

REPORT OF INVESTIGATION

SUBJECT (b)(6); (b)(7)(C)		CASE NUMBER 2019-002350
OFFICE CONDUCTING INVESTIGATION Washington Field Office		DOJ COMPONENT Federal Bureau of Investigation
DISTRIBUTION	STATUS	
<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	<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) Inspection Division (INSD) alleging that between (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) maintained a romantic relationship with (b)(6); (b)(7)(C) that resulted in (b)(6); (b)(7)(C) violation of FBI policies. Specifically, the information alleged that (b)(6); (b)(7)(C) failed to inform the (b)(6); (b)(7)(C) of the romantic relationship when participating in a hiring or organizational decision that concerned (b)(6); (b)(7)(C) specifically the canceling of an (b)(6); (b)(7)(C) position at (b)(6); (b)(7)(C) for which (b)(6); (b)(7)(C) had been selected. It was alleged that (b)(6); (b)(7)(C) cancelled the position as the result of the romantic relationship "souring." (b)(6); (b)(7)(C)

Furthermore, it was alleged that (b)(6); (b)(7)(C), after learning that (b)(6); (b)(7)(C) placed numerous phone calls to (b)(6); (b)(7)(C) FBI desk phone and FBI cell phone.

During the course of the investigation, the OIG found indications that (b)(6); (b)(7)(C) participated in the promotion of (b)(6); (b)(7)(C) during their romantic relationship without receiving prior approval; misused Government property and official time to pursue his romantic relationship with (b)(6); (b)(7)(C); improperly accepted a gift from

DATE	December 21, 2021	SIGNATURE	(b)(6); (b)(7)(C)
PREPARED BY SPECIAL AGENT	(b)(6); (b)(7)(C)		
DATE	December 21, 2021	SIGNATURE	 Digitally signed by Russell W. Cunningham Date: 2021.12.21 12:38:38 -05'00'
RUSSELL W. CUNNINGHAM			
APPROVED BY SPECIAL AGENT IN CHARGE			

(b)(6); (b)(7)(C) engaged in unprofessional off-duty misconduct by interfering with the (b)(6); (b)(7)(C) Police Department's (b)(6); (b)(7)(C) response to a (b)(6); (b)(7)(C) incident involving (b)(6); (b)(7)(C) lacked candor under oath by providing false or misleading statements to INSD regarding (b)(6); (b)(7)(C) the incident; and lacked candor under oath during testimony to the OIG.

During the course of the investigation, the OIG also found indications that, after (b)(6); (b)(7)(C) advised (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) of his relationship with (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) failed to take proactive measures necessary to mitigate adverse consequences of the relationship.

The OIG investigation substantiated the allegations that (b)(6); (b)(7)(C)

- violated the FBI's Personal Relationships policy by engaging in a romantic and intimate relationship with (b)(6); (b)(7)(C) a subordinate FBI employee, without timely reporting it;
- violated the FBI's Personal Relationship policy by engaging in a romantic and intimate relationship with (b)(6); (b)(7)(C) that negatively affected a professional and appropriate superior-subordinate relationship, adversely affected the FBI's mission, and disrupted workplace morale;
- violated the FBI's Personal Relationships policy by participating in two hiring or organizational decisions involving (b)(6); (b)(7)(C)—first, by (b)(6); (b)(7)(C) that selected (b)(6); (b)(7)(C) for a promotion, and second, by being involved in discussions that led to and the sole FBI employee to notify (b)(6); (b)(7)(C) of the cancellation of the same promotion—while he was romantically involved with (b)(6); (b)(7)(C) and without receiving prior approval;
- violated the DOJ's and FBI's policies regarding personal use of Government property and use of official time by using his FBI issued cell phone and FBI email to pursue his romantic relationship with (b)(6); (b)(7)(C) and by pursuing his relationship with (b)(6); (b)(7)(C) during official time;
- (b)(6); (b)(7)(C)
- violated the FBI's policy on unprofessional off-duty misconduct by interfering with the (b)(6); (b)(7)(C) response to (b)(6); (b)(7)(C) incident;
- lacked candor under oath when providing statements to INSD concerning the (b)(6); (b)(7)(C) and
- lacked candor under oath during testimony to the OIG about his behavior at the scene of (b)(6); (b)(7)(C) incident, his involvement in (b)(6); (b)(7)(C) promotion, and his involvement in the cancellation of (b)(6); (b)(7)(C) promotion.

In addition, the OIG substantiated the allegation that (b)(6); (b)(7)(C) violated the FBI's Personal Relationship Policy by failing to take proactive measures necessary to mitigate adverse consequences of the relationship between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) as required by FBI policy.

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

(b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) both confirmed that they were involved in a romantic relationship. In addition, four other FBI witnesses confirmed they had direct personal knowledge of the romantic relationship between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). Four additional FBI witnesses stated that they heard of the romantic relationship but categorized what they heard as rumors. A review of FBI emails, FBI cell phone text messages, and FBI Lync chat logs revealed substantial communication between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) in support of the romantic relationship, as well as numerous derogatory and inappropriate comments about co-workers and other FBI supervisors.

A review of the [REDACTED] for which [REDACTED] was selected, revealed that [REDACTED] and that the [REDACTED] took place when [REDACTED] and [REDACTED] were romantically involved. One FBI witness told us that he competed for the [REDACTED] but withdrew from consideration after rumors that [REDACTED] would be selected due to her romantic relationship with [REDACTED]. In addition, [REDACTED] told the OIG that [REDACTED] spoke in favor of [REDACTED] during the [REDACTED] process and that [REDACTED] opinion would have influenced how he scored [REDACTED].

[REDACTED] former supervisor, former FBI [REDACTED] told the OIG that [REDACTED] notified him of his relationship with [REDACTED]. However, this notification did not occur until after [REDACTED] was selected for the [REDACTED] position. [REDACTED] told the OIG that he advised [REDACTED] to, "Keep your shit out of the building. If the perception becomes that you are giving her favoritism, or if the relationship is going to reflect negatively on the FBI or [REDACTED] you have to end it." However [REDACTED] did not document his conversation with [REDACTED] discuss the relationship with [REDACTED] again, or take any action in response to learning that [REDACTED] was romantically involved with a subordinate.

The evidence reviewed by the OIG confirmed that the FBI [REDACTED] position for which [REDACTED] was selected was dissolved before [REDACTED] assumed the position. Former [REDACTED] told the OIG that he, not [REDACTED] made the decision to cancel the FBI [REDACTED] position. [REDACTED] told the OIG that he was not certain who made the decision to cancel the FBI [REDACTED] position but said that if he made the decision, it would have been under the advisement of [REDACTED], or [REDACTED] if [REDACTED] was out of the office. However, documentation reviewed by the OIG revealed that [REDACTED] was involved in discussions that led to the cancellation of the [REDACTED] position. In addition, [REDACTED] told the OIG that [REDACTED] was the FBI official who notified her of the cancellation of the position and the reason for the cancellation. On [REDACTED] [REDACTED] sent an email to [REDACTED] and two other FBI employees attaching a talking paper regarding [REDACTED] positions [REDACTED]. On [REDACTED] [REDACTED] replied to only [REDACTED]. In response, [REDACTED] wrote, "I understand but what does that mean for my position?" On [REDACTED] [REDACTED] wrote in an email to [REDACTED] that due to [REDACTED] the position for which she had been selected was "gone/cancelled," but that [REDACTED] would be "very competitive" for a similar position located [REDACTED]. The FBI's Human Resources Division had no documentation of the reason for the cancellation of the position or notification to [REDACTED] and FBI records contained no evidence that [REDACTED] withdrew from the position.

An [REDACTED] told the OIG that [REDACTED] interfered with the [REDACTED] response to [REDACTED] incident, by repeatedly interacting with [REDACTED] during [REDACTED] giving [REDACTED] water despite the [REDACTED] admonition against doing so, and telling the [REDACTED] not to handcuff [REDACTED]. During an interview with INSD about the [REDACTED] incident, [REDACTED] signed a sworn statement in which he sought to make it appear that he was unaware of, and uninvolved in, the events leading to the accident. For example, [REDACTED] stated that he "understood" that [REDACTED] "was texting/calling" at the time of the accident, despite his direct knowledge that she had been texting while driving immediately prior to the accident because he was the one who had been texting with her.

[REDACTED] admitted that while assigned as the [REDACTED] he was involved in a romantic relationship with [REDACTED] who was a subordinate in his chain of command. [REDACTED] told the OIG that he notified [REDACTED] of his romantic relationship with [REDACTED] once they became sexually involved. [REDACTED] stated that when he began his romantic relationship, he believed that he was not required to report the relationship to his supervisor until he became sexually involved with [REDACTED]. [REDACTED] told the OIG that he was unaware that rumors of the

romantic relationship were being discussed throughout the FBI. (b)(6); (b)(7)(C) admitted that he used FBI resources, including his FBI issued cell phone, FBI email, and FBI Lync chat, to pursue and maintain his romantic relationship with (b)(6); (b)(7)(C) because he did not own a personal cell phone for the majority their relationship.

During his first OIG interview, (b)(6); (b)(7)(C) denied that he ever influenced (b)(6); (b)(7)(C) career, either positively or negatively; agreed with a statement by an OIG agent (who was not aware at the time of (b)(6); (b)(7)(C) role in (b)(6); (b)(7)(C) selection for the (b)(6); (b)(7)(C) position) that (b)(6); (b)(7)(C) had been selected for the (b)(6); (b)(7)(C) position before (b)(6); (b)(7)(C) became (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) withdrew from the (b)(6); (b)(7)(C) position before it had been cancelled; and stated that he "had nothing to do with" the FBI (b)(6); (b)(7)(C) position being cancelled. During a later OIG interview, after the OIG independently discovered that (b)(6); (b)(7)(C) had been the (b)(6); (b)(7)(C) that selected (b)(6); (b)(7)(C) for the (b)(6); (b)(7)(C) position, (b)(6); (b)(7)(C) acknowledged that he (b)(6); (b)(7)(C) after he became (b)(6); (b)(7)(C) and began pursuing (b)(6); (b)(7)(C) romantically. However, (b)(6); (b)(7)(C) denied influencing any of the (b)(6); (b)(7)(C) members to favor (b)(6); (b)(7)(C) admitted that, in retrospect, he should have informed the (b)(6); (b)(7)(C) of his romantic relationship with (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) did not mention that he was involved in discussions that led to the cancellation of the (b)(6); (b)(7)(C) position.

(b)(6); (b)(7)(C) informed the OIG that he did not recall placing a phone call to (b)(6); (b)(7)(C) desk or cell phone the day after confronting (b)(6); (b)(7)(C) about (b)(6); (b)(7)(C) admitted that doing so without a business reason would have been inappropriate.

(b)(6); (b)(7)(C) denied interfering with (b)(6); (b)(7)(C) response to (b)(6); (b)(7)(C) incident or providing false or misleading statements to INSD regarding the (b)(6); (b)(7)(C) incident. (b)(6); (b)(7)(C) said that some of the statements of the (b)(6); (b)(7)(C) sergeant as noted in the INSD report were either inaccurate or incomplete. For example, while the (b)(6); (b)(7)(C) sergeant stated that (b)(6); (b)(7)(C) told him to not handcuff (b)(6); (b)(7)(C) stated that he actually told the (b)(6); (b)(7)(C) sergeant, "Don't handcuff her in the back, handcuff her in the front."

(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) On (b)(6); (b)(7)(C) declined prosecution of (b)(6); (b)(7)(C) for false statements made to INSD and the OIG.

The OIG has completed its investigation and is providing this report to the FBI for its review and action it deems appropriate.

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).

ADDITIONAL SUBJECTS

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

Retired

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

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

- (b)(6); (b)(7)(C)
- [REDACTED]

Interviews of the following individuals:

- (b)(6); (b)(7)(C)
- [REDACTED]
- [REDACTED]

Review of the following:

- FBI email accounts for (b)(6); (b)(7)(C)
- FBI email accounts for (b)(6); (b)(7)(C)
- FBI text communication for (b)(6); (b)(7)(C)
- (b)(6); (b)(7)(C)
- FBI documents and audio recordings related to FBI job posting (b)(6); (b)(7)(C)
- Enterprise Process Automation System (EPAS) records for (b)(6); (b)(7)(C) and
- (b)(6); (b)(7)(C) rebuttal to OIG Draft Report of Investigations (ROI).

Relevant Authorities

I. FBI Personal Relationships Policy

The FBI Personal Relationships Policy is established 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.¹ The PD defines two types of relationships covered by the policy: romantic relationships and intimate relationships. A "romantic relationship" is one 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 a relationship that involves sexual contact. (PD 0802D, §§ 15.2.2, 15.2.4)

The PD does not prohibit romantic or intimate relationships between FBI personnel, with certain exceptions, such as relationships between a training agent and trainee, student and instructor, mentor and mentee, counselor and client, or supervisor and intern. However, the PD places several requirements and limitations on all FBI employees involved in romantic or intimate relationships with other FBI employees. Specifically, an employee may not allow 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." (PD 0802D, §§ 6.1.1.1, 6.1.2.1) In addition, employees must report the development of a romantic or intimate relationship "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." (PD 0802D, § 11.1.2.2)

Several provisions within the PD address concerns about favoritism or preferential treatment that may result from a romantic or intimate relationship between employees. In particular, Section 11.1.2.3 requires an employee to "[r]efrain—without specific, advance management approval—from participating in a hiring or organizational

¹ On April 9, 2021, the Department issued a memorandum to all heads of components and component executive officers and human resource officers regarding the "Department's Policy Regarding Supervisor/Subordinate Relationships." Since the conduct by (b)(6); (b)(7)(C) that we examined occurred prior to the issuance of this memorandum, we did not consider the memorandum in this investigation.

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." Under Section 11.2.1.1, 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." Further, under Section 11.2.1.2, 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." The policy states that such actions by managers or supervisors "cause other employees to reasonably question the impartiality of those decisions." (PD 0802D, § 11.2.1.2)

Section 11.3.1 of the PD states that once a relationship has been reported, Division and Field Office heads must "[t]ake proactive measures—such as reassignment of duties or employee transfer— necessary to mitigate any adverse consequences of a romantic or intimate relationship," and "[a]dvise the concerned parties about the proactive measures." Division and Field Office heads also should "consult with the Office of General Counsel to ensure that any restrictions placed on the parties are reasonable in time and scope." (PD 0802D, § 11.3.2)

The FBI's Ethics and Integrity Program Policy Directive and Policy Guide (FBI Ethics Guide), dated February 2, 2015, prohibits employees and their supervisors from engaging in "any relationship, financial or otherwise (romantic, business, or 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." (FBI Ethics Guide § 4.7.7.1) 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. (FBI Ethics Guide § 4.7.7.1(c))

II. Federal Ethics Rules – Misuse of Position

The Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct), located at 5 C.F.R. Part 2635, contain a subpart regarding "Misuse of Position" (Subpart G). This subpart contains two regulations that are relevant here: use of government property and use of official time. The FBI has incorporated the Standards of Conduct into the FBI Ethics Guide and has provided additional FBI-specific guidance in certain areas.

The use of government property is addressed in 5 C.F.R. § 2635.704(a), which states that "an employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes." See also 5 CFR § 3801.105; 28 CFR § 45.4; FBI Ethics Guide; FBI Mobile Devices and Mobile Applications Policy Guide (0879PG). The definition of "Government property" includes "telephone and other telecommunications equipment and services." 5 C.F.R. § 2635.704(b)(1).

The use of official time is addressed in 5 C.F.R. § 2635.705 (Section 705). Specifically, Section 705(a) requires an employee to use official time "in an honest effort to perform official duties." Section 705(b) prohibits a supervisor from "encourag[ing], direct[ing], coer[cing], or request[ing] a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation."

While DOJ policy states that employees are authorized to use government property for personal uses that involve only negligible expenses, the policy further states that “employees should be mindful of their responsibility to protect and conserve such property and to use official time in an honest effort to perform official duties.” 28 C.F.R. § 45.4(a)(1), (c). Similarly, according to both the FBI’s Ethics Guide and the FBI Mobile Devices and Mobile Applications Policy Guide, FBI employees are authorized to make personal use of FBI property if the “resulting use is de minimis.” De minimis use means use that: (1) involves a “negligible expense to the FBI;” (2) does not “adversely affect the performance of official duties;” and (3) is “of minimal duration and frequency.” These FBI policies both further state that even if “de minimis” in nature, FBI property and/or time may not be used for . . . purposes that are prohibited or reflect adversely on the FBI.”²

III. Federal Ethics Rules – Gifts Between Employees

The Standards of Conduct also contain a subpart concerning gifts between employees (Subpart C). This subpart prohibits an employee from directly or indirectly accepting a gift from an employee receiving less pay than herself, unless “(1) [t]he two employees are not in a subordinate-official superior relationship; and (2) [t]here is a personal relationship between the two employees that would justify the gift.” 5 C.F.R. § 2635.302(b); *see also* 5 U.S.C. § 7351(a)(1). “Official superior” is defined as “any other employee, . . . including but not limited to an immediate supervisor, whose official responsibilities include directing or evaluating the performance of the employee’s official duties or those of any other official superior of the employee.” *See* 5 C.F.R. § 2635.303(d). Pursuant to 5 C.F.R. § 2635.303(a), a gift has the meaning set forth in 5 C.F.R. § 2635.203(b), which provides that a gift “includes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value.” The regulations provide for some exceptions for small gifts between subordinates and supervisors that are not applicable here. *See* 5 C.F.R. § 2635.304.

IV. Federal Ethics Rules – Appearance of Impartiality

The Standards of Conduct also contain a section addressing appearance issues—5 C.F.R. § 2635.502 (Section 502). Section 502 states that an employee should not participate in a particular matter involving specific parties without authorization where the employee knows that a particular matter is “likely to have a direct and predictable effect on the financial interest of a member of his household or knows that a person with whom [the employee] has a covered relationship” (such as a relative or a person with whom the employee is seeking a business, contractual, or other financial relationship) is or represents a party to such matter and “where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality.” 5 C.F.R. § 2635.502(a). In addition, “[a]n employee who is concerned that circumstances other than those specifically described in [Section 2635.502] would raise a question regarding his impartiality should use the process described in this section to determine whether he should or should not participate in a particular matter.” 5 C.F.R. § 2635.502(b)(1)(i).

