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DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

REPORT OF INVESTIGATION

SUBJECT (b)(6); (b)(7)(C) Assistant Section Chief Federal Bureau of Investigation (b)(6); (b)(7)(C)		CASE NUMBER 2022-007725
OFFICE CONDUCTING INVESTIGATION Washington Field Office	DOJ COMPONENT Federal Bureau of Investigation	
DISTRIBUTION <input checked="" type="checkbox"/> Field Office WFO <input type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component FBI <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 Federal Bureau of Investigation (FBI) alleging that (b)(6); (b)(7)(C)

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

During the course of the investigation, the OIG found indications that (b)(6); (b)(7)(C) had an intimate or romantic relationship with (b)(6); (b)(7)(C) that he failed to timely report in violation of FBI policy.

(b)(6); (b)(7)(C) However, the OIG substantiated that (b)(6); (b)(7)(C) engaged in an intimate or romantic relationship with a subordinate that he failed to timely report in violation of FBI policy and engaged in off duty unprofessional conduct.¹

¹ The OIG acknowledges that the FBI's Personal Relationships Policy places an equal obligation to report a romantic or intimate relationship on both supervisors and subordinates. However, the OIG did not name (b)(6); (b)(7)(C) as a subject in this matter, as we do not make findings of misconduct against subordinates solely for their failure to report a romantic or intimate relationship. See [Management](#)

DATE March 20, 2024	SIGNATURE (b)(6); (b)(7)(C)
PREPARED BY SPECIAL AGENT (b)(6); (b)(7)(C)	
DATE March 20, 2024	SIGNATURE  Digitally signed by Russell W. Cunningham Date: 2024.03.20 13:16:21 -04'00'
Russell W. Cunningham	
APPROVED BY SPECIAL AGENT IN CHARGE	

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The OIG investigation also found that (b)(6); (b)(7)(C) engaged in an inappropriate hiring or organizational decision when he solicited and accepted (b)(6); (b)(7)(C) for a temporary duty assignment without specific, advance management approval, when he had a personal relationship with the subordinate and where a reasonable person would question his impartiality. Finally, the OIG investigation found (b)(6); (b)(7)(C) engaged in off duty unprofessional conduct when he accompanied (b)(6); (b)(7)(C) to multiple drinking establishments, including a strip club; drank excessively with (b)(6); (b)(7)(C) and engaged in sexual contact with (b)(6); (b)(7)(C) in a rideshare vehicle.

In a written statement (b)(6); (b)(7)(C) submitted to the FBI (b)(6); (b)(7)(C) said that on (b)(6); (b)(7)(C) she met (b)(6); (b)(7)(C) at a restaurant in (b)(6); (b)(7)(C). While at the restaurant, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) consumed several alcoholic beverages and ate dinner. (b)(6); (b)(7)(C) next recollection was being inside a strip club, (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) declined a voluntary OIG interview regarding her relationship with (b)(6); (b)(7)(C)

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

The OIG interviewed several FBI employees who worked closely with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). Two employees told the OIG that prior to (b)(6); (b)(7)(C) they were aware that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) spent time together outside of work and communicated on their personal cell phones. One of these employees believed that (b)(6); (b)(7)(C) favored (b)(6); (b)(7)(C) as a result of their personal relationship, and this employee provided examples of such perceived favoritism.

(b)(6); (b)(7)(C) confirmed he and (b)(6); (b)(7)(C) met (b)(6); (b)(7)(C) for dinner and drinks. (b)(6); (b)(7)(C) said that during dinner their conversations became sexually charged and they mutually agreed to visit a strip club. (b)(6); (b)(7)(C) also stated that from approximately 9:00 PM to 2:30 AM, during the time they were at (b)(6); (b)(7)(C) and the strip club, he consumed approximately seven or eight alcoholic beverages and (b)(6); (b)(7)(C) consumed approximately five to eight alcoholic beverages. At approximately 2:30 AM, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) took a rideshare (b)(6); (b)(7)(C)

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

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

[Advisory Memorandum of Concerns Identified in the Handling of Supervisor-Subordinate Relationships Across DOJ Components \(justice.gov\)](https://www.justice.gov).

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

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

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



The OIG has completed its investigation and is providing this report to the FBI 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 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).

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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 Federal Bureau of Investigation (FBI) alleging that (b)(6); (b)(7)(C)

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

During the course of the investigation, the OIG found indications that (b)(6); (b)(7)(C) had an intimate or romantic relationship with (b)(6); (b)(7)(C) that he failed to timely report in violation of FBI policy.

Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following FBI personnel:

- (b)(6); (b)(7)(C) Assistant Section Chief

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

-
-
-
-
-
-
-
-
-

Interviews of the following witnesses:

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

Review of the following:

- Predicating Materials
- Surveillance video (b)(6); (b)(7)(C)
- (b)(6); (b)(7)(C) interview of (b)(6); (b)(7)(C)
- (b)(6); (b)(7)(C) interview of (b)(6); (b)(7)(C)
- (b)(6); (b)(7)(C) interview of (b)(6); (b)(7)(C)
- (b)(6); (b)(7)(C) Investigative Case File
- Analysis of (b)(6); (b)(7)(C) government cell phone
- Analysis of (b)(6); (b)(7)(C) FBI UNET Email
- Analysis of (b)(6); (b)(7)(C) FBINET Email
- Analysis of (b)(6); (b)(7)(C) Self-Report Statement
- Review of FBI travel vouchers between (b)(6); (b)(7)(C)
- Analysis of Text Messages provided by (b)(6); (b)(7)(C)

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- Medical Records for (b)(6); (b)(7)(C) 3
- Polygraph Report for (b)(6); (b)(7)(C)
- Review of (b)(6); (b)(7)(C) FBI Academy File
- FBI Lab Analysis of clothing provided by (b)(6); (b)(7)(C)
- Review of FBI (b)(6); (b)(7)(C) Chain of Command Structure

Allegations That (b)(6); (b)(7)(C) Had an Unreported Romantic or Intimate Relationship with (b)(6); (b)(7)(C) in Violation of FBI Policy

The information provided to the OIG alleged that (b)(6); (b)(7)(C)

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

During the course of the investigation, the OIG found indications that (b)(6); (b)(7)(C) had an intimate or romantic relationship with (b)(6); (b)(7)(C) without reporting it in violation of FBI policy and engaged in off duty unprofessional conduct.

Authorities

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

FBI Offense Code 5.21, Unprofessional Conduct – Off Duty, prohibits employees from “engaging in conduct, while off duty, which dishonors, disgraces, or discredits the FBI; seriously calls into question the judgment or character of the employee, or compromises the standing of the employee among his peers or his community.”

The Memorandum from the Assistant Attorney General for Administration and Designated Agency Official: “Off-Duty Conduct,” dated January 29, 2016, states:

Employees may be disciplined for off-duty conduct if there is a nexus (connection) between the offending conduct and the employee’s job-related responsibilities such that the proposed discipline would promote the efficiency of the Service.” See 5 U.S.C. § 7513(a).

