

U.S. Department of Justice
 Office of the Inspector General

REPORT OF INVESTIGATION

SUBJECT [REDACTED] Executive Director (former) [REDACTED]		CASE NUMBER [REDACTED]	
OFFICE CONDUCTING INVESTIGATION Washington Field Office		DOJ COMPONENT [REDACTED]	
DISTRIBUTION		STATUS	
<input checked="" type="checkbox"/> Field Office WFO <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component [REDACTED] <input type="checkbox"/> USA <input type="checkbox"/> Other		<input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report:	

SYNOPSIS

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from [REDACTED] who reported information her office received from [REDACTED], alleging that in [REDACTED] and [REDACTED] then Executive Officer, [REDACTED] made inappropriate comments to her on three occasions that she felt constituted sexual harassment. On the first occasion, on [REDACTED] allegedly came to her office, closed the door, and made a comment to her regarding how her body shape looked in the outfit she was wearing. On the second occasion, on [REDACTED] was alone with [REDACTED] in his office when he allegedly made a comment regarding how the dress she was wearing highlighted her shape, commenting on her weight loss. On the third occasion, on [REDACTED] was in [REDACTED] office with [REDACTED], and [REDACTED], when [REDACTED] allegedly said to her, "I really like women with long hair...I'm a long hair type of guy."

In addition, [REDACTED] alleged that [REDACTED] misused [REDACTED] personnel resources by asking his subordinates to perform personal tasks for him. [REDACTED] alleged that [REDACTED] asked an employee to wash his personal car on occasion; [REDACTED] routinely called ahead during his commute to have a subordinate fill his coffee order and have it waiting for him; and requested that subordinates drive him on personal errands.

[REDACTED]

DATE	July 6, 2020	SIGNATURE	[REDACTED]
PREPARED BY SPECIAL AGENT	[REDACTED]		
DATE	July 6, 2020	SIGNATURE	 Digitally signed by RUSSELL CUNNINGHAM Date: 2020.07.06 15:44:34 -04'00'
APPROVED BY SPECIAL AGENT IN CHARGE	Russell W. Cunningham		

[REDACTED]

Subsequent to the onset of the investigation, [REDACTED] provided the OIG with additional information indicating that [REDACTED] may have also sexually harassed [REDACTED], by kissing her on the lips [REDACTED]. When interviewed by the OIG, [REDACTED] confirmed this allegation and additionally alleged that [REDACTED] made inappropriate comments to her based on her gender.

The OIG concluded that [REDACTED] violated the Department's zero tolerance policy on sexual harassment by making inappropriate comments to [REDACTED] on three occasions, kissing [REDACTED] on the lips, and by making inappropriate comments to [REDACTED] that [REDACTED] exhibited poor judgment by permitting [REDACTED] to take his personal car to a commercial car wash on at least two occasions; and that on approximately six occasions, [REDACTED] exhibited poor judgment by asking a subordinate to drive him somewhere on purely personal business.

[REDACTED]

[REDACTED] retired from his position [REDACTED] effective [REDACTED].

The OIG has completed its investigation and is providing this report to the [REDACTED] for its review.

Unless otherwise noted, the OIG applies the preponderance of the evidence standard in determining whether DOJ personnel have committed misconduct. The Merit Systems Protection Board applies this same standard when reviewing a federal agency's decision to take adverse action against an employee based on such misconduct. See 5 U.S.C. § 7701(c)(1)(B); 5 C.F.R. § 1201.56(b)(1)(ii).

DETAILS OF INVESTIGATION

Predication

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from [REDACTED] who reported information her office received from [REDACTED] alleging that in [REDACTED] and [REDACTED], then Executive Officer, [REDACTED] made inappropriate comments to her on three occasions that she felt constituted sexual harassment. On the first occasion, on [REDACTED] allegedly came to her office, closed the door, and made a comment to her regarding how her body shape looked in the outfit she was wearing. On the second occasion, on [REDACTED] was alone with [REDACTED] in his office when he allegedly made a comment regarding how the dress she was wearing highlighted her shape, commenting on her weight loss. On the third occasion, on [REDACTED] was in [REDACTED] office with [REDACTED] when [REDACTED] allegedly said to her, "I really like women with long hair...I'm a long hair type of guy."

