

## **Summary of Closed Employee Integrity Cases** **October 1, 2015, to March 31, 2016**

### **Political Appointees**

#### **CASE 1**

On April 10, 2015, Rafael Moure-Eraso resigned from his position as the Chairperson of the U.S. Chemical Safety and Hazard Investigation Board (CSB)<sup>1</sup> following an Office of Inspector General (OIG) investigation that substantiated findings that he had routinely used a nongovernment email account to communicate official CSB matters, in violation of the Federal Records Act. The investigation further substantiated that Moure-Eraso purposefully employed this practice to ensure that official CSB business conducted on nongovernmental email systems was not preserved on official agency systems and, therefore, would not be archived. This setup would prevent the ability to locate this information in response to any future Freedom of Information Act requests and, ultimately, render the information unavailable for public review. This prohibited practice greatly diminished the integrity of the CSB, its program functionality and the public trust. On January 22, 2015, the OIG submitted a Report of Investigation to the President of the United States, since the CSB Chairperson is a presidentially appointed position. On March 4, 2015, the OIG's Assistant Inspector General for Investigations testified before Congress regarding this case. The President subsequently requested Moure-Eraso's resignation.

#### **CASE 2**

It was alleged that the Regional Administrator had provided specific information to the EPA Environmental Justice Small Grants Review Team to steer the award of an EPA grant to a specific organization. It was also alleged that the Regional Administrator had provided supplemental criteria to be considered during the team's review that went beyond the criteria in a Request for Applications. In addition, the Regional Administrator allegedly had requested that the specific organization be given an EPA award due to a personal connection. A review of grant documents and interviews of regional staff and the Regional Administrator regarding the allegations found that the Regional Administrator did not improperly influence the EPA grant in question.

### **Senior Executive Service**

#### **CASE 3**

A Senior Executive Service (SES)-level employee was found to have approved and signed false time and attendance records for a GS-15 scientist who was suffering from a debilitating disease and not working. For at least 1 year, the subject approved the scientist's time and attendance records certifying that he was working. Colleagues reported that the employee had been physically incapable of completing basic tasks, such as speaking or typing, but was allowed to receive full pay and benefits while living in an assisted living facility and unable to perform his duties as a scientist. The SES-level employee retired from the EPA on December 31, 2014, and the scientist retired January 3, 2015, both prior to administrative action being taken.

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<sup>1</sup> The OIG of the U.S. Environmental Protection Agency is also the OIG for CSB.

#### **CASE 4**

An SES-level EPA employee retired after issues of misconduct involving a 21-year-old female intern from another government entity were raised. The SES employee engaged in a series of interactions with the intern, who reported the interactions to her supervisor and indicated that she was “uncomfortable and scared” by the interactions. The investigation revealed additional allegations regarding the senior executive’s behavior toward women, as well as security violations and other issues. The investigation substantiated that the senior executive had engaged in a series of interactions, including some of a sexual nature, involving the intern. Also, the investigation substantiated that from 2004 through 2014 this senior executive engaged in conduct and exchanges, including some of an inappropriate nature and considered to be unwelcome, with 16 other females. Further, the investigation substantiated that the senior executive was not in compliance with building entry security procedures in bypassing a security checkpoint with the intern and not having her sign in as a visitor. The senior EPA employee retired January 9, 2015, prior to administrative action being taken.

#### **CASE 5**

John C. Beale, a former Senior Policy Advisor for the EPA’s Office of Air and Radiation, was sentenced on December 18, 2013, to serve 32 months in prison, following a plea agreement in which he admitted perpetrating multiple frauds to avoid performing his EPA job while still being paid. Beale also was sentenced to pay \$886,186 in restitution and a forfeiture judgment of \$507,207. He will serve 2 years of probation upon release from prison.

