

## **Summary of Closed Employee Integrity Cases** **April 1, 2015, to September 30, 2015**

Statistics on employee integrity investigation cases closed during the semiannual reporting period April 1, 2015, through September 30, 2015, as well as summaries of the cases, follow.

	Political appointees	SES	GS-14/15	GS-13 and below	Misc.	Total
Pending 4/1/15	4	11	24	41	2	82
Open	1	2	19	32	5	59
<b>Closed</b>	<b>0</b>	<b>4</b>	<b>5</b>	<b>9*</b>	<b>2</b>	<b>20</b>
Pending 9/30/15	2	13	39	57	13	124

\*Number was adjusted after *Semiannual Report to Congress* ending September 30, 2015, was published.

### **Political Appointees**

None

### **Senior Executive Service**

#### **CASE 1**

A Senior Executive Service (SES)-level supervisor allegedly engaged in inappropriate behavior, hiring, promotions and management of programs. Also, the supervisor allegedly compromised his ability to be objective in his conduct at work and in his management of senior staff. The supervisor admitted involvement in an inappropriate romantic relationship with a subordinate, GS-15-level, employee. Additionally, evidence showed that the supervisor attempted to influence other EPA employees in an effort to promote the subordinate employee. The supervisor retired from the EPA before a report of investigation could be presented to the agency.

NOTE: A GS-15 EPA employee was also a subject in this investigation.

#### **CASE 2**

An SES-level employee allegedly allowed a District of Columbia institute to pay for a family member's trip to attend a conference co-sponsored by the EPA, asked the institute for an internship for that family member, and allowed the family member to help at an EPA-sponsored conference in an unofficial capacity. The allegation that the institute paid for the trip was unsupported, but facts supported allegations that the family member volunteered to work at the conference and the employee asked for an internship for the family member. The employee was orally admonished and also met with the EPA's Senior Ethics Counsel in December 2014 to gain a complete understanding of the violation.

### **CASE 3**

An SES-level employee allegedly violated the “Acts Affecting a Personal Financial Interest” (18 U.S.C. § 208) by participating in a specific agency matter related to one of the employee’s assets in an outside company that represented a potential conflict of interest. The investigation revealed that, in March 2014, the employee signed a motion on behalf of the EPA to intervene as a commenter on the Canadian environmental review process for the Trans Mountain Pipeline Expansion Project while owning over \$30,000 worth of stock in the company. This activity occurred even though the EPA had provided the senior executive with a letter of caution in September 2013 regarding the employee’s stock in the company and the potential for a conflict of interest. The employee did not consult with EPA ethics counsel in advance regarding the motion. A report of investigation was presented to the EPA on January 16, 2015. On February 19, 2015, an EPA regional official verbally counseled the senior executive regarding the specific conflict of interest and on employee ethics obligations, in general.

### **CASE 4**

An SES-level employee allegedly knowingly approved or authorized the approval of fraudulent time-and-attendance and travel vouchers, and bonuses for John C. Beale, a former Senior Policy Advisor for the EPA who since has pleaded guilty to committing multiple frauds from 2000 to 2012. Additionally, the employee made false statements to investigators during the investigation of Mr. Beale. The investigation determined that the SES-level employee who reviewed and approved time-and-attendance and travel for Mr. Beale and other senior executives in the Office of Air and Radiation lacked due diligence in exercising EPA duties, costing the government \$184,193. The employee retired prior to administrative action being taken by the agency.

## **GS-14/15**

### **CASE 5**

An EPA project manager allegedly intended to solicit grantee staff to make purchases and/or reimbursements for personal services. The Office of Inspector General (OIG) investigated 13 allegations of employee misconduct, and 11 were substantiated. Administrative action was taken against the employee for stealing more than \$5,000 of grant funds from a U.S.–Mexico border program by diverting funds through invoices. The employee agreed to reimburse the EPA the funds, as well as accept a 2-grade demotion, which will result in a 2-year cost savings to the agency of \$68,000.

