



Report of Investigation

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Office of Inspector General
Office of Investigation

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U.S. Department of Housing and Urban Development (HUD)
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BASIS FOR INVESTIGATION:

(b) (7)(C)

Date:

February 3, 2015

Special Investigations Division

Special Investigations Division

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Previous Editions Obsolete

OIGM 3000 Appendix 14a

HUD-1408(12-95)

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On June 18, 2014, HUD, OIG, SID (b) (7)(C) (b) (7)(C) (b) (7)(C) HUD-OIG issued equipment (i.e. badge, credentials, weapon, government owned vehicle (GOV), other government issued equipment, etc.) pending a fitness for duty evaluation (**Exhibit 1**). According to (b) (7)(C) the fitness for duty evaluation was due to comments made on May 27, 2014, (b) (7)(C) (b) (7)(C) (b) (7)(C) continued that upon taking possession (b) (7)(C) GOV on May 28, 2014, (b) (7)(C) discovered documents containing personally identifiable information (PII) left "unsecured and in plain sight in the backseat and trunk" of the vehicle.

POTENTIAL VIOLATIONS:

Potential Administrative violations - HUD Table of Offenses and Penalties 0752.02 REV-3 -

- Section 10 - Loss, misuse of or damage to Government property, records, or information
- Section 34 - Standards of conduct violations not listed elsewhere in the Table of Penalties

Office of Inspector General Manual (OIGM) 1752 –Disciplinary and Adverse Actions

- Failure to safeguard the security and confidentiality of records, including personally identifiable information (Electronic or paper format)
- Failure or delay in carrying out any proper order, work assignment or instruction, including failure to comply/follow OIG policy or procedure

RESULTS OF INVESTIGATION:

This investigation established that (b) (7)(C) GOV contained PII and case related documentation when it was confiscated by (b) (7)(C) (b) (7)(C) (b) (7)(C) however, no information was discovered to substantiate the allegation that the PII and case related documentation was unsecure while in (b) (7)(C) possession.

Moreover, this investigation determined that (b) (7)(C) (b) (7)(C) (b) (7)(C) under the guidance of (b) (7)(C) left (b) (7)(C) GOV, and its contents in visible view of the GOV back seat, unsecure on two separate occasions, after the vehicle was confiscated. On May 28, 2014, (b) (7)(C) parked (b) (7)(C) GOV on a public street, outside (b) (7)(C) overnight leaving the PII and case related documentation in an unsecure manner (in visible view of the rear seat of the vehicle) until the morning of May 29, 2014. Further, on the morning of May 29, 2014, under the guidance of (b) (7)(C) (b) (7)(C) (b) (7)(C) parked the GOV in the HUD Headquarters garage, leaving the PII and case related documentation in an unsecure manner (in plain sight of the rear seat of the vehicle) and location. Review of the documentation obtained during the course of this investigation determined that despite being advised, by HUD-OIG Office of Legal Counsel, to remove and secure the PII and case related documentation from (b) (7)(C) GOV on May 30, 2014, (b) (7)(C) (b) (7)(C) and (b) (7)(C) failed to properly secure the PII and case related documentation until June 2, 2014.

In addition, this investigation revealed that upon confiscation of (b) (7)(C) government equipment (Duty weapon, badge, credentials, GOV, ballistic vest, computer, mobile telephone, etc.), (b) (7)(C)

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was not given a HUD-26 custody receipt acknowledging that (b) (7)(C) returned any government property.

Finally, this investigation disclosed that (b) (7)(C) allegedly commented that (b) (7)(C) thought about, "killing myself", (b) (7)(C) HUD, OIG, (b) (7)(C) on May 27, 2014. Nevertheless, (b) (7)(C) waited approximately eight (8) hours before notifying (b) (7)(C) of (b) (7)(C) alleged comments. It was further discovered that after (b) (7)(C) learned of (b) (7)(C) alleged comments, (b) (7)(C) waited until the next morning, approximately 12 hours later, to notify (b) (7)(C) who directed (b) (7)(C) to confiscate (b) (7)(C) US Government issued equipment. The investigation identified that (b) (7)(C) was not contacted by anyone (b) (7)(C) until approximately 35 hours after (b) (7)(C) allegedly commented that (b) (7)(C) thought about, "killing myself".

