

114TH CONGRESS }
2nd Session

COMMITTEE PRINT

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**ALLEGATIONS OF IMPROPER HIRING PRACTICES
AND WHISTLEBLOWER REPRISAL AT THE
U. S. MARSHALS SERVICE**

MAJORITY STAFF REPORT

PREPARED FOR THE USE OF THE

**COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

**ONE HUNDRED FOURTEENTH CONGRESS
SECOND SESSION**



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Executive Summary

Since February 2015, the Chairman's office has received protected disclosures alleging various forms of waste, fraud, and abuse within the U.S. Marshals Service (USMS) from more than 85 whistleblowers, primarily current and former USMS employees. The disclosures involve alleged inappropriate and wasteful spending of the Assets Forfeiture Fund, inappropriate hiring and promotion practices, conflicts of interest, and reprisal against whistleblower employees and those who participate in protected activity. This report summarizes the facts and draws conclusions regarding certain allegations of improper hiring and promotion practices and conflicts of interest.

First, this report addresses an allegation of a *quid pro quo* between the former Director of the USMS and the former Assistant Director of the USMS Asset Forfeiture Division. Specifically, it was alleged that the Director recommended a friend from college to the Assistant Director for a contractor position and that the Assistant Director, in order to gain a promotion, violated contracting guidelines to ensure he was hired despite his lack of qualifications. While we found no direct evidence of an explicit *quid pro quo* agreement, the circumstances do create the appearance that an exchange of favors occurred. However, the allegation that the college friend was hired for the advertised position for which he was unqualified was not substantiated. Nevertheless, the former Director did recommend him and the former Assistant Director (1) was unusually and significantly involved in the contractor's hiring and (2) created a second, unadvertised position specifically for him that was neither planned nor necessary after it was determined he was not qualified for the original position. Additionally, there is some evidence that the Assistant Director's prolonged access to the role in an acting capacity, with limited competition and through the course of two misconduct investigations, created the impression for employees that the agency manipulated the promotion process for her benefit.

Second, the report addresses allegations of improper hiring and promotion practices and conflicts of interest previously raised in the Chairman's letters involving the former Assistant Director of the Judicial Security Division as well as the Associate Director of Operations, the current Acting Marshal for the Western District of Texas, and their spouses.

Third, the report examines how and why the Department's initial response to the *quid pro quo* allegation involving the Director and the Assistant Director of the Asset Forfeiture Division contained inaccurate information. That initial response stated that the Director did not recommend the contractor, although additional evidence later discovered contradicted that claim. The report attributes the

error to a failure to conduct sufficient due diligence prior to submitting a response.

Finally, the report analyzes recent and developing reforms within the USMS related to its hiring and promotion practices and compliance with the whistleblower protection laws. The report recommends additional and continued oversight of these reforms, as well as the development of manager-focused education and training regarding appropriate responses to employee protected activity.

Glossary of Terms

AD	Assistant Director
AFD	U.S. Marshals Service Asset Forfeiture Division
AFF	Assets Forfeiture Fund
AFFI	Asset Forfeiture Financial Investigator
AFP	Asset Forfeiture Program
AFU	U.S. Attorney's Office Asset Forfeiture Unit
DOJ	Department of Justice
FFS	Forfeiture Financial Specialist
FSA	Forfeiture Support Associates
IOD	U.S. Marshals Service Investigative Operations Division
JSD	U.S. Marshals Service Judicial Security Division
OIG	Office of Inspector General
OSC	Office of Special Counsel
TDY	Temporary Duty
TOD	U.S. Marshals Service Tactical Operations Division
USAO	U.S. Attorney's Office
USMS	U.S. Marshals Service
WPEA	Whistleblower Protection Enhancement Act

Introduction

Over the past two years, the Chairman has received disclosures alleging various forms of waste, fraud, and abuse from more than 85 whistleblowers, primarily current and former employees of the U.S. Marshals Service (USMS). Based on these disclosures, the Chairman has sent more than a dozen letters to the USMS, the Department of Justice (DOJ or the Department), USMS contractors, and the Department of Justice Office of the Inspector General (DOJ OIG) seeking information.¹ Among other things, the Chairman has requested information regarding allegations of inappropriate hiring and promotion practices inconsistent with Ethics Standards, Merit System Principles, and Department guidelines, improper and wasteful spending on unnecessary facilities, furnishings, travel, and other items, and retaliatory investigations and personnel actions against employees who have made protected disclosures of wrongdoing or otherwise participated in activities protected by law. Portions of these requests remain outstanding. For example, the Chairman continues to review available information and seek clear, straightforward answers to remaining unanswered questions regarding allegations of wasteful and potentially improper spending by the USMS of the Assets Forfeiture Fund. This report addresses allegations for which sufficient information exists at this time for analysis and evaluation.

Specifically, this report examines an allegation the Chairman received on February 4, 2015 of improper hiring practices involving Director Stacia Hylton and Assistant Director of the USMS Asset Forfeiture Division (AFD) Kimberly Beal. The allegation asserts that Director Hylton induced Beal to hire an old college friend for a contractor position in Boston and that, in return, Beal received a promotion. The disclosure corroborated and provided documentary evidence in support of a nearly identical whistleblower disclosure received by the Committee in 2011.² This report also examines the Department's initial response to this allegation, received on March 26, 2015,³ and certain additional related allegations of unfair hiring practices, ethics violations, and conflicts of interest previously raised in the Chairman's letters.

The report is based on a review of documents and other information provided by multiple whistleblowers, the USMS, the DOJ, the DOJ OIG, and the OSC, as well as voluntary interviews of multiple USMS employees.⁴ Hylton and Beal retired from federal service in 2015.

Background

The U.S. Marshals Service Asset Forfeiture Division

The U.S. Marshals Service (USMS) is one of several law enforcement components of the U.S. Department of Justice. Its unique responsibilities include, among other things, enforcing federal court orders, protecting judges and witnesses, and hunting fugitives. The USMS employs

¹ For the Chairman's Correspondence, see https://www.judiciary.senate.gov/file-library?PageNum_rs=1.

² E-mail to Senate Committee on the Judiciary (Dec. 14, 2011) (Exhibit 1).

³ The Ranking Member of the Committee also has been provided access to the Department's responsive letters, documents, and interviews.

⁴ The three responsive interviews were specifically requested by the Chairman's staff. Other interviews were voluntarily initiated or provided by whistleblowers, who have requested confidentiality out of fear of reprisal.

approximately 5,200 employees, including about 3,700 deputy U.S. marshals, and received \$1.23 billion in appropriations in Fiscal Year 2016.

The USMS is organized on a regional and functional basis. Ninety-four presidentially-appointed, Senate-confirmed U.S. Marshals oversee deputies, court security officers, administrative employees, and others in districts across the United States or “in the field.” These personnel often work alongside or generally in the same or nearby office space with personnel who also report to two USMS directorates headquartered in Arlington, Virginia: Operations and Administration. Under the leadership of the Associate Director for Operations, Assistant Directors oversee prisoner operations, tactical operations, witness security, investigative operations, judicial security, and the Justice Prisoner and Alien Transportation System (JPATS). A significant percentage of personnel in these divisions are law enforcement officers. Under the Associate Director for Administration, the divisions primarily are charged with managing the administrative functions of the agency, including human resources, training, information technology, management support, and congressional affairs.

Also under the administrative directorate is the Asset Forfeiture Division (AFD), established as a standalone division in 2008.⁵ AFD assists other federal law enforcement components in identifying and evaluating assets for seizure and by selling and managing seized property.⁶ The proceeds largely fund the Justice Department’s Asset Forfeiture Program (AFP) and support law enforcement initiatives.⁷ AFD also “manage[s] the distribution of proceeds and payments to victims of crime and other innocent parties” as well as to state and local law enforcement through the equitable sharing program.⁸ AFD, through the Assets Forfeiture Fund (AFF),⁹ currently funds approximately 45 administrative and 43 contractor employees, as well as a group of criminal investigators (classified under the Office of Personnel Management regulations as series 1811s) under the Asset Forfeiture Financial Investigator (AFFI) program.¹⁰ Nine 1811s report directly to AFD, and the remaining 58 AFFIs (including 13 vacancies) are assigned to the districts. They are guided and trained by AFD, but also report to local U.S. Marshals and receive case assignments from Assistant U.S. Attorneys.

⁵ Memorandum from John F. Clark, Director, U.S. Marshals Service to All U.S. Marshals Service Employees, *U.S. Marshals Service Reorganization* (Mar. 17, 2008) (Exhibit 2).

⁶ USMS Fact Sheet, Asset Forfeiture (2016), available at: https://www.usmarshals.gov/duties/factsheets/asset_forfeiture.pdf.

⁷ USMS Fact Sheet, Asset Forfeiture (2016), available at: https://www.usmarshals.gov/duties/factsheets/asset_forfeiture.pdf; <https://www.usmarshals.gov/assets/index.html>.

⁸ USMS Fact Sheet, Asset Forfeiture (2016), available at: https://www.usmarshals.gov/duties/factsheets/asset_forfeiture.pdf.

⁹ The Department of Justice has reportedly taken care to avoid the use of the AFF to pay salaries and other expenses of criminal investigators “as a result of DOJ’s sensitivity to potential criticism that their roles may be compromised because of potential financial stake in the outcome of a case.” See Memorandum for the Attorney General through the Deputy Attorney General from John F. Clark, Director, U.S. Marshals Service (May 16, 2008) (Exhibit 3). The USMS obtained a limited waiver from the Attorney General in 2008 to establish the AFFI program, with the understanding that no deputy U.S. marshals would initiate independent criminal investigations and that AFFI activities would be limited to already ongoing criminal forfeiture investigations.

¹⁰ Interview with confidential source.

USMS Asset Forfeiture Financial Investigators

The AFFI program was born of a 2008 limited waiver by the Attorney General of Department of Justice policy to avoid paying the salaries of prosecutors and criminal investigators from the AFF.¹¹ According to that waiver, AFFIs would not initiate criminal investigations, but would perform a “vital law enforcement role” that administrative employees assigned to the districts could not. AFFIs could “provide meaningful guidance and advice [regarding the targeting of assets for seizure] at the conception of a case,” “assist the [U.S. Attorney’s Office] in drafting court orders that ensure the timely seizure, forfeiture and disposal of assets,” “coordinate tactical operations when there are complicating factors such as officer safety concerns or when assets are located in multiple locations,” and “assist in the preparation and service of preliminary orders of forfeiture to seize property, arrest warrants, protective orders, and other process issued by district courts.”¹² The waiver initially approved 28 AFFIs, and 67 are now authorized.

As the criminal investigative component of asset forfeiture work has grown within the USMS, this mixed role and function of employees funded through AFD appears to have become a source of tension within the division. According to an “Environmental Assessment” of the AFD performed by Deloitte in 2015, “philosophical differences” exist within the division regarding the placement of AFD within the Administrative Directorate.¹³ Employees have questioned whether an administrative employee with no law enforcement experience can most effectively manage a division that includes a significant criminal investigative function. A requirement listed in 1811 position descriptions notes that an individual holding an 1811 position must have prior law enforcement experience since the position itself involves supervision of criminal investigative activities, which the AFD Assistant Director position does.¹⁴ Some employees also assert that the lack of law enforcement experience amongst AFD senior leadership inhibits their understanding and awareness of the daily workings and the value of the criminal investigative component to the asset forfeiture program within the USMS and within the Department as a whole.¹⁵ Indeed, AFD’s administrative leadership recently appeared to question whether the AFFIs are in fact doing much criminal investigative work at all, and requested a “classification review” of the AFFIs’ position description.¹⁶ However, an independent review conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives confirmed that AFFIs perform inherently criminal investigative functions

¹¹ Memorandum for the Attorney General through the Deputy Attorney General from John F. Clark, Director, U.S. Marshals Service (May 16, 2008) (Exhibit 3).

¹² *Id.*

¹³ Deloitte, United States Marshals Service Asset Forfeiture Division (AFD) Environmental Assessment Findings and Considerations – Final (Sept. 24, 2015), On File with the Committee. Notably, the Deloitte report also highlighted what appear to be significant communication gaps between senior leadership and lower-level employees within AFD, which also may have contributed to this tension.

¹⁴ USMS-SJC-0000135 (Exhibit 4).

¹⁵ See Letter from Nathan R. Catura, FLEOA National President to David L. Harlow, Deputy Director, U.S. Marshals Service re U.S. Marshals Service (USMS Asset Forfeiture Financial Investigator (AFFI) Program Review (May 5, 2016)), available at: <http://files.ctcdn.com/88df1e51401/1a8af298-23ac-4b39-a06e-af03062056cd.pdf>.

¹⁶ Memorandum from David F. Musel, Associate Director for Administration, U.S. Marshals Service to Mari Barr Santangelo, Deputy Assistant Attorney General for Human Resources/Administration, Justice Management Division, U.S. Dep’t of Justice, *Position Classification Review* (Mar. 4, 2016) (Exhibit 5).

and are properly classified as 1811 law enforcement officers.¹⁷ Both administrative and law enforcement personnel have led AFD since its establishment in 2008.

Findings

I. Lenzie Hiring

On March 19, 2015, the Chairman sent a letter to (then-Acting) Deputy Attorney General Yates describing whistleblower allegations that former AFD Assistant Director (AFD AD) Kimberly Beal “improperly waived qualification requirements in order to hire Donald Lenzie as a Senior Forfeiture Financial Specialist (Senior FFS)”¹⁸ in Boston after former Director Stacia A. Hylton personally recommended him. Lenzie was a retiring DHS agent and reportedly a college friend of Hylton’s.¹⁹ As stated in the Chairman’s letter, “[i]t [wa]s further alleged that Ms. Beal violated these contracting standards in order to receive favorable consideration from Director Hylton in Beal’s effort to become the AFD Assistant Director, a position she now occupies.”²⁰ The letter then requested a “complete written explanation surrounding the hiring of Mr. Lenzie” and asked for related documents.²¹

There is no evidence that Beal improperly waived qualification requirements to hire Lenzie as a Senior FFS, or that Hylton and Beal formed an explicit agreement to ensure that Beal’s efforts to hire Lenzie would result in a promotion for Beal. However, there is evidence that 1) Hylton personally recommended Lenzie, a retired DHS agent with whom she was “affiliated in a non-governmental capacity” for a position with Forfeiture Support Associates (FSA) in violation of the Ethics Standards;²² and 2) Beal, likely with the advice or approval of her then-boss, Assistant Director Eben Morales, created an unplanned, and apparently unnecessary, non-Senior FFS position in Boston to ensure Lenzie was hired.

a. The Senior Forfeiture Financial Specialist (Senior FFS) Recruitment

Lenzie had applied to one of four FSA positions USMS AFD ordered in 2011 to support the AFFI program and its “Complex Assets Jump Team.”²³ These contractor positions were designed as Senior Forfeiture Financial Specialists (Senior FFSs) (as opposed to non-senior, Regular Forfeiture Financial Specialists (Regular FFSs)).²⁴ Internal discussions describe a Senior

¹⁷ Memorandum from Chief, Classification and Performance Management Branch, Human Resources Division, Bureau of Alcohol, Tobacco, Firearms and Explosives to Assistant Director for Human Resources, U.S. Marshals Service, *Position Review of the Asset Forfeiture Financial Investigator* (Sept. 21, 2016) (Exhibit 6).

¹⁸ A Department of Justice contractor, Forfeiture Support Associates, offers both Forfeiture Financial Specialists (FFS) and Senior Forfeiture Financial Specialists (SFFS).

¹⁹ Letter from Charles E. Grassley, Chairman, Sen. Comm. on the Judiciary to Sally Quillian Yates, Acting Deputy Attorney General, U.S. Dep’t of Justice (Mar. 19, 2015) (“03-19-2015 Letter”) (Exhibit 7).

²⁰ *Id.*

²¹ *Id.*

²² 5 C.F.R. § 2635.702 (2012).

²³ USMS-SJC-0001948 (Exhibit 8); USMS-SJC-0001708 (Exhibit 9); USMS-SJC-0001699 (Exhibit 10); USMS-SJC-0001709 (Exhibit 11); U.S. Dep’t of Justice Office of Inspector General, Audit Report 11-42, *Audit of the United States Marshals Service Complex Asset Team Management and Oversight* (Sept. 2011), available at: <https://oig.justice.gov/reports/USMS/a1142r.pdf>; Jump Team White Paper (Exhibit 12).

²⁴ USMS-SJC-0001948 (Exhibit 8).

FFS as “an analytical support professional,”²⁵ and indicate that AFD originally considered hiring up to eight Senior FFS positions, including one each in Boston, Houston, Seattle, and Columbus.²⁶ The USMS did not plan for or seek more than one position per district prior to the beginning of the recruitment process.

These Senior FFS positions would be collocated with the U.S. Attorney Offices (USAOs), AFFI Regional Program Managers, and AFFIs in their respective districts²⁷ to further develop the financial investigations and pre-seizure planning expertise of the AFFI program, provide guidance for new AFFIs, and facilitate working relationships with Assistant U.S. Attorneys and other investigative agencies.²⁸ They would be “an addition to the district’s [sic] Asset Forfeiture Program” and would “work in conjunction with the district investigators.”²⁹ The Senior FFSs would also have “the requirement to travel to other districts to support other investigators when necessary.”³⁰ As part of a “Jump Team,” the contractors supposedly would have the flexibility to deploy their special skills wherever and whenever the greatest need for them arose.

The job announcement for the four Senior FFS positions in the cities above called for candidates with, among other things, bachelor’s degrees in finance or accounting and “[o]ne or more related professional certifications such as Certified Public Accountant, Certified Internal Auditor, Certified Fraud Examiner, Certified Government Financial Manager, etc.”³¹ The announcement also gave a preference for candidates with “prior financial investigative experience.”³² There was some frustration amongst AFFI managers involved in the Senior FFS recruiting process that the announcement was not accurate.³³ The AFFI managers wanted to see more candidates with a stronger law enforcement background, given the intended Senior FFS role in assisting the AFFIs and the U.S. Attorneys’ Asset Forfeiture Units with financial investigations.³⁴ However, apparently the underlying contract between FSA and the Department did not permit FSA to advertise the position that way, and instead the announcement focused more heavily on auditing backgrounds.³⁵

According to Department guidance regarding the FSA contract, although government employees play a role in choosing hires, FSA recruiters generally are responsible for the recruitment process, including collecting and forwarding to the USMS qualified candidates for interviews. Further, “if the contractor has provided a group of candidates that are fully qualified for the position, in accordance with the labor category description and the articulated needs of the

²⁵ *Id.*

²⁶ USMS-SJC-0001692 (Exhibit 13); USMS-SJC-0001699 (Exhibit 10); Jump Team FFS E-mails (Aug. 2011) (A pilot position was hired in Tampa in Spring 2011) (Exhibits 14-16).

²⁷ USMS-SJC-0001704 (Exhibit 17); USMS-SJC-0001692 (Exhibit 13).

²⁸ Interview with confidential source; Interview with confidential source; USMS-SJC-1946 (Exhibit 18).

²⁹ USMS-SJC-0001699 (Exhibit 10).

³⁰ *Id.*

³¹ USMS-SJC-0001738 (Exhibit 19).

³² *Id.*

³³ USMS-SJC-0001945 (Exhibit 20).

³⁴ *Id.*; Columbus Recruitment E-mail (Oct. 24, 2011) (Exhibit 21).

³⁵ Interview with confidential source.

customer . . . then a mutually agreed upon candidate for the position should be selected from this group.”³⁶ Further,

[g]enerally, the only acceptable reasons to ask the contractor to provide additional candidates would be if the contractor had failed to provide fully qualified candidates in the first group; legitimate and compelling issues with fully qualified candidates are discovered during the process; or candidates selected from this group fail to complete the entire recruiting/hiring process to include obtaining a clearance.³⁷

At least for Seattle and Columbus, the announcement itself apparently made this task difficult, and when the FSA recruiters forwarded the candidates for interviews in those districts, the result was quite the mixed bag. In some cases, the FSA recruiters for Seattle and Columbus actually forwarded resumes to the USMS points of contact that either did not reflect one of the requisite certifications or did not reflect investigative experience. In Columbus, for example, the recruiter initially forwarded three resumes to schedule for interviews, only two of which contained the certification, and had trouble locating any more with a law enforcement background.³⁸ The AFFI Chief Inspector who managed the AFFI program and was the primary contact point for Columbus probed the lack of certification during the interview process, and apparently was not impressed with the three candidates.³⁹ In Seattle, the FSA recruiter reportedly focused almost exclusively on an auditing-type background, and forwarded candidates without prior law enforcement experience.⁴⁰ The Seattle recruiter forwarded approximately ten resumes in total, only two of which contained the appropriate certification, and two of which were in the process of obtaining it. Eight of those were interviewed, after which it was determined that the candidates with the certifications did not have a strong enough law enforcement background.⁴¹ There were suggestions following interviews in these cities about potentially downgrading the Senior FFS positions to Regular FFS positions in Seattle and Columbus to accommodate leading candidates without certifications but with more relevant law enforcement experience.⁴² After the Boston interviews were scheduled, Beal herself pointed out that it was not clear the USMS should be hiring at the Senior FFS versus Regular FFS level and might be missing qualified candidates because of the advertisement.⁴³ However, as discussed below, there is no evidence that similar problems arose in Boston finding a qualified candidate based both on the advertisement and on a desire for investigative experience.⁴⁴

³⁶ USMS-SJC-0001344 *et seq.* (Exhibit 22).

³⁷ USMS-SJC-0001348 (Exhibit 22).

³⁸ Columbus Recruitment E-mail (Oct. 24, 2011) (Exhibit 21).

³⁹ Columbus Recruitment E-mail (Nov. 14, 2011) (Exhibit 23).

⁴⁰ Interview with confidential source.

⁴¹ Seattle Recruitment E-mail (Nov. 6, 2011) (Exhibit 24); Interview with confidential source.

⁴² Columbus Recruitment E-mail (Nov. 14, 2011) (Noting after interviews took place that “if [a candidate without a certification] is the leading applicant, the labor category can easily be downgraded to the non senior FFS.”) (Exhibit 23); USMS-SJC-0001934 (Exhibit 25).

⁴³ USMS-SJC-0001926 (Exhibit 26).

⁴⁴ In Houston, again unlike Boston, FSA also forwarded a mixed group of candidates which included some with strong law enforcement backgrounds, but without a required certification. The interview panel in Houston did not interview

Ultimately, two candidates were hired in Boston as opposed to the one originally planned, a Senior FFS and a Regular FFS (Lenzie). The Seattle, Houston, and Columbus Senior FFS positions were not filled and were removed from the delivery order on February 7, 2012.⁴⁵

b. Director Hylton Recommended Donald Lenzie for a Contractor Position

Director Hylton personally recommended Donald Lenzie, a college friend retiring from DHS, to then-Deputy Assistant Director Beal for a contractor position with Forfeiture Support Associates (FSA).

Documents show that Lenzie and Hylton exchanged correspondence and discussed by telephone his application for the position several times, beginning at least on September 14, 2011.⁴⁶ On September 16, Lenzie forwarded his resume to Hylton's personal e-mail account, which he had submitted with his application for the Boston Senior FFS position.⁴⁷ Hylton forwarded the e-mail and resume to Beal, saying only "Thx Kim."⁴⁸

Hylton also spoke with Beal over the phone about Lenzie's application, and followed-up by e-mail.⁴⁹ Beal then called the Chief Inspector of the AFFI program, who as noted above was involved at the time in the Senior FFS recruiting process,⁵⁰ and informed him that Hylton called her to refer a personal friend soon to retire from DHS for a contract position.⁵¹ Beal then forwarded Lenzie's resume to the Chief Inspector and the AFFI Regional Program Manager in Boston.⁵² She also told Hylton that she would keep Hylton "posted" throughout the Senior FFS hiring process,⁵³ and forwarded the Hylton-Lenzie e-mail chain to her immediate boss, then-Assistant Director of AFD Eben Morales.⁵⁴ Beal told Morales, "See-below – Director called and has forwarded the resume of a Customs agent that she highly recommends for the jump team FFS in Boston."⁵⁵ In later discussions about hiring in Boston, Morales and Beal referred to Lenzie as "the Director's recommended candidate."⁵⁶

anyone not forwarded by FSA. The selected candidate was fully qualified based on the advertisement and on the need for investigative skills and experience. Like Seattle and Columbus, however, no candidate was ultimately hired. Interview with confidential source.