The process described in Section 2635.502 involves the employee first informing the designated agency ethics official of the impartiality question. 5 C.F.R. § 2635.502(b)(1)(i).³ If the designated agency ethics official determines that the employee’s impartiality is not likely to be questioned, he may advise the employee that the employee’s participation in the matter would be proper. 5 C.F.R. § 2635.502(b)(1)(i). If the designated agency ethics official

² The FBI issued an updated Mobile Devices and Mobile Applications Policy Guide on November 20, 2020. Since the conduct by (b)(6), (b)(7)(C) that we examined occurred prior to the issuance of this policy, we did not consider the updated policy in this investigation.

³ According to the FBI Ethics Policy, the Assistant Director of the FBI’s Office of Integrity and Compliance is the Deputy Designated Agency Ethics Official for the FBI.

makes a determination that the employee's impartiality is likely to be questioned, the agency ethics official must determine whether to nonetheless authorize the employee to participate in the matter. 5 C.F.R. § 2635.502(b)(1)(i). The designated agency ethics official "may authorize the employee to participate in the matter based on a determination, made in light of all relevant circumstances, that the interest of the Government in the employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations" and the employee's participation does not create a criminal conflict of interest. 5 C.F.R. § 2635.502(d).

V. Relevant FBI Offense Code Provisions

The Preamble to the FBI's Offense Codes and Penalty Guidelines Governing FBI's Internal Disciplinary Process indicates that the Offense Codes and Penalty Guidelines "provide general categories of misconduct for which employees may be disciplined" and, further, stresses the "heightened behavioral and managerial expectations associated with [Senior Executive Service (SES)] personnel."

A. Unprofessional Conduct

There are separate FBI offense codes applicable to "Unprofessional Conduct" depending on whether the employee was engaged in conduct while on duty or off duty. Offense Code 5.22, Unprofessional Conduct – On Duty, applies to misconduct not otherwise delineated in a specific Offense Code and prohibits FBI employees from, "engaging in conduct, while on 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 the community." 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."

B. Lack of Candor

FBI Offense Code 2.6, Lack of Candor – Under Oath, prohibits "knowingly providing false information in a verbal or written statement made under oath." "False information" includes "false statements, misrepresentations, the failure to be fully forthright, or the concealment or omission of a material fact/information."

C. Violations of Ethical Guidelines

FBI Offense Code 2.12, Violation of Ethical Guidelines, sets forth administrative penalties for "[e]ngaging in any activity or conduct prohibited by the uniform Standards of Conduct of Employees of the Executive Branch (5 C.F.R. Part 2635), the supplemental regulations (5 C.F.R. Part 3801), DOJ or FBI policy."

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

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

Factual Findings

I. (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) Romantic Relationship, (b)(6); (b)(7)(C) Alleged Involvement in Organizational Decisions Involving (b)(6); (b)(7)(C) and the Impact of Their Relationship on (b)(6); (b)(7)(C) and Other FBI Employees

From (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) During that time period,
(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) was (b)(6); (b)(7)(C) above (b)(6); (b)(7)(C) in her
chain of command (b)(6); (b)(7)(C) and as such (b)(6); (b)(7)(C) was not responsible for writing (b)(6); (b)(7)(C) performance
evaluations.

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

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

(b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) both told the OIG that they were involved in a romantic and intimate relationship from the (b)(6); (b)(7)(C). During this time period (b)(6); (b)(7)(C) served as (b)(6); (b)(7)(C) of the (b)(6); (b)(7)(C) that selected (b)(6); (b)(7)(C) for a promotion and was later involved in discussions that led to the cancellation of the same promotion.

In the following subsections, we describe the relationship between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) involvement in FBI organizational decisions involving (b)(6); (b)(7)(C) subsequent disclosure of the relationship to an FBI supervisor, and the impact of their relationship on (b)(6); (b)(7)(C) and other FBI employees.

A. (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) Romantic Relationship Begins During a (b)(6); (b)(7)(C) Business Trip (b)(6); (b)(7)(C)

According to FBI Enterprise Process Automation System (EPAS) records, (b)(6); (b)(7)(C) both attended a (b)(6); (b)(7)(C) trip to (b)(6); (b)(7)(C) for an (b)(6); (b)(7)(C) conference. (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) insisted that she attend the trip, although she was not originally scheduled to attend, and she told (b)(6); (b)(7)(C) that her presence on the trip was unnecessary. (b)(6); (b)(7)(C) stated that she told (b)(6); (b)(7)(C) that the lengthy process of obtaining a visa to attend the trip would prevent her from attending. However, she stated that (b)(6); (b)(7)(C) became "pushy" and insisted that she file for the visa. (b)(6); (b)(7)(C) said that she received the visa on the last day that would enable her to book her travel reservations for the trip through the normal process.

According to FBI EPAS records, on (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) scheduled a work trip to (b)(6); (b)(7)(C) to take place from (b)(6); (b)(7)(C) which partially overlapped with the (b)(6); (b)(7)(C) conference (b)(6); (b)(7)(C). However, the records indicate that (b)(6); (b)(7)(C) cancelled the trip to (b)(6); (b)(7)(C) the same day she scheduled it. The records further indicate that on (b)(6); (b)(7)(C) one day after (b)(6); (b)(7)(C) cancelled the trip to (b)(6); (b)(7)(C) and two days before she left for (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) scheduled the (b)(6); (b)(7)(C) through (b)(6); (b)(7)(C) trip to (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) told her to meet him at the office on the day of their travel to (b)(6); (b)(7)(C) and that (b)(6); (b)(7)(C) would take them to the airport. According to (b)(6); (b)(7)(C), when they arrived at the airport (b)(6); (b)(7)(C) arranged for (b)(6); (b)(7)(C) plane seat to be changed so that she and (b)(6); (b)(7)(C) could sit next to each other.

(b)(6); (b)(7)(C) told the OIG that while they were in (b)(6); (b)(7)(C) was flirtatious with her. (b)(6); (b)(7)(C) stated that she was receptive but did not categorize her responses as flirtatious. (b)(6); (b)(7)(C) further stated that because she did not have a specific job function on the trip, she spent a lot of time alone with (b)(6); (b)(7)(C) to include walking around, eating lunch, and helping (b)(6); (b)(7)(C) shop for a cocktail event. (b)(6); (b)(7)(C) recalled that one evening, while driving back from dinner with other coworkers, (b)(6); (b)(7)(C) reached back from the front seat to grab her leg. (b)(6); (b)(7)(C) further recalled that during the trip she and (b)(6); (b)(7)(C) kissed "a little" while alone in his or her hotel room.

(b)(6); (b)(7)(C) told the OIG, during a compelled interview, that he first became close with (b)(6); (b)(7)(C) during the work trip (b)(6); (b)(7)(C) stated that the trip was for an (b)(6); (b)(7)(C) conference, which (b)(6); (b)(7)(C) further stated that he and (b)(6); (b)(7)(C) were not "intimate" on the trip. (b)(6); (b)(7)(C) told the OIG that during the (b)(6); (b)(7)(C) trip, he and (b)(6); (b)(7)(C) "hung out there and had some

drinks, got to know each other a little there.” He stated that the trip lasted three or four days and afterwards they started “working out” together and “hanging out.”

(b)(6); (b)(7)(C) told the OIG that his relationship with (b)(6); (b)(7)(C) began out of “mutual attraction.” In addition, (b)(6); (b)(7)(C) stated that, “the very first time that we were together she, you know, came over to me and she kissed me. It wasn’t me kissing her. I can tell you that.” (b)(6); (b)(7)(C) stated that he and (b)(6); (b)(7)(C) began “dating” within approximately a couple of weeks or a month after the (b)(6); (b)(7)(C) trip.

In a written submission after reviewing a draft of this report, (b)(6); (b)(7)(C) denied that he pressured (b)(6); (b)(7)(C) to attend the conference (b)(6); (b)(7)(C) and stated that “she wanted to go and jumped at the chance.” (b)(6); (b)(7)(C) wrote that (b)(6); (b)(7)(C) was involved in planning the conference, that “[a]lmost everyone in her Unit was going to the conference,” and that she “expressed to me that she was not happy about that as she played a part in its planning.” According to (b)(6); (b)(7)(C) he spoke with then (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) about (b)(6); (b)(7)(C) attending the conference, and they agreed that she should attend. (b)(6); (b)(7)(C) also stated that he and (b)(6); (b)(7)(C) did sit next to each other on the flight, which he said was not full, because they “had a friendly relationship before [the trip] and it was a long boring flight so [sic] good to talk with someone.” In addition, (b)(6); (b)(7)(C) wrote that during the conference he hosted a cocktail party in his hotel suite, at (b)(6); (b)(7)(C) suggestion. (b)(6); (b)(7)(C) said he spent time alone with (b)(6); (b)(7)(C) both before and after the cocktail party. He stated that before the cocktail part they went shopping together for the party, and that after the party “she offered to stay and help clean up,” during which time “she came on to me and kissed me.” (b)(6); (b)(7)(C) also wrote that he sat next to (b)(6); (b)(7)(C) on the flight back to the United States, that they “talked, and I am sure flirted some but that is it.”

The OIG reviewed classified and unclassified FBI emails, FBI text messages logs, and FBI instant “Lync” messages between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C).⁴ According to the text message logs, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) began texting regularly in support of their relationship within less than three weeks of their trip to (b)(6); (b)(7)(C) and within less than two weeks of (b)(6); (b)(7)(C) deliberations. Between (b)(6); (b)(7)(C) sent at least 654 text messages from his FBI issued phone number to (b)(6); (b)(7)(C) FBI issued phone number. A review of the text messages by the OIG revealed that nearly all of the captured text messages were personal in nature and in support of the romantic relationship. For example, we identified text messages in which (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) told each other they “miss” each other, (b)(6); (b)(7)(C) said he was “crazy” for (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) wrote “xoxo.” During the course of sending these text messages, on (b)(6); (b)(7)(C) emailed (b)(6); (b)(7)(C) a quote from an Office of Professional Responsibility finding of “Sexual Harassment” and “Improper Relationship with a Subordinate” against an unnamed supervisory employee. Within the quote, (b)(6); (b)(7)(C) highlighted the following language: “A

⁴ The OIG was unable to review all of (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) text messages using their FBI issued phones because the FBI did not preserve all such communications. The FBI provided text message logs for (b)(6); (b)(7)(C) FBI issued cell phone that were captured on the FBI’s network. However, the FBI was unable to retrieve call logs or text messages from the FBI’s network for (b)(6); (b)(7)(C) FBI issued cell phones for the period of the romantic relationship with (b)(6); (b)(7)(C). The FBI’s response to the OIG’s request for (b)(6); (b)(7)(C) phone records included only network records beginning in (b)(6); (b)(7)(C). An (b)(6); (b)(7)(C) employee told the OIG that “most likely the tracking device was not installed properly and therefore we are unable to retrieve the data.” Further, the FBI was unable to locate (b)(6); (b)(7)(C) previously issued Galaxy S5 cell phone for the OIG to attempt an extraction of data from the physical device. An analysis of (b)(6); (b)(7)(C) more recently issued FBI Galaxy S7 cell phone by the OIG revealed that while email, pictures, and phone logs were still present, all text message data had been erased from the phone. Attempts to review (b)(6); (b)(7)(C) currently issued FBI Galaxy S9 cell phone resulted in the cell phone erasing all data when removed from the secure network, despite coordination with the FBI. (b)(6); (b)(7)(C)

review of the Supervisory Employee's Blackberry showed that only 30% of his text messages work-related. Although *de minimis* personal use is authorized, Supervisory Employee's personal use was more than *de minimis*."

(b)(6); (b)(7)(C) stated that during their relationship (b)(6); (b)(7)(C) was "very pushy" and the relationship progressed at a pace that was "much quicker" than she preferred. (b)(6); (b)(7)(C) said there were periods of time when she would call (b)(6); (b)(7)(C) more than he would call her; however, she stated that most of the time it was (b)(6); (b)(7)(C) that was pushing the relationship. (b)(6); (b)(7)(C) further stated, "I was always in an uncomfortable position because he was in my chain of command," and he was "best friends with all the people in my chain of command."

Both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) stated that they were never intimate in the office. (b)(6); (b)(7)(C) told the OIG that she and (b)(6); (b)(7)(C) spent time together outside the office and most of their communication was through telephone calls, text, and emails. (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) did not have a personal cell phone for most of their relationship, so all their phone calls and texts were through his FBI issued phone. (b)(6); (b)(7)(C) stated that for a brief period, (b)(6); (b)(7)(C) had an iPhone which she bought him as a gift, but he never used it and she ended up taking it back to replace a phone she had damaged. (b)(6); (b)(7)(C) further stated that she bought (b)(6); (b)(7)(C) the iPhone because she felt that she "owed him some sort of gift," after he had bought her a "baby Glock." (b)(6); (b)(7)(C) stated that she and (b)(6); (b)(7)(C) would also communicate using FBI Lync and FBI classified and unclassified email.

(b)(6); (b)(7)(C) told the OIG that he used his FBI issued cell phone to text or call (b)(6); (b)(7)(C) because he did not have a personal cell phone. (b)(6); (b)(7)(C) explained that he used only his FBI cell phone, because he was required to have his FBI cell phone with him "24/7." (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) purchased him a cell phone, which he used for "a couple months," but that (b)(6); (b)(7)(C) took the phone back after she damaged her own phone. (b)(6); (b)(7)(C) acknowledged that on a limited basis he also used FBI email and Lync to communicate with (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) told the OIG that when texting with (b)(6); (b)(7)(C) he sent "no explicit graphic sexual content" or "inappropriate pictures." He stated that the only pictures (b)(6); (b)(7)(C) sent were "of her smiling or running or stuff like that." However, (b)(6); (b)(7)(C) acknowledged that because he was using the FBI issued cell phone to maintain his relationship with (b)(6); (b)(7)(C), not all communication on the phone was for official government purposes. (b)(6); (b)(7)(C) stated, "Well, obviously if we're having a relationship outside of work it's not professional to, I mean, that was not work required conversations."

In addition to the text messages described above, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) used email to pursue their relationship, often during work hours. For example, we identified nearly daily "good morning" messages from (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) flirtatious banter between them, and conversations about their daily activities between (b)(6); (b)(7)(C).

As described below, and as both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) told the OIG, the romantic relationship between them continued through the remainder of (b)(6); (b)(7)(C).

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

B. Shortly after the (b)(6); (b)(7)(C) Trip, (b)(6); (b)(7)(C) Serves as (b)(6); (b)(7)(C) for an (b)(6); (b)(7)(C) Position for which (b)(6); (b)(7)(C) is Selected

According to documents reviewed by the OIG, (b)(6); (b)(7)(C) served as (b)(6); (b)(7)(C) for a (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) signed off on the job posting for the (b)(6); (b)(7)(C), and the deadline for applications was (b)(6); (b)(7)(C). The (b)(6); (b)(7)(C) deliberation took place on (b)(6); (b)(7)(C), approximately two weeks after (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) returned from the (b)(6); (b)(7)(C) trip referenced above.

(b)(6); (b)(7)(C) competed for (b)(6); (b)(7)(C) against 16 other applicants, including two applicants who withdrew from consideration before a selection was made. One of the two applicants who withdrew was (b)(6); (b)(7)(C) who told the OIG that he withdrew from consideration before a selection was made because of rumors regarding (b)(6); (b)(7)(C) romantic relationship with (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated the rumor was that (b)(6); (b)(7)(C) was "either the influential or the selecting" official for the (b)(6); (b)(7)(C) position and that (b)(6); (b)(7)(C) was going to select (b)(6); (b)(7)(C) for the position. (b)(6); (b)(7)(C) further stated:

(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) So,
hearing that with a (b)(6); (b)(7)(C) that was going to get picked over me. Yeah that certainly did happen and would have happened. . . The rumor was she was going to get that job, so I pulled out.

As (b)(6); (b)(7)(C) oversaw the (b)(6); (b)(7)(C) but did not rate the candidates or vote for the ultimate selection. (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) At
the time of the (b)(6); (b)(7)(C) was in the supervisory chain of command (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)

In their applications for the position, candidates were required to write 12 examples of 6 predetermined primary and secondary competencies for the position (i.e., 2 examples of each competency). The voting members individually rated each of the examples submitted by the applicants with a scale including Exemplary (E), Skilled (S), Competent (C), Marginal (M), and Ineffective (I), with "E" being the highest. Thereafter, the (b)(6); (b)(7)(C) had a recorded deliberation, during which the (b)(6); (b)(7)(C) discussed discrepancies in, and in some cases made adjustments to, their rankings. Discrepancies are rating scores which are two or more levels apart, requiring discussion by the voting members during the (b)(6); (b)(7)(C) deliberation, with monitoring by the chairperson.⁵

The OIG listened to the recording of the deliberation. At the outset, (b)(6); (b)(7)(C) introduced himself as (b)(6); (b)(7)(C) and stated that he was serving as (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) then listed several "actions" that were prohibited by SAMMSS policy, including "use of any unsolicited comments in the evaluation process" and "personal knowledge of candidates unless the knowledge is directly related to the specific company example provided by the candidate." On the recording, (b)(6); (b)(7)(C) mentioned a (b)(6); (b)(7)(C) trip to (b)(6); (b)(7)(C) that he had attended the week before the (b)(6); (b)(7)(C) deliberations, but did not reference his relationship with (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C) had the greatest number of discrepancies in rating scores among the voting (b)(6); (b)(7)(C) members for the initial rankings. Specifically, (b)(6); (b)(7)(C) had a total of six discrepancies, one candidate had two discrepancies, and five candidates had one discrepancy. (b)(6); (b)(7)(C) scored (b)(6); (b)(7)(C) with "E's" on all 6 competencies during the initial ratings. During the (b)(6); (b)(7)(C) deliberations, (b)(6); (b)(7)(C) adjusted his ratings downward with respect to four competencies for (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) adjusted his ratings upward with respect to two of the competencies for (b)(6); (b)(7)(C).

