

NATIONAL RECONNAISSANCE OFFICE

Office of Inspector General
14675 Lee Road
Chantilly, VA 20151-1715



04 August 2020

MEMORANDUM FOR DIRECTOR, NATIONAL RECONNAISSANCE OFFICE
PRINCIPAL DEPUTY DIRECTOR, NATIONAL RECONNAISSANCE OFFICE
DEPUTY DIRECTOR, NATIONAL RECONNAISSANCE OFFICE
GENERAL COUNSEL
EXECUTIVE DIRECTOR, NATIONAL RECONNAISSANCE OFFICE,
DEPARTMENT OF DEFENSE CADRE
DIRECTOR, GEOSPATIAL INTELLIGENCE SYSTEMS ACQUISITION
DIRECORATE
DIRECTOR, OFFICE OF SECURITY AND
COUNTERINTELLIGENCE

SUBJECT: (U) Report of Investigation: Gratuity and Misuse of
Position (Case Number 19-0014-I)

(U//~~FOUO~~) The National Reconnaissance Office (NRO) Office of Inspector General (OIG) initiated an investigation based on information indicating [redacted] accepted an improper gift and misused [redacted] position for personal benefit. [redacted] is a Department of Defense/NRO Cadre employee currently assigned to the NRO's Geospatial Intelligence Systems Acquisition Directorate [redacted] as its [redacted]. The attached Report of Investigation (ROI) details the investigation results.

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(U//~~FOUO~~) The United States Attorney's Office for the Eastern District of Virginia declined prosecution in favor of administrative action. The OIG requests that the Executive Director, NRO Department of Defense Cadre provide a written response to the NRO OIG within 45 days indicating what action has been taken on this matter. Please address your response to [redacted] NRO OIG. The OIG also requests that the Director, Security and Counterintelligence, NRO place a copy of this report in [redacted] security file.

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(U//~~FOUO~~) You may share information contained within this report with those individuals you deem necessary to complete the requested actions. If there are other persons who you believe require access to this ROI as part of their official duties, please let us know, and we will promptly review your request.

[redacted]

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classified attachment

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~~SECRET//TK//REL TO USA, FVEY~~

(U//~~FOUO~~) If you have any questions concerning this report,
please contact [redacted] (secure).

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Susan S. Gibson
Inspector General

Attachment:

(U) ROI: (Case Number 19-0014-I)

SUBJECT: (U) Report of Investigation: Gratuity and Misuse of
Position (Case Number 19-0014-I)

OIG/ [] 04 August 2020

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DISTRIBUTION:

Director, National Reconnaissance Office
Principal Deputy Director, National Reconnaissance Office
Deputy Director, National Reconnaissance Office
Executive Director, National Reconnaissance Office, Department of
Defense Cadre
Director, Geospatial Intelligence Systems Acquisition Directorate
General Counsel
Director, Office of Security and Counterintelligence
OIG Official Record []

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*(U) National Reconnaissance Office
Office of Inspector General*

[Redacted]

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(U) REPORT OF INVESTIGATION

(U) (19-0014-I)

04 August 2020

(U) Section A – Subject:

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1. ~~(U//FOUO)~~ Full name: [Redacted]

AIN: [Redacted]

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Grade: [Redacted]

Employer: National Reconnaissance Office

Job Title: [Redacted] Geospatial Intelligence Systems Acquisition

(b)(3)

Directorate: [Redacted]

(U) Section B – Predication:

2. ~~(U//FOUO)~~ In July 2018, the National Reconnaissance Office (NRO) Office of Inspector General (OIG) obtained information indicating [redacted] an employee of the NRO Department of Defense Cadre and the [redacted] may have accepted items of value from a GEOINT [redacted] contractor with an active NRO contract, and may have used [redacted] Government position and title for personal benefit. Based on the information identified by the OIG, [redacted] potentially violated federal law and/or “Standards of Ethical Conduct for Employees of the Executive Branch.”

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(U) Section C – Potential Violations:

3. (U) 18 United States Code (U.S.C) § 201(c), *Bribery of Public Officials and Witnesses*, makes it illegal for a public official, otherwise than as provided by law for the proper discharge of official duty, to accept anything of value personally for or because of any official act performed or to be performed by such official.

4. (U) 5 C.F.R. § 2635.702, *Use of Public Office for Private Gain*, states 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. It prohibits the use or permitting the use of a Government position, title, or any authority associated with a public office in a manner that could reasonably be construed to imply that an agency or the Government sanctions or endorses a personal activity or those of another.

5. (U) 5 C.F.R. § 2635.202, *Prohibition on Soliciting or Accepting Gifts*, prohibits a federal employee from soliciting or accepting¹ a gift² from a prohibited source³ or given because of the employee’s official position.