⁴⁵ USMS-SJC-0002070 (Exhibit 27).

⁴⁶ USMS-SJC-0001718 (Exhibit 28), USMS-SJC-0001719 (Exhibit 29).

⁴⁷ USMS-SJC-0001721 (Exhibit 30).

⁴⁸ *Id.*

⁴⁹ Interview with D. Musel; Interview with Chief Inspector.

⁵⁰ USMS-SJC-0001717 (Exhibit 31); USMS-SJC-0001708 (Exhibit 9).

⁵¹ Interview with Chief Inspector.

⁵² USMS-SJC-0001726 (Exhibit 32).

⁵³ USMS-SJC-0001734 (Exhibit 33).

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ USMS-SJC-0001791 (Specifically, on September 21, 2011, the General Counsel asked Morales to "pass along" his personal recommendation of a candidate for a paralegal position. Morales then asked Beal if this was "the Director's recommended candidate," to which Beal responded, "No -- his name is Don Len[zie].") (Exhibit 34); USMS-SJC-0001974 (Exhibit 35).

The day after forwarding Lenzie's resume to Beal, Hylton again wrote to Beal from her personal e-mail address, extolling Lenzie's virtues and praising Beal's efforts in the Asset Forfeiture program:

Thanks Kim, I appreciate it. Don is a great investigator, extremely dedicated to government, but has always worked hard on the AFF side with AUSAs and wants to still work in gov. after retirement. Thank you and most of all for your dedication to the program we are so lucky to have you over at AFF!⁵⁷

Shortly thereafter, Beal forwarded Hylton's comments to her subordinate, Jennifer Crane,⁵⁸ who remarked that it was "[g]reat timing" and that "[a]ll things happen for a reason!"⁵⁹

c. Beal's Involvement in Lenzie's Hiring Was Unusually Significant, and an Unplanned and Unnecessary Position Was Created Specifically for Him

Throughout the hiring process, Beal appeared to ignore or overlook concerns expressed to her about Lenzie's lack of qualifications based on the job announcement, assert an unusual level of involvement in the hiring process, and, when it became clear Lenzie was not the best candidate for the Senior FFS position, create an unnecessary, unplanned Regular FFS position in Boston to ensure that Lenzie was hired. Evidence suggests that Morales was aware of and approved Beal's actions.

Lenzie Was Not the Most Qualified Candidate, But Was Hired Anyway

After Beal forwarded Lenzie's resume to him, the Chief Inspector wrote that Lenzie had an "[i]mpressive resume, but no reference to any certification(s) that is a pre-requisite. Let's see if FSA forwards the resume, or not based on the lack of certification."⁶⁰ Beal replied stating, "Sh[**] – this could get complicated."⁶¹ The Chief Inspector responded, "Not really . . . if he isn't qualified there is nothing we can do to change it. It isn't our rule. [Hylton] should understand."⁶² The Chief Inspector also suggested that FSA—the contractor responsible for vetting applicants for interviews—would likely not forward Lenzie's name for consideration, noting he was "missing two key prerequisites" including both the "certification" and a bachelor's degree in accounting or finance, as opposed to criminal justice.⁶³

As the USMS waited for FSA to forward its selected applicants, Beal sought information about the Boston position for the purpose of updating Hylton.⁶⁴ According to the Chief Inspector, Beal also called him and stated that Hylton called her over the weekend about hiring Lenzie, and

⁵⁷ USMS-SJC-0001745 (Exhibit 36).

⁵⁸ USMS-SJC-0001747 (Exhibit 37).

⁵⁹ USMS-SJC-0001749 (Exhibit 38).

⁶⁰ USMS-SJC-0001730 (Exhibit 39).

⁶¹ USMS-SJC-0001732 (Exhibit 40).

⁶² USMS-SJC-0001736 (Exhibit 41).

⁶³ USMS-SJC-0001738 (Exhibit 42).

⁶⁴ USMS-SJC-0001753 (Exhibit 43); USMS-SJC-0001755 (Exhibit 44).

told the Chief Inspector that they “had to make this happen.”⁶⁵ The Chief Inspector again expressed reservations regarding Lenzie’s lack of qualifications.

Three days later, FSA forwarded a “competitive group” of three candidate resumes to the USMS point of contact for the Boston position recruitment, the AFFI Regional Program Manager in Boston, as well as the AFFI Chief Inspector, and suggested dates for interviews.⁶⁶ The list of three candidates, which did not include Lenzie, all had the requisite certifications, the required degree field, and law enforcement experience.⁶⁷ FSA, the Chief Inspector, and the AFFI Regional Program Manager agreed to schedule the interviews for these three candidates.⁶⁸ The next morning, the Chief Inspector suggested that Beal inform Hylton that the contractor did not forward Lenzie’s resume and drafted an e-mail for Beal to send to Hylton explaining that Lenzie did not possess the requisite qualifications based on the contractor’s announcement.⁶⁹

However, instead of notifying Hylton that Lenzie was not qualified, Beal instructed the Chief Inspector and the AFFI Regional Program Manager in Boston to stay quiet while she consulted her boss: “No one say anything to anyone yet – I want to talk to Eben [Morales] about this before we do anything.”⁷⁰

That afternoon, the contractor sent all six resumes submitted to FSA for the Boston Senior FFS position to Beal and her subordinate, copying the Chief Inspector, AFFI Regional Program Manager, and another FSA employee. The contractor noted that the three previously provided candidates “meet all position requirements” and that the remaining three—including Lenzie—did not.⁷¹ The contractor nevertheless offered to schedule all six candidates for interviews.⁷² Beal responded that she would review the resumes and get back to him.⁷³

The AFFI Chief Inspector who had noted Lenzie’s lack of qualifications was not copied on subsequent e-mails about scheduling interviews,⁷⁴ despite the fact that he managed a program the Senior FFS positions were supposed to support and was to be copied on the Senior FFS recruitment process.⁷⁵ The interviews of all six candidates were scheduled for the middle of October 2011.⁷⁶ Beal represented to Hylton, copying Morales, that all six candidates, including Lenzie, *were* qualified, and that she would sit on the interview panel.⁷⁷

Director Hylton,

⁶⁵ Interview with Chief Inspector.

⁶⁶ USMS-SJC-0001758 (Exhibit 45).

⁶⁷ *Id.*; USMS-SJC-0001760-66, On File with the Committee.

⁶⁸ USMS-SJC-0001767 (Exhibit 46).

⁶⁹ USMS-SJC-0001770 (Exhibit 47).

⁷⁰ USMS-SJC-0001772 (Exhibit 48).

⁷¹ USMS-SJC-0001774 (Exhibit 49).

⁷² *Id.*

⁷³ *Id.*

⁷⁴ USMS-SJC-0001795-1816 (Exhibits 50-56); USMS-SJC-0001832 (Exhibit 57); USMS-SJC-0001862 (Exhibit 58).

⁷⁵ See USMS-SJC-0001711-12 (Exhibits 59-60); USMS-SJC-0001717 (Exhibit 31).

⁷⁶ USMS-SJC-0001812 (Exhibit 56); USMS-SJC-0001862 (Exhibit 58).

⁷⁷ USMS-SJC-0001849 (Exhibit 61).

As a follow up to our previous conversation, we have 6 qualified candidates, including Don Lenzie for the FFS position in Boston. Interviews will take place on October 12/13, 2011 and I will sit on the interview panel. I'll get back to you once we have completed the interviews. Have a nice weekend.

Hylton again thanked Beal, stating "Thx Kim, I am [sic] you have so many candidates for the position. Thanks for the update."⁷⁸

Beal and another FSA contractor traveled to Boston to sit on the interview panel.⁷⁹ Upon returning from the interviews, Beal informed another AFD employee that there were "[s]o many qualified folks" and that it was a "tough decision . . . particularly since [the Director] has recommended a candidate."⁸⁰ According to Beal, Lenzie was "not #1 – but [a] close 2nd."⁸¹ She wrote that she would "toss this one to Eben [Morales] for decision."⁸² The two agreed to discuss the matter.⁸³

The following week, the U.S. Marshals Service for the first time requested adding a second FFS position to the FSA delivery order for Boston,⁸⁴ noting that they had "[s]tarted with one FFS [and] now it will be two."⁸⁵ Those two were Lenzie, as an FFS, and the number one pick,⁸⁶ who the AFFI Regional Program Manager in Boston had previously described as "too good to be true."⁸⁷ After the USMS determined to create the second position and hire both candidates, Beal sought assurance from FSA that Lenzie understood that he only qualified for a Regular FFS position, not a Senior FFS position.⁸⁸ FSA confirmed they had explained that to Lenzie when he submitted his application.⁸⁹ FSA also informed Beal that they had to wait to receive the delivery order before extending an offer to Lenzie.⁹⁰

The delivery order for Lenzie's position was issued three days later, on October 24, 2011.⁹¹ Beal asked Morales to notify Hylton of Lenzie's hire, noting, "she will be very happy ☺."⁹² Both Lenzie and the number one candidate started work on January 3, 2012.⁹³

⁷⁸ USMS-SJC-0001851 (Exhibit 62).

⁷⁹ USMS-SJC-0001841 (Exhibit 63); USMS-SJC-0001847 (Exhibit 64); USMS-SJC-0001921 (Exhibit 65).

⁸⁰ USMS-SJC-0001974 (Exhibit 35).

⁸¹ *Id.*, see also USMS-SJC-0001976 (Exhibit 66).

⁸² USMS-SJC-0001974 (Exhibit 35).

⁸³ USMS-SJC-0001975 (Exhibit 67); USMS-SJC-0001980 (Exhibit 68).

⁸⁴ USMS-SJC-0001995 (Exhibit 69).

⁸⁵ USMS-SJC-0001988 (Exhibit 70).

⁸⁶ *Id.*

⁸⁷ USMS-SJC-0001692 (Exhibit 13).

⁸⁸ USMS-SJC-0001990 (Exhibit 71).

⁸⁹ *Id.*

⁹⁰ USMS-SJC-0002006 (Exhibit 72).

⁹¹ USMS-SJC-0002015 (Exhibit 73).

⁹² USMS-SJC-0002018 (Exhibit 74).

⁹³ USMS-SJC-0002026 (Exhibit 75).

Lenzie's Position Was Not Necessary

As discussed above, Lenzie's position was not planned, and not even created until after the interview panel chose to hire a more qualified candidate for the advertised Senior FFS position. Although his Regular FFS position was also then ordered for Boston where the USAO Asset Forfeiture Unit was located, the USMS was not sure where to put him, and he did not work there full time. While in the position, he and the Senior FFS were conducting work that a contractor was not needed to do. When he resigned, his position was not backfilled.

After speaking with Hylton in late October 2011 about the Boston selections, Beal informed the Boston AFFI Regional Program Manager they had to "keep on the burner where [Lenzie's] going to sit."⁹⁴ Ultimately, it appears that Lenzie split his time between Boston and New Hampshire,⁹⁵ where there is no AFFI, while the Senior FFS hired with him worked full time in Boston and sat, as per the position's design as discussed above, with the USAO and the local Asset Forfeiture Financial Investigator. Neither contractor, it seems, was fully and appropriately utilized, and Lenzie's location apparently further limited his effectiveness.

Internal discussions appear to show that, at the time Lenzie and the Senior FFS first started work in their jobs in early 2012, their responsibilities were not clearly defined and their caseload was not what the Asset Forfeiture Division had envisioned. For example, as late as March 2012, around the time that Lenzie resigned, a senior contractor in Arlington supposedly leading the "jump team" appeared not to even know *what* the other team members were doing, including Lenzie and the Senior FFS in Boston, and learned that the work they were doing was not what the jump team FFS roles were needed or advertised to do.⁹⁶ Specifically, the senior contractor asked the contractors about their workload. He noted to the Senior FFS that Lenzie had been working on "money judgments in New Hampshire which really isn't the type of cases [sic] the SFFSs should be doing."⁹⁷ The Senior FFS said that, in addition to working on money judgments, she was also consulting with the Asset Forfeiture Financial Investigator with whom she shared an office in the USAO. However, she did not have a steady caseload. She forwarded the response to the AFFI Regional Program Manager located in Boston, asking, "If I don't have any cases to work on, and I shouldn't be doing money judgments, what should I be doing?"⁹⁸ She also noted this topic was "a recurring theme."⁹⁹ Thus, it appears that although the Senior FFS was in Boston

⁹⁴ USMS-SJC-0002021 (Exhibit 76).

⁹⁵ USMS-SJC-0002035 (Exhibit 77); USMS-SJC-0002042 (Exhibit 78).

⁹⁶ See also Jump Team White Paper (Exhibit 12); Complex Assets Jump Team Meeting Minutes (Jan. 20, 2012) (Exhibit 79). It also appears that concept for the Complex Assets Jump Team was continuing to evolve. In January 2012, the Asset Forfeiture Division circulated a white paper describing the duties of the so-called "jump team" which expressly included the Senior FFS, Lenzie, and other contractor employees. The white paper states that the jump team was supposed to "support the [Complex Asset Unit] by creating a framework of individuals with specialized expertise and competencies to address the numerous issues and difficulties that often arise in complex asset cases," generally meaning cases involving seized operating businesses. The paper also described jump team members not as having significant law enforcement experience, but as "business professionals who have experience in business-related ventures."

⁹⁷ E-mail from Jump Team Leader to Senior FFS (Mar. 21, 2012) (Exhibit 80).

⁹⁸ E-mail from Senior FFS to AFFI Regional Program Manager (Mar. 21, 2012) (Exhibit 80).

⁹⁹ *Id.*

every day working with the USAO and the local AFFI, she still did not have clear and consistent responsibilities.

Lenzie, who according to documents was not in Boston every day to work with the local USAO and AFFI, was likely even further removed from the type of work the Asset Forfeiture Division had apparently envisioned for the FFS jump team.¹⁰⁰ There is evidence that efforts were being made to ensure the Senior FFS had greater involvement in cases, but it is not clear whether similar efforts were made for Lenzie.¹⁰¹ Further, according to AFFIs, contractors are not needed to collect money judgments, and the jump team leader noted above was correct – this was not the type of specialized work these contractors were supposed to be doing.¹⁰²

As noted, Lenzie resigned about three months after he started.¹⁰³ Internal discussions indicate Lenzie wanted to work “part time,” not be “desk bound,” and was expressing difficulties with a long commute.¹⁰⁴ One FSA contract employee speculated that Lenzie “seem[ed] bored with debt collection in NH”¹⁰⁵—referring to his work on money judgments. Internal discussions indicate that Lenzie’s jump team role, which as discussed above he apparently was not fulfilling, was taken over by a Senior FFS located in New Mexico who had already been hired in June 2011, four months before the Boston interviews took place.¹⁰⁶ There is no evidence that the USMS ever backfilled his Regular FFS position in Boston.

Additional Differences Between Hiring in Boston and in Other Districts, Including Beal’s Unusual Level of Involvement

After discussions of scheduling Boston interviews but before they were conducted, the Seattle interviews took place.¹⁰⁷ After those interviews, as noted above, the AFFI Regional Program Manager requested to downgrade the Seattle Senior FFS position to an FFS “based on our selection.”¹⁰⁸ The AFFI Regional Program Manager noted that the selected candidate could be upgraded after two years and after obtaining a Certified Fraud Examiner certification.

Beal forwarded the Assistant Chief’s e-mail to the Chief Inspector comparing the Seattle situation to the Boston situation, saying, “Isn’t the exact same scenario playing out in Boston right now?”¹⁰⁹ The Chief Inspector explained that interviews had been conducted and that the Assistant Chief Inspector “and the AUSA committee concluded this was the best candidate.”¹¹⁰ Beal responded:

¹⁰⁰ Interview with confidential source; Interview with confidential source.

¹⁰¹ *Id.*

¹⁰² Interview with confidential source; Interview with confidential source.

¹⁰³ USMS-SJC-0002026 (Exhibit 75); USMS-SJC-0002094 (Exhibit 81); USMS-SJC-0002098 (Exhibit 82); USMS-SJC-0002120 (Exhibit 83).

¹⁰⁴ USMS-SJC-0002094 (Exhibit 81).

¹⁰⁵ *Id.*

¹⁰⁶ USMS-SJC-0002121-22 (Exhibit 84); USMS Senior FFS Spreadsheet (Exhibit 85).

¹⁰⁷ USMS-SJC-0001931 (Exhibit 86).

¹⁰⁸ USMS-SJC-0001923 (Exhibit 87).

¹⁰⁹ USMS-SJC-0001929 (Exhibit 88); *see also* USMS-SJC-0001923 (Exhibit 87), USMS-SJC-0001926 (Exhibit 26).

¹¹⁰ USMS-SJC-0001931 (Exhibit 86).

My point being that this candidate based on the advertisement doesn't qualify, much like the Boston situation☺ I think that we need to rethink the ad for future hires – we may be missing very qualified individuals because we are so specific in the qualifications.¹¹¹

Beal was right – to a point. Neither this Seattle applicant nor Lenzie possessed the requisite qualification based on the advertisement. The same was true of other applicants the FSA had forwarded in both Seattle and Columbus. Moreover, as discussed, there appeared to be problems with the job announcement itself. Also as noted above, the actual Senior FFS roles apparently remained uncertain or continued to evolve even after Lenzie was hired and resigned.

However, there are important differences between the Boston recruitment and recruitment in other districts. There simply was not any problem locating qualified candidates in Boston. All three candidates that FSA originally forwarded were qualified based on the advertisement and also had investigative experience. There was no discernable or articulated reason related to their qualifications for FSA to have also subsequently forwarded non-qualified candidates to Beal and offer to set up interviews for all six applicants.¹¹² At that point, Beal became much more closely involved in the recruitment process for Boston, even sitting on the interview panel, while the AFFI Chief Inspector who had been more closely involved and had questioned Lenzie's qualifications, was removed from the process. Beal was not the point of contact for that position or any other Senior FFS position, and she was not so closely involved in the recruitment of those other positions.¹¹³ She did not sit in on the interview panels for Seattle, Columbus, or Houston, nor does it appear that she regularly sat in on contractor interviews.¹¹⁴ There was also no clearly strong, "too good to be true" candidate in those other districts, and no effort to create a second contractor position after a more qualified one was chosen for the advertised role. Lenzie's position was not planned, and not created until after the USMS determined another candidate was more qualified. Rather than downgrade the Seattle and Columbus positions, the USMS did not fill them, and instead planned to readvertise and seek more qualified candidates at a later date.¹¹⁵ Ultimately, the USMS cancelled all three positions without selection, and the Seattle, Houston, and Columbus SFFS positions were removed from the delivery order on February 7, 2012.¹¹⁶ When Lenzie was hired, he apparently did work he was not needed to do. When he resigned, the USMS was able to fill his so-called jump team role with a contractor that was on the FSA payroll before any of the

¹¹¹ USMS-SJC-0001934 (Exhibit 25).

¹¹² The only documented evidence the Chairman has received of Beal questioning the advertisement is dated after Lenzie's interview was scheduled.

¹¹³ USMS-SJC-0001708 (Exhibit 9).

¹¹⁴ Interview with confidential source, Interview with confidential source, Columbus Recruitment E-mail (Nov. 1, 2011) (Exhibit 89); Seattle Recruitment E-mail (Nov. 6, 2011) (Exhibit 24). Evidence indicates Beal intended to sit in on the second round of Seattle interviews, after Lenzie and the Senior FFS in Boston were hired, but those interviews never took place. Moreover, although her subordinates understood "why she went to Boston," her intent of participating in the second round in Seattle was considered unnecessary. Documents obtained by the Chairman also show that Beal did not routinely sit in on contractor interviews. USMS Spreadsheet of Contractor Interviews (Exhibit 90).

¹¹⁵ Seattle Recruitment E-mail (Nov. 6, 2011) (Exhibit 24); Columbus Recruitment E-mail (Nov. 14, 2011) (Exhibit 23); Interview with confidential source.

¹¹⁶ USMS-SJC-0002070 (Exhibit 27).

interviews ever took place, and did not backfill his position in Boston. The final difference in the recruitment, of course, was that there is no evidence that Hylton recommended a candidate in the other three districts.

d. Director Hylton's Recommendation Violated the Ethics Standards

The Ethics Standards, applicable to all federal employees, provide:

An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.¹¹⁷

Although there is no evidence that Hylton “instructed” Beal to hire Lenzie, it is clear that she influenced the process in his favor. There is evidence that she recommended him for the position, and that Beal understood and represented to others that she had done so.

Merriam-Webster defines “recommend” as “to present as worthy of acceptance or trial” or “to endorse as fit, worthy, or competent” and as an example cites “*recommends* her for the position.” The dictionary defines “to endorse” as “to publicly or officially say that you support or approve of (someone or something).” Hylton forwarded Lenzie’s resume to Beal and communicated with her on several occasions about Lenzie’s application. She further opined that Lenzie “is a great investigator, extremely dedicated to government” and “has always worked hard on the AFF side with AUSAs.”¹¹⁸ A reasonable person would likely conclude from such statements that Hylton expressed a supportive view of Lenzie’s fitness, worthiness, and/or competence to perform in the position, which documents show was intended to support the USMS AFFI program and the local AUSAs in AFF-related efforts.

A recommendation or suggestion such as this is enough to demonstrate a violation of Section 702. The DOJ OIG has determined it is not necessary “that . . . managers explicitly instruct[] [subordinates] to hire their referrals.”¹¹⁹ “Whether their communications . . . [a]re instructions or merely recommendations or suggestions . . . [any] acts taken in an official capacity, satisfy[] the ‘use of office’ element of Section 702.”¹²⁰ A person in a leadership position who refers or recommends particular candidates for consideration may be deemed to place “inherent pressure” on a subordinate to hire the preferred individual.¹²¹

Beal’s actions arguably demonstrate that she felt “inherent pressure” to hire Lenzie. Beal exercised significant and unusual efforts to support his hiring—even flying to Boston to sit on the interview panel and creating a second unplanned and apparently unnecessary position specifically

¹¹⁷ 5 C.F.R. § 2635.702 (2012).

¹¹⁸ USMS-SJC-0001745 (Exhibit 36).

¹¹⁹ U.S. Dep’t of Justice, Office of the Inspector General, Investigation of Allegations of Improper Hiring Practices at INTERPOL Washington (Feb. 2015) at 41, *available at*: <https://oig.justice.gov/reports/2015/o1504.pdf>.

¹²⁰ *Id.*

¹²¹ *Id.*

for him.¹²² She attributed difficulty in the hiring decision specifically to the fact that Hylton recommended Lenzie, was careful to update Hylton about the recruitment progress, and expressed satisfaction that hiring him would make Hylton “very happy.”

e. Beal’s Promotion Created the Perception that the Agency Granted her Favored Treatment and Beal Likely Violated the Ethics Rules in Having Subordinates Prepare Her Application

Although there is no direct evidence of an explicit *quid pro quo* agreement to promote Beal in exchange for hiring Hylton’s college friend, Donald Lenzie, reasonable conclusions can be drawn from the circumstances. Shortly after Lenzie was hired, Beal received a promotion that significantly advanced her career. There is also some evidence that Beal may have been preselected for the permanent Assistant Director position, and that her promotion created a perception that agency officials manipulated the promotion process to favor her. Additionally, there is evidence that she violated ethics rules by having her subordinates draft portions of her application to the permanent Assistant Director position.

Approximately three weeks after Lenzie’s first day of work, and following Beal’s apparently twenty-three months in the uncompleted deputy role on an acting and permanent basis, Hylton appointed Beal the Acting Assistant Director of AFD without competition.¹²³ Beal retained that acting role, and access to the experience and professional development opportunities it afforded, through two consecutive one-year temporary detail assignments open only to a small handful of employees located in the commuting area of USMS headquarters in Arlington, Virginia, and pending two investigations of her alleged misconduct.¹²⁴

OPM regulations dictate that no non-SES employee may serve in an acting role without competition for more than 240 days.¹²⁵ Perhaps in light of that requirement, on September 12, 2012, the USMS announced a not-to-exceed (NTE) one year detail opportunity for the acting Assistant Director role,¹²⁶ which it limited to applicants within fifty miles of agency headquarters in Arlington, Virginia, where Beal was located.¹²⁷ This decision effectively cut the eligible pool to three individuals and excluded all potential 1811 applicants who, although funded, trained, and

¹²² Beal did not routinely sit in on contractor interviews. USMS Spreadsheet of Contractor Interviews (Exhibit 90). Also, as discussed above, she did not sit in on interviews for Seattle, Columbus, or Houston.