In addition, [REDACTED] alleged that [REDACTED] misused [REDACTED] personnel resources by asking his subordinates to perform personal tasks for him. [REDACTED] alleged that [REDACTED] asked an employee to wash his personal car on occasion; [REDACTED] routinely called ahead during his commute to have a subordinate fill his coffee order and have it waiting for him; and requested that subordinates drive him on personal errands.

[REDACTED]

Subsequent to the onset of the investigation, [REDACTED] provided the OIG with additional information indicating that [REDACTED] may have also sexually harassed [REDACTED], by kissing her on the lips [REDACTED]. When interviewed by the OIG, [REDACTED] confirmed this allegation and additionally alleged that [REDACTED] made inappropriate comments to her based on her gender.

Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following [REDACTED] personnel:

[REDACTED]

[REDACTED]
[REDACTED] Executive Officer.

Interviews of the following personnel:

[REDACTED]

Review of the following:

- Official Outlook email and attachments to and from [REDACTED]
- Official Outlook email and attachments to and from [REDACTED] Executive Officer, [REDACTED]

Relevant Authority

Attorney General Policy Memorandum #2015-04 – Prevention of Harassment in the Workplace, dated October 9, 2015, states in part:

POLICY: The Department of Justice will maintain a zero tolerance work environment that is free from harassment (including sexual harassment) based on sex, race, color, religion, national origin, gender identity, age, disability (physical or mental), genetic information, status as a parent, sexual orientation, marital status, political affiliation, or any other impermissible factor...

Harassing conduct is defined as any unwelcome verbal or physical conduct that is based on any of the above-referenced characteristics when this conduct explicitly or implicitly affects an individual's employment; unreasonably interferes with an individual's work performance; or creates an intimidating, hostile, or offensive work environment...

To enforce this zero tolerance policy, the Department will treat harassing conduct as misconduct, even if it does not rise to the level of harassment actionable under Title VII of the Civil Rights Act of 1964, as amended. The Department will not wait for a pattern of offensive conduct to emerge before addressing claims of harassment. Rather, the Department will act before the harassing conduct is so pervasive and offensive as to constitute a hostile environment. Even where a single utterance of an ethnic, sexual, racial, or other offensive epithet may not be severe enough to constitute unlawful harassment in violation of Title VII, it is the Department's view that such conduct must be prevented whenever possible through awareness, robust policies and effective and appropriate follow-up, investigation, and enforcement of the zero tolerance policy.

5 C.F.R. § 2635.705 – Use of official time – (b) – Use of a subordinate's time, states:

An employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation.

5 C.F.R. § 2635.302(b) – Gifts from employees receiving less pay, states:

Except as provided in this subpart, and employee may not, directly or indirectly, accept a gift from an employee receiving less pay than himself unless:

- (1) The two employees are not in a subordinate-official superior relationship; and
- (2) There is a personal relationship between the two employees that would justify the gift.

5 C.F.R. § 2635.702 Use of public office for private gain.

An employee shall not use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations. The specific prohibitions set forth in paragraphs (a) through (d) of this section apply this general standard, but are not intended to be exclusive or to limit the application of this section.

- (a) *Inducement or coercion of benefits.* An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.

Sexual Harassment of [REDACTED]

[REDACTED] reported to the OIG information her office received from [REDACTED] alleging that in [REDACTED], Executive Officer, [REDACTED], made inappropriate comments to her on three occasions that she felt constituted sexual harassment. [REDACTED] provided the OIG with a copy of an email that [REDACTED] sent to herself on [REDACTED], with the subject, “Memory Joggers – [REDACTED] which came to [REDACTED] attention after [REDACTED] forwarded it to another [REDACTED] employee on [REDACTED] stated that she discussed the email with [REDACTED], who told her that it memorialized her recollection of three interactions with [REDACTED]. The email stated the following:

[REDACTED] – inappropriate comment regarding how my body shaped looked in the outfit I was wearing. Was wearing black skirt with off white top. Closed door to my office as he said it.

[REDACTED] – inappropriate comment regarding how the dress really highlighted my shape. ‘you can really see your weight loss.’