### **CASE 6**

Potential conflicts of interest were alleged to have resulted from the appointment of an EPA attorney as Chairman of an environmental quality board. The allegation noted that the employee claimed to speak for or represent the EPA in meetings with the local regulated community, and may have misused the dual positions for private gain. In addition, according to the allegation, the EPA employee may have sponsored and organized a fundraising event, and required board employees to make donations and attend the event for the re-election campaign of a governor. The investigation was unable to substantiate that the employee had used the EPA position for private gain or that the employee had made board employees contribute to a fundraising event. The employee resigned from the EPA during the investigation. This case was presented to the U.S. Office of Special Counsel and the U.S. Attorney’s office; both declined advancing the matter.

### **CASE 7**

An EPA Office of Research and Development employee allegedly falsified timesheets while on extended medical telework and under a reasonable accommodation agreement. After the employee's supervisor reviewed the employee's BlackBerry call log, which showed that phone calls had been made during work hours from locations other than the approved telework site, it was alleged that the employee was not at the approved telework site working but instead out of town and claiming telework time worked. The investigation confirmed that calls had been made originating from locations other than the employee's approved telework site for the period questioned by the supervisor. However, a review of the employee's more recent records provided no indication that the employee had traveled or worked off-site anywhere other than at the employee's residence. The investigation was hindered because the employee's BlackBerry was returned to the agency, restricting the ability to track the employee's use and whereabouts. The case was deemed inconclusive and closed when the employee retired from the EPA, and a subject interview could not be completed.

### **CASE 8**

An EPA GS-15-level division supervisor allegedly requested that EPA label reviewers not follow Federal Insecticide, Fungicide, and Rodenticide Act guidelines when conducting label reviews on products being supported by former EPA employees. Interviews were conducted, and the EPA emailboxes of several employees were reviewed. The investigation produced insufficient evidence to substantiate the allegation.

## **GS-13 and below**

### **CASE 9**

An EPA employee allegedly was cited for attempting to bring approximately three grams of marijuana and two marijuana pipes through the security checkpoint at an Internal Revenue Service facility in Denver, Colorado, and arrested on an active warrant for failure to appear. The investigation confirmed that the employee had appeared in the U.S. District Court for the District of Colorado and was found guilty of one count of possession of marijuana on federal property. The employee was sentenced to a 3-day suspended sentence, 12 months' unsupervised probation and 20 hours of community service, and was ordered to pay a \$2,500 fine. The employee was suspended from the EPA for 21 days without pay.

### **CASE 10**

An EPA employee allegedly failed to disclose criminal and financial indebtedness when completing form OF-306, *Declaration for Federal Employment*, and form SF-85P, *Questionnaire for Public Trust Positions*. The investigation revealed that, during an employment suitability background investigation of the EPA employee conducted by the Office of Personnel Management, criminal and financial indebtedness information surfaced that previously had not been divulged on forms OF-306 and SF-85P. The EPA's Personnel Security Branch requested from the employee documentation of the paying down of accumulated debts. The documentation tendered did not appear authentic and was determined to be fraudulent. The employee provided false information to the EPA concerning criminal history and failed to pay accrued personal debts, which included an EPA travel card balance of \$10,226. The EPA presented the employee with a letter of proposed removal; however, the employee retired from the EPA prior to removal.

#### **CASE 11**

An EPA employee allegedly misused an EPA-issued travel credit card for personal expenses. During an interview, the employee admitted using the EPA-issued travel credit card for personal charges totaling \$625. The employee stated a belief that there was no loss to the government as the expenses were subsequently paid for with cash. The employee had not been candid with supervisors and the OIG when initially questioned about the personal charges. The employee was issued a 14-day suspension.

