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The Secretary of Energy Washington, D.C. 20585

JAN 17 2014

John Greenewald The Black Vault

Re: Freedom of Information Act Request HQ-2013-01207-F

Dear Mr. Greenewald:

This is the Office of Inspector General (OIG) response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You asked for a copy of all records pertaining to the Department of Energy Office of Inspector General's Case Number I12RS055.

The OIG has completed the search of its files and identified seven documents responsive to your request. A review of the responsive documents and determination concerning its release has been made pursuant to the FOIA, 5 U.S.C. § 552. Based on this review, the OIG determined that certain material has been withheld from the responsive documents pursuant to subsections (b)(6) and (b)(7)(C), respectively. Specifically, the OIG review determined:

- Documents 1, 2 and 4, through 7 are being released to you with certain material withheld pursuant to Exemptions 6 and 7(C), and
- Document number 3 originated within or under the jurisdiction of the Loan Programs Office. The document has been forwarded to the Loan Programs Office for a determination concerning its releasability. The Loan Programs Office will respond directly to you concerning this document.

Exemption 6 protects from disclosure "personnel and medical and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy...." Exemption 7(C) provides that "records or information compiled for law enforcement purposes" may be withheld from disclosure, but only to the extent the production of such documents "could reasonably be expected to constitute an unwarranted invasion of personal privacy...."

Names and information that would tend to disclose the identity of certain individuals have been withheld pursuant to Exemptions 6 and 7(C). Individuals involved in the OIG enforcement matters, which in this case include subjects, witnesses, sources of information, and other individuals, are entitled to privacy protections so that they will be free from harassment, intimidation and other personal intrusions.

To the extent permitted by law, the DOE, in accordance with Title 10, Code of Federal Regulations (C.F.R.), Section 1004.1, will make available records it is authorized to withhold pursuant to the FOIA unless it determines such disclosure is not in the public interest.



To the extent permitted by law, the DOE, in accordance with Title 10, Code of Federal Regulations (C.F.R.), Section 1004.1, will make available records it is authorized to withhold pursuant to the FOIA unless it determines such disclosure is not in the public interest.

In invoking Exemptions 6 and 7(C), we have determined that it is not in the public interest to release the withheld material. In this request, we have determined that the public interest in the identity of individuals who appear in these files does not outweigh these individuals' privacy interests. Those interests include being free from intrusions into their professional and private lives.

To the extent permitted by law, the DOE, in accordance with Title 10, Code of Federal Regulations (C.F.R) § 1004.1, will make available records it is authorized to withhold pursuant to the FOIA unless it determines such disclosure is not in the public interest.

As required, all releasable information has been segregated from the material that is withheld and is provided to you. See 10 C.F.R. § 1004.7(b)(3).

This decision may be appealed within 30 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to the Director, Office of Hearings and Appeals, HG-1/L'Enfant Plaza Building, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585-1615.

Thereafter, judicial review will be available to you in the Federal district court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where the Department's records are situated, or (4) in the District of Columbia.

Sincerely,

mil D s. nil

Michael S. Milner Assistant Inspector General for Investigations Office of Inspector General

Enclosures

Office of the inspector General (OIG)

OIG Hotline - Executive Brief Report (HEB)

Report run on: May 16, 2013 8:54 AM

Case Number: 112R\$055

Summary Date: 20-JUN-12

Page 1

Title:

FISKER AUTOMOTIVE; QUESTIONABLE BUSINESS PRACTICES; LP-10

Executive Brief:

PREDICATION:

ON 26-MAR-2012, THE HOTLINE RECEIVED AN EMAIL, FORWARDING A MEMO TO FILE DOCUMENTING A 26-MAR-2012, TELEPHONE CALL BETWEEN INSPECTOR GENERAL GREG FRIEDMAN, DEPUTY INSPECTOR GENERAL FOR AUDITS AND INSPECTIONS RICKEY HASS AND (b)(6)(b)(7)(C) U.S. GOVERNMENT ACCOUNTABILITY OFFICE (GAO). SPECIFICALLY, THE PURPOSE OF THE CALL WAS TO DISCUSS A COMPLAINT GAO RECEIVED FROM (b)(6)(b)(7)(C) [NOT FURTHER IDENTIFIED], WHO ALLEGED QUESTIONABLE BUSINESS PRACTICES BY FISKER AUTOMOTIVE, A RECIPIENT OF DOE LOAN PROGRAM OFFICE FINANCING.