(U) Section D – Investigative Findings:

6. ~~(S//TK//REL)~~ The OIG developed lead information regarding [redacted] receipt of items of value from [redacted]. At the time of the questionable

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¹ (U) 5 C.F.R. § 2635.202 applies to gifts solicited and accepted both directly and indirectly. Per 5 C.F.R. § 2635.203(f), an indirectly solicited or accepted gift includes a gift given with the employee’s knowledge and acquiescence to the employee’s spouse, parent, sibling, child, dependent relative, or member of the employee’s household because of that person’s relationship to the employee, or given to any other person on the basis of a designation or recommendations or other specification by the employee.
² (U) Per 5 C.F.R. § 2635.203(b), a gift includes “any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value.”
³ (U) Per 5 C.F.R. § 2635.203(d), a prohibited source includes any person who does business or seeks to do business with the employee’s agency. 5 C.F.R. § 2635.204(a) provides an exception to 5 C.F.R. § 2635.202, allowing the acceptance of a gift from a prohibited source if the fair market value of the gift is no more than \$20 per source per occasion, and the aggregate market value of all gifts from one source does not exceed \$50 per calendar year.

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incident [redacted]
[redacted]

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7 ~~(S//TK//REL)~~ The OIG obtained NRO records reflecting [redacted] has served as the [redacted] since January 2008. [redacted]

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[redacted]

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8. (U//~~FOUO~~) The OIG reviewed [redacted] financial disclosure reports for the 2017 and 2018 reporting periods, which did not reflect that [redacted] had any personal financial interest in [redacted]. The OIG also contacted the NRO's Office of General Counsel (OGC) to ascertain whether [redacted] had sought or received ethics advice regarding his interactions with [redacted]. The OGC reported having no relevant records.

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9. (U//~~FOUO~~) The OIG obtained an email from [redacted] unclassified NRO email account dated 20 September 2017, wherein [redacted] arranged for a tour of [redacted] facility on the west coast for [redacted] and [redacted] family by contacting a [redacted] employee identified below in the exemplar as [redacted]

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[redacted]

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10. (U//~~FOUO~~) In the email above, [redacted] also requested contact information for another [redacted] employee identified as [redacted] replied to [redacted] email the same day, from his [redacted] email account, stating that he was "sure [redacted] would be able to

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⁴ ~~(S//TK//REL)~~ [redacted]

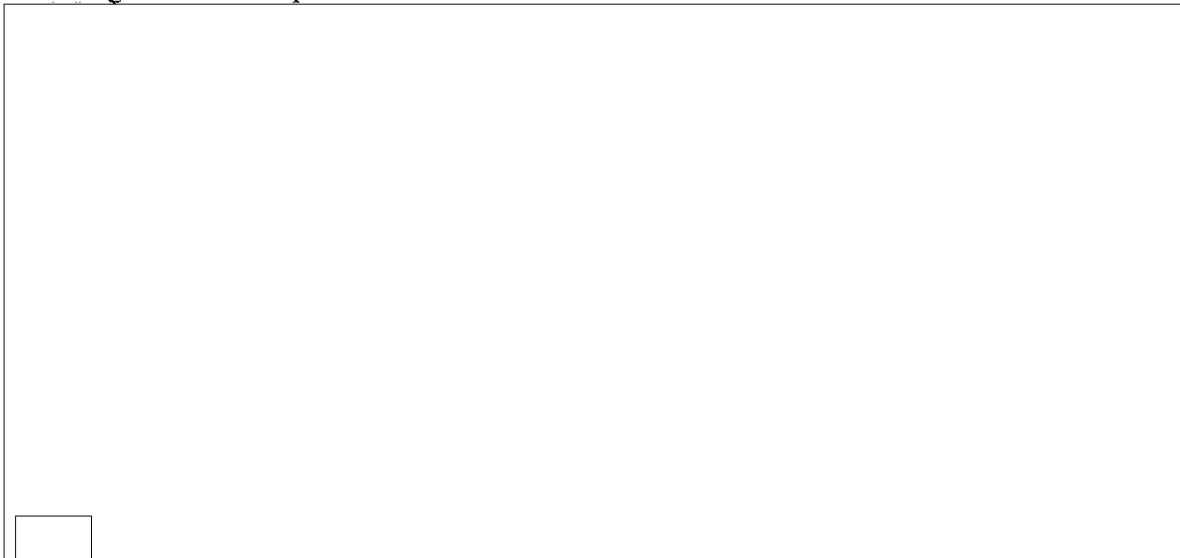
(b)(1)
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accommodate" the requested tour dates. [redacted] subsequently responded to [redacted] via email on 21 September 2017. The email below cites [redacted] appreciation for and acknowledgement of the planned visit and also discusses the schedule:

