

## **ABSTRACT FROM INVESTIGATIVE REPORT NO. 12-0447**

*June 2, 2015*

### ***The Office of Inspector General's Investigation into Alleged Contracting Misconduct and Exertion of Improper Influence Involving a Senior National Weather Service Official***

In January 2012, the Office of Inspector General (OIG) of the United States Department of Commerce received three anonymous complaints alleging improprieties related to a Senior Official in the National Weather Service (NWS), an agency within the National Oceanic and Atmospheric Administration (NOAA), being retained by NWS as a consultant immediately upon his retirement from the agency. These complaints also alleged improprieties related to the payment by NWS of Senior Official's lodging expenses once he became a consultant. In addition, the complaints alleged that Senior Official had attempted to exert improper influence on NWS officials for purposes of securing a contractor position for his immediate family member.

To address these allegations, the OIG conducted an investigation that resulted in a finding that Senior Official was personally and substantially involved in the procurement of his own post-retirement consulting services for NWS. This involvement implicated numerous federal laws and regulations, including the criminal conflict-of-interest statute found in 18 U.S.C. § 208. Specifically, the evidence obtained over the course of our investigation establishes that Senior Official engaged in the following while still holding his position as a federal employee:

- Drafted and edited the applicable statement of work for his post-retirement consulting position;
- Participated with NWS officials in setting what labor category and rates would be used to pay for his consulting services; and
- Signed the task management plan that created the consulting position he would take upon his retirement on behalf of the contractor that would be employing him.

In addition, the evidence indicates that Senior Official took inappropriate steps to arrange for the payment by NOAA of approximately \$50,000 worth of his post-retirement housing expenses. In particular, while still holding his government position, Senior Official instructed his direct subordinate to facilitate his post-retirement use of a NOAA housing contract intended to accommodate senior executives on temporary assignments to NOAA headquarters in Silver Spring, Maryland, even though Senior Official was not eligible for housing under this contract once he became a consultant.

Evidence obtained by the OIG also establishes that, after he became a contractor himself, Senior Official contacted several NWS officials in an attempt to secure a contract position at the agency for one of his immediate family members. Although Senior Official denied acting inappropriately in seeking employment for his family member, we found that the overwhelming weight of evidence, including his own emails and consistent and credible testimony from other witnesses, contradicted Senior Official's version of events. Indeed, the evidence indicates that

Senior Official may have gone so far as offering to influence NWS officials to promote one particular NWS employee if the employee could find a position for Senior Official's family member. We conclude that Senior Official's actions in attempting to influence the NWS staff were improper, and some of those actions may have implicated 18 U.S.C. § 201, the criminal statute prohibiting bribery of public officials.

While the OIG's investigation resulted in a finding that Senior Official's actions may have violated applicable federal law, the investigation also established that several other NWS officials share responsibility for the situation that took place. Indeed, the evidence indicates (1) that Senior Official acted at the direction and with the approval of his supervisor at all times and (2) that Senior Official's consulting arrangement was facilitated and approved by NOAA officials with responsibility for ensuring integrity in government contracting.

As a result of our investigation and initial briefings with NOAA's senior leadership regarding the evidence, NOAA took immediate action to terminate Senior Official's contractual arrangement in early 2012. In total, Senior Official's post-retirement work as a consultant cost the government \$471,875.34. Because of our conclusion that certain of Senior Official's actions may have violated federal criminal law, the OIG referred this matter for prosecution, but the relevant prosecutors declined to pursue charges. The OIG is seeking the suspension and debarment of Senior Official from any future contracting work, and – because the evidence indicates an apparent lack of understanding about applicable laws and regulations on the part of multiple agency officials beyond Senior Official himself – the OIG is also taking steps to ascertain whether this matter is indicative of more systemic “revolving door” contracting problems within NOAA.

*OIG's full report of investigation on this matter may be requested pursuant to the Freedom of Information Act (5 U.S.C. § 552). For more information or to file a request, visit [OIG's website](#) and click “FOIA” at the bottom of the screen.*