[REDACTED] inappropriate comment. I was wearing my hair straight and [REDACTED] said, “I really like women with long hair... I’m a long hair type of guy.” (witnesses: [REDACTED])

The copy of the email that [REDACTED] provided to the OIG included [REDACTED] handwritten notes that she took during her conversation with [REDACTED] indicating that the incident on [REDACTED] occurred in [REDACTED] office, and the other two occurred in [REDACTED] office.

When interviewed by the OIG, [REDACTED] verified the allegations, and explained that she felt each of the three comments that [REDACTED] made were inappropriate and made her uncomfortable.

The OIG interviewed [REDACTED] who were both identified by [REDACTED] as witnesses to the [REDACTED] statement.

[REDACTED] told the OIG that she did not recall [REDACTED] making any inappropriate or sexually suggestive comments towards [REDACTED] in [REDACTED] presence. [REDACTED] said that if [REDACTED] felt that someone looked particularly well dressed, such as for a meeting, he would compliment them on their outfit, stating something to the effect of, "Oh, I like that dress/outfit," but he did so in a professional, rather than sexually suggestive way. [REDACTED] said that she did not recall ever hearing [REDACTED] comment on anyone's weight or hair.

[REDACTED] further told the OIG that she did recall that, sometime in early to [REDACTED] [REDACTED] told her about a comment that [REDACTED] allegedly made about liking [REDACTED] long hair, and [REDACTED] told [REDACTED] that she thought the comment was "weird." [REDACTED] told the OIG that [REDACTED] asked [REDACTED] if she remembered being present and witnessing the comment, but [REDACTED] told [REDACTED] that she did not. [REDACTED] said that she wondered at the time, however, why [REDACTED] was even asking her about it. [REDACTED] said that she could not recall the specific context of the conversation in which [REDACTED] brought this up.

[REDACTED] told the OIG that [REDACTED] never made an offensive comment in her presence, nor was she aware of any [REDACTED] employee who felt [REDACTED] said anything inappropriate in the workplace. Specifically, [REDACTED] said she was not aware of any comments made by [REDACTED] concerning the physical appearance of female employees, including [REDACTED].

During an administratively compelled interview with the OIG, [REDACTED] denied making the [REDACTED] comment that [REDACTED] attributed to him regarding how her body shape looked in the outfit she was wearing. [REDACTED] stated:

"I would definitely not say anything about your clothing looks nice on you[,] how it fits[,] or anything like that. [REDACTED] had volunteered to several people that she was on a diet at one time. Openly... in groups so I may have complimented her[,] well you sure look nice[,] or your weight loss program or something[,] like that but never in a manner that would be construed by any reasonable individual that I was making any kind of negative comment."

[REDACTED] also denied making the [REDACTED] comment that [REDACTED] attributed to him regarding how the dress she was wearing highlighted her shape, allegedly saying something similar to "you can really see your weight loss." [REDACTED] stated:

"Same comment. I would never have said that the clothing you're wearing highlights your body."

[REDACTED] said that he did not recall making the [REDACTED] comment that [REDACTED] stated occurred in the presence of [REDACTED] and [REDACTED] when [REDACTED] allegedly said to her, "I really like women with long hair... I'm a long hair type of guy." [REDACTED] declined to speculate whether it was possible that he made the comment but could not recall doing so. However, [REDACTED] asked whether he could say that it was the type of comment that he definitely would not have made, [REDACTED] stated, "No. I can't say that I would not have said, 'I like long hair.'"

OIG's Conclusion

The OIG investigation concluded that [REDACTED] did engage in the misconduct as alleged regarding comments

he made on [REDACTED] and on [REDACTED] all in violation Attorney General Policy Memorandum #2015-04 – Prevention of Harassment in the Workplace, dated October 9, 2015. While [REDACTED] and [REDACTED] did not recall the [REDACTED] comment, the OIG credits [REDACTED] account in light of her contemporaneous memorialization of the incidents contained in her [REDACTED] email.

[REDACTED] Asked a Subordinate to Wash his Personal Car

During her OIG interview, [REDACTED] alleged that [REDACTED] occasionally had an [REDACTED] employee named [REDACTED] wash his car for him. [REDACTED] could not recall [REDACTED] last name but explained that he was an employee responsible for [REDACTED].

