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DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

REPORT OF INVESTIGATION

SUBJECT (b)(6); (b)(7)(C) Assistant Special Agent in Charge (Former) (b)(6); (b)(7)(C)		CASE NUMBER 2022-008063
OFFICE CONDUCTING INVESTIGATION (b)(6); (b)(7)(C)		DOJ COMPONENT Drug Enforcement Administration
DISTRIBUTION <input checked="" type="checkbox"/> Field Office (b)(6); (b)(7)(C) <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component DEA <input type="checkbox"/> USA <input type="checkbox"/> Other		STATUS <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 the Drug Enforcement Administration (DEA) alleging that beginning in (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) Assistant Special Agent in Charge (ASAC) (b)(6); (b)(7)(C) was involved in an inappropriate, intimate relationship with his (b)(6); (b)(7)(C). The information further alleged that (b)(6); (b)(7)(C) misused his position by rewarding (b)(6); (b)(7)(C) with performance evaluations, cash awards, and (b)(6); (b)(7)(C) training opportunities she was not entitled to receive. Initially, the DEA provided the OIG with an anonymous complaint containing these allegations, which the OIG referred to the DEA's Office of Professional Responsibility (OPR). After the anonymous complainant came forward and provided additional information, the OIG conducted this investigation jointly with DEA OPR.

During the course of the investigation, the OIG found indications that (b)(6); (b)(7)(C) instructed (b)(6); (b)(7)(C) to deny their relationship if questioned by DEA OPR and that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) lacked candor when initially questioned by DEA OPR regarding the allegations of an inappropriate intimate relationship between the two. (b)(6); (b)(7)(C) also failed to cooperate with the OIG investigation by avoiding a compelled OIG interview.

The OIG investigation substantiated the allegations that (b)(6); (b)(7)(C) engaged in an inappropriate, intimate relationship with (b)(6); (b)(7)(C) for approximately 28 months while (b)(6); (b)(7)(C) was his subordinate employee and reported directly to him;

DATE December 7, 2023 (b)(6); (b)(7)(C)	SIGNATURE (b)(6); (b)(7)(C)
PREPARED BY SPECIAL AGENT	
DATE December 7, 2023 Cloey C. Pierce	SIGNATURE Cloey Chaney Pierce
APPROVED BY SPECIAL AGENT IN CHARGE	Digitally signed by Cloey C. Pierce Date: 2023.12.07 16:16:08 -06'00'

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(b)(6); (b)(7)(C) failed to report the relationship as required; (b)(6); (b)(7)(C) participated in personnel actions involving (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) obstructed the DEA OPR investigation when he instructed (b)(6); (b)(7)(C) to deny their relationship if questioned by DEA OPR; (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) lacked candor during their separate interviews with DEA OPR; and (b)(6); (b)(7)(C) failed to cooperate with the OIG investigation by avoiding a compelled OIG interview.

One witness told the OIG that she personally received a series of phone calls and text messages from (b)(6); (b)(7)(C) who admitted to having an intimate relationship with (b)(6); (b)(7)(C). A second witness told the OIG that performance awards are overseen by (b)(6); (b)(7)(C). The second witness also advised that all (b)(6); (b)(7)(C) staff receive the same cash award amounts. A third witness told the OIG that (b)(6); (b)(7)(C) was sent to (b)(6); (b)(7)(C) training due to a vacancy within the (b)(6); (b)(7)(C).

When contacted by the OIG, (b)(6); (b)(7)(C) declined a voluntary OIG interview and refused to participate in a compelled interview at that time stating he was not in the correct state of mind. The OIG instructed (b)(6); (b)(7)(C) to appear for a compelled interview three days later, which was administrative in nature, and informed (b)(6); (b)(7)(C) that neither the answers he provided, nor any evidence gained by reason of those answers could be used against him in a criminal proceeding. (b)(6); (b)(7)(C) requested to postpone the compelled interview for an additional ten days, and when that request was denied (b)(6); (b)(7)(C) abruptly retired. The OIG has the authority to compel testimony from current Department employees upon informing them that their statements will not be used to incriminate them in a criminal proceeding. The OIG does not have the authority to compel or subpoena testimony from former Department employees, including those who retire or resign during the course of an OIG investigation.