Although we did not find evidence on the recorded deliberations that (b)(6); (b)(7)(C) attempted to influence the other members of the (b)(6); (b)(7)(C) told the OIG that he recalled (b)(6); (b)(7)(C) telling him during the (b)(6); (b)(7)(C) review period prior to the deliberation that (b)(6); (b)(7)(C) "liked" (b)(6); (b)(7)(C) for the (b)(6); (b)(7)(C) position.⁶ Regarding whether

⁵ When discussing discrepancies, the voting members furthest apart will adjust scores either up or down, to come to within one level of each other. According to the SAMMSS guide, "Final rankings for the candidates are based upon the overall ratings received by each candidate for each of the competencies, as well as the weight of the first four competencies and the weight of any subsequent competencies in the job posting."

⁶ (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) considered (b)(6); (b)(7)(C) opinion when weighing candidates. (b)(6); (b)(7)(C) stated, "Well I would have trusted his opinion. I mean I wouldn't have picked her just because he said do it. But I, you know, respected his opinion and he knew her longer as the boss. I didn't know of anything going on extracurricular, but as a boss I figured he would know her."

(b)(6); (b)(7)(C) told the OIG that he did not know (b)(6); (b)(7)(C) at the time of the (b)(6); (b)(7)(C) and he did not recall having any conversations with (b)(6); (b)(7)(C) about any of the candidates.⁷ However, (b)(6); (b)(7)(C) stated that any (b)(6); (b)(7)(C) member's views, to include the (b)(6); (b)(7)(C) views, on a specific candidate could influence other (b)(6); (b)(7)(C) members to alter their scores for that candidate during deliberation. (b)(6); (b)(7)(C) further stated, "I would say somebody's subjectivity on the candidate or on the process could affect the ultimate outcome."

(b)(6); (b)(7)(C) told the OIG that his scoring of (b)(6); (b)(7)(C) during the (b)(6); (b)(7)(C) was based on his personal knowledge of (b)(6); (b)(7)(C) work and experience.⁸ (b)(6); (b)(7)(C) said he was (b)(6); (b)(7)(C) direct supervisor and was aware of the work she had performed on the (b)(6); (b)(7)(C) program. (b)(6); (b)(7)(C) did not recall (b)(6); (b)(7)(C) directly speaking with him about (b)(6); (b)(7)(C) or advocating on (b)(6); (b)(7)(C) behalf.

(b)(6); (b)(7)(C) stated that based upon his work experience and personal opinion, "If it was me and I was having a romantic relationship with a person I would remove myself from the board." (b)(6); (b)(7)(C) explained,

I don't believe I could be fair. And even if I was fair there's a perception—bottom line if it were to come out how the perception alone it would not be good and it would cause issues. So even if I could stay fair and even if I could in my mind completely be professional. I just think that's not—there's plenty other people that can sit in on my behalf. So, I think it's the right thing to do.

When the OIG asked (b)(6); (b)(7)(C) during his initial OIG interview whether he ever influenced (b)(6); (b)(7)(C) career, either positively or negatively, (b)(6); (b)(7)(C) responded, "Never." The OIG then had the following exchange with (b)(6); (b)(7)(C) about his role in both the selection for the position and its subsequent cancellation:

OIG Agent: So now as far as negative impact, at a point before you got there (b)(6); (b)(7)(C) had actually gotten a (b)(6); (b)(7)(C) job--

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

OIG Agent: --to be a (b)(6); (b)(7)(C) job.

(b)(6); (b)(7)(C) Uh-huh.

OIG Agent: At some point that job was cancelled.

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

(b)(6); (b)(7)(C) did not mention during this exchange, or at any time during the initial OIG interview, that he was the (b)(6); (b)(7)(C) that selected (b)(6); (b)(7)(C) for the (b)(6); (b)(7)(C) position, that he was (b)(6); (b)(7)(C) at the time the (b)(6); (b)(7)(C) position was announced and (b)(6); (b)(7)(C) was selected for it, and that as (b)(6); (b)(7)(C) he had signed off on the job announcement.

⁷ (b)(6); (b)(7)(C)

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

⁸ (b)(6); (b)(7)(C)

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

During a follow-up voluntary interview under oath on (b)(6); (b)(7)(C) the OIG told (b)(6); (b)(7)(C) that we were aware that he served as (b)(6); (b)(7)(C) that selected (b)(6); (b)(7)(C). We then asked (b)(6); (b)(7)(C) if he recalled the (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) responded, "Yeah, I think I was (b)(6); (b)(7)(C) correct?" (b)(6); (b)(7)(C) went on to tell the OIG that he did not influence (b)(6); (b)(7)(C) and emphasized that the (b)(6); (b)(7)(C) position was solely "an administrative function." (b)(6); (b)(7)(C) stated, "Everything is on tape and I don't put the thumb on the scale." In addition (b)(6); (b)(7)(C) stated multiple times during his follow-up OIG interview that he "barely" remembered the (b)(6); (b)(7)(C) and that the (b)(6); (b)(7)(C) had taken place "five years ago." He further stated that he had been on "100 career boards since then."

After the OIG informed (b)(6); (b)(7)(C) that we had interviewed an individual who stated that he removed himself from consideration for the (b)(6); (b)(7)(C) position because of rumors regarding (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) relationship, (b)(6); (b)(7)(C) stated that at the time of the (b)(6); (b)(7)(C) he and (b)(6); (b)(7)(C) were not sleeping together, but rather had a "romantic interest." (b)(6); (b)(7)(C) stated, "there was no sexual . . . intimacy at that point. We were flirtatious, hanging out, going to dinner maybe. . . So flirtatious, romantically involved, getting to that point, yes, yes."

(b)(6); (b)(7)(C) informed the OIG that he could not recall if he had any specific conversations with the (b)(6); (b)(7)(C) members about (b)(6); (b)(7)(C). He stated, "It's five years. I honestly cannot say. I barely remember the board." However, (b)(6); (b)(7)(C) stated that if an (b)(6); (b)(7)(C) recalled (b)(6); (b)(7)(C) saying, "he liked her," it would have been based on (b)(6); (b)(7)(C) work on the (b)(6); (b)(7)(C) program at the time. (b)(6); (b)(7)(C) further stated, "And you know what, and if someone thinks that that's what I was inferring, that's not my problem. I was not directing anyone." (b)(6); (b)(7)(C) informed the OIG that in retrospect, he should have notified the (b)(6); (b)(7)(C) that he was romantically involved with (b)(6); (b)(7)(C).

According to paperwork reviewed by the OIG, (b)(6); (b)(7)(C) was officially notified of her selection by (b)(6); (b)(7)(C) to fill the (b)(6); (b)(7)(C) position on (b)(6); (b)(7)(C). This position would have been a promotion but, as described below, the position was cancelled in (b)(6); (b)(7)(C) before she filled it.

C. (b)(6); (b)(7)(C) Tells (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) about His Romantic Relationship with (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) told the OIG that he was aware that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were previously in a romantic relationship but was unaware the relationship had continued beyond a few months. (b)(6); (b)(7)(C) explained that sometime around (b)(6); (b)(7)(C) informed him about his relationship with (b)(6); (b)(7)(C) during a discussion about (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) recalled asking (b)(6); (b)(7)(C) if (b)(6); (b)(7)(C) was under his chain of command and whether (b)(6); (b)(7)(C) provided any input into (b)(6); (b)(7)(C) performance evaluation. According to (b)(6); (b)(7)(C) said that there was a (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) between the two of them and that (b)(6); (b)(7)(C) denied having direct input into (b)(6); (b)(7)(C) performance evaluation.

(b)(6); (b)(7)(C) stated that he told (b)(6); (b)(7)(C) he would not pass judgment on the moral issue, but that (b)(6); (b)(7)(C) "was walking a thin line." (b)(6); (b)(7)(C) said that he further told (b)(6); (b)(7)(C) "Keep your shit out of the building. If the perception becomes that you are giving her favoritism, or if the relationship is going to reflect negatively on the FBI or (b)(6); (b)(7)(C) you have to end it." (b)(6); (b)(7)(C) said that following this conversation, he and (b)(6); (b)(7)(C) never talked about the relationship again.

(b)(6); (b)(7)(C) stated he did not document the conversation because (b)(6); (b)(7)(C) told him rather than (b)(6); (b)(7)(C) finding out through the rumor mill. (b)(6); (b)(7)(C) explained that if he had learned of the relationship from anyone other than (b)(6); (b)(7)(C) he would have documented it and taken any necessary actions. (b)(6); (b)(7)(C) stated that based on his experience at the FBI, inappropriate romantic work relationships typically result in FBI personnel being moved to other divisions.

(b)(6); (b)(7)(C) told the OIG that soon after he and (b)(6); (b)(7)(C) began their romantic relationship, he became aware of an updated FBI policy concerning romantic relationships. (b)(6); (b)(7)(C) said he reviewed the policy and discussed with (b)(6); (b)(7)(C) the possibility of disclosing their relationship to (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated that he printed the policy and discussed it with (b)(6); (b)(7)(C) once at lunch, and then possibly a week later at her home. (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) was "not in favor" of disclosing the relationship to (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) further stated that he believed (b)(6); (b)(7)(C) concern was the "stigma" of dating a married man. (b)(6); (b)(7)(C) told the OIG that approximately a week later, he nonetheless made the decision to talk with (b)(6); (b)(7)(C) about the relationship. (b)(6); (b)(7)(C) told the OIG that he did not notify (b)(6); (b)(7)(C) of the relationship until after the (b)(6); (b)(7)(C) because his original understanding of the FBI Personal Relationships policy was that a romantic relationship was defined by "physical intimacy." (b)(6); (b)(7)(C) stated that he could not specifically recall when he and (b)(6); (b)(7)(C) first became physically intimate, but that he believed that it was not until after (b)(6); (b)(7)(C) 9

(b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) advised him, "Keep your personal life your personal life and your work life your work life. I don't want to hear about it and don't be involved in any decisions, you know, kind of thing." (b)(6); (b)(7)(C) stated that he did not know whether (b)(6); (b)(7)(C) documented the conversation. (b)(6); (b)(7)(C) told the OIG that this conversation with (b)(6); (b)(7)(C) was the only time he notified a superior of his relationship with (b)(6); (b)(7)(C). Regarding making other notifications within (b)(6); (b)(7)(C) stated, "That was up to the boss. If he wanted to tell them he would have told them. That's not my position to, I mean, I told the (b)(6); (b)(7)(C) per the rules of the policy. I told my superior." (b)(6); (b)(7)(C) told the OIG that he did not inform (b)(6); (b)(7)(C) that he had made (b)(6); (b)(7)(C) aware of the relationship, because (b)(6); (b)(7)(C) was opposed to notifying (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) told the OIG that she recalled (b)(6); (b)(7)(C) either showing her a printout or emailing her a copy of the FBI Personal Relationships Policy and telling her that he had discussed the policy with (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated, "He said he talked to (b)(6); (b)(7)(C) about our relationship or personal relationships in the workplace and our relationship was within policy." (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) never told her that he had informed or intended to inform the (b)(6); (b)(7)(C) of their relationship. She stated that if (b)(6); (b)(7)(C) had suggested informing management of their relationship, she would have been in favor of doing so. She further stated that if (b)(6); (b)(7)(C) said that she objected to informing the (b)(6); (b)(7)(C) of their relationship, "that is a lie."

D. (b)(6); (b)(7)(C) is Confronted by (b)(6); (b)(7)(C) about His Romantic Relationship with (b)(6); (b)(7)(C) Following (b)(6); (b)(7)(C) Selection for the (b)(6); (b)(7)(C) Position

(b)(6); (b)(7)(C) told the OIG that he first heard of the romantic relationship between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) from (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) called him and vented about the fact that (b)(6); (b)(7)(C) had been selected for the (b)(6); (b)(7)(C) position, a position for which (b)(6); (b)(7)(C) had also applied. (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) thought (b)(6); (b)(7)(C) selected (b)(6); (b)(7)(C) because of their romantic relationship. (b)(6); (b)(7)(C)

⁹ After reviewing a draft of this report, (b)(6); (b)(7)(C) wrote that he did not remember "exactly" when he reported the relationship to (b)(6); (b)(7)(C) but believed that it was "more like" (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) further wrote that he sent an email to (b)(6); (b)(7)(C) about the FBI Personal Relationships Policy and that shortly thereafter was when he printed the policy and discussed it with (b)(6); (b)(7)(C) at lunch. The OIG identified an (b)(6); (b)(7)(C) email from (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) in which (b)(6); (b)(7)(C) copied the text of an Office of Professional Responsibility finding of "Sexual Harassment" and "Improper Relationship with a Subordinate" against an unnamed supervisory employee. The text of the finding included a link to FBI Offense Code 5.10, which references the FBI Personal Relationships Policy. Relying on this email, (b)(6); (b)(7)(C) wrote that the OIG's "timeline" of when (b)(6); (b)(7)(C) reported his relationship with (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) was "significantly off." (b)(6); (b)(7)(C) did not dispute that he did not report the relationship before serving as (b)(6); (b)(7)(C)

further stated there were rumors about (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) traveling over the seas together and detouring. Things like that that were like red flags. That normally people wouldn't do together."

(b)(6); (b)(7)(C) informed the OIG that he contacted (b)(6); (b)(7)(C) twice about the rumors of (b)(6); (b)(7)(C) romantic relationship with (b)(6); (b)(7)(C) first following his conversation with (b)(6); (b)(7)(C) and again after (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated, "I wanted him to know. So that if there was something going on that he would do the right thing and tell the boss and take whatever instruction he would give him." (b)(6); (b)(7)(C) noted that because (b)(6); (b)(7)(C) no matter where (b)(6); (b)(7)(C) moved within (b)(6); (b)(7)(C) she would always remain in (b)(6); (b)(7)(C) chain of command. (b)(6); (b)(7)(C) explained that the situation presented a "quandary," because it would be difficult to move (b)(6); (b)(7)(C) and it would seem punitive to move (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated that he raised this quandary with (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) confirmed he had a romantic relationship with (b)(6); (b)(7)(C). According to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) stated that he had told his immediate supervisor, (b)(6); (b)(7)(C) about the relationship and (b)(6); (b)(7)(C) advised him "something to the effect of keep your personal life personal and keep your business life professional."

(b)(6); (b)(7)(C) stated that he did not recall having a conversation with (b)(6); (b)(7)(C) about his relationship with (b)(6); (b)(7)(C) or about rumors concerning the romantic relationship. In addition, he stated that he did not recall (b)(6); (b)(7)(C) telling him he should report the relationship to (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) said that because he and (b)(6); (b)(7)(C) talk often, the conversation may have occurred, but he did not remember. (b)(6); (b)(7)(C) stated, "I'm trying to think. Maybe that was why I went and talked to the boss (b)(6); (b)(7)(C). I don't know. But, I mean, it's been five years."

E. Other FBI Employees are Aware of or Hear Rumors About (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) Romantic Relationship

Several FBI employees told us that they were either aware of the romantic relationship between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) or heard rumors about it. While (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) told us that they discussed the rumors with (b)(6); (b)(7)(C), (b)(6); (b)(7)(C) told the OIG that he was unaware of the rumors.

(b)(6); (b)(7)(C) at the time that (b)(6); (b)(7)(C) was selected for the (b)(6); (b)(7)(C) position, told the OIG that he suspected and heard rumors that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were involved in a romantic relationship.¹⁰ (b)(6); (b)(7)(C) said that both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) who also competed for the (b)(6); (b)(7)(C) position, told him that they believed (b)(6); (b)(7)(C) was selected for the (b)(6); (b)(7)(C) position because she was involved in a romantic relationship with (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C) informed the OIG that in around (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that she was dating (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) told the OIG that she had been out with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) in small group social settings and that the outings were "always positive interactions."

(b)(6); (b)(7)(C) told the OIG that while he was working (b)(6); (b)(7)(C) he was unaware of (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) having a romantic relationship. However, he stated that upon his departure, he began to hear rumors. (b)(6); (b)(7)(C)

¹⁰ (b)(6); (b)(7)(C)

¹¹ (b)(6); (b)(7)(C) was referring to the (b)(6); (b)(7)(C) incident which is described later in this report.

(b)(6); (b)(7)(C) told the OIG that he had heard rumors while working in (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were in a romantic relationship and that the rumors continued after (b)(6); (b)(7)(C) left (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated that he did not have firsthand knowledge of the romantic relationship or of (b)(6); (b)(7)(C) giving (b)(6); (b)(7)(C) favorable treatment. However, (b)(6); (b)(7)(C) recalled another (b)(6); (b)(7)(C) stating that he heard the (b)(6); (b)(7)(C) position was cancelled, as detailed below, because (b)(6); (b)(7)(C) was having an affair. (b)(6); (b)(7)(C) told the OIG that while assigned to (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that he was upset about rumors of (b)(6); (b)(7)(C) relationship with (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated, "I remember (b)(6); (b)(7)(C) saying one time of something about he was upset about the rumors of it."

As noted above, (b)(6); (b)(7)(C) who competed (b)(6); (b)(7)(C) for the (b)(6); (b)(7)(C) position, told the OIG that he withdrew from consideration before a selection was made due to rumors of (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) being in a romantic relationship. Further, as previously described, (b)(6); (b)(7)(C) reported his concerns to (b)(6); (b)(7)(C). In addition, (b)(6); (b)(7)(C) told the OIG that there was a second rumor concerning a (b)(6); (b)(7)(C) involving (b)(6); (b)(7)(C) using her government vehicle. (b)(6); (b)(7)(C) stated, "The rumor was that it happened," and that (b)(6); (b)(7)(C) "was going to help it go away."

(b)(6); (b)(7)(C) informed the OIG that he had knowledge of the romantic relationship between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) confided in him about her romantic relationship with (b)(6); (b)(7)(C), when (b)(6); (b)(7)(C) was (b)(6); (b)(7)(C). According to (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) she was "afraid" of (b)(6); (b)(7)(C) and "always wanted to file a complaint but couldn't do it" while she and (b)(6); (b)(7)(C) were both working at (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated that on an almost daily basis, he either heard rumors among FBI employees or was asked by other FBI employees about the romantic relationship between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) said he believed that, because (b)(6); (b)(7)(C) people assumed that he had knowledge of the relationship.