During the interview of [REDACTED], the OIG asked whether she was aware of an incident in which [REDACTED] asked an [REDACTED] employee to wash his car. [REDACTED] stated that she was aware of a rumor that [REDACTED] may have asked [REDACTED] to wash [REDACTED] car on at least one occasion, but she had no further information or first-hand knowledge concerning the event.

Subsequently, several witnesses told the OIG that they were aware of a rumor that [REDACTED] had asked [REDACTED] to wash [REDACTED] personal car. [REDACTED]

[REDACTED] told the OIG that she was aware that [REDACTED] had washed [REDACTED] personal vehicle “a couple” of times, which she defined as more than once but fewer than five times. [REDACTED] stated that she believed that [REDACTED] told her about the car washes. [REDACTED] said that she could not recall when each incident occurred, or when [REDACTED] told her about it. She also could not recall why [REDACTED] told her about it, or what he said. [REDACTED] said that she never spoke to [REDACTED] about the subject.

[REDACTED] told the OIG that [REDACTED] that he had washed [REDACTED] personal car, which [REDACTED] described as [REDACTED] said that she did not know how many times this occurred, although she stated “it sounded like it was more than once.” When the OIG asked [REDACTED] how [REDACTED] appeared to feel about being asked to do that, [REDACTED] stated, “I don’t think he was pleased.” When asked whether she offered any advice to [REDACTED], [REDACTED] stated, “knowing me, I probably said that that’s not appropriate.” [REDACTED] said that she could not recall how [REDACTED] responded, but she suspected that he might have told her not to say anything to anyone. [REDACTED] said that she did not discuss the matter further with anyone [REDACTED] including with [REDACTED].

[REDACTED] stated that [REDACTED] told him that [REDACTED] had asked [REDACTED] to take his personal vehicle to a commercial car wash. [REDACTED] stated that [REDACTED] “did complain about doing it. And how...dirty his car was, and, and that I can’t believe he made him go wash the car. And now, he didn’t make him do it. He asked him to do it.” Later in the interview [REDACTED] stated, “I think [REDACTED] enjoyed doing that favor for him because I, like I said, they are close.” [REDACTED] said that he only discussed the matter with [REDACTED] once, and he could not recall when it happened other than sometime [REDACTED] [REDACTED] said that he did not know how many times [REDACTED] washed [REDACTED] car, where he took it to be washed, or how payment was arranged.

[REDACTED], told the OIG that [REDACTED]. [REDACTED] said that sometime in [REDACTED] mentioned to [REDACTED] that [REDACTED] asked him to wash his personal vehicle. [REDACTED] stated that he believed that [REDACTED] did so at least once, and possibly more than once. [REDACTED] stated that it became a running joke in the office that whenever the phone rang, either [REDACTED] or [REDACTED] would say, [REDACTED] he probably wants his car washed.” When asked how [REDACTED] felt about being asked to wash [REDACTED] car, [REDACTED] said, “Not happy about it. Didn’t want to do it. And you know, doesn’t appreciate being asked. But he wouldn’t, that wouldn’t show to whoever asked him to do it.”

The OIG interviewed [REDACTED] twice concerning this allegation. During the first interview, [REDACTED] stated that [REDACTED] hired him [REDACTED]. [REDACTED] stated that sometime during [REDACTED] he washed and polished the rims of [REDACTED] personal vehicle while it was parked in the garage [REDACTED]. [REDACTED] stated that he did this on his own initiative, without consulting [REDACTED] after [REDACTED] finished washing his own car which was parked near [REDACTED] vehicle. When [REDACTED] later advised [REDACTED] that he had done so, [REDACTED] asked him why. [REDACTED] stated that he responded to [REDACTED] that he was washing his own car anyway, and thought that [REDACTED] rims could use cleaning. [REDACTED] told the OIG that [REDACTED] responded, “well, thanks, but you shouldn’t have done that.” [REDACTED] denied washing [REDACTED] entire car, and further denied that [REDACTED] asked him to do so.