¹²³ Memorandum from Stacia A. Hylton, Director, U.S. Marshals Service to U.S. Marshals Service Employees (Jan. 25, 2012) (Exhibit 91). Beal also had been appointed to the Acting Deputy position in February 2010 and reportedly non-competitively selected as the permanent deputy in September of that same year. See Memorandum from Donald S. Donovan, Associate Director for Administration, U.S. Marshals Service to United States Marshals Service Employees (Mar. 15, 2010) (Exhibit 92); Memorandum from Chris Dudley, Deputy Director, U.S. Marshals Service to United States Marshals Service Employees (Sept. 27, 2010) (Exhibit 93).

¹²⁴ 5 C.F.R. § 213.104 (2012); USMS-SJC-0001396 (Exhibit 94); USMS-SJC-0001401 (Exhibit 95); USMS-SJC-0001414 (Exhibit 96).

¹²⁵ 5 C.F.R. § 317.903 (2008).

¹²⁶ USMS-SJC-0001453 (Exhibit 97).

¹²⁷ Notably, the announcement did not state it was limited to the local commuting area. USMS-SJC-0001453 (Exhibit 97); E-mail re Detail Announcement (Sept. 18, 2012) (Exhibit 98); Interview with L. Dickinson.

guided by headquarters, are stationed throughout the United States.¹²⁸ Beal was selected to continue to fill the acting role on September 27, 2012.¹²⁹

Two months later, in November 2012, the Office of the Inspector General issued a report finding that Beal, Morales, and Bass retaliated against a whistleblower contractor.¹³⁰ Although the USMS Table of Offenses suggests at least a 5-day suspension for a first offense of retaliation, according to whistleblowers, Morales received merely a letter of reprimand, and Beal and Bass received merely a letter of caution. With such minor discipline, Beal remained eligible for promotion.¹³¹

After the OIG provided their findings, the agency announced the permanent Assistant Director vacancy for competition on December 13, 2012.¹³² The announcement classified the position as an administrative, rather than an 1811, position, even though the most current underlying position description classified the job as an 1811 and, as described in the Background section above, the position supervised a criminal investigative program.¹³³ Without that reclassification, Beal, who is not a law enforcement officer, would not have been eligible to compete—a fact readily acknowledged by Principal Deputy General Counsel Lisa Dickinson when discussing the position in November 2013.¹³⁴ With the reclassification, Beal was able to submit her application to the permanent position. Evidence shows that Beal's subordinates at the time drafted and revised Beal's Executive Core Qualifications and Technical Qualifications for submission with her application.¹³⁵

Prior to the close of this first vacancy announcement, a potential applicant also reportedly called Acting ADO Morales to inquire about the opportunity, and Morales told the potential applicant not to bother applying, because Beal would be selected.¹³⁶

Sometime in the spring of 2013, Beal stated to the Chief Inspector that she had been informed she was indeed selected for the permanent position, but that the announcement was delayed. According to the Chief Inspector, Beal also told him that her former supervisor informed her she was under investigation by the OIG again, this time for unfair hiring practices. The timing of these reported events aligns with information demonstrating that the OIG had received anonymous allegations related to Beal's hiring practices in September 2012.¹³⁷ Those allegations

¹²⁸ *Id.*; see also E-mail re Detail Announcement (Sept. 18, 2012) (Exhibit 98).

¹²⁹ USMS-SJC-0001456 (Exhibit 99).

¹³⁰ Department of Justice Office of the Inspector General, Report of Investigation, Case No. 2012-002687 (Nov. 21, 2012) (Exhibit 100).

¹³¹ USMS Policy Directive 3.4 (E)(2) ("An employee subject to an investigation or who has received a disciplinary action more serious than a letter of reprimand may not be promoted for one year after the date of the offense.") (Exhibit 101); USMS Table of Offenses and Penalties (Exhibit 102).

¹³² Vacancy Announcement #800704 (Exhibit 103).

¹³³ USMS-SJC-0000135 (Exhibit 104).

¹³⁴ USMS-SJC-0000803 (Exhibit 105).

¹³⁵ See, e.g., E-mail from J. Crane to P. Bass re K Beal Technical Qualifications 01072013 (Jan. 7, 2013) (Exhibit 106); Document Properties, Eben Morales Resume July 2, 2012 (Evidence also shows one of the subordinates may also have drafted, at least in part, Mr. Morales' materials for an application package) (Exhibit 107).

¹³⁶ Interview with confidential source.

¹³⁷ Anonymous Complaint, On File with the Committee.

were referred to OSC. While Beal remained under investigation, the agency cancelled the announcement without selection.¹³⁸

Instead of reissuing the permanent vacancy announcement, the agency announced another NTE one year detail opportunity for the acting position, and again limited it to individuals within the local commuting area.¹³⁹ Beal was once again selected on October 11, 2013.¹⁴⁰

Principal Deputy General Counsel Lisa Dickinson stated that she could not speak to the reasons for limiting the NTE one-year detail position to the local commuting area in 2012, but could speak to the 2013 opportunity. According to Ms. Dickinson, budget constraints during the sequester hampered the agency's ability to offer temporary duty (TDY) travel allowances for positions funded from appropriations.¹⁴¹ Thus, no TDY funding would be provided for details. Although the NTE one-year detail opportunity was funded by the Assets Forfeiture Fund (AFF) and not out of agency appropriations, Ms. Dickinson indicated that Director Hylton had determined to treat all details the same.

The same consideration would not obviously apply to the 2012 announcement. The sequester did not take effect until March 2013.¹⁴² Notably, the Justice Department did propose a hiring freeze and other budget cuts in 2011.¹⁴³ However, that freeze did not apparently impact TDY funding at the Department across the board. Evidence shows that TDY funding was made available in some cases during those years, both within the USMS and at the Department level.¹⁴⁴ Thus, the apparent explanation for limiting the detail opportunity in 2013 to the local commuting area does not appear entirely consistent with the agency's handling of other details during the relevant timeframe.

On January 16, 2014, the USMS executed a new position description for the Assistant Director role, reclassifying it as an administrative position.¹⁴⁵ According to Dickinson, who was Acting ADA at the time, the USMS was not required to change the underlying position description from the 2010 version, which classified it as an 1811, *back* to an administrative series, because a

¹³⁸ E-mail re Cancellation (June 14, 2013) (Exhibit 108).

¹³⁹ USMS-SJC-0001463 (Exhibit 109).

¹⁴⁰ USMS-SJC-0001476 (Exhibit 110); Notably, although regulations permit one extension of a NTE one-year detail appointment, USMS policy at the time stated that "[p]ositions may not be filled by a temporary, not to exceed one year appointment, in lieu of a permanent selection." See USMS Policy Directive 3.10 (Merit Promotion Plan) (L)(1)(a) (June 1, 2014) (Exhibit 111); 5 C.F.R. § 213.104 (2012). The USMS newly-issued Merit Systems Promotion Plan allows for such placements when approved by the AD, HRD, or designee. USMS Policy Directive 3.10 (F)(11)(b) (effective date July 24, 2015) (Exhibit 112).

¹⁴¹ See 41 C.F.R. § 301 (2011) *et seq.*

¹⁴² Dylan Matthews, *The Sequester: Absolutely everything you could possibly need to know, in one FAQ*, The Washington Post (Feb. 20, 2013); Memorandum from Eric Holder, Attorney General to All Justice Department Employees (Mar. 22, 2013), available at: <https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/sequestration-safety-actions.pdf>.

¹⁴³ See, e.g., Memorandum from Eric Holder, Attorney General to All Justice Department Employees (Jan. 21, 2011), available at:

<http://abcnews.go.com/images/Politics/AG%20Memo%20re%20Budget%20Implications%20for%20the%20DOJ%20Workforce.pdf>.

¹⁴⁴ See USMS-SJC-0000034 (Exhibit 113), USMS-SJC-0000064 (Exhibit 114), USMS-SJC-0000069 (Exhibit 115).

¹⁴⁵ USMS-SJC-0001382 (Exhibit 116).

pre-2010 position description existed that classified the role as administrative.¹⁴⁶ The USMS made the change, according to her, because of confusion on the part of USMS employees regarding the applicable occupational series.¹⁴⁷ That confusion seems understandable. The 2010 description specifically noted that it “replace[d]” the earlier description.¹⁴⁸ Ms. Dickinson stated that no one in the agency could determine why that notation had been made.¹⁴⁹ One possible explanation is that the “Position Description” form contains a field asking for an “Explanation (Show any positions replaced).”¹⁵⁰ According to OPM, generally position descriptions should be current and accurately reflect the responsibilities of the position, and opportunity announcements should match the description at the time they are written.¹⁵¹ OPM standards for general schedule positions are not binding on SES positions, but generally speaking an accurate SES position description ensures that announcements contain appropriate qualification requirements.

With a new position description, and after the OSC closed the complaint against Beal, the USMS reannounced the permanent vacancy.¹⁵² This time, the advertised occupational series matched the series identified in the new position description.¹⁵³ After two and a half years in the acting role with limited competition, Hylton announced Beal’s selection as the permanent Assistant Director on July 22, 2014.¹⁵⁴

As noted below, the Department’s Justice Management Division (JMD) has found deficiencies in the USMS practice affording greater advantage to promotion candidates who have served in temporary or acting capacities in the criminal investigator program without competition by awarding them more points for that experience than other candidates who were not provided similar opportunities. Although Beal is not a criminal investigator, it is not clear whether such a rubric applied in her case, and her details were technically competed, a reasonable person would likely conclude that spending nearly two years in the uncompleted deputy role followed by more than two years actually performing the director role and enjoying the access and professional

¹⁴⁶ Interview with L. Dickinson.

¹⁴⁷ *Id.*

¹⁴⁸ USMS-SJC-0000267 (Exhibit 117).

¹⁴⁹ Interview with L. Dickinson.

¹⁵⁰ USMS-SJC-0000625 (Exhibit 118).

¹⁵¹ E-mail from U.S. Office of Personnel Management to DeLisa Lay, U.S. Sen. Comm. on the Judiciary (Aug. 30, 2016), On File with the Committee.

¹⁵² Letter from M. Sheth, Supervisory Attorney, Complaints Examining Unit, U.S. Office of Special Counsel to T. Cline, Assistant Chief, Office of Inspection, U.S. Marshals Service (Feb. 14, 2014) (Exhibit 119); USMS-SJC-00001386 (Exhibit 120); Notably, both the 2012 and the 2014 vacancy announcements required mandatory technical qualifications including “[d]emonstrated knowledge and experience in managing and overseeing a nationwide pre-seizure/financial investigation program, including domestic and international forfeiture operations” (2012) and “[d]emonstrated knowledge and experience in managing and overseeing a pre-seizure/financial investigation program, including domestic and international forfeiture operations” (2014). Vacancy Announcement 800704 (Exhibit 103); Vacancy Announcement 1187914 (Exhibit 121). The 2014 position description also retains the responsibility to oversee the asset forfeiture financial investigator program, although its “supervisory responsibilities” only state that the incumbent will manage “professional, administrative, technical, and clerical personnel in the execution of the above duties,” even though the position does also manage criminal investigators. *See* USMS-SJC-0001382 (Exhibit 116).

¹⁵³ USMS-SJC-0001386 (Exhibit 120); USMS-SJC-0001382 (Exhibit 116).

¹⁵⁴ Memorandum from Stacia A. Hylton, Director, U.S. Marshals Service to U.S. Marshals Service Employees (July 22, 2014) (Exhibit 122).

development opportunities these jobs afforded would provide an advantage over those denied the same opportunities.¹⁵⁵

Additionally, there is no documented evidence that the investigations into Beal's behavior influenced the agency's decision to avoid filling the role until she could be officially promoted. However, this series of events, particularly in connection with Lenzie's hiring, created the perception among employees that this was the agency's motivation.¹⁵⁶

Finally, in her bid to gain the permanent position, it is likely Beal violated the ethics standards directing that federal officials "shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties" or to perform such activities in non-duty hours.¹⁵⁷ In his June 6, 2015, letter, the Chairman raised allegations by multiple whistleblowers that Beal's subordinates were involved in the drafting of Beal's application for the Assistant Director position.¹⁵⁸ Evidence since received by the Chairman demonstrates that those subordinates did draft significant portions of Beal's SES application, including her Executive Core Qualifications and Technical Qualifications.¹⁵⁹ It is difficult to see how Beal's career advancement, which also would plainly result in her own personal financial and professional gain, is official USMS business or forms any part of her subordinates' official duties.

f. The USMS Failed to Respond Promptly to Misconduct Allegations

After attempting to raise concerns with Beal regarding Lenzie's qualifications—to no avail—and submitting a grievance protesting what he viewed as ensuing undue favoritism toward Beal and her prolonged access to the acting Assistant Director position with apparently limited meaningful competition, the AFFI Chief Inspector attempted to raise additional issues regarding Beal's leadership of AFD with the Office of General Counsel (OGC). Specifically, the Chief Inspector reported the *quid pro quo* allegation against Hylton and Beal, along with two other reports of misconduct within AFD, internally to OGC attorney Harvey Smith in December 2013.¹⁶⁰ The Chief Inspector's allegations were detailed, outlined specific facts, included supporting documents, and expressed fear of reprisal by Beal based on the OIG's November 2012 findings, discussed above.

After approximately two months of silence, the Chief Inspector forwarded one of these allegations to the new Associate Director for Administration, David Musel.¹⁶¹ His report attached

¹⁵⁵ Evidence suggests that this opportunity followed nearly two years in the Acting and permanent Deputy Assistant Director position without competition. See, e.g., Memorandum from Donald S. Donovan, Associate Director for Administration to United States Marshals Service Employees, Acting Deputy Assistant Director for Asset Forfeiture Division (Mar. 15, 2010) (Exhibit 92).

¹⁵⁶ Federal employees should avoid the perception or appearance of unethical conduct or violation of the merit system principles. 5 C.F.R. § 2635.101(b)(14) (2011).

¹⁵⁷ 5 C.F.R. §§ 2635.705(b) (2012); 2635.702(a) (2012).

¹⁵⁸ Letter from Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary to Sally Quillian Yates, Deputy Attorney General, U.S. Dep't of Justice (June 10, 2015) (Exhibit 123).

¹⁵⁹ See, e.g., E-mail from J. Crane to P. Bass (Jan. 7, 2013) (Exhibit 106).

¹⁶⁰ USMS-SJC-0000509 *et seq.* (Exhibit 124).

¹⁶¹ USMS-SJC-0000633 (Exhibit 125); USMS-SJC-0000654 (Exhibit 126); Interview with D. Musel.

an e-mail he received from Beal chiding him about an LGBT Pride Month event and mocking his sexual orientation.¹⁶² He also noted that “[t]he e-mail came after several separate occasions when she made public comments referring to [his] sexuality” in “[his] presence, as well as the presence of peers.”¹⁶³ That disclosure may have served as a contributing factor prompting Beal to retaliate against him.

Shortly after the disclosure was made, Musel confronted Beal about the allegation, in his words, as part of his management responsibilities.¹⁶⁴ Approximately a month later, Beal directed another subordinate to report the Chief Inspector to Internal Affairs for changing some clauses in an e-mail about welcoming new AFFIs to the AFFI program,¹⁶⁵ for which Beal ultimately proposed a letter of reprimand.¹⁶⁶ In the course of the Chief Inspector’s ensuing EEO case, where he claimed Beal retaliated in response to his protected disclosure to Musel, Beal said she did not know a complaint was filed until June 2014. However, based on Musel’s statement to committee staff that he confronted Beal about the e-mail she sent to the Chief Inspector shortly after the disclosure—likely March 2014—she likely would have known that he had made a protected disclosure about the e-mail to her boss.¹⁶⁷ Beal also said that she received verbal counseling for sending the e-mail, even though it allegedly followed a pattern of similar comments and, according to the USMS Table of Offenses, discrimination, harassment, and creating or fostering a hostile working environment by discriminatory activity should result in at least a suspension for a first offense.¹⁶⁸ Beal later sent a memorandum containing some of the same language she had disciplined the Chief Inspector for using.¹⁶⁹

In the year that followed the Chief Inspector’s disclosure to Musel, Beal’s hostility toward him apparently grew severe enough that her Deputy Assistant Director sent the Chief Inspector notices about positions outside of AFD for which he was “strongly encourage[d] to apply.”¹⁷⁰

The disclosure to Musel about Beal’s remarks prompted him to ask about the Office of General Counsel’s knowledge of it.¹⁷¹ Over the next few weeks, Musel and the attorneys discussed how to respond. In the course of that discussion, OGC attorney Harvey Smith sent the allegations, including the *quid pro quo* allegation, to Dickinson,¹⁷² who also sent it to the General Counsel, noting that “[t]he issue about Boston was not raised with [Musel].”¹⁷³ It does not appear that the attorneys reported the *quid pro quo* allegation to Musel, either. On March 10, 2014, Musel

¹⁶² USMS-SJC-0000549 (Exhibit 127), USMS-SJC-0000550 (Exhibit 128); USMS-SJC-0000551 (Exhibit 129).

¹⁶³ USMS-SJC-0000633 (Exhibit 125).

¹⁶⁴ Interview with D. Musel.

¹⁶⁵ E-mail from Chief Inspector to Deputy Assistant Director (Mar. 28, 2014) (Exhibit 130); USMS-SJC-0000655 (Exhibit 131).

¹⁶⁶ USMS-SJC-0000655 (Exhibit 131).

¹⁶⁷ Interview with D. Musel.

¹⁶⁸ USMS Table of Disciplinary Offenses and Penalties (Exhibit 102).

¹⁶⁹ E-mail from Chief Inspector to Deputy Assistant Director (Oct. 23, 2014), Exhibit 132.

¹⁷⁰ E-mail from Deputy Assistant Director to Chief Inspector (Mar. 13, 2014) (Exhibit 134); E-mail from Deputy Assistant Director Chief Inspector (Mar. 16, 2015) (Exhibit 133); *see also* Interview with confidential source; Interview with confidential source.

¹⁷¹ USMS-SJC-0000850 (Exhibit 135).

¹⁷² USMS-SJC-0000922 (Exhibit 136); E-mail from H. Smith to L. Dickinson (Mar. 10, 2014) (Exhibit 137).

¹⁷³ USMS-SJC-0001169 (Exhibit 138).

informed Smith that he and Dickinson determined that Smith should respond to the Chief Inspector's concerns.¹⁷⁴

Musel eventually suggested that the Chief Inspector contact the EEO office.¹⁷⁵ However, no one in the agency ever responded to him with respect to the "issue about Boston," suggested he contact the Inspector General or the Office of Special Counsel, or took any steps to investigate the allegation.

Interviews with Musel, Dickinson, and Smith did not reveal any particular reason for declining to follow up.¹⁷⁶ Although the General Counsel himself was notified about the allegation in 2014, it was apparently not until the Chairman sent the March 19, 2015, letter that the General Counsel pointed out to Dickinson that Beal "needs to explain" what happened with the Lenzie hiring. According to Dickinson and Smith, there was confusion about who would respond and refer the Chief Inspector to Internal Affairs or the Inspector General, which is the typical practice, since OGC does not investigate misconduct. However, both indicated there may be some instances where they would make such referrals, but it was not clear what those instances would entail. Additional information demonstrates that, at least in the past, OGC has told employees they can report misconduct to OGC, has received such reports, and in some instances has referred them to investigative units.¹⁷⁷

II. Additional Hiring and Promotion Allegations

The *quid pro quo* allegation is one of many involving improper or unethical hiring practices received since February 2015 and which the Chairman has raised in letters. The Chairman has also received additional information regarding certain of these allegations, and conclusions that can be drawn from that information at this time are described below. However, given the sheer volume of similar allegations, the Chairman has asked the Government Accountability Office to review USMS hiring practices more generally.¹⁷⁸ These and many others made in the last two years suggest a widespread perception throughout the USMS that managers give special treatment to favored candidates at the expense of ensuring the taxpayers are supporting the most qualified employees.

a. Noelle Douglas

Former Judiciary Security Division Assistant Director Noelle Douglas improperly influenced the hiring of a contractor with whom she had a personal relationship. This allegation was substantiated by the DOJ OIG.¹⁷⁹ Ms. Douglas has been removed from federal service.

¹⁷⁴ USMS-SJC-0000893 (Exhibit 139).

¹⁷⁵ USMS-SJC-0000633 (Exhibit 135); USMS-SJC-0000654 (Exhibit 126); Interview with D. Musel.

¹⁷⁶ Interview with L. Dickinson, Interview with H. Smith.

¹⁷⁷ E-mail re OGC referrals (Feb. 13, 2012) (Exhibit 140); E-mail re OGC referrals (Mar. 5, 2012) (Exhibit 141).

¹⁷⁸ Letter from Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary to Gene L. Dodaro, Comptroller General, U.S. Gov't Accountability Office (Aug. 20, 2015) (Exhibit 142).

¹⁷⁹ Department of Justice Office of the Inspector General, Report of Investigation, Case No. No. 2015-003102 (June 22, 2015) (determining that AD Douglas violated government ethics regulations and USMS policy) (Exhibit 143).

b. William and Mitzi Snelson and David and Rynda Sligh

An April 23, 2015, letter described whistleblower allegations that two officials, ADO William Snelson and David Sligh, hired each other's wives and that Mrs. Snelson was transferred to AFD although she has no asset forfeiture experience.¹⁸⁰ There is no evidence of an explicit *quid pro quo* agreement between the Snelsons and the Slighs. They have, at times, supervised each other's wives, and Mr. Snelson remains in Mrs. Sligh's chain of command. Some questions remain regarding whether Mrs. Snelson may have received favorable treatment because of family connections, including Mr. Snelson's support of the program she managed before she was transferred and which provided funding to an office under her husband's purview.¹⁸¹

¹⁸⁰ Letter from Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary to Sally Quillian Yates, Acting Deputy Attorney General, U.S. Dep't of Justice (Apr. 23, 2015) (Exhibit 144).

¹⁸¹ See USMS-SJC-0001366 and USMS-SJC-0001371, On File with the Committee; E-mail from M. Snelson to D. Sligh re JDAR Implementation (Oct. 8, 2009) (Exhibit 145); Additional JDAR E-mails (Aug. 30-31, 2012) (Exhibits 146-148); JDAR Program Funding Requirements (Exhibit 149); E-mail from W. Snelson to TOD Staff (Oct. 25, 2012) (Exhibit 150); Additional JDAR E-mail re Funds Transfer (Mar. 14, 2013) (Exhibit 151); E-mail from M. Snelson re JDAR Funds Transfer (Jan. 5, 2012) (Exhibit 152); E-mail from W. Snelson to TOD Staff and M. Snelson re JDAR Backup (May 14, 2012) (Exhibit 153); Memorandum from Stacia A. Hylton, Director, U.S. Marshals Service to U.S. Marshals Service Employees (Mar. 19, 2014) (Exhibit 154); Interview with confidential source; Interview with confidential source; Interview with confidential source; Interview with confidential source; HQ Position Recommendations (Exhibit 155); Memorandum from Stacia A. Hylton, Director, U.S. Marshals Service to U.S. Marshals Service Employees (Jan. 13, 2012) (Exhibit 156); Guillermo Contreras, U.S. Marshals Service chief here resigns under pressure, *San Antonio Express-News* (May 12, 2016); FY 2017 AFF Initial Allocation Cover Memo and Summary (Exhibit 157).

Mrs. Snelson began her career with USMS as a contractor for Project Support Services in 2007. In 2008 she was hired as a GS-13 within JSD. According to whistleblowers, her position was advertised and closed twice before it was re-advertised a third time and she was selected. Also according to whistleblowers, this is a common management tactic used to secure the hiring of a pre-selected or favored candidate. The Committee cannot yet confirm or dispel this allegation and has requested additional information.