DISPOTISION: ON 26-MAR-2012, DIGI HARTMAN ADVISED THAT, THIS MATTER IS TO BE REFERRED (RS) TO LP-10.

RESPONSE:

IN A MEMORANDUM DATED 05-JUN-2012, THE ACTING EXECUTIVE DIRECTOR FOR THE LOAN PROGRAM OFFICE ADVISED THE OIG THAT AS OF 31-MAY-2011, FISKER RECEIVED \$192,255 MILLION IN AGGREGATE TOTAL FUNDING OF BOTH "KARNA" AND "NINA" LOANS UNDER THE DEPARTMENT'S ADVANCED TECHNOLOGY VEHICLES MANAGEMENT LOAN PROGRAMS. THE DEPARTMENT HAS NOT MADE NEW LOAN ADVANCES TO FISKER SINCE MAY 2011. AS OF 31-MAY-2012, FISKER WAS CURRENT ON ANY AND ALL SCHEDULED PAYMENTS OF INTEREST ON SUCH LOANS. NO PRINCIPAL IS YET DUE ON FISKER'S ATVM LOANS.

FILE CLOSED,



Department of Energy Washington, DC 20585

March 29, 2012

MEMORANDUM FOR	THE EXECUTIVE DIRECTOR, LOAN PROGRAMS OFFICE
	John R. Hartman
FROM:	John R. Hartman
	Deputy Inspector General for Investigations

SUBJECT:

Questionable Business Practices by a Recipient of Loan Programs Office Financing (OIG File No. 112RS055)

This memorandum serves to advise you of a complaint received by the U.S. Department of Energy's (Department) Office of Inspector General (OIG) Hotline from the U.S. Government Accountability Office. Upon our review, we determined that the facts and circumstances of the complaint pertain to your office's programs and operations; therefore, we are referring this matter to your office for appropriate action. The OIG would appreciate a written reply within 30 calendar days of your office's receipt of this memorandum. We will review your office's response, including any additional facts you develop, to determine if further OIG action is warranted.

The details of the complaint as reported to the OIG are as follows:

Fisker Automotive, Inc. (Fisker) is violating the terms and conditions of its Department Advanced Technology Vehicles Manufacturing Loan. Specifically, the company is technically insolvent or nearing insolvency. The company's difficult financial straits are attributed, in part, to the exorbitant salaries paid to Fisker managerial officials. Additionally, Fisker is improperly using Department funds for what is termed a "Karma model" versus what is known as the "Nina" in violation of the terms of Fisker's Department financing.

This memorandum, including any attachments and information contained therein, is the property of the Office of Inspector General and is for OFFICIAL USE ONLY. The original and any copies of the memorandum must be appropriately controlled and maintained. Disclosure to unauthorized persons without prior Office of Inspector General written approval is strictly prohibited and may subject the disclosing party to liability. Unauthorized persons may include, but are not limited to, individuals referenced in the memorandum, contractors, and individuals outside the Department of Energy. Public disclosure is determined by the Freedom of Information Act (Title 5, U.S.C., Section 552) and the Privacy Act (Title 5, U.S.C., Section 552a).

Please contact	Assistant Special Age	ent-in-Charge (b)(6).	^{(b)(7)(C)} on	(202) 586	or at	(b)(6),(b)(7)(C)
	@hq.doc.gov should			s matter.	· · ·	