During the second interview, which was administratively compelled and took place after the OIG had obtained testimony from other witnesses, [REDACTED] stated that he took [REDACTED] personal vehicle, which he described as [REDACTED] on two occasions in [REDACTED] and paid \$19 or \$19.99 in cash each time to have it washed. [REDACTED] reimbursed [REDACTED] after the first wash by giving him a \$20 bill. [REDACTED] gave [REDACTED] cash in advance of the second wash to cover the cost. [REDACTED] stated that it was his idea to wash [REDACTED] car. [REDACTED] stated that he took his own vehicle to the car wash first, then approached [REDACTED] and asked, “did he need me to wash his car?”, and that [REDACTED] said yes. [REDACTED] stated that he did not need to obtain the keys from [REDACTED] because [REDACTED] was in the practice of leaving them in his car. [REDACTED] stated that on both occasions, which were approximately 1 month apart, he took [REDACTED] vehicle to the car wash during his lunch hour. [REDACTED] said that later [REDACTED], or possibly [REDACTED], [REDACTED] washed and polished the rims of [REDACTED] tires, as described during his first OIG interview. When [REDACTED] advised [REDACTED] that he had done so, [REDACTED] requested that [REDACTED] never do it again in order to avoid an appearance of favoritism. [REDACTED] denied telling anyone that he washed [REDACTED]’s car, including [REDACTED]. [REDACTED] said that somehow [REDACTED] heard about it nonetheless, and would sometimes jokingly say things when the telephone rang such as “it’s [REDACTED] – he wants you to wash his car.”

During his administratively compelled interview with the OIG, [REDACTED] denied asking [REDACTED] to wash his personal car, but he admitted that [REDACTED] did so on two occasions. [REDACTED] described the first incident as follows:

‘[REDACTED] came to me...and he said, [REDACTED] he says, ‘Your car needs washing. Let me take your car to this place I know up in wherever it was and get it washed.’ And I said, ‘No. I take a back road every day and my car is going to get dirty.’ He kept on and kept on and kept on and kept on saying, ‘Please let me take it to go get it washed.’ And I said, [REDACTED] I said, ‘You cannot do that on official time. If you want to go and do that on your lunch hour you can do that but I have to pay for it.’ And that’s what happened.”

█████ stated that █████ took his personal car to a commercial car wash twice, then never asked to do it again. █████ could not recall the approximate length of time that elapsed between the two occurrences, and he declined to speculate. On both occasions, the car wash cost approximately \$20, which he provided to █████ in cash. █████ said he believed that he paid █████ in advance on both occasions. █████ said that he could not confirm or deny whether █████ took the vehicle to █████ Car Wash █████, █████ stated that this occurred several years ago, and he could not recall whether he was still driving █████

█████ stated that █████ wiped down the wheel wells of █████ personal car, then told █████ about it later. █████ told █████, "You can't do that. You're not allowed to do that." █████ asked him if he was in trouble, to which █████ responded, "No, but you can't do that."

OIG's Conclusion

The OIG concluded that █████ exhibited poor judgment when he permitted █████ to take █████ personal car to a car wash during █████ lunch hour on two occasions. The OIG found that █████ conduct amounted to poor judgment because it created the appearance of potential violations of federal regulations regarding use of official time, acceptance of gifts from employees, and use of public office for private gain.

█████ Asked Subordinates to Run Personal Errands for Him

█████ alleged that, in addition to the matter concerning █████ washing █████ car, █████ used other subordinate staff members to conduct personal business for him. Specifically, she alleged the following:

- █████
- 2) █████ expects █████ to get coffee for him in the mornings. █████ goes to the coffee shop █████ to get coffee for █████ █████ did not know who paid for the coffee.
 - 3) █████ has also required █████ to take him to the airport and to the bank, each for personal reasons and not on official business.
- █████
- █████

[REDACTED]

[REDACTED]

When asked whether she ever made coffee for [REDACTED] replied that she did so occasionally when she made coffee for herself. She added, however, that [REDACTED] also occasionally made coffee for her. [REDACTED] stated that she did not remember [REDACTED] ever asking any other employee [REDACTED] to bring him lunch or coffee. [REDACTED] said that occasionally someone might “stick their head” into [REDACTED] office to inform him that they were going out for coffee and then ask [REDACTED] whether they could bring him some as well, but [REDACTED] did not recall [REDACTED] ever initiating such a request. [REDACTED] stated that she could not recall a single instance when [REDACTED] asked an [REDACTED] employee to do a personal favor for him, such as washing his car or giving him a ride anywhere for other than official purposes.

