7)(C) responses to the Integrity Committee on January 28, 2014, and February 18, 2014, to determine whether (b) (6), (b) (7)(C) characterization of the advice he received from OGE was fully accurate.

SI OIG investigated the original complaint and the Integrity Committee's supplemental request to review (b) (6), (b) (7)(C) responses to the Integrity Committee. Additionally, SI OIG interviewed the complainant, (b) (6), (b) (7)(C) and the then Office of Government Ethics (OGE) attorney who provided advice to (b) (6), (b) (7)(C). We determined that, while the Inspector General Act authorizes an inspector general to keep the head of the establishment fully and currently informed of serious problems and deficiencies relating to an agency program or operation, (b) (6), (b) (7)(C) method of this notification caused an appearance of partiality. We also determined that (b) (6), (b) (7)(C) characterization of OGE's advice in his response to the Integrity Committee was an accurate representation of facts.

During the course of this investigation, SI OIG agents reviewed an additional allegation that stemmed from the original complaint to the Integrity Committee. Specifically, the agents inquired into whether (b) (6), (b) (7)(C) showed a lack of impartiality and independence in how he reported a conflict of interest investigation concerning (b) (6), (b) (7)(C). In that investigation, the complainant alleged that (b) (6), (b) (7)(C) did not present the criminal findings to federal prosecutors and included a section on mitigating circumstances in the report that showed partiality towards (b) (6), (b) (7)(C). We found that (b) (6), (b) (7)(C) investigation was appropriately referred to federal prosecutors and that his findings and the inclusion of mitigating circumstances were appropriate.

## BACKGROUND

The NLRB is an independent federal agency vested with the power to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative. The agency also acts to prevent and remedy unfair labor practices committed by private sector employers and unions.

The board members and general counsel are appointed by the President of the United States, with the advice and consent of the Senate. The board consists of a chairman and four members who serve staggered terms of 5 years each, while the general counsel serves a term of 4 years.

## TIMELINES

### Timeline of NLRB OIG's Investigation of Improper Conduct by (b) (6), (b) (7)(C)

On January 20, 2012, the NLRB associate general counsel forwarded an Advice Memorandum to (b) (6), (b) (7)(C). This memorandum directed the NLRB regional office to issue a complaint to Wal-Mart with regard to its social media policy. (b) (6), (b) (7)(C) had previously directed that all social media cases be forwarded to him for review before sending it to any regional office.

On January 23, 2012, (b) (6), (b) (7)(C) called a meeting and directed the staff to contact Wal-Mart and attempt to settle the matter without issuing a complaint. He advised them to have Wal-Mart amend its social media policy to comply with the law.

On January 30, 2012, (b) (6), (b) (7)(C) requested the DAEO to grant him a waiver from the federal law<sup>1</sup> prohibiting him from participating in a matter in which he had a financial interest exceeding \$15,000.<sup>2</sup> On February 1, 2012, the DAEO denied his request.

On May 22, 2012, the DAEO emailed a complaint to (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) had violated 18 U.S.C. § 208(a) by participating in the meeting held on January 23, 2012, and taking other actions while owning stock valued greater than \$15,000. (b) (6), (b) (7)(C) then instructed the OIG counsel, who was also the assistant inspector general for investigations, to open an investigative case on this complaint.

On September 13, 2012, (b) (6), (b) (7)(C) issued a final report of investigation that found (b) (6), (b) (7)(C) participated personally and substantially in a NLRB matter where he had a financial interest, in violation of 5 C.F.R. § 2640.103.

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<sup>1</sup> 18 U.S.C. § 208 prohibits an employee of the United States Government, including an employee of NLRB, from participating personally and substantially in an official capacity in any matter where he has a financial interest. 5 C.F.R. § 2640.202(a) allows employees to participate if they have a financial interest in a specific party if the aggregate market value of the employee's securities does not exceed \$15,000.

<sup>2</sup> This waiver is allowable under 18 U.S.C § 208(b)(1).

## Timeline of NLRB OIG's Management Implication Report on DAEO

While the NLRB OIG was investigating the allegation about (b) (6), (b) (7)(C) conflict of financial interest described above (May 22, 2012 to Sept. 13, 2012), (b) (6), (b) (7)(C) complained to (b) (6), (b) (7)(C) on June 13, 2012, that the DAEO was retaliating against him. Specifically, (b) (6), (b) (7)(C) claimed that the DAEO delayed her review of his travel reimbursements. Because the DAEO had recently filed a formal equal employment opportunity (EEO) complaint against him, (b) (6), (b) (7)(C) was also concerned that the DAEO would not be objective when reviewing his public financial disclosure report.

On June 13, 2012, (b) (6), (b) (7)(C) contacted (b) (6), (b) (7)(C), then OGE Associate Counsel, and explained (b) (6), (b) (7)(C) concerns about the DAEO's review of (b) (6), (b) (7)(C) financial disclosure forms. A week later, on June 20, 2012, (b) (6), (b) (7)(C) called (b) (6), (b) (7)(C) and advised him that the alternate DAEO could perform duties from which the DAEO was recused. She advised (b) (6), (b) (7)(C) that there was no reason why the alternate DAEO could not have reviewed (b) (6), (b) (7)(C) financial disclosure forms.

On June 26, 2012, (b) (6), (b) (7)(C) issued the report, *Management Implication Report 2012-01, Designated Agency Ethics Official*, to (b) (6), (b) (7)(C) and copied NLRB chairman and (b) (6), (b) (7)(C) (see appendix I). The report relayed (b) (6), (b) (7)(C) advice that the DAEO's filing of a formal EEO complaint created a conflict of interest; the DAEO should recuse herself from any functions involving (b) (6), (b) (7)(C) the alternate DAEO could perform those duties from which the DAEO was recused, including the financial disclosure review; and the Office of the White House Counsel, not the DAEO, should review requests for a waiver of a financial conflict interest by the chairman and (b) (6), (b) (7)(C). The report also stated that the report itself did not impair OIG's independence in accordance with paragraph 3.40 of the *Government Auditing Standards*.

NLRB OIG informed the Congress in its next semiannual report<sup>3</sup> that it had issued the report regarding a conflict of interest involving the DAEO's performance of duties with regard to the acting general counsel. The report was listed in the Audit Program section under "Reports Issued."

## ANALYSIS

### Whether (b) (6), (b) (7)(C) Compromised His Impartiality and Independence by Providing Advice to (b) (6), (b) (7)(C)

#### Summary of Facts

On June 13, 2012, (b) (6), (b) (7)(C) went to (b) (6), (b) (7)(C) with a question about the DAEO's review of (b) (6), (b) (7)(C) financial disclosure forms. In response to this question, (b) (6), (b) (7)(C)

<sup>3</sup> National Labor Relations Board Office of Inspector General, *Semiannual Report, April 1, 2012 – September 30, 2012* (Washington, D.C.: October 30, 2012).

called OGE and discussed the matter with OGE Associate General Counsel, (b) (6), (b) (7)(C) also provided (b) (6), (b) (7)(C) with background information that:

- The DAEO was the one who filed the complaint that (b) (6), (b) (7)(C) had improperly acted in a matter in which he had a financial interest;
- (b) (6), (b) (7)(C) was in the process of reorganizing the Division of Administration that created a significant level of antagonism between (b) (6), (b) (7)(C) and the DAEO, who was the director of that division; and
- (b) (6), (b) (7)(C) believed that the DAEO was retaliating against him by not promptly conducting the DAEO review of his official travel claims.

During a July 28, 2014, interview with SI OIG agents (see appendix II), (b) (6), (b) (7)(C), (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In the management implication report, (b) (6), (b) (7)(C) discussed his conversation with (b) (6), (b) (7)(C) in which he asked whether the DAEO had been delegated the authority to grant waivers of conflicts of interests involving (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) asserted to (b) (6), (b) (7)(C) that, for some purposes, the NLRB’s general counsel is considered an agency head. (b) (6), (b) (7)(C) advised that requests for a waiver of a financial conflict of interest by the chairman and (b) (6), (b) (7)(C) should not be acted on by the DAEO; instead, such requests should be forwarded to the Office of the White House Counsel.

In his interview with SI OIG agents (see appendix III), (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C), (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Discussion

The complaint to the Integrity Committee alleged that (b) (6), (b) (7)(C) compromised his impartiality and independence by providing advice to (b) (6), (b) (7)(C) on whether it was appropriate for the DAEO to review (b) (6), (b) (7)(C) travel reimbursements and financial

<sup>4</sup> (b) (6), (b) (7)(C), (b) (5) [REDACTED]

<sup>5</sup> (b) (6), (b) (7)(C), (b) (5) [REDACTED]

disclosure forms when those matters were not within the jurisdiction of the NLRB OIG. The advice at issue is contained in the management implication report.

In his interview with SI OIG agents and in his responses to the Integrity Committee, (b) (6), (b) (7)(C) maintained that:

(b) (6), (b) (7)(C), (b) (5)

The Inspector General Act of 1978, as amended, sets forth the responsibilities and duties of inspectors general. Among other things, (b) (6), (b) (7)(C) may receive and investigate complaints or information concerning possible violations of abuse of authority.<sup>6</sup> (b) (6), (b) (7)(C) may also make investigations and reports relating to the administration of the NLRB's programs and operations as are, in (b) (6), (b) (7)(C) judgment, necessary or desirable.<sup>7</sup> (b) (6), (b) (7)(C) has a duty to recommend policies, and conduct activities, for the purpose of promoting NLRB's economy and efficiency or preventing and detecting fraud and abuse in NLRB's programs and operations.<sup>8</sup> Finally, under sections 2(3) and 4(a)(5) of the Inspector General Act, (b) (6), (b) (7)(C) must keep the head of the NLRB and the Congress fully and currently informed about problems and deficiencies relating to the NLRB's administration of its programs.

<sup>6</sup> Inspector General Act § 7(a).

<sup>7</sup> Inspector General Act § 6(a)(2).

<sup>8</sup> Inspector General Act § 4(a)(3).



However, even if all of (b) (6), (b) (7)(C) assertions were true about his interpretation of his responsibilities, (b) (6), (b) (7)(C) created an appearance of partiality by issuing the report to (b) (6), (b) (7)(C) about an issue involving the DAEO. Under the CIGIE *Quality Standards for Investigations*, General Standards, B. Independence, the investigative organization must be free, both in fact and appearance, from impairments to independence. The standard requires: “decisions used in obtaining evidence, conducting interviews, and making recommendations will be impartial and will be viewed as impartial by knowledgeable third parties.”

At the time of the report’s issuance, (b) (6), (b) (7)(C) was the subject of an ongoing criminal NRLB OIG investigation that was the result of the DAEO’s allegations about (b) (6), (b) (7)(C) misconduct. (b) (6), (b) (7)(C) partiality appearance could have been mitigated if (b) (6), (b) (7)(C) passed OGE’s advice directly to NLRB’s statutory head as required by the Inspector General Act (i.e., the NLRB chairman) or to the head of the unit involved (i.e., the DAEO), or both, rather than to (b) (6), (b) (7)(C). Additionally, this partiality appearance could have been avoided entirely if (b) (6), (b) (7)(C) or the chairman contacted the OGE directly for advice without (b) (6), (b) (7)(C) involvement.

In the end, however, the partiality issue was mitigated because (b) (6), (b) (7)(C) copied the chairman on the report. Therefore, the chairman received appropriate notice of the issue and OGE’s advice. Finally, it was the chairman, not (b) (6), (b) (7)(C) who took the corrective action regarding the DAEO program.

### Whether (b) (6), (b) (7)(C) Responses to the Integrity Committee Regarding OGE’s Advice Were Fully Accurate

#### Summary of Facts

After the Integrity Committee received the allegations of (b) (6), (b) (7)(C) misconduct, it requested (b) (6), (b) (7)(C) to provide a response to those allegations. (b) (6), (b) (7)(C) provided an initial response on January 28, 2014. The Integrity Committee then followed up with a request for a supplemental response, which (b) (6), (b) (7)(C) provided on February 18, 2014.

In the initial response, (b) (6), (b) (7)(C) discussed extensively about the OGE advice that he received from (b) (6), (b) (7)(C). His supplemental response, however, did not discuss this advice.

#### Discussion

SI OIG agents provided (b) (6), (b) (7)(C) with a copy of the management implication report and (b) (6), (b) (7)(C) initial response to the Integrity Committee. (b) (6), (b) (7)(C), (b) (5)

[REDACTED]

(b) (6), (b) (7)(C), (b) (5)

[REDACTED]

(b) (6), (b) (7)(C), (b) (5)

[REDACTED], we find that (b) (6), (b) (7)(C) characterization of OGE's advice in his Integrity Committee responses was fully accurate.

Whether (b) (6), (b) (7)(C) Showed a Lack of Impartiality and Independence in His Investigation of Improper Conduct on the Part of (b) (6), (b) (7)(C)

### Summary of Facts

As stated earlier, (b) (6), (b) (7)(C) received a complaint from the DAEO on May 22, 2012, alleging that (b) (6), (b) (7)(C) violated 18 U.S.C. § 208 by participating in the January 23, 2012, meeting and taking other actions while owning stocks valued greater than \$15,000. Between July 31, 2012, and August 6, 2012, (b) (6), (b) (7)(C) presented his finding of a criminal violation to the Department of Justice's (DOJ) Public Corruption Unit of the Federal Bureau of Investigation; the Public Integrity Section of the Criminal Division; and the Fraud and Public Corruption Unit of the United States Attorney's Office for the District of Columbia. In each instance, these offices were not interested in prosecuting the case. (b) (6), (b) (7)(C) did not seek nor obtain a declination and therefore nothing prevented DOJ from a later criminal prosecution.

Thereafter, on September 13, 2012, (b) (6), (b) (7)(C) issued a final report of investigation on this matter. (b) (6), (b) (7)(C) found that (b) (6), (b) (7)(C) participated personally and substantially in a NLRB case in which (b) (6), (b) (7)(C) owned stock over the threshold dollar limit prohibited by 18 U.S.C. § 208, in violation of 5 C.F.R. § 2640.103. That participation occurred after (b) (6), (b) (7)(C) acknowledged that he would first need a waiver. (b) (6), (b) (7)(C) found that (b) (6), (b) (7)(C) request for a waiver was submitted late to the DAEO and was misleading because it did not include information that (b) (6), (b) (7)(C) had already participated in the case. After making these findings, (b) (6), (b) (7)(C) included a section on "Aggravating, Extenuating and Mitigating Circumstances" in the report.