DETAILS OF INVESTIGATION:

On July 16, 2014, SID photographed and took custody of the documentation, seized by (b) (7)(C) from the inside of (b) (7)(C) GOV (Exhibit 2). A subsequent review of these documents revealed documentation containing PII, income tax related material and case related documentation. SID confirmed that the income tax documents were not obtained through public records searches or provided by witnesses versus Grand Jury subpoenas, Inspector General (IG) subpoenas or Ex Parte orders.

On September 5, 2014, (b) (7)(C) provided SID a memorandum outlining the facts and circumstances surrounding the confiscation of (b) (7)(C) GOV and (b) (7)(C) discovery of the PII located within the GOV (Exhibit 3). In this memorandum, (b) (7)(C) (b) (7)(C) (b) (7)(C) retrieved (b) (7)(C) GOV and "other HUD issued items", from (b) (7)(C) residence, at 10:30 PM on May 28, 2014 at the direction (b) (7)(C) through (b) (7)(C) with (b) (7)(C) being "carbon copied". (b) (7)(C) reported in an electronic mail (email) that the vehicle was "in an extremely cluttered condition" and contained "HUD OIG case related documents ...that possibly contained PII". According to (b) (7)(C) after leaving (b) (7)(C) residence with the GOV at 10:45 PM, (b) (7)(C) "immediately" informed (b) (7)(C) of the vehicle condition and presence of possible PII and case related documentation. (b) (7)(C) continued that due to "the time of night...HUD-OIG Region 3 had no secure facility to park or maintain the vehicle." (b) (7)(C) reported that (b) (7)(C) stored the GOV in the "garage (b) (7)(C)" and drove it to HUD headquarters (HUD-HQ) the following morning on May 29, 2014, as directed (b) (7)(C) (b) (7)(C) said that at the direction of (b) (7)(C) (b) (7)(C) and (b) (7)(C) removed the PII from the GOV on June 2, 2014. (b) (7)(C) indicated that he and (b) (7)(C) retrieved several documents to include individual tax returns, a Quality Assurance Division (QAD) file, Indemnification Agreement, and a copy of a check. (b) (7)(C) stated that (b) (7)(C) retrieved these documents from the rear seat and trunk of the GOV and secured them in (b) (7)(C) in Washington, DC.

On September 24, 2014, (b) (7)(C) was interviewed by SID (Exhibit 4). (b) (7)(C) advised that on May 28, 2104 at approximately 10:30 PM, (b) (7)(C) (b) (7)(C) and (b) (7)(C) took custody (b) (7)(C) GOV and HUD-OIG issued equipment. (b) (7)(C) acknowledged that there were case files, that contained PII, stored in his GOV, which was parked within (b) (7)(C) locked garage. (b) (7)(C) stated that (b) (7)(C) has a smartphone

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application (app) that monitors (b) (7)(C) garage door and its status of being open or closed, and an alarm system (b) (7)(C) house. (b) (7)(C) continued that (b) (7)(C) took the case related documents from the HUD-OIG (b) (7)(C) on May 27, 2014 to prepare for telework on May 28, 2014. (b) (7)(C) said that (b) (7)(C) reviewed the documents during the day in (b) (7)(C) residential home office on May 28, 2014 and returned the documents (b) (7)(C) vehicle at the end of the day. According to (b) (7)(C) the documents were obtained (b) (7)(C) and not as a result of subpoenas or Ex Parte orders.