In a voluntary OIG interview, (b)(6); (b)(7)(C) admitted to having a romantic and intimate relationship with (b)(6); (b)(7)(C) that started in (b)(6); (b)(7)(C) and was ongoing as of her (b)(6); (b)(7)(C) OIG interview. (b)(6); (b)(7)(C) was (b)(6); (b)(7)(C) supervisor and rating official from (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) also admitted she previously lied to DEA OPR by denying that she had an intimate relationship with (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) further stated that she lied to DEA OPR because (b)(6); (b)(7)(C) who was her supervisor at the time, instructed her to do so.

The U.S. Attorney's Office (b)(6); (b)(7)(C) declined prosecution.

(b)(6); (b)(7)(C) retired from his position at the DEA effective (b)(6); (b)(7)(C).

The OIG has completed its investigation and is providing this report to the DEA for appropriate action.

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 the 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).

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



LIMITED OFFICIAL USE DETAILS OF INVESTIGATION

Predication

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the Drug Enforcement Administration (DEA) alleging that beginning in (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) Assistant Special Agent in Charge (ASAC) (b)(6); (b)(7)(C) was involved in an inappropriate, intimate relationship with his (b)(6); (b)(7)(C). The information further alleged that (b)(6); (b)(7)(C) misused his position by rewarding (b)(6); (b)(7)(C) with performance evaluations, cash awards, and (b)(6); (b)(7)(C) training opportunities she was not entitled to receive. Initially, the DEA provided the OIG with an anonymous complaint containing these allegations, which the OIG referred to the DEA's Office of Professional Responsibility (OPR). After the anonymous complainant came forward and provided additional information, the OIG conducted this investigation jointly with DEA OPR.

During the course of the investigation, the OIG found indications that (b)(6); (b)(7)(C) instructed (b)(6); (b)(7)(C) to deny their relationship if questioned by DEA OPR and that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) lacked candor when initially questioned by DEA OPR regarding the allegations of an inappropriate intimate relationship between the two. (b)(6); (b)(7)(C) also failed to cooperate with the OIG investigation by avoiding a compelled OIG interview.

Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following DEA personnel:

- (b)(6); (b)(7)(C)
- (b)(6); (b)(7)(C)
- (b)(6); (b)(7)(C)

Attempted interview of the following DEA personnel:

- (b)(6); (b)(7)(C) ASAC

Interview of the following civilian personnel:

- The anonymous complainant¹

Review of the following:

- Text message communications between the anonymous complainant, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C)
- DEA personnel file records for (b)(6); (b)(7)(C)
- DEA cash award records for (b)(6); (b)(7)(C) staff
- DEA OPR Preliminary Inquiry Memoranda

(b)(6); (b)(7)(C) **Had an Inappropriate, Intimate Relationship with a Subordinate, Failed to Report the Relationship, and Failed to Recuse Himself From All Personnel Actions Involving the Subordinate**

¹ During the course of the investigation, the anonymous complainant indicated their desire to remain anonymous, and the OIG and DEA OPR agreed to honor this request.

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The information provided to the OIG alleged that, beginning in [REDACTED] [REDACTED] was involved in an inappropriate, intimate relationship with his [REDACTED] failed to report the relationship, and misused his position by rewarding [REDACTED] with performance evaluations, cash awards, and [REDACTED] training opportunities she was not entitled to receive.