(b)(6); (b)(7)(C) told the OIG that she and (b)(6); (b)(7)(C) had a small circle of FBI friends that knew of their romantic relationship, specifically (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) told the OIG that as a way of disguising the relationship in public, she and (b)(6); (b)(7)(C) would stagger their arrivals to and departures from social events. (b)(6); (b)(7)(C) stated that despite their efforts, she believed others in the office suspected they were involved in a romantic relationship, although "no one really confronted" her about it.

(b)(6); (b)(7)(C) denied to the OIG that he was aware of rumors of his romantic relationship with (b)(6); (b)(7)(C) or that he discussed the rumors with anyone.¹³ When asked by the OIG if his notification to (b)(6); (b)(7)(C) about the relationship was due to rumors circulating, (b)(6); (b)(7)(C) stated, "So I don't know at the time if I thought there was a rumor out there when I talked to (b)(6); (b)(7)(C). Honestly, I don't know looking back and I can't remember if that was one of the reasons I went to him."

F. (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) Have Text and Email Communications in Which (b)(6); (b)(7)(C) Undermines the Authority of Other Supervisors, Embarrasses (b)(6); (b)(7)(C) Other (b)(6); (b)(7)(C) Subordinates, and Makes Derogatory and Offensive Comments about Co-Workers

¹² (b)(6); (b)(7)(C)

¹³ As noted above, (b)(6); (b)(7)(C) stated that he did not recall having a conversation with (b)(6); (b)(7)(C) about his relationship with (b)(6); (b)(7)(C) or about rumors concerning the romantic relationship.

In addition to the personal text messages described above concerning their romantic relationship, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) intermixed their text and email messages with informal discussions of work-related matters and gossip about and criticism of co-workers, including use of cultural stereotypes. Further (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) had several email conversations in which (b)(6); (b)(7)(C) denigrated other FBI employees, including (b)(6); (b)(7)(C) subordinates, (b)(6); (b)(7)(C) immediate supervisor, and (b)(6); (b)(7)(C) involved with the (b)(6); (b)(7)(C) program.

For example, on (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) had the following text exchange about an FBI colleague named (b)(6); (b)(7)(C)⁴

(b)(6); (b)(7)(C)	Totally miss you	2015-10-01 19:20:51,
	If I were u I would miss me too	2015-10-01 19:21:15,
	I miss u tons.	2015-10-01 19:21:22,
	Remember to tell (b)(6); (b)(7)(C) I don't like the Irish. They came to the USA because they were to lazy to even grow potatoes correctly. Pathetic. OMG. why did the Italians come here? Too much sitting around eating and drinking wine?	2015-10-01 19:44:12,
		2015-10-01 19:46:21,
	Is there ever to [sic] much drinking wine. With u that is the pot and kettle thing I think. We came over to be supervisors of the lazy Irish as they need alot of oversight. Seems to be tracking true in my case with u and (b)(6); (b)(7)(C) Lol	2015-10-01 19:48:32,

In another text exchange on (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) referenced (b)(6); (b)(7)(C) going to (b)(6); (b)(7)(C) (presumably for the (b)(6); (b)(7)(C) position), (b)(6); (b)(7)(C) informed (b)(6); (b)(7)(C) that another FBI employee (identified as (b)(6); (b)(7)(C)) may be joining her there for a (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) expressed her dissatisfaction with this news. (b)(6); (b)(7)(C) responded by texting (b)(6); (b)(7)(C) that he would call the other FBI employee. (b)(6); (b)(7)(C) then told (b)(6); (b)(7)(C) that he called the other FBI employee, conveyed to her what he learned from the conversation, and said that he would "dig into" the issue further:

(b)(6); (b)(7)(C)	How goes it? Hike was fun we found two go caches. I sent u a email on bu side that will make u mad. Apparently ur buddy (b)(6); (b)(7)(C) wants to follow u to (b)(6); (b)(7)(C) He got a tdy to (b)(6); (b)(7)(C)	2015-10-01 21:13:24,
	Wtf	2015-10-01 21:17:52,
	He approved that? And u didn't get any emails....	2015-10-01 21:19:10,
	A position like that should be made available to everyone and not to a loser like (b)(6); (b)(7)(C) He cant represent (b)(6); (b)(7)(C) oconus. He can't even help himself from berating support	2015-10-01 21:26:30,
	Will call in second.	2015-10-01 21:27:50,
	Just saying. Don't think it's a great idea. Why reward people who have a consistent patter of acting unprofessional and not being a team player	2015-10-01 21:30:26,

¹⁴ Due to the number of typographical errors, we did not use [sic] to denote typographical errors in the emails and text messages.

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

Called (b)(6); (b)(7)(C) He was on the iody list, said he got asked and they are paying for it. I will dig into it more when I get back, sounds like they didn't check their traps on him.

2015-10-01 21:52:16,

Ok. You should delegate that down. Don't let people go direct with you. It empowers freaks like (b)(6); (b)(7)(C) And we need to get you an iphone stat. All of these texts are saved forever....

2015-10-01 21:53:29,

2015-10-01 21:54:24,

Me too. No worries we will push our agenda and keep this headed in the right direction.

2015-10-02 12:58:59,

Additionally, on (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) exchanged emails concerning one of (b)(6); (b)(7)(C) subordinates (b)(6); (b)(7)(C) who was (b)(6); (b)(7)(C) immediate supervisor (b)(6); (b)(7)(C) On that date, (b)(6); (b)(7)(C) forwarded to (b)(6); (b)(7)(C) an email from (b)(6); (b)(7)(C) concerning the use of an FBI vehicle, and (b)(6); (b)(7)(C) responded by ridiculing and undermining (b)(6); (b)(7)(C) with a derogatory and sexist comment:

(b)(6); (b)(7)(C): "Told u he's angry" (b)(6); (b)(7)(C) 6:14 PM (GMT-05:00)].

(b)(6); (b)(7)(C) "F him. Say because (b)(6); (b)(7)(C) He can go pick (b)(6); (b)(7)(C) up" 11:15:57 PM (UTC)].

(b)(6); (b)(7)(C) "He his just mad because his girl workout pants are chaffing him. Lol" (b)(6); (b)(7)(C) 11:20:31 PM (UTC)].

Similarly, on (b)(6); (b)(7)(C) sent (b)(6); (b)(7)(C) an email again denigrating (b)(6); (b)(7)(C) with a sexist comment, this one with the title "This has (b)(6); (b)(7)(C) written all over it." The email contained the link to a blog page, (b)(6); (b)(7)(C) A review of the blog page by the OIG revealed a review of the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

Then, on (b)(6); (b)(7)(C), in a series of emails concerning (b)(6); (b)(7)(C), (b)(6); (b)(7)(C) again denigrated and undermined (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) "Tried calling. You ignored me again. (b)(6); (b)(7)(C) just sent out an email saying you assured (b)(6); (b)(7)(C) Not happy at all." (b)(6); (b)(7)(C) 10:51 AM].

(b)(6); (b)(7)(C) "Wtf. Who did he send that to. I never assured (b)(6); (b)(7)(C) of anything. He should call me before believing what people say They were told they were told (b)(6); (b)(7)(C) s next. They send me a draft ec on it which I looked at and told them money was tight next yyear and no was first. That's it. No commitment. Talked with their asac as well told same Was working outside. When u called. Will call I'm a few. On phone with asac now. I will have to call (b)(6); (b)(7)(C) today and set him straight" (b)(6); (b)(7)(C) 11:08 AM].

(b)(6); (b)(7)(C) "U sure type long emails when you're on the phone." (b)(6); (b)(7)(C) 11:10 AM].

(b)(6); (b)(7)(C) "Whatever it is a conference call with (b)(6); (b)(7)(C) briefing me. Long winded U sure believe everything (b)(6); (b)(7)(C) says I am calling (b)(6); (b)(7)(C) on this bs (b)(6); (b)(7)(C) 11:12 AM].

(b)(6); (b)(7)(C) "He sent it in an email that went to (b)(6); (b)(7)(C) Don't call (b)(6); (b)(7)(C) bc they will know it came from me. Who sent you the EC?" (b)(6); (b)(7)(C) 11:13 AM].

(b)(6); (b)(7)(C) "I am sick of this bs. Ec was emailed from their asac who I k ow from wfo. No sentinel. I read and talked about nothing other than that. Told them money was tight. No was first. Would talk about at year end of this year IF hr would have money and support. No comitment. Not even Luke warm. I am calling. Sick of his bs. I am calling (b)(6); (b)(7)(C) and him. I am also sick and tired of u believing everything

someone there says about me. Like all rumors are True there. Especially from (b)(6); (b)(7)(C) who u always say is an idiot. Havery to call us attorney when I am done then will call u." [10/27/2016 3:22:55 PM].

(b)(6); (b)(7)(C) also belittled (b)(6); (b)(7)(C) involved with the (b)(6); (b)(7)(C) program. On February 8, 2016, (b)(6); (b)(7)(C) sent (b)(6); (b)(7)(C) an email in which he belittled the (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C) should go. He is a yard and drama queen. Will call u later." [February 08, 2016 4:22 PM].
(b)(6); (b)(7)(C) "Maybe you weren't trying to send that message to me. Or you are really enjoying Mardi Gras." [02/08/2016 3:29 PM (GMT-06:00)].

Three days later, on February 11, 2016, (b)(6); (b)(7)(C) made a further derogatory comment to (b)(6); (b)(7)(C) about (b)(6); (b)(7)(C) in response to an email that (b)(6); (b)(7)(C) forwarded to (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C) is killing me. Hes got to stop forwarding all of this crap to people.", [02/11/2016 2:13 PM (GMT-06:00)].
(b)(6); (b)(7)(C) only to (b)(6); (b)(7)(C) "What a moron. I agree" [2/11/2016 8:20:00 PM (UTC)].

In addition, on (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) forwarded to (b)(6); (b)(7)(C) an email that (b)(6); (b)(7)(C) had sent to (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) (an employee below (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) in the chain of command) regarding an internal personnel issue within (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C) "He (b)(6); (b)(7)(C) is mad. See who he sent this to," referring to (b)(6); (b)(7)(C) 5:59 PM (GMT-05:00)]

(b)(6); (b)(7)(C) "I see she threw I (b)(6); (b)(7)(C) under the bus." (b)(6); (b)(7)(C) 6:07 PM (GMT-05:00)].

(b)(6); (b)(7)(C) "I know and I am mad. Passed on to chuck. She is done. I am cutting her legs off. Lots of changes in the new year all the way around." [12/22/2015 11:14:07 PM (UTC)].

When questioned by the OIG about these emails, (b)(6); (b)(7)(C) acknowledged that sending emails speaking poorly of other FBI employees and engaging in "work gossip" with (b)(6); (b)(7)(C) may have been inappropriate. He stated that the work gossip was "[p]robably not" appropriate when considered "in a vacuum." However, he said, "In real life if you work in the same building whether you work in different units or whatever units you're going to talk about stuff."

G. The (b)(6); (b)(7)(C) Position is Cancelled in (b)(6); (b)(7)(C)

In or about (b)(6); (b)(7)(C) position for which (b)(6); (b)(7)(C) had been selected in (b)(6); (b)(7)(C) was cancelled. (b)(6); (b)(7)(C) told the OIG that prior to the position being cancelled, she had received orders to move overseas, begun language training, and begun her search for a place to live. (b)(6); (b)(7)(C) stated that the cancellation coincided with the time period that she was dating other people and that shortly before the cancellation she had taken a vacation with (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) further told the OIG that, in (b)(6); (b)(7)(C) she informed (b)(6); (b)(7)(C) that she planned to date other people and began to do so, which she said made (b)(6); (b)(7)(C) angry. (b)(6); (b)(7)(C) stated that despite this, she still wanted to be friends with (b)(6); (b)(7)(C) and was sometimes still romantic with him. She further stated, "I didn't want to have an archenemy in the office. It was very awkward for me. He was best friends with people in my chain of command. So, I still talked to him, and he still came over to my house. But I was dating other people."

According to (b)(6); (b)(7)(C) during this period she observed (b)(6); (b)(7)(C) looking through her technology (personal iPad and personal cell phone). (b)(6); (b)(7)(C) stated that she believed (b)(6); (b)(7)(C) was responsible for cancelling the

(b)(6); (b)(7)(C) position, because he "made every single decision" about the (b)(6); (b)(7)(C) position and had told her he did not want her to move overseas due to their relationship. (b)(6); (b)(7)(C) stated, "I believe (b)(6); (b)(7)(C) cancelled the position in an attempt to intimidate me and show me that he had control over my career."

On (b)(6); (b)(7)(C) five days before (b)(6); (b)(7)(C) received an email from (b)(6); (b)(7)(C) informing her of the position's cancellation, (b)(6); (b)(7)(C) emailed the following to (b)(6); (b)(7)(C) and two additional FBI employees:¹⁵

Folks, I've attached the talking paper I gave the (b)(6); (b)(7)(C) regarding background and the pending way forward on (b)(6); (b)(7)(C), he would like to sit down with you and (b)(6); (b)(7)(C) next week to discuss: 1 (b)(6); (b)(7)(C) positions going forward, 2 memorializing our meeting with the (b)(6); (b)(7)(C)

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

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

(b)(6); (b)(7)(C) The attachment did not specifically state that the (b)(6); (b)(7)(C) for which (b)(6); (b)(7)(C) had been selected was being cancelled or that she would no longer be able to keep her promotion. The attachment also referenced a discussion involving (b)(6); (b)(7)(C) about (b)(6); (b)(7)(C) the (b)(6); (b)(7)(C) positions, stating:

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

(b)(6); (b)(7)(C) told the OIG that at the time he wrote the (b)(6); (b)(7)(C) email to (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) and others at the FBI had concerns about the return on the FBI's investment in (b)(6); (b)(7)(C) said that these concerns informed the talking paper (b)(6); (b)(7)(C) drafted and attached to the (b)(6); (b)(7)(C) mail. (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) was the first line reviewer and editor of the talking paper, and (b)(6); (b)(7)(C) therefore had a "collaborative" role with respect to the talking paper. In addition, (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) "would have been engaged certainly as somebody advocating whatever was being sent up to (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) would have been part of the conversations that led to the talking paper, that it was "no mystery" that (b)(6); (b)(7)(C) was "looking to pull us out of (b)(6); (b)(7)(C) and that by (b)(6); (b)(7)(C) "the writing certainly would have been on the wall" and it would have been "very clear to anybody involved in this that I was... moving... to move our eggs to a different basket." However, (b)(6); (b)(7)(C) did not recall talking to (b)(6); (b)(7)(C) about "the ramifications" of pulling out of (b)(6); (b)(7)(C) or the "career implications" for (b)(6); (b)(7)(C) stated that before the (b)(6); (b)(7)(C) position was cancelled, (b)(6); (b)(7)(C) had

¹⁵ (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) further stated that he was unaware in (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were involved in a romantic relationship.

¹⁶ (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)

already begun receiving a (b)(6); (b)(7)(C) salary and that the cancellation of the position meant that her salary would be reduced back to the (b)(6); (b)(7)(C) level.

On (b)(6); (b)(7)(C) replied to only (b)(6); (b)(7)(C) In response, (b)(6); (b)(7)(C) wrote, "I understand but what does that mean for my position?"

On (b)(6); (b)(7)(C) responded, telling her that the position had been cancelled:

The (b)(6); (b)(7)(C) position is gone/cancelled due to (b)(6); (b)(7)(C) You will be very competitive for the position with your experience and (b)(6); (b)(7)(C) time.

(b)(6); (b)(7)(C) told the OIG that he was responsible for the cancellation of the (b)(6); (b)(7)(C) position. He stated, "That was on me." (b)(6); (b)(7)(C) further stated that he made the decision to cancel the position based on multiple (b)(6); (b)(7)(C) factors. (b)(6); (b)(7)(C) said that he was aware of the relationship between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) at the time he cancelled the (b)(6); (b)(7)(C) position. However, he stated the decision was his alone, and the relationship between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) had no impact on the decision.

(b)(6); (b)(7)(C) told the OIG that he did not recall the details of the (b)(6); (b)(7)(C) position, (b)(6); (b)(7)(C) was not certain whether he made the decision to cancel the position but said that if he had done so, it would have been under the advisement of (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C) if (b)(6); (b)(7)(C) was out of the office. (b)(6); (b)(7)(C) told the OIG that it was possible that (b)(6); (b)(7)(C) advocated "a position" on the topic, but (b)(6); (b)(7)(C) could not recall if (b)(6); (b)(7)(C) in fact advocated a position or, if so, what (b)(6); (b)(7)(C) position was. (b)(6); (b)(7)(C) said that as (b)(6); (b)(7)(C) he spoke regularly with (b)(6); (b)(7)(C) at least once per week during a standing meeting and possibly more if (b)(6); (b)(7)(C) was acting for (b)(6); (b)(7)(C) told the OIG that he was never informed by (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C) of the romantic relationship between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) 17

(b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) told her he obtained authorization from (b)(6); (b)(7)(C) to cancel the position and move it from (b)(6); (b)(7)(C) stated, "I didn't get any heads up that was happening and was shocked when (b)(6); (b)(7)(C) told me that." (b)(6); (b)(7)(C) recalled that (b)(6); (b)(7)(C) was out of town when (b)(6); (b)(7)(C) discussed the position with (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) told the OIG that she was never notified about the cancellation of the (b)(6); (b)(7)(C) position by anyone other than (b)(6); (b)(7)(C) —she stated she was not contacted by her (b)(6); (b)(7)(C) further stated that she never received an official notification or explanation from the Human Resource Division regarding the cancellation of the position.