[REDACTED] described [REDACTED] to the OIG as [REDACTED] “coffee girl” who “picked up where [REDACTED] left off” [REDACTED].

[REDACTED] told the OIG that [REDACTED] used to get coffee for [REDACTED] “fairly regularly, a couple times a week,” but that the frequency decreased over time. According to [REDACTED] provided [REDACTED] with his debit or credit card to cover the cost of the coffee. [REDACTED] recalled that [REDACTED] had at least one conversation with her, probably in [REDACTED], in which she expressed the fact that she did not appreciate being asked to get coffee for [REDACTED] described that conversation as a “venting session,” rather than as an official complaint and a request for her assistance. [REDACTED] added, “to be fair, if he was going to get coffee, he would ask all of us if we wanted anything.” Similarly, [REDACTED] stated that she and [REDACTED] used to occasionally purchase lunch for [REDACTED] and bring it back to the office if they were going to get lunch themselves. [REDACTED] said that on those occasions, [REDACTED] would always pay for the meal – sometimes in advance, and sometimes as reimbursement. [REDACTED] said that [REDACTED] reciprocated by purchasing lunch for [REDACTED] and bringing it back to her in the office if he was going out to lunch himself.

[REDACTED] told the OIG that if she were going to get coffee, usually at the coffee shop [REDACTED] she would sometimes ask [REDACTED] if he would like for her to get him a cup as well. [REDACTED] said that when she did get coffee for [REDACTED] would give her cash or a coffee gift card, and would sometimes offer to treat her as well. [REDACTED] said that she used to get [REDACTED] coffee more often in the past than she did at the time of her interview – she estimated that it occurred approximately biweekly, and included a limited number of occasions when [REDACTED] asked her directly if she could bring him back coffee when she was stepping out to do something else. Again, in those situations [REDACTED] gave her money or a gift card for the coffee and sometimes offered to treat her as well.

████████ further stated that ██████████ often called the office to discuss the day's schedule when he was driving to work, and he generally spoke to either ██████████ or ██████████. ██████████ recalled that on perhaps one or two of these occasions, ██████████ requested that ██████████ get him coffee when she went to the coffee shop herself, so that the coffee would be there when he arrived and before he began his meetings. ██████████ said that ██████████ may have made a similar request to ██████████ on one occasion as well. ██████████ stated that ██████████ never called the office specifically to request that she get him coffee.

████████ denied driving ██████████ to personal appointments such as shopping and to the bank. She recalled that on one occasion, she and ██████████ discussed the possibility of her driving him to the airport during off duty hours when he was traveling on personal business. She did not recall further details, stating "it was so long ago." However, she did recall that she did not drive him to the airport; she believed that his family drove him there instead.

████████ recalled to the OIG that ██████████ mentioned to her that ██████████ asked her to drive him to the airport once when he was leaving on a personal trip. ██████████ recalled that ██████████ did not do so, because she was concerned about ██████████ if she drove ██████████ to the airport after hours. ██████████ did not know whether ██████████ had asked ██████████ to drive him to the airport using his vehicle or ██████████ vehicle. ██████████ also stated that on possibly five occasions ██████████, the last occasion occurring ██████████, ██████████ ordered take-out lunch and asked ██████████ to drive him there to pick it up. When he did this, ██████████ drove ██████████ personal vehicle, ██████████ would then circle the block while ██████████ went inside to pick up his lunch.

████████ stated that she was not aware of ██████████ ever calling anyone while commuting in to work and asking them to have a coffee for him on his desk at the time of his arrival. Weaver said that ██████████ never asked her to run personal errands for him, nor was she aware of anyone in the office to whom he made that request. She said that both she and ██████████ sometimes ask ██████████ if they could bring him coffee when they went for coffee, and that ██████████ similarly offered to bring them coffee when he went out. ██████████ said that ██████████ put money in a petty cash fund with an average balance of \$10 that she maintained in a sealed envelope in a drawer, which she used on the occasions that she purchased coffee for him. ██████████ stated that ██████████ told her that ██████████ requested that she drive him in his personal vehicle to ██████████ Airport in approximately ██████████ or ██████████ for a personal trip he was taking. ██████████ stated, "I told her she was crazy...because she shouldn't be doing that." When asked how ██████████ responded to her, ██████████ stated, "she knew it," and said that ██████████ was "venting" about being asked. ██████████ believed that ██████████ did, in fact, take ██████████ to the airport, but she was not certain.