DEA Personnel Manual § 2735.20 Conduct Prejudicial to the Government, Romantic or Intimate Relationships, states in pertinent part: "Romantic or intimate relationships between supervisors and subordinates are prohibited. If a supervisor enters into a romantic or intimate relationship with a subordinate, the supervisor is required to promptly report and document the relationship in writing to their immediate supervisor or Human Resources (HR) within ten (10) calendar days after the commencement of the relationship. The supervisor will be immediately prohibited from serving as the rating or reviewing official of the subordinate with whom the supervisor has a romantic or intimate relationship. The supervisor will be recused from determining any personnel actions, directly or indirectly, involving or affecting, or appearing to involve or affect, the subordinate with whom the supervisor has a romantic or intimate relationship, to include but not limited to, cash awards, time-off awards, promotions, and reassignments."

5 C.F.R. § 2635.702, Misuse of Position, provides in pertinent part: "An employee shall not use his public office for his own private gain . . . or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity[.]"

The anonymous complainant told the OIG that she was in a romantic relationship with [REDACTED] from [REDACTED] [REDACTED], and was living with him when she learned that [REDACTED] was having an intimate relationship with [REDACTED]. The anonymous complainant recalled that on [REDACTED] [REDACTED] contacted her and admitted to being involved in an intimate relationship with [REDACTED] since [REDACTED]. The anonymous complainant told the OIG that during her relationship with [REDACTED] he often spoke about giving [REDACTED] high ratings on her annual performance evaluations, nominating her for large cash awards, and pushing to get her advanced [REDACTED] training paid for by the DEA.

The OIG reviewed text message exchanges between the anonymous complainant and [REDACTED] personal cell phones that corroborated the anonymous complainant's account. In a text message exchange dated [REDACTED] [REDACTED] initiated contact with the anonymous complainant by requesting a telephone call. In a subsequent text message, [REDACTED] relayed to the anonymous complainant that she had told [REDACTED] that she had disclosed their intimate relationship to the anonymous complainant. [REDACTED] also texted the anonymous complainant that [REDACTED] responded by stating that [REDACTED] had "ruined" him. The OIG also reviewed text message exchanges between the anonymous complainant and [REDACTED] personal cell phones. In a text message exchange dated [REDACTED] [REDACTED] [REDACTED] asked the anonymous complainant to stop threatening his job by talking about reporting his relationship with [REDACTED].

The OIG reviewed personnel records for [REDACTED] including annual performance evaluations, cash awards, and [REDACTED] training approved by [REDACTED] during the period [REDACTED]. During that time frame, [REDACTED] rated [REDACTED] annual performance as "Outstanding" and approved a total of \$19,210.73 in cash awards for [REDACTED] [REDACTED] annual performance evaluations and cash award nominations received primary approval from [REDACTED] and secondary approval from [REDACTED]. [REDACTED] approved two DEA sponsored [REDACTED] training courses for [REDACTED] with course fees totaling \$3,950.20.

In an OIG interview, [REDACTED] stated that the anonymous complainant reported the relationship to him but requested anonymity and she refused to be interviewed by DEA OPR. [REDACTED] reported this allegation to DEA OPR. DEA OPR requested to interview [REDACTED] and [REDACTED] therefore [REDACTED] notified both of them that DEA OPR was requesting to

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interview them, (b)(6); (b)(7)(C) stated he did not disclose what the interviews were in reference to. (b)(6); (b)(7)(C) advised during his interview that (b)(6); (b)(7)(C) nor (b)(6); (b)(7)(C) ever reported or disclosed their relationship to him. (b)(6); (b)(7)(C) advised he reviewed and approved performance awards for all (b)(6); (b)(7)(C) personnel, including (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) told the OIG that all administrative staff consistently received the same cash award amounts and denied that (b)(6); (b)(7)(C) requested additional award amounts for (b)(6); (b)(7)(C).

The OIG reviewed cash award records for (b)(6); (b)(7)(C) personnel located in (b)(6); (b)(7)(C) and determined that each employee received a \$6,000 annual cash award, consistent with the annual amounts awarded to (b)(6); (b)(7)(C).