An agency may show nexus between off-duty misconduct and the efficiency of the service by three means: (1) a rebuttable presumption in certain egregious circumstances; (2) preponderant evidence that the misconduct adversely affects the appellant’s or co-workers’ job performance or the agency’s trust and confidence in the appellant’s job performance; or (3) preponderant evidence that the misconduct interfered with or adversely affected the agency’s mission.

3 (b)(6); (b)(7)(C) medical records are not attached as an exhibit due to their sensitivity. However, they may be made available upon request.

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The FBI has a Personal Relationships Policy Statement that is contained in Policy Directive (PD) 0802D, dated August 14, 2015, and states that "FBI employees must not engage in personal relationships which negatively affect their ability to conduct their official duties, or which otherwise adversely affect the FBI's mission." Although the phrase "personal relationships" appears in the name of the policy, the policy does not define what is a personal relationship. Instead, the policy defines two types of relationships: "romantic relationships" and "intimate relationships." A "romantic relationship" is defined as a relationship that "ranges from occasional dating to plans to be married, or other social engagements between two individuals, but which does not include attendance at group social events if the parties do not relate to each other as a couple." An "intimate relationship" is defined as one that "involves sexual contact."

While the Personal Relationships Policy does not outright prohibit all romantic or intimate relationships between FBI personnel, the policy places several requirements and limitations on such relationships. Specifically, "[a]n employee may not [a]llow his or her personal relationship to disrupt the workplace, compromise the interests of the government, or make the employee subject to manipulation," and an "employee must [p]ursue his or her personal relationship on personal time, using personal resources." In addition, under Section 6.1.2.2, "an employee must...[r]eport the development of a romantic or intimate relationship—even though the relationship is not prohibited—with another employee in the same unit or squad or with an employee with whom a supervisory relationship exists, so that management may determine whether remedial action, such as reassignment, is necessary to prevent interference with the FBI's mission." Section 6.2.1.1 states that a "manager or supervisor must not [e]ngage in a romantic or intimate relationship with a subordinate FBI employee if the relationship negatively affects a professional and appropriate superior-subordinate relationship or otherwise adversely affects the FBI mission," and according to Section 6.2.1.2, a "manager or supervisor must not...[d]isrupt workplace morale by pursuing or engaging in a romantic or Intimate relationship with a subordinate by, for example, showing favoritism to the subordinate through vehicle or work assignments, promotions, advancements, appraisals, training opportunities, or travel opportunities."

Further, pursuant to Section 6.1.2.3, "an employee must...[r]efrain—without specific, advance management approval—from participating in a hiring or organizational decision involving an individual with whom he or she has a personal relationship and where a reasonable person would question the employee's impartiality." An organizational decision is defined as "a decision involving a squad, a case, a shift, a vehicle assignment, or other working conditions." Section 6.1.2.3 is not specific to romantic or intimate relationships and cites the FBI's Ethics and Integrity Program Policy Directive and Policy Guide (FBI Ethics Guide), dated February 2, 2015. Section 4.7.7.1 of the Ethics Guide, labeled "Appropriate Superior-Subordinate Inter-Personal Relationships," states that:

Persons who are given the authority to supervise others in the Government must not engage in activities that may subtly or overtly coerce a subordinate to provide any personal benefit (to themselves or any other person) that is otherwise not authorized in the course of performing official duties. Generally speaking, employees and their supervisors must not engage in any relationship, financial or otherwise (romantic, business, recreational) that: 1. Negatively impacts their ability to maintain a professional and appropriate superior-subordinate relationship; or 2. Otherwise, adversely impacts the completion of the FBI mission.

Where these provisions are violated, the FBI Ethics Guide places heightened responsibility for the conduct on supervisors:

A superior has the greater authority and, hence, the greater responsibility to avoid creating appearances of preferential treatment or other improper conduct. As a result of this greater responsibility and the inequality inherent in the superior-subordinate relationship, a superior is held to a higher standard than a subordinate when improprieties are addressed in the disciplinary or administrative process.

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FBI Offense Code 5.10, entitled "Improper Relationship with a Subordinate," subjects an employee to discipline for "[e]ngaging in or seeking a romantic or intimate relationship with a subordinate that violates the strictures of the FBI's Personal Relationships Policy as it pertains to FBI executives, managers, supervisors, and other persons serving or acting in positions of authority."

(b)(6); (b)(7)(C) Written Statement to (b)(6); (b)(7)(C)

In an email (b)(6); (b)(7)(C) from (b)(6); (b)(7)(C) provided similar accounts of her (b)(6); (b)(7)(C) interaction with (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) said that in approximately (b)(6); (b)(7)(C) requested that she travel on (b)(6); (b)(7)(C) from the FBI (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C). The purpose of the (b)(6); (b)(7)(C) was to support a new task force supervised by (b)(6); (b)(7)(C) who was the (b)(6); (b)(7)(C). While on the (b)(6); (b)(7)(C) stayed at the (b)(6); (b)(7)(C) located at (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) she met (b)(6); (b)(7)(C) at the restaurant (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) said she arrived at the restaurant via a rideshare. (b)(6); (b)(7)(C) explained she ordered chicken wings, sushi, and an apple martini. However, (b)(6); (b)(7)(C) did not like her martini and ordered an old-fashioned cocktail. (b)(6); (b)(7)(C) recalled having two old fashioned (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C) recalled several conversations with (b)(6); (b)(7)(C) at dinner. In one conversation, (b)(6); (b)(7)(C) told her about an interactive Broadway show where (b)(6); (b)(7)(C) ended up reading to a naked woman in a tub. According to (b)(6); (b)(7)(C) also asked her if she liked lesbian pornography. (b)(6); (b)(7)(C) said she responded, "No, why, what would make you think that?" (b)(6); (b)(7)(C) responded, "I don't know." (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) then asked her to visit a pornography website and text him her favorite pornographic image. (b)(6); (b)(7)(C) said she repeatedly told him no. (b)(6); (b)(7)(C) recalled (b)(6); (b)(7)(C) urged her to use the bathroom even though she did not have to use it. (b)(6); (b)(7)(C) remembered, "He (b)(6); (b)(7)(C) went to the bathroom and came back. I remember laughing and him repeatedly encouraging me to go use the bathroom. I cannot remember if I went to the bathroom or not."