Mr. Sligh became Mrs. Snelson's supervisor in September 2009, when she served as the manager of the Judicial Duress Alarm Response (JDAR) program within JSD. Among other things, her responsibilities included managing and administering JDAR's budget. According to documents, part of that budget supported the Office of Strategic Technology within TOD. Mr. Snelson was the AD of TOD until October 2012, when he became AD of IOD. It is alleged that the JDAR program under JSD was significantly supported by Mr. Snelson despite questions about its scope, capabilities, and utility. On at least one occasion during his tenure at TOD, documents tend to show that he and his wife, with the assistance of the Deputy Assistant Director at the time, directed that excess funds provided to OST by JSD's JDAR program, which OST employees attempted to return to JSD, nevertheless be spent on, for example, purchasing a replacement government vehicle for an USMS employee, rather than returned to the program. In spring 2014, Mr. Snelson succeeded Deputy Director Harlow as Associate Director of Operations.

Mrs. Snelson was promoted to a GS-14 in March 2010 and continued to head the JDAR program until June 2014. In September 2012, HR personnel developed a document containing results of an HR review of Headquarters positions. The document shows multiple recommendations for the elimination and consolidation of certain positions within IOD, JSD, and TOD, including those where employees were inappropriately supervising fellow employees of the same grade level, or were described as 'supervisory' but in fact supervised no one. The document recommended that Mrs. Snelson's position be eliminated or downgraded.

In 2014, she was transferred to an AFD Supervisory Property Management specialist position, responsible for the life cycle of real property from seizure to disposal. Her resume does not reflect relevant experience, and other USMS employees at the time reportedly had significantly more experience in performing Mrs. Snelson's current responsibilities. In this year's budget allocation, the Department "strongly encourage[d] USMS to begin exploring the possibility of aligning and/or consolidating aspects of the USMS real property program with the real property program of the Treasury Executive Office on Asset Forfeiture (TEOAF). Initial data and anecdotal evidence indicates

III. The Department of Justice Internal Review of USMS Hiring and Promotion Practices Found Multiple Deficiencies

A review by the Department's Justice Management Division following the numerous hiring-related allegations appears to confirm whistleblower concerns about problematic hiring and promotion practices within USMS.

On March 8, 2016, the Department provided the Committee with the results of a review it conducted of the USMS "Human Resources Environment." The review was conducted by the Justice Management Division's Human Resources Human Capital Management and Accountability Staff. The review is dated January 5, 2016.

According to that report, JMD provided "six observations with associated recommendations and actions required to bring USMS into compliance with applicable statutes, regulations, or policies." Among other things, JMD noted "that USMS displayed a consistent lack of documentation in case files, making full reconstruction and validation of merit promotion decisions impossible." Further, the staff "found that the process by which USMS promotes Criminal Investigators includes a scoring rubric providing an inappropriate preference to candidates who USMS has non-competitively placed in higher level positions in an acting capacity on a temporary basis." Apparently, the USMS had "non-competitively selected certain Criminal Investigators to serve in temporary promotions prior to advertising to fill those positions on a permanent basis" and then "used this service as a scoring criterion for promotions" without "provid[ing] all promotion eligible candidates the same opportunity to serve in a temporary promotion."¹⁸² The practice "conferred an unfair advantage to select candidates in the rating process for promotions."¹⁸³

On October 4, 2016, Deputy Director Harlow informed USMS employees that JMD had conducted a "Special Focus Review" and "determined that the USMS could no longer provide additional points for employees who served in an 'acting' capacity (either through non-competitive appointment or not to exceed 1-year temporary promotion)."¹⁸⁴ Harlow stated that the USMS implemented a "new directive" in the most recent career board that did not provide points to candidates for service in an acting capacity.

TEOAF maintains the same level of inventory with far fewer complaints from the Assistant U.S. Attorneys who must judicially seize and forfeit all real property the Government takes."

Mrs. Sligh's background is in education. In 2010 she assumed the position of Program Support Specialist in TOD at the time Mr. Snelson was AD of that Division. In January 2012, David Sligh changed positions from Chief Inspector at JSD to a full-time Proposing Official, and at some point following reportedly relocated to Texas. In November 2012, shortly after Mr. Snelson's move to IOD, Mrs. Sligh relocated to Texas's Eastern District Headquarters in Tyler while maintaining her headquarters title as Program Support Specialist in TOD's Office of Crisis Services.

Mr. Sligh was recently made Acting U.S. Marshal for the Western District of Texas in San Antonio.

¹⁸² Justice Management Division Review of USMS Human Resources Environment, at 4 (Exhibit 158).

¹⁸³ *Id.*

¹⁸⁴ E-mail from D. Harlow to U.S. Marshals Service Employees Re: Update to Promotion Points while Acting (Oct. 4, 2016) (Exhibit 159).

As discussed above, although not a criminal investigator, Beal clearly benefited from her prolonged and exclusive access to the professional and development opportunities of the acting Assistant Director of AFD position, with seemingly very little competition—in addition to significant time in the deputy role without any competition. Additional information also shows that current Assistant Director of the Investigative Operations Division may have significantly benefited from access to acting roles as well. The Assistant Director of IOD previously served, non-competitively, in the acting role of Assistant Director of the Tactical Operations Division on two separate occasions prior to his appointment to his current position, including from the end of October 2012 until September 2013.¹⁸⁵

IV. The Department's Failure to Conduct a Comprehensive Review of the Allegations Resulted in an Initial Inaccurate Response to the Committee.

Although the Department's initial response to the Chairman's original March 19, 2015, letter provided false and misleading information, it is not clear it was done intentionally.¹⁸⁶ Rather, the inaccuracies likely are the result of a failure to exercise an appropriate level of due diligence.

The Department's first response acknowledged that Lenzie applied for a Senior FFS position with contractor Forfeiture Support Associates (FSA), was interviewed, and was not the panel's recommended candidate.¹⁸⁷ The Department also clarified that although Lenzie did not qualify for the SFFS position, he did qualify and was hired for an FFS position, without any waiver of contract qualification requirements.¹⁸⁸ Available evidence supports these statements.¹⁸⁹ Yet, the Department also asserted that:

Mr. Lenzie's hiring was not unduly influenced by the Director. After Mr. Lenzie applied for the SFFS position in September 2011, he emailed his resume to the Director, which she forwarded to Ms. Beal for her awareness. The Director did not recommend Mr. Lenzie for any position, nor did she instruct Ms. Beal, or anyone else at the USMS or within the Department, to take any action, officially or otherwise, on behalf of Mr. Lenzie.¹⁹⁰

The Department later acknowledged that it "may have provided [the Chairman] with inaccurate information in [the] previous response," and provided new information regarding Lenzie's hiring.¹⁹¹ The Department had located the September 16, 2011, e-mail chain between

¹⁸⁵ E-mail from W. Snelson to TOD Staff (Oct. 25, 2012) (Exhibit 150); E-mail to TOD Staff (Sept. 5, 2013) (Exhibit 160); E-mail to TOD Staff (Apr. 28, 2014) (Exhibit 161); Memorandum from Stacia A. Hylton, Director, U.S. Marshals Service to U.S. Marshals Service Employees (July 22, 2014) (Exhibit 122); Memorandum from Stacia A. Hylton, Director, U.S. Marshals Service to U.S. Marshals Service Employees (Nov. 12, 2014) (Exhibit 162).

¹⁸⁶ Letter from Peter J. Kadzik, Assistant Attorney General, U.S. Dep't of Justice to Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary (Mar. 26, 2015) ("03-26-2015 Letter") (Exhibit 163).

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ USMS-SJC-0001708 (Exhibit 9); USMS-SJC-0001709 (Exhibit 11); USMS-SJC-0001732 (Exhibit 40); USMS-SJC-0001738 (Exhibit 42); USMS-SJC-0001770 (Exhibit 47); USMS-SJC-0001774 (Exhibit 49); USMS-SJC-0002015 (Exhibit 73); USMS-SJC-0002120 (Exhibit 83).

¹⁹⁰ 03-26-2015 Letter (Exhibit 163).

¹⁹¹ Letter from Peter J. Kadzik, Assistant Attorney General, U.S. Dep't of Justice to Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary (Apr. 17, 2015) ("04-17-2015 Letter") (Exhibit 164).

Hylton, then-Deputy Assistant Director Beal, and then-Assistant Director Eben Morales, described above, wherein Beal noted that Hylton “highly” recommended Lenzie. The e-mail contradicted the Department’s earlier claim that Hylton “did not recommend Mr. Lenzie for any position.”

Documents, interviews, and conversations with USMS leadership indicate that the USMS failed to conduct a comprehensive review of relevant documents and communications, or seek to reconcile the above-described prior internal reports to the USMS Office of General Counsel of the potential *quid pro quo* with the Chairman’s inquiry, before the submission of the initial response.

Associate Director for Administration David Musel stated that, in preparing the response, he consulted with Hylton, Beal, and the Office of General Counsel.¹⁹² According to Musel, both Hylton and Beal denied to him that Hylton recommended Lenzie, but confirmed that Hylton sent his resume to Beal.¹⁹³ Beal also informed Musel that she spoke with Hylton about Lenzie over the phone. In conferring with the Office of General Counsel, Musel said he also learned that the USMS possessed information regarding a grievance that was “tied” to the allegation but that was not related to the fact of Lenzie’s hiring. However, interviews and the Department’s subsequent document production confirmed that the USMS did have a record of a December 2013 disclosure to the Office of General Counsel alleging a *quid pro quo* between Hylton and Beal involving the Lenzie hiring, which the USMS never reviewed.¹⁹⁴

Musel stated that, in response to the Chairman’s inquiry, he had initiated a document call for records and e-mail communications regarding the Lenzie hiring, but had not completed the review of those records prior to submitting the response on March 26, 2015.¹⁹⁵ Musel later told committee staff that he recalled directing Beal to have AFD gather the documents.¹⁹⁶

Not only did the USMS not complete a review of these records prior to the initial response, it had not even finished collecting them. The AFD Deputy Assistant Director had actually initiated the document call on Wednesday, March 25, 2015, and requested a deadline of noon on Friday, March 27, 2015¹⁹⁷—the day after the Committee received the response. Nevertheless, the agency considered the response complete, and Musel stated in an interview with committee staff that he believed the response was complete at the time it was sent.¹⁹⁸ Notably, one of the e-mails responding to the call for documents, dated Friday, March 27, stated that the fact that Lenzie had been hired was viewed as “a standing joke” in AFD, and offered additional information and witnesses who could speak to the reason for Lenzie’s hire.¹⁹⁹ There is no evidence the USMS ever followed up on this offer.²⁰⁰ Musel also stated that he did not see the e-mail wherein Beal referred

¹⁹² Notes from Staff Call with Musel and USMS Congressional Affairs (Mar. 30, 2015), On File with the Committee.

¹⁹³ Interview with D. Musel.

¹⁹⁴ See, e.g., USMS-SJC-0000509 *et seq.* (Exhibit 124); Letter from Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary, to Sally Quillian Yates, Deputy Attorney General, U.S. Dep’t of Justice (June 3, 2015) (“06-03-2015 Letter”) (Exhibit 165).

¹⁹⁵ Notes from Staff Call with Musel and USMS Congressional Affairs (Mar. 30, 2015), On File with the Committee.

¹⁹⁶ Interview with D. Musel.

¹⁹⁷ E-mail from DAD to AFD Staff (Mar. 25, 2015) at 5:09 p.m. (Exhibit 166).

¹⁹⁸ ADA Musel and congressional affairs staff did make clear they were willing to answer additional questions regarding the March 19, 2015, allegations; Interview with David Musel.

¹⁹⁹ E-mail to DAD (Mar. 27, 2015) (Exhibit 167).

²⁰⁰ Interview with confidential source.

to Lenzie as Hylton's recommended candidate prior to the submission of the March 26, 2015, response.²⁰¹ Had the USMS completed a review of available responsive records, it is likely the Department's initial response would have been more helpful and accurate.

Additionally, the documents produced by the Department show that efforts were made to omit key details from the initial response, even though the Chairman requested a complete explanation.²⁰² Prior versions of the response indicate that the initial drafts compiled by the Marshals Service contained references to specific details and actions taken with respect to hiring Lenzie, including the Director's association with him in college, and that she had mentioned him to Beal in a telephone call.²⁰³ Subsequent edits by the Department's Office of Legislative Affairs deleted those facts.²⁰⁴ Even without considering the USMS's failure to fully review documents and e-mails collected in advance of sending the March 26, 2015 response, in omitting these certain specific "circumstances," the Department did not provide a "*complete* written explanation."²⁰⁵

Remaining Concerns and Recommendations

I. The Department Should Improve Oversight of USMS Hiring Policies and Practices, and the USMS Should Work to Promote a Stronger Merit-Based Culture

As noted above, the Department has conducted a review of the USMS hiring and promotion policies and practices, found several deficiencies, and made recommendations "to bring USMS into compliance with applicable statutes, regulations, and policies."²⁰⁶ The USMS has begun implementing changes, including removing from its promotion scoring rubric extra points for service in uncompleted acting roles and developing a new Merit Promotion Plan.

In some respects, the new plan is a significant improvement over prior policy.²⁰⁷ For example, the plan incorporates and elaborates on restrictions against nepotism prohibited by statute and previously found elsewhere in USMS Policy.²⁰⁸ The plan also explicitly requires "managers, supervisors, recommending officials, and selecting officials" to undergo "annual awareness training on merit principles and hiring processes" and to "[e]nsure selections are based on merit and job-related criteria."²⁰⁹ The Human Resources Division must "[r]efer" or "report any official found to have improperly discriminated against an employee or applicant when taking an action covered by [the plan]."²¹⁰ The plan places limits on the use of Selective Placement Factors, which

²⁰¹ Interview with D. Musel.

²⁰² 03-19-2015 Letter (Exhibit 7).

²⁰³ USMS-SJC-0001012 (Exhibit 168).

²⁰⁴ USMS-SJC-0001018 (Exhibit 169).

²⁰⁵ *Id.*; 03-19-2015 Letter (emphasis added) (Exhibit 7).

²⁰⁶ Justice Management Division Review of USMS Human Resources Environment at 2 (Exhibit 158).

²⁰⁷ USMS Policy Directive 3.10 (Merit Promotion Plan) (July 24, 2015) (Exhibit 112).

²⁰⁸ USMS Policy Directive 3.10(D)(2) (Merit Promotion Plan) (July 24, 2015) (Exhibit 112).

²⁰⁹ USMS Policy Directive 3.10(E)(1) (Merit Promotion Plan) (July 24, 2015) (Exhibit 112).

²¹⁰ USMS Policy Directive 3.10(E)(3) (Merit Promotion Plan) (July 24, 2015) (Exhibit 112).

multiple whistleblowers have cited as a frequent method of ensuring pre-selected candidates are promoted.²¹¹

However, in several respects, the plan grants USMS officials greater flexibility in the hiring and promotion process. That flexibility could work for the benefit of agency whistleblowers, but it could also expose them to reprisal in the absence of proper oversight and consistent application. For example, the previous Human Resources policy flatly prohibited merit promotions for individuals under investigation:

Persons eligible for career ladder promotions will be advanced to the next higher grade in the career ladder, upon meeting eligibility requirements, provided they are not presently serving on a Performance Improvement Plan, the subject of an internal investigation, the subject of discipline, or serving a reckoning period as defined in this directive.²¹²

According to whistleblowers, reports to Internal Affairs have been used frequently to block promotions for disfavored employees. That “block” is no longer automatic. The updated plan allows for promotions “notwithstanding [a] pending investigation and/or disciplinary proceeding” after “a review of relevant factors,” including “the severity of the charges, the likelihood of discipline in excess of a letter of reprimand, the negative effect on the USMS, the type of personnel action involved, the extent of information in the investigation at the time of the personnel action, and the best interests of the USMS.”²¹³ Thus the use of internal affairs complaints as tools for reprisal would not necessarily bar an employee from promotion opportunities. However, it also means that those under investigation for reprisal may continue to be elevated through the ranks.

In the wake of these numerous updates to policy and practice, it is crucial that the Department continues to exercise its oversight authority to ensure the USMS fully implements its recommendations and adheres to the merit system principles.

It is also critical that the USMS actively engage with its employees to promote a culture, from the top down, which embodies these principles. They are mandated by law, and exist not for the benefit of any individual employee, but “to provide the people of the United States with a competent, honest, and productive Federal work force” and “to improve the quality of public service.”²¹⁴ Those in positions of greater power are held to an even higher standard.²¹⁵

II. The USMS Must Improve Protections for Whistleblowers

Since the 1978 Civil Service Reform Act, Congress has only strengthened the rights of federal employees to disclose waste, fraud, and abuse without fear of reprisal. In 1989, under the leadership of Senators Carl Levin and Chuck Grassley, Congress passed the Whistleblower

²¹¹ USMS Policy Directive 3.10(F)(4)(a) (Merit Promotion Plan) (July 24, 2015) (Exhibit 112).

²¹² USMS Policy Directive 3.3 (B)(2) (Career Promotions) (June 1, 2014) (Exhibit 170).

²¹³ USMS Policy Directive 3.10 (F)(9)(a) (Merit Promotion Plan) (July 24, 2015) (Exhibit 112).

²¹⁴ Pub. L. No. 950454 (Oct. 13, 1928), 92 Stat. 1111, § 3; *National Treasury Employees Union v. MSPB*, 743 F.2d 895, 912 (D.C. Cir. 1984).

²¹⁵ See *Martin v. Department of Transportation*, 103 M.S.P.R. 153, 157-58 (2006); *Merino v. Department of Justice*, 94 M.S.P.R. 632, 636-37 (2003).

Protection Act. That Act recognized, among other things, that “protecting employees who disclose Government illegality, waste, and corruption is a major step toward a more effective civil service” for the American people.²¹⁶ The WPA strengthened the Office of Special Counsel and eased the burdens of proof for whistleblowers. Congress amended the Act in 1994 and again in 2012 to strengthen whistleblower protections and to secure their “original intent and purpose.”²¹⁷ The Whistleblower Protection Enhancement Act (WPEA), among other things, clarified that the statute broadly protects *any* disclosure of waste, fraud, or abuse that is not specifically prohibited by statute.²¹⁸ Federal law also secures federal employees’ rights to speak directly with Congress²¹⁹ and prohibits agencies from interfering or attempting to interfere with those rights.²²⁰

In addition to allegations of inappropriate hiring and spending practices, multiple allegations also have been made of USMS managers responding to disclosures with reprisal, much like the allegation regarding the Chief Inspector’s 2014 disclosure to Musel. In some cases, evidence demonstrates that, after learning of employees’ protected communications to management, OSC, OIG, or Congress, among other things, officials reported the employees to Internal Affairs and/or OIG, downgraded their performance reviews, and imposed restrictive limitations on employees’ communications, including their ability to make lawful disclosures.²²¹

Respecting organizational hierarchy is important for effective management. However, federal employees have a duty to report wrongdoing, and the law protects them for reporting it outside the chain of command. The WPEA protects *any disclosure* that the employee reasonably believes constitutes a violation of law, rule, or regulation, or gross mismanagement, abuse of authority, or threat to public safety—whether or not it is made to an employee’s direct supervisor. That is because employees often fear reprisal by those very same supervisors, or want certainty that individuals who receive the disclosure have the authority to fully address the problem. When managers seek to discipline employees for failure to “respect the chain of command” or follow instructions *because* the employee makes a lawful report outside of that chain, managers are working in direct contravention of the WPEA, the chief purpose of which is to *encourage* disclosures. They are sending a message that wrongdoing will stay buried and unaddressed. It is not in the best interests of the agency, or the taxpayer.

The USMS has taken some steps to improve its protections for whistleblowers. On September 17, 2015, the USMS sent a notice to all employees, informing them that they were required to complete training on whistleblower rights and protections under the WPEA by October

²¹⁶ Whistleblower Protection Act of 1989, Public Law No. 101-12, 103 Stat. 16 (1989).

²¹⁷ S. Rep. 112-155 at 3-4, available at: <https://www.congress.gov/112/crpt/srpt155/CRPT-112srpt155.pdf>.

²¹⁸ *Id.* at 5; see also *Department of Homeland Security v. Robert MacLean*, 135 S.Ct. 913 (2015).

²¹⁹ 5 U.S.C. § 7211 (1978) (“The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.”).

²²⁰ See Consolidated Appropriations Act, 2016 (Pub .L. No. 114-113), Division E, § 713; U.S. Government Accountability Office, *Department of Housing and Urban Development—Application of Section 713 of the Financial Services and General Government Appropriations Act, 2012 (Reconsideration)*, B-325124.2 (Apr. 5, 2016).

²²¹ See, e.g., E-mails re communications, On File with the Committee; Letter from Charles E. Grassley, U.S. Sen. Comm. on the Judiciary to Michael E. Horowitz, Inspector General, U.S. Dep’t of Justice (Oct. 14, 2016) (Exhibit 171).

22, 2015. Unfortunately the notice also said “it is not anticipated that this training will become an annual requirement.”²²² The USMS also has established a new Ombudsman office for USMS employees to “raise concerns about management decisions, receive information about their rights, and ensure that any allegations of unlawful reprisal are handled appropriately.”²²³ Finally, in response to questions from the Chairman about what appeared to be instructions not to speak with Congress, the USMS updated its communications policy to clarify that it should be applied consistent with law, including statutes that protect whistleblowers.²²⁴

All of these changes are welcome, but much more is needed. Regardless of the rules in place, the USMS needs to actively engage its employees to promote a safe environment for employees to raise concerns. As with its review of USMS hiring practices, the Department also should continue to exercise its oversight authority to ensure that the USMS is effectively implementing the statutory requirements to protect whistleblowers. Finally, the Department, the Inspector General, and the Office of Special Counsel should work together to develop manager-focused training that helps leaders in the Department better understand how to balance their management responsibilities with their obligation to address and promote protected disclosures in an appropriate and productive way.

Conclusion

In violation of ethics rules, the Director of the Marshals Service recommended an individual with whom she was affiliated in a non-governmental capacity, a college friend, for a contractor position, and, when it was determined he was not the favored candidate for the advertised job, the then-Deputy Assistant Director of the Asset Forfeiture Division exerted significant and unusual efforts to ensure he was hired for an unplanned and apparently unnecessary position. Shortly thereafter the Deputy was promoted to the acting role of Assistant Director, retained exclusive access to that position and its professional development opportunities with limited competition for two and a half years, and likely induced her subordinates to draft her application for the permanent role in violation of ethics rules. There is also evidence that her promotion created the appearance that the process was manipulated for her benefit.

The actions of leaders at the top set the tone for the rest of the organization. Senior officials who disregard, or are otherwise ignorant of, how their behavior may contravene ethics rules and merit principles and create the impression of undue favoritism send a message to other employees that those rules do not matter. They foster an environment where bending or breaking them can be overlooked or condoned. The sheer number of disclosures made in such a short time, many of them reporting problems very similar to those discussed in this report, demonstrates this principle. More than 85 current and former USMS employees have contacted the Committee since this inquiry began. That is more than 1.5% of the entire agency. Nearly all requested anonymity out

²²² E-mail from LearnUSMS to USMS employees (Sept. 17, 2015) (Exhibit 172); *see also* Letter from Peter J. Kadzik, Assistant Attorney General, U.S. Dep’t of Justice to Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary (Mar. 8, 2016).

²²³ Letter from Peter J. Kadzik, Assistant Attorney General, U.S. Dep’t of Justice to Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary (Mar. 8, 2016) (Exhibit 173).

²²⁴ Letter from Peter J. Kadzik, Assistant Attorney General, U.S. Dep’t of Justice to Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary (Jan. 14, 2016) (Exhibit 174).

of fear of reprisal. Even where particular allegations are not sustained, the fact remains that many USMS employees believe the game is rigged.

Such a state of affairs is not in the agency's best interest, and it is not in the taxpayer's best interest. As discussed in this report, the ethics rules and merit principles do not exist for the benefit of any single employee. They are designed to ensure that the taxpayers can rely on a qualified, honest, and effective civil service. Fortunately, the USMS and the Department have begun efforts to improve the apparent status quo. However, much more work needs to be done and continued oversight is required. The employees of the USMS deserve better, and so do the people they serve.