In an OIG interview, (b)(6); (b)(7)(C) stated she nominated (b)(6); (b)(7)(C) as well as other DEA employees, for (b)(6); (b)(7)(C) training so that (b)(6); (b)(7)(C) stated the need for (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) arose from the retirement of (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) approved (b)(6); (b)(7)(C) to attend the (b)(6); (b)(7)(C) training courses and take on the additional collateral duties while also assigned as the ASAC's (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) advised that both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) reviewed and approved any cash awards issued to (b)(6); (b)(7)(C).

On (b)(6); (b)(7)(C) when contacted at his residence by the OIG, (b)(6); (b)(7)(C) declined to participate in a voluntary OIG interview and then declined to participate in a compelled interview, stating he was not in the correct frame of mind to be interviewed. The OIG instructed (b)(6); (b)(7)(C) to appear for a compelled interview at the OIG's (b)(6); (b)(7)(C) Office three days later, on (b)(6); (b)(7)(C) and informed (b)(6); (b)(7)(C) that neither the answers he provided, nor any evidence gained by reason of those answers could be used against him in a criminal proceeding. On (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) emailed the OIG, stating that he was on leave due to "uncontrollable circumstances" and that he would be available to meet with the OIG when he returned to work on (b)(6); (b)(7)(C). The OIG contacted DEA OPR, who in turn ordered (b)(6); (b)(7)(C) to appear at the OIG's office on (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) then emailed DEA OPR stating that he was retiring effective that day, (b)(6); (b)(7)(C).

In a voluntary OIG interview, (b)(6); (b)(7)(C) admitted to having a consensual romantic and intimate relationship with (b)(6); (b)(7)(C) that started in (b)(6); (b)(7)(C) and was ongoing at the time of her (b)(6); (b)(7)(C) OIG interview. (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) was her supervisor and rating official until (b)(6); (b)(7)(C) when (b)(6); (b)(7)(C) was promoted to (b)(6); (b)(7)(C) and reassigned to a new rating official, (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) said she initiated the intimate relationship with (b)(6); (b)(7)(C) sometime in (b)(6); (b)(7)(C) because she was attracted to him. (b)(6); (b)(7)(C) denied having any intimate contact with (b)(6); (b)(7)(C) during work hours or at any work facilities. (b)(6); (b)(7)(C) also denied that she asked (b)(6); (b)(7)(C) for, or (b)(6); (b)(7)(C) offered her, job related awards or benefits in exchange for continuing the relationship with him. (b)(6); (b)(7)(C) stated that her high marks on performance evaluations and cash awards were earned and had nothing to do with her romantic relationship with (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated she received the exact same cash awards as every other (b)(6); (b)(7)(C) located at offices in (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) also said her current supervisor, (b)(6); (b)(7)(C) nominated her for the (b)(6); (b)(7)(C) training so she could (b)(6); (b)(7)(C) due to the retirement of the (b)(6); (b)(7)(C).

During (b)(6); (b)(7)(C) OIG interview, she stated that when DEA OPR questioned her in (b)(6); (b)(7)(C) and asked her about the alleged relationship with (b)(6); (b)(7)(C) she told them she was not having a relationship with (b)(6); (b)(7)(C) because she wanted to move into her new position and because (b)(6); (b)(7)(C) instructed her not to tell DEA OPR about their relationship. (b)(6); (b)(7)(C) stated that when she told (b)(6); (b)(7)(C) that someone had complained about their relationship, he told her "it will only cause us more trouble. He said don't dig. Don't do anything. He said have your conversation. If they call or they do your interview go through your process and we don't discuss it." (b)(6); (b)(7)(C) later implied in her

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OIG interview that (b)(6); (b)(7)(C) was referring to her trying to figure out who made the complaint, when he told her not to dig. (b)(6); (b)(7)(C) later stated that if (b)(6); (b)(7)(C) knew she was talking to the OIG, he would tell her to be honest. (b)(6); (b)(7)(C) told the OIG that on several occasions (b)(6); (b)(7)(C) expressed concerns to her about their intimate relationship due to (b)(6); (b)(7)(C) being (b)(6); (b)(7)(C) supervisor. (b)(6); (b)(7)(C) recalled that her conversations with (b)(6); (b)(7)(C) on the topic revolved around being mindful that they worked together and to be professional at work, to compartmentalize their work and personal lives. (b)(6); (b)(7)(C) stated to the OIG that she did not report her relationship with (b)(6); (b)(7)(C) to anyone in management or human resources, partly to protect herself and partly because (b)(6); (b)(7)(C) (her supervisor) instructed her not to do so.