████████ stated that ██████████ and ██████████ had each purchased coffee for him on multiple occasions when they went to get coffee for themselves. ██████████ stated that he provided them with payment in advance. ██████████ further stated that ██████████ and ██████████ each maintained a "slush fund" envelope in their desks that contained cash from ██████████ to cover expenses such as coffee, lunches, and his contribution to gifts for ██████████ employees on special occasions. ██████████ further stated that he allowed ██████████ and ██████████ to use his debit card or a gift card he purchased ██████████ to cover coffee

expenses. [REDACTED] stated that he “always” paid for his own coffee and bought coffee for [REDACTED] or [REDACTED] if they went to the café with [REDACTED] debit or gift cards. [REDACTED] recalled that [REDACTED] used to get coffee and bring it back to him at least once per week by the end of her tenure at [REDACTED] which was an increase in frequency compared to her first year in her position. Nonetheless, [REDACTED] said that he could not recall an instance when he specifically asked [REDACTED] to get coffee for him. [REDACTED] stated that he may have requested via telephone while driving to the office that someone purchase coffee for him prior to his arrival if that person intended to go get coffee for themselves. [REDACTED] stated that he had no memory of making such a request, but it was possible that he did so on one or two occasions. [REDACTED] recalled that he had, in the past, spoken to [REDACTED] or [REDACTED] while driving into work and offered to get them coffee on his way in.

[REDACTED] said that [REDACTED] sometimes offered to pick up lunch for [REDACTED] if they were going out themselves. If that discussion occurred while they were in the office, [REDACTED] would give them money in advance. [REDACTED] said that there was at least one instance when [REDACTED] returned with a lunch for [REDACTED] that he did not request, when she stated that she suspected he would not have time to eat otherwise, [REDACTED]. [REDACTED] stated that there may also have been occasions when one of them called him while they were out and asked him if they could pick something up for him, in which case he would have reimbursed them later. [REDACTED] also stated that it was possible that he requested that [REDACTED] go out to get him lunch if he were especially busy, without [REDACTED] first offering or saying that she was going out; [REDACTED] could not recall such an occurrence, but he acknowledged that it was possible.

[REDACTED] stated that there were occasions when he went to lunch with colleagues and subordinates and allowed them to drive his personal vehicle, and on a rare number of occasions, he requested that various [REDACTED] personnel drive him to an official meeting or a training in his personal car because a fleet vehicle was unavailable. [REDACTED] further stated that there were occasions when he would drive his vehicle to a restaurant, then his colleague or subordinate would drive the vehicle around the block while [REDACTED] went inside and retrieved lunch for them.

[REDACTED] denied asking [REDACTED] to give him a ride to the airport. [REDACTED] recalled having a discussion with [REDACTED] sometime prior [REDACTED] about how he would get to the [REDACTED] airport to begin a personal trip. [REDACTED] stated that [REDACTED] then said, “Well I can take you,” to which [REDACTED] responded, “Well, that would be way out of your way.” [REDACTED] said that “she ended up not taking me but that’s the extent of that.” [REDACTED] said he could not recall how he did, in fact, get to the airport; he speculated that either his wife drove him, or he drove his car and parked it. [REDACTED] said that he did not think that he would have paid for a cab [REDACTED].

OIG’s Conclusion

[REDACTED]

The OIG investigation also did not substantiate the allegation that [REDACTED] required subordinates to purchase coffee for him. The investigation did show that subordinates periodically purchased coffee for [REDACTED] using funds that he provided in advance. However, with very few possible exceptions, each such instance occurred when the subordinate offered to purchase coffee for [REDACTED] when they were going for coffee themselves.

The OIG investigation did conclude that [REDACTED] exhibited poor judgment when, on six occasions, he asked a subordinate to drive him somewhere on purely personal business. The OIG found that [REDACTED] asked [REDACTED] to drive him to pick up lunch on approximately five occasions, and that he asked [REDACTED] to drive

him to the airport on one occasion when he was leaving on a personal trip.