APPENDIX

Exhibit 1

From: [REDACTED]
To: [REDACTED] (Judiciary-Reg)
Date: Wednesday, December 14, 2011 5:03:36 PM

Hi [REDACTED]

I appreciate you speaking with me this afternoon. Per our conversation Donald A. Lenzie was the individual selected for the Senior Financial Forfeiture Specialist in Boston based on his personal relationship with USMS Director Stacia Hylton. Six individuals applied for the one position; [REDACTED] was selected based on her qualifications. USMS Deputy Assistant Director Kuni Beal wanted to keep the Director Hylton happy so she created a new position and offered it to Lenzie. This came as a complete surprise to everyone in the program. The Regional Manager which covers Boston is now scrambling to find office space and determine what duties he can give Lenzie.

Beal hopes to be selected as the Assistant Director for the Asset Forfeiture Division once Morales leaves to be the marshal for the S/FL. She offered the position to Lenzie to insure her chances that Hylton will select her as the next AD.

Thanks again,

[REDACTED]



U.S. Department of Justice

Exhibit 2

United States Marshals Service

Office of the Director

Washington, DC 20530-1000

March 17, 2008

MEMORANDUM TO: All U.S. Marshals Service Employees

FROM: John F. Clark
Director

SUBJECT: U.S. Marshals Service Reorganization

I am pleased to announce that the Congress has approved the reorganization of the U.S. Marshals Service. The purpose of this reorganization is to strengthen the Marshals Service's structure and operations by aligning certain functions and reporting relationships to more effectively support our overall mission. This reorganization establishes clearer lines of authority; defines roles and responsibilities better; groups like missions and activities under the same directorate; and identifies and properly affixes accountability to cross-cutting missions.

Among the more significant features of the reorganization are the establishment of two senior management positions, an Associate Director for Operations and Associate Director for Administration; Witness Security is broken out as a standalone division, leaving Prisoner Operations as a standalone division; Information Technology, Asset Forfeiture, and Training are each broken out as standalone divisions; and the Office of Inspections and the new Office of Communications, which replaces the Executive Services Division, will be reporting to the Deputy Director.

In addition, the reorganization includes a number of changes that are intended to improve the provision of key services. The establishment of the Financial Services Division and the Management Support Division will replace the current Management and Budget Division and the Business Services Division, respectively. In addition, the Tactical Support Division will replace the current Operations Support Division. The Investigative Services Division will be renamed to the Investigative Operations Division, and the Human Resources Management Division will be renamed the Human Resources Division.

As efforts are undertaken to implement this reorganization, I will provide you with further information.



U.S. Department of Justice

Exhibit 3

United States Marshals Service

Office of the Director

Washington, DC 20530-1000

May 16, 2008

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH:

THE DEPUTY ATTORNEY GENERAL *Mark Filip 5/16/08*

FROM:

for John F. Clark *John R. McQuinn*
Director

SUBJECT:

Asset Forfeiture Funding for Deputy U.S. Marshals

PURPOSE:

To obtain a limited waiver of the prohibition in the Attorney General's Guidelines on Seized and Forfeited Property against the use of the Assets Forfeiture Fund for government employee salaries and benefits.

DISCUSSION:

The United States Marshals Service (USMS) requests a limited waiver of the prohibition in the Attorney General's Guidelines on Seized and Forfeited Property against the use of the Department of Justice (DOJ) Assets Forfeiture Fund (AFF) for government employee salaries and benefits. See Attorney General's Guidelines on Seized and Forfeited Property, Section VII.D.1.a. The USMS seeks to obtain annual allocations to support: (1) twenty-six Deputy U.S. Marshals (DUSM) to be deployed in designated USMS field asset forfeiture units and (2) two DUSMs to be assigned to the USMS Headquarters Asset Forfeiture Division (AFD).

Some of the USMS' key missions include:

- Protection of the Federal judiciary and all other participants in the Federal judicial process
- Execution of Federal arrest warrants
- Service of civil and criminal process
- Transportation and production of prisoners for court
- Administration of the Asset Forfeiture Program (AFP)
- Other duties as ordered by the Attorney General

Memorandum for the Attorney General
Subject: Asset Forfeiture Funding for Deputy U.S. Marshals

Page 2

Throughout the history of the AFP, asset forfeiture has been performed in each field office by DUSMs as one of the many duties within the core missions of the USMS. As charts 1 and 2 depict, DUSM resources devoted to asset forfeiture are minimal and continue to decline due to competing priorities in field offices.

Depending on the workload in a field office, asset forfeiture duties may be a small percentage of the DUSMs' workload or it may be a significant part. However, even in the field offices with the heaviest workloads, a dedicated DUSM assigned to the AFP is the exception, not the rule. As a consequence, there are insufficient resources to perform the law enforcement asset forfeiture duties in a timely and consistent manner.

At the start of FY 2007, Associate Deputy Attorney General Margolis approved funding for the USMS to hire an independent contractor to perform a workload and staffing analysis of the AFP. The preliminary findings indicate that there are many potential risks due to the absence of well trained and dedicated DUSMs working in the AFP. These risks include: little capacity for substantive involvement in the pre-indictment, pre-seizure phase of forfeiture cases; missed opportunities in identifying additional assets available for seizure; and an increase in expenses for asset management due to the lack of coordination between agencies and delays in the process.

A strategic planning group comprised of agencies that participate in the DOJ AFP have identified risks related to the absence of DUSMs. Specifically, these risks include the failure to preserve the value and integrity of assets subject to forfeiture; protection of innocent third party interests; and potential reduction of sales proceeds resulting in less revenue available for victims of crime and equitable sharing with participating law enforcement agencies.

This working group concluded that the role of DUSMs is critical to the future success of the program and that additional positions should be sought through a waiver of the Attorney General's policy regarding the use of the AFF for government employees' salaries. This was included in the US DOJ AFP National Asset Forfeiture Strategic Plan 2008-2012, under Goal 2.2 in the tactic to "Hire DUSMs to

Memorandum for the Attorney General
Subject: Asset Forfeiture Funding for Deputy U.S. Marshals

Page 3

serve as interagency liaisons and to carry out pre-seizure planning, asset analysis, and seizure operations.”

1. Deputy U.S. Marshals assigned to Field Offices

The DOJ AFP is a nationwide law enforcement initiative that removes the tools of crime from criminal organizations, deprives wrongdoers of the proceeds of their crimes, recovers property that may be used to compensate victims, and deters crime. One critical law enforcement function of a DUSM is to advise the U.S. Attorneys Offices (USAOs) and Investigative Agencies (IAs) in the early stage of an investigation when assets are first targeted for forfeiture.

The USMS does not have the resources available to support this law enforcement function. It is important to note that the asset forfeiture field units are largely comprised of administrative employees who do not have the authority to perform this vital law enforcement role.

DUSMs are sworn law enforcement officers who will have the necessary training and skill set to provide meaningful guidance and advice at the conception of a case. These individuals will have the ability to provide recommendations on not only what should be targeted for forfeiture, but equally as important, what should not be targeted. Additionally they will be available to assist the USAO in drafting court orders that ensure the timely seizure, forfeiture and disposal of assets.

DUSMs also coordinate tactical operations when there are complicating factors such as officer safety concerns or when assets are located in multiple locations. In addition to conducting threat analysis related to the seizure action, they assist in the preparation and service of preliminary orders of forfeiture to seize property, arrest warrants, protective orders, and other process issued by district courts.

Memorandum for the Attorney General
Subject: Asset Forfeiture Funding for Deputy U.S. Marshals

Page 4

2. Deputy U.S. Marshals assigned to Headquarters

The USMS Asset Forfeiture Division (AFD) is the headquarters program office for the USMS AFP. AFD represents the USMS on DOJ working groups focusing on both asset forfeiture and law enforcement initiatives; is responsible for development of policy together with other DOJ forfeiture components; and for implementing and facilitating asset forfeiture policy throughout the USMS field offices. Additionally, this division is the liaison with other Federal law enforcement agencies, as well as State and local law enforcement agencies, for all asset forfeiture related matters.

There is an emerging need for experienced DUSMs to assist in cases involving requests to and from foreign jurisdictions and, as a result, AFD has recently established an International Forfeiture Section. One DUSM position will be responsible for the coordination of both the domestic and foreign aspects of forfeiture cases. In addition to the international duties, he/she will coordinate the activities of the DUSMs assigned to the field and coordinate large seizures, multi-district seizures and cases involving complex assets.

The USMS is in the process of building an AF Training Academy that will serve as a central location to train all new and veteran asset forfeiture employees. One DUSM position will lead this Academy and oversee its operations. The DUSM will also be responsible for coordinating training, in which the USMS participates, of Federal, State and local law enforcement personnel on pre-seizure planning and other asset forfeiture matters.

3. Funding

During the past six years, the DOJ has utilized the AFF to invest significant funding for administrative and investigative support resources for the USAOs and IAs where asset forfeiture cases originate. As chart 1 depicts, during the same time period, funding for USMS asset forfeiture operations, including the management and disposal of assets, has not increased at a comparable level.

Memorandum for the Attorney General
Subject: Asset Forfeiture Funding for Deputy U.S. Marshals

Page 5

Traditionally, DOJ has not funded salaries of criminal investigators or prosecutors from the AFF. This is the result of DOJ's sensitivity to potential criticism that their roles may be compromised because of a potential financial stake in the outcome of a case. Recently, a two year exemption was granted to fund Special Assistant United States Attorneys to focus on forfeiture cases involving significant victim losses and cases resulting from analysis of Suspicious Activity Reports. An exception to this policy is being sought for DUSMs based on the fact that the USMS has no independent investigative forfeiture authority that could raise conflict of interest issues as a result of being funded from the AFF. Instead, the waiver request should be seen as funding "honest brokers" to enhance the legal and fiduciary responsibilities that are inherent in the seizure of personal and real property during the pendency of a forfeiture action. These public trust positions are critical to the on-going mission and success of the AFP.

The USMS intends to seek annual funding from the AFF to support 28 new compensated DUSMs to work exclusively in the USMS AFP. These positions are in addition to those DUSMs who are currently performing AFF related duties and funded through USMS annual appropriations. It is proposed that these positions will be phased in over the next several fiscal years.

Memorandum for the Attorney General
 Subject: Asset Forfeiture Funding for Deputy U.S. Marshals



Page 6

RECOMMENDATION: The USMS recommends that the Attorney General grant a limited waiver of the Attorney General's Guidelines which prohibits the use of the AFF to pay for government employee salaries and benefits, for the purposes set forth in this memorandum. Funding for the DUSM positions described above will be evaluated at the end of a three year period. The results of the evaluation will be provided to the Deputy Attorney General or his designee for use in determining whether to continue or expand the use of AFF monies to fund such positions.

Attachments

APPROVE: 
 8/7/08

Concurring Components:

AAG/Criminal Division 
 AAG/Administration 

DISAPPROVE: _____

Nonconcurring Components:
 None

OTHER: _____

Exhibit 4

AFD - AD

POSITION DESCRIPTION (Please Read Instructions on the Back)										1. Agency Position No. 10099	
2. Reason for Submission <input checked="" type="checkbox"/> Reestablishment <input type="checkbox"/> New <input type="checkbox"/> Other Explanation (Show any positions replaced) Replaces PD#28137		3. Service <input checked="" type="checkbox"/> Active <input type="checkbox"/> Field		4. Employing Office Location ARLINGTON, VA		5. Duty Station ARLINGTON, VA		6. OPM Certification No.		7. Subject to IA Action <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Fair Labor Standards Act <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt		8. Financial Statements Required <input type="checkbox"/> Executive Personnel <input type="checkbox"/> Employment and Financial Interest		9. Position is 12. Sensitivity <input type="checkbox"/> Supervisory <input type="checkbox"/> 1-Non-Sensitive <input type="checkbox"/> 3-Critical		10. Position Status <input type="checkbox"/> Competitive <input type="checkbox"/> Excepted (Specify in Remarks) <input checked="" type="checkbox"/> SES (Gen.) <input checked="" type="checkbox"/> SES (CR)		11. Position is 12. Sensitivity <input type="checkbox"/> Supervisory <input type="checkbox"/> 1-Non-Sensitive <input type="checkbox"/> 3-Critical		13. Competitive Level Code	
14. Agency Use		15. Classified/Graded by		Official Title of Position		Pay Plan		Occupational Code		Grade	
a. Office of Personnel Management		b. Department, Agency or Establishment		c. Second Level Review		d. First Level Review		e. Recommended by Supervisor or Initiating Office		17. Name of Employee (if vacant, specify)	
18. Department, Agency, or Establishment DEPARTMENT OF JUSTICE		c. Third Subdivision		d. Fourth Subdivision		e. Fifth Subdivision		Signature of Employee (optional)			
a. First Subdivision UNITED STATES MARSHALS SERVICE		b. Second Subdivision		Employee Review-This is an accurate description of the major duties and responsibilities of my position.		20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that		this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.			
a. Typed Name and Title of Immediate Supervisor DONALD S. DONOVAN		b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)		Signature		Date		Signature		Date	
21. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.		22. Position Classification Standards Used in Classifying/Grading Position		Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.		23. Position Review		24. Remarks			
a. Employee (optional)		b. Supervisor		c. Classifier		24. Remarks					
25. Description of Major Duties and Responsibilities (See Attached)											

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OF 6 (Rev. 1-85)
U.S. Office of Personnel Management
FPM Chapter 295

USMS-SJC-0000135

**ASSISTANT DIRECTOR FOR ASSET FORFEITURE
ES-1811**

I. INTRODUCTION:

The United States Marshals Service, a law enforcement agency of the Federal government, is primarily responsible for supporting the Federal Judiciary in activities which facilitate litigation and protect the integrity of the judicial process. The activities of the United States Marshals Service include: ensuring the safety of the Federal Judiciary and other court officers; maintaining order during court proceedings; maintaining security of deliberating and sequestered juries; apprehending Federal fugitives; maintaining security of key government witnesses and their families; guarding and transporting Federal prisoners; providing assistance in matters of federal emergencies involving civil disturbances; operating the Asset Forfeiture program; and serving process.

The incumbent of this position serves as the Assistant Director for Asset Forfeiture with full technical responsibility for managing, administering, and executing the development, implementation, and operation of programs, policies, and procedures pertaining to the United States Marshals Service Asset Forfeiture Program.

II. DUTIES AND RESPONSIBILITIES:

1. Serves as the principal advisor to the Associate Director for Administration on the Asset Forfeiture Program which involves the seizure, management, and disposal of forfeited properties and assets from illegal drug trafficking, racketeering, and other organized criminal activities.
2. Manages and administers the Asset Forfeiture program. Provides policy advice and guidance to investigative, litigative, and custodial agencies relating to seized property issues. Manages a delivery system, using both private sector and government services to secure, transport, store, maintain, and dispose of seized and forfeited property; arranges for the sale of forfeited property; establishes a national inventory of seized property; and collects and analyzes data related to the costs and benefits of seized property management options, including, but not limited to storage, security, maintenance, and sales options.
3. Formulates policy and prescribes rules, regulations, and procedures governing the execution of the Asset Forfeiture program. Establishes cost-accounting and management controls governing the seized and forfeited property in conjunction with the Assistant Director for Financial Services.
4. Coordinates international forfeiture actions in concert with other components of the Department of Justice and foreign governments. Provides training, advice, and assistance to foreign governments on asset forfeiture related matters.
5. Directs the United States Marshals Service national pre-seizure investigative program.

Exhibit 4

6. Ensures that resources are effectively and efficiently utilized. Conducts periodic comprehensive evaluations of goals and objectives; adjusts or redefines goals and objectives as required. Continuously analyzes program areas to identify problem areas and those in need of improvement. Directs and evaluates special studies for the purpose of determining the effectiveness of the United States Marshals Service Asset Forfeiture Program.
7. Participates in budget preparation, review, and defense. Projects annual resource requirements and submits requests/justifications. Based on resource allocations, determines which programs and/or projects to initiate, curtail, or drop. Monitors and justifies major program expenditures.
8. Provides positive direction to subordinate organizational levels and resolves differences between key subordinate officials. Creates and maintains an atmosphere that promotes equal employment opportunity concepts, positive human relations, and open communications between employees and their superiors.
9. Represents the United States Marshals Service in meetings and conferences with high ranking government officials, representatives from state, local, and foreign governments, officials from private and/or public organizations, and the general public. Establishes and maintains contacts with counterparts in other agencies in order to exchange key information and further the interests of the United States Marshals Service.

Performs other duties as assigned.

III. SUPERVISORY RESPONSIBILITIES:

Through subordinate managers, the incumbent is responsible for the management and executive direction of a staff of professional, administrative, technical, and clerical personnel in the execution of the above duties.

IV. CONTROLS OVER THE WORK:

This position is under the general and administrative direction of the Associate Director for Administration, United States Marshals Service. The incumbent performs duties with unusual latitude for independent determinations in accordance with the Marshals Service needs and in compliance with objectives established by the Attorney General and legislation pertinent to the Marshals Service. The incumbent keeps the Associate Director for Administration apprised of work progress, major work problems, and program results through periodic conferences and written reports.

V. QUALIFICATIONS:

Successful performance in this position requires progressively responsible experience in the management and administration of law enforcement programs. Previous experience in legal or investigative work, which provided a sound knowledge of judicial and criminal operations, is

Exhibit 4

necessary. This position also requires a high level of managerial and administrative expertise. Other required managerial traits are awareness of social and political forces which impact on the law enforcement programs, knowledge of personal and physical security techniques, understanding of the missions of agencies with related functions, ability to represent the Marshals Service at the highest levels of government, and the ability to delegate authority and control activities through subordinate managers.

SPECIAL REQUIREMENTS:
TRAVEL IS REQUIRED
TOP SECRET CLEARANCE IS REQUIRED

**THIS POSITION IS A DRUG-TESTING DESIGNATED POSITION SUBJECT TO
RANDOM TESTING**

**THE INCUMBENT OF THIS POSITION MUST HAVE PRIOR EXPERIENCE IN A
PRIMARY LAW ENFORCEMENT POSITION AND IMMEDIATE PRIOR
EXPERIENCE IN A POSITION APPROVED FOR COVERAGE UNDER 5 U.S.C. 8336 C
(1) OR 5 U.S.C. (D) SINCE THIS POSITION INCLUDES RESPONSIBILITIES
DIRECTLY INVOLVING THE INVESTIGATION OF CRIMINAL ACTIVITIES.**

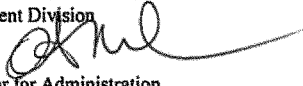


U.S. Department of Justice
United States Marshals Service
Office of the Associate Directors

Washington, DC 20530-0001

March 4, 2016

MEMORANDUM TO: Mari Barr Santangelo
Deputy Assistant Attorney General
for Human Resources/Administration
Justice Management Division

FROM: David F. Musel 
Associate Director for Administration

SUBJECT: Position Classification Review

The U.S. Marshals Service (USMS) has been in discussions with the Office of the Deputy Attorney General regarding USMS operational strength. During these discussions, the USMS discussed all of our operational personnel, including those funded outside of the USMS Salaries & Expenses (S&E) account. Our Asset Forfeiture Financial Investigator (AFFI) Program is funded outside of our S&E.

Pursuant to these discussions, the USMS requests a position classification review of the Criminal Investigator/AFFI, GS-1811-13 position. The position description is attached. The position was established in 2011 to assist Offices of the U.S. Attorney (USA) with identifying potential assets through financial forensics. The USMS requests that the Justice Management Division, Human Resources conduct an independent review of the duties to determine if the position is properly classified as a Criminal Investigator. The Office of the Deputy Attorney General concurs with our request for an independent review.

There are currently 58 AFFI positions allocated in districts around the country. The Investigators are housed within the USA offices and are funded through the Asset Forfeiture Fund. Since the program's inception, the USMS has had difficulty recruiting and retaining individuals in the position. Despite implementing a 2 year service requirement, the average length of service in this position is only 2.5 years. By comparison, a review of all USMS GS-1811-13s indicates an average tenure of 4.1 years. Further, the positions consistently attract fewer applicants. Other GS-1811-13 vacancy announcements attract approximately 36% more applicants than the AFFI positions.

Memorandum from Associate Director Musel
Subject: Position Classification Review

Page 2

The function has a nexus with criminal investigation in the detection and recovery of assets that may be proceeds or instruments of criminal activity. The primary duties, however, are restricted to pre-seizure planning, asset analysis, and seizure operations in already ongoing criminal investigations initiated by other agencies in the DOJ Asset Forfeiture Program. These positions are prohibited from independently initiating investigations of an underlying criminal offense. Although anecdotal, the USMS believes the recruiting and retention issues may be a result of the administrative focus of the position and the incumbents' isolation from primary USMS law enforcement functions.

Additionally, the Asset Forfeiture Division (AFD) developed a 4-year training curriculum for the AFFI position and incumbents must complete training on a broad spectrum of financial topics to include the business of forfeiture, economic crimes investigation and analysis, financial investigations, international banking and money laundering, and internet investigations. However, with the average retention of only 2.5 years, AFD is expending training resources but the program is not fully benefiting from the training. The incumbents are also enrolled in the International Association of Financial Crimes Investigators and are encouraged to obtain their Certified Fraud Examiner credentials.

Thank you in advance for your assistance with this request. Please let me know if I can provide additional information. The USMS point of contact for the review is [REDACTED] Assistant Director for Human Resources [REDACTED] may be reached at [REDACTED]

Attachments

cc:

[REDACTED]
U.S. Department of Justice



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

506040:KG

www.atf.gov

SEP 21 2016

MEMORANDUM TO: [REDACTED]
Assistant Director for Human Resources
U.S. Marshals Service

FROM: [REDACTED]
Chief, Classification and Performance Management Branch
Human Resources Operations Division

SUBJECT: Position Review of the Asset Forfeiture Financial Investigator

This memorandum serves to transmit the results and recommendation for the position review of the Criminal Investigator, GS-1811-13 (Asset Forfeiture Financial Investigator) position. As part of the Asset Forfeiture Financial Investigator (AFFI) Program, Phase I, one-on-one interviews were conducted with incumbents along with the US Marshal Service District Supervisor, the Lead Forfeiture AUSA, AFFI Program Manager and AFFI Regional Program Managers from four locations [REDACTED]. The interviewees collectively represent the AFFI Program nationwide.

The position review has resulted in a recommendation to the U.S. Marshals Service that the classification of the subject position remains as Criminal Investigator, GS-1811-13, with a working title of Asset Forfeiture Financial Investigator.

Please let me know if I can provide additional information or assistance and may be reached at [REDACTED]

Attachment

cc: [REDACTED]
Assistant Director
Asset Forfeiture Division
US Marshals Service

[REDACTED]
Deputy Assistant Director
Asset Forfeiture Division
US Marshals Service

EVALUATION STATEMENT

Incumbent(s) [REDACTED]

Current Position: Criminal Investigator GS-1811-13, PD# 29082

Organizational Title: (Asset Forfeiture Financial Investigators)

Organization: Department of Justice, U.S. Marshals Service, District Offices

Reference(s): (a.) Job Family Position Classification Standard for Administrative Work in the Inspection, Investigation, Enforcement, and Compliance Group, 1800, Issued: March 2009 Revised: April 2011;
 (b.) Job Family Position Classification Standard for Professional and Administrative Work in the Accounting and Budget Group, GS-0500, dated December 2000;
 (c.) Primary Standard, Introduction to the Position Classification Standards TS-134 July 1995, TS-107 August 1991 Revised: August 2009

Background:

In May 2016, the Assistant Director, Human Resources Division [REDACTED] U.S. Marshals Service (USMS) contacted the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Human Resources and Professional Development (HRPD), Deputy Assistant Director (HR), [REDACTED] requesting ATF to conduct an independent position classification review of the Criminal Investigator (AFFI), GS-1811-13 assigned to the Asset Forfeiture Financial Investigation program. The position was established in 2011 to assist Offices of the U.S. Attorney (OUSA) with identifying potential assets through financial investigations. The USMS requested that the Department of Justice Management Division (JMD), Human Resources conduct an independent review of the duties to determine if the position is properly classified as a Criminal Investigator. The Office of the Deputy Attorney General concurred with the request for an independent review.