#### **CASE 6**

Three EPA employees were accused of misconduct. An acting Assistant Administrator allegedly assisted a former college roommate in getting a supervisory position at the EPA, and the supervisory employee allegedly hired and promoted an employee whom he subsequently married. The employees were at the SES, GS-15 and GS-14 levels, respectively. The allegations were unsubstantiated.

### **GS-14/15**

#### **CASE 7**

An EPA supervisor who admitted to allowing an employee to stay home and not perform any work while the employee collected full pay and benefits for approximately 6 years—costing the government over \$600,000—was terminated by the EPA on October 7, 2014. The supervisor stated that it was easier to allow this arrangement than go through the medical retirement process for the employee and deal with the employee’s union. The employee retired prior to administrative action being taken.

#### **CASE 8**

On July 21, 2015, an OIG special agent was suspended for 1 day without pay for failing to properly secure an OIG-issued firearm in the workplace.

#### **CASE 9**

Allegations were raised that an EPA employee was involved in the development of a job announcement and the only candidate on the certification list for the announcement, resulting in conflict of interest and prohibited personnel practices. The allegations were unsubstantiated. The investigation determined that the employee did not work on creating the job announcement, and the best-qualified list consisted of three individuals. The investigation found that the job announcement from which the employee was ultimately selected contained typical supervisory questions as part of the selection criteria.

#### **CASE 10**

In connection with the John C. Beale investigation, the OIG opened another investigation to determine whether a supervisory-level EPA employee had been involved in employee misconduct with regard to the administrative oversight and approval of Beale's travel vouchers from 2006 through 2009. Investigators found no evidence to support a finding that the employee had engaged in misconduct with regard to administrative oversight and approval of travel vouchers for Beale.

#### **CASE 11**

An EPA employee allegedly incurred over \$50,000 in international roaming charges on an EPA-issued cell phone. The allegation was unsubstantiated. The investigation found that the employee did not incur the charges, which occurred after the employee reported the device as stolen.

#### **CASE 12**

On March 24, 2015, an EPA employee received a Notice of Proposed Removal as a result of having been witnessed viewing pornographic material on an EPA computer during work hours by a minor who was in the building for the EPA's "Bring Your Daughters and Sons to Work Day." The investigation substantiated that the EPA employee had spent approximately 1 to 4 hours daily viewing and downloading pornography with EPA computer equipment during core work hours.

#### **CASES 13 and 14**

Two EPA employees allegedly committed time and attendance fraud. Interviews and a review of time and attendance records for each instance determined that the allegations were unsubstantiated.

#### **CASE 15**

The OIG received a congressional request to investigate whether certain EPA managers appropriately handled allegations of sexual harassment, and whether managers retaliated against employees who raised concerns. After conducting preliminary investigative steps, the OIG decided that its Office of Audit would pursue the matter to ensure that policies and procedures were followed in personnel matters. Any issues found will be reported to the Office of Investigations for further investigation.

#### **CASE 16**

On March 7, 2016, an EPA GS-14 employee was issued a warning memorandum regarding proper handling of confidential business information. The U.S. Army Corps of Engineers had provided the EPA with confidential business information related to a dredging project. The EPA employee allegedly released that information to the Florida Department of the Environmental Protection. Evidence obtained during the investigation supported the allegation that the employee had failed to comply with regulations and procedures related to the handling of confidential business information. This unauthorized release resulted in the information being placed on the Department of Environmental Protection's public website, as well as the direct release of the information by the department to an environmental organization. The employee admitted to releasing the information, but no criminal intent was found. Although the document was clearly marked as confidential business information not to be released outside of the EPA, the employee assumed the release was justified because it was to another regulatory agency. In addition to the written warning, the employee was directed to review the EPA policy related to the handling of confidential business information as well as to complete a training course related to this subject.

### **CASE 17**

On February 4, 2016, an EPA GS-15 employee resigned after allegations regarding nondisclosed outside employment were substantiated. The employee was working for a nonprofit organization while working at the EPA, and failed to include this employment information on a Confidential Financial Disclosure Report from 2009 to 2014.