#### **CASE 12**

An EPA employee allegedly improperly used an EPA purchase card to order an iPad for personal use. The allegation was substantiated, and the EPA entered into an agreement with the employee directing a 45-day suspension, without pay, for unauthorized possession of government property. The period of the suspension was served non-consecutively between March and June of 2015.

#### **CASE 13**

An EPA employee allegedly attended, in an official capacity, a meeting at a company while intoxicated. The investigation did not discover any evidence to substantiate the allegation against the employee.

#### **CASE 14**

An EPA employee allegedly was committing timesheet fraud. Database records pertaining to the employee's building access and official EPA timekeeping system history, as well as available surveillance video, were reviewed and analyzed. The employee and the employee's supervisor were interviewed. The investigation did not substantiate the allegation.

#### **CASE 15**

An EPA employee allegedly had been improperly receiving locality pay for the Raleigh-Durham-Cary, North Carolina area since September 2010 while residing outside the locality pay area. Additionally, the employee was on medical telework under a reasonable accommodation agreement but the employee's supervisor was located in Washington, D.C. A database query confirmed that the employee resided 150 miles from the EPA's Research Triangle Park offices, outside of the Raleigh-Durham-Cary, North Carolina locality pay area. Therefore, the employee should have been paid per the U.S. General Schedule at an amount approximately 3 percent lower than the Raleigh-Durham-Cary locality pay area. The investigation confirmed that the employee's supervisor worked in Washington, D.C. The employee resigned from the EPA, and a subject interview could not be completed.

#### **CASE 16**

An EPA employee may have violated conflict of interest laws by representing two nonprofit organizations back to the federal government. The investigation did not substantiate the allegation but uncovered evidence of other violations. The employee had misused EPA resources, such as EPA email and an EPA-issued computer, to conduct business on behalf of the two nonprofit organizations. The employee had neglected to disclose involvement with the nonprofit organizations on the *Confidential Financial Disclosure Report* (OGE Form 450). The employee also had allowed biographical information to be posted on one nonprofit organization's website, and the biography gave more prominence to the employee's EPA position than to other details. After this discovery, the biography was removed from the organization's website. Additionally, the employee was acting in a "leader" capacity at the same nonprofit and previously had been a board member there (while concurrently working for the EPA). A report of investigation was presented to the EPA, which later notified the OIG that the employee was suspended for two days.

**CASE 17**

An EPA employee allegedly violated EPA administrative policies by viewing and downloading pornographic materials as well as various movies and video clips with an EPA-issued computer through the EPA network during core working hours. The investigation substantiated the allegations. The employee was issued a Notice of Proposed Removal. The employee retired in lieu of termination.

**Miscellaneous (unknown subjects and contractor employees)****CASE 18**

A potential conflict of interest allegedly existed between an EPA Senior Environmental Employee (SEE) Program employee at an EPA laboratory and an employee from an environmental emissions certification company. The complainant referenced an email from 2006 from the company employee to the SEE employee's personal email address outlining an offer for the SEE employee to provide consulting services to the company. Another allegation involved gifts that may have been provided to various EPA SEE employees from the same company. The investigation did not develop sufficient information to suggest that an attempt to influence an official act took place. During an interview, the SEE employee denied being offered employment by the company. Because the alleged incident occurred in 2006, the current whereabouts of the company employee are unknown, and a civil judgment since has been remedied against the company and the company has been dissolved, furtherance of the investigation was not believed to be in the best interests of the U.S. government. The EPA lab instituted procedures to enhance ethics awareness among its SEE employees. The OIG is satisfied that the matter of SEE Program and EPA employees receiving gifts was sufficiently addressed.

NOTE: A SEE Program employee is not a federal employee but rather a private individual whose employment is paid for through an EPA grant.

**CASE 19**

A former SEE employee in an EPA laboratory allegedly disclosed law enforcement actions to the subject of an EPA Criminal Investigation Division investigation. The subject and Criminal Investigation Division investigators were interviewed by the OIG. The allegation of obstruction of justice against the now-retired SEE employee was not substantiated.