(b)(6); (b)(7)(C) further stated during her OIG interview that after (b)(6); (b)(7)(C) email she may have had a conversation with (b)(6); (b)(7)(C) about the (b)(6); (b)(7)(C) position. She stated, "I think probably I did. But I was really, like, I was afraid of him at that point. . . I was just scared and intimidated." (b)(6); (b)(7)(C) further stated that she did not discuss her concerns about the position being abruptly cancelled with anyone. She explained, "I couldn't really tell anyone because he was best friends with everybody in my chain of command. So. . . it was very awkward and uncomfortable and intimidating for me." She stated that she did not consider applying for the (b)(6); (b)(7)(C) position

17 (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) he heard "scuttlebutt" about (b)(6); (b)(7)(C) being involved with an employee, who may have been (b)(6); (b)(7)(C) subordinate, but never any details.

that opened when the (b)(6); (b)(7)(C) position was cancelled, because she was "tainted" by her belief that (b)(6); (b)(7)(C) had cancelled the (b)(6); (b)(7)(C) position.

(b)(6); (b)(7)(C) told the OIG that he was not involved in the decision to cancel the (b)(6); (b)(7)(C) position and stated during his initial OIG interview that it was his recollection that (b)(6); (b)(7)(C) withdrew from the position prior to the (b)(6); (b)(7)(C) position being cancelled. The OIG then informed (b)(6); (b)(7)(C) that the evidence showed that (b)(6); (b)(7)(C) had not withdrawn from the (b)(6); (b)(7)(C) position, stating "She did not withdraw from the job. But she actually, there's a couple emails where she was specifically reaching out to you (b)(6); (b)(7)(C) saying 'like okay, what's this have to do with my job.'" (b)(6); (b)(7)(C) then responded, "I think she told me she was going to withdraw from the job." However, after reviewing a draft of this report, (b)(6); (b)(7)(C) reiterated that he believed (b)(6); (b)(7)(C) voluntarily withdrew from the (b)(6); (b)(7)(C) position. He wrote that "long before the (b)(6); (b)(7)(C) had made a decision to significantly reduce the funding to (b)(6); (b)(7)(C) [sic] do [sic] to sequestration budget cuts (b)(6); (b)(7)(C) had voluntarily pulled out [sic] the position and I stand by this."

In response to (b)(6); (b)(7)(C) claim, the OIG reviewed FBI (b)(6); (b)(7)(C) records because the FBI informed the OIG that when an FBI employee withdraws an application for an FBI position, or withdraws from a position for which the employee had been selected, a record is made within EPAS. The FBI provided the OIG with EPAS records related to (b)(6); (b)(7)(C) from (b)(6); (b)(7)(C) and there was no record that (b)(6); (b)(7)(C) withdrew from the (b)(6); (b)(7)(C) position. (b)(6); (b)(7)(C)

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

18 (b)(6); (b)(7)(C) further claimed after reviewing a draft of this report that he understood that (b)(6); (b)(7)(C) had told the OIG that (b)(6); (b)(7)(C) "pulled out of the position," but that the "IG then told (b)(6); (b)(7)(C) that didn't happen and the position was cancelled by me (b)(6); (b)(7)(C)." According to (b)(6); (b)(7)(C) written submission, (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) "no matter what I said (b)(6); (b)(7)(C) they [the OIG] were painting their own picture." (b)(6); (b)(7)(C) further wrote that (b)(6); (b)(7)(C) "can confirm that (b)(6); (b)(7)(C) did in fact pull out of the position on her own before any cuts to (b)(6); (b)(7)(C) [sic] positions or budgets," but that (b)(6); (b)(7)(C) did not say this during his OIG interview because "when he tried to bring up anything other than what they asking [sic] the IG interviewer shut him down." According to (b)(6); (b)(7)(C) written submission, (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) "They were pushing their own narrative regardless of what I said." (b)(6); (b)(7)(C)

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

In response to these allegations, the OIG reviewed the transcripts from both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) interviews, and determined that neither of them told the OIG or attempted to tell the OIG that (b)(6); (b)(7)(C) voluntarily withdrew from the (b)(6); (b)(7)(C) position. In addition, there is no indication in the transcripts that either (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C) was discouraged from providing information to the OIG. Rather, the transcripts reflect that both witnesses were given the opportunity near the end of their interviews to provide any additional information that might be "helpful" to the OIG's investigation.

Also in response to (b)(6); (b)(7)(C) allegations, the OIG assigned two agents who were not present for (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C) initial OIG interviews to conduct follow-up interviews of (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). During (b)(6); (b)(7)(C) follow-up interview, the OIG asked (b)(6); (b)(7)(C) whether he told (b)(6); (b)(7)(C) that during his first OIG interview the OIG agent "shut him down" when he attempted to say things that were contrary to the OIG's narrative. (b)(6); (b)(7)(C) responded that he may have said something like this to (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) explained that there were one or two times when the OIG interviewer cut him off or moved on to the next question when (b)(6); (b)(7)(C) wanted to provide

Additionally, during (b)(6); (b)(7)(C) initial interview, he denied having involvement in the cancellation of the (b)(6); (b)(7)(C) position:

OIG Agent: And then with regards to jobs and opportunities, to the best of your recollection you never tried to influence her job one way or the other?

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

OIG Agent: So try and get her jobs or get her discounted from other jobs?

(b)(6); (b)(7)(C) I put in the, no, I never did that, discounted her for anything. I would never do that. I did, had nothing to do with that (b)(6); (b)(7)(C) job getting cancelled.

(b)(6); (b)(7)(C) further told the OIG, "I had nothing to do with it. That was three pay grades, three or four pay grades above my level." (b)(6); (b)(7)(C) stated that the decision to cancel the position was based on sequestration spending levels, as well as personnel issues with the (b)(6); (b)(7)(C) further stated, "That was not my decision. I had nothing to do with it, zero. That was (b)(6); (b)(7)(C) pushing it."

more context about (b)(6); (b)(7)(C) from a personal perspective. However, (b)(6); (b)(7)(C) said he did not attempt, during his first OIG interview, to provide additional information about the (b)(6); (b)(7)(C) position. In addition, (b)(6); (b)(7)(C) stated that the OIG agent during his first interview was not "rude" or "disrespectful." (b)(6); (b)(7)(C) stated during the follow-up interview that he believed (b)(6); (b)(7)(C) had withdrawn from the (b)(6); (b)(7)(C) position because the (b)(6); (b)(7)(C) position had changed (b)(6); (b)(7)(C). However, he said he did not recall whether (b)(6); (b)(7)(C) withdrew before the position was cancelled. (b)(6); (b)(7)(C) further said that (b)(6); (b)(7)(C) did not tell (b)(6); (b)(7)(C) that she withdrew from the (b)(6); (b)(7)(C) position, but rather (b)(6); (b)(7)(C) heard that she withdrew from "conversation in the workforce."

During (b)(6); (b)(7)(C) follow-up interview, (b)(6); (b)(7)(C) told the OIG that he was not prevented from sharing information during his first OIG interview and that he did not recall telling (b)(6); (b)(7)(C) that he was prevented from sharing information. (b)(6); (b)(7)(C) said that in approximately (b)(6); (b)(7)(C) he reached out to (b)(6); (b)(7)(C) for personal reasons. He stated that during this conversation (b)(6); (b)(7)(C) asked him whether he had been contacted by the OIG and (b)(6); (b)(7)(C) responded in the affirmative. (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) asked him what he was asked during the OIG interview, and (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that he was asked about the (b)(6); (b)(7)(C) could not recall everything he told (b)(6); (b)(7)(C) during this conversation, but he recalled telling (b)(6); (b)(7)(C) that the OIG had been "painting a narrative" that (b)(6); (b)(7)(C) had removed (b)(6); (b)(7)(C) from the (b)(6); (b)(7)(C) position due to their relationship ending, which (b)(6); (b)(7)(C) did not believe was accurate. (b)(6); (b)(7)(C) told the OIG that he had heard from someone within (b)(6); (b)(7)(C) he could not remember whom—that (b)(6); (b)(7)(C) withdrew from the (b)(6); (b)(7)(C) position before it was cancelled because the position had changed (b)(6); (b)(7)(C). However, (b)(6); (b)(7)(C) stated that he did not recall (b)(6); (b)(7)(C) telling him that she withdrew from the (b)(6); (b)(7)(C) position.

(b)(6); (b)(7)(C) also wrote, after reviewing a draft of this report, that he believed (b)(6); (b)(7)(C) would have information about why (b)(6); (b)(7)(C) did not ultimately fill the (b)(6); (b)(7)(C) position. In response, we interviewed both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) told the OIG that after (b)(6); (b)(7)(C) was selected for the (b)(6); (b)(7)(C) position, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) said that the change (b)(6); (b)(7)(C) would have been "detrimental" to (b)(6); (b)(7)(C) career and that he was "certain" he discussed this with (b)(6); (b)(7)(C) "as a mentoring thing." However, (b)(6); (b)(7)(C) said that he could not remember when he discussed this with (b)(6); (b)(7)(C) and that he might have had the discussion as a "consolation" after the (b)(6); (b)(7)(C) position was cancelled. (b)(6); (b)(7)(C) told the OIG that he believed the (b)(6); (b)(7)(C) position was cancelled due to "financial issues," but he did not remember any specifics and he was not involved in the decision to cancel the position or the discussions about the cancellation.

After reviewing a draft of this report [REDACTED] provided the OIG additional information and documentation regarding his involvement in discussions that led to the cancellation of the [REDACTED] position. [REDACTED] wrote that he attended a [REDACTED] meeting in which the attendees discussed the concern that [REDACTED] was [REDACTED] a [REDACTED] meeting in which the attendees discussed [REDACTED] and a [REDACTED] meeting on the same issue. The calendar invites for the [REDACTED] meetings indicate that [REDACTED] was the only [REDACTED] employee invited. In addition [REDACTED] wrote in his written response to the draft report, "I was involved in the discussions yes as [REDACTED] but [REDACTED] made the decisions."

H. [REDACTED] Becomes [REDACTED] and Attempts to Find a Position for [REDACTED]

[REDACTED] informed the OIG that after [REDACTED] [REDACTED] she wanted the relationship to "fade away." She stated that instead, [REDACTED] became possessive and "more controlling" of her. [REDACTED] stated that at times in [REDACTED] she told [REDACTED] "please don't ever contact me again" and "it's over." However, she stated that [REDACTED] would then call her and apologize. [REDACTED] told the OIG that after the cancellation of the [REDACTED] position, she felt "manipulated and not, I don't want to say obligated, but somehow like controlled by him, like my career was controlled by him." She stated that she felt that [REDACTED] was "impacting" her career and causing her "missed opportunities."

[REDACTED] told the OIG that while [REDACTED] he was "actively looking for" [REDACTED] to move to [REDACTED]. According to [REDACTED] tried to [REDACTED] and told [REDACTED] to add her name to the [REDACTED] [REDACTED] stated that she did not put her name on [REDACTED] list, but explained that she was in an "uncomfortable spot." She stated, "I was always afraid to upset him. I didn't know what else he could do to my career." [REDACTED] said that [REDACTED] also told her he could call a friend in [REDACTED] and get her a temporary duty assignment (TDY) overseas. However, [REDACTED] said she did not think [REDACTED] contacted anyone in [REDACTED] on her behalf.

[REDACTED] told the OIG that following his move to [REDACTED] he wanted [REDACTED] to be closer to him. [REDACTED] stated, "I think it was a fair assessment because I think the plan was I was going to get divorced and she would be close. And then we could eventually get married and she would move with me." [REDACTED] told the OIG that he recalled [REDACTED] looking at the [REDACTED] offices as possibilities, but could not recall if it was he or [REDACTED] that brought positions in those locations up for discussion.

[REDACTED] said that he did not actively seek to get [REDACTED] a position working for him in the [REDACTED] office. However, he acknowledged that he recommended [REDACTED] for a position in [REDACTED] which is located approximately 1 hour [REDACTED] [REDACTED] stated, "She wanted to put in for it. And just like I did with any other employee, I called the [REDACTED] and I said hey. I didn't say take her. I didn't say anything. I said, she's a good worker." [REDACTED] further stated that he did not say "she's my girlfriend" or "you have to hire her," but said "she's really solid." [REDACTED] said that he "put in 100 calls a week for 100 different people who call and ask me to put in a call for a good worker."

[REDACTED] informed the OIG that he recalled discussing with [REDACTED] the possibility of getting a [REDACTED] position added to [REDACTED], which would have reported to [REDACTED] but would sit in [REDACTED] [REDACTED] noted that [REDACTED] positions are located all over the country. [REDACTED] stated that he put in a

request for two (b)(6); (b)(7)(C) positions in (b)(6); (b)(7)(C) but did not make a promise to (b)(6); (b)(7)(C) that she would get the position. (b)(6); (b)(7)(C) stated:

There was no guarantee she was going to get it but she wanted an opportunity. And at the time she wanted to be in the (b)(6); (b)(7)(C). Anyways, that was one of the positions she wanted to do so, yeah. I thought I'd try to get a position and (b)(6); (b)(7)(C) needed any bodies they could get.

I. (b)(6); (b)(7)(C) Calls (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) After Seeing an Email (b)(6); (b)(7)(C) Sent to (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) informed the OIG that in (b)(6); (b)(7)(C), while she was living in (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) was living in (b)(6); (b)(7)(C) she received a phone call from (b)(6); (b)(7)(C) who asked her questions about a (b)(6); (b)(7)(C) email she had received the prior night (b)(6); (b)(7)(C) on her personal email account. The OIG reviewed this email, which stated "I'm on your front yard please let me in." As detailed in Section III below (b)(6); (b)(7)(C) had previously given (b)(6); (b)(7)(C) her old iPhone to try to fix it, and (b)(6); (b)(7)(C) stated he saw the email when it appeared on the iPhone. (b)(6); (b)(7)(C) stated that the next day she learned that (b)(6); (b)(7)(C) placed phone calls to (b)(6); (b)(7)(C) said that she and (b)(6); (b)(7)(C) had both taken their FBI Fit Tests and decided to meet up for lunch. (b)(6); (b)(7)(C) stated, "I pull up, and (b)(6); (b)(7)(C) on the phone. I'm like, who are you on the phone with? And he's like (b)(6); (b)(7)(C) just called me randomly." (b)(6); (b)(7)(C) told the OIG that she asked (b)(6); (b)(7)(C) about the conversation and specifically asked (b)(6); (b)(7)(C) if (b)(6); (b)(7)(C) threatened him or asked about her. (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that the conversation was "weird" and "random" with (b)(6); (b)(7)(C) asking about where he was and how things were going in his current assignment.

(b)(6); (b)(7)(C) told the OIG that on (b)(6); (b)(7)(C) he received a phone call from (b)(6); (b)(7)(C) on his FBI cell phone from either (b)(6); (b)(7)(C) FBI desk phone or (b)(6); (b)(7)(C) FBI cell phone (b)(6); (b)(7)(C) stated that he received the phone call while he was waiting for (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) said that at the time he received the phone call from (b)(6); (b)(7)(C) he and (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) recalled asking (b)(6); (b)(7)(C) why (b)(6); (b)(7)(C) was calling him and stated that (b)(6); (b)(7)(C) seemed "upset" and "panicky" about the call.

(b)(6); (b)(7)(C) said that the phone call was innocuous, and that (b)(6); (b)(7)(C) did not threaten him or reference (b)(6); (b)(7)(C). However (b)(6); (b)(7)(C) described the phone call as "awkward" and "odd." (b)(6); (b)(7)(C) told the OIG that he and (b)(6); (b)(7)(C) did not have a prior work relationship or friendship that would have warranted a phone call. In addition, (b)(6); (b)(7)(C) had never received a phone call from (b)(6); (b)(7)(C) before the (b)(6); (b)(7)(C) phone call, and he never received another phone call from (b)(6); (b)(7)(C) afterwards. (b)(6); (b)(7)(C) stated, "There's no reason for him to call me. That was just a clown show."

(b)(6); (b)(7)(C) told the OIG that a few weeks after the call from (b)(6); (b)(7)(C) he learned from both (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) that prior to calling his FBI cell phone on (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) had called (b)(6); (b)(7)(C) desk phone at (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) said he was told there were numerous unanswered calls to his desk phone before (b)(6); (b)(7)(C) answered the phone. (b)(6); (b)(7)(C) further told us that, while it was not normal for people to answer someone else's desk phone, the phone rang so many times that (b)(6); (b)(7)(C) answered the phone. (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) told him that when he answered the phone, (b)(6); (b)(7)(C) asked where (b)(6); (b)(7)(C) was.

(b)(6); (b)(7)(C) informed the OIG that he could not recall the phone call from (b)(6); (b)(7)(C) stated that the phone call may have occurred as described by (b)(6); (b)(7)(C), but he did not remember it.20

During a compelled interview under oath, (b)(6); (b)(7)(C) informed the OIG that he did not recall placing phone calls to (b)(6); (b)(7)(C) acknowledged, as we describe in Section III below, that he saw an email on (b)(6); (b)(7)(C) phone that resulted in him and (b)(6); (b)(7)(C) having an argument in which (b)(6); (b)(7)(C) told him that the email was from (b)(6); (b)(7)(C) stated that if he did place the alleged phone calls, the calls would have been "innocuous." (b)(6); (b)(7)(C) further stated that, while he may have had a business reason to call (b)(6); (b)(7)(C) given the email he saw the night before, he likely did not have one. (b)(6); (b)(7)(C) stated, "No. I shouldn't have probably made that call. That's okay. You know, and I'll admit that." (b)(6); (b)(7)(C) continued, "I have no idea my state of mind at the time with that but, just being honest. But I know I would not make a threatening gesture or threatening, anything like that."

J. (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) Romantic Relationship Ends in (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) told the OIG that she ended the relationship and stopped communicating with (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C). She stated that there were a few reasons that she did not report (b)(6); (b)(7)(C) alleged misconduct at that time, including that all of her immediate supervisors were friends with (b)(6); (b)(7)(C). She further stated that she was concerned about the impact reporting him could have on the (b)(6); (b)(7)(C) (described below). (b)(6); (b)(7)(C) stated that she ultimately reported (b)(6); (b)(7)(C) alleged misconduct in (b)(6); (b)(7)(C) after she learned that (b)(6); (b)(7)(C) was moving back to (b)(6); (b)(7)(C) because she was concerned about how his move could impact her.

Contrary to (b)(6); (b)(7)(C) testimony, (b)(6); (b)(7)(C) told the OIG that he ended the romantic relationship with (b)(6); (b)(7)(C) after discovering that (b)(6); (b)(7)(C) was seeing someone else.