The U.S. Attorney's Office (b)(6); (b)(7)(C) declined prosecution.

OIG's Conclusion

The OIG investigation concluded that (b)(6); (b)(7)(C) had an inappropriate intimate relationship with his subordinate and failed to report the relationship with his subordinate to his superior within 10 days, as required by DEA policy. Furthermore, (b)(6); (b)(7)(C) continued to carry out the duties of the subordinate's first line supervisor and rating official for 28 months, while the unreported relationship was ongoing, until the subordinate was transferred to a different position. Regardless of whether (b)(6); (b)(7)(C) performance evaluations and cash awards were deserved and had nothing to do with her romantic relationship with (b)(6); (b)(7)(C) DEA policy clearly prohibited (b)(6); (b)(7)(C) from participating in those personnel actions. The OIG concluded that (b)(6); (b)(7)(C) actions violated DEA's Personnel Manual § 2735.20 Conduct Prejudicial to the Government, Romantic or Intimate Relationships.²

(b)(6); (b)(7)(C) Obstructed the Investigation by Instructing (b)(6); (b)(7)(C) to Conceal Their Relationship from DEA OPR, and Both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) Lacked Candor During Their DEA OPR Interviews

During the course of the investigation, the OIG found indications that (b)(6); (b)(7)(C) sought to obstruct the investigation by instructing (b)(6); (b)(7)(C) to conceal their relationship from DEA OPR, and that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) lacked candor when initially questioned by DEA OPR regarding the allegations of an inappropriate intimate relationship between the two.

DEA Personnel Manual § 2735.18 Misuse of Official Position, states in pertinent part: "DEA personnel will not: Obstruct or attempt to obstruct an official investigation, inquiry, or other matter of official interest".

² The DEA's Romantic or Intimate Relationships Policy prohibits relationships between supervisors and subordinates and places the obligation to report such a relationship on the supervisor. As stated in the OIG's March 11, 2020 Management Advisory Memorandum of Concerns Identified in the Handling of Supervisor-Subordinate Relationships Across DOJ Components, because the imbalance of power between supervisors and subordinates raises questions about the consensual nature of such romantic or intimate relationships, the OIG ordinarily does not name a subordinate as a subject in investigations of this type and does not make findings of misconduct against the subordinate solely for entering into and/or failing to report the romantic or intimate relationship with the supervisor. DOJ OIG, Management Advisory Memorandum of Concerns Identified in the Handling of Supervisor-Subordinate Relationships Across DOJ Components (March 2020), <https://oig.justice.gov/reports/2020/i20035.pdf> (accessed May 6, 2020). (b)(6); (b)(7)(C)



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DEA Personnel Manual § 2735.20 Conduct Prejudicial to the Government, Employee Truthfulness and Lack of Candor, states in pertinent part: "DEA personnel, as members of the law enforcement community, must be at all times candid and truthful in the performance of their duties. This duty to respond fully and truthfully applies during administrative interviews and any other official agency business and is applicable whether the employee concerned is providing a statement about his/her own misconduct, the misconduct of others, observed facts, past recollections, opinions, or is providing a written or oral communication upon which a trier of fact or other similar body or forum will or may have cause on which to rely or consider. DEA personnel will testify truthfully in all matters and will always be honest and forthright in any statement, communication, or testimony they author, provide, condone, or otherwise cause others to rely upon. A DEA employee will not knowingly permit others to create, promulgate, communicate, distribute, or condone false, inaccurate, or incomplete testimony, statements, or other written or oral communication. DEA employees will not permit a known falsehood to continue unreported or unchallenged, or provide non-responsive answers to properly authorized officials such as supervisory personnel, prosecutors, or agency investigators."