(b) (7)(C) stated that when (b) (7)(C) took custody (b) (7)(C) HUD-OIG equipment, (b) (7)(C) advised that it was due to comments (b) (7)(C) made (b) (7)(C) about (b) (7)(C) on the previous day (May 27, 2014). (b) (7)(C) said (b) (7)(C) believes (b) (7)(C) comments were taken out of context (b) (7)(C) and (b) (7)(C) (b) (7)(C) never intended on hurting himself.

On September 25, 2014, (b) (7)(C) was interviewed again by SID regarding the comments (b) (7)(C) made about hurting himself (Exhibit 5). (b) (7)(C) provided further details (b) (7)(C) comments involving hurting himself. (b) (7)(C) said that after (b) (7)(C) interview operation on May 27, 2014, (b) (7)(C) made an "off the cuff comment" (b) (7)(C) about "doing damage to himself". (b) (7)(C) said the comment was used in an attempt to explain the level of pain that (b) (7)(C) was feeling during a previous hospital visit. According to (b) (7)(C) (b) (7)(C) did not intend on hurting himself or conveying (b) (7)(C) that (b) (7)(C) intended (b) (7)(C) (b) (7)(C) said that when (b) (7)(C) confiscated (b) (7)(C) government issued equipment, (b) (7)(C) gave (b) (7)(C) Employee Assistance Program (EAP) paperwork, but that there was never any conversation regarding the case files or PII in the GOV.

On September 26, 2014, (b) (7)(C) was interviewed by SID (Exhibit 6). (b) (7)(C) (b) (7)(C) HUD, OIG, (b) (7)(C) (b) (7)(C) and (b) (7)(C) were detailed to assist (b) (7)(C) on an interview operation. (b) (7)(C) advised that after the agents entered (b) (7)(C) the front door locked and was unable to be opened from the inside, which caused concern to the agents. (b) (7)(C) recalled that approximately one half hour after the interview started, (b) (7)(C) arrived at the interview location in (b) (7)(C) GOV and parked in front of (b) (7)(C) (b) (7)(C) stated that after (b) (7)(C) arrived, (b) (7)(C) "banged on the residence (glass storm) door" and motioned for (b) (7)(C) to come to the front door. (b) (7)(C) believed the door could be opened from the outside by (b) (7)(C). According to (b) (7)(C) (b) (7)(C) did not initially respond and remained in (b) (7)(C) GOV until after (b) (7)(C) banged on the door a second time. (b) (7)(C) said that (b) (7)(C) exited (b) (7)(C) GOV but remained outside until the interview was concluded.

(b) (7)(C) stated that after the interview concluded, all of the agents got in their GOVs and left the area in order to discuss the interview. According to (b) (7)(C) when the agents arrived at a location away from the above referenced (b) (7)(C) (b) (7)(C) approached (b) (7)(C) and the two spoke outside of their GOVs. (b) (7)(C) recalled overhearing (b) (7)(C) express concern that (b) (7)(C) was late and did not assist other agents when requested. (b) (7)(C) continued that (b) (7)(C) observed (b) (7)(C) appear to cry and become emotional during their (b) (7)(C) (b) (7)(C) discussion. (b) (7)(C) stated that (b) (7)(C) did not hear the entire conversation because (b) (7)(C) was in (b) (7)(C) vehicle and moved away to afford privacy (b) (7)(C) (b) (7)(C)

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(b) (7)(C) stated that on May 28, 2014 at approximately 10:00 PM, (b) (7)(C) assisted (b) (7)(C) in confiscating (b) (7)(C) GOV and other HUD-OIG issued equipment. According to (b) (7)(C) after (b) (7)(C) and he confiscated (b) (7)(C) equipment, (b) (7)(C) was instructed to drive (b) (7)(C) GOV from (b) (7)(C) residence and park the GOV at (b) (7)(C) residence. (b) (7)(C) explained that (b) (7)(C) parked the GOV "on the street" in front of (b) (7)(C) building. (b) (7)(C) stated that the contents of the GOV were not inventoried or discussed on the night the GOV was confiscated. (b) (7)(C) advised that (b) (7)(C) moved the GOV to HUD-HQ on the morning of May 29, 2014 and parked it in the HUD parking garage.