II. (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) Alleged Interference

During the course of the investigation, the OIG found indications that (b)(6); (b)(7)(C) may have interfered with the (b)(6); (b)(7)(C) Police Department's (b)(6); (b)(7)(C) response to a (b)(6); (b)(7)(C) incident involving (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) and provided false or misleading statements related to the incident to both INSD, (b)(6); (b)(7)(C) and the OIG.

A. (b)(6); (b)(7)(C) Has a Car Accident; The (b)(6); (b)(7)(C) Police Department and (b)(6); (b)(7)(C) Report to the Scene of the Accident

(b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) she went back to FBI (b)(6); (b)(7)(C) got in her government vehicle, and began to drive. Almost immediately after leaving FBI (b)(6); (b)(7)(C) got into a car accident, (b)(6); (b)(7)(C) In a sworn statement to INSD, (b)(6); (b)(7)(C) stated that after her car accident she called (b)(6); (b)(7)(C)

²⁰ The OIG was unable to retrieve call logs for (b)(6); (b)(7)(C) FBI issued cell phone and FBI landline for the period of (b)(6); (b)(7)(C). As noted in a previous section of this report, the OIG requested phone records for (b)(6); (b)(7)(C) from the FBI. However, the FBI was only able to provide records beginning in (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) responded to the accident and soon thereafter (b)(6); (b)(7)(C) arrived on foot and remained at the scene for the entirety of (b)(6); (b)(7)(C) response.

(b)(6); (b)(7)(C) informed the OIG that when (b)(6); (b)(7)(C) arrived at the accident scene, he introduced himself as (b)(6); (b)(7)(C) "boss." However (b)(6); (b)(7)(C) stated that she believed (b)(6); (b)(7)(C) was more than (b)(6); (b)(7)(C) boss, because both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were talking very close and almost kissing. (b)(6); (b)(7)(C) said that when (b)(6); (b)(7)(C) came to introduce himself, (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) informed the OIG that he was the (b)(6); (b)(7)(C) officer" who responded to (b)(6); (b)(7)(C) accident. (b)(6); (b)(7)(C) stated that upon arrival, he met with the initial responding officer, (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) told the OIG that when he arrived, (b)(6); (b)(7)(C) was already at the scene and that (b)(6); (b)(7)(C) introduced himself to (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) recalled the other (b)(6); (b)(7)(C) being frustrated with (b)(6); (b)(7)(C) involvement at the accident scene. (b)(6); (b)(7)(C) recalled the other (b)(6); (b)(7)(C) saying, in reference to (b)(6); (b)(7)(C) "What are we going to do with this guy?" (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) was initially saying things like, "everything's going to be okay, you know, we're just going to take this car home, I'm going to take her home."

(b)(6); (b)(7)(C) told the OIG that he believed that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were a romantic couple, because they were chest-to-chest and face-to-face when interacting. (b)(6); (b)(7)(C) said that when he attempted to separate (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) in order to (b)(6); (b)(7)(C) "initially that posed—seemed to pose a little bit of a problem for (b)(6); (b)(7)(C)." (b)(6); (b)(7)(C) stated, "I explained to him that this is going to be short, (b)(6); (b)(7)(C) and I needed to go a distance away from him and he needed to keep a distance back from me." (b)(6); (b)(7)(C) said that this was not "favorable" to (b)(6); (b)(7)(C) and, as a result, (b)(6); (b)(7)(C) had "to be a little bit more forceful" and "command" that (b)(6); (b)(7)(C) step back so (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) was constantly "calling out" to (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) was "answering her," while (b)(6); (b)(7)(C) despite (b)(6); (b)(7)(C) telling both of them that (b)(6); (b)(7)(C) needed to focus on (b)(6); (b)(7)(C) recalled telling (b)(6); (b)(7)(C) "Sir, you got to stop talking to her, she can't – (b)(6); (b)(7)(C) told the OIG that this was "very disruptive" and interfered with (b)(6); (b)(7)(C) ability to (b)(6); (b)(7)(C) stated that in order to (b)(6); (b)(7)(C) he had to move (b)(6); (b)(7)(C) around the corner, as a way of blocking (b)(6); (b)(7)(C) from (b)(6); (b)(7)(C) view. In a sworn statement to INSD, (b)(6); (b)(7)(C) stated that he "escorted (b)(6); (b)(7)(C) away from various distractions, including (b)(6); (b)(7)(C)" but that (b)(6); (b)(7)(C) walked away to (b)(6); (b)(7)(C) "on six different occasions." (b)(6); (b)(7)(C) told INSD that (b)(6); (b)(7)(C) was "nose to nose" with (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) told the OIG that he asked (b)(6); (b)(7)(C) "why are you doing this?" (b)(6); (b)(7)(C) further told the OIG that he told (b)(6); (b)(7)(C) something to the effect of, "you need to step back, because this is not easy for me."

(b)(6); (b)(7)(C) told the OIG that on more than one occasion, he told (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) presence, that (b)(6); (b)(7)(C) could not consume water. (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) wanted water and that (b)(6); (b)(7)(C) either had a bottle of water with him when he arrived or retrieved a bottle of water from (b)(6); (b)(7)(C) car. (b)(6); (b)(7)(C) stated, "But I'd already told her, prior to her going to the water, [that] she couldn't have water. And I had mentioned to him, as well." (b)(6); (b)(7)(C) said that while (b)(6); (b)(7)(C) was approximately 6 feet to 10 feet away, he told (b)(6); (b)(7)(C) in a loud enough voice for (b)(6); (b)(7)(C) to hear him, "She can't have any water." (b)(6); (b)(7)(C) said that after telling (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) could not have water, he saw (b)(6); (b)(7)(C) run to (b)(6); (b)(7)(C) and "then, at some point, she got the water and drank some of the water." (b)(6); (b)(7)(C) said that he took the water bottle away from (b)(6); (b)(7)(C), gave the water directly to (b)(6); (b)(7)(C) and said, "She can't have water, and I said that already."

(b)(6); (b)(7)(C) told the OIG that following (b)(6); (b)(7)(C) and walked her over to the other (b)(6); (b)(7)(C) officer on scene. (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) ran to (b)(6); (b)(7)(C) was face to face with him, and made comments like, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) he did not immediately place handcuffs on (b)(6); (b)(7)(C). However, he stated that he placed (b)(6); (b)(7)(C) in handcuffs (b)(6); (b)(7)(C) because (b)(6); (b)(7)(C) was becoming "fidgety" and was continuing to talk back and forth with (b)(6); (b)(7)(C).

According to the INSD report of (b)(6); (b)(7)(C) interview: (b)(6); (b)(7)(C) began to place the handcuffs on her (per policy) when (b)(6); (b)(7)(C) stated 'don't put cuffs on her.'" (b)(6); (b)(7)(C) explained to the OIG that when he (b)(6); (b)(7)(C) placed (b)(6); (b)(7)(C) in handcuffs, (b)(6); (b)(7)(C) became displeased and said something to the effect of, "Hey, don't put handcuffs on, you know, you don't have to do that, or something like that." (b)(6); (b)(7)(C) recalled responding to (b)(6); (b)(7)(C) I do remember having to say that."

(b)(6); (b)(7)(C) told the OIG that while (b)(6); (b)(7)(C) was conducting its investigation, (b)(6); (b)(7)(C) provided her with a bottle of water to drink. (b)(6); (b)(7)(C) stated, "He got a bottle of water from his car or something and brought [it] over to me and told me to take a drink of it." (b)(6); (b)(7)(C) could not recall how many times she drank water. Asked whether she had told (b)(6); (b)(7)(C) she was thirsty and asked him for water, she responded, "No, that's not what happened." In her sworn statement to INSD (b)(6); (b)(7)(C) stated, "I was told by the police officer to stop drinking water brought to me by (b)(6); (b)(7)(C) "

(b)(6); (b)(7)(C) told the OIG that when it was determined that (b)(6); (b)(7)(C) "I am pretty sure (b)(6); (b)(7)(C) told [the (b)(6); (b)(7)(C) officers] like, 'Hey, don't handcuff her.'" Similarly, in her sworn statement to INSD, (b)(6); (b)(7)(C) stated, "At some point, (b)(6); (b)(7)(C) asked them not to handcuff me." (b)(6); (b)(7)(C) told the OIG that she was handcuffed with her hands behind her back.

(b)(6); (b)(7)(C) told the OIG, during a compelled interview under oath, that he could not recall the specific sequence of events as they related to his presence at (b)(6); (b)(7)(C) traffic stop. (b)(6); (b)(7)(C) further told the OIG that when he arrived there was at least one (b)(6); (b)(7)(C) traffic officer already at the scene, and that he spoke with the officer. (b)(6); (b)(7)(C) stated that he was sure he introduced himself as an (b)(6); (b)(7)(C) stating, "Typically any law enforcement I would introduce myself, whether it's at the gas station or the Wawa, or whatever. I'm going to introduce myself as an (b)(6); (b)(7)(C) "

(b)(6); (b)(7)(C) stated that he did not intervene or interfere with the (b)(6); (b)(7)(C) investigation. (b)(6); (b)(7)(C) further told the OIG that he did not ask for "special treatment." (b)(6); (b)(7)(C) acknowledged that (b)(6); (b)(7)(C) repeatedly walked over to him, to include an instance where they were "nose to nose." (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) was asking for help, but that he told (b)(6); (b)(7)(C) he could not help her. (b)(6); (b)(7)(C) stated, "I was not going to misuse my position or try and interfere in any way."

In response to whether he gave (b)(6); (b)(7)(C) a bottle of water, (b)(6); (b)(7)(C) responded, "Yeah. So?" (b)(6); (b)(7)(C) stated that he had a bottle of water in his hand when he arrived and provided it to (b)(6); (b)(7)(C) only after she asked for a drink. (b)(6); (b)(7)(C) said he would have done the same for anyone else in the same situation. (b)(6); (b)(7)(C) said that because he was never a police officer, nor had experience with traffic stops, he was unaware that (b)(6); (b)(7)(C) was not permitted to have water and he did not view giving her a bottle of water as interfering with the (b)(6); (b)(7)(C) investigation. (b)(6); (b)(7)(C) stated that after being told by the (b)(6); (b)(7)(C) officer to not give (b)(6); (b)(7)(C) water, "I said okay. But I did not keep giving her the bottle of water." (b)(6); (b)(7)(C) said he was only told once by the (b)(6); (b)(7)(C) officer to not give (b)(6); (b)(7)(C) water.

(b)(6); (b)(7)(C) told the OIG that certain statements in the INSD reports concerning (b)(6); (b)(7)(C) were inaccurate. (b)(6); (b)(7)(C) stated, "What I said was, I said, can you cuff her in the front? That's what I said." (b)(6); (b)(7)(C) said that he did not believe that his request was unreasonable "for a fellow law enforcement officer in this situation." (b)(6); (b)(7)(C) explained to the OIG that he is a tactical instructor at the FBI and teaches handcuffing, so he was aware of how uncomfortable it is to ride in a car handcuffed behind your back. (b)(6); (b)(7)(C) said that the FBI handcuffs people in the front, so that is what he requested for (b)(6); (b)(7)(C).

During a follow-up voluntary interview under oath (b)(6); (b)(7)(C) informed the OIG that he did not recall having any confrontational discussions with the (b)(6); (b)(7)(C) officers or being told he was a distraction. (b)(6); (b)(7)(C) stated, "I have no idea what distracting means. So, no, I don't remember that, but I have no idea what distracting means." (b)(6); (b)(7)(C) informed the OIG that the only instance he might describe as confrontational was being told by (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) could not drink water. (b)(6); (b)(7)(C) again denied that he told Sergeant (b)(6); (b)(7)(C) to not handcuff (b)(6); (b)(7)(C) and reiterated that he asked the (b)(6); (b)(7)(C) officers not to handcuff (b)(6); (b)(7)(C) in the back. (b)(6); (b)(7)(C) told the OIG that it is possible that his request was misunderstood, stating "If I say, 'Don't handcuff her to the front,' you could say I'm saying, 'Don't handcuff her.'" (b)(6); (b)(7)(C) reiterated that he believed his request was reasonable and that he only made the request so that (b)(6); (b)(7)(C) would not be uncomfortable and in pain. (b)(6); (b)(7)(C) stated that in retrospect, he should not have advised the (b)(6); (b)(7)(C) officers how to do their job.

B. (b)(6); (b)(7)(C) Calls (b)(6); (b)(7)(C) from the Police Station and (b)(6); (b)(7)(C) Drives Her Home

According to the INSD report of (b)(6); (b)(7)(C) interview, after being transported to the (b)(6); (b)(7)(C) station, (b)(6); (b)(7)(C) told INSD that during this period (b)(6); (b)(7)(C) asked for (b)(6); (b)(7)(C) asked to call the "same guy from the scene." (b)(6); (b)(7)(C) stated that he dialed (b)(6); (b)(7)(C) phone number and allowed (b)(6); (b)(7)(C) to talk to him. He further stated that he did not hear what (b)(6); (b)(7)(C) said to (b)(6); (b)(7)(C) on the call, but after the conversation (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) told INSD that once she arrived at the police station she spoke to (b)(6); (b)(7)(C) "several times" by telephone. (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) picked her up from the (b)(6); (b)(7)(C) police station in his government vehicle and drove her home.

C. INSD Investigates (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) Provides a Statement Regarding His Actions

(b)(6); (b)(7)(C) stated that at the time of the INSD investigation, (b)(6); (b)(7)(C) had already moved to (b)(6); (b)(7)(C) said that he knew both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) and denied being aware of (b)(6); (b)(7)(C) romantic relationship with (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) said that prior to the INSD investigation, he had heard rumors that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were friendly and "hanging out," but nothing that raised concerns for him. (b)(6); (b)(7)(C) told the OIG that, while conducting the INSD investigation, he began to suspect that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were in a relationship, because one of the (b)(6); (b)(7)(C) officers he interviewed had described (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) as "being friendly or her boyfriend." (b)(6); (b)(7)(C) said that because he was only assigned to investigate (b)(6); (b)(7)(C) and not an improper relationship between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) he did not inquire further into the possible relationship. (b)(6); (b)(7)(C) described (b)(6); (b)(7)(C) as being "very candid" and stated that he did not have concerns

with the apparently conflicting statements provided by the (b)(6); (b)(7)(C) officers and (b)(6); (b)(7)(C) concerning (b)(6); (b)(7)(C) involvement at the scene. In addition, (b)(6); (b)(7)(C) told the OIG that his assessment of (b)(6); (b)(7)(C) credibility in connection with (b)(6); (b)(7)(C) testimony about (b)(6); (b)(7)(C) DUI would not have been impacted had (b)(6); (b)(7)(C) told him about his romantic relationship with (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C) described (b)(6); (b)(7)(C) as the person who conducted the INSD investigation and stated that he was a (b)(6); (b)(7)(C) who "sat up in the front office" with (b)(6); (b)(7)(C) informed the OIG that she was not asked about her relationship with (b)(6); (b)(7)(C) during the INSD investigation.

During (b)(6); (b)(7)(C) interview with INSD, he provided the following sworn statement:

I attended a (b)(6); (b)(7)(C) get together where (b)(6); (b)(7)(C) was invited as well at the (b)(6); (b)(7)(C) where there were approximately 100 (b)(6); (b)(7)(C) people in attendance. Approximately 30 minutes after (b)(6); (b)(7)(C) left, I was walking back to (b)(6); (b)(7)(C) and received a call from (b)(6); (b)(7)(C) saying she was stopped by the police. I arrived to the area to witness her performing her field sobriety tests in her heels in front of FBI (b)(6); (b)(7)(C). I stood off to the side and didn't interfere but felt the (b)(6); (b)(7)(C) Police Department (b)(6); (b)(7)(C) Sergeant was a little aggressive but the traffic Sergeant seemed professional as (b)(6); (b)(7)(C) interacted with the police. I understood (b)(6); (b)(7)(C) was texting/calling on her phone when she bumped into the car in front of her. (b)(6); (b)(7)(C) was embarrassed but remained professional during her interaction with the police. Once she was arrested I took possession of her firearm and the government vehicle securing both in headquarters.

On (b)(6); (b)(7)(C) was again interviewed by INSD and provided the following sworn statement:

I believed (b)(6); (b)(7)(C) to be embarrassed and not defiant at all. In my opinion she was cooperative, respectful, and did what they asked. I remember seeing at least two (2) uniformed officers maybe three (3) upon arrival. I believe (b)(6); (b)(7)(C) is the one that took her in and he was the nicer of the on-scene officers. After the field sobriety tests (b)(6); (b)(7)(C) walked over to me and was unsure if she failed. There seemed to be some standing around waiting and no one was telling (b)(6); (b)(7)(C) what was happening. (b)(6); (b)(7)(C) called me to get picked up at the (b)(6); (b)(7)(C) Station which was different than originally reported. I would do it for anyone, a pickup if needed. I didn't notice (b)(6); (b)(7)(C) drinking much at all while at (b)(6); (b)(7)(C).

Included in both signed sworn statements, is the verbiage "I have been given the opportunity to review this statement and make any changes prior to signing it."

(b)(6); (b)(7)(C) noted for the OIG one incomplete entry in the (b)(6); (b)(7)(C) INSD statement, namely how it reflected his response to a question about why he picked (b)(6); (b)(7)(C) up after she had been arrested. (b)(6); (b)(7)(C) told the OIG that he recalled stating to INSD, "I have a relationship with (b)(6); (b)(7)(C) but I would have done it for any employee." (b)(6); (b)(7)(C) further stated that INSD only "put the 'but I would have done it for any employee' in there." (b)(6); (b)(7)(C) told the OIG that he did not clarify whether the relationship was romantic or intimate, and that he was never directly asked by INSD if he was in a romantic relationship with (b)(6); (b)(7)(C) stated, "Maybe I should have had them put it in there."