### **CASE 18**

The investigation substantiated that an EPA employee allegedly represented a transportation training company back to the federal government in violation of federal ethics statutes concerning representational conflict of interest. In addition, the activity regularly occurred during the employee's EPA duty hours and involved the use of EPA resources. The employee represented the company back to the U.S. Department of Transportation's Federal Motor Carrier Safety Administration, and the employee conducted business related to the function of the company during EPA business hours with government resources. On September 17, 2015, the EPA issued the employee a Letter of Warning.

## **GS-13 and below**

### **CASE 19**

On September 3, 2015, the EPA OIG removed an employee from employment for falsifying time and attendance records, being absent without leave, violating the OIG telework policy, and lack of candor. The investigation disclosed that the employee falsely claimed telework hours on numerous occasions. The employee admitted to reporting telework hours for unauthorized time away from an assigned alternate work location, and failing to perform government work. The employee also was required to reimburse the government for pay received for the time periods identified as unauthorized leave.

### **CASE 20**

An EPA compliance inspector was involved in an altercation with an individual and allegedly stated to the individual that if he was assaulted it would be a felony because he has "an EPA badge." The investigation substantiated the allegation, and the employee was verbally counseled by an EPA official. A Memorandum of Counseling was issued to the employee on November 13, 2015.

### **CASE 21**

An EPA Criminal Investigation Division special agent allegedly violated federal law by taking ownership of complete, and partially complete, non-serialized AK-47 receivers and abused law enforcement authority as a federal officer by intimidating a licensed gun dealer. The allegation regarding the receivers was unsupported because the agent is a licensed firearms dealer. The allegation that the agent abused law enforcement authority was also unsupported.

### **CASE 22**

An EPA OIG special agent allegedly misused a government-issued travel card while on personal travel by making three cash withdrawals on June 16, 2015, totaling approximately \$350. When interviewed by the investigating agent, the employee explained that the cash withdrawal was made using the government-issued travel card because the employee's personal credit card did not allow cash advances, the ATM withdrawal limit for the day had been used up on the employee's ATM card, and the employee did not want to travel home without any cash. The employee had notified a supervisor immediately upon returning to work about the cash advances. The supervisor verbally counseled the employee, and the

employee made requisite payment for the charges. The employee also signed a Memorandum of Counseling on November 20, 2015, which will remain in the employee's personnel file for 1 year.

#### **CASES 23 and 24**

Two EPA employees allegedly committed time and attendance fraud. Interviews and a review of time and attendance records in each instance determined that the allegations were unsubstantiated.

#### **CASE 25**

On February 10, 2016, the OIG was notified that an EPA employee had completed a 14-day suspension for lack of candor during an investigation and conduct unbecoming of a federal employee. In July 2014, the employee falsely reported that a threat had been made at an EPA facility in Region 4. When questioned, the employee lied about making the false report. Later, the employee admitted that the false report had been made in retaliation for accusations made against the employee that had resulted in an internal investigation by EPA personnel. The false report of the threat resulted in a heightened security level at the EPA facility and the reallocation of EPA security.

#### **CASE 26**

On July 29, 2015, a former EPA Criminal Investigation Division special agent was sentenced to 1 year of probation and ordered to pay restitution and fines totaling \$8,000 for making a false statement. The special agent was found to have intentionally not documented reportable earnings on a Confidential Financial Disclosure Report and then certified the document as accurate. The unreported earnings were derived from the special agent's involvement in a pyramid scheme. The employee retired from federal service in January 2015 as a result of the OIG investigation.

#### **CASE 27**

An EPA Criminal Investigation Division special agent allegedly had an exhaust gas recirculation kit or modified emissions control system installed on his personal vehicle, both of which are violations of state environmental and/or emission laws. The vehicle was inspected by an independent authorized mechanic and no kits or emission modifications to the vehicle were found. The allegation was unsubstantiated.