OFFICIAL USE ONLY

(b)(6),(b)(7)(C) (b)(6),(b)(7)(C) From: Sent: Thursday, May 10, 2012 3:28 PM To: (b)(6),(b)(7)(C) Subject: RE: Request for Status IOIG Referrals) (b)(6),(b) (7)(C) Per your request, I will provide you a copy of the referral. It appears your Entrust may not be working. I will have a hard copy delivered to your office. In the meantime I am extending the response date to June 8, 2012. Do not hesitate to let me now should you require anything additional. Also, in the future, should we include you in the distribution of referral letters to your office? /s/· (b)(6),(b)(7(C) -----Original Message-From: ((b)(6),(b)(7)(C) Sent: Thursday, May 10, 2012 11:58 AM To: (b)(6),(b)(7)(C) Cc: (b)(6),(b)(7)(C) Subject: FW: Request for Status [OIG Referrals] (b)(6),(b)(7)(C) $\frac{(b)(6)}{(2)}$, Am following up on your note to I cannot find anything about this in my inbox. If it came to (b)(6),(b)(7)(C) would have sent to me to draft a response. Would you resend the referral letter, and we will get on it right away. I apologize for dropping the ball. Regards, (b)(6),(b) (7)(C) ----Original Message---From: (b)(6),(b)(7)(C) Sent: Thursday, May 10, 2012 10:30 AM To: (b)(6),(b)(7)(C) Subject: FW: Request for Status [OIG Referrals] (b)(6),(b)(7)(C) . Do you know anything about this? (b)(6),(b)(7)(C) -----Original Message From: (b)(6),(b)(7)(C) Sent: Thursday, May 10, 2012 9:40 AM To: (b)(6),(b)(7)(C) Subject: Request for Status [OIG Referrals] Good morning: I am inquiring as to the status of your office's response to OIG Referral No. I12RS055. Our referral letter was dated March 29, 2012. A response was due on or about April 29, 2012. Please let me know should your office require additional time to review this matter. Should your office have already responded, I would appreciate receiving a courtesy copy of the response.

Do not hesitate to let me know should you have questions or require anything additional.

/s/ (b)(6),(b)(7)(C) Assistant special Agent-in-Charge Hotline and Analysis Section Office of Investigations Office of Inspector General U.S. Department of Energy (b)(6),(b)(7)(Q202) 586-(office)

	U.S. DEPARTMENT OF ENERGY OFFICE OF INSPECTOR GENERAL	
· · · ·		Supervisor Initials:
	COMPLAINT FORM	
I. REFERENCE DATA		
Hotline No: <u>IGH1</u> Date: <u>26-MAR-2012</u>		: <u>P12HL300</u> n By: (b)(6).(b)(7)(C)
II. COMPLAINANT IN	FORMATION	
Name: (b)(6),(b)(7)(C)		Gender: Male
Use Name? <u>Unknown</u> OIG confidentiality	policy explained? No	
Complainant Status:	Private Citizen/General Public	
Employer:	Did Not Provide	
Position/Title:	Did Not Provide	
Work Address: (street) (City, State & Zip)	Did Not Provide	1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.
Telephone No.:	Did Not Provide	
[Include E-Mail]		
Home Address: (street)	Did Not Provide	
(City, State & Zip) Telephone No.: (Include E-Mail)	(b)(6),(b)(7)(C)	
III. ALLEGATION(S)	(Who, What, When, Where, Why, How, ar	nd Impact. Identify Attachments,

Available Documentation, and Other Witnesses.)

ISSUE(S): Questionable Business Practices by a Recipient of Loan Program Office Financing

DETAILS: On 26-MAR-2012, the Hotline received an email forwarding a memo to file documenting a 26-MAR-2012, telephone call between Inspector General Greg Friedman, Deputy Inspector General for Audits and Inspections Rickey Hass and (b)(6),(b)(7)(C) U.S. Government Accountability Office (GAO). Specifically, the purpose of the call was to discuss a complaint GAO received from (b)(6),(b)(7)(C) [not further identified], who alleged questionable business practices by Fisker Automotive, a recipient of DOE Loan Program Office financing. (See Attached)

(Details continued on page 3? No

P12HL300

No

IV. COMPLAINT ANALYSIS

A. Identifiable Criminal, Civil, or Administrative Violation(s)? Undetermined (If yes, identify specific law(s), regulation(s), order(s), contract clause(s), etc.)

Citation & Title

- B. Estimated Loss to Government: \$ Unknown
- C. Does Complaint Involve Potential or Actual ES&H Hazard? No If yes, ES&H Notification (Date, Name, Title, and Location of ES&H Official):
- D. Is the Complaint a Security Issue Requiring Immediate Action? No If yes, Security Notification (Date, Name, Title, & Location of Security Official):
- 'F. Complaint Generated by Organizational Issues? No (RIF, reorganization, closing, etc.) If yes, explain:

G. Does Complaint Relate to a Current Audit, Inspection, or Investigation?

If yes, project title/code:

H. Does Complaint Involve a Notable Information Technology Issue? <u>No</u> If yes, OIG Technology Audit Group or Technology Crimes Section Notification (Date, Name, Title, and Location of OIG Official):

I. Indices (Check	Conducted:		Date27-	MAR-201	2		
Complainant:		+Positive -Negative		[] (b)(6),(b) (7)(C)				•
Subject:	-	+Positive -Negative		[] [Fisker]	1		-	
Witness(s):		+Positive -Negative		(b)(6),(b)(7)				
Results:	•	If positiv	e, se	e Section	VI. "Ot	her Note	s" below.	