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

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

OIG's Conclusions

I. (b)(6); (b)(7)(C) Violated the FBI's Personal Relationship Policy

The OIG investigation substantiated that (b)(6); (b)(7)(C) violated the FBI's Personal Relationships Policy by failing to timely and adequately notify a supervisor that he was engaged in a romantic relationship with a subordinate; using FBI time and resources to further the relationship; participating in two hiring or organizational decisions involving

(b)(6); (b)(7)(C) during their romantic relationship; engaging in conduct that negatively affected a professional and appropriate superior-subordinate relationship and adversely affected the FBI mission; and disrupting workplace morale.”²²

A. (b)(6); (b)(7)(C) Failed to Timely and Adequately Report to a Supervisor His Relationship with a Subordinate

The FBI Personal Relationships Policy states that employees must report the development of a romantic or intimate relationship “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.” We concluded that (b)(6); (b)(7)(C) violated this requirement by failing to disclose to a supervisor his relationship with (b)(6); (b)(7)(C) until (b)(6); (b)(7)(C) when he made a disclosure to his immediate supervisor, (b)(6); (b)(7)(C). By that date, (b)(6); (b)(7)(C) had been in the romantic relationship with his subordinate, (b)(6); (b)(7)(C) for more than two months and had served as (b)(6); (b)(7)(C) for a position for which (b)(6); (b)(7)(C) had applied and was ultimately selected.

Further, we noted that, even when (b)(6); (b)(7)(C) notified (b)(6); (b)(7)(C) of the relationship in (b)(6); (b)(7)(C) he failed to disclose to (b)(6); (b)(7)(C) that he had just participated in an employment decision involving his subordinate, by serving as (b)(6); (b)(7)(C) despite their ongoing romantic relationship. (b)(6); (b)(7)(C) failed to make this disclosure despite being aware that (b)(6); (b)(7)(C) was seemingly alert to such a potential conflict that could result from the supervisor/subordinate relationship because he asked (b)(6); (b)(7)(C) if he had direct input into (b)(6); (b)(7)(C) performance evaluation. We therefore found that (b)(6); (b)(7)(C) decision was not only untimely but also was incomplete when it was finally made to his supervisor.²³

B. (b)(6); (b)(7)(C) Used FBI Time and Resources to Pursue His Relationship with (b)(6); (b)(7)(C)

The FBI Personal Relationships Policy states that employees may only pursue romantic relationships with other FBI employees on personal time and using personal resources. We concluded that (b)(6); (b)(7)(C) violated this stricture by pursuing his relationship with (b)(6); (b)(7)(C) during official work hours and using FBI issued devices. (b)(6); (b)(7)(C) had no personal cell phone and, thus, used his FBI issued cell phone to pursue his relationship with (b)(6); (b)(7)(C). Between (b)(6); (b)(7)(C) sent at least 654 text messages from his FBI issued cell phone to (b)(6); (b)(7)(C) nearly all of which were personal in nature and in support of the romantic relationship. (b)(6); (b)(7)(C) also used his FBI classified and unclassified email accounts to pursue his relationship with (b)(6); (b)(7)(C) during both duty and nonduty hours. Based on these facts, we concluded that (b)(6); (b)(7)(C) violated the FBI’s Personal Relationships Policy, by pursuing his relationship with (b)(6); (b)(7)(C) using FBI time and resources.

²² (b)(6); (b)(7)(C) While some of the language of the policy relates only to supervisors (e.g., seeking prior approval before participating in an organizational decision involving a subordinate), other language arguably could apply to subordinates, as well (e.g., engaging in a relationship that disrupts workplace morale). However, the FBI Ethics Guide states that “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.”

²³ Even if (b)(6); (b)(7)(C) reported the relationship in (b)(6); (b)(7)(C), as he now claims, it does not alter our conclusion that the report was untimely given that it still would have occurred after he served as (b)(6); (b)(7)(C) and more than a month after the beginning of his romantic relationship with (b)(6); (b)(7)(C).

C. (b)(6); (b)(7)(C) Participated in Two Hiring or Organizational Decisions Involving (b)(6); (b)(7)(C) During Their Relationship Without Seeking Advance Management Approval

The OIG investigation concluded that (b)(6); (b)(7)(C) violated Section 6.1.2.3 of the FBI's Personal Relationships Policy, by participating in two hiring or organizational decisions involving (b)(6); (b)(7)(C) during their relationship without seeking advance management approval.

The first hiring or organizational decision was when (b)(6); (b)(7)(C) served as (b)(6); (b)(7)(C) that selected (b)(6); (b)(7)(C) for the (b)(6); (b)(7)(C) position, which was a promotion for (b)(6); (b)(7)(C). Both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) stated that they started becoming close with one another during a trip to (b)(6); (b)(7)(C) two weeks before the (b)(6); (b)(7)(C) deliberations. (b)(6); (b)(7)(C) told the OIG that during the trip (b)(6); (b)(7)(C) became flirtatious with her, reached back to grab her leg in a car, and kissed her (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) further stated that she spent significant time socializing with (b)(6); (b)(7)(C) alone during the trip. In addition, two weeks after the (b)(6); (b)(7)(C) and before (b)(6); (b)(7)(C) was officially notified of her selection for the (b)(6); (b)(7)(C) position, we identified text exchanges in which (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) told each other they "miss" each other. (b)(6); (b)(7)(C) said he was "crazy" for (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) wrote "xoxo." We determined that these behaviors fell under the FBI's Personal Relationships policy, which broadly defines a romantic relationship as ranging 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."

Although (b)(6); (b)(7)(C) the prohibition in the Personal Relationships Policy is not limited to situations where an employee makes a hiring or organizational decision. Rather, the policy states that employees must refrain from "participating" in such a decision, where "a reasonable person would question the employee's impartiality." Moreover, the SAMMSS guide specifically states that (b)(6); (b)(7)(C) members must recuse themselves from any situation that . . . has the appearance of favoritism and impropriety" and prohibits (b)(6); (b)(7)(C) members "from participating in a selection process involving, or advocating on behalf of, any . . . close personal friends." We found that a reasonable person would question (b)(6); (b)(7)(C) impartiality (b)(6); (b)(7)(C) and that his participation had the appearance of favoritism and impropriety because, among other things, (b)(6); (b)(7)(C) led the deliberations in which voting members discussed the candidates and adjusted their rankings, and (b)(6); (b)(7)(C) had the authority pursuant to the SAMMSS guide to break a tie among voting members. Indeed, we found that that (b)(6); (b)(7)(C) did, in fact, influence one of the voting (b)(6); (b)(7)(C) members. (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) told him he "liked" (b)(6); (b)(7)(C) for the job and that he (b)(6); (b)(7)(C) would have considered (b)(6); (b)(7)(C) opinion when weighing candidates. We determined that, after beginning a romantic relationship with (b)(6); (b)(7)(C) should have either recused himself from the (b)(6); (b)(7)(C) or sought advance management approval to serve (b)(6); (b)(7)(C) of it.

The second organizational decision in which (b)(6); (b)(7)(C) participated during his relationship with (b)(6); (b)(7)(C) was the cancellation of the (b)(6); (b)(7)(C) position. Although (b)(6); (b)(7)(C) stated that he was not responsible for the cancellation of the position and (b)(6); (b)(7)(C) took responsibility for the decision to cancel the position, we found that (b)(6); (b)(7)(C) participated in the organizational decision in at least two ways. First, documentation showed that (b)(6); (b)(7)(C) participated in conversations and funding negotiations that led to the cancellation of the (b)(6); (b)(7)(C) position. The talking paper entitled (b)(6); (b)(7)(C) that was attached to the email dated (b)(6); (b)(7)(C) from (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C), and two other FBI employees stated that (b)(6); (b)(7)(C) reached an agreement with an (b)(6); (b)(7)(C) representative as to how much funding and how many positions (b)(6); (b)(7)(C) would provide to (b)(6); (b)(7)(C) through (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) was the first line reviewer and editor of the talking paper, that (b)(6); (b)(7)(C) therefore had a "collaborative" role with respect to the talking paper, and that (b)(6); (b)(7)(C) "would have been engaged certainly as somebody advocating whatever was being sent up to (b)(6); (b)(7)(C). Further, in his written response after reviewing a draft of this report, (b)(6); (b)(7)(C) acknowledged to the OIG that he was involved in the discussions regarding the cancellation of the (b)(6); (b)(7)(C) position, stating, "I was involved in the discussions yes as (b)(6); (b)(7)(C) further

provided the OIG meeting invites showing that he attended at least two meetings to discuss FBI funding and staffing for (b)(6); (b)(7)(C) and that no other (b)(6); (b)(7)(C) employees were invited to these meetings.

Second, on (b)(6); (b)(7)(C) sent an email to (b)(6); (b)(7)(C) notifying her of the cancellation and the reason for the cancellation of the (b)(6); (b)(7)(C) position. Although (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) would have been part of the conversations that led to the talking paper and that it was “no mystery” that (b)(6); (b)(7)(C) was “looking to pull us out of (b)(6); (b)(7)(C) the OIG found no evidence that the FBI otherwise notified (b)(6); (b)(7)(C) of the cancellation of the position. In addition, (b)(6); (b)(7)(C) testimony that (b)(6); (b)(7)(C) withdrew from the (b)(6); (b)(7)(C) position before it was cancelled was contradicted by (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) email exchange, in which (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) about the “lack of funding issue” and “the (b)(6); (b)(7)(C) [sic] directive” and (b)(6); (b)(7)(C) responded, “I understand but what does that mean for my position?” This contemporaneous documentary evidence shows that (b)(6); (b)(7)(C) had not withdrawn from the (b)(6); (b)(7)(C) position before (b)(6); (b)(7)(C) emailed her on (b)(6); (b)(7)(C) that the position had been cancelled. Moreover, there were no FBI EPAS records reflecting that (b)(6); (b)(7)(C) withdrew from the (b)(6); (b)(7)(C) position and the only evidence corroborating (b)(6); (b)(7)(C) assertion that (b)(6); (b)(7)(C) withdrew from the (b)(6); (b)(7)(C) position was (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) testimony about what they had heard from unidentified people. In addition (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) told her he had advocated to (b)(6); (b)(7)(C) for the cancellation of the (b)(6); (b)(7)(C) position.

As noted above, the Personal Relationships Policy states that employees must refrain from “participating” in an organizational or hiring decision, where “a reasonable person would question the employee’s impartiality.” Even giving (b)(6); (b)(7)(C) the benefit of the doubt and assuming he did not make the ultimate decision to cancel the (b)(6); (b)(7)(C) position or advocate to (b)(6); (b)(7)(C) that it should be cancelled, we found that his participation in the discussions that led to the cancellation and notification to (b)(6); (b)(7)(C) would cause a reasonable person to question (b)(6); (b)(7)(C) impartiality. (b)(6); (b)(7)(C) had an interest in preventing (b)(6); (b)(7)(C) from moving to (b)(6); (b)(7)(C) due to their romantic relationship. In addition, according to (b)(6); (b)(7)(C) by the time of the cancellation (b)(6); (b)(7)(C) had told (b)(6); (b)(7)(C) that she planned to date other people, which made (b)(6); (b)(7)(C) angry. (b)(6); (b)(7)(C) actions in connection with the cancellation of the position, combined with his prior involvement in the (b)(6); (b)(7)(C) for the position, predictably gave the appearance to (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) was responsible for the cancellation as a result of their relationship “souring.”

We also determined that (b)(6); (b)(7)(C) did not seek specific management approval for his involvement in either of the organizational decisions described above. (b)(6); (b)(7)(C) did not notify any supervisor of his ongoing romantic relationship with (b)(6); (b)(7)(C) prior to his participation in the (b)(6); (b)(7)(C) that selected (b)(6); (b)(7)(C) for the (b)(6); (b)(7)(C) position. With regard to the cancellation of that position in (b)(6); (b)(7)(C) while (b)(6); (b)(7)(C) did verbally report the romantic relationship to (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C), and (b)(6); (b)(7)(C) told the OIG that he alone made the cancellation decision, the evidence demonstrated that (b)(6); (b)(7)(C) was nevertheless involved in the discussions that led to the cancellation decision and never sought or received (b)(6); (b)(7)(C) or any other supervisor’s approval to participate in those discussions in light of his ongoing romantic relationship with (b)(6); (b)(7)(C). Whatever (b)(6); (b)(7)(C) may have told (b)(6); (b)(7)(C) about his relationship with (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) that earlier notification was insufficient to warrant reliance on it by (b)(6); (b)(7)(C) to justify his involvement in the (b)(6); (b)(7)(C) discussions, especially given (b)(6); (b)(7)(C) awareness that circumstances had changed significantly since (b)(6); (b)(7)(C)—in particular, (b)(6); (b)(7)(C) was about to relocate to (b)(6); (b)(7)(C) and wanted (b)(6); (b)(7)(C) to be closer to him in his new location and to eventually get married, even though (b)(6); (b)(7)(C) had decided to start dating others. In addition, (b)(6); (b)(7)(C) was aware that, following the (b)(6); (b)(7)(C) disclosure, (b)(6); (b)(7)(C) did not take any “proactive measures—such as reassignment of duties or employee transfer— necessary to mitigate any adverse consequences” of the relationship, or advise (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C) of such measures, as required by Section 11.3.1 of the Personal Relationships Policy. Further, (b)(6); (b)(7)(C) was aware that he had not heeded even the minimal guidance that (b)(6); (b)(7)(C) did provide to him in (b)(6); (b)(7)(C)—to “keep your personal life your personal life and your work life your work life.”

Accordingly, we concluded that (b)(6); (b)(7)(C) violated the FBI's Personal Relationships Policy, by participating in two organizational decisions involving (b)(6); (b)(7)(C) without receiving advance management approval.

D. (b)(6); (b)(7)(C) Engaged in a Relationship that Negatively Affected a Professional and Appropriate Superior-Subordinate Relationship and Adversely Affected the FBI's Mission

We concluded that (b)(6); (b)(7)(C) relationship with (b)(6); (b)(7)(C) negatively affected a professional and appropriate superior-subordinate relationship and adversely affected the FBI mission, in violation of Section 6.2.1.1 of the FBI's Personal Relationships Policy. As an initial matter, (b)(6); (b)(7)(C) behavior negatively impacted (b)(6); (b)(7)(C) as a subordinate employee. (b)(6); (b)(7)(C) told the OIG that she "was always in an uncomfortable position because (b)(6); (b)(7)(C) was in her chain of command" and "best friends with all the people" in her chain of command. Further, she stated that she decided not to apply for the (b)(6); (b)(7)(C) position because she was "tainted" by her belief that (b)(6); (b)(7)(C) had cancelled the (b)(6); (b)(7)(C) position, and that she believed (b)(6); (b)(7)(C) was "impacting her career" due to "missed opportunities." Further, we found that (b)(6); (b)(7)(C) undermined the authority of and potentially embarrassed (b)(6); (b)(7)(C) immediate supervisor, a supervisor involved with the (b)(6); (b)(7)(C) program, and (b)(6); (b)(7)(C) other (b)(6); (b)(7)(C) subordinates by criticizing and making disdainful comments about them in emails to (b)(6); (b)(7)(C). In addition, (b)(6); (b)(7)(C) allowed his relationship with (b)(6); (b)(7)(C) to influence his own interactions with other FBI employees. For example, after (b)(6); (b)(7)(C) expressed her dissatisfaction with another FBI employee possibly being selected for a (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) called the other FBI employee to inquire about (b)(6); (b)(7)(C) and promised (b)(6); (b)(7)(C) he would "dig into" the issue further. (b)(6); (b)(7)(C) also made unwarranted calls during work hours to (b)(6); (b)(7)(C) FBI phones, after seeing an email from (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) that apparently made (b)(6); (b)(7)(C) jealous. Based on these facts, we concluded that (b)(6); (b)(7)(C) relationship with (b)(6); (b)(7)(C) negatively affected a professional and appropriate superior-subordinate relationship and adversely affected the FBI's mission in violation of the FBI's Personal Relationships Policy.

E. (b)(6); (b)(7)(C) Engaged in a Relationship that Disrupted Workplace Morale

We concluded that (b)(6); (b)(7)(C) relationship with (b)(6); (b)(7)(C) disrupted workplace morale, in violation of Section 6.2.1.2 of the FBI's Personal Relationships Policy. (b)(6); (b)(7)(C) participation as (b)(6); (b)(7)(C) gave rise to numerous rumors and questions within the FBI concerning his impartiality in the hiring process and even caused one employee to withdraw from consideration for the (b)(6); (b)(7)(C) position. In addition, (b)(6); (b)(7)(C) behavior with (b)(6); (b)(7)(C) caused her to forego career opportunities and feel uncomfortable in the workplace. Further, (b)(6); (b)(7)(C) involvement with (b)(6); (b)(7)(C) incident led to rumors at the FBI that (b)(6); (b)(7)(C) inappropriately influenced INSD's investigation of (b)(6); (b)(7)(C). Based on these facts, we concluded that (b)(6); (b)(7)(C) conduct in connection with his relationship with (b)(6); (b)(7)(C) disrupted workplace morale in violation of the FBI's Personal Relationships Policy.

II. (b)(6); (b)(7)(C) Violated the FBI's Personal Relationships Policy

The OIG found that (b)(6); (b)(7)(C) violated the FBI's Personal Relationships Policy when, after being informed by (b)(6); (b)(7)(C) about his romantic relationship with (b)(6); (b)(7)(C) he failed to take proactive measures necessary to mitigate any adverse consequences of the relationship. The FBI's Personal Relationships Policy states that once a relationship has been reported, Division and Field Office heads must "[t]ake proactive measures—such as reassignment of duties or employee transfer— necessary to mitigate any adverse consequences of a romantic or intimate relationship," and "[a]dvise the concerned parties about the proactive measures." Division and Field Office heads also should "consult with the Office of General Counsel to ensure that any restrictions placed on the parties are reasonable in time and scope."

(b)(6); (b)(7)(C) acknowledged to the OIG that in (b)(6); (b)(7)(C) informed (b)(6); (b)(7)(C) about his relationship with (b)(6); (b)(7)(C) further acknowledged that he did not document the conversation or take any actions in response to the conversation, other than to advise (b)(6); (b)(7)(C) "Keep your shit out of the building. If the perception becomes that you are giving her favoritism, or if the relationship is going to reflect negatively on the FBI or (b)(6); (b)(7)(C) you have to end it." (b)(6); (b)(7)(C) stated that he did not document the conversation because (b)(6); (b)(7)(C) told him rather than (b)(6); (b)(7)(C) finding out through the rumor mill. However, the mandates on Division heads of the FBI Relationship Policy apply regardless of how the Division head learns of the relationship. (b)(6); (b)(7)(C) did not follow those mandates—he did not take any measures to mitigate the potential adverse consequences of the relationship, advise (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C) of any such measures, or consult with the Office of General Counsel. Accordingly, we concluded that (b)(6); (b)(7)(C) violated the FBI's Personal Relationships Policy.