(b)(6); (b)(7)(C) said her next recollection was sitting inside an unknown "strip club" (b)(6); (b)(7)(C)

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

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

said that (b)(6); (b)(7)(C) told her they went to a strip

club after leaving (b)(6); (b)(7)(C)

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

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

According to

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

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

was "all over him" the evening of (b)(6); (b)(7)(C)

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

through the morning of (b)(6); (b)(7)(C) and that he

was going to "count it as being one of those crazy nights." (b)(6); (b)(7)(C)

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

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

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

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

Investigation

On (b)(6); (b)(7)(C) conducted an interview of (b)(6); (b)(7)(C). The OIG reviewed a summary of this interview. (b)(6); (b)(7)(C) later provided similar information as the information he provided to (b)(6); (b)(7)(C) as well as additional detail, during a voluntary interview with the OIG, which is summarized below.

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

OIG Investigation

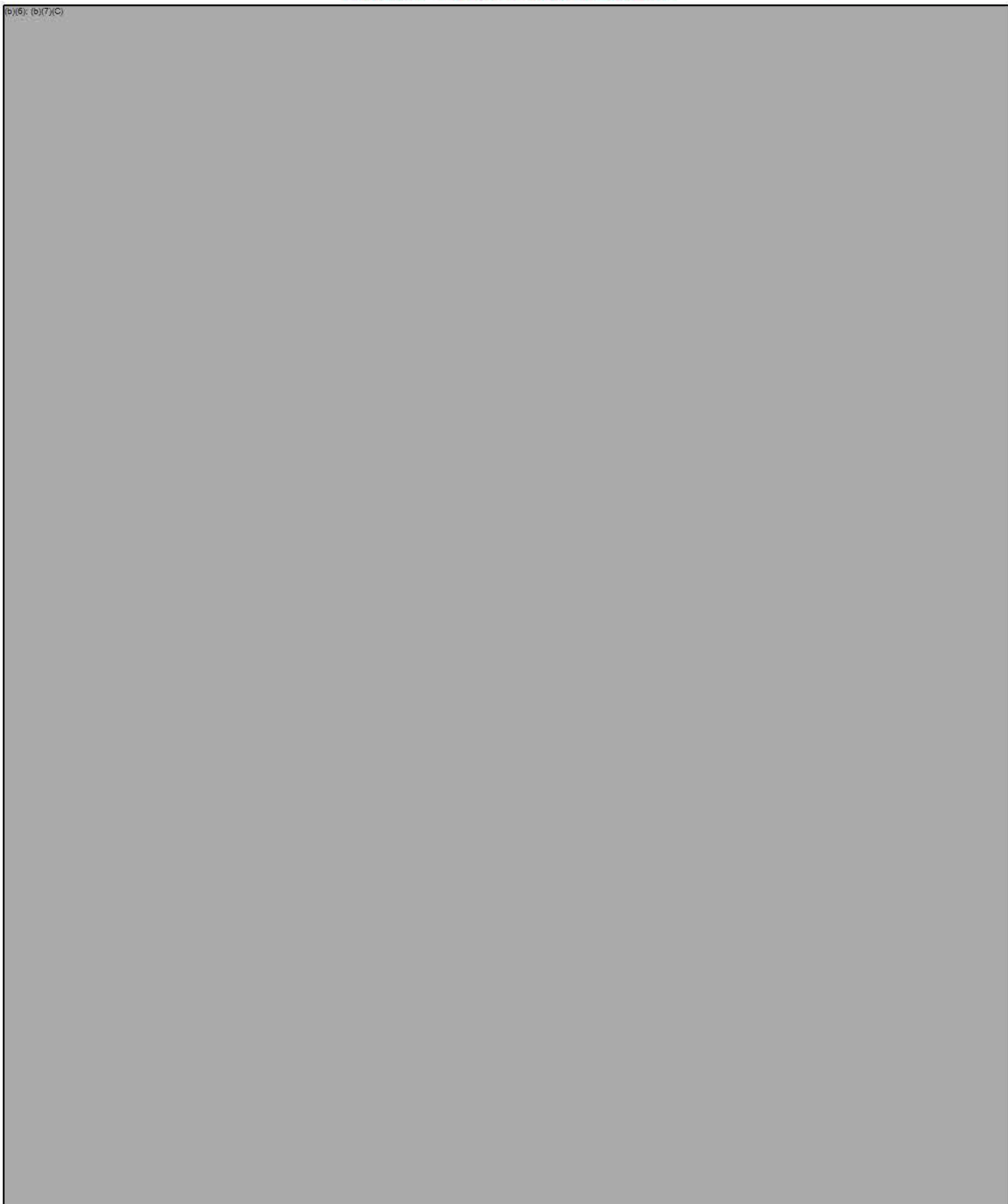
(b)(6); (b)(7)(C)

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(b)(5); (b)(7)(C)



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

The OIG reviewed (b)(6); (b)(7)(C) FBI Enterprise Security Operations Center (ESOC) records and (b)(6); (b)(7)(C) self-provided (b)(6); (b)(7)(C) toll records. The following calls between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were identified and are distinguished between government cell phone and personal cell phone:

1. On (b)(6); (b)(7)(C) at 6:50 PM, (b)(6); (b)(7)(C) (Personal) called (b)(6); (b)(7)(C) (Personal). The call lasted 19 minutes.
2. On (b)(6); (b)(7)(C) at 7:08 PM, (b)(6); (b)(7)(C) (Personal) called (b)(6); (b)(7)(C) (Personal). The call lasted 11 minutes.
3. On (b)(6); (b)(7)(C) at 5:51 PM, (b)(6); (b)(7)(C) (Personal) called (b)(6); (b)(7)(C) (Personal). The call lasted 25 minutes.
4. On (b)(6); (b)(7)(C) at 6:24 PM, (b)(6); (b)(7)(C) (Personal) called (b)(6); (b)(7)(C) (Personal). The call lasted 7 minutes.
5. On (b)(6); (b)(7)(C) at 7:03 AM, (b)(6); (b)(7)(C) (Government) called (b)(6); (b)(7)(C) (Government). The call lasted approximately 120 seconds.
6. On (b)(6); (b)(7)(C) at 7:26 AM, (b)(6); (b)(7)(C) (Government) called (b)(6); (b)(7)(C) (Government). The call lasted approximately 264 seconds.
7. On (b)(6); (b)(7)(C) at 8:07 AM, (b)(6); (b)(7)(C) (Government) called (b)(6); (b)(7)(C) (Government). The call lasted approximately 18 seconds.
8. On (b)(6); (b)(7)(C) at 12:04 PM, (b)(6); (b)(7)(C) (Personal) called (b)(6); (b)(7)(C) (Personal). The call lasted 25 minutes.
9. On (b)(6); (b)(7)(C) at 7:37 PM, (b)(6); (b)(7)(C) (Personal) called (b)(6); (b)(7)(C) (Personal). The call lasted 41 minutes.
10. On (b)(6); (b)(7)(C) at 9:25 AM, (b)(6); (b)(7)(C) (Personal) called (b)(6); (b)(7)(C) (Personal). The call lasted 14 minutes.
11. On (b)(6); (b)(7)(C) at 1:41 PM, (b)(6); (b)(7)(C) (Government) called (b)(6); (b)(7)(C) (Government). The call lasted approximately 749 seconds.