	ALLEGATION	DETAILS	(CONTINUED)
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v

•		•	(Attachments?	fes
••			• •	
VI. OTHER NOTES				
1. A review of Rec for Fisker.	overy.gov and USAsp	pending.gov reve	ealed negative results	
2. An Internet sea	urch of Fisker Auton	notive's website	2	
	ive.com) revealed t			
and a second second		×		
Fisker Automotive, 5515 E. La Palma	inc.			
Anaheim, CA 92807	- USA		•	
Main Line: 714-888				
Fax Line: 714-888-				
3. An Internet sea	rch for (b)(6),(b)(7)(C)	revealed the f	ollowing information:	
(b)(6),(b)(7)(C)			•	
	Resources and Envir			
U.S. Government Ac	countability Office	(Washington, D	(C)	:
VII. COMPLAINT DI	SPOSITION		· ·	
Perommended Astion	: • See "Other Note	s" Rolou		
Necommended Action	 CCC Recommendat 			÷.,
	• If an RR/RS, re			
			DIGI Hartman advised	
			ferred (RS) to LP-10.	
CCC Review Date:				
CCC Disposition:	•			
CCC Notes:	2 ·			
	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·		

2/01/01

P12HT300

Page 3 of 3

(b)(6),(b)(7)(C)	
From:	(b)(6),(b)(7)(C)
Sent:	<u>Monday, March</u> 26, 2012 4:00 PM
To:	(b)(6),(b)(7)(C)
Cc:	(b)(6),(b)(7)(C)
Subject:	FW: New Allegation
Attachments:	fisker allegation docx
Importance:	Low
Follow Up Flag:	Follow up
Flag Status:	Flagged

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

For processing:

Per John today, the matter is to be RS'd to LP-10 by the end of the week.

1



Memorandum to File - By Rickey R. Hass, DIGAI

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

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

On March 26, 2012, at about 2:30 pm, I participated in a telephone call between the IG, Greg Friedman, $(b)^{(6),(b)(7)(C)}$ U.S. Government Accountability Office (GAO).

 (b)(6),(b)(7)(C)
 calling to provide some information related (b)(6),(b)(7)(C)
 by a member

 of the public.
 (b)(6),(b)(7)(C)
 that the caller, a (b)(6),(b)(7)(C)
 becausd (b)(6),(b)(7)(C)

 becausd (b)(6),(b)(7)(C)
 had read GAO's recent report on the Loan Guarantee Program.
 (b)(6),(b)(7)(C)

 purchase Fisker Automotive, a recipient of a Department of Energy (DOE) ATVM Loan
 Guarantee. As part of the due diligence process in determining Fisker's value, (b)(6),(b)(7)(C)

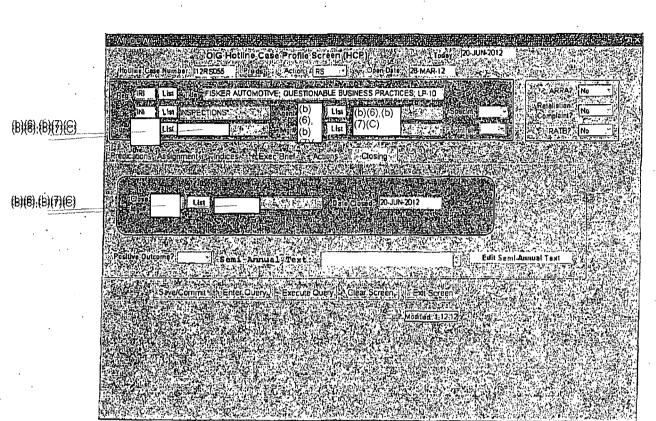
 members of Fisker's Board of Directors and (b)(6),(b)(7)(C)
 members of Fisker's Board of Directors and (b)(6),(b)(7)(C)