### Discussion

The CIGIE complainant alleged that the inclusion of the section, "Aggravating, Extenuating and Mitigating Circumstances," showed that (b) (6), (b) (7)(C) lacked impartiality and independence in handling the investigation of (b) (6), (b) (7)(C). In that section, (b) (6), (b) (7)(C) pointed out how the adversarial and dysfunctional relationship between (b) (6), (b) (7)(C) and

the DAEO affected the communication and propriety of the ethics program with regard to the operations of the general counsel's office.

From our investigation, we found that section, "Aggravating, Extenuating and Mitigating Circumstances," was appropriate. Under the *Quality Standards of Investigations*, General Standards, C. Due Professional Care, inculpatory and exculpatory information must be reported in an unbiased and independent manner. Likewise, under Qualitative Standards, Reporting, C.3. and C.7, the report should contain exculpatory evidence and relevant mitigating information, and OIGs should disclose systematic weaknesses or management problems as soon as practicable. Therefore, under the *Quality Standards for Investigations*, (b) (6), (b) (7)(C) fulfilled his investigative responsibilities by including mitigating factors in his report.

### CONCLUSIONS

We find that, although (b) (6), (b) (7)(C) had a duty under the Inspector General Act to notify the head of NLRB of certain issues, (b) (6), (b) (7)(C) method of notification caused an appearance of partiality.

We find that (b) (6), (b) (7)(C) responses to the Integrity Committee on January 28, 2014, and February 18, 2014, about the advice he received from the OGE was fully accurate.

We find that (b) (6), (b) (7)(C) appropriately included mitigating circumstances in his investigative report of (b) (6), (b) (7)(C) misconduct.

---

#### Report Contributors

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

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)



(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

## APPENDIX IV: (b) (6), (b) (7)(C) RESPONSE TO DRAFT REPORT TO IC



United States Government

NATIONAL LABOR RELATIONS BOARD

OFFICE OF INSPECTOR GENERAL

Washington, DC 20570-0001

May 7, 2015

Timothy Delaney  
Chair  
Integrity Committee  
Council of the Inspectors General  
on Integrity and Efficiency  
935 Pennsylvania Avenue, N.W., Room 3973  
Washington, DC 20535

Dear Mr. Delaney:

The following are my comments on the draft report of investigation by the Smithsonian Institution's Office of Inspector General. I received the draft report of investigation by U.S. Mail on May 4, 2015. The administrative investigation is based upon the following allegation:

[I] compromised [my] impartiality and independence by providing advice to General Counsel (b) (6), (b) (7)(C) about whether it was appropriate for a particular National Labor Relations Board official to review (b) (6), (b) (7)(C) travel reimbursements and financial disclosure forms when those matters were not within the jurisdiction of the NLRB OIG.

The draft report of investigation concludes that my responses to the Integrity Committee were fully accurate and that I appropriately included mitigating circumstances in the investigative report regarding (b) (6), (b) (7)(C), but that:

Although (b) (6), (b) (7)(C) had a duty under the Inspector General Act to notify the head of NLRB of certain issues, (b) (6), (b) (7)(C) method of notification caused an appearance of partiality.

In reaching that conclusion regarding the "appearance of partiality," the draft report of investigation cites the Quality Standards for Investigations, General Standard B, Independence, and quotes the following explanation from that standard:

[D]ecisions used in obtaining evidence, conducting interviews, and making recommendations will be impartial and will be viewed as impartial by knowledgeable third parties.



Timothy Delaney  
Page 2  
May 7, 2015

The only analysis provided in the draft report of investigation for reaching the conclusion that the standard was violated by creating an “appearance of partiality” is that, at the time I issued the Management Implication Report, (b) (6), (b) (7)(C) was the subject of an ongoing criminal investigation by this office as a result of an allegation from the Designated Agency Ethics Official (DAEO). The draft report of investigation does not point to or contain any evidence that I appeared to lack impartiality due to an impairment with regard to the decisions involving obtaining evidence, conducting interviews, or making recommendations in the investigation of (b) (6), (b) (7)(C). This is the threshold test required by the Independence standard. The fact is, in taking action on the matter brought to my attention by (b) (6), (b) (7)(C) and issuing the Management Implication Report, I did not take any investigative steps or make any decisions that involved obtaining evidence, conducting an interview, or making a recommendation.

The Smithsonian Institution’s Office of Inspector General’s timeline for the investigation of (b) (6), (b) (7)(C) on page 2 of the draft report of investigation is incomplete and is therefore misleading. My response to the Integrity Committee, dated January 28, 2014, included a detailed timeline of the investigative steps that were taken with supporting documentation. Those facts support my assertion that, in taking action on the matter and issuing the Management Implication Report, I did not make any decisions that involved obtaining evidence, conducting an interview, or making a recommendation involving the investigation of (b) (6), (b) (7)(C). My email message to the DAEO, dated May 22, 2012, at 5:02 p.m. (enclosure 1), clearly states that, at that time, I decided to issue a subpoena to obtain information regarding (b) (6), (b) (7)(C) financial interest before proceeding with interviews. Having issued the subpoena on that same date, our investigation was on hold until we received the response. It was during the time when we were awaiting the response to the subpoena that (b) (6), (b) (7)(C) reported his concerns about the DAEO to me, that I contacted the Office of Government Ethics (OGE) to obtain their advice, and then issued the Management Implication Report. All of those actions occurred before proceeding with the active investigation of (b) (6), (b) (7)(C).

In taking action on the matter and issuing the Management Implication Report, I provided information to OGE in an objective and independent manner and memorialized what I understood to be OGE’s advice in a memorandum. I then transmitted the original signed copy of the memorandum to (b) (6), (b) (7)(C) as the General Counsel, and transmitted copies to the Chairman and OGE. There are no facts in the draft report of investigation that support a finding that, in taking those actions, circumstances occurred, or appeared to occur, that would cause me to experience difficulty in achieving impartiality in the investigation of (b) (6), (b) (7)(C) because of my views and/or personal situations or relationships. Without those facts, the finding in the conclusion of the draft report of investigation that “(b) (6), (b) (7)(C) method of notification caused an appearance of partiality,” is baseless because the analysis fails to meet the guidelines for a personal impairment as outlined in the Independence standard.

The draft report of investigation states that the “partiality appearance” could have been mitigated if I had “passed” OGE’s advice directly to the head of the Agency, the Chairman, or the head of the unit, the DAEO, rather than (b) (6), (b) (7)(C). The report also states that the “partiality appearance” could have been avoided entirely had (b) (6), (b) (7)(C) or the Chairman contacted OGE directly without my involvement. Once (b) (6), (b) (7)(C) came to my office and brought the matter to my attention, however, I was involved. Nothing I did caused (b) (6), (b) (7)(C)

Timothy Delaney  
Page 3  
May 7, 2015

to bring the matter to my attention and there is absolutely nothing I could have done to change the fact that he brought the matter to my attention. As I have continually stated, I believe that as the Inspector General, I had a duty to act. To ignore the matter by referring (b) (6), (b) (7)(C) to OGE or refer the matter to the Chairman would have been avoiding that duty, and would have effectively hid the matter and my actions from Congress. Also, the suggestion that (b) (6), (b) (7)(C) could have contacted OGE simply overlooks the fact that OGE needed to receive the information in an objective and impartial manner. (b) (6), (b) (7)(C) was not in a position to do that. I could not have “passed” on OGE’s advice only to the DAEO because that would not have met my duty to keep the head of the Agency or Congress informed of the need for corrective action. Also, by making such a suggestion, the draft investigative report fails to address or take into consideration the environment in which the matter was occurring.

The draft report of investigation also states that “[i]n the end, however, the partiality issue was mitigated because (b) (6), (b) (7)(C) copied the chairman on the report.” The distinction between putting the Chairman on the “To” or the “cc” line is form over substance and does not take into account the statutory framework of the National Labor Relations Act (NLRA) or legislative history of the Inspector General Act.

The National Labor Relations Board is a quasi-judicial agency. Section 3(a) of the NLRA creates the Board and states that the President will designate one Member as Chairman. The General Counsel position is created by section 3(d) of the NLRA. That section gives the General Counsel the final authority, on behalf of the Board, with respect to the investigation of charges and the issuance of complaints, and the prosecution of complaints before the Board. Therefore, while the Chairman is considered the “head of the agency” for many statutory purposes, including appointing the DAEO, the Chairman cannot unilaterally take action regarding matters that fall within section 3(d). The conflicts of interest that may or may not be identified by reviewing the General Counsel’s financial disclosure form primarily involve the decisions that the General Counsel would make regarding the issuance and prosecution of complaints. Because OGE’s advice could affect the General Counsel’s statutory authority to issue and prosecute complaints, the question of whether to follow OGE’s advice was, therefore, not a question that the Chairman could address independently of or without consulting with the General Counsel. Under these circumstances, it should be of no importance to a person with knowledge of all these facts whether OGE’s advice was transmitted to the Chairman as a “To” or as a “cc” addressee. The point is that both the Chairman and the General Counsel needed to receive OGE’s advice and both did. The Management Implication Report appropriately documents that fact.

In response to written questions, I provided the Smithsonian Institution’s Office of Inspector General with written answers and information regarding the General Counsel’s statutory authority and the legislative history of the Inspector General Act. The written answers and the information that I provided were not included in the draft report of investigation. Given the conclusion of the Smithsonian Institution’s Office of Inspector General, I believe that the information is relevant, in that it is extenuating, mitigating, and/or exculpatory. I have included a copy of my responses to the Smithsonian Institution’s Office of Inspector General’s questions as enclosure (2) to this correspondence. The legislative history of the Inspector General Act, at page 29, House Conference Report NO. 100-1020 states:

Timothy Delaney  
Page 4  
May 7, 2015

Further, recognizing the unique structure of the National Labor Relations Act and the National Labor Relations Board, the conferees intend that “the head of the designated Federal entity” for the purpose of this bill will be the Chairman of the NLRB and that the Chairman shall exercise such authority consistent with the past practices of the Board, which has been to balance the responsibilities of the Board and the unique responsibility of the General Counsel.

The manner in which I addressed the matter brought to my attention by (b) (6), (b) (7)(C) was consistent with the intentions of Congress when it created the National Labor Relations Board’s Office of Inspector General. The longstanding practice of according the General Counsel the status of head of the agency for purposes of sections 2 and 4(a)(5) is consistent with the past practice of the NLRB before the OIG was created in 1988 and is an appropriate balance by the Board as envisioned by the legislative intent of the 1988 Inspector General Act amendments. To demonstrate the extent to which the “the past practices of the Board, which has been to balance the responsibilities of the Board and the unique responsibility of the General Counsel” is carried out, I am also providing, as enclosure (3), copies of the transmittal correspondence of our September 30, 2012, Semiannual Report to Congress bearing the signatures of both the Chairman and the General Counsel. That report contained the summary of the Management Implication Report.

The fact that (b) (6), (b) (7)(C) was being investigated, at the time he brought the matter to my attention, did not foreclose his access to report a matter of concern to the Office of Inspector General. Furthermore, it did not relieve me of my duties to address matters involving the General Counsel and ensure oversight of the Office of the General Counsel. To determine otherwise would enable anyone to control the functions of this office by making allegations of misconduct against any number of NLRB officials.

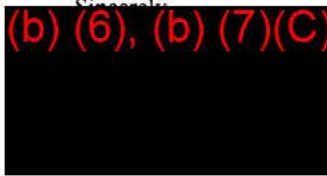
As happens from time to time, I was placed in a difficult situation. After consulting with the Assistant Inspector General for Audits and the Counsel/Assistant Inspector General for Investigations, I chose the best appropriate course of action. At the time, I reviewed all of the standards that apply to an Office of Inspector General and ensured that my actions would not affect my independence and would be viewed as impartial by a knowledgeable third party. To ensure that my actions were completely transparent, I described the Management Implication Report in the next issued Semiannual Report to Congress.

There are no facts cited in the draft report of investigation that my actions in issuing the memorandum in the manner that I did impacted the investigation of (b) (6), (b) (7)(C). There is nothing in the draft report of investigation that states or would support a finding that my actions fall within circumstances outlined in the guidelines in the Quality Standards for Investigations for determining that a personal, external, or organizational impairment exists. Nothing that I did by issuing the Management Implication Report affected, or appears to have affected, my decision in what evidence to collect or how to collect it; who to interview or how to conduct an interview; or what recommendations to make with regard to the investigation of (b) (6), (b) (7)(C). There simply is no linkage between my issuance of the Management Implication Report transmitting OGE’s advice and the investigation of (b) (6), (b) (7)(C).

Timothy Delaney  
Page 5  
May 7, 2015

Despite my disagreement with the finding regarding the “appearance of partiality,” I consider any question of my independence or the office’s independence to be a serious matter and should be avoided. To strengthen our internal control environment regarding our handling of matters that do not result in an audit or investigation, I directed that a section be added to our Audit Manual documenting our policies and procedures for the issuance of Management Implication Reports and other matters that are brought to our attention by management, but do not result in the initiation of an audit or investigation. Those procedures include that all such matters are documented in our audit system; that Management Implication Reports are reviewed by the Assistant Inspector General for Audits and the Counsel/Assistant Inspector General for Investigations; that Management Implication Reports are issued to the Chairman and copied to the Board, and, as appropriate, copied to the General Counsel; and such reports are to be noted and described in the next issued Semiannual Report to Congress. These procedures will also ensure that our actions regarding those matters are available to the Office of Inspector General that is conducting a periodic peer review. A copy of the new section is provided as enclosure (4) to this correspondence.