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11. (U//~~FOUO~~) On 22 September 2017, [redacted] responded to [redacted] In the following email, [redacted] asked [redacted] to provide sizing information for t-shirts for [redacted] and [redacted] family. [redacted] was also included in the following email:

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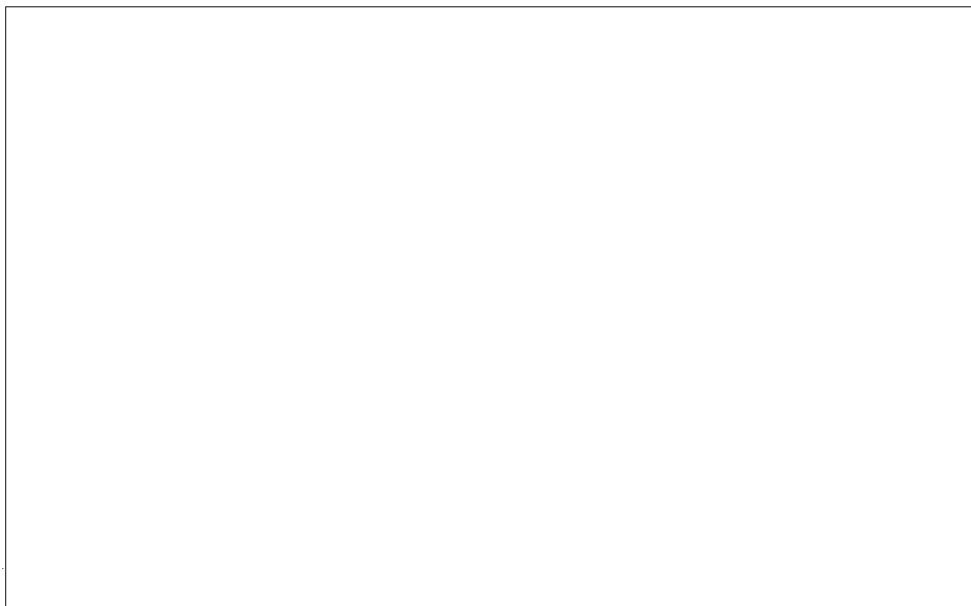
(b)(7)(c)

12. (U//~~FOUO~~) [redacted] subsequently replied to [redacted] via email from [redacted] NRO unclassified account on 27 September 2017. In [redacted] response, [redacted] noted the shirt sizes for [redacted] son and daughter. [redacted] also included [redacted] personal email address in the "Cc:" line as follows:

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(b)(7)(c)

13. (U//~~FOUO~~) On 23 October 2017, [redacted] wrote to [redacted] via email and stated, “[h]i [redacted] it was great seeing you again and getting a chance to meet your wife and kids. Just wanted to follow up and send you the [redacted] we discussed. Please let us know if you have any additional questions.”

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14. (U//~~FOUO~~) The OIG interviewed [redacted] on 8 May 2019. [redacted] stated [redacted] had originally planned to travel to California for the purpose of visiting [redacted] adult son who [redacted] no longer viewed as a dependent. [redacted] stated that as part of the requirements for [redacted] son to graduate from college, [redacted] son was required to work for two semesters and complete a summer internship. To accomplish the two semesters of work, [redacted] stated that [redacted] son worked for a tax software company in California during the time of the [redacted] tour in question. [redacted] acknowledge [redacted] son was also seeking an internship with [redacted] at the same time.⁵ Since [redacted] son’s earnings provided over 50% of his income, [redacted] did not consider [redacted] son a dependent.⁶ [redacted] further explained that after [redacted] planned personal travel to California to visit [redacted] son, he thought of the idea to request a [redacted] tour. [redacted] confirmed [redacted] son, daughter⁷, and [redacted] participated in the tour. According to [redacted] [redacted] two children were given a bag of [redacted] merchandise during the tour. Although [redacted] could not recall the exact contents of the bag, [redacted] surmised it contained three [redacted] t-shirts and a set of headphones. [redacted] could not account for how the items in the bags were subsequently distributed among [redacted] family. [redacted] estimated the total value of all merchandise received at no more than \$30. At the time of this investigation, men’s and women’s t-shirts were priced between \$20 and \$30 each on [redacted] [redacted] stated [redacted] could not recall if [redacted] paid for the merchandise.

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⁶ (U) The prohibition on soliciting and accepting gifts from prohibited sources applies to gifts given to the employee’s child, regardless of whether the child is a dependent.