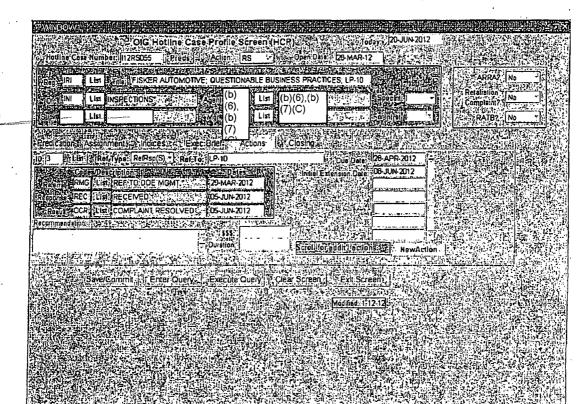
other staff (engineers and others). Based on these conversations and examination of Fisker records, (b)(6)(0)(0)(C) Fisker was engaged in illegal practices.

(b)(6),(b)(7)(C) first allegation was that Fisker is technically insolvent or nearing insolvency and that its failure to disclose that information publically was a violation of the law. (b)(6),(b)(7)(C)that it was a violation of the terms of the loan guarantee with DOE. (b)(6),(b)(7)(C) did not believe that DOE had been notified of these problems. (b)(6),(b)(7)(C) also indicated that the management at Fisker was paying themselves exorbitant salaries and that such action was contributing to financial difficulties of the company.

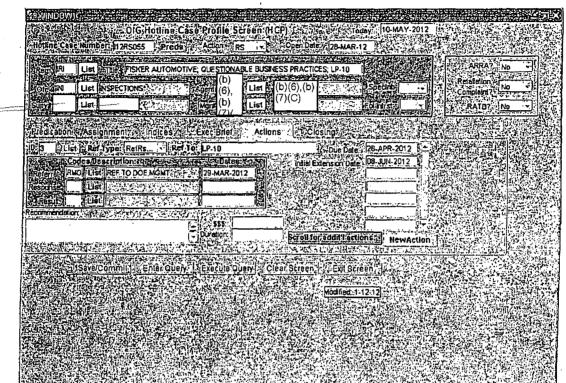
The complainant next indicated $^{(b)(6),(b)(7)(C)}$ information indicating that Fisker was spending loan guarantee funds for unauthorized purposes. Specifically, $^{(b)(6),(b)(7)(C)}$ received information that loan funds were being spent on the Karma model versus the Nina (ph), a violation of the loan terms.

(b)(6), (b)(7) indicated that GAO did not plan to self initiate a review of the matters reported by (b)(6), (b)(7)(C) and wished to refer them to the OIG.