The reason for the request for an independent position classification review was related to Phase I of the Department's overall review of the Asset Forfeiture Financial Investigator Program. Currently there are 58 Asset Forfeiture Financial Investigation (AFFI) positions allocated in districts nationwide, located within the OUSA offices and funded through the Asset Forfeiture Fund. Concerns have arisen because since the program's inception, the USMS has had difficulty recruiting and retaining individuals in the subject position. Despite implementing a 2-year service requirement, the average length of service in the subject position is only 2.5 years. By comparison, a review of all USMS GS-1811-13s indicates an average tenure of 4.1 years. Further, subject positions consistently attract fewer applications. Other GS-1811-13 vacancy announcements attract approximately 36% more applicants than the AFFI positions.

The function has a nexus with criminal investigation in the detection and recovery of assets that may be proceeds or instruments of criminal activity. The primary duties, however, are restricted

to pre-seizure planning, asset analysis, and seizure operations in ongoing criminal investigations initiated by other agencies in the Department of Justice (DOJ) Asset Forfeiture Program. The positions are prohibited from independently initiating investigations of an underlying criminal offense, unless it's an investigation under 18 U.S.C. §2232, Destruction or Removal of Property to Prevent Seizure, which states in part, "whoever, before, during, or after any search for or seizure of property by any person authorized to make such search or seizure, knowingly destroys, damages, wastes, disposes of, transfers, or otherwise takes any action, or knowingly attempts to destroy, damage, waste, dispose of, transfer, or otherwise take any action, for the purpose of preventing or impairing the Government's lawful authority to take such property into its custody or control or to continue holding such property under its lawful custody and control, shall be fined under this title or imprisoned not more than 5 years, or both." Although anecdotal, the USMS believes the recruiting and retention issues may be a result of the administrative focus of the position and the incumbents' isolation from primary USMS law enforcement functions.

Additionally, the Asset Forfeiture Division (AFD) developed a 4-year training curriculum for the AFFI position and incumbents must complete training on a broad spectrum of financial topics to include the business of forfeiture, economic crimes investigation and analysis, financial investigations, international banking and money laundering, and Internet investigations. However, with the average retention of only 2.5 years, AFD is expending training resources but the program is not fully benefiting from the training. The incumbents also serve as members of the International Association of Financial Crimes Investigators and are encouraged to obtain their Certified Fraud Examiner credentials.

Program Overview

The DOJ Asset Forfeiture Program is a key component of the Federal government's law enforcement effort to combat major criminal activity by disrupting and dismantling illegal enterprises, depriving criminals of the proceeds of illegal activity, deterring crime and restoring property of victims. The U.S. Marshals Service plays a critical role in identifying and evaluating assets that represent the proceeds of crime, as well as efficiently managing and selling assets seized and forfeited by DOJ. The USMS Asset Forfeiture Financial Investigator (AFFI) program was designed to enhance seizures and forfeiture through effective coordination and open communication among the Assistant U.S. Attorneys, Law Enforcement Agencies, and the USMS; increase USMS involvement in pre-seizure planning; maximize opportunities for identifying assets for forfeiture that may have otherwise gone undetected; and ensure defendant accountability through the collection of forfeiture money judgments.

Series and Title Determination:

Reference (a.) Job Family Position Classification Standard for Administrative Work in the Inspection, Investigation, Enforcement, and Compliance Group, 1800, Issued: March 2009 Revised: April 2011, specifically the GS-1811 series which covers positions in the Criminal Investigation, which supervise, lead, or perform work involving planning, conducting, or managing investigations related to alleged or suspected criminal violations of Federal laws. The work involves: recognizing, developing, and presenting evidence to reconstruct events, sequences, time elements, relationships, responsibilities, legal liabilities, and conflicts of interest;

conducting investigations in a manner meeting legal and procedural requirements; and providing advice and assistance both in and out of court to the OUSA's during investigations and prosecutions. Work in this series primarily requires knowledge of criminal investigative techniques, rules of criminal procedures, laws, and precedential court decisions concerning the admissibility of evidence, constitutional rights, search and seizure, and related issues in the conduct of investigations.

Reference (b.), Job Family Position Classification Standard for Professional and Administrative Work in the Accounting and Budget Group, GS-0500, specifically the GS-0511 series which covers positions that apply professional accounting and auditing knowledge, standards, and principles when performing these duties: advising on, supervising, or performing work consisting of a systematic examination and appraisal of financial records, financial and management reports, management controls, policies and practices affecting or reflecting the financial condition and operating results of an activity; analyzing work related to the developing and executing audit policies and programs; conducting performance audits; or conducting activities related to the detection of fraud, waste, and abuse.

Incumbents audited described work involving assisting lead Investigative Agencies (IA), i.e., ATF, DEA, FBI, FDA, IRS, HUD, etc. in conducting financial investigations to identify assets for forfeiture. Incumbents described duties performed during pre-seizure planning activities as the investigative agencies' criminal investigations progress and presents case to the Assistant US Attorney (AUSA) for prosecution. Incumbents are co-located in the AUSA's office and are assigned to work closely with the AUSA in conducting financial investigations to identify assets (money, real property, cars, businesses, boats, etc.) obtained using proceeds from criminal activity. Incumbents stated that the work involves conducting various database searches such as property records, employment records, division of motor vehicle registration records, National Crime Information Center (NCIC) (wanted checks), tax records, family members, mortgage records, and bank records, etc. Incumbents stated that as they conduct the various database searches, they organized and conducted analysis of results of searches to determine how assets were purchased and by whom, and evaluated the value and marketability of identified assets. Incumbents stated that as the financial investigation progresses, incumbents provide guidance and assistance and make recommendations as to what assets should be targeted but also what should not be targeted. Incumbents maintain constant communication with lead case agent who identifies information about the target of the criminal investigations, additional targets and possible assets. In conducting the financial investigation, depending on the type of case, e.g., drug trafficking/sales, fraud, or other criminal enterprises, and Organized Crime Drug Enforcement (OCDE), etc.; incumbents may be required to conduct surveillance, conduct interviews, or utilize confidential informants. The financial investigations also may require the incumbent to issue search warrants, prepare affidavits, appear before grand juries and provide testimony at trials. Incumbents stated that they perform duties in support of identifying assets to satisfy money judgments and work with the Bureau of Prisons (BOP) to monitor inmate accounts for possible assets to apply towards money judgments and restitution.

Since the purpose of work of subject position is to conduct investigations from a financial perspective to facilitate asset seizure and forfeiture relating to criminal investigations, which often requires interviewing a variety of individuals, conducting surveillance, serving subpoenas,

seizure warrants, and other legal enforcement actions, this position will be included in reference (a) and for nonsupervisory positions that involve conducting investigations of alleged or suspected criminal violations of Federal laws. Based on the foregoing, the most appropriate title and series for this position is Criminal Investigator, GS-1811 as referenced in the titling practices for this series.

Grade Level Determination:

Reference is made to (a). Job Family Position Classification Standard for Administrative Work in the Inspection, Investigation, Enforcement, and Compliance Group, 1800, Issued: March 2009 Revised: April 2011 for grade determination. The standard is written in Factor Evaluation System (FES) format, therefore, positions in this series are to be evaluated on a factor-by-factor basis using the Factor Level Descriptions (FLDs) found in this standard. The nine (9) factors to be considered include the following: knowledge required by the position, supervisory controls, guidelines, complexity, scope and effect, personal contacts and purpose of contacts, physical demands and work environment.

The occupation and specialty-specific factor illustrations following the FLDs is only a frame of reference for applying factor level concepts. It is not recommended to rely solely on the illustrations in evaluating positions because they reflect a limited range of actual work examples. The level of work described in some illustrations may be higher than the threshold for a particular factor level. If the factor information in the position description fails to fully match a relevant illustration, but does fully match the FLD, the level can still be assigned.

Analysis of Factor Level Descriptions:

Examination of grade level criteria regarding why the work meets, exceeds, and fails to meet the Factor Level for each factor is indicated below.

Factor 1 – Knowledge Required by the Position – Factor Level 1-8 – 1550 Points

This factor includes what type and level of knowledge and skills needed, and how are they used in performing the work.

Incumbents stated that position requires analytical ability, knowledge of criminal and forfeiture laws, ability to analyze bank and other financial records, understanding of financial transactions and processes. Position requires organizational skills in order to manage caseloads and manage financial investigations; ability to conduct interviews to obtain information from defendants and/or individuals from financial institutions. Ability to collect information and convert into actionable intelligence and present findings. Incumbents stated that the position requires knowledge of and skill in using "Bank Scan" software in order to convert financial records into a spreadsheet format, knowledge of and skill in using the Financial Crime Enforcement Network (FinCEN), a treasury database that stores the financial data from which the Suspicious Activity Report is developed. Positions require a knowledge and understanding of State and County governments in order to obtain public records such as property ownership, motor vehicle records, employment records, etc., in order to identify assets for forfeiture. Requires knowledge of

forfeiture and money laundering laws in order to identify assets obtained in the commission of criminal activity.

Position exceeds Factor Level 1-7 because at that level the position requires knowledge of, and skill in applying the policies, precedents, goals, objectives, regulations, and guidelines of criminal investigations, and a wide range of investigative techniques sufficient to: gather information to establish probable cause and necessity for initiation of electronic surveillance; gather and examine intelligence from confidential sources, cooperating defendants, pen register and toll information, and investigative reports from other Federal, State, and local investigations to incorporate the information into an affidavit, and application for title 18 to be presented to an Assistant U.S. Attorney (AUSA); prepare periodic reports for AUSAs, grand juries, or judges in current cases; use analytical tools to untangle the intricacies of complex criminal schemes involving multiple businesses and innocent and fraudulent transactions; involving coordination with other Federal, State, local, and/or international law enforcement agencies; and develop patterns of fugitive whereabouts based on phone records, information on family members and associates, vehicle registration, and other sources. This level involves hands-on assignments of limited scope as opposed to work that is at a more high-level nature relating to the overall policies and procedures.

The position fully meets Factor Level 1-8 because at this level incumbent has a mastery of, and skill in applying, theories, concepts, and principles of constitutional and statutory laws; governing criminal and financial investigations, complex investigative techniques and procedures; and specialized investigative and business accounting techniques and investigative technology sufficient to: conduct complex investigations of criminal enterprises or groups; uncover and document the assets obtained with proceeds from criminal and illegal activities; work with and coordinate efforts with the AUSA and the investigative agency in order to maximize the identification of assets, share information in order to make informed decisions for conducting complex criminal and financial investigations. The work requires a knowledge of laws of evidence in criminal, civil and administrative cases, the rules of criminal and civil procedures; relevant court decisions, and specialized investigative and business accounting techniques sufficient to plan and assist in complex investigations to uncover and identify assets associated with criminal activities and to determine if identified assets are forfeitable. Position requires a knowledge of computer software and computer systems in order to conduct electronic searches of law public and law enforcement databases. The work requires the ability to communicate in writing and orally to develop comprehensive and detailed reports to withstand legal scrutiny, to draft documents such as affidavits in support of search and seizure warrants, reports, and other court documents; to offer testimony in criminal and civil proceedings; and to consult in pre-seizure planning discussions.

Position does not meet Factor Level 1-9. There is no benchmark for this Factor Level in the 1811 series, so reference is made to (c.) the Primary Standard which serves as a "standard-for-standards" for the Factor Evaluation System (FES). Positions at that level require mastery of a professional field to generate and develop new hypotheses and theories; or equivalent knowledge and skill.

Factor 2 – Supervisory Controls – Factor Level 2-4 – 450 Points

This factor includes how the work is assigned; what the incumbent's responsibility is for carrying out the work; and how the work is reviewed.

The incumbents stated that they receive day-to-day assignments, taskings, and legal assistance from the AUSA in support and furtherance of a specific case; however, they receive general guidance on cases and investigations, reporting requirements, performance, training and other administrative issues from other supervisors or program managers in the chain of command up to the Assistant Chief, Deputy U.S. Marshal in assigned District; and requests for assistance from an Investigative Agency (e.g. ATF, DEA, FBI, etc.). The Chief Deputy U.S. Marshal and/or Regional Program Manager provides overall program direction and guidance. Incumbents stated that work is performed independently, seeking advice and assistance based on how the case progresses. Keeps AUSA and Regional Manager informed of progress. Completed work is reviewed in terms of regulatory and policy compliance and assets identified for forfeiture. Work is usually accepted as technically authoritative.

The position exceeds Factor Level 2-3 because at that level the supervisor or higher graded employee makes assignments by defining objectives, priorities, and deadlines; and provides assistance on controversial or unusual situations which have no clear precedents. Incumbent independently plans and carries out assignments in conformance with accepted policies and practices; and handles problems and deviations relying on instructions, previous training, and accepted procedures. The supervisor or higher graded employee ensures appropriate factors have been considered, sufficient information or evidence has been gathered to support conclusions, and pertinent regulations and precedents have been applied; and reviews completed work for conformity with policy, the appropriateness of the employee's approach, technical soundness, and adherence to deadlines.

The position fully meets Factor Level 2-4 because at this level the supervisor outlines overall objectives and available resources; discusses with the employee the projects and timeframes; and determines the parameters of the employee's responsibilities. The employee then determines the most appropriate avenues to pursue; keeps the supervisor informed of progress and potentially controversial matters. The supervisor does not normally review the methods used, but reviews completed work for soundness of overall approach; effectiveness in producing results; feasibility of recommendations; and adherence to requirements. Incumbent works independently and is considered an expert regarding the overall policies and procedures relating to the Asset Forfeiture Program and therefore is not required to provide a status report.

Position does not fully meet Factor Level 2-5 because at that level the supervisor provides general administrative direction for assignments in terms of broad program objectives and resources of the agency. The employee is responsible for a significant program, project, or investigation; independently plans, organizes, and carries out the work to be done; and analyzes objectives or interprets policy promulgated by senior authorities and determines their effect on the agency's program. The supervisor reviews the work for potential impact on broad agency policy objectives and program goals; usually evaluates the employee's recommendations for new systems, methods, projects, or program emphasis in light of the availability of funds and personnel, equipment

capabilities, and agency priorities; and normally accepts work as technically authoritative and rarely makes changes to the employee's work.

Factor 3 – Guidelines – Factor Level 3-4 – 450 Points

This factor includes the kind of guidelines used in doing the work; and how much judgment is needed to use them.

Incumbents stated that guidelines include asset forfeiture laws, Federal Rules of Criminal Procedure, standard operating procedures, the Guide to the Collection of Criminal Forfeiture/Money Judgments, Bank Secrecy Act, FinCEN, Federal, state and local laws, statutes and regulations, Racketeering Influenced and Corrupt Organizations (RICO) Act, contracting regulations, criminal laws, felony possession laws, and OCDE regulations, etc.

The position exceeds Factor Level 3-3 because at that level the employee uses a variety of guidelines, manuals, and standard reference materials; however, they are not completely applicable to the work or have gaps in specificity. At that level, the employee uses judgment in interpreting, adapting, applying, and deviating from guidelines. The employee analyzes the results of such adaptation and recommends changes in established methods produced.

The position fully meets Factor Level 3-4 because at this level the employee uses administrative policies and precedents which are applicable but stated in general terms. Guidelines for performing the work are scarce or of limited use. The employee uses initiative and resourcefulness in deviating from established methods to: address specific issues or problems; identify and research trends and patterns; develop new methods and criteria; or propose new policies and practices.

The position does not fully meet Factor Level 3-5 because at that level the employee uses basic legislation, judicial rulings, and broad policy statements which are often ambiguous and require extensive interpretation as guidance. There are frequently no comparable precedents to use as guidance. The employee uses considerable judgment and ingenuity to interpret the intent of new or revised guidance and develops policy, guidelines, and practices for specific areas of work.

Factor 4 – Complexity – Factor Level 4-5 – 325 Points

This factor considers the nature of the assignment; what incumbent considers when deciding what must be done; and how difficult and original are incumbent's actions or responses.

Incumbents described their work as being complex because the work consists of conducting financial investigations in conjunction with DOJ and other federal agencies (HUD, FDA, IRS, HHS, OIG Fraud Task Force, etc.) conducting criminal investigations for various types of crimes ranging from financial fraud, mail fraud, drug trafficking, medical health fraud, money laundering, RICO and OCDETF. Work involves reviewing a variety of banking and financial documents, property, court records, and searching public and law enforcement databases. Incumbents described that when considering what to do, they must obtain the background of the case, the status of the case, and determine outcome. Depending on the discussions with the requesting investigative agency, will theorize and make recommendations about how to proceed.

Incumbents described that the complexity of work depends on the nature of the case, depth, scope, and whether known assets are worth forfeiture.

The factor level description of this position fully matches the illustration 3 of reference (a.) under this Factor. The criminal investigation duties performed by this position meet Factor Level 4-4 because at this level incumbent conducts investigations to locate assets obtained with proceeds from criminal activity, to develop facts and evidence by utilizing a range of investigative techniques, including interviewing and examining physical, documentary, and other types of evidence provided by informants and surveillance. Incumbents select the appropriate method from alternatives to gather information and intelligence from a variety of sources; analyze available facts, evidence, and intelligence; reconcile conflicting data; and determine the need for additional investigation or further fact-finding. Incumbents exercise judgment to plan and conduct investigations when there is difficulty in establishing the interrelationships of facts and evidence; evidence is fragmentary or cold; witnesses are reluctant; developing cooperating confidential sources; and suspects or fugitives are often subjects of major local and regional news media.

The position does not fully meet Factor Level 4-5 because at that level the work consists of the most significant and complex issues in the areas of changing and/or conflicting policy or program requirements. At that level, employees make decisions and recommendations in situations complicated by uncertainty in approach, methodology, and interpretation due to extreme sensitivity (e.g., subjects of an investigation may be well-recognized, high profile individuals or organizations); existence of few or no precedents to follow; significant unresolved legal or regulatory issues; intense and widespread public, media, or Congressional interests; emerging and innovative methods and patterns of non-compliance or criminal activity; sophistication of networks involved, and issues of multi-jurisdictional authority. At this level, employees must develop innovative strategies, approaches, or methods to serve as precedents or models for similar situations in the future.

Factor 5 – Scope and Effect – Factor Level 5-4 – 225 Points

This factor includes the purpose of the work; and the impact of the work product.

Incumbents stated that the purpose of the work is to assist in criminal investigations by conducting financial investigations to identify assets obtained with proceeds from criminal activities and target for forfeiture. Incumbents participate in the pre-seizure planning phase where strategies are discussed regarding how to proceed with the financial investigation. The work involves providing opinions and recommendations to pursue additional charges based on information gained from financial investigations (e.g., money laundering/structuring theories of forfeiture) and to dismantle criminal organizations. The incumbents also stated that the financial investigations also assist in identifying monies for restitution to victims, identification of monies in accounts that can be forfeited for money judgments and recover money for the federal government. Incumbents stated that the work involves identifying additional assets not readily identified at the beginning of the criminal investigation. The purpose of the Asset Forfeiture Financial Investigator Program is to work with the OUSA's and Investigative Agencies to maximize asset identification and information sharing; to identify assets to satisfy outstanding

forfeiture-related debts owed to the United States; and to facilitate forfeiture proceedings and increase proceeds to support both victims' compensation and equitable sharing in Federal, State, and local law enforcement; and to support DOJ through financial investigations, targeting criminals and dismantling criminal enterprises and proceeds.

The factor level description of this position does not fully match any of the illustrations under this Factor. However, the position does exceed Factor Level 5-3 because at that level work involves work similar to covering designated protective security posts at official or social functions; participating in advanced security surveys in the United States and overseas; and serving as a liaison with law enforcement officers and employees at various protective sites (e.g., hotels, airports, convention centers). Work affects access of individuals to protected areas; gathering intelligence information on individuals and suspects; and cooperation and assistance of local authorities in planning and implementing security for protective sites.

The position meets Factor Level 5-4 because at this level the work involves using a variety of traditional and non-traditional methods and techniques to identify assets (property, cars, houses, businesses, etc.) for forfeiture, money judgements and victim restitution. The effects of the work of this position contributes to the dismantling criminal enterprises and depriving the convicted of the proceeds from their criminal activity; recover property used to compensate victims and deter crime.

The position does not fully meet Factor Level 5-5 because at that level the work involves planning, organizing, and performing assignments to address the most complex problems or initiatives crossing a range of program areas. At this level, work results in the detection and resolution of threats or challenges to the well-being of a substantial number of people; changes in business practices of large important institutions; or serve as the basis for changes in the direction of major agency initiatives or in long-standing agency practices.

Factors 6/7 – Personal Contacts/Purpose of Contacts – Factor Level 6/7 – 3C – 180 Points

Personal Contacts

This factor covers personal contacts (face-to-face and remote) with persons not in the supervisory chain, the conditions under which the contacts take place; and the purpose of those contacts.

The incumbents stated that personal contacts include contractors, USMS personnel, AUSAs, financial analysts, special agents from various investigative agencies, financial institution representatives, court personnel, State and local law enforcement professionals, and individuals from private businesses.

The position exceeds Factor Level 6-2 because at that level incumbent's contacts are usually employees at various levels within the agency and members of the general public, such as individuals or groups, in a moderately structured setting. Contacts are usually made at the employee's work place. The employee must explain the reason for the contact and the role and legal authority to the participants.

This position fully meets Factor Level 6-3 because at this level personal contacts are with individuals or groups from outside the agency in moderately unstructured settings, on a non-routine basis. The extent of each contact is different due to the nature and type of case investigation. Typical contacts at this level are with investigators from other agencies, district attorneys, witnesses, informants, and complainants.

The position does not exceed Factor Level 6-4 because at that level the contacts include high-ranking officials outside the agency at national or international levels in highly unstructured settings (e.g., officials may be relatively inaccessible, or each contact may be conducted under different ground rules). Typical contacts at this level are Members of Congress, leading representatives of foreign governments, presidents of large national or international firms and organizations, State governors, mayors of large cities, or nationally recognized representatives of the news media.

Purpose of Contacts

The incumbents stated that the purpose of contacts is to obtain financial information, identify assets, and information-sharing with investigative agencies and prosecutors. The purpose of contacts with private business is for the relocation, storage, maintenance and liquidation of seized property. Contacts are also with private citizens (property/business owners, tenants, etc.), in order to gather information to determine relationships with defendants, and determine legal ownership of assets.

The purpose of contacts for this position exceeds Factor Level 7-B because at that level incumbent plans, coordinates, or advises on work efforts or resolution of operating problems by influencing or persuading individuals or groups who are working toward mutual goals and have basically cooperative attitudes.

This position meets Factor Level 7-C because at this level the purpose of contacts is to interview, interrogate and influence individuals to provide financial and other information regarding assets of targets of investigation, who often may be skeptical, fearful, uncooperative and dangerous. The purpose of contacts is also to work with the investigative agencies and prosecutors to collaborate on the identification of assets, gain consensus of the direction of the investigation, establish rapport with individuals from outside USMS, such as financial institutions to obtain financial records, court personnel when obtaining warrants, state and local law enforcement professionals, and individuals from the public as a witness, informant or victim.

The position does not meet Factor Level 7-D because at that level the purpose of contacts is to justify, defend, negotiate, or settle matters involving significant or controversial issues and/or programs. Work at this level usually involves active participation in conferences, meetings, hearings, or presentations about problems or issues of considerable consequence or importance. Persons contacted typically have diverse viewpoints, goals, or objectives requiring the employee to achieve a common understanding of the problem and a satisfactory solution by convincing them, arriving at a compromise, or developing suitable alternatives. Incumbent does participate in conferences, meetings, hearings or presentations regularly, however, it is not necessarily

regarding problems or issues of considerable consequence or importance, nor do these meetings require compromise or the development of suitable alternatives.

Factor 8 – Physical Demands – Factor Level 8-3 – 50 Points

This factor describes the nature of physical demands placed on the incumbent.

Depending on the nature of the case, work may be at times sedentary, require travel within the assigned district to collect financial information about assets targeted for forfeiture. However, depending on the type of case, incumbent may be required to conduct surveillance and other duties relating to law enforcement work. At times work may involve long periods of standing and recurring stooping and bending while performing some assignments. Incumbent must also be prepared to protect himself/herself or others from physical attacks at any time and without warning, and to use firearms, as required by the position, only as a last resort.