### **Miscellaneous (Unknown Subjects and Contractor Employees)**

#### **CASE 28**

A former SES-level EPA employee allegedly violated a federal 1-year post-employment restriction. The investigation determined that the former employee violated a criminal statute by contacting several former co-workers at the EPA to invite them to speak in their official capacity at a conference that the former employee was organizing for a client. On July 6, 2015, the EPA sent a notification letter to the former employee stating that the U.S. Department of Justice had declined the case for prosecution and no administrative action could be taken.

#### **CASE 29**

An individual in an Intergovernmental Personnel Act position through a state allegedly participated, personally and substantially, in matters that had direct and predictable financial interests for the state, which violates the ethics standards for EPA employees—specifically, conflict of interest policies. Though employed by the state, the employee is considered an EPA employee because the EPA is reimbursing the state for the employee's salary during the assignment and, thus, the employee is held to EPA ethical standards and guidelines. The investigation substantiated the allegation. However, the employee

already had self-determined a violation of EPA conflict of interest policies having acted on flawed legal advice and guidance from EPA officials. Upon learning of the violation, the employee immediately ceased the activity and self-reported to the supervisor; in turn, the employee requested a conflict of interest waiver through the EPA Office of General Counsel. The employee was allowed to continue at the EPA because a conflict of interest no longer existed.

### **CASE 30**

A former EPA employee allegedly did not follow government ethics procedures in connection with a watershed assessment performed by the EPA during the former employee's tenure. In conjunction with an OIG evaluation of the watershed assessment, investigators attempted to obtain potentially relevant personnel records from the EPA for the period of 2008 through 2013. In October 2015, EPA Human Resources reported to the OIG that it had reviewed the former employee's official personnel file but found no record of any ethics or other violations. EPA Human Resources advised that such records are maintained in the official personnel file for 2 years and then destroyed. The investigation was closed.

### **CASE 31**

On October 6, 2015, an EPA contractor was ordered to pay \$22,088 in restitution as a result of one of its employees watching pornography on an EPA computer. The investigation disclosed that the employee routinely visited adult sites and installed special software to delete the web browsing history on the computer. For 18 years, the contractor's employee had spent approximately 1 to 2 hours a day viewing pornography with the EPA computer equipment during core work hours.

### **CASE 32**

In 2008, 98 EPA laptop computers were reported stolen to the Federal Protective Service. In November 2015, the OIG was notified of the recovery of one of those computers. The Federal Protective Service made contact with the individual who allegedly took the laptop, and it was returned. The former contractor denied stealing the laptop and said he had forgotten it was in his possession. No action was taken against the former contractor because he no longer worked at the EPA and the matter was outside the statute of limitations.

### **CASE 33**

An employee of the U.S. Department of Health and Human Services Public Health Service, assigned to the EPA, resigned from the Public Health Service in lieu of termination after allegations of viewing pornographic material on an EPA-issued laptop during work duty hours were substantiated. During the investigation, the employee also admitted to using an EPA-issued iPhone for similar activities. Additionally, the investigation found that the employee used the laptop for personal email and downloading movies. It was determined that the employee was viewing the images at work and at home on the laptop for up to 6 hours a day for at least 10 months. The employee submitted a Separation of a Commissioned Officer form on July 2, 2015.

### **CASE 34**

An OIG investigation substantiated the allegation that an EPA contractor assaulted an EPA co-worker at a Washington, D.C., Metro station. The contractor was convicted on misdemeanor assault and battery charges in Fairfax County, Virginia. On January 13, 2015, as a result of the assault, the victim was granted a 2-year Final Protection Order by the Fairfax County General District Court. The contractor was ordered by the court to abide by the order and not be involved in any additional criminal activity or misconduct for a period of 1 year. EPA management requested that the contractor receive ongoing counseling from his employer. The employer agreed to this administrative action.