There were several government phone contacts between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) which occurred during normal business hours.

The OIG reviewed (b)(6); (b)(7)(C) FBI UNet and FBINET email. Most exchanges between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were professional in nature. On (b)(6); (b)(7)(C) at 1:26 PM, (b)(6); (b)(7)(C) sent an email to (b)(6); (b)(7)(C) which stated, "Can you call me when you get free?"

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

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

The OIG reviewed credit card receipts which were provided by (b)(6); (b)(7)(C). The review identified the following transactions:

1. A receipt identified a purchase at (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C) at 1:22 AM for \$268.97.
2. A receipt identified a purchase at (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C) at 2:23 AM for \$81. An open-source search identified the following information: (b)(6); (b)(7)(C) Gentlemen's Club, (b)(6); (b)(7)(C)

The OIG reviewed (b)(6); (b)(7)(C) government cell phone for text messages between him and (b)(6); (b)(7)(C). The review identified several text messages; however, they appeared professional, (b)(6); (b)(7)(C)

The OIG reviewed text messages between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) that occurred on their personal cell phones. The text messages were provided by (b)(6); (b)(7)(C). The review identified several text messages between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) between (b)(6); (b)(7)(C) and the tone and content of the messages appeared to show a friendship between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). They discussed television shows, music artists, getting drinks together during happy hour events, and other miscellaneous topics.

The following text messages were pertinent to the investigation:

- On (b)(6); (b)(7)(C) at 10:25 PM, (b)(6); (b)(7)(C) texted (b)(6); (b)(7)(C) "Ok just wanted to make sure. I hope our official unofficial (b)(6); (b)(7)(C) agreement is still in place." (b)(6); (b)(7)(C) responded, "Indeed, of course! I am so grateful for that opportunity and glad that you considered me...it means more than I express."
- On (b)(6); (b)(7)(C) at 7:30 PM, while discussing (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)
- On (b)(6); (b)(7)(C) at 6:24 PM, (b)(6); (b)(7)(C) texted (b)(6); (b)(7)(C) "Are you in the mood to meet up around 730? I want to spill the tea." (b)(6); (b)(7)(C) responded, "7:45 I'm in sweats lol, Where?" (b)(6); (b)(7)(C) The text messages suggested (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) met at the bar at approximately 7:45 PM.
- On (b)(6); (b)(7)(C) at 7:08 PM, (b)(6); (b)(7)(C) texted (b)(6); (b)(7)(C) "We're getting a drink tomorrow in (b)(6); (b)(7)(C) [sic]. Fuck this madness." (b)(6); (b)(7)(C) responded, "I'm going to (b)(6); (b)(7)(C) [sic] tomorrow fyi...I'll be up though by happy hour lol."
- On (b)(6); (b)(7)(C) at 4:11 PM, (b)(6); (b)(7)(C) texted (b)(6); (b)(7)(C) "Hey there, today is not a good day for me...he FaceTimed me and started off by ending things. One of my folks is on her way to come over...so I won't be able to get drinks tonight." (b)(6); (b)(7)(C) responded, "Ok, I'm here when you're ready to talk. Even if that's just over the phone. Take care of yourself."
- On (b)(6); (b)(7)(C) at 6:20 PM, (b)(6); (b)(7)(C) texted (b)(6); (b)(7)(C) "Yo did you want to meet up? I'm just leaving work." (b)(6); (b)(7)(C) responded, "Yikes...It's up to you...if you're too tired no worries. Traffic is horrible btw." (b)(6); (b)(7)(C) responded, "Ok let's do (b)(6); (b)(7)(C)" At 8:46 PM, (b)(6); (b)(7)(C) texted (b)(6); (b)(7)(C) "I'm about to walk in."

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- On (b)(6); (b)(7)(C) at 9:15 AM, (b)(6); (b)(7)(C) texted (b)(6); (b)(7)(C) "Good morning, (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
- On (b)(6); (b)(7)(C) at 1:23 PM, (b)(6); (b)(7)(C) texted (b)(6); (b)(7)(C) "Can you call me when you get free[?] it's about (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
- On (b)(6); (b)(7)(C) at 5:42 PM, (b)(6); (b)(7)(C) texted (b)(6); (b)(7)(C) "I'm on my way home now."
- On (b)(6); (b)(7)(C) at 7:31 PM, (b)(6); (b)(7)(C) texted (b)(6); (b)(7)(C) "How'd you think it went this morning? Give me a call if you can chat."
- On (b)(6); (b)(7)(C) at 7:04 AM, (b)(6); (b)(7)(C) texted (b)(6); (b)(7)(C) "Good morning, do you mind throwing my coat in your car and I'll pick it up at the end of the day?"



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

On (b)(6); (b)(7)(C), the FBI INSD confirmed that (b)(6); (b)(7)(C) was the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) direct rating official, and (b)(6); (b)(7)(C) was her second rating official and "Final Approver" for her performance evaluations. (b)(6); (b)(7)(C) was assigned to work on the (b)(6); (b)(7)(C) and to oversee the day-to-day operation of (b)(6); (b)(7)(C) was overseen by (b)(6); (b)(7)(C) who reported to an (b)(6); (b)(7)(C) served as the (b)(6); (b)(7)(C) her rating officials remained (b)(6); (b)(7)(C). According to the FBI, (b)(6); (b)(7)(C) assigned to (b)(6); (b)(7)(C) or ASC (b)(6); (b)(7)(C) may have had communications with (b)(6); (b)(7)(C) rating officials (b)(6); (b)(7)(C) to provide input or feedback regarding her performance.

In a voluntary OIG interview on (b)(6); (b)(7)(C) said he first met (b)(6); (b)(7)(C) in approximately (b)(6); (b)(7)(C) At this time, (b)(6); (b)(7)(C) thought highly of (b)(6); (b)(7)(C) work ethic, thought she was very productive, and believed they had a good working relationship. (b)(6); (b)(7)(C) had been assigned (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) was impressed with how she handled the (b)(6); (b)(7)(C) said, "I would see her work in the system, it was great." Additionally, (b)(6); (b)(7)(C) spent time at (b)(6); (b)(7)(C) with (b)(6); (b)(7)(C) because (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) oversaw that program.

(b)(6); (b)(7)(C) said he and (b)(6); (b)(7)(C) would "hang out in groups" during work functions, happy hours, retirement celebrations, and sendoffs. (b)(6); (b)(7)(C) said that through these occasions, they developed a friendship. (b)(6); (b)(7)(C) thought they attended such events together approximately once per month. (b)(6); (b)(7)(C) stated their relationship became "flirtatious" as they interacted more. (b)(6); (b)(7)(C) said the flirtatiousness was not "overt" and described it as "when you have chemistry with somebody, when you're compatible with somebody, there's an energy there that might not be present, if you and I were having a beer." (b)(6); (b)(7)(C) admitted he found (b)(6); (b)(7)(C) attractive and said (b)(6); (b)(7)(C) made comments to him about his attractiveness and success but said there was never anything physical between them and nothing was inappropriate.