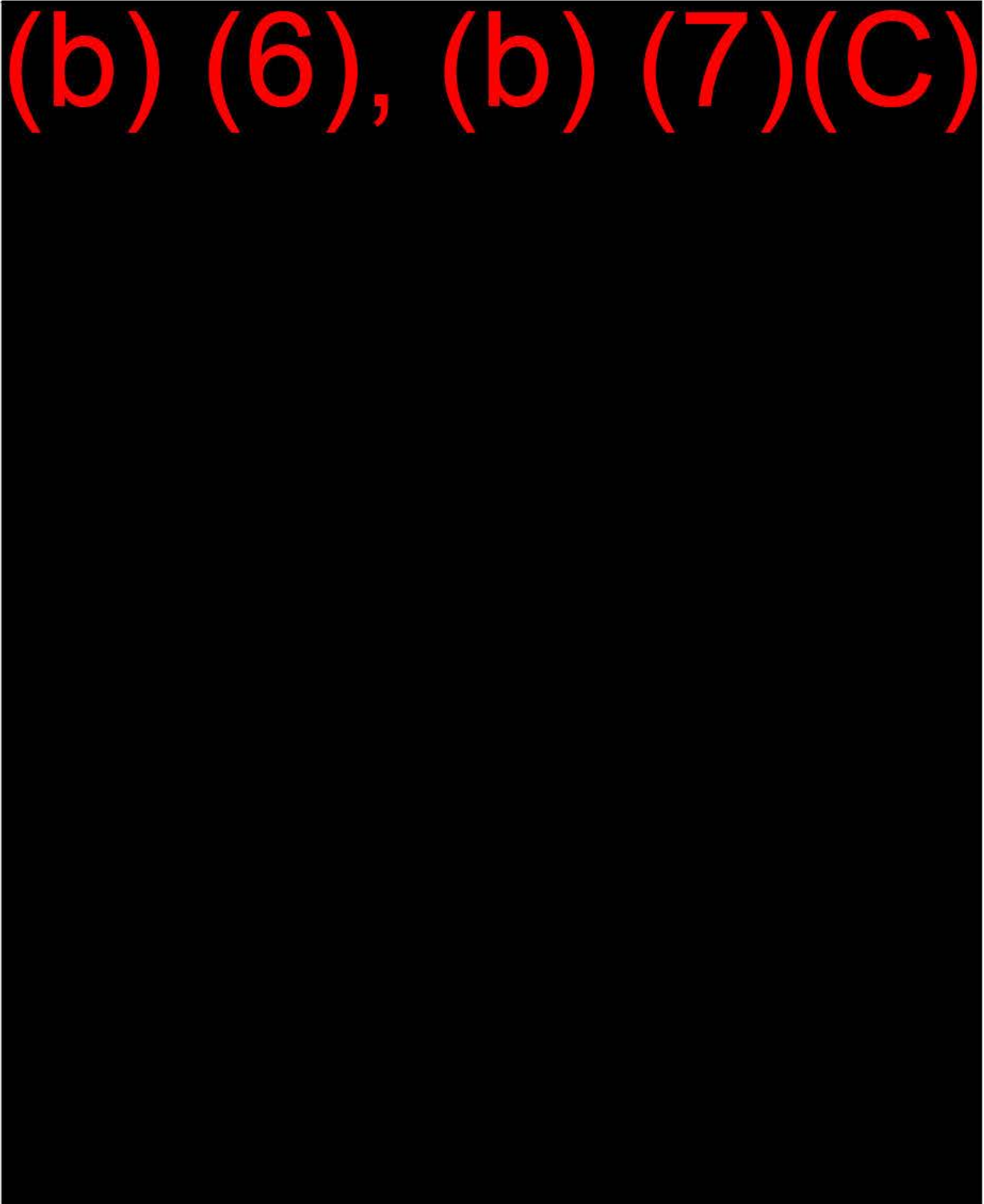
When I issued the Management Implication Report, I acted in good faith and with an honest belief that I was meeting all of the standards expected of an Inspector General. There is nothing in the draft report of investigation that contradicts that belief. As such, there is no evidence in the record to conclude that my actions were “wrongdoing.” I appreciate the opportunity to comment on the draft report of investigation.

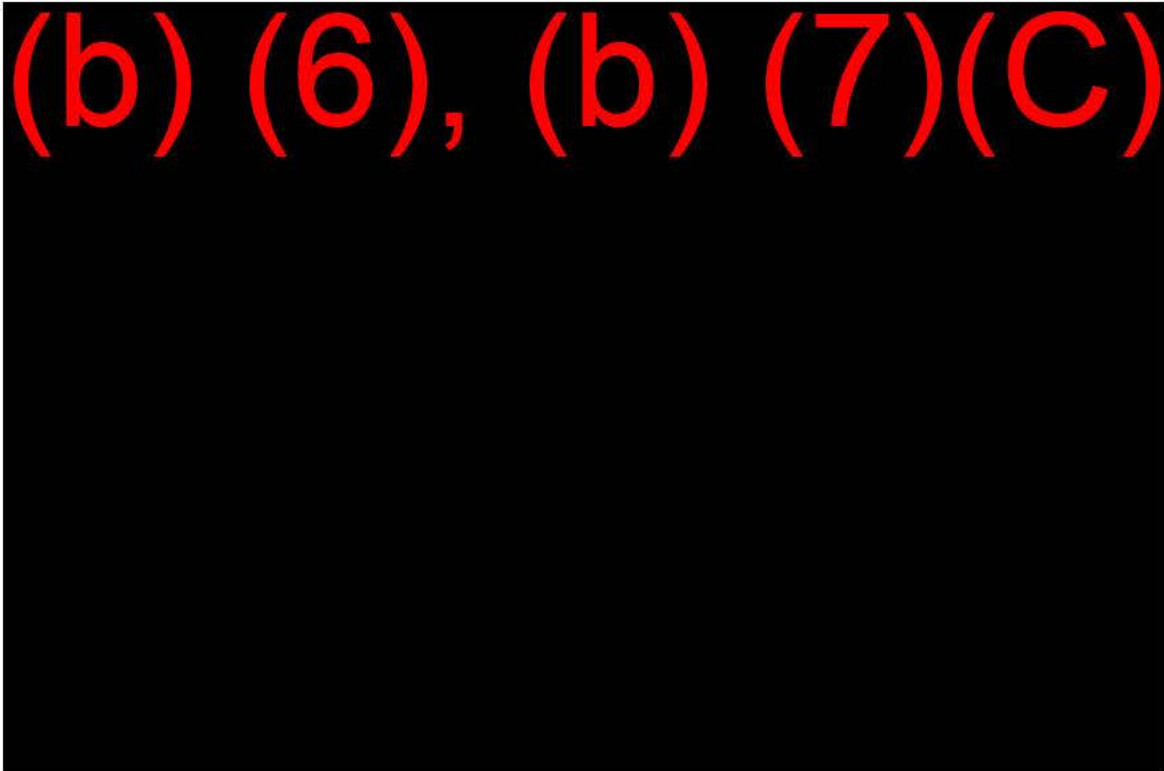
Sincerely,  
 (b) (6), (b) (7)(C)

Enclosures (4)

(b) (6), (b) (7)(C) Response To Draft Report To IC (Enclosure 1)

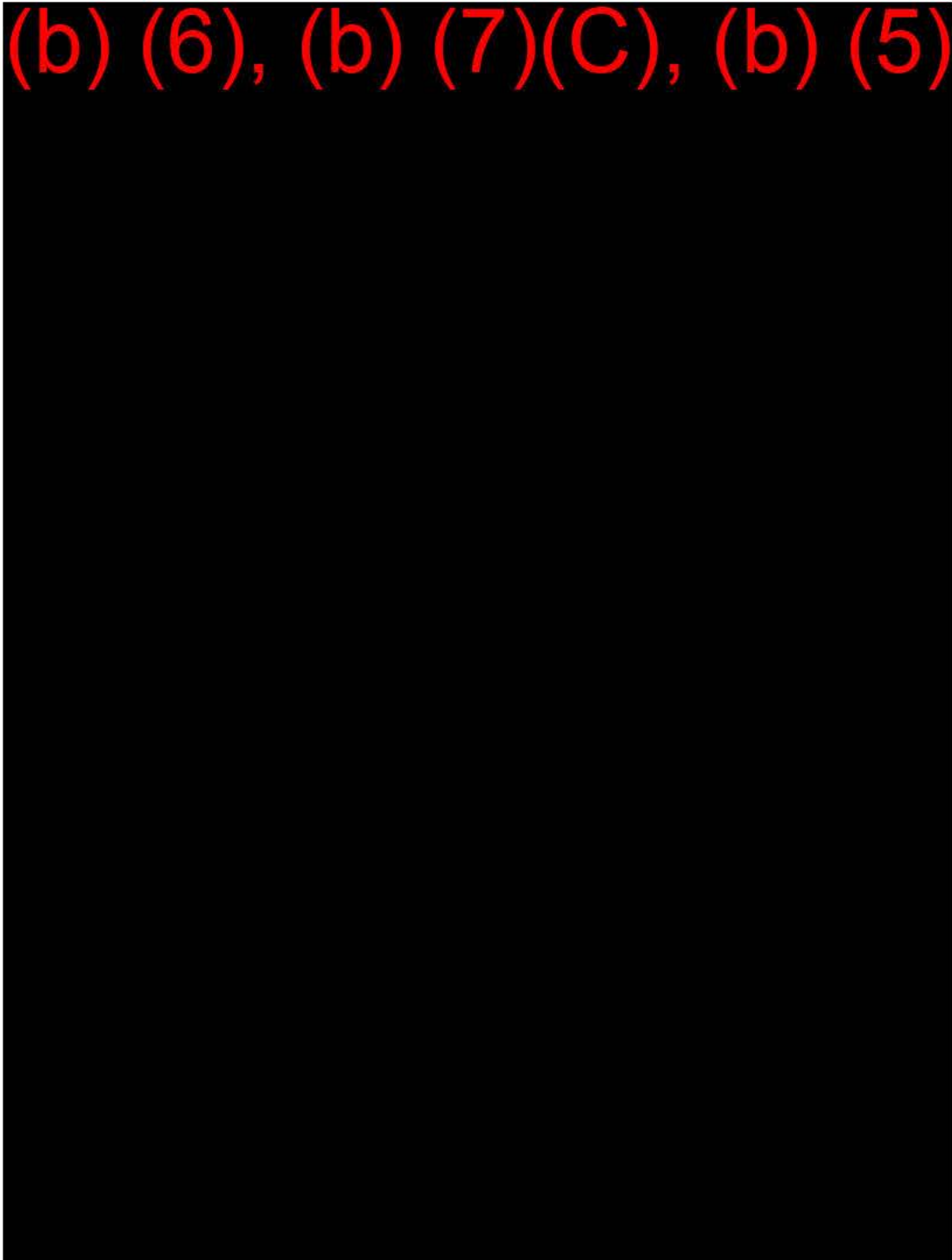
(b) (6), (b) (7)(C)



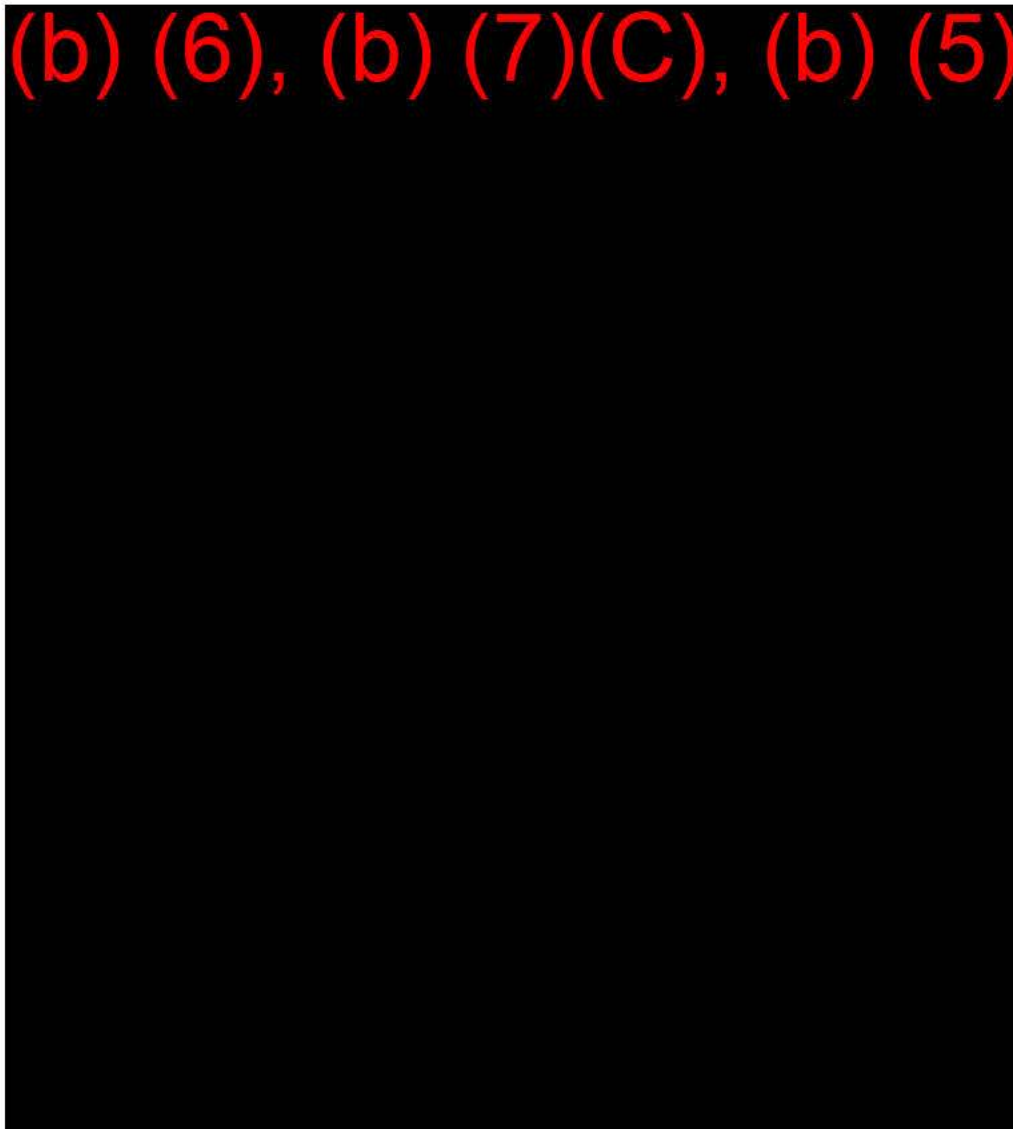


(b) (6), (b) (7)(C) Response To Draft Report To IC (Enclosure 2)

(b) (6), (b) (7)(C), (b) (5)



(b) (6), (b) (7)(C), (b) (5)





(b) (6), (b) (7)(C), (b) (5)



(b) (6), (b) (7)(C), (b) (5)



(b) (6), (b) (7)(C), (b) (5)



(b) (6), (b) (7)(C), (b) (5)



**INSPECTOR GENERAL ACT AMENDMENTS OF 1988—  
GOVERNMENT PRINTING OFFICE INSPECTOR  
GENERAL ACT OF 1988**

*P.L. 100-504, see page 102 Stat. 2515*

**DATES OF CONSIDERATION AND PASSAGE**

*Senate: February 2, October 4, 1988*

*House: July 26, October 5, 1988*

**Senate Report (Governmental Affairs Committee) No. 100-150,  
Aug. 7, 1987 [To accompany S. 908]**

**House Report (Government Operations Committee) No. 100-771,  
July 13, 1988 [To accompany H.R. 4054]**

**House Conference Report No. 100-1020,  
Sept. 30, 1988 [To accompany S. 908]**

**Cong. Record Vol. 134 (1988)**

*The Senate bill was passed in lieu of the House bill after amend-  
ing its language to contain much of the text of the House bill. The  
House Report is set out below and the House Conference Report  
(page 3179) follows.*

**HOUSE REPORT NO. 100-771**

[page 1]

The Committee on Government Operations, to whom was referred the bill (H.R. 4054) to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

\* \* \* \* \*

**EXPLANATION OF AMENDMENT**

Inasmuch as all after the enacting clause of H.R. 4054 was stricken and all language incorporated into the amendment, this report constitutes an explanation of the amendment.