(b) (7)(C) reported that the contents of the GOV were inventoried on June 2, 2014. (b) (7)(C) stated that the GOV contained a substantial amount of items including (b) (7)(C) personal items, HUD-OIG issued tactical equipment (vest, cuffs, baton, etc.), and paperwork (maps, documents etc.). (b) (7)(C) continued that besides the personal items and government issued gear, there were HUD-OIG case files containing PII in a box within the trunk. (b) (7)(C) added that the vehicle was very cluttered and disorganized.

On November 5, 2014, (b) (7)(C) was re-interviewed by SID (Exhibit 7). (b) (7)(C) was asked to clarify some of the information provided during (b) (7)(C) initial interview with SID pertaining to (b) (7)(C) detail to assist (b) (7)(C) on an operational interview. (b) (7)(C) clarified that (b) (7)(C) did exit (b) (7)(C) vehicle and approach the front door after two attempts by (b) (7)(C) to gain (b) (7)(C) attention. (b) (7)(C) continued that as (b) (7)(C) approached, (b) (7)(C) exited the residence through a rear door with (b) (7)(C) and met (b) (7)(C) in the front of the house. According to (b) (7)(C) when (b) (7)(C) went back into the house, (b) (7)(C) entered the house and (b) (7)(C) remained at the front of the house by (b) (7)(C) GOV.

On September 26, 2014, (b) (7)(C) was interviewed by SID (Exhibit 8). (b) (7)(C) was asked a series of questions surrounding the facts and circumstance surrounding the confiscation and storage of (b) (7)(C) GOV and the contents contained within the GOV. (b) (7)(C) stated that immediately after (b) (7)(C) confiscated (b) (7)(C) GOV on the night of May 28, 2014, (b) (7)(C) of the contents (PII and case related documentation) of the GOV and advised (b) (7)(C) (b) (7)(C) that there was no "secure parking" (b) (7)(C). According to (b) (7)(C) (b) (7)(C) instructed (b) (7)(C) to park the GOV at (b) (7)(C) for the evening "because it was late" and to bring the GOV to the HUD-HQ parking garage the next day. (b) (7)(C) advised that (b) (7)(C) did not confirm the security of (b) (7)(C) for the GOV and its contents. When asked by SID, (b) (7)(C) agreed that the case files located in (b) (7)(C) GOV were "secure" in (b) (7)(C) garage but not on the street in front of (b) (7)(C). (b) (7)(C) reported that (b) (7)(C) had a telephone conference with (b) (7)(C) (b) (7)(C) on May 30, 2014 and (b) (7)(C) remove the PII from the GOV and secure it in (b) (7)(C) office. (b) (7)(C) said that (b) (7)(C) photographed, inventoried and secured the PII from the GOV on June 2, 2014.

On October 8, 2014, (b) (7)(C) was re-interviewed by SID (Exhibit 9). (b) (7)(C) provided a more detailed timeline of the incidents involving (b) (7)(C) (b) (7)(C) stated that (b) (7)(C) interview operation occurred on May 27, 2014 at approximately 10:00 AM or 11:00 AM. (b) (7)(C) recalled that

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(b) (7)(C) (b) (7)(C) on May 27, 2014 at approximately 6:30 PM or 7:00 PM to report (b) (7)(C) alleged comments. (b) (7)(C) reported that (b) (7)(C) called (b) (7)(C) to report the incident the following morning on May 28, 2014.