(b)(6); (b)(7)(C) described what he thought was a flirtatious interaction by (b)(6); (b)(7)(C) towards him at (b)(6); (b)(7)(C) in approximately (b)(6); (b)(7)(C) when (b)(6); (b)(7)(C) had returned from a different (b)(6); (b)(7)(C) said that at this (b)(6); (b)(7)(C) party, (b)(6); (b)(7)(C) told him she had met somebody who knew him and made the comment, (b)(6); (b)(7)(C) always gets the beautiful (b)(6); (b)(7)(C) women." (b)(6); (b)(7)(C) was asked if he ever reciprocated the flirtation and he said, "no." (b)(6); (b)(7)(C) did recall prior to the (b)(6); (b)(7)(C) breakup with her boyfriend, he said, "You're successful. You're an attractive woman." However, he said the comments were intended to be words of encouragement from a friend. (b)(6); (b)(7)(C) said that when (b)(6); (b)(7)(C) would tell him he was handsome, he would "laugh, say thanks, and move on" because he did not want that type of attention.

In (b)(6); (b)(7)(C) was selected to be an (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) said that he needed to staff the project and selected (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) in connection with the project. (b)(6); (b)(7)(C) said he pulled FBI personnel from all over the country, not just (b)(6); (b)(7)(C) said he selected (b)(6); (b)(7)(C) because he had worked closely with them at the (b)(6); (b)(7)(C) felt (b)(6); (b)(7)(C) had subject matter expertise because (b)(6); (b)(7)(C) was pressed on how (b)(6); (b)(7)(C) could be a subject matter expert when she had only been (b)(6); (b)(7)(C) since (b)(6); (b)(7)(C) but (b)(6); (b)(7)(C) remained adamant that he selected (b)(6); (b)(7)(C) based on her work ethic and the selection was not based on a personal or romantic relationship with (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) stated he was not (b)(6); (b)(7)(C) direct supervisor (b)(6); (b)(7)(C) explained that administratively, (b)(6); (b)(7)(C) reported to the (b)(6); (b)(7)(C) chain of command. (b)(6); (b)(7)(C) continued by explaining the

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

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

However, (b)(6); (b)(7)(C) acknowledged that, "any decisions related to her participation on the project, what she was going to do on the project, of course, I had influence, because I had influence on the entire project."

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

said there were approximately (b)(6); (b)(7)(C)

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

he only directly

communicated with (b)(6); (b)(7)(C)

admitted he spoke to (b)(6); (b)(7)(C)

almost daily, either by text message

or by phone because they were "friends." (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C)

he had dinner alone with (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) Strickland on two occasions. Additionally, as a team, he had dinner with both

(b)(6); (b)(7)(C) on either one or two occasions. (b)(6); (b)(7)(C) said there were also a few team dinners that included all

(b)(6); (b)(7)(C) personnel.

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

provided context to text messages between him and (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C), which initially

discussed them meeting for a drink. (b)(6); (b)(7)(C) said on (b)(6); (b)(7)(C) informed him her boyfriend broke up

with her on FaceTime and that she would not meet with (b)(6); (b)(7)(C) because she was upset. (b)(6); (b)(7)(C) said he told (b)(6); (b)(7)(C)

he was there for her if she needed to talk. (b)(6); (b)(7)(C) claimed (b)(6); (b)(7)(C) told him he was the only person she confided in.

(b)(6); (b)(7)(C) continued by saying, "And to me, that meant something, that to me was, in terms of our friendship, something to

hang a hat on. Like, that's just, that's, I appreciated that. And I was going to be there for her. Like, she, we're in this

strange land, together. (b)(6); (b)(7)(C) She was one of my only lifelines, I assumed I was one of her only lifelines, and that's why I

asked you to read that, because she's, my friend. But there, you know, I can be professional, business only, and then a

friend. Like, like, I never let the two collide and impact what I did at work." (b)(6); (b)(7)(C) was asked if he feared coworkers

might perceive his relationship with (b)(6); (b)(7)(C) as unprofessional and (b)(6); (b)(7)(C) responded, "No, because it wasn't."

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

was asked about text messages between him and (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C) where they discussed meeting

at (b)(6); (b)(7)(C) confirmed they met for dinner on (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) chose the location because

she thought it was a "happening spot." When they arrived for dinner at (b)(6); (b)(7)(C) the restaurant was busy, so they

decided to go to another restaurant/bar that was nearby. (b)(6); (b)(7)(C) recalled they had dinner and approximately one or two

drinks each. (b)(6); (b)(7)(C) said they engaged in normal conversation and there was no discussion of them pursuing a romantic

or intimate relationship. (b)(6); (b)(7)(C) then offered, "It's just, you know, when you just, you're compatible with somebody,

there's chemistry. It led, the way we interacted led me to believe that in a different life, in different circumstances, this

could be somebody that perhaps I might want to date, and she might want to date me. But there wasn't like discussion of

that."

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

confirmed that during the evening (b)(6); (b)(7)(C) they also agreed to meet at (b)(6); (b)(7)(C). They arrived at the

restaurant simultaneously at approximately 8:45 PM. (b)(6); (b)(7)(C) believed they both ordered old fashioned cocktails.

(b)(6); (b)(7)(C) did not recall (b)(6); (b)(7)(C) ordering a martini or ever complaining it did not taste right. (b)(6); (b)(7)(C) believed he

consumed approximately five to six old fashioned while at the restaurant. (b)(6); (b)(7)(C) stated he did not consume any other

type of alcoholic beverages but remembered consuming water throughout the evening. (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) also

consumed approximately five to six old fashioned while at the restaurant because they would simultaneously order

drinks. (b)(6); (b)(7)(C) recalled they both ate sushi and an entrée for dinner. (b)(6); (b)(7)(C) said he and (b)(6); (b)(7)(C) were "100 percent

coherent" after having the cocktails and said they "were having a great time. The conversation was always back and forth,

back and forth. She was present, engaged."

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

said the point of them going to dinner was to discuss (b)(6); (b)(7)(C) breakup with her boyfriend and "to give her an

outlet to do something socially." (b)(6); (b)(7)(C) said that during dinner they discussed dating, relationships, and sex. (b)(6); (b)(7)(C)

recalled (b)(6); (b)(7)(C) providing details regarding intimacy issues she had with her boyfriend. (b)(6); (b)(7)(C) said he was trying to

make her feel better about being newly single. (b)(6); (b)(7)(C) compared being single and the world being (b)(6); (b)(7)(C) oyster, to

his relationship being at the four-year mark and not being as fun.