**SUMMARY AND PURPOSE**

Over the years, the Committee on Government Operations has placed a high priority on improving the management of the Federal Government. Among its many activities aimed at achieving this goal was the establishment of the first statutory inspector general in 1976 in the then-Department of Health, Education, and Welfare. Statutorily established Offices of Inspectors General have subsequently been authorized in 20 other departments and agencies.

3154



LEGISLATIVE HISTORY  
HOUSE CONF. REP. NO. 100-1020

IN:

NLRB  
Part 1

Further, recognizing the unique structure of the National Labor Relations Act and the National Labor Relations Board, the conferees intend that "the head of the designated Federal entity" for the purposes of this bill will be the Chairman of the NLRB and that the Chairman shall exercise such authority consistent with the past practices of the Board, which has been to balance the responsibilities of the Board and the unique responsibilities of the General Counsel. In addition, because of the uniqueness of the structure of the Panama Canal Commission, the conferees intend that "the head of the designated Federal entity" for the purposes of this bill will be the Chairman of the Board of the Panama Canal Commission.

The conferees intend that the head of the designated Federal entity appoint the Inspector General without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

Section 104(a) of the conference agreement clarifies the definition of "Federal entity" specifically to exclude a "designated Federal entity". The conferees do not intend that the definition of "Federal entity" should be interpreted only to apply to federal agencies. Rather, all agencies, regulatory boards, commissions, government corporations and other federally-funded entities in the executive branch of the government which are not specifically exempted from the definition of "Federal entity" should be included. It is intended that the Office of Management and Budget will liberally enforce the requirements of section 104(h)(2) for all of the entities listed on Attachment A hereto which are existing on the effective date of section 104, and to any other similar entities within the executive branch.

The conference agreement follows the House amendment providing that the Chief Postal Inspector of the United States Postal Service shall also hold the position of Inspector General of that designated Federal entity. The conferees intend that the Chief Postal Inspector may continue to use that title to the exclusion of the title of Inspector General, as the Chief Postal Inspector may choose.

The conference agreement provides that the Postmaster General, in consultation with the Governors of the United States Postal Service, shall appoint the Chief Postal Inspector. The Postmaster General, with the concurrence of the Governors, shall have the power to remove the Chief Postal Inspector or transfer the Chief Postal Inspector to another position or location within the United States Postal Service. The conferees intend that concurrence shall

[page 28]

be a simple majority of the Governors of the United States Postal Service. If this authority is exercised, the Postmaster General shall promptly notify both Houses of Congress in writing of the reasons for such removal or transfer.

Section 104(b) of the conference agreement provides that there shall not be transferred to an OIG established in a designated Federal entity any program operating responsibilities. The Inspector General Act authorizes each such IG to promote economy and efficiency in the administration of, and prevent and detect fraud and

abuse in, program ties. The IGs are i no vested interest ations. For example National Science I cific grant or con judgment on the C case or controversy the campaign fina ed Federal entity in the decisionma on the part of an from a certain dec

SECTION 106.

Senate Bill

The Senate bill uation by the mar of the findings an and issuance of a findings and reco mean the completi concluded in an a the findings and r concludes no actio audit determinatic "ineligible", "unsu quired to report or audit resolution u the heads of each their semi-annual within 1 year afte made, an explaina and for each such under administrat allowed costs retur

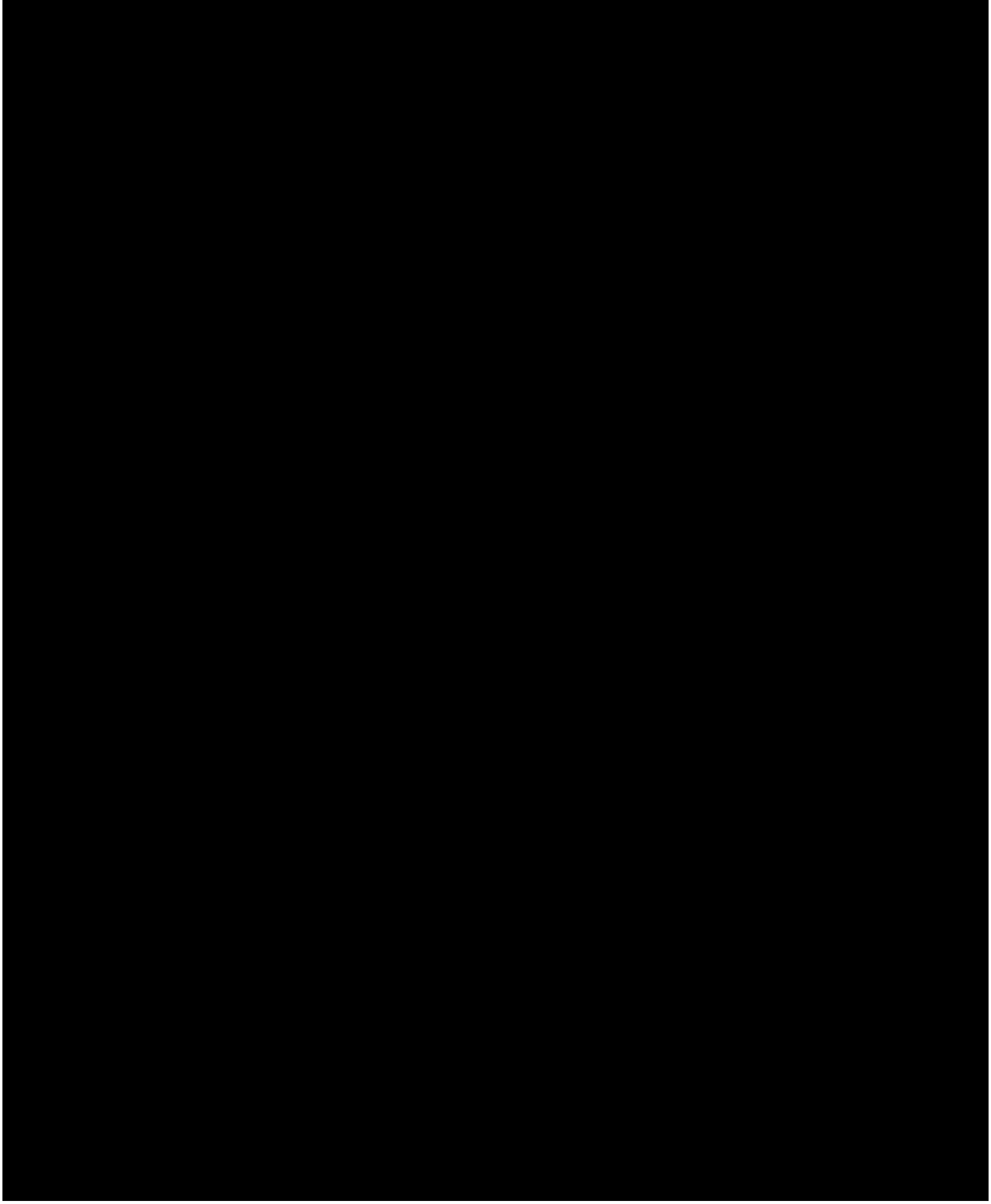
House Amendment

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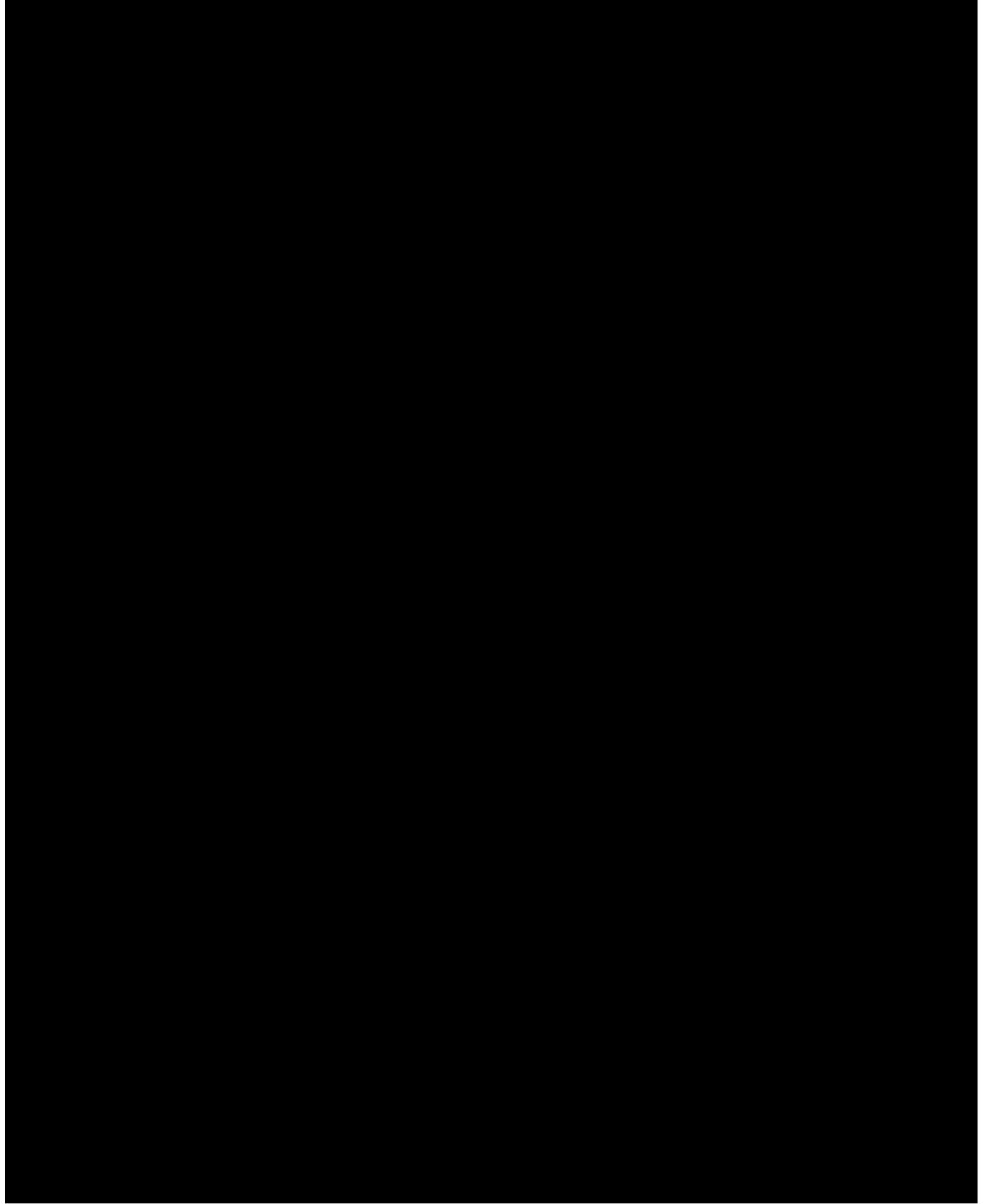
amounts of costs such terms are de report on the statu reporting period th statistical table. T include separate se ties of those audit House amendment

5 U.S. Cong. News '88 Bd. V.

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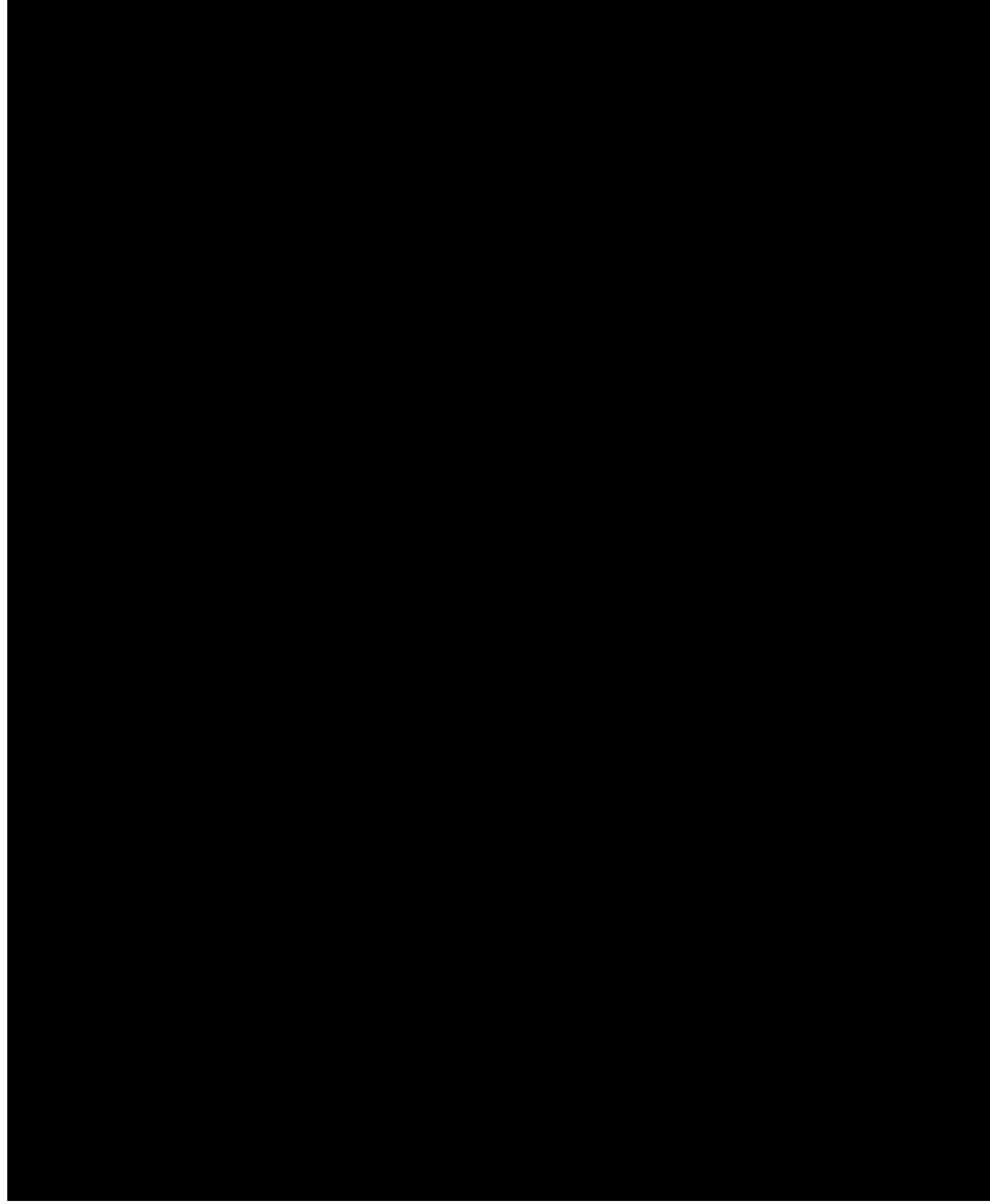