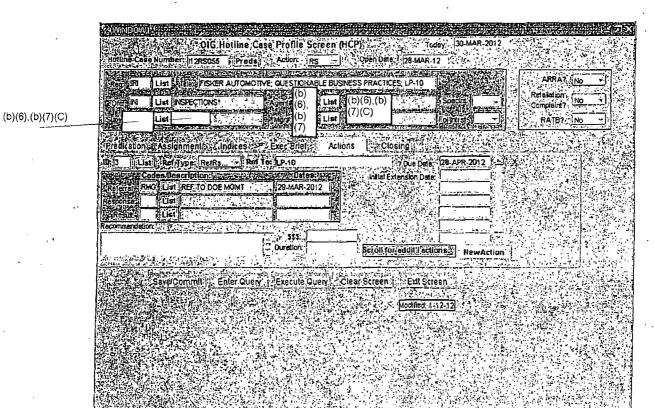


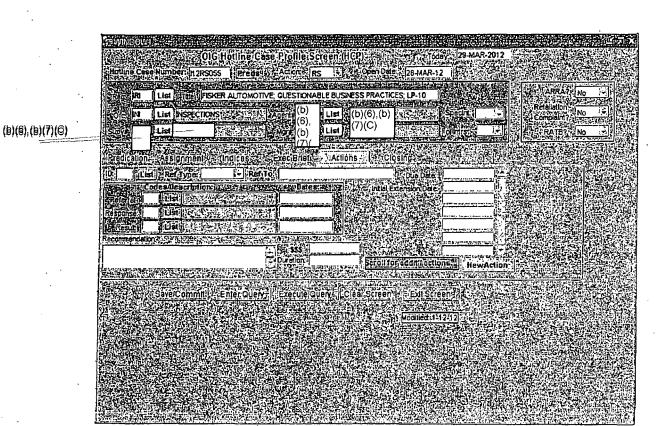


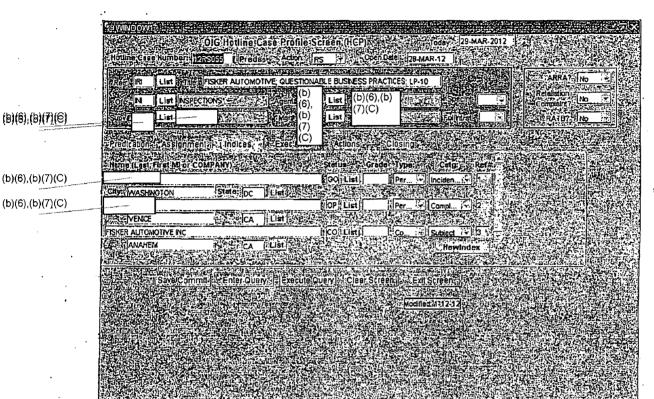
(b)(6),(b)(7)(C)

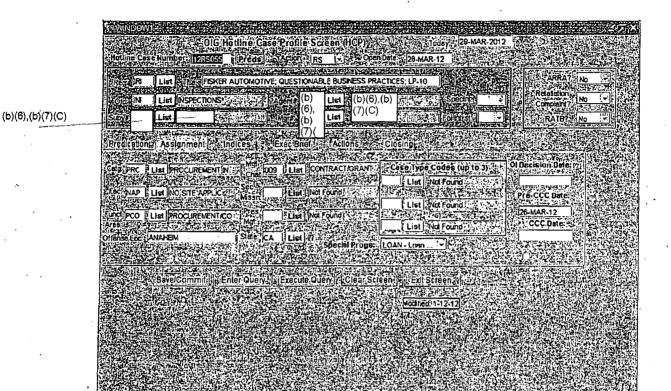


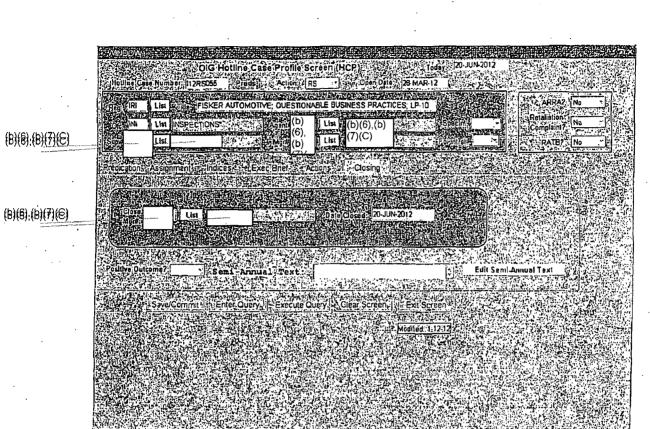
(8)(6),(8)(7)(6)