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(b)(6); (b)(7)(C) acknowledged the conversations "were sexual in nature" and remembered (b)(6); (b)(7)(C) saying she liked rough sex but being slightly embarrassed about the admission. (b)(6); (b)(7)(C) recalled talking about strip clubs as an example of "something that you'd be more likely to do single than in a relationship." According to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) told him a story about her having sex in the back of a cab as the most adventurous place that she ever had sex. (b)(6); (b)(7)(C) recalled pornography being discussed but did not remember any specific conversations about Pornhub or asking her to share her favorite lesbian pornography. (b)(6); (b)(7)(C) recalled telling (b)(6); (b)(7)(C) a story, which occurred several years ago, where he read a book to naked woman in a tub during an immersive theatrical show.

(b)(6); (b)(7)(C) said they did not want the night to end. He said he did not recall who suggested it, but they decided to go to a strip club. (b)(6); (b)(7)(C) used his phone and found a nearby strip club. (b)(6); (b)(7)(C) admitted to paying the bill for \$268.97 before departing the restaurant. (b)(6); (b)(7)(C) said he paid the bill for both him and (b)(6); (b)(7)(C) because "that is how he was raised."

(b)(6); (b)(7)(C) then ordered a ride share to (b)(6); (b)(7)(C) leaving (b)(6); (b)(7)(C) at approximately 1:30 AM and arriving at (b)(6); (b)(7)(C) at approximately 1:45 AM. According to (b)(6); (b)(7)(C) he put his arm around (b)(6); (b)(7)(C) to be "protective" when some unknown men started talking to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) said neither of them received any dances from the strippers and said the atmosphere was more of a "lounge" where they could drink and socialize. (b)(6); (b)(7)(C) recalled consuming two beers and (b)(6); (b)(7)(C) consuming alcohol but could not recall what she drank or how many drinks.

(b)(6); (b)(7)(C) said their conversations at (b)(6); (b)(7)(C) were initially like the conversations at (b)(6); (b)(7)(C). However, (b)(6); (b)(7)(C) stated that at one point, (b)(6); (b)(7)(C) grabbed his crotch without provocation and said, "I want to suck your dick. I'll do it now. Let's go to the bathroom. I want to suck your dick." (b)(6); (b)(7)(C) said he laughed it off and rebuffed the advance saying, "That's unbecoming. I would not put her in that position, in public, and I wouldn't put myself in that position." (b)(6); (b)(7)(C) was pressed about why (b)(6); (b)(7)(C) would make this unprovoked comment and he said, "The tenor of the evening, our interactions, conversation, again, I can understand why, if that's what she wanted to do, I can understand why she would make that comment, given where we were in a strip club." (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) grabbed his crotch under the table and though he did not push her hand away, he also did not embrace the gesture.

(b)(6); (b)(7)(C) said that at approximately 2:30 AM, the evening had come to a "logical conclusion" and they decided to leave (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) they decided to share a rideshare ordered by (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) said that while in the backseat of the rideshare he had his hand on the small of (b)(6); (b)(7)(C) back, and (b)(6); (b)(7)(C) then leaned over to lay on her right side and put her head in (b)(6); (b)(7)(C) lap. According to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) then unbuckled her pants, pulled down the zipper, grabbed (b)(6); (b)(7)(C) hand, and placed it on her vaginal area. (b)(6); (b)(7)(C) said the contact was "skin-to-skin" and that (b)(6); (b)(7)(C) moved his hand around "almost like a massage." (b)(6); (b)(7)(C) did not recall any insertion into (b)(6); (b)(7)(C) vagina at that time. (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) was reacting "favorably" to his touching. (b)(6); (b)(7)(C)

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

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



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

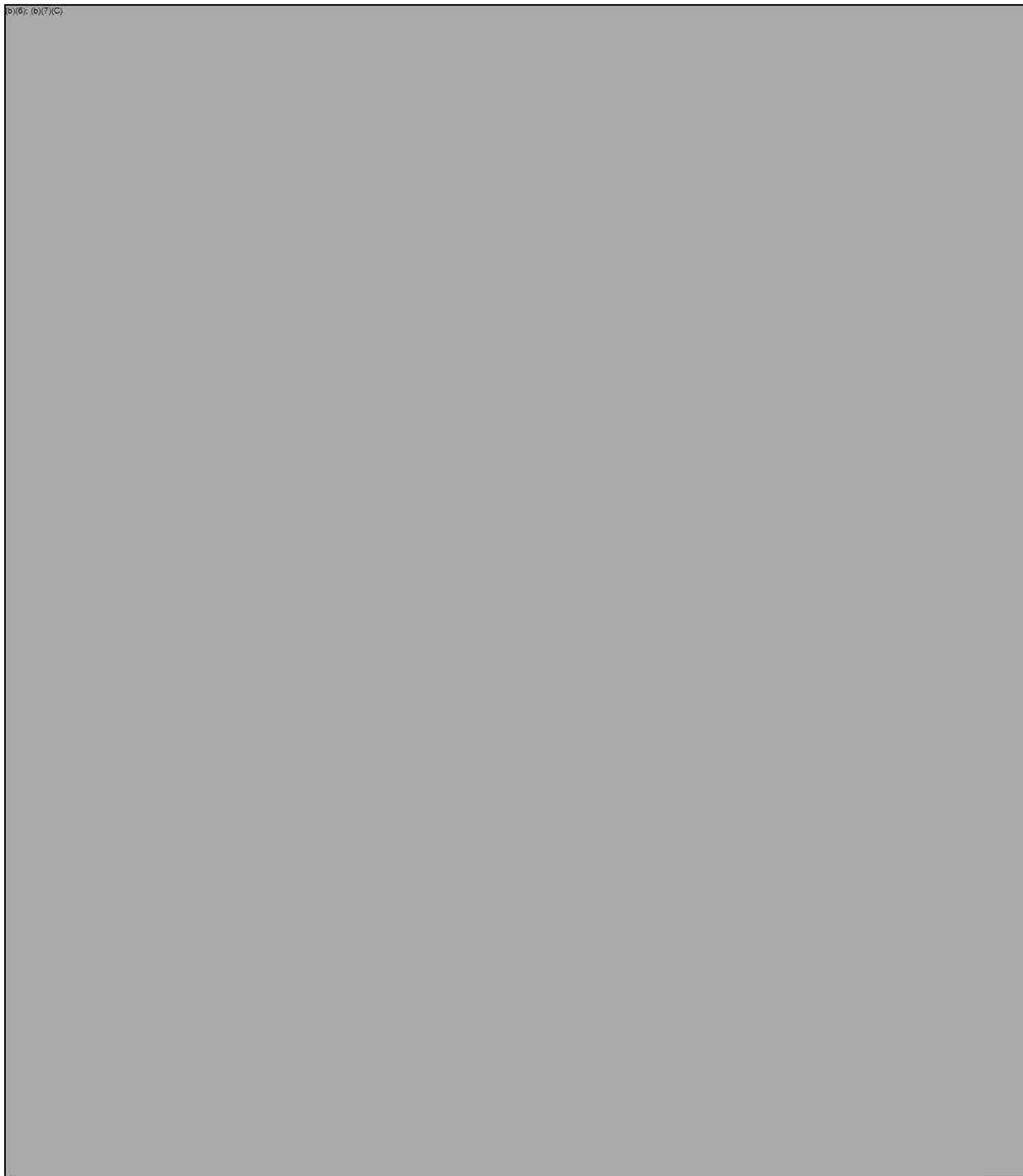


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(b)(6); (b)(7)(C)