(b) (6), (b) (7)(C), (b) (5), (b) (2)

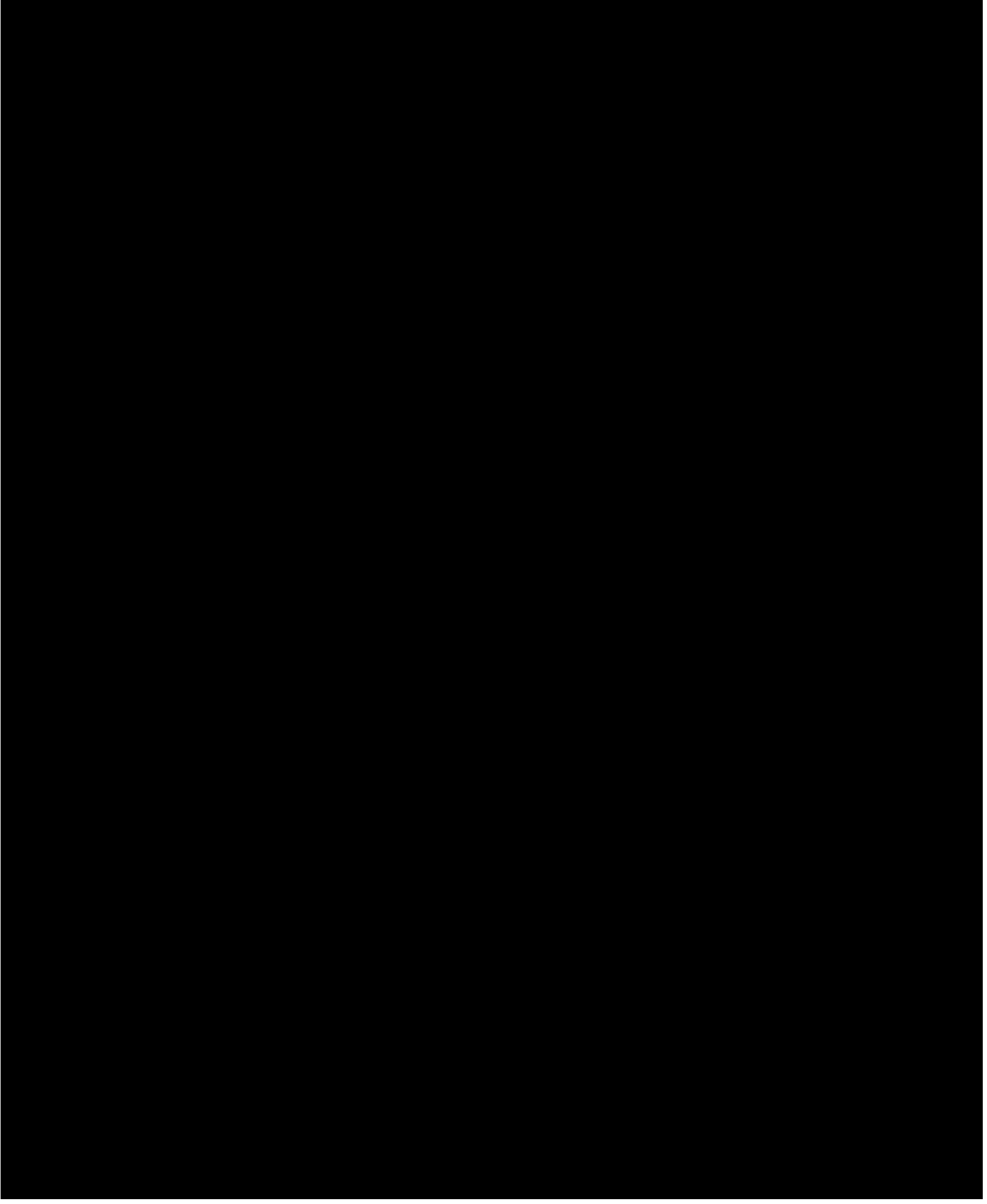




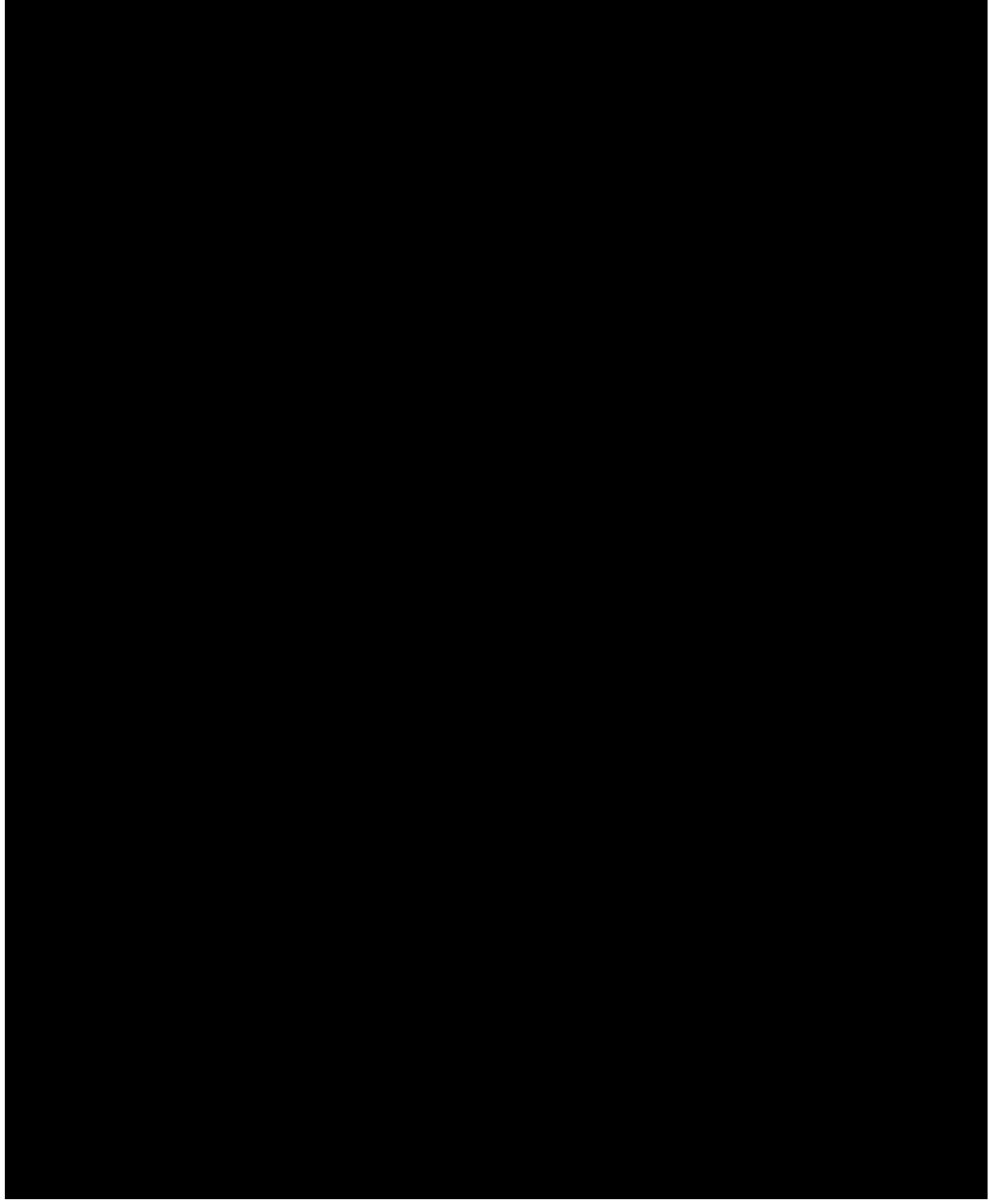
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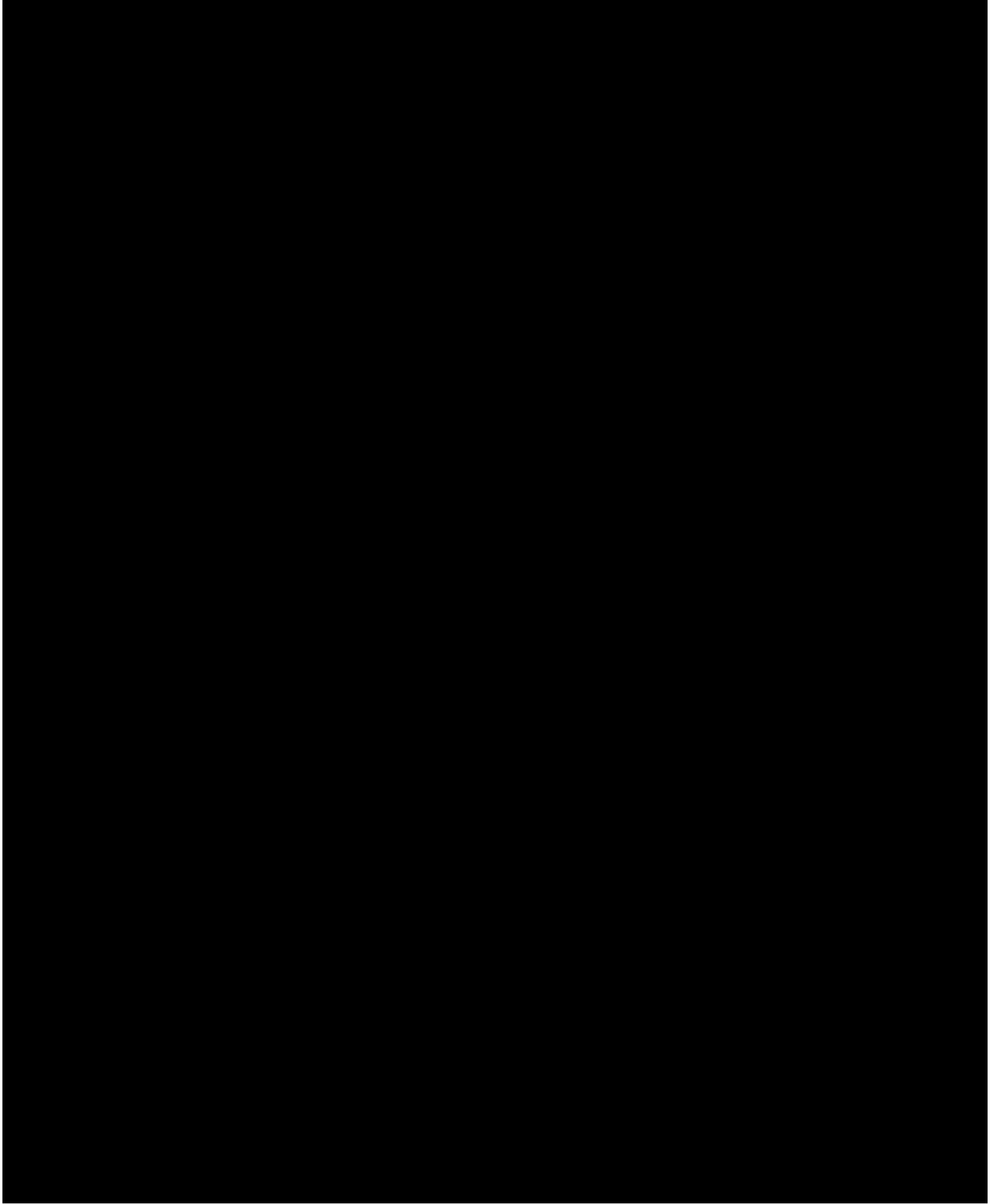
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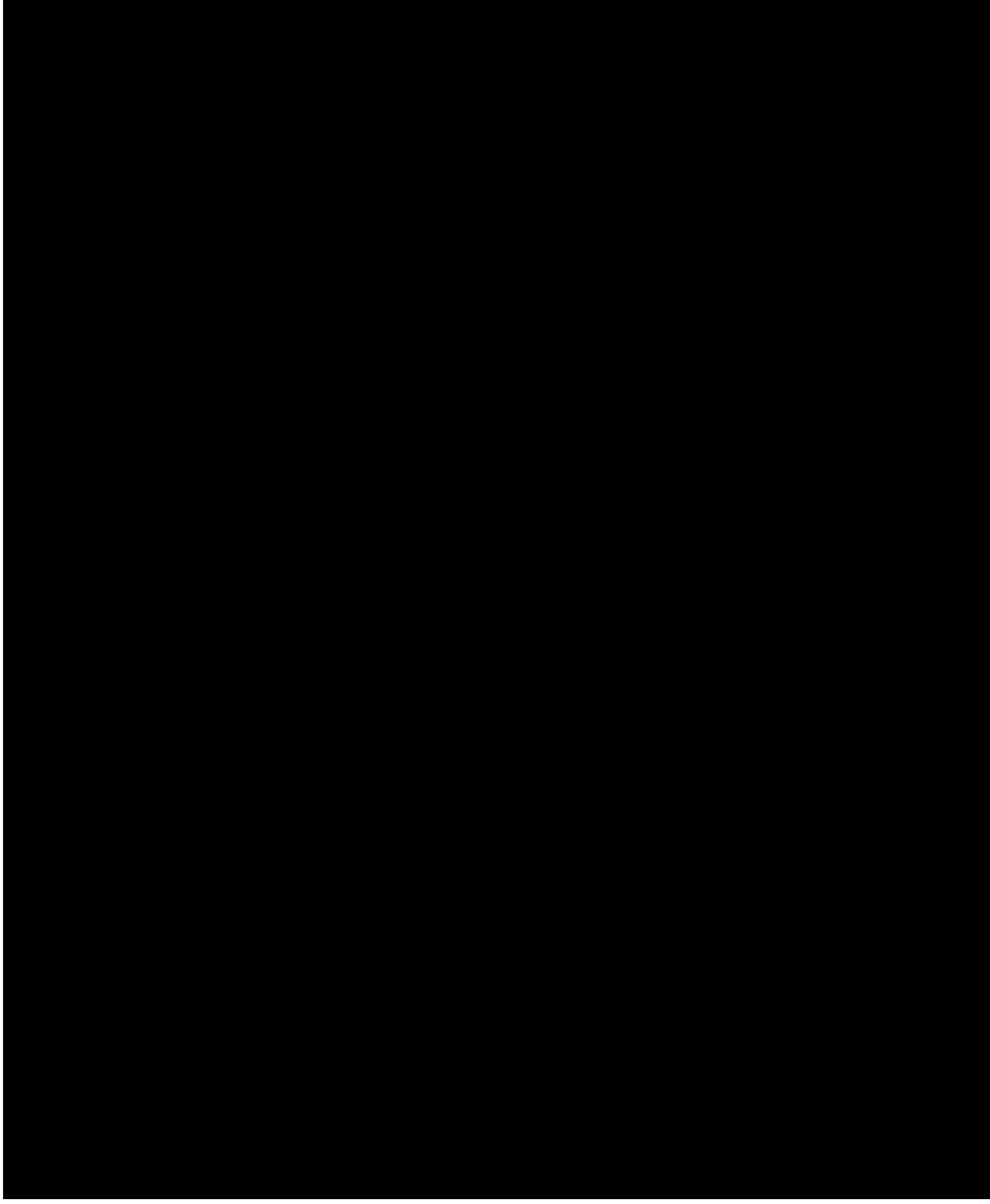
(b) (6), (b) (7)(C), (b) (5), (b) (2)