(b) (7)(C) continued that (b) (7)(C) attempted to contact (b) (7)(C) In (b) (7)(C) to the Inspector General for Investigation (b) (7)(C) HUD, OIG, (b) (7)(C) on the morning of May 28, 2014 with no success. According to (b) (7)(C) reported the incident, (b) (7)(C) (b) (7)(C) and (b) (7)(C) and followed-up with a telephone conversation with (b) (7)(C) (b) (7)(C) stated that (b) (7)(C) informed (b) (7)(C) that (b) (7)(C) had several telephone conversations directly with (b) (7)(C) after (b) (7)(C) reported the incident. (b) (7)(C) added that (b) (7)(C) informed (b) (7)(C) called (b) (7)(C) on the morning of May 28, 2014 to follow-up on (b) (7)(C) comments about killing himself and (b) (7)(C) attempted to minimize and recant his (WEINSTEIN's) comments. (b) (7)(C) stated that he contacted Merriman to assist in confiscating (b) (7)(C) government issued equipment on May 28, 2014, but (b) (7)(C) (b) (7)(C) (b) (7)(C) continued that (b) (7)(C) then called (b) (7)(C) to assist with confiscating (b) (7)(C) government issued equipment.

On October 8, 2014, (b) (7)(C) was interviewed by SID (Exhibit 10). (b) (7)(C) did participate in the interview operation with (b) (7)(C) on May 27, 2014. (b) (7)(C) that after the interview operation, (b) (7)(C) (b) (7)(C) (b) (7)(C) that after (b) (7)(C) left the interview location and parked down the street, (b) (7)(C) exited their vehicles and (b) (7)(C) stated (b) (7)(C) I am usually a Merry-Man. But the minute you put our lives into danger... (b) (7)(C) said that (b) (7)(C) immediately pulled (b) (7)(C) aside and both (b) (7)(C) (b) (7)(C) got back into their vehicles to give privacy (b) (7)(C) (b) (7)(C) did not hear any more of the conversation but observed (b) (7)(C) become visually upset, use a lot of hand gestures and begin to cry.

On October 8, 2014, (b) (7)(C) was interviewed by SID (Exhibit 11). (b) (7)(C) scheduled an interview operation for May 27, 2014 and due to safety concerns (b) (7)(C) requested assistance from (b) (7)(C) and (b) (7)(C) (b) (7)(C) said that (b) (7)(C) was late for the pre-operation briefing and (b) (7)(C) instructed (b) (7)(C) via telephone, to head directly to the interview site and remain (b) (7)(C) GOV to provide "eyes on" the front of the interview location. According (b) (7)(C) (b) (7)(C) showed up 20 minutes later and parked in front of the residence. (b) (7)(C) stated that at one point (b) (7)(C) attempted to get (b) (7)(C) attention to assist (b) (7)(C) in the residence in opening the front storm door, which was broken and would only open from the outside. (b) (7)(C) reported that (b) (7)(C) did not see (b) (7)(C) look up at the house "at all" and that (b) (7)(C) remained (b) (7)(C) vehicle for the entire operation.

(b) (7)(C) advised that after the agents left the interview location, they reconvened at a location away from (b) (7)(C) (b) (7)(C) stated that (b) (7)(C) expressed (b) (7)(C) disappointment with (b) (7)(C) and (b) (7)(C) became emotional and cried. According (b) (7)(C) (b) (7)(C) said that (b) (7)(C) (b) (7)(C) was in so much pain that (b) (7)(C) initially (b) (7)(C) reported that (b) (7)(C) had not spoken to (b) (7)(C) since this incident. (b) (7)(C) was again asked by SID if (b) (7)(C) had any

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further contact with (b) (7)(C) after their argument after the interview operation on May 28, 2014. (b) (7)(C) was informed that (b) (7)(C) reported to SID that (b) (7)(C) "took it upon (b) (7)(C) to contact (b) (7)(C) on May 28, 2014 in the morning to "follow-up" with (b) (7)(C) comments about (b) (7)(C) then recalled contacting (b) (7)(C) on the following morning on May 28, 2014 and said it was on (b) (7)(C) own accord. (b) (7)(C) said that (b) (7)(C) asked (b) (7)(C) "if (b) (7)(C) was serious about (b) (7)(C) and the (b) (7)(C) "tried to downplay" (b) (7)(C) comments. (b) (7)(C) stated that (b) (7)(C) reported this conversation to (b) (7)(C)