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On (b)(6); (b)(7)(C) declined a voluntary OIG interview regarding her relationship with (b)(6); (b)(7)(C)

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

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

During an OIG interview on (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) was his supervisor for a few months in (b)(6); (b)(7)(C) and again in (b)(6); (b)(7)(C) when (b)(6); (b)(7)(C) became a supervisor in squad (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) was the (b)(6); (b)(7)(C) over (b)(6); (b)(7)(C) which (b)(6); (b)(7)(C) fell under. (b)(6); (b)(7)(C) said that from the summer through the (b)(6); (b)(7)(C) was in his squad. (b)(6); (b)(7)(C) described the relationship among (b)(6); (b)(7)(C) and him as "pretty close." (b)(6); (b)(7)(C) said they would hang out in (b)(6); (b)(7)(C) office and discuss issues going on within the squad and special events. (b)(6); (b)(7)(C) said, "We talked a lot about, like, professional development, the three of us, because we, kind of, like, we all kind of, like, had similar ambitions as far as, like, moving up in the bureau and, like, kind of, like, navigating the bureaucracy and everything like that." (b)(6); (b)(7)(C) admitted he (b)(6); (b)(7)(C) texted daily with (b)(6); (b)(7)(C) on their personal phones. (b)(6); (b)(7)(C) said they were friends, and they would text about "hobbies and stuff like that." (b)(6); (b)(7)(C) recalled he once went bowling with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C)

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

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During an OIG interview on (b)(6); (b)(7)(C) FBI (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) was in his FBI Academy class from (b)(6); (b)(7)(C) through (b)(6); (b)(7)(C) said that after graduating the academy, he worked closely with (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) did a "good job" and was good at being a (b)(6); (b)(7)(C) said he and (b)(6); (b)(7)(C) frequently worked on PowerPoint projects together and had to send the products to (b)(6); (b)(7)(C) for approval. (b)(6); (b)(7)(C) noted (b)(6); (b)(7)(C) always asked (b)(6); (b)(7)(C) to brief the projects to management. After a few months of this, (b)(6); (b)(7)(C) felt (b)(6); (b)(7)(C) was being given "privileges" by (b)(6); (b)(7)(C) because she was constantly getting introduced to management by (b)(6); (b)(7)(C) and given opportunities to provide briefings. (b)(6); (b)(7)(C) also recalled that in approximately (b)(6); (b)(7)(C) he volunteered to go TDY to help with a hurricane relief. (b)(6); (b)(7)(C) said he asked (b)(6); (b)(7)(C) who said he would speak to (b)(6); (b)(7)(C) said on a (b)(6); (b)(7)(C) told him (b)(6); (b)(7)(C) said he could not go because the special events section was too busy. However, when (b)(6); (b)(7)(C) came to work on (b)(6); (b)(7)(C) he found out (b)(6); (b)(7)(C) who also worked in the special events section, had been sent (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) said he was confused as to why (b)(6); (b)(7)(C) went (b)(6); (b)(7)(C) when he was just told employees on the special events team were not permitted to go (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C) described a situation where he was the duty agent and had to deal with a hostage situation. (b)(6); (b)(7)(C) had to go serve several subpoenas and then telephonically brief (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). He ended up working until almost 10:00 PM. At approximately 10:00 PM, (b)(6); (b)(7)(C) received a call from (b)(6); (b)(7)(C) saying he forgot about him and that he could go home. (b)(6); (b)(7)(C) said he heard laughing in the background and asked what he was doing. (b)(6); (b)(7)(C) said, "It's cool, man, whatever. I'm out here bowling with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) said he found it odd that a subordinate and a boss were out bowling together when they were dealing with a hostage situation. Additionally, (b)(6); (b)(7)(C) said that he did not know of anyone in his squad other than (b)(6); (b)(7)(C) that texted with (b)(6); (b)(7)(C) using personal phones and that he did not even have (b)(6); (b)(7)(C) personal number.

The OIG interviewed (b)(6); (b)(7)(C)

Several of these coworkers observed (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) at after hour events but did not observe either of them drink excessively around each other or observe behavior between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) that was out of the ordinary. However, (b)(6); (b)(7)(C) said she observed (b)(6); (b)(7)(C) spending all of her time talking to (b)(6); (b)(7)(C) at (b)(6); (b)(7)(C) while she ignored the rest of her coworkers, which (b)(6); (b)(7)(C) found odd.

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

OIG's Conclusion

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

(b)(6); (b)(7)(C) However, the OIG concluded that (b)(6); (b)(7)(C) engaged in a romantic and intimate relationship with a subordinate that he failed to timely report to management and that otherwise violated the FBI Personal Relationships Policy and FBI Offense Code 5.10; and engaged in unprofessional conduct, in violation of FBI Offense Code 5.21.⁶

⁶ The OIG acknowledges that the FBI's Personal Relationships Policy places an equal obligation to report a romantic or intimate relationship on both supervisors and subordinates. However, the OIG did not name (b)(6); (b)(7)(C) as a subject in this matter, as we do not make findings of misconduct against subordinates solely for their failure to report a romantic or intimate relationship. See [Management Advisory Memorandum of Concerns Identified in the Handling of Supervisor-Subordinate Relationships Across DOJ Components \(justice.gov\)](https://www.justice.gov/management/advisory-memorandum-of-concerns-identified-in-the-handling-of-supervisor-subordinate-relationships-across-doj-components). (b)(6); (b)(7)(C)

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



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

Unreported Romantic Relationship in Violation of FBI Personal Relationships Policy and FBI Offense Code Section 5.10

The OIG concluded that (b)(6); (b)(7)(C) violated the FBI Personal Relationships policy, Section 6.1.2.2 and FBI Offense Code 5.10. Section 6.1.2.2 of the Personal Relationships Policy states that “an employee must...[r]eport the development of a romantic or intimate relationship—even though the relationship is not prohibited—with another employee in the same unit or squad or with an employee with whom a supervisory relationship exists, so that management may determine whether remedial action, such as reassignment, is necessary to prevent interference with the FBI’s mission.” First, the OIG determined (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were in the same unit or squad at both (b)(6); (b)(7)(C) and that (b)(6); (b)(7)(C) was in (b)(6); (b)(7)(C) chain-of-command at both locations. Specifically, at (b)(6); (b)(7)(C) was (b)(6); (b)(7)(C) second rating official and final approver of her performance evaluations. During (b)(6); (b)(7)(C) was the Assistant Section Chief overseeing (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) acknowledged that, “any decisions related to her participation on the project, what she was going to do on the project, of course, I had influence, because I had influence on the entire project.”