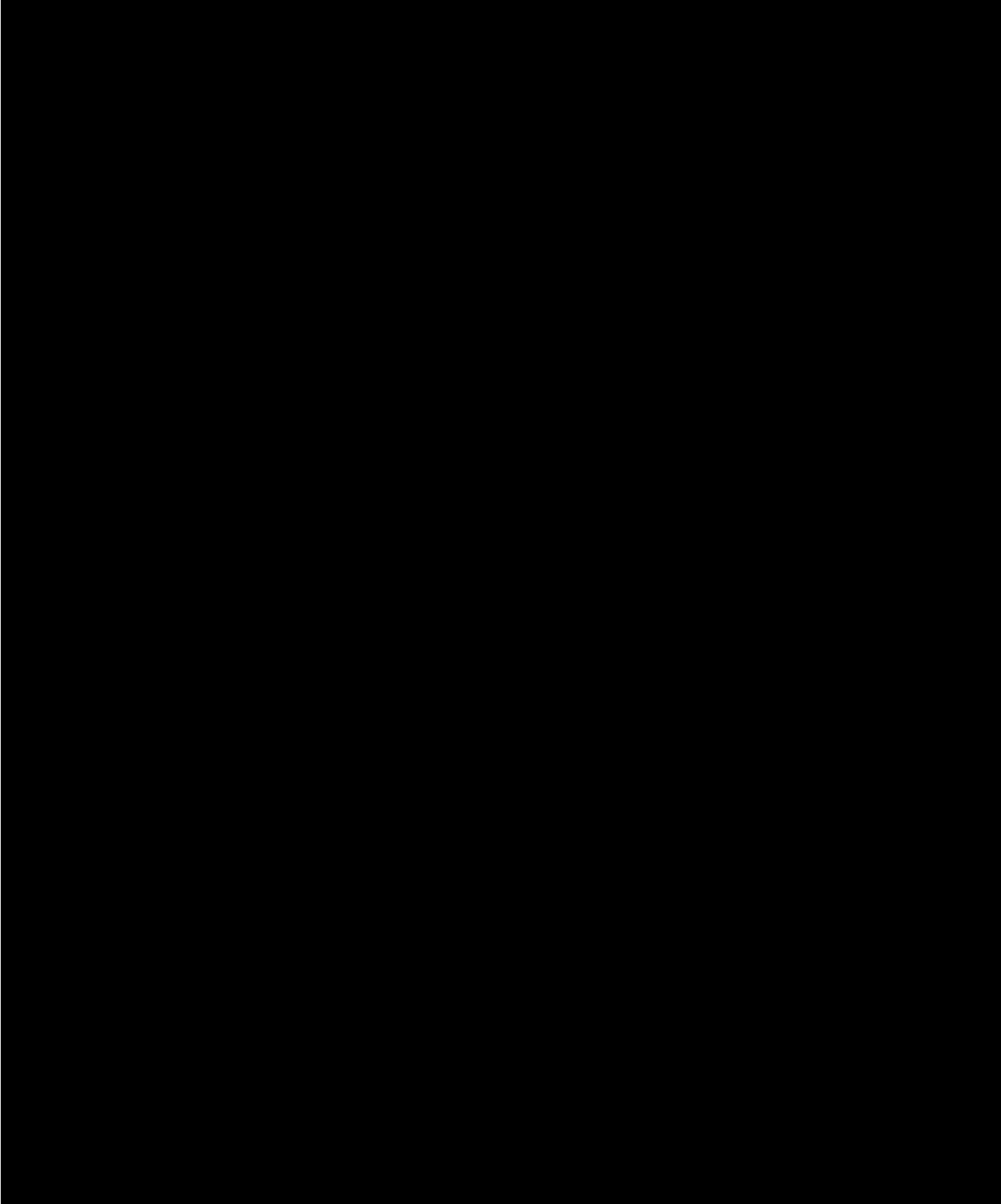
(b) (6), (b) (7)(C), (b) (5), (b) (2)



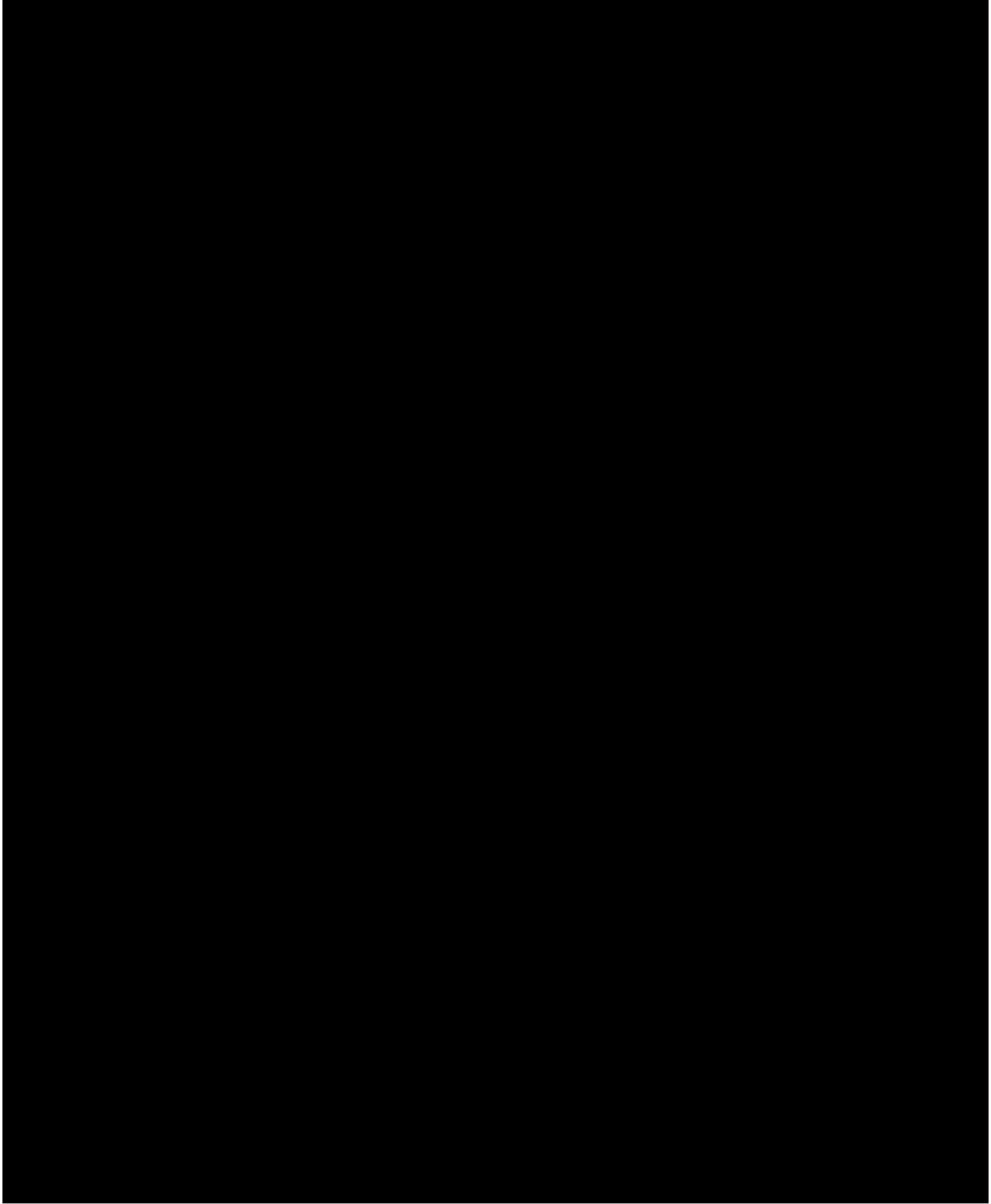
(b) (6), (b) (7)(C), (b) (5), (b) (2)



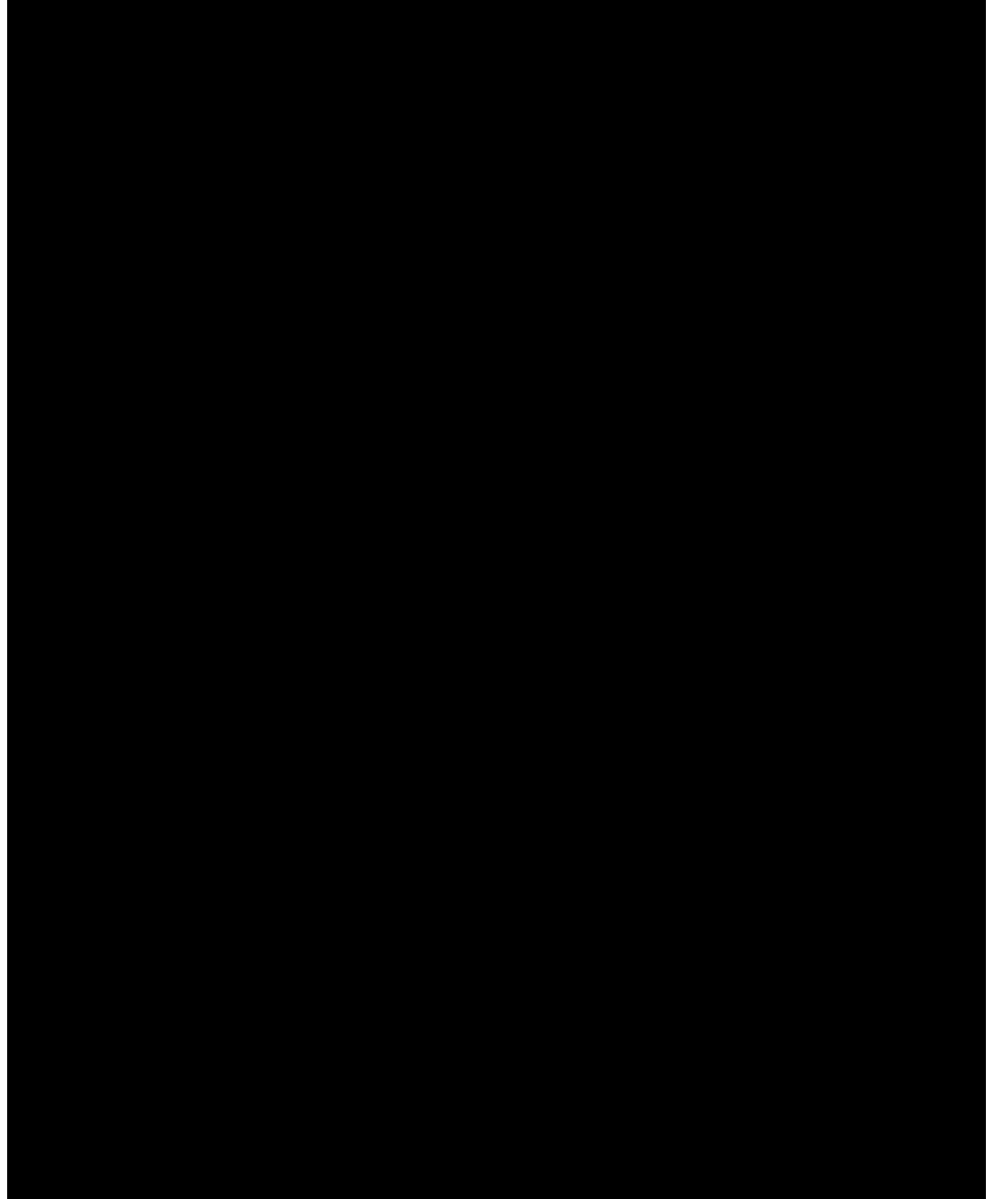
(b) (6), (b) (7)(C), (b) (5), (b) (2)



(b) (6), (b) (7)(C), (b) (5), (b) (2)



(b) (6), (b) (7)(C), (b) (5), (b) (2)





(b) (6), (b) (7)(C), (b) (5), (b) (2)



**(b) (6), (b) (7)(C)** Response To Draft Report To IC (Enclosure 3)

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

November 19, 2012

The Honorable John A. Boehner  
Speaker of the House of Representatives  
H-232 Capitol Building  
Washington, DC 20515

Dear Mr. Speaker:

In accordance with the Inspector General Act of 1978, as amended by the Inspector General Act Amendments of 1988, we hereby enclose the Semiannual Report of the Office of the Inspector General (OIG) of the National Labor Relations Board (NLRB) for the period April 1, 2012 – September 30, 2012.

The following information is provided in accordance with Section 5(b) of the Act:

- 1) We have no comments with respect to the report.
- 2) STATISTICAL TABLE SHOWING TOTAL NUMBER OF AUDIT REPORTS AND THE DOLLAR VALUE OF DISALLOWED COSTS FOR AUDIT REPORTS:

See attachment.