The position exceeds Factor Level 8-2 because at that level the work only involves long periods of standing and recurring stooping and bending. The work can require frequent and recurring surveillance in which there is a considerable amount of walking, stooping, bending, and climbing. The employee may be required to remain in one location for many hours without relief.

The position meets Factor Level 8-3 because at that level the work requires incumbent to be prepared to protect themselves or others from physical attacks at any time and without warning, and to use firearms, as required by the position, only as a last resort. There is no Factor Level 8-4, therefore FL 8-3 is credited.

Factor 9 – Work Environment – Factor Level 9-3 – 50 Points

This factor describes the physical surroundings in which incumbent works and any special safety regulations or precautions that incumbent must observe to avoid mishaps or discomfort.

The work is performed in an office environment, however, incumbent visits financial institutions, courts, property locations, and other locations throughout assigned district.

In many respects the position meets Factor Level 9-1 because at that level work is usually performed in an office setting with adequate lighting, heating, and ventilation. But the work environment involves more than just the everyday risks or discomforts requiring normal safety precautions.

The position exceeds Factor Level 9-2 because at that level work involves only moderate risks and requires special safety precautions or protective clothing or gear; or exposure to such condition.

The position meets Factor Level 9-3 because at this level work involves high risk of exposure to potentially dangerous and stressful situations when serving subpoenas, encountering hostiles when conducting interviews, and serving seizure warrants.

Summary of Analysis:

The final grade is determined by totaling the points credited for all the factors and converting them into a grade using the point-to-grade conversion chart. The total points for this position is 3280 which falls within the 3155 - 3600 range of points that is equivalent to the GS-13 grade level. This position is properly classified as a Criminal Investigator, GS-1811-13.

Final Recommendation:

This desk audit has resulted in a recommendation to the U.S. Marshals Service that the classification of subject position remains as Criminal Investigator, GS-1811-13, with a working title of Asset Forfeiture Financial Investigator.

Chief, Classification & Position Mgmt. Branch
Bureau of Alcohol, Tobacco, Firearms & Explosives
Department of Justice

9/21/16
Date

Exhibit 7

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH	PATRICK J. LEAHY, VERMONT
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KRISTINE J. LUKAS, Democratic Chief Counsel and Staff Director

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

March 19, 2015

VIA ELECTRONIC TRANSMISSION

The Honorable Sally Quillian Yates
Acting Deputy Attorney General
United States Department of Justice

Dear Acting Deputy Attorney General Yates:

I write with some concern regarding allegations of inappropriate hiring practices within the United States Marshals Services (USMS) Asset Forfeiture Division (AFD). Whistleblowers with specific knowledge of the process¹ have alleged that the AFD improperly waived qualification requirements in order to hire Donald Lenzie as a Senior Forfeiture Financial Specialist (SFFS), a highly paid contractor position.

Information obtained by the Committee suggests that Director Stacia A. Hylton personally recommended Mr. Lenzie for this position and that Kimberly Beal, then AFD Deputy Assistant Director, influenced subordinates to waive contract qualification requirements in order

¹ As a reminder, denying or interfering with employees' rights to furnish information to Congress is unlawful, 5 U.S.C. § 7211 ("The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied."), and obstructing a Congressional investigation is a crime, 18 U.S.C. § 1505 ("Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede . . . the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress" "[s]hall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both."). Furthermore, federal officials who deny or interfere with employees' rights to furnish information to Congress are not entitled to have their salaries paid by taxpayers' dollars. Consolidated and Further Continuing Appropriations Act, 2015, Pub. L. No. 113-235, § 713, 128 Stat. 2130 (2014).

Exhibit 7

to hire him. It is further alleged that Ms. Beal violated these contracting standards in order to receive favorable consideration from Director Hylton in Ms. Beal's effort to become the AFD Assistant Director, a position she now occupies.

This *quid pro quo* exchange of favors, if true, would raise serious doubts about the operational practices of the USMS AFD under Ms. Beal as well as, frankly, Ms. Hylton's leadership of the USMS.

Accordingly, please provide the Committee with a complete written explanation of the circumstances surrounding the hiring of Mr. Lenzie no later than March 26, 2015. Please also include in your response the following information:

1. The resumes of all individuals who have filled the contractor position of SFFS under the USMS AFD contract with Forfeiture Support Associates (FSA).
2. A copy of the current and all previous versions of the contract qualification requirements used to hire SFFS contractors from 2010 to the present. Please mark each version with the date that it became effective.

Should you have questions, please contact DeLisa Lay of my Committee staff at (202) 224-5225. Thank you.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

Cc: The Honorable Michael E. Horowitz
Inspector General
Office of the Inspector General

Exhibit 8

The Asset Forfeiture Financial Investigator (AFFI) conducts the following investigative steps in order to identify, target and develop theories of forfeiture in order to seize and forfeit criminally derived assets:

1. Database checks
2. Internet research
3. Interviews
4. Surveillance
5. Requests record via subpoena and formal requests
6. Reviews Financial Records
7. Coordinates with other intelligence and law enforcement agencies
8. Authors Affidavits in support of search and seizure warrants
9. Testifies at Grand Jury Proceedings

Additionally, the AFFI coordinates and facilitates pre-seizure planning activities to include the formulation of net equity, projects maintenance and disposal costs and serves a subject matter expert on the seizure of assets.

The AFFI Program is seeking a Senior Forfeiture Financial Specialist (SRFF) to support the AFFIs. The role of the SRFF is defined as an analytical support professional capable of the following:

1. Manage and organize subpoenaed financial documents
2. Conduct entry of raw financial data into financial analysis databases
3. Analyze financial data and identify patterns of financial transactions constituting money laundering activity
4. Trace the flow of proceeds of SUAs from accounts to assets
5. Assist the AFFI with the creation of source & application products
6. Guide the AFFI through the financial investigation by developing leads for the AFFI
7. Conduct detailed research of asset ownership
8. Support the AFFI in the development of theories of forfeiture by developing the supporting financial evidence
9. Assist the AFFI in pre-seizure functions by conducting research / analysis of complex assets and the maintenance and disposal costs associate with the asset

Candidates must have a strong background and understanding of the Federal Criminal Justice system in order to support the AFFI. Further, an understanding of Federal Forfeiture Law, to include administrative, criminal judicial and criminal civil forfeiture is a must.

Candidates must have strong computer skills and be capable of utilizing multiple database systems and software to include Microsoft Access, Excel, word as well as WordPerfect.

The AFFI program is currently divided into four (4) geographic regions. The SRFF will support Region I, primarily consisting of the west coast. Some travel will be required.

- I will coordinate with [REDACTED] to include any additional USMS representation during the interview process. Please ask FSA to copy [REDACTED] and me on all recruitment activity, to include the date when the announcements post on the FSA website. Thanks!

Exhibit 10

To: [REDACTED]
From: [REDACTED]
Sent: Mon 6/6/2011 10:50:34 PM
Subject: RE: Forfeiture Financial Specialist

[REDACTED]

The USAO has agreed to supply office space so the co-location is not a problem. [REDACTED]
[REDACTED]

The D/MA USMS senior management has been briefed and have given their blessing for the job. They welcome it. If you need anything else from me please let me know.

[REDACTED]

From: [REDACTED]
Sent: Wednesday, June 01, 2011 9:10 AM
To: [REDACTED]
Subject: Forfeiture Financial Specialist

Eben has requested we delay announcing the selected cities pending confirmation respective USMS district management have been briefed and approve of the concept. I will prepare a Memo today from Eben to accomplish that, but in the meantime can you confirm an informal discussion has occurred with district management and they would support this addition to the district's Asset Forfeiture Program (understanding the FFS will be contract positions assigned to HQ who will work in conjunction with the district investigators with the requirement to travel to other districts to support other investigators when necessary)? A part of the discussion should also include the requisite co-location and an understanding the USAO has agreed to provide workspace. There will be eight total for the country assigned to the proposed cities of Houston, Boston, Seattle, Columbus, Manhattan, and Brooklyn, as well as Tampa and HQ, the latter two that are in place. I will handle Manhattan and Brooklyn if you can handle your districts (S/TX, S/OH, D/MA & W/WA). Let me know if there are questions. Thx!

Exhibit 11

To: [REDACTED]@forfeituresupport.com]
Cc: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED]@forfeituresupport.com]
From: [REDACTED] (USMS)
Sent: Wed 8/17/2011 3:45:04 PM
Subject: RE: SFFS Recruitment

This is to authorize the recruitment of 4 SFFs. Please see [REDACTED] e-mail below. Please copy [REDACTED] and [REDACTED] on all recruitment activity and include the date when announcements are posted on FSA website.

From: [REDACTED] (USMS)
Sent: Wednesday, August 17, 2011 2:09 PM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: SFFS Recruitment

Hello [REDACTED]

Kim and I met with [REDACTED] moments ago to discuss a recruitment strategy and we are prepared to issue the task orders to FSA for four (4) Senior Forfeiture Financial Specialist positions in support of the Asset Forfeiture Financial Investigator Program and Complex Assets Team. The cities and AFD points of contact are as follows:

1. Boston, MA;
2. Seattle, WA;
3. Houston, TX;
4. Columbus, O;

Exhibit 11

I will coordinate with [REDACTED] to include any additional USMS representation during the interview process. Please ask FSA to copy [REDACTED] and me on all recruitment activity, to include the date when the announcements post on the FSA website. Thanks!

[REDACTED]

United States Marshals Service
Asset Forfeiture Division, Complex Assets Unit
Forfeiture Financial Specialist Jump Team
Requirements White Paper

Executive Summary:

In the past, the lack of proper pre-seizure planning has caused great difficulty and serious complications for the Asset Forfeiture Division, particularly when dealing with complex assets handled by the Complex Assets Unit (CAU). As such, the CAU is now dedicated to educating the Districts, and the various U.S. Attorney Offices (USAOs) and Investigative Agencies (IAs), on the importance of fully understanding the implications of targeting, seizing and eventually forfeiting a complex asset. The primary message to the various offices and agencies is that right people with the right competencies must be involved in a complex asset forfeiture as soon as possible.

The primary purpose of the Forfeiture Financial Specialist Jump Team (Jump Team) program is to support the CAU by creating a framework of individuals with specialized expertise and competencies to address the numerous issues and difficulties that often arise in complex asset cases. In building an effective Jump Team, USMS should seek business professionals who have experience in business-related ventures, who are dedicated to researching complex issues and problems, and who can work effectively and efficiently in an unstructured, high-pressure environment.

The Jump Team program structure is most effective when the focus is on the competencies and strengths of its members. Although the members are dispersed geographically across the various Districts, the CAU will strive to maximize the utility of each member by assigning each only to cases that complement the skill set of the specific Jump Team member.

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2. The Role of the Jump Team	5
3. Requisite Competencies for Jump Team Members	5
4. Jump Team Program Structure	6
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1. The Role of CAU in Implementing a Restraining or Protective Order

The information necessary to make an informed decision about whether a complex asset (particularly a business or business interest) should be forfeited is typically not collected by the IA as part of its underlying criminal investigation. Therefore, the CAU always recommends that the USAO file a motion for a restraining or protective order (hereinafter referred to as an “order”) that allows a targeted business to continue normal operations and concurrently allows USMS on-site access to the business to inspect the premises, review financial records, and interview employees. The service of such order is the first instance in which the CAU has the ability to conduct a thorough forfeiture investigation of a complex asset; as such, this stage is crucial to a successful forfeiture action.

Although orders vary depending on circumstance and at the discretion of a District Judge, they typically include:

- Directions for Financial Institutions (e.g. prohibit future disbursements from the account without direction from USMS)
- Directions for the Business (e.g. continue to operate lawfully in accordance with specific accounting principles)
- Directions for Individuals associated with the business (e.g. prohibit persons from transferring/selling/pledging any assets of the business)
- Directions for the USMS (e.g. review and approve only lawful business transactions)

In essence, the purpose of the order is to allow normal business operations to continue under the guidance of the USMS, while the USMS assesses the viability and sustainability of the business (as separate from any criminal activity). Without specialized knowledge and competencies, the USMS cannot effectively implement its objectives. Typically speaking, District personnel lack this requisite expertise. As such, the standard operating procedure of the past has been for CAU headquarters members to travel to business locations to serve and implement an order.

In accordance with the specific instructions of an order, the CAU has two immediate objectives:

- a. Collect and Gather Information
- b. Ensure Operational Functionality of the Business

It is noted that it is **NOT** the responsibility of the CAU to identify fraud in cooperation with the criminal investigation. Although this information may be useful to the IA, the CAU should be focused on forfeiture-related issues.

- a. Collect and Gather Information

With respect to this objective, the CAU has created a **Business Information Questionnaire**. See Attached. There are dozens of documents that must be collected and

reviewed in order to fully understand all aspects of an operating business. However, simply gathering these documents is not a simple task. In many instances, business records are incomplete, erroneous or absent, and the CAU must be able to recognize these instances and effectively communicate with executives, managers, and other key personnel to gain further insight. More importantly, business records tell a story about the business – and minute facts within those records often warrant specific questions that can lead to additional significant information.

In the event that an order is served simultaneously with a search warrant, the USMS must work with the IA to identify what documents are being seized as evidence in the criminal investigation. Often times, the CAU has to literally look over the shoulder of the evidence team to identify important documents for the forfeiture investigation. Experience in dealing with business books and records is therefore crucial because once documents are seized as evidence, they are not readily available for later review.

b. Ensure Operational Functionality of the Business

Generally, most of the value in an operating business is derived from the fact that the business is functional, operating and cash flow positive. Although a targeted business will necessary be closed temporarily to work through various issues, the CAU strives to work quickly so that it can put into place proper oversight and monitoring mechanisms to allow the business to remain open and operational.¹

The CAU must establish a baseline understanding of the necessary functions and actions that keep the business operating. Normally, this requires interviewing key personnel in the business and working with them to understand business transactions, software and other issues specific to operations. Processing this information is more of an art form than a science and requires a great deal of skill to master effectively and efficiently. Once the CAU fully understands the business operations, it must develop its plan of action to monitor the continuing operations, making sure that all potential weaknesses in oversight are addressed

In the event that an order is served simultaneously with a search warrant, the CAU must be particularly mindful that some documents and items seized as evidence may be critical to the operations of the business (e.g. computer hard drives, payroll records). Therefore, the CAU must be able to identify these critical documents to ensure preservation of value of the business.

¹ Most businesses cannot shutdown for more than a few days without suffering serious consequences to profitability and sustainability.

The initial stages of an order can take CAU up to one week or longer to fully complete. In most cases, the plan of action formulated from the information collected in this initial stage is constantly modified and fine-tuned based on developing circumstances.

2. The Role of the Jump Team

As demonstrated above, the seizure of a complex asset requires the CAU to learn the inner workings of an operating business “on the fly” and simultaneously develop a monitoring system to ensure both viability and prohibit criminal activity. It is a monumentally difficult task. The Jump Team serves as a dedicated framework of individuals with specialized expertise and competencies to assist the CAU in understanding issues that arise with complex assets and, in a more general sense, improve upon the forfeiture process.

The Jump Team members are expected to fully participate in the information gathering stage and to provide valuable input to the decision-making process. But it is equally important that the Jump Team is able to process information received from the collection stage and present that data in a professional manner so that the CAU can make informed decisions. As such, the Jump Team is expected to deliver a complete report that details findings, identifies weaknesses in the findings, and makes recommendations (where possible). In many instances, the CAU will learn additional facts over time that requires further information gathering; the Jump Team is expected to be available to follow up on such tasks.

3. Requisite Competencies for Jump Team Members

The initial stages of the forfeiture of a complex asset are typically chaotic. The CAU and Jump Team are required to process large amounts of business-related information in a very short period of time in order to make immediate decisions of consequence. As such, all Jump Team members should have the following minimum skill sets:

- a. Superior understanding of business books and records (including the ability to understand financial transactions and connect them to the overall business operations);
- b. Ability to work effectively in an unstructured environment; and
- c. Desire and ability to thoroughly investigate, examine, and research specialized issues and subjects.

Experience in accounting, finance or economics is strongly recommended because the Jump Team must be able to fully comprehend the content of business records - and the business environment in general.² In addition, general experience in business operations is strongly

² Although certifications such as Masters in Business Administration (MBA), Certified Public Accountant (CPA), Certified Fraud Examiner (CFE) and Certified in Financial Forensics (CFF) are generally helpful, they should not be

Exhibit 12

USMS Complex Asset Unit - Jump Team White Paper

recommended because the Jump Team must be able to understand important issues facing a particular type of business or industry.³

In theory, the Jump Team should be comprised of several individuals who each have a core competency in a business-related area. Depending on the specific issues of a particular case, individual Jump Team members would be strategically selected to participate based on their competencies. The following list identifies several of the many business-related competencies:

- a. **Audit** (e.g. internal or external auditor)
- b. **Tax** (e.g. tax advising or preparation)
- c. **Corporate Finance** (e.g. Financial Analyst, Accountant, Credit Analysis & Management, Controller / Finance Director / Treasurer / Chief Financial Officer, Financial Reporting)
- d. **Investment Banking** (Sales/Trading, Research, Mergers/Acquisitions, Advisory Services)
- e. **Commercial Banking** (e.g. Commercial Lending, Trust Management / Trust Officer, Capital Services)
- f. **Asset Management** (e.g. Fund Accountant, Economist, Analyst / Associate, Portfolio / Fund Manager)
- g. **Personal Financial Planning** (e.g. Portfolio Management)
- h. **Brokerage Services** (e.g. management and investment services)

To the extent that the USMS is able to find an individual that satisfies one or several of these competencies, the specialized knowledge base of such individual will greatly improve upon the pre-seizure planning capabilities of the CAU.

4. Jump Team Program Structure

The Jump Team is comprised of eight members stationed in various District offices and one senior member stationed at Headquarters. The current Jump Team structure is as follows:

- | | |
|--------------|--------|
| - [REDACTED] | (HQ) |
| - [REDACTED] | (M/FL) |
| - [REDACTED] | (S/NY) |
| - [REDACTED] | (MA) |
| - Don Lenzie | (MA) |
| - VACANT | (W/WA) |
| - VACANT | (S/TX) |

considered requisite qualifications for Jump Team members.

³ USMS deals with businesses in every possible industry; often times, the CAU must focus on issues that are highly-specific to a particular business or industry.

- VACANT (E/NY)
- VACANT (S/OH)

As the Senior Member is stationed in Headquarters, this individual serves as a liaison between the CAU and the individual members in the District offices.

As new complex asset cases are received by the CAU headquarters offices, they are analyzed based on business-type, known and anticipated issues, and objectives. It is the responsibility of the Senior Member of the Jump Team to participate in this analysis and decide what Jump Team member competencies are best suited to assist the CAU in each case. Although the Jump Team is geographically spread across several Districts, for the purposes of supporting the CAU, the primary assignment indicator is competency and not geographic location.

5. Conclusion

As the USMS faces increasingly complex cases and issues, the need for business professionals with core competencies in various business-related areas is more apparent than ever. A Jump Team initiative aimed towards retaining business-minded professionals with a passion for confronting and resolving complex matters is integral to the development and continued improvement of the Complex Asset Unit. As this initiative develops over time, the CAU will have the ability to couple individual Jump Team members with specific cases or issues based on strengths and competencies, thereby improving upon the level of service being provided to the District offices, USAOs and IAs.

Exhibit 13

To: [REDACTED] USMS [REDACTED] Beal, Kim [REDACTED]
 From: [REDACTED]
 Sent: Wed 5/4/2011 7:29:56 AM
 Subject: FW: Resume
 [REDACTED] resume.docx

Proposed FFS Jump Team cities for discussion at next week's BOD include Tampa (already on-board), Boston and Seattle (to develop more of a presence with our recent promotions there of [REDACTED] and [REDACTED] and to provide NE and NW coverage), Columbus, Ohio (to provide coverage in the Midwest) and one remaining city yet to be finalized (maybe Atlanta, although after the stunt [REDACTED] pulled this week I am a little reluctant). The attached resume is someone [REDACTED] has recommended and she appears to have outstanding credentials, to include an ability to help maybe provide audit SOPs, as needed. She is soon moving from the Atlanta area to Boston.

From: [REDACTED]
 Sent: Tuesday, May 03, 2011 10:59 AM
 To: [REDACTED]
 Subject: FW: Resume

Attorney, CPA, CFE looking for work in Boston. Leaving the USAO in N/GA. Thoughts????
 Too good to be true?? A little concerned about [REDACTED]

From: [REDACTED] usdoj.gov]
 Sent: Tuesday, April 26, 2011 9:15 AM
 To: [REDACTED]
 Subject: Resume

Hi [REDACTED]

Thanks so much for getting back to me yesterday. Please let me know if you hear any more on the contractor position. My resume with contact info is attached. I'll likely be moving up to Boston within the next month or two, but my cell phone will stay the same.

Thanks,

[REDACTED]
 resume.docx>>



Exhibit 14

[REDACTED]

From: [REDACTED]
Sent: Wednesday, August 24, 2011 10:23 AM
To: [REDACTED]
Subject: RE: Emailing: FSA - About FSA--Text of the Boston, Houston, Columbus and Seattle Sr FFS advertisements.

They are up and on Monster.com with its related sites and on our web page.

[REDACTED]

From: [REDACTED]
Sent: Wednesday, August 24, 2011 10:38 AM
To: [REDACTED]
Subject: RE: Emailing: FSA - About FSA--Text of the Boston, Houston, Columbus and Seattle Sr FFS advertisements.

Thanks [REDACTED]

From: [REDACTED]
Sent: Wednesday, August 24, 2011 10:23 AM
To: [REDACTED] Beal, Kim (USMS)
Subject: Emailing: FSA - About FSA--Text of the Boston, Houston, Columbus and Seattle Sr FFS advertisements.

solutions

Forfeiture Support Associates, LLC (FSA), a rapidly growing professional support services company delivering high-quality service in support of the Asset Forfeiture Program, has an opening for a(n):

Senior Forfeiture Financial Specialist

City	Boston
Agency	US Marshals Service
Position Schedule	Full Time
Salary	Salary Commensurate w/Exp-
Requisition Code	761325-0819

Job Description

A Senior Forfeiture Financial Specialist executes the following duties:

- This position will provide support to the Investigative Marshalls program and will be located in the United States Attorney's Office.

Exhibit 14

- Supports nationwide financial initiatives that affect district Asset Forfeiture financial operations such as audit readiness, A-123, etc.
 - Monitors and analyzes the financial operations of assigned districts.
- Assists districts by providing: (1) guidance relative to complex financial assets; and (2) support for preparation of annual Asset Forfeiture Fund audit samples.
 - Formulates administrative and technical procedures for accomplishing tasks.
- Performs complex technical and factual research relative to seized financial and business assets.
- Submits monthly reports to headquarters documenting the financial status of districts within assigned region.
- Provides supports in conducting pre seizure analysis. This includes, but is not limited to net equity analysis, developing exit strategy, preparation of recommendation to IAs and USAO, etc.
 - Monitors financial reports submitted by businesses subject to restraining orders/protective orders.
 - Provides forensic audit and other financial services relative to seized and forfeited businesses.

Basic Qualifications:

A Senior Forfeiture Financial Specialist must meet the following qualifications:

- Preference will be given to candidates with prior financial investigative experience. Federal experience is a plus!
 - Four-year undergraduate diploma in accounting, finance or related field.
- One or more related professional certifications such as Certified Public Accountant, Certified Internal Auditor, Certified Fraud Examiner, Certified Government Financial Manager, etc.

Exhibit 14

- Ten years of direct experience related to accounting, auditing, finance or budget administration.
- Asset Forfeiture experience desirable, but not required
- Experience in Government accounting systems and proficiency in using spreadsheet and word processing software.
- Demonstrated ability to: (a) prioritize and complete multiple complex projects under tight deadlines; (b) work with minimal supervision; and (c) consistently deliver the highest level of quality work

This position requires U.S. Citizenship and a 7 (or 10) year minimum background investigation.

FSA offers a comprehensive benefits package. For a full list of available benefits, visit us on the web.

We are proud to be an EEO/AA employer M/F/D/V. We maintain a drug-free workplace and perform pre-employment and random substance abuse testing.
Visit us on the Web at: www.forfeituresupport.com

This company participates in E-Verify. For more information on E-Verify go to www.dhs.gov.