The initial allegations against (b)(6); (b)(7)(C) were received from an anonymous source, and the OIG referred the matter to DEA OPR for investigation. On (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) DEA OPR interviewed (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) respectively, regarding the anonymous allegations of an inappropriate intimate relationship between the two. The OIG reviewed a DEA OPR Results of Preliminary Inquiry Memorandum, dated (b)(6); (b)(7)(C) documenting these unsworn telephonic interviews with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) which indicated both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) denied, in their separate interviews, having or having had an intimate relationship.

Subsequent to the interviews on (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) the anonymous complainant, agreed to come forward and provided testimony and documentary evidence to the OIG that supported the allegations she had made. The OIG and DEA OPR subsequently conducted a joint investigation.

As noted previously, on (b)(6); (b)(7)(C) when contacted at his residence by the OIG, (b)(6); (b)(7)(C) declined to participate in a voluntary OIG interview and then declined to participate in a compelled interview, stating he was not in the correct frame of mind to be interviewed. The OIG instructed (b)(6); (b)(7)(C) to appear for a compelled interview at the OIG's (b)(6); (b)(7)(C) Office three days later, on (b)(6); (b)(7)(C), and informed (b)(6); (b)(7)(C) that neither the answers he provided, nor any evidence gained by reason of those answers could be used against him in a criminal proceeding. On (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) emailed the OIG, stating that he was on leave due to "uncontrollable circumstances" and that he would be available to meet with the OIG when he returned to work on (b)(6); (b)(7)(C). The OIG contacted DEA OPR, who in turn ordered (b)(6); (b)(7)(C) to appear at the OIG's office on (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) then emailed DEA OPR stating that he was retiring effective that day, (b)(6); (b)(7)(C).

As noted previously, in a voluntary OIG interview, (b)(6); (b)(7)(C) admitted to having an intimate relationship with (b)(6); (b)(7)(C) while he was assigned as her supervisor and rating official. (b)(6); (b)(7)(C) recalled that prior to being officially promoted to the position of (b)(6); (b)(7)(C) position in (b)(6); (b)(7)(C) she underwent an "Integrity Check" interview with DEA OPR regarding allegations of an inappropriate intimate relationship with (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) told the OIG that during her interview with DEA OPR in (b)(6); (b)(7)(C) she denied having an intimate relationship with (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) also told the OIG that she lied to DEA OPR so that she could move into her new position without any issues and keep her relationship with (b)(6); (b)(7)(C) quiet. (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) was aware of the allegations and that prior to her interview with DEA OPR, (b)(6); (b)(7)(C) had instructed her not to talk about their relationship as it would only cause them problems. (b)(6); (b)(7)(C) further stated to the OIG that (b)(6); (b)(7)(C) had instructed her that, if DEA OPR called or interviewed her, she should go through her interview process but not discuss their relationship.

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The U.S. Attorney's Office (b)(6); (b)(7)(C) declined prosecution.

OIG's Conclusion

The OIG investigation concluded (b)(6); (b)(7)(C) obstructed the DEA OPR investigation when he instructed (b)(6); (b)(7)(C) to conceal their intimate relationship from DEA OPR and that both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) lacked candor during their DEA OPR interviews. The OIG concluded (b)(6); (b)(7)(C) conduct violated DEA Personnel Manual § 2735.18 Misuse of Official Position and that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) violated DEA Personnel Manual § 2735.20 Conduct Prejudicial to the Government, Employee Truthfulness and Lack of Candor. (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) deemed it mutually beneficial to conceal, and therefore deny in response to official questioning, the existence of their intimate relationship since (b)(6); (b)(7)(C) avoided potential administrative sanctions and damage to his professional reputation and (b)(6); (b)(7)(C) benefitted from a smooth transition to her new position. We recognize the inherent power dynamic between supervisors and subordinates and the difficult situation that (b)(6); (b)(7)(C) put (b)(6); (b)(7)(C) in by telling her to conceal their intimate relationship from DEA OPR. Nonetheless, (b)(6); (b)(7)(C) had an obligation to be candid in response to DEA OPR's official questioning, which was conducted separate from (b)(6); (b)(7)(C). While (b)(6); (b)(7)(C) instruction to (b)(6); (b)(7)(C) to conceal their relationship from DEA OPR may mitigate (b)(6); (b)(7)(C) misconduct, it does not excuse it.