- 3) STATISTICAL TABLE SHOWING TOTAL NUMBER OF AUDIT REPORTS AND DOLLAR VALUE OF RECOMMENDATIONS THAT FUNDS BE PUT TO BETTER USE BY MANAGEMENT AGREED TO IN A MANAGEMENT DECISION FOR AUDIT REPORTS:

None of the audit reports included a dollar value of recommendations that funds be put to better use.

- 4) STATEMENT ON AUDIT REPORTS ON WHICH MANAGEMENT DECISIONS HAVE BEEN MADE, BUT FINAL ACTION HAS NOT BEEN TAKEN WITHIN THE PRECEDING YEAR:

**Continuity of Operations, OIG-AMR-55-07-03**, was issued on September 18, 2007 and agreement was reached with management on that date regarding the three recommendations contained in the report. During the reporting period, management completed action on the final open recommendation.

Page Two  
The Honorable John A. Boehner

**Laptop Computer Accountability and Security, OIG-AMR-59-09-01**, was issued on February 27, 2009, and agreement was reached with management on that date. The report contained six recommendations and, during the reporting period, management implemented two of the three remaining recommendations. Because of changes in information security requirements, it was determined that the final open recommendation would not be implemented.

**Official Time for Union Activities, OIG-AMR-62-10-01**, was issued on December 11, 2009, and agreement was reached with management on that date. Management has implemented one of the four recommendations contained in the report. Currently, the Agency is actively engaged in bargaining over the recommendations regarding the use of official time, including documenting it through the Agency's personnel and payroll information system.

**Case Processing Costs, OIG-AMR-64-11-02**, was issued on April 27, 2011, and agreement was reached with management on June 7, 2011. Management has been actively working to implement the one recommendation in the report.

**Purchase Cards, OIG-AMR-65-11-03**, was issued on September 30, 2011. Management has implemented three of the five recommendations contained in the report and is actively working to implement the remaining two.

Sincerely,

(b) (6)

Mark Gaston Pearce  
Chairman

(b) (6)

Lafe E. Solomon  
Acting General Counsel

Enclosures  
Semiannual Report of the Office of the Inspector General  
Attachment of Statistical Table

cc:  
Congressman Robert E. Andrews  
Congressman Elijah E. Cummings  
Congressman Darrell Edward Issa  
Congressman John Kline  
Congresswoman Rosa L. DeLauro

Congressman George Miller  
Congressman Dennis Rehberg  
Congressman David Philip Roe  
Congressman Timothy L. Walberg  
Congresswoman Lynne C. Woolsey

**Attachment**

2) STATISTICAL TABLE SHOWING TOTAL NUMBER OF AUDIT REPORTS AND THE DOLLAR VALUE OF DISALLOWED COSTS FOR AUDIT REPORTS:

<b>Number of audit reports</b>	<b>1</b>
<b>Dollar value of disallowed costs</b>	<b>\$296,411</b>
<b>Dollar value of disallowed costs for which final action had not been taken at the commencement of the reporting period</b>	<b>\$ 0</b>
<b>Dollar value of disallowed costs for which management decisions were made during the reporting period</b>	<b>\$296,411</b>
<b>Dollar value of disallowed costs for which final action was taken during the reporting period</b>	<b>\$296,411</b>
<b>Dollar value of disallowed costs for which no final action had been taken during the reporting period</b>	<b>\$ 0</b>



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

November 19, 2012

The Honorable Joseph Biden  
President of the Senate  
Washington, DC 20510

Dear Mr. President:

In accordance with the Inspector General Act of 1978, as amended by the Inspector General Act Amendments of 1988, we hereby enclose the Semiannual Report of the Office of the Inspector General (OIG) of the National Labor Relations Board (NLRB) for the period April 1, 2012 – September 30, 2012.

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Page Two  
The Honorable Joseph Biden

**Laptop Computer Accountability and Security, OIG-AMR-59-09-01**, was issued on February 27, 2009, and agreement was reached with management on that date. The report contained six recommendations and, during the reporting period, management implemented two of the three remaining recommendations. Because of changes in information security requirements, it was determined that the final open recommendation would not be implemented.

**Official Time for Union Activities, OIG-AMR-62-10-01**, was issued on December 11, 2009, and agreement was reached with management on that date. Management has implemented one of the four recommendations contained in the report. Currently, the Agency is actively engaged in bargaining over the recommendations regarding the use of official time, including documenting it through the Agency's personnel and payroll information system.

**Case Processing Costs, OIG-AMR-64-11-02**, was issued on April 27, 2011, and agreement was reached with management on June 7, 2011. Management has been actively working to implement the one recommendation in the report.

**Purchase Cards, OIG-AMR-65-11-03**, was issued on September 30, 2011. Management has implemented three of the five recommendations contained in the report and is actively working to implement the remaining two.

Sincerely,

A black rectangular redaction box with the text "(b) (6)" in red, covering the signature of Mark Gaston Pearce.

Mark Gaston Pearce  
Chairman

A black rectangular redaction box with the text "(b) (6)" in red, covering the signature of Lafe E. Solomon.

Lafe E. Solomon  
Acting General Counsel

Enclosures  
Semiannual Report of the Office of the Inspector General  
Attachment of Statistical Table

cc:  
Senator Daniel K. Akaka      Senator Ron Johnson  
Senator Susan Collins      Senator Joseph Lieberman  
Senator Mike B. Enzi      Senator Richard Shelby  
Senator Tom Harkin

Attachment

2) STATISTICAL TABLE SHOWING TOTAL NUMBER OF AUDIT REPORTS AND THE DOLLAR VALUE OF DISALLOWED COSTS FOR AUDIT REPORTS:

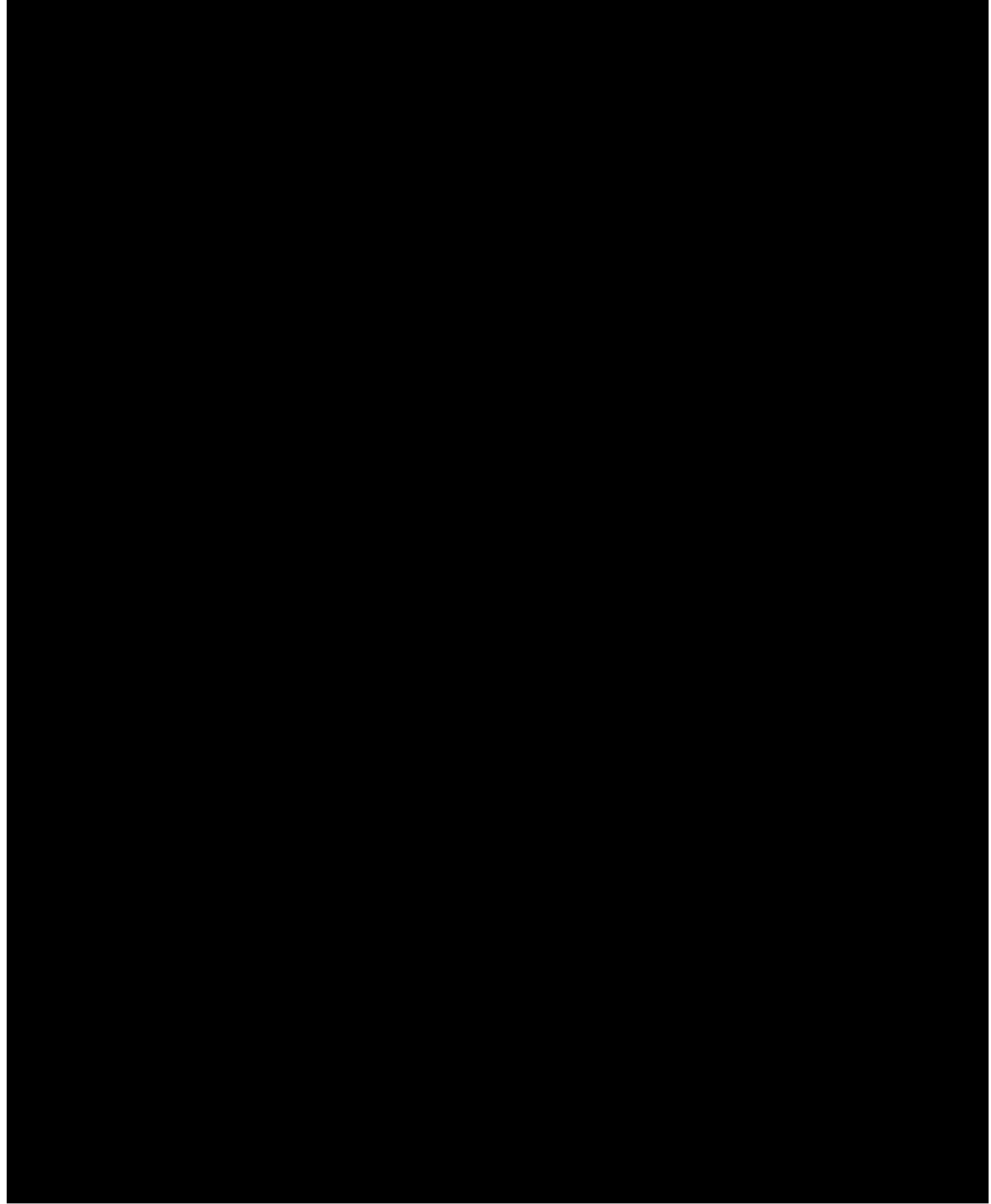
<b>Number of audit reports</b>	<b>1</b>
<b>Dollar value of disallowed costs</b>	<b>\$296,411</b>
<b>Dollar value of disallowed costs for which final action had not been taken at the commencement of the reporting period</b>	<b>\$ 0</b>
<b>Dollar value of disallowed costs for which management decisions were made during the reporting period</b>	<b>\$296,411</b>
<b>Dollar value of disallowed costs for which final action was taken during the reporting period</b>	<b>\$296,411</b>
<b>Dollar value of disallowed costs for which no final action had been taken during the reporting period</b>	<b>\$ 0</b>

(b) (6), (b) (7)(C), (b) (5), (b) (2)





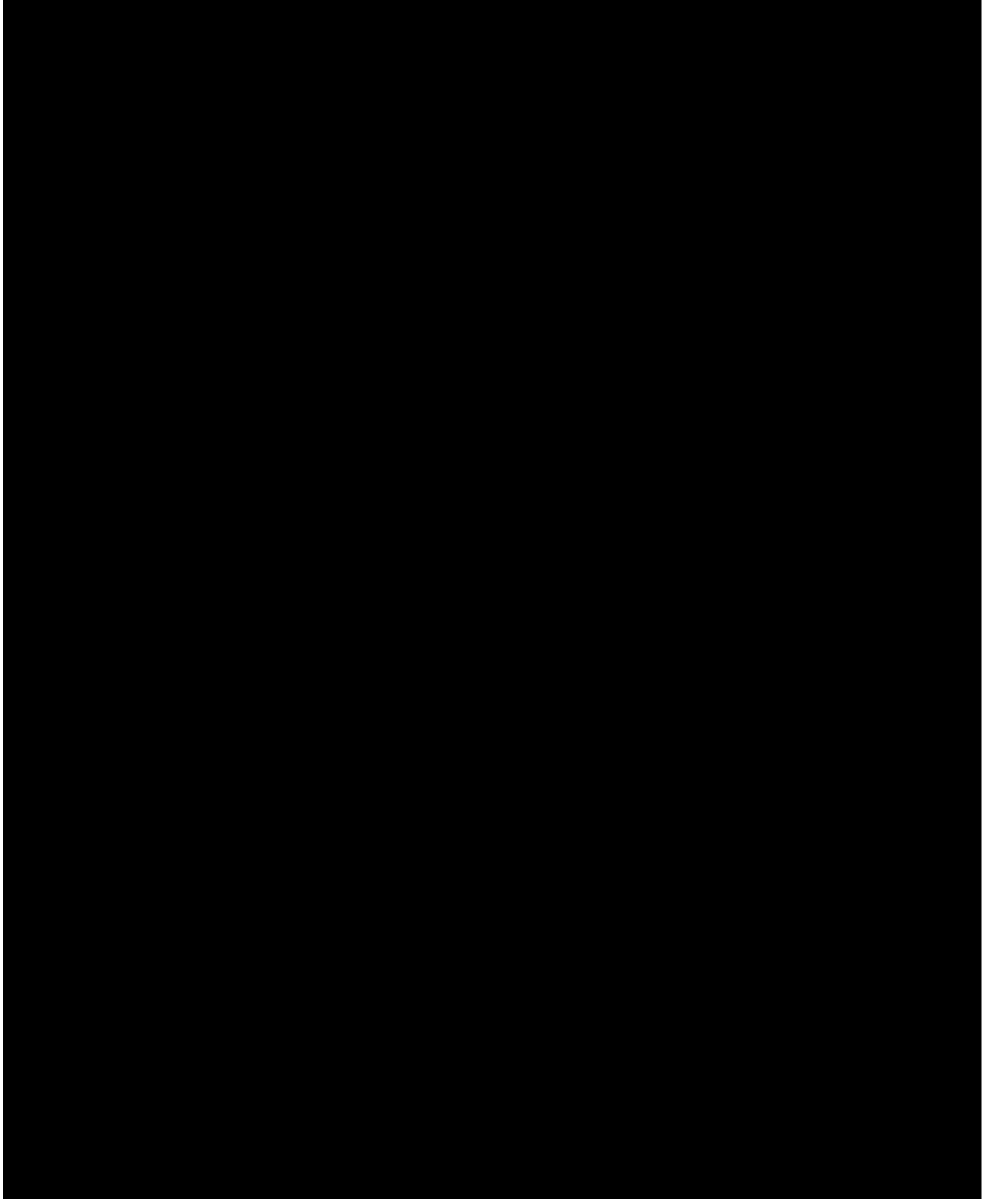
(b) (6), (b) (7)(C), (b) (5), (b) (2)



(b) (6), (b) (7)(C), (b) (5), (b) (2)



(b) (6), (b) (7)(C), (b) (5), (b) (2)





# Integrity Committee

Council of the Inspectors General on Integrity and Efficiency

935 Pennsylvania Ave, NW, Room 7452, Washington, DC 20535 • IC\_Complaints@ic.fbi.gov

Scott Dahl  
Chair  
Inspector General  
Department of Labor

May 26, 2017

Ms. Phyllis K. Fong  
Inspector General  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W. Room 117-W  
Washington, DC 20250

Re: Integrity Committee Request for Independent Inspector General Investigation into complaint number IC880

Dear Inspector General Fong:

The Integrity Committee (IC) of the Council of Inspectors General on Integrity and Efficiency (CIGIE) is requesting that the U.S. Department of Agriculture (USDA) Office of the Inspector General (OIG) conduct an independent, administrative investigation into an allegation of wrongdoing by (b) (6), (b) (7)(C) General Services Administration (GSA) Office of Inspector General.