The OIG further determined that (b)(6); (b)(7)(C) had an intimate relationship with (b)(6); (b)(7)(C) within the meaning of the FBI Personal Relationships Policy (b)(6); (b)(7)(C) and, therefore, he was required to timely report the relationship to his management as of that time. The Personal Relationships Policy defines an intimate relationship as one that “involves sexual contact.” However, (b)(6); (b)(7)(C) never reported the relationship to management, even though (b)(6); (b)(7)(C) continued to work in (b)(6); (b)(7)(C) section at the FBI and under his supervision (b)(6); (b)(7)(C)

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

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

(b)(6); (b)(7)(C) the OIG further concluded that the intimate relationship negatively impacted a professional and appropriate superior-subordinate relationship and disrupted workplace morale.

Accordingly, the OIG concluded that (b)(6); (b)(7)(C) violated the FBI Personal Relationships policy and FBI Offense Code 5.10 by engaging in a romantic and intimate relationship with (b)(6); (b)(7)(C) a subordinate, without reporting it to management and by engaging in a relationship that negatively affected a professional and appropriate superior-subordinate relationship and disrupted workplace morale.

Inappropriate Hiring or Organizational Decision in Violation of FBI Personal Relationships Policy

The OIG determined that even before the sexual encounter on (b)(6); (b)(7)(C) improperly engaged in a hiring or organizational decision involving (b)(6); (b)(7)(C) with whom he had a flirtatious, personal relationship, without seeking advanced management approval. The Personal Relationships Policy states that “an employee must...[r]efrain—without specific, advance management approval—from participating in a hiring or organizational decision involving an individual with whom he or she has a personal relationship and where a reasonable person would question the employee’s impartiality” and cites the FBI Ethics Guide. The FBI Ethics Guide states, “Generally speaking, employees and their supervisors must not engage in any relationship, financial or otherwise (romantic, business, recreational) that: 1. Negatively impacts their ability to maintain a professional and appropriate superior-subordinate relationship; or 2. Otherwise, adversely impacts the completion of the FBI mission.” This

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guidance applies to personal relationships that would cause a reasonable person to question the employee's impartiality, regardless of whether such relationships are romantic or intimate.

(b)(6); (b)(7)(C) admitted that he and (b)(6); (b)(7)(C) had a "flirtatious" relationship and that there was "chemistry" between them, beginning when they were working together in (b)(6); (b)(7)(C) and before he selected her for (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) further admitted that he spoke with (b)(6); (b)(7)(C) almost daily either by text message or by phone because they were "friends," and that there were two occasions that he went out socially with just (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). Both also told the OIG that they were aware that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) socialized outside of work while they were working (b)(6); (b)(7)(C) and before he selected (b)(6); (b)(7)(C) for (b)(6); (b)(7)(C). The text messages reviewed by the OIG, many of which were on their personal cellular phones, confirmed that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) frequently communicated and discussed television shows, music artists, drinking together during happy hour events, and other miscellaneous topics.

Based on these facts, the OIG concluded that (b)(6); (b)(7)(C) should not have made a "hiring or organizational decision" involving (b)(6); (b)(7)(C)—specifically, soliciting and accepting her for (b)(6); (b)(7)(C)—without "specific, advance management approval" in light of the personal relationship. The inappropriateness of the decision to solicit (b)(6); (b)(7)(C) for (b)(6); (b)(7)(C) without such approval was highlighted by a text message that (b)(6); (b)(7)(C) sent to (b)(6); (b)(7)(C) using their personal phones, in which he stated, "I hope our official unofficial (b)(6); (b)(7)(C) agreement is still in place." Discussing the (b)(6); (b)(7)(C) over personal text message, especially in light of their other personal text communications, at a minimum created the appearance that the decision to offer (b)(6); (b)(7)(C) the (b)(6); (b)(7)(C) was motivated by their personal relationship rather than merit and would cause "a reasonable person...to question (b)(6); (b)(7)(C) impartiality" within the meaning of the Personal Relationships Policy.

Indeed, (b)(6); (b)(7)(C) interactions with (b)(6); (b)(7)(C) caused at least one employee to question (b)(6); (b)(7)(C) impartiality. Specifically, (b)(6); (b)(7)(C) told the OIG that he believed that (b)(6); (b)(7)(C) favored (b)(6); (b)(7)(C) as a result of the personal relationship. (b)(6); (b)(7)(C) knew that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) communicated on personal cell phones and socialized outside of work together, believed it was unusual for a subordinate to communicate on personal cell phones with a supervisor, and provided specific examples of what he perceived to be favoritism, including (b)(6); (b)(7)(C) frequently introduced (b)(6); (b)(7)(C) to management; (b)(6); (b)(7)(C) always selected (b)(6); (b)(7)(C) over (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C); and (b)(6); (b)(7)(C) selected (b)(6); (b)(7)(C) for (b)(6); (b)(7)(C) after (b)(6); (b)(7)(C) rejected (b)(6); (b)(7)(C) request (b)(6); (b)(7)(C) purportedly because the section in which he and (b)(6); (b)(7)(C) both worked was too busy for TDYs.

Accordingly, the OIG concluded that (b)(6); (b)(7)(C) violated the FBI Personal Relationships policy and the FBI Ethics Guide when he made an organizational or hiring decision regarding (b)(6); (b)(7)(C) without specific, advance management approval.

Unprofessional Off Duty Conduct

FBI Offense Code 5.21, Unprofessional Conduct – Off Duty, prohibits employees from "engaging in conduct, while off duty, which dishonors, disgraces, or discredits the FBI; seriously calls into question the judgment or character of the employee, or compromises the standing of the employee among his peers or his community." The OIG concluded that (b)(6); (b)(7)(C) engaged in unprofessional off duty conduct in violation of FBI Offense Code 5.21 when he drank excessively with a subordinate, went to a strip club with a subordinate, and engaged in sexual contact with a subordinate in a rideshare vehicle. (b)(6); (b)(7)(C) acknowledged that that he and (b)(6); (b)(7)(C) each consumed up to eight drinks while they were out (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C) Based on these facts, the OIG concluded that (b)(6); (b)(7)(C) engaged in "conduct, while off duty, which dishonor[ed], disgrace[ed], and discredit[ed] the FBI; seriously call[ed] into question (b)(6); (b)(7)(C) judgment and character;" and "compromise[ed] (b)(6); (b)(7)(C) standing ... among his peers [and] his community," in violation of FBI Offense Code 5.21.

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