III. (b)(6); (b)(7)(C) Misused Government Property and Official Time and Created the Appearance that He Was Not Impartial in Violation of Federal Ethics Regulations and FBI Policy

We concluded that (b)(6); (b)(7)(C) misused government property, misused his and (b)(6); (b)(7)(C) official time, and created the appearance that he was not impartial, in violation of DOJ and FBI policy. In doing so, we further concluded that (b)(6); (b)(7)(C) violated FBI Offense Code 2.12, Violation of Ethical Guidelines, which sets forth administrative penalties for "[e]ngaging in any activity or conduct prohibited by the uniform Standards of Conduct of Employees of the Executive Branch (5 C.F.R. Part 2635), the supplemental regulations (5 C.F.R. Part 3801), DOJ or FBI policy."

A. (b)(6); (b)(7)(C) Misused Government Property and Official Time to Pursue His Relationship with (b)(6); (b)(7)(C)

We concluded that (b)(6); (b)(7)(C) violated both federal ethics regulations and FBI policy by misusing his FBI issued cell phone and email, as well as his own and (b)(6); (b)(7)(C) official time, to pursue his relationship with (b)(6); (b)(7)(C). FBI employees must only use Government property for "authorized purposes," must use official time "in an honest effort to perform official duties," and must not "encourage" or "direct" a subordinate "to use official time to perform activities other than those required in the performance of official duties." 5 C.F.R. § 2635.704(a) & 705; 5 CFR § 3801.105; 28 CFR § 45.4; FBI Ethics Guide; FBI Mobile Devices and Mobile Applications Policy Guide (0879PG). While FBI policy allows "de minimis" personal use of FBI property, the policy defines "de minimis" as use that (1) involves a "negligible expense to the FBI," (2) does not "adversely affect the performance of official duties," and (3) is "of minimal duration and frequency." FBI policy further states that even if "'de minimis' in nature, FBI property and/or time may not be used for . . . purposes that are prohibited or reflect adversely on the FBI."

As noted above, (b)(6); (b)(7)(C) admitted that he did not have a personal cell phone and, therefore, used his FBI issued cell phone and FBI issued email accounts, during both duty and non-duty hours, to pursue his relationship with (b)(6); (b)(7)(C). Between (b)(6); (b)(7)(C) sent at least 654 text messages from his FBI issued phone to (b)(6); (b)(7)(C) nearly all of which were personal in nature and in support of the romantic relationship. (b)(6); (b)(7)(C) also used his FBI classified and unclassified email accounts to pursue his relationship with (b)(6); (b)(7)(C). In at least one of these email exchanges (b)(6); (b)(7)(C) admitted that he was emailing (b)(6); (b)(7)(C) during a work meeting. Moreover, the OIG identified messages to (b)(6); (b)(7)(C) in which (b)(6); (b)(7)(C) used cultural stereotypes; criticized other FBI employees, including (b)(6); (b)(7)(C) subordinates and one of (b)(6); (b)(7)(C) supervisors; and shared with (b)(6); (b)(7)(C) information about other FBI employees to which she otherwise would

not have been privy. We found that this use of government resources went beyond the FBI's exception for *de minimis* use, because the use was not "of minimal duration and frequency." We further found that (b)(6); (b)(7)(C) was aware at the time that he was sending these emails and text messages that his conduct likely violated FBI policy, because on (b)(6); (b)(7)(C) emailed (b)(6); (b)(7)(C) a quote from an Office of Professional Responsibility finding in which he highlighted the following language: "A review of the Supervisory Employee's Blackberry showed that only 30% of his text messages work-related. Although *de minimis* personal use is authorized, Supervisory Employee's personal use was more than *de minimis*." In addition, we determined that the use "adversely affected the performance of official duties" by taking (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) time and attention away from work tasks and by inappropriately exposing (b)(6); (b)(7)(C) to information about her supervisor and co-workers that had the potential to negatively impact work relationships. We further found that (b)(6); (b)(7)(C) use of his FBI issued devices and time to pursue his relationship with (b)(6); (b)(7)(C) was for a "prohibited" purpose, because, as discussed above, the FBI Personal Relationships Policy states that employees may only pursue romantic relationships with other FBI employees on personal time and using personal resources.

Based on these facts, we concluded that (b)(6); (b)(7)(C) misused government property and both his and (b)(6); (b)(7)(C) official time in violation of 5 C.F.R. § 2635.704(a) & 705, 5 CFR § 3801.105, 28 CFR § 45.4, FBI Ethics Guide, FBI Mobile Devices and Mobile Applications Policy Guide (0879PG), and FBI Offense Code 2.12.



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

C. (b)(5); (b)(7)(C) Accepted a Gift from (b)(5); (b)(7)(C) in Violation of Federal Ethics Regulations

We concluded that (b)(5); (b)(7)(C) improperly accepted a gift from (b)(5); (b)(7)(C) in violation of federal ethics regulations. An employee is prohibited from directly or indirectly accepting a gift from an employee receiving less pay than himself, unless "(1) [t]he two employees are not in a subordinate-official superior relationship; and (2) [t]here is a personal relationship between the two employees that would justify the gift." 5 C.F.R. § 2635.302(b). "Official superior" is defined as "any other employee, . . . including but not limited to an immediate supervisor, whose official responsibilities include directing or evaluating the performance of the employee's official duties or those of any other official superior of the employee." See 5 C.F.R. § 2635.303(d). The regulations define "gift" to include "any . . . item having monetary value" but to exclude "modest items of food and non-alcoholic refreshments" and "items with little intrinsic value, such as plaques, certificates and trophies, which are intended primarily for presentation." In addition, the regulations regarding gifts from subordinates contain certain "general exceptions," including an exception for "[i]tems, other than cash, with an aggregate market value of \$10 or less per occasion." 5 C.F.R. § 2635.304(a).

(b)(5); (b)(7)(C) stated that she bought an iPhone for (b)(5); (b)(7)(C), because she felt that she "owed him some sort of gift," (b)(5); (b)(7)(C) further stated that (b)(5); (b)(7)(C) used the iPhone for a period of time, and (b)(5); (b)(7)(C) acknowledged that (b)(5); (b)(7)(C) gave him an iPhone that he used for a period of time. (b)(5); (b)(7)(C) and (b)(5); (b)(7)(C) did not fall under the first exception described above, because they had a subordinate-official superior relationship. Although (b)(5); (b)(7)(C) was not (b)(5); (b)(7)(C) immediate supervisor, he was above her in the chain of command and, thus, directed and evaluated the performance of one or more of her official superiors. In addition, the iPhone clearly had significant value and, therefore, did not fall under the exceptions for gifts with little intrinsic value or for items, other than cash, with an aggregate market value of \$10 or less.

Based on these facts, we concluded that (b)(6); (b)(7)(C) improperly accepted a gift from (b)(6); (b)(7)(C) in violation of 5 C.F.R. § 2635.302(b) and FBI Offense Code 2.12.

IV. (b)(6); (b)(7)(C) Engaged in Unprofessional Off-Duty Misconduct in Connection with the Investigation of (b)(6); (b)(7)(C)

The OIG substantiated that (b)(6); (b)(7)(C) engaged in Unprofessional Conduct – Off Duty, when he interfered with a traffic stop involving (b)(6); (b)(7)(C). According to the testimony of (b)(6); (b)(7)(C) which was corroborated by (b)(6); (b)(7)(C) disobeyed the (b)(6); (b)(7)(C) orders to not speak with (b)(6); (b)(7)(C) and not give her water. (b)(6); (b)(7)(C) further told the OIG that (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) not to put (b)(6); (b)(7)(C) in handcuffs. The OIG concluded that (b)(6); (b)(7)(C) unprofessional behavior at the traffic stop called into question (b)(6); (b)(7)(C) judgment and character, and compromised (b)(6); (b)(7)(C) standing among his peers and the community. Based on these facts we concluded that (b)(6); (b)(7)(C) violated FBI Offense Code 5.21.

V. (b)(6); (b)(7)(C) Lacked Candor Under Oath During INSD and OIG Interviews

The OIG investigation determined that (b)(6); (b)(7)(C) engaged in misconduct by exhibiting multiple instances of lack of candor under oath during interviews with INSD and the OIG. Throughout four separate interviews, two with INSD and two with OIG, (b)(6); (b)(7)(C) provided verbal and written statements that misrepresented facts and omitted material information.

With regard to (b)(6); (b)(7)(C) interviews with INSD concerning (b)(6); (b)(7)(C) accident and arrest, we determined that (b)(6); (b)(7)(C) knowingly concealed and omitted facts that were material to the INSD investigation. First, (b)(6); (b)(7)(C) failed to disclose to INSD that (b)(6); (b)(7)(C) had been texting when the accident occurred, a fact he knew because he had been the one texting with (b)(6); (b)(7)(C). This was a fact of central importance to INSD's investigation of (b)(6); (b)(7)(C) accident while driving an FBI-issued vehicle. Rather than disclose this information to INSD, (b)(6); (b)(7)(C) sought to make it appear that he was unaware of, and uninvolved in, the events leading to the accident. For example (b)(6); (b)(7)(C) told INSD that he "understood" (b)(6); (b)(7)(C) to be calling or texting when she "bumped" into the car in front of her, despite his direct knowledge that she had been texting with him while driving immediately prior to the accident. Similarly, (b)(6); (b)(7)(C) claimed that he learned about the incident when (b)(6); (b)(7)(C) called him to tell him that she had been stopped by the police when in fact he knew that (b)(6); (b)(7)(C) had not been stopped by the police but rather had been in an accident – which (b)(6); (b)(7)(C) called to tell him and resulted in (b)(6); (b)(7)(C) responding to the scene and engaging with (b)(6); (b)(7)(C) the occupant of the car that (b)(6); (b)(7)(C) hit.

Second, (b)(6); (b)(7)(C) failed to disclose to INSD actions that he took at the scene of the accident that the (b)(6); (b)(7)(C) officers said interfered with their (b)(6); (b)(7)(C) investigation. For example, after identifying himself as an FBI agent (b)(6); (b)(7)(C), among other things, provided (b)(6); (b)(7)(C) with water, failed to keep his distance from (b)(6); (b)(7)(C) and attempted to intervene when the (b)(6); (b)(7)(C) officers (b)(6); (b)(7)(C). Instead of disclosing these facts, (b)(6); (b)(7)(C) presented the false narrative that he "stood off to the side" and "didn't interfere" with the officers. Spencer had a motivation to not be forthcoming with INSD, because his own conduct of interfering with the (b)(6); (b)(7)(C) investigation of the accident exposed him to potential administrative consequences.

We similarly concluded that (b)(6); (b)(7)(C) misrepresented the facts of his involvement at the (b)(6); (b)(7)(C) accident scene during his OIG interviews. (b)(6); (b)(7)(C) told the OIG, "I arrived to the area to (b)(6); (b)(7)(C) and "stood off to the side and didn't interfere." Additionally, he told the OIG that "I was not going to misuse my position or try and interfere in any way." (b)(6); (b)(7)(C) further stated that he only gave (b)(6); (b)(7)(C) water

after she asked for it and that he did not offer her water again after the (b)(6); (b)(7)(C) told him she was not permitted to drink water. In addition, (b)(6); (b)(7)(C) denied that he told the officers not to handcuff (b)(6); (b)(7)(C) but rather stated that he told them not to handcuff her in the back. (b)(6); (b)(7)(C) testimony was in stark contrast to the testimony of (b)(6); (b)(7)(C) who we found credible. (b)(6); (b)(7)(C) did not have an interest in the outcome of the OIG or INSD investigations, provided consistent, detailed accounts to both INSD and the OIG, and had no reason to fabricate. (b)(6); (b)(7)(C) described (b)(6); (b)(7)(C) presence (b)(6); (b)(7)(C) as "very disruptive" and stated that (b)(6); (b)(7)(C) provided (b)(6); (b)(7)(C) water after (b)(6); (b)(7)(C) instructed (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) presence, that (b)(6); (b)(7)(C) could not consume water. Also contrary to (b)(6); (b)(7)(C) testimony, (b)(6); (b)(7)(C) told the OIG that she did not ask for water, but rather (b)(6); (b)(7)(C) gave her water and told her to drink it. Additionally, both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) informed INSD and the OIG that (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) not to put handcuffs on (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) advised the OIG that, in response, he told (b)(6); (b)(7)(C) that he could not "unarrest" (b)(6); (b)(7)(C). If (b)(6); (b)(7)(C) had stated, "don't cuff her in the back," as he claimed, (b)(6); (b)(7)(C) response that he could not "unarrest" (b)(6); (b)(7)(C) would not have made sense. We further found that (b)(6); (b)(7)(C) had a motivation to be untruthful about his behavior at the scene of (b)(6); (b)(7)(C) arrest because his conduct was unprofessional, reflected poorly on the FBI, and exposed him to potential administrative consequences for attempting to interfere with the (b)(6); (b)(7)(C).

Additionally, the OIG concluded that (b)(6); (b)(7)(C) lacked candor during his compelled OIG interviews when he was questioned about his role in (b)(6); (b)(7)(C) selection for the (b)(6); (b)(7)(C) position and the subsequent cancellation of the position. As (b)(6); (b)(7)(C) knew during his OIG interviews, one of the allegations against him was that he had improperly participated in decisions regarding the (b)(6); (b)(7)(C) position while engaged in a romantic relationship with (b)(6); (b)(7)(C). During his initial OIG interview, when the OIG questioned him about this allegation, (b)(6); (b)(7)(C) told the OIG that he "never" influenced (b)(6); (b)(7)(C) career and then agreed with the statement by the OIG agent (who was not aware at the time of (b)(6); (b)(7)(C) role in (b)(6); (b)(7)(C) selection) that (b)(6); (b)(7)(C) had obtained the (b)(6); (b)(7)(C) position before (b)(6); (b)(7)(C) became (b)(6); (b)(7)(C). In fact, (b)(6); (b)(7)(C) was the (b)(6); (b)(7)(C) at the time the (b)(6); (b)(7)(C) position was announced, had signed off on the announcement, and (b)(6); (b)(7)(C) that selected (b)(6); (b)(7)(C) for the (b)(6); (b)(7)(C) position. (b)(6); (b)(7)(C) failed to mention any of this information during the initial OIG interview when questioned about his role in (b)(6); (b)(7)(C) selection for the (b)(6); (b)(7)(C) position. In a subsequent OIG interview, (b)(6); (b)(7)(C) only acknowledged that he had (b)(6); (b)(7)(C) after the OIG told him that we were aware he had been the (b)(6); (b)(7)(C) shortly after he had travelled with (b)(6); (b)(7)(C). Even then, (b)(6); (b)(7)(C) repeatedly claimed to "barely remember" the (b)(6); (b)(7)(C) or his involvement in it. We found these claims to lack credibility, given that (b)(6); (b)(7)(C) had begun pursuing (b)(6); (b)(7)(C) romantically during (b)(6); (b)(7)(C) trip just two weeks before he served as (b)(6); (b)(7)(C) making the events memorable. Moreover, (b)(6); (b)(7)(C) had a motivation to be untruthful because he faced administrative consequences for participating in a romantic relationship with (b)(6); (b)(7)(C) while serving as the (b)(6); (b)(7)(C).

Likewise, when asked during the initial OIG interview about his involvement in the decision to cancel the (b)(6); (b)(7)(C) position, (b)(6); (b)(7)(C) claimed that it was his recollection that (b)(6); (b)(7)(C) withdrew from the position prior to the (b)(6); (b)(7)(C) position being cancelled. In fact, as (b)(6); (b)(7)(C) well knew, it was (b)(6); (b)(7)(C) himself who notified (b)(6); (b)(7)(C) by email that she would not be getting to serve in the position because it had been cancelled. Even after the OIG told (b)(6); (b)(7)(C) during his OIG interview that the evidence showed that (b)(6); (b)(7)(C) had not withdrawn from the (b)(6); (b)(7)(C) position and reminded (b)(6); (b)(7)(C) that there were "a couple emails where (b)(6); (b)(7)(C) was specifically reaching out to (b)(6); (b)(7)(C) saying, '... what's this [referring to the funding issues with (b)(6); (b)(7)(C) have to do with my job,'" (b)(6); (b)(7)(C) did not acknowledge that (b)(6); (b)(7)(C) did not withdraw from the position before it was cancelled. Instead, he responded, "I think she told me she was going to withdraw from the job." Further, even after (b)(6); (b)(7)(C) reviewed a draft of this report which described (b)(6); (b)(7)(C) email to (b)(6); (b)(7)(C) notifying her of the position's cancellation, and (b)(6); (b)(7)(C) email to (b)(6); (b)(7)(C) the day before asking (b)(6); (b)(7)(C) "what does that mean for my position?" in response to (b)(6); (b)(7)(C) forwarding (b)(6); (b)(7)(C) an email reflecting that funding for her position might be at risk, (b)(6); (b)(7)(C) continued to maintain in his written response that (b)(6); (b)(7)(C) had withdrawn from the position prior to it being cancelled. The contemporaneous documentary evidence, including from FBI (b)(6); (b)(7)(C) records,

shows that (b)(6); (b)(7)(C) had not withdrawn from the (b)(6); (b)(7)(C) position before (b)(6); (b)(7)(C) emailed her on (b)(6); (b)(7)(C) that the position had been cancelled. (b)(6); (b)(7)(C) also inaccurately represented during his first OIG interview that he "had nothing to do with that (b)(6); (b)(7)(C) job getting canceled." To the contrary, (b)(6); (b)(7)(C) participated in conversations that led to the cancellation of the (b)(6); (b)(7)(C) position.

Based on these facts, we concluded that (b)(6); (b)(7)(C) violated FBI Offense Code 2.6.