The complaint alleges that (b) (6), (b) (7)(C) engaged in a Prohibited Personnel Practice when (b) (6), (b) (7)(C) improperly initiated an investigation into allegations that an individual with whom (b) (6), (b) (7)(C) has a close personal relationship was not selected for a specific position within GSA. Specifically, we request that you initiate an investigation into the following allegations:

- That (b) (6), (b) (7)(C) wrongfully failed to recuse himself from participating in the review and disposition of an allegation lodged by (b) (6), (b) (7)(C) concerning a prohibited personnel practice involving her non-selection for the position of Miami Public Buildings Service Center Director, even though he had a close personal relationship with (b) (6), (b) (7)(C) and knew that (b) (6), (b) (7)(C) had a specific and substantial interest that would be affected by the outcome of the review and disposition; that (b) (6), (b) (7)(C) failed to disclose his personal relationship with (b) (6), (b) (7)(C) to his supervisors before acting on (b) (6), (b) (7)(C) complaint; and, further, that he knew or should have known that his failure to so inform his supervisors or to recuse himself from participating under these circumstances would likely affect the public's perception of the integrity of the administration and operations of the GSA OIG.
- That (b) (6), (b) (7)(C) wrongfully used his position and the authority of his office to benefit (b) (6), (b) (7)(C), a person with whom he maintained a close personal relationship, by, among other things, initiating an official investigation into (b) (6), (b) (7)(C) complaint, and by participating in the decision to refer the matter to the Office of Special Counsel.
- That (b) (6), (b) (7)(C) misled the Integrity Committee in his response stating the following: he had no knowledge that the anonymous complaint was filed by (b) (6), (b) (7)(C); and he was

following the routine policy by initiating an investigation rather than referring the anonymous complaint about pre-selection to GSA management.

These allegations were received by the Integrity Committee in February 2017. The Integrity Committee then requested a response from (b) (6), (b) (7)(C) to these allegations. At its May 12, 2017, meeting, the IC considered (b) (6), (b) (7)(C) response, along with the original allegation. The IC determined that this matter should be investigated.

Copies of the IC's correspondence regarding this matter, as well as a copy of the IC's current policies and procedures, are attached for your reference. Please note that the policies and procedures are currently under revision due to passage of Inspector General Empowerment Act.

We would be happy to meet with you to discuss this request. We also request that you work with the IC and with CIGIE on a simple Memorandum of Understanding (MOU) that will memorialize some of the logistics associated with this investigation including:

- Timing of Investigation: The IC requests that your office plan to complete its investigation within 150 days of the date of this letter. This is the amount of time provided for such investigations in the Inspector General Empowerment Act. In the event your office determines that it will not be able to complete the investigation within 150 days, we request that your office notify the IC right away. The Inspector General Empowerment Act requires Congressional notification if the 150 day deadline is not met.
- Scope of Investigation: If additional allegations are received in a complaint, or if additional allegations surface during the course of the investigation, your office will consult the IC, which will consider expanding the scope of the investigation beyond the allegations discussed above, consistent with IC policies and procedures.
- Quality Standards: The investigation will be conducted in accordance with the most current Quality Standards for Investigations issued by CIGIE. Prior to submission to the IC, an appropriate senior-level official in your office (preferably the Assistant Inspector General for Investigations) will personally review the Final Report to ensure that the investigation meets the required standard.
- Reimbursement of expenses: Reimbursement of the expenses associated with this investigation is subject to policies and procedures set forth by CIGIE. In the event your office is seeking such reimbursement, a budget should be submitted to Executive Chairperson of CIGIE.
- Discovery of Potential Criminal Conduct: If information is developed during the course of your investigation which may indicate criminal conduct, your office should promptly notify me so that the IC may consult with the Public Integrity Section as required by IC policy.
- Updates: The IC may review the status of the investigation at any time and may request appropriate action where necessary. At a minimum, the IC requests that your office provide an update every 30 days during the progress of the investigation.

- Interviews of Subject(s): The subject(s) of the investigation will be afforded an opportunity to be voluntarily interviewed by your investigators. Prior to any interview of the subject(s) of this investigation, your office will consult with the IC. At the time the Final Report is provided to the IC, your office will also provide the IC with a transcript (if recorded) or summary (if not recorded) of the subject's interview.
- Final Draft Report/Final Report: A written Final Draft Report containing the necessary facts and conclusions regarding the allegations should be submitted, either in hard copy or electronically, to the Integrity Committee. The IC requires that the Final Draft Report include a brief Executive Summary. The remainder of the report can be in your office's standard format. After the IC receives the Final Draft Report, the subject will be afforded an opportunity to provide written comment on the Final Draft Report. The IC will share those comments with your office. Your office should make any changes it deems appropriate in light of the subject's input, then submit a Final Report to the IC. Once the Final Report is received and considered by the IC, the material will be provided to the corresponding congressional oversight committees pursuant to statutory requirements.
- Records: Once your investigation is complete, the IC will assume ownership and record-keeping responsibilities for the final report, which will include responding to FOIA requests and congressional inquiries. Investigative materials which your office maintains outside of the Final Report will remain records of the USDA OIG and should be handled according to your internal record keeping procedures.

We are grateful for your assistance in this matter and look forward to working with you.

Sincerely,

A black rectangular redaction box covering the signature of Scott Dahl. The text "(b) (6)" is written in red inside the box.

Scott Dahl  
Chair  
Integrity Committee

Enclosures



UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF INSPECTOR GENERAL

Washington D.C. 20250



May 31, 2017

The Honorable Scott Dahl  
Chair  
Integrity Committee  
Council of the Inspectors General on Integrity and Efficiency  
935 Pennsylvania Ave, NW  
Room 7452  
Washington, DC 20250

Dear Inspector General Dahl:

This responds to your letter dated May 26, 2017. In your letter you requested, on behalf of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) Integrity Committee, that the U.S. Department of Agriculture (USDA) Office of Inspector General (OIG) conduct an independent, administrative investigation into an allegation of wrongdoing by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) with the General Services Administration (GSA) Office of Inspector General (OIG). After reviewing the allegations in this matter, USDA OIG agrees to conduct the investigation as requested. The matter has been assigned to (b) (6), (b) (7)(C) for investigation. USDA OIG will coordinate directly with Executive Chairperson for CIGIE should reimbursement be necessary. Additionally, per your request USDA OIG will apprise the Integrity Committee of the status of the investigation every 30 days until the investigation is completed or sooner if necessary based upon information obtained during the investigation. If you have any questions, please feel free to contact me on (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C).

Sincerely,

(b) (6)

Phyllis K. Fong  
Inspector General



# Integrity Committee

Council of the Inspectors General on Integrity and Efficiency

935 Pennsylvania Ave, NW, Room 7452, Washington, DC 20535 • IC\_Complaints@ic.fbi.gov

Scott Dahl  
Chair  
Inspector General  
Department of Labor

June 5, 2017

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

General Services Administration  
1800 F Street NW  
Washington, DC 20405

IC880: Notification of Integrity Committee Administrative Investigation

Dear (b) (6), (b) (7)(C):

The Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) is charged with receiving, reviewing, and investigating, where appropriate, noncriminal allegations of substantial misconduct, which is defined as a non-de minimis violation of law, rule, or regulation; a gross waste of official funds; gross mismanagement; an abuse of authority in the exercise of official duties or while acting under the color of office; or misconduct so serious that it undermines or appears to undermine the integrity or independence reasonably required of an Inspector General to carry out his or her official duties. The Committee's jurisdiction extends to Inspectors General (IGs) and designated members of an IG's staff. In addition to determining whether a complaint falls within its jurisdiction and meets the threshold for investigation, the Committee also determines whether, given the totality of the circumstances surrounding the complaint, further action is warranted.

In February 2017, the IC received a complaint alleging that you engaged in a Prohibited Personnel Practice when you improperly initiated an investigation into allegations that an individual with whom you had a close personal relationship was not selected for a specific position within GSA. Specifically, you:

- Wrongfully failed to recuse yourself from participating in the review and disposition of an allegation lodged by (b) (6), (b) (7)(C) concerning a prohibited personnel practice involving her non-selection for the position of Miami Public Buildings Service Center Director, even though you had a close personal relationship with (b) (6), (b) (7)(C) and knew that (b) (6), (b) (7)(C) had a specific and substantial interest that would be affected by the outcome of the review and disposition; that you failed to disclose your personal relationship with (b) (6), (b) (7)(C) to your supervisors before acting on (b) (6), (b) (7)(C) complaint; and, further, that you knew or should have known that your failure to so inform your supervisors or to recuse yourself from participating under these circumstances would likely affect the public's perception of the integrity of the administration and operations of the GSA OIG.



- Wrongfully used your position and the authority of your office to benefit (b) (6), (b) (7)(C), a person with whom you maintained a close personal relationship, by, among other things, initiating an official investigation into (b) (6), (b) (7)(C) complaint, and by participating in the decision to refer the matter to the Office of Special Counsel.

In our letter dated March 10, 2017, we requested that you respond to these allegations.

The IC received your April 2017 response to these allegations. Based on its review of the original complaint, and your response, the IC has determined to initiate an investigation regarding this matter at its May 2017 meeting. Please be aware, additional allegations may be investigated if they become known during the course of the investigation into this matter.

At the request of the IC, the U.S. Department of Agriculture (USDA) OIG has been assigned to lead the administrative investigation and prepare a draft Report of Investigation (ROI). An investigator from the USDA OIG may contact you for an interview regarding this matter.

Upon completion of its investigation, USDA OIG will provide you an opportunity to review the draft ROI. You will have the opportunity to comment on the draft ROI prior to final consideration of the ROI by the IC. Either through the USDA OIG during the course of its investigation, or directly to the IC at the time you comment on the ROI, you may submit additional statements or documents to the IC for its consideration, as long as the documents are not unnecessarily voluminous.

The final ROI, along with the findings, conclusions, and recommendations of the IC (if any) will be forwarded to you, the President of the United States, the CIGIE Executive Chairperson, the GSA IG, and the relevant congressional oversight committees as required by the Inspector General Act, 5 USC App 3 Section 11 (d)(8)(A).

If you have questions regarding this matter, please contact the IC in writing: Integrity Committee, 935 Pennsylvania Avenue, N.W., Room 3973, Washington, D.C. 20535, or by email to: IC\_Complaints@ic.fbi.gov.

Finally, it is important to ensure that appropriate measures are in place to prevent retaliation or other prohibited personnel practices from being taken against any employee based on the employee's disclosure of information that he or she reasonably believes evidences administrative misconduct as defined above.

Sincerely,

(b) (6)

Scott Dahl  
Chair  
Integrity Committee

cc: USDA OIG



## Integrity Committee

Council of the Inspectors General on Integrity and Efficiency

935 Pennsylvania Ave, NW, Room 7452, Washington, DC 20535 • IC\_Complaints@ic.fbi.gov

Scott Dahl  
Chair  
Inspector General  
Department of Labor

August 17, 2017

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

### IC880: Closing of Integrity Committee Investigation

Dear (b) (6), (b) (7)(C):

The Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) initiated an administrative investigation into the allegations that you engaged in a Prohibited Personnel Practice when you initiated an investigation into allegations that an individual with whom you had a close personal relationship was not selected for a specific position within GSA. This investigation was being conducted by the U.S. Department of Agriculture Office of Inspector General.

During the course of investigation, the IC was informed that you retired from GSA OIG and federal service on August 5, 2017. As such, IC determined to close the investigation, and will take no further action at this time. Should you return to federal service, the IC may decide to reopen the investigation.

If you have questions regarding this matter, please contact the IC in writing: Integrity Committee, 935 Pennsylvania Avenue, N.W., Room 3973, Washington, D.C. 20535, or by email to: IC\_Complaints@ic.fbi.gov.

Sincerely,

(b) (6)

Scott Dahl  
Chair  
Integrity Committee



## Integrity Committee

Council of the Inspectors General on Integrity and Efficiency

935 Pennsylvania Ave, NW, Room 7452, Washington, DC 20535 • IC\_Complaints@ic.fbi.gov

Scott Dahl  
Chair  
Inspector General  
Department of Labor

August 17, 2017

VIA EMAIL

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

U.S. Department of Agriculture  
Office of Inspector General  
General Services Administration  
1400 Independence Avenue, S.W.  
Washington, DC 20250

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

IC880: Closing of Administrative Investigation

Dear (b) (6), (b) (7)(C):

On May 26, 2017, the Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) requested the U.S. Department of Agriculture (USDA) Office of Inspector General (OIG) conduct an independent, administrative investigation into allegations of wrongdoing by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) General Services Administration (GSA) OIG.

The IC has confirmed that (b) (6), (b) (7)(C) retired from GSA OIG and federal service on August 5, 2017. The IC requests your office to cease investigative activity, as the IC determined to administratively close the investigation, and will take no further action at this time.

The IC greatly appreciates the time and resources you and your office dedicated to this matter, and looks forward to working with you again in the future.

Sincerely,

(b) (6)

Scott Dahl  
Chair  
Integrity Committee



## Integrity Committee

Council of the Inspectors General on Integrity and Efficiency

935 Pennsylvania Ave, NW, Room 7452, Washington, DC 20535 • IC\_Complaints@ic.fbi.gov

Scott Dahl  
Chair  
Inspector General  
Department of Labor

August 17, 2017

VIA EMAIL

Ms. Carol Fortine Ochoa  
Inspector General  
General Services Administration  
18<sup>th</sup> & F Street, NW, Room 5340  
Washington, DC 20405

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

Re: Referral to the Integrity Committee

Dear Ms. Ochoa:

The Integrity Committee (IC) of the Council of Inspectors General on Integrity and Efficiency (CIGIE) received the allegations you referred on February 2, 2017, regarding alleged misconduct by (b) (6), (b) (7)(C) at the General Services Administration Office of the Inspector General (OIG).

As you may know, the IC initiated an administrative investigation into the allegations you referred, which was being conducted by the U.S. Department of Agriculture OIG. During the course of investigation, the IC was informed that (b) (6), (b) (7)(C) has retired from GSA OIG and federal service.

The IC determined to administratively close its investigation, and will take no further action at this time. Thank you for referring this matter to the IC.

Sincerely,

(b) (6)

Scott Dahl  
Chairman  
Integrity Committee