Sexual Harassment of [REDACTED]

During the course of this investigation, [REDACTED] advised the OIG that she was told by [REDACTED], [REDACTED] that [REDACTED] had kissed [REDACTED] on the mouth during a debriefing in his office on [REDACTED]. [REDACTED] heard the information from [REDACTED] and then reported it both to [REDACTED] and [REDACTED]. [REDACTED] stated that her “jaw dropped” when she heard of the incident, and that she, [REDACTED] and [REDACTED] “agreed that was terrible,” but she did not believe that the information was reported to anyone in a more senior position.

[REDACTED] told the OIG that [REDACTED] reported to her [REDACTED] that [REDACTED], while saying goodbye, gave her a hug and a kiss on the lips. [REDACTED] added, “while I thought, I did find that inappropriate, I wasn’t there. And she, she was not telling me that because she felt sexually harassed. She, she told it to me because, I think, she thought it was a bit odd. But she was not upset.” [REDACTED] stated that she did not feel that [REDACTED] was reporting a complaint, but rather “it was in conversation.” [REDACTED] did not report the incident in writing, but she did mention it to [REDACTED], who also believed that the reported behavior was “not appropriate.”

[REDACTED] stated that during [REDACTED], [REDACTED] and [REDACTED] were alone together, probably in his or her office, and that at the end [REDACTED], [REDACTED] hugged [REDACTED] and kissed her directly on the lips. [REDACTED] described the kiss as a “quick peck” with a closed mouth, similar to the sort of kiss one may give to friends or family. However, [REDACTED] considered [REDACTED] to be neither friend nor family, and felt that the kiss was inappropriate. Although she did not file a complaint, [REDACTED] stated that she mentioned the incident to one or more people, including [REDACTED] and [REDACTED].

[REDACTED] further stated that while she was employed at [REDACTED] made inappropriate comments to her based on her gender. [REDACTED] stated that, for example, shortly after [REDACTED] began working [REDACTED], the position [REDACTED] became vacant and [REDACTED] applied [REDACTED].

interviewed her for the position. told the OIG that during the interview, mentioned the fact that was female and would have "big shoes to fill." stated that she thought it was odd and inappropriate that made reference to her gender while assessing whether she would be capable of serving as stated that then asked whether she felt it was appropriate for her to take the position in light of the fact that she was recalled that expressed that perhaps she would want or need to direct her energies towards rather than the additional duties of the position. stated that, despite comments, continued with her application.

approached and whispered in her ear that he did not recognize her due to the fact that, and he further whispered to her that he asked himself, "who is this beautiful woman?" stated that, sent an email that said, "what a good looking couple." Included as an attachment to the email was a photo taken standing together. In the photo, had his arm around felt that email and his verbal comment to her concerning her appearance were inappropriate.

During a review of DOJ Outlook email for and , the OIG identified an email from to dated with the subject line "What a good looking couple!" Attached to the email was a photograph of standing between and . In the photograph, has his right arm behind . responded with an email 20 minutes later saying, "Thanks for sharing to which responded with an email featuring a smile emoji composed of a colon and a half parentheses.

denied kissing on the mouth but he also could not say with absolute certainty that the incident did not occur. recalled that took the initiative to hug him before she left for the day. also recalled making a comment to told the OIG, "I said I noticed that . And that she looked nice . When asked whether it was possible that he said, "who is this beautiful woman," responded, "I mean I guess it's possible but I do not recall saying that. I do recall saying I did not recognize her reviewed a copy of the email that he sent to on . When asked what he meant by the subject line, "what a good looking couple," stated, "I don't think I meant anything by that." then reviewed the photograph that was attached to the email, which featured , and to her left, with his right arm behind her back. When asked where his right hand was at the time the photograph was taken, stated, "I cannot say where it is but it appears it's on her back." The OIG again asked in light of the subject matter of the photograph, why he chose the phrase "what a good looking couple" for the subject line of the email. responded,

“no particular reason.”

OIG’s Conclusion

The OIG investigation concluded that [REDACTED] made inappropriate comments and engaged in an unsolicited kiss on the lips with [REDACTED], and that his actions constituted administrative misconduct in violation of Attorney General Policy Memorandum #2015-04 – Prevention of Harassment in the Workplace, dated October 9, 2015.