(b)(6); (b)(7)(C) Failed to Cooperate with the OIG Investigation By Avoiding a Compelled OIG Interview

As noted previously, during the course of the investigation, (b)(6); (b)(7)(C) failed to cooperate with the OIG investigation by avoiding a compelled OIG interview.

DEA Chief Inspector's Bulletin No. 13 regarding Coordination and Cooperation with the OIG dated June 8, 2016, states in pertinent part: "DEA employees may also be contacted by OIG in connection with an OIG investigation. As noted above, DEA employees have a duty to, and shall, cooperate fully with the OIG and shall respond to questions posed by the OIG in connection with its investigation upon being informed, if applicable, that their statement will not be used to incriminate them in a criminal proceeding. Refusal to cooperate could lead to disciplinary action."

The OIG has the authority to compel testimony from current Department employees upon informing them that their statements will not be used to incriminate them in a criminal proceeding. The OIG does not have the authority to compel or subpoena testimony from former Department employees, including those who retire or resign during the course of an OIG investigation.

When contacted by the OIG on (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) declined to participate in a voluntary OIG interview. (b)(6); (b)(7)(C) stated that he had already spoken to DEA OPR regarding the allegations and had nothing to add to his previous testimony. The OIG then sought to immediately compel (b)(6); (b)(7)(C) to participate in an OIG interview, but he refused, stating that he was not in the correct frame of mind to participate in a compelled interview. As a professional courtesy, the OIG ceased attempts to compel an interview on that date, (b)(6); (b)(7)(C) and instead instructed (b)(6); (b)(7)(C) to appear on (b)(6); (b)(7)(C) for a compelled interview, which was administrative in nature, and informed (b)(6); (b)(7)(C) that neither the answers he provided, nor any evidence gained by reason of those answers could be used against him in a criminal proceeding. (b)(6); (b)(7)(C) advised the OIG via official e-mail on (b)(6); (b)(7)(C) that he was on leave due to "uncontrollable circumstances" and that he would be unable to appear for the compelled interview until (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) DEA OPR responded to (b)(6); (b)(7)(C) via official e-mail on (b)(6); (b)(7)(C) and advised (b)(6); (b)(7)(C) that his appearance at the (b)(6); (b)(7)(C) compelled interview was mandatory and that his failure to appear could result in immediate

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disciplinary action. (b)(6); (b)(7)(C) responded to DEA OPR via official e-mail on (b)(6); (b)(7)(C) and advised that he had retired from the DEA.

The U.S. Attorney's Office (b)(6); (b)(7)(C) declined prosecution.

OIG's Conclusion

The OIG investigation concluded that (b)(6); (b)(7)(C) failed to cooperate with the OIG investigation by avoiding a compelled OIG interview and that his actions violated DEA Chief Inspector's Bulletin No. 13 Coordination and Cooperation with the OIG. When initially contacted by the OIG on (b)(6); (b)(7)(C), (b)(6); (b)(7)(C) declined to participate in either a voluntary or compelled OIG interview. (b)(6); (b)(7)(C) was then instructed by OIG to appear for the compelled OIG interview on (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) subsequently requested to reschedule the compelled interview until (b)(6); (b)(7)(C). DEA OPR denied (b)(6); (b)(7)(C) request and ordered him to appear for the compelled interview on (b)(6); (b)(7)(C). In response and to avoid complying with that order, (b)(6); (b)(7)(C) abruptly retired from the DEA on (b)(6); (b)(7)(C) a day before the compelled interview was scheduled to occur.