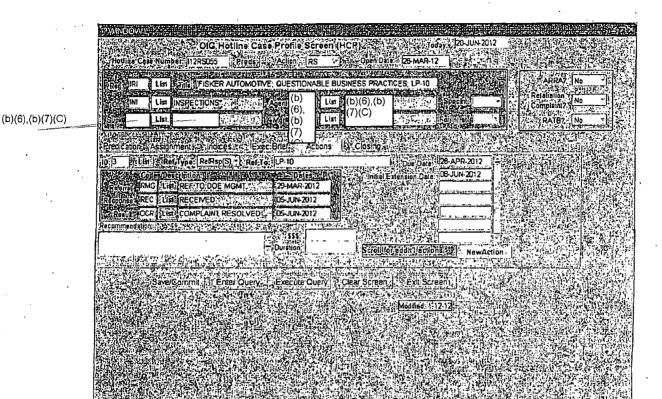




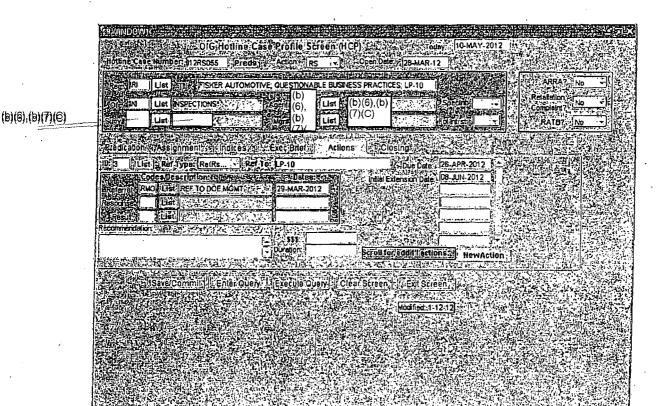






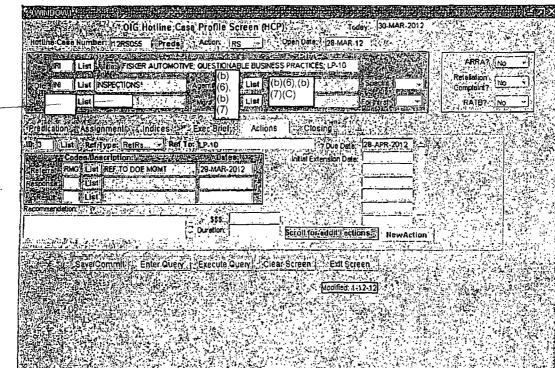


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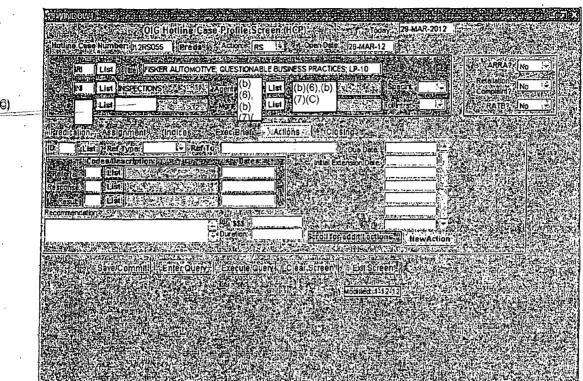
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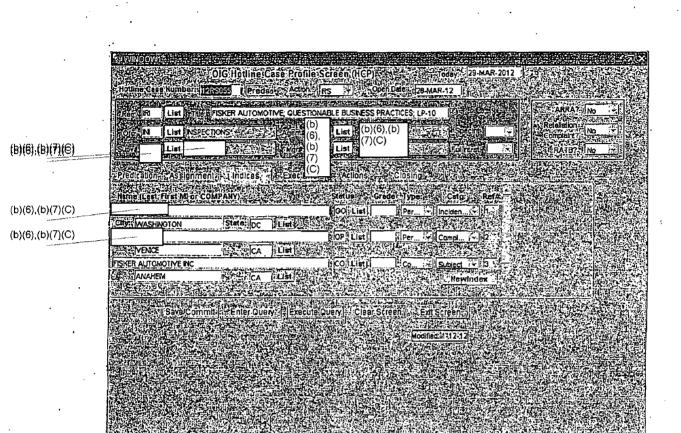
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(b)(6),(b)(7)(C)



(6),(6),(7)(6)



Holls Addition Case Profile Screen (HCP) Inder, (28-MAR.2012) Holling Case Particle Screen (HCP) Inder, (28-MAR.2012) Holling Case Particle Screen (HCP) (28-MAR.2012) Holling Particle Screen (HCP)

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

DOIG-Holline Predication Data Entry Screen (HPD) Predication Data Entry Screen (HPD) Predication Data 2012 P12HL300 10 a) 1058 Hothing Case Number: 112RS055 ŝ Generations 112R\$0553.4 ND DIGA SPOKE RV AHONE WIT 27-MAR-2012 ON 3/26/12, THE KE AND DIGA SPOKE BY PHONE WITH GAO, ABOUT A COMPLAINT PFICE RECEIVED FROM GENERAL PUBLICI, REGARDING FISKER AUTOMOTIVE WHICH RECEIVED FINANCING FROM DOE'S LOAN PROGRAM OFFICE. APRA? RATE? Incoming Referrel Information
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(b)(6),(b)(7)(C)

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