⁷ (U//~~FOUO~~) The OIG established through records and information that [redacted] daughter was a minor child living at [redacted] home as a dependent during the relevant period in 2017.

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⁸ (U) Per NRO Instruction 80-2-5, *Ethics*, [redacted] as part of the NRO workforce, is required to take annual ethics training that includes information on gifts from prohibited sources, including guidance that gifts may be accepted from a prohibited source if they are limited to \$20 per occasion and \$50 per calendar year.

15. (U//~~FOUO~~) [redacted] told the OIG that [redacted] knew [redacted] from when they were both (b)(3) active duty in the United States Air Force. [redacted] and [redacted] served in the military at the (b)(7)(c) same time and worked together reviewing records at the Air Force Personnel Center. According to [redacted] family's [redacted] tour was a shorter version as compared to tours [redacted] had (b)(3) previously taken at [redacted] in [redacted] official NRO capacity. [redacted] also stated [redacted] did not believe the tour was available to the public, and that a requestor would need to know a [redacted] employee to arrange such a tour.

16. (U//~~FOUO~~) [redacted] told the OIG he asked the Director, GEOINT if he thought the tour was inappropriate. According to [redacted] the Director did not object to the idea.⁹ On 20 October 2019, the OIG interviewed the Director, GEOINT, who could not recall exactly when he spoke to [redacted] about the tour. The Director, GEOINT stated he did not consider the tour to be a problem since he did not recall [redacted] serving as a COTR or a PM at the time of the (b)(3) event. (b)(7)(c)

17. (U//~~FOUO~~) During [redacted] interview with the OIG, [redacted] stated that [redacted] son did not receive the [redacted] internship that [redacted] had mentioned to [redacted] in [redacted] 20 September 2017 email. The OIG asked [redacted] about the email [redacted] received from [redacted] on 23 October 2017 (b)(3) which referenced [redacted]. [redacted] explained to OIG the [redacted] [redacted] not a specific NRO program. The OIG did not obtain information contrary to [redacted] claims in either matter.

(U) Section E – Conclusion:

18. (U//~~FOUO~~) [redacted] used [redacted] unclassified official NRO email account and signature (b)(3) block with [redacted] NRO title to schedule a personal tour of [redacted] for [redacted] and [redacted] family, while (b)(7)(c) also mentioning [redacted] son's pursuit of an internship with [redacted]. Additionally, while on the tour, [redacted] personnel gave [redacted] children a bag containing [redacted] merchandise that they had (b)(3) previously coordinated with [redacted]. [redacted] told the OIG [redacted] believed the bag contained three [redacted] t-shirts and a set of headphones, which [redacted] estimated was collectively valued at no more than \$30. At the time of the events in question, [redacted] was serving as [redacted] [redacted]. As such, [redacted] was a "prohibited source" because it did business with the NRO and because it was also seeking future business with the NRO. Under 5 C.F.R § 2635.203(f), the tour for the family and the gift to [redacted] children is (b)(3) considered to be an indirect gift to [redacted] and it is reasonable to conclude that the fair market value (b)(7)(c) of the gift exceeded the monetary limits authorized in the exceptions to the prohibition for acceptance of certain gifts, as provided for under 5 C.F.R. § 2635.204(a). (b)(3)

⁹ (U//~~FOUO~~) [redacted] GEOINT is not a designated ethics official. Per NRO Instruction 80-2-5, the NRO (b)(3) General Counsel has exclusive authority and responsibility to implement, manage, and enforce the ethics program for the NRO Total Workforce, part of which includes responding to official inquiries concerning ethical and conflict of interest questions.

19. (U) The United States Attorney's Office (USAO) for the Eastern District of Virginia declined interest in this case in lieu of administrative action by the government.



Assistant Inspector General
for Investigations

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(U) Section F – Recommendations:

20. (U//~~FOUO~~) The OIG requests the General Counsel, NRO review the information provided herein and determine if [] actions violated 5 C.F.R. § 2635 *Standards of ethical conduct for employees of the executive branch*. The OIG requests the General Counsel notify the Executive Director, NRO Department of Defense Cadre, of the determination, and provide a copy to the OIG.

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21. (U//~~FOUO~~) The OIG recommends the Executive Director, NRO Department of Defense Cadre, determine if administrative action needs to be taken regarding any conclusion rendered by the Office of General Counsel (OGC) regarding []. The OIG requests the Executive Director, NRO Department of Defense Cadre, report the results of this determination, as well as any action taken or anticipated, to the OIG within 45 days of the OGC's determination.

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CONCUR:



Susan S. Gibson, Inspector General

5 Aug 2020

Date