On October 8, 2014, SID conducted a review of emails between (b) (7)(C) (b) (7)(C), and (b) (7)(C) (Exhibit 12). An (b) (7)(C) (b) (7)(C) (b) (7)(C) on May 28, 2014 and (b) (7)(C) (b) (7)(C) and (b) (7)(C) to place (b) (7)(C) on administrative leave pending a fitness for duty examination, confiscation of government issued equipment, and potential disciplinary action.

On December 12, 2014, (b) (7)(C) was interviewed by SID (Exhibit 13). (b) (7)(C) stated that on May 28, 2014 between 5:00 PM and 7:00 PM (b) (7)(C) was contacted by (b) (7)(C) and informed that (b) (7)(C) had made suicidal comments (b) (7)(C) on May 27, 2014. When asked about the reason for the delay in reporting (b) (7)(C) alleged comments (b) (7)(C) (b) (7)(C) stated that (b) (7)(C) was not aware of any delays in reporting (b) (7)(C) comments from (b) (7)(C) (b) (7)(C) or from (b) (7)(C) to (b) (7)(C)

(b) (7)(C) continued that after several hours of (b) (7)(C) (b) (7)(C) (b) (7)(C) and (b) (7)(C) regarding (b) (7)(C) comments (b) (7)(C) (b) (7)(C) instructed (b) (7)(C) to secure (b) (7)(C) government equipment. (b) (7)(C) related that (b) (7)(C) assumed (b) (7)(C) GOV was parked "on the street" or "in the driveway" contrary to all other (b) (7)(C) advising that the GOV was secured in (b) (7)(C) locked garage. (b) (7)(C) stated that (b) (7)(C) "assumed" (b) (7)(C) GOV would be "safeguarded" by (b) (7)(C) (b) (7)(C) advised that (b) (7)(C) did not know the exact location of where or how the GOV would be stored after the GOV was confiscated by (b) (7)(C) (b) (7)(C) (b) (7)(C) (b) (7)(C) did not recall being notified that there was unsecure PII in (b) (7)(C) GOV on the night of the confiscation. (b) (7)(C) stated that contrary (b) (7)(C) recollection, (b) (7)(C) (b) (7)(C) did not tell (b) (7)(C) where to store (b) (7)(C) GOV or to park it at (b) (7)(C) residence for the evening.

(b) (7)(C) stated that after the GOV was placed into the HUD garage, (b) (7)(C) did not remove the PII for the GOV because (b) (7)(C) (b) (7)(C) was treating the GOV as a "crime scene" and (b) (7)(C) (b) (7)(C) did not know whether SID (b) (7)(C) would be investigating the issue of the unsecure PII. (b) (7)(C) admitted that neither (b) (7)(C) (b) (7)(C) contacted SID to seek guidance or to clarify the proper course of action regarding the unsecure PII. When asked why there was a delay in removing the PII from the GOV once it was parked in the HUD garage, even though (b) (7)(C) was instructed to do so (b) (7)(C) (b) (7)(C) stated that (b) (7)(C) was not aware of any delay in removal of the PII from the GOV (b) (7)(C) that (b) (7)(C) did not believe that there was a breach of PII; however, (b) (7)(C) related that (b) (7)(C) believed that HUD-OIG needs to provide more training to employees who typically safeguard PII in a "sloppy" manner.

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PROSECUTORIAL COORDINATION:

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(b) (7)(C) [(b) (7)(C) and (b) (7)(C) [(b) (7)(C) [(b) (5)]