[Apply Now] [Refer a Friend]

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Exhibit 15

From: [REDACTED] (USMS)
Sent: Thursday, June 30, 2011 1:20 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: On Behalf of DAD Beal -- New Forfeiture Financial Specialist (FFS) Host Districts

On Behalf of DAD Beal:

Hello Marshals and Chiefs –

Earlier this year, Program Managers assigned to the USMS Asset Forfeiture Financial Investigator Program and Complex Assets Team agreed on a strategy to enhance each respective program within the Asset Forfeiture Division (AFD) by adding an HQ-sponsored FSA Forfeiture Financial Specialist (FFS) contract position to support initiatives involving the investigation, seizure, management, and disposition of forfeitable assets. A preliminary inquiry was made with the USMS Investigators who support the Asset Forfeiture Financial Investigator Program on district interest. The Investigator assigned to your district and/or the Regional Program Manager for the area may have recently communicated this initiative with you.

We believe the greatest success will be achieved with placement of the FFS in the U.S. Attorney's Office working alongside the USMS Investigator. I understand the U.S. Attorney's Office Asset Forfeiture Unit in your district has agreed to provide work space to support this project.

Like the USMS Investigator, AFD will fund all associated costs for this HQ-sponsored contract employee. We intend to recruit highly motivated individuals with a strong background in financial investigations and law enforcement who can provide real-time advice and a work product that enhances the tracing of assets with an exit strategy that will take ill-gotten gains from those who have acquired them to facilitate crimes, or from the proceeds thereof. The selected contract employee will be required to possess and maintain a form of certification in the field of finance, accounting, and/or financial investigations (e.g., Certified Fraud Examiner, Certified Public Accountant, etc.) and may be required to travel to other districts on short-term assignments to provide support in multi-district investigations. Through a pilot program in Tampa, we have successfully recruited and integrated an FFS into the USMS Asset Forfeiture Program in the Middle District of Florida. We have likewise hired a second and third FFS contract position to support the Complex Assets Team in the Southern District of New York and AFD HQ.

This message is a formal request to determine your district's interest/concurrence in hosting an FFS contract position. A favorable response will allow AFD to begin the recruiting process that will include an interview of prospective candidates where we welcome your participation in conjunction with one of our Program Managers.

Should you have specific questions beyond the information provided in this message, or what has been communicated to you by your investigator, please contact Assistant Chief Inspectors [REDACTED] (Boston), [REDACTED] (Seattle), [REDACTED] (Houston), or [REDACTED] (Tampa) [available in the Outlook Address

Exhibit 15

Directory], all who manage the USMS Asset Forfeiture Financial Investigator Program, or Program Manager [REDACTED] who oversees the Complex Assets Team.

Thank you for your consideration and continued support of the Asset Forfeiture Program. We look forward to hearing from you!

Kimberly Beal
Deputy Assistant Director
Asset Forfeiture Division
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
U.S. Marshals Service
Asset Forfeiture Division
[REDACTED]
[REDACTED]

Exhibit 16

[REDACTED]

From: [REDACTED]
Sent: Wednesday, August 17, 2011 2:45 PM
To: [REDACTED]
Subject: RE: SFFS Recruitment

[REDACTED]

This is to authorize the recruitment of 4 SFFs. Please see [REDACTED] e-mail below. Please copy [REDACTED] on all recruitment activity and include the date when announcements are posted on FSA website.

[REDACTED]

From: [REDACTED]
Sent: Wednesday, August 17, 2011 2:09 PM
To: [REDACTED]
Subject: SFFS Recruitment

Hello [REDACTED]

Kim and I met with [REDACTED] moments ago to discuss a recruitment strategy and we are prepared to issue the task orders to FSA for four (4) Senior Forfeiture Financial Specialist positions in support of the Asset Forfeiture Financial Investigator Program and Complex Assets Team. The cities and AFD points of contact are as follows:

1. Boston, MA; [REDACTED]
2. Seattle, WA; [REDACTED]
3. Houston, TX; [REDACTED]
4. Columbus, OH; [REDACTED]

I will coordinate with [REDACTED] to include any additional USMS representation during the interview process. Please ask FSA to copy [REDACTED] and me on all recruitment activity, to include the date when the announcements post on the FSA website. Thanks!

[REDACTED]

Exhibit 17

To: Beal, Kim (USMS); [REDACTED]
From: [REDACTED] (USMS)
Sent: Thur 6/30/2011 5:15:21 PM
Subject: Fw: On Behalf of DAD Beal -- New Forfeiture Financial Specialist (FFS) Host Districts

FYI

From: [REDACTED] (USMS)
Sent: Thursday, June 30, 2011 05:14 PM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: FW: On Behalf of DAD Beal -- New Forfeiture Financial Specialist (FFS) Host Districts

[REDACTED]
 [REDACTED] and [REDACTED] support AFD's proposed FFS position here in the District of
 Massachusetts. If you require anything additional from us please don't hesitate to contact me.
 Thanks [REDACTED]

[REDACTED]

From: [REDACTED] (USMS)
Sent: Thursday, June 30, 2011 02:20 PM
To: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Cc: Beal, Kim (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: On Behalf of DAD Beal -- New Forfeiture Financial Specialist (FFS) Host Districts

On Behalf of DAD Beal:

Hello Marshals and Chiefs --

Earlier this year, Program Managers assigned to the USMS Asset Forfeiture Financial Investigator Program and Complex Assets Team agreed on a strategy to enhance each respective program within the Asset Forfeiture Division (AFD) by adding an HQ-sponsored FSA Forfeiture Financial Specialist (FFS) contract position to support initiatives involving the investigation, seizure, management, and disposition of forfeitable assets. A preliminary inquiry was made with the USMS Investigators who support the Asset Forfeiture Financial Investigator Program on district interest. The Investigator assigned to your district and/or the Regional Program Manager for the area may have recently communicated this initiative with you.

We believe the greatest success will be achieved with placement of the FFS in the U.S. Attorney's Office working alongside the USMS Investigator. I understand the U.S. Attorney's Office Asset Forfeiture Unit in your district has agreed to provide work space to support this project.

Like the USMS Investigator, AFD will fund all associated costs for this HQ-sponsored contract employee. We intend to recruit highly motivated individuals with a strong background in financial investigations and law enforcement who can provide real-time advice and a work product that enhances the tracing of assets with an exit strategy that will take ill-gotten gains from those who have acquired them to facilitate crimes, or from the proceeds thereof. The selected contract employee will be required to possess and maintain a form of certification in the field of finance, accounting, and/or financial investigations (e.g., Certified Fraud Examiner, Certified Public Accountant, etc.) and may be required to travel to other districts on short-term assignments to provide support in multi-district investigations. Through a pilot program in Tampa, we have successfully recruited and integrated an FFS into the USMS Asset Forfeiture Program in the Middle District of Florida. We have likewise hired a second and third FFS contract position to support the Complex Assets Team in the Southern District of New York and AFD HQ.

This message is a formal request to determine your district's interest/concurrence in hosting an

Exhibit 17

FFS contract position. A favorable response will allow AFD to begin the recruiting process that will include an interview of prospective candidates where we welcome your participation in conjunction with one of our Program Managers.

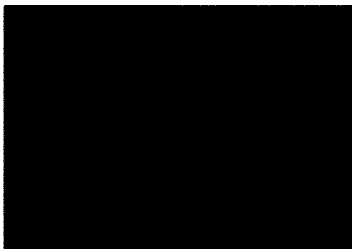
Should you have specific questions beyond the information provided in this message, or what has been communicated to you by your investigator, please contact Assistant Chief Inspectors [REDACTED] (Boston), [REDACTED] (Seattle), [REDACTED] (Houston), or [REDACTED] (Tampa) [available in the Outlook Address Directory], all who manage the USMS Asset Forfeiture Financial Investigator Program, or Program Manager [REDACTED] who oversees the Complex Assets Team.

Thank you for your consideration and continued support of the Asset Forfeiture Program. We look forward to hearing from you!

Kimberly Beal

Deputy Assistant Director

Asset Forfeiture Division





United States Marshals Service Asset Forfeiture Financial Investigator Program

A new breed of Deputy U.S. Marshals has been unleashed. United States Marshals Service (USMS) financial investigators are co-located in U.S. Attorney's Offices across the country and serving as financial investigators for the U.S. Attorney's Office Asset Forfeiture Units. On behalf of the U.S. Attorney's Office Asset Forfeiture Units, the financial investigators are assisting agents from the Drug Enforcement Administration, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Explosives, and the Postal Inspection Service, as well as investigators from other federal, state and local law enforcement agencies, by conducting complex financial investigations.

The goal:

- ☐ Enhance criminal & civil seizures and forfeitures related to Department of Justice (DOJ)- led investigations
- ☐ Maximize proceeds in support of victims' compensation
- ☐ Maximize proceeds in support of equitable sharing to state and local law enforcement
- ☐ Collect outstanding money judgments

Sending criminals to prison is not enough! Through the power of asset forfeiture, these investigators work exclusively to ensure criminals are stripped of all ill-gotten gains -- removing the proceeds of crime and other assets relied upon by criminals and their associates to facilitate their illegal activity against our society.

The Asset Forfeiture Financial Investigator (AFFI) Program is funded by the Assets Forfeiture Fund and dedicated to the single mission of "Asset Forfeiture." The AFFI is a District position; however, the AFFI reports daily to the Chief Forfeiture Assistant U.S. Attorney (AUSA), or their designee. The AFFI is trained to conduct complex financial investigations through interviews, surveillance and review/analysis of bank documents and property records. The AFFI is versed in theories of forfeiture and elements of money laundering. Finally, the AFFI serves as a direct liaison between the USMS, the United States Attorney's Office and sister DOJ Agencies, thus constantly exemplifying the world-class service the USMS provides the DOJ Asset Forfeiture Program.

Benefits of Having an AFFI in Your District:

- ☐ Enhanced seizures and forfeitures through:
 - Effective coordination and open communication amongst the AUSAs, Investigative Agencies and the USMS;
 - Increased USMS involvement in pre-seizure planning
 - Maximized opportunities for identifying assets that may have otherwise gone undetected;
- ☐ Effective dismantling of criminal enterprises through increased forfeiture-related activities;

Exhibit 18

- ☐ Ensuring defendant accountability through the collection of money judgments, which otherwise, may have gone uncollected.

AFFIs collected \$3.7 million in outstanding forfeiture money judgments in FY 2010

\$4.9 million has been collected through the first half of FY 2011

Asset Forfeiture Financial Investigators

- ☐ Are highly motivated, self starters who seek out challenging and rewarding investigative work
- ☐ Have successfully completed or are currently completing a rigorous multi-year training program in financial investigative techniques
- ☐ Have industry leading financial and fraud certifications
- ☐ By the end of FY 2011, approximately 50 AFFIs will be deployed across the country

Exhibit 19

To: Beal, Kim (USMS) [REDACTED]
From: [REDACTED] (USMS)
Sent: Fri 9/16/2011 9:12:59 PM
Subject: RE: Fwd: resume

His name likely won't be forwarded. He is missing two key pre-requisites (certification and his bachelor's degree is in criminal justice). From the advertisement on the FSA website:

Basic Qualifications:

A Senior Forfeiture Financial Specialist must meet the following qualifications:

- Preference will be given to candidates with prior financial investigative experience. Federal experience is a plus!
- Four-year undergraduate diploma in accounting, finance or related field.
- One or more related professional certifications such as Certified Public Accountant, Certified Internal Auditor, Certified Fraud Examiner, Certified Government Financial Manager, etc.
- Ten years of direct experience related to accounting, auditing, finance or budget administration.
- Asset Forfeiture experience desirable, but not required
- Experience in Government accounting systems and proficiency in using spreadsheet and word processing software.
- Demonstrated ability to: (a) prioritize and complete multiple complex projects under tight deadlines; (b) work with minimal supervision; and (c) consistently deliver the highest level of quality work

From: [REDACTED] (USMS)
Sent: Friday, September 16, 2011 6:33 PM
To: Beal, Kim (USMS)
Subject: RE: Fwd: resume

Not really. . .if he isn't qualified there is nothing we can do to change it. It isn't our rule. She should understand.

From: Beal, Kim (USMS)

Exhibit 19

Sent: Friday, September 16, 2011 6:14 PM
To: [REDACTED] (USMS)
Subject: RE: Fwd: resume

Shit - this could get complicated.

From: [REDACTED] (USMS)
Sent: Friday, September 16, 2011 06:12 PM
To: Beal, Kim (USMS); [REDACTED] (USMS)
Subject: RE: Fwd: resume

Impressive resume, but no reference to any certification(s) that is a pre-requisite. Let's see if FSA forwards the resume, or not based on the lack of a certification.

From: Beal, Kim (USMS)
Sent: Friday, September 16, 2011 6:07 PM
To: [REDACTED] (USMS); [REDACTED] (USMS)
Subject: Fw: Fwd: resume

See below

From: Staciahyton [mailto:[REDACTED]@me.com]
Sent: Friday, September 16, 2011 05:52 PM
To: Beal, Kim (USMS)
Subject: Fwd: resume

Thx Kim

Sent from my iPhone

Stacia

Begin forwarded message:

From: "Lenzie, Donald A" <donald.lenzie@[REDACTED]>
Date: September 16, 2011 8:26:49 AM EDT
To: [REDACTED]@me.com
Subject: resume

Exhibit 19

Hi Stacie

Attached is my resume that I submitted with the application to **FSA (Forfeiture Support Associates)** who are recruiting for a financial investigators position with the USMS in Boston. I was told by the FSA recruiter that they are looking for someone to do financial investigations and asset identification. Not so much the forfeiture end. That is right down my alley as I have been doing that most of my career. I was told it will be working with the USMS asset forfeiture unit in Boston. Interviews are expected to be scheduled in the next few weeks.

In my application I listed a federal judge from NH, a civil AUSA and my RAC as references. It also reflects my assignments in NH - last 8 years, Boston - 18 years, San Francisco - 3 years, Galveston, TX - almost 2 and of course my Co-Op days. Please call me anytime if you have any questions at 617-██████████ or can email and I will get on my blackberry. I am going out of town (FL) middle of next for a week 9/21 and will be back on 9/29. Thanks Kirk! Have a quiet day and pace yourself.

Exhibit 20

To: Beal, Kim (USMS) [REDACTED]
From: [REDACTED] (USMS)
Sent: Fri 10/7/2011 3:55:44 PM
Subject: Fw: Interview Questions - Position Description
[AFFI Background.pdf](#)
[Candidate Expectations.pdf](#)
[Interview Questions.docx](#)

From: [REDACTED] (USMS)
Sent: Tuesday, October 04, 2011 02:40 PM
To: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: Interview Questions - Position Description

Based on the incorrect position advertised, I provided each candidate with a background on the AFFI Program as well as a Candidate Expectations which outlines what they will be doing.

From this, we developed the attached interview questions.

V/r,

[REDACTED]
[REDACTED]
[REDACTED]

Exhibit 21

From: [REDACTED]
Sent: Monday, October 24, 2011 2:03 PM
To: [REDACTED] (USMS)
Subject: RE: Resumes for Columbus SFFS
Attachments: [REDACTED]-OH.docx; [REDACTED]-OH.doc; [REDACTED]-OH.pdf

Ok, I'll send you a schedule once I've scheduled all three. Asseff does not have law enforcement experience so he will not be scheduled. Attached are the three applicants to be scheduled.

Regards,

[REDACTED]
 - Office

From: [REDACTED] (USMS) [REDACTED]
Sent: Monday, October 24, 2011 3:00 PM
To: [REDACTED]
Subject: RE: Resumes for Columbus SFFS

It does. Afternoon preferably (or one late morning, two in the afternoon).

From: [REDACTED]
Sent: Monday, October 24, 2011 2:58 PM
To: [REDACTED] (USMS)
Subject: RE: Resumes for Columbus SFFS

Ok, that won't be a problem. Let me know which day that week you would like to have them scheduled and I'll take care of it immediately. Does 11/8 still work best for you?

[REDACTED]
 - Office

From: [REDACTED] (USMS) [REDACTED]
Sent: Monday, October 24, 2011 2:56 PM
To: [REDACTED]
Subject: RE: Resumes for Columbus SFFS

Hello [REDACTED] -

Without prior law enforcement experience (e.g., having written/edited/approved Affidavits/Declarations; testified as an agent or asked questions as a prosecutor on law enforcement matters before a Grand Jury or in Court, identified assets as a part of a criminal investigation, etc.), a candidate will not be successful in the position. The position is co-located in the U.S. Attorney's Office working alongside our investigator(s) so there cannot be much of a learning curve for any candidate who is not familiar with this type of environment. For these reasons, after a review of the resumes I would suggest we decline to interview the two additional candidates with no law enforcement experience for this particular position.

Exhibit 21

If we can interview all three remaining in one day, and I can obtain a schedule it will help in my planning for the week of November 7.

Thanks!

[REDACTED]

From: [REDACTED]
Sent: Monday, October 24, 2011 11:20 AM
To: [REDACTED] (USMS)
Subject: RE: Resumes for Columbus SFFS

[REDACTED]

Attached are 2 resumes for your review. They do not have a federal background but appear to have relevant skills. Let me know if you would like me to screen these two applicants to add to the current pool of [REDACTED] and [REDACTED].

Regards,

[REDACTED]
 [REDACTED] - Office

From: [REDACTED] (USMS)
Sent: Friday, October 21, 2011 12:35 AM
To: [REDACTED]
Cc: [REDACTED] (USMS); [REDACTED] (USMS)
Subject: FW: Resumes for Columbus SFFS

Hello [REDACTED] -

Following up. . . I have to visit Indianapolis in conjunction with my Columbus visit. I would like to shore up the interview schedule. Depending on the number of applicants we may be able to accomplish interviews in one day. I would propose conducting the interviews Monday and/or Tuesday so I can travel to Indianapolis Wednesday and/or Thursday. Or, we can switch the two days around (Indianapolis Monday and/or Tuesday, Columbus Wednesday and/or Thursday). So I can make travel commitments can you let me know as soon as possible about any additional applicants and lock in the interview dates (and times)? Also, who is taking the lead on this from FSA? I would appreciate it if they would be in touch with me. Thanks!

[REDACTED]

From: [REDACTED] (USMS)
Sent: Monday, October 17, 2011 12:23 AM
To: [REDACTED]
Cc: [REDACTED] (USMS); [REDACTED] (USMS)
Subject: RE: Resumes for Columbus SFFS

Hello [REDACTED]

Exhibit 21

Can you let us know if additional applicants may be added to the interview schedule beyond the three resumes transmitted to me on September 22? Can we set them for Tuesday, November 8 (and leave open November 9 in the event additional applicants are identified)? Thanks!

[REDACTED]

From: [REDACTED]
Sent: Thursday, September 22, 2011 7:21 PM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS); [REDACTED] (USMS)
Subject: RE: Resumes for Columbus SFFS

Ok...in that case I'll have to have one of the other FSA recruiters participate in the interviews. [REDACTED] I will talk to my boss tomorrow and will let you know who will be participating in the interview on FSA's behalf. I will continue to screen the resumes and prepare the applicant pool so you can communicate directly with me with regard to the applicants.

Regards,

[REDACTED]
 [REDACTED] - Office

From: [REDACTED] (USMS)
Sent: Thursday, September 22, 2011 7:14 PM
To: [REDACTED]
Cc: [REDACTED] (USMS); [REDACTED] (USMS)
Subject: RE: Resumes for Columbus SFFS

It looks like [REDACTED] will not be available the week of October 24. Let me get back with you on a week for interviews. It may be the week of November 7 (keeping in mind Friday the 11th is a federal holiday).

From: [REDACTED] (USMS)
Sent: Thursday, September 22, 2011 7:05 PM
To: [REDACTED]
Cc: [REDACTED] (USMS); [REDACTED] (USMS)
Subject: RE: Resumes for Columbus SFFS

The earliest we will be able to schedule interviews in Columbus is the week of October 24 (mid-week preferably). The resumes look good, but can we leave open the advertisement a couple more weeks to see if additional candidates apply and then begin to schedule the interviews in mid-October? Thanks!

From: [REDACTED]
Sent: Thursday, September 22, 2011 9:36 AM
To: [REDACTED] (USMS)
Subject: Resumes for Columbus SFFS

[REDACTED]

Attached are 3 resumes for your review. Let me know what you think.

Regards,

Exhibit 21

[REDACTED]
[REDACTED] - Office

**Guidance for Quality Assurance Evaluators
Helping with Oversight of the Contract with Forfeiture Support Associates**

The following guidance for Quality Assurance Evaluators (QAE) is divided into four areas:

- (1) Background
- (2) Common Contract Issues and Situations
- (3) Frequently Asked Questions (FAQ)s
- (4) Defining Personal Services

Background

Contract No. DJJ-04-C-0980 was awarded to Forfeiture Support Associates (FSA) on July 20, 2004. Initial implementing Guidance was issued on July 22, 2004 and was intended to provide high level guidance on proper oversight of the contract (Available Upon Request). The aforementioned guidance, which sets forth activities the government should not be involved in, has been very helpful in managing the contract to date. This document is intended to compliment the earlier guidance, especially for those with limited experience in contract oversight. It should prove to be useful to government personnel out in the field.

Each Agency that utilizes the contract is considered a customer and is required to have an Assistant Contracting Officer=s Technical Representative (ACOTR) assigned to the contract. The ACOTR is recognized by the Department of Justice (DOJ) as being the individual responsible in each respective agency for overseeing all services ordered and provided under the contract.

The ACOTR has several duties. They are critical to ensuring that the government receives the services promised, while preventing individual customer related infractions from adversely impacting everyone=s ability to utilize the contract. Since the ACOTR cannot be everywhere that services are being provided at the same time, he or she has to have help.

For purposes of this discussion, customers located on-site where there is contractor support and who are responsible for monitoring that support, are called Quality Assurance Evaluators (QAE)s. The QAEs are the helpers in the field each ACOTR needs to do their job. As such, QAEs are an extension of the ACOTR and their authority, relative to the contract, rests within the authority delegated to the ACOTR by DOJ and the Contracting Officer (CO).

The duties of the ACOTR and the QAE include the following:

- (1) Act as liaison and coordinate contractor/Government activities;
- (2) Receive, review, and approve invoices;

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- (3) Monitor the services provided;
- (4) Provide technical guidance regarding the performance of the contract.

In carrying out the above stated duties, it should be kept in mind that the essence of the Government's responsibility is to monitor and assess the support provided. It is the contractor's responsibility to manage their company and supervise their employees in order to provide the subject support. The greater the government's role in managing and supervising contractor employees, the less leverage the government has in requiring the contractor to address adverse issues that arise out of the execution of their responsibilities from time to time. The government cannot hold the contractor accountable for handling a situation, if government personnel attempt to take corrective action without first affording the contractor the opportunity to address the issue.

Sometimes QAEs make decisions and take actions relative to the contract, in order to achieve an immediate or near term result. This may be based on the QAE's position and/or other responsibilities within the organization. Unfortunately, if in taking such an action the QAE circumvents the terms of the contract or exceeds his or her authority delegated by the DOJ CO, they may expose both the contract and themselves (personally) to internal government sanctions and/or possible litigation from either the contractor or individual employees.

So what should QAEs really be doing in terms of monitoring the contract? The QAE's duties should fall within the four areas listed above. Any duty or action taken that does not fall within one of these areas should probably be discussed and reviewed with the ACOTR. The two areas with the most potential for problems are monitoring the services provided and providing technical guidance regarding the performance of the contract. Because of the potential for issues in these areas, the following guidance is offered.

Monitoring the services provided

Routinely check to see that the contractor is providing the services and support that have been ordered.

Review the positions and support requested (including the Position Descriptions) and assess the work performed by the contractor.

Notify FSA management and the ACOTR so that they clearly understand about issues. Keep a record of important communications.

Evaluate the needs and requirements of the organization throughout the year and coordinate adjustments with the ACOTR as needed.

Providing technical guidance regarding the performance of the contract

When providing technical guidance to the contractor remember the government's focus should be mainly on results. Therefore, the guidance should deal mainly with results. Let the contractor

Exhibit 22

handle the details and perform the work to achieve those results. The deeper the government's involvement in the specifics of employer/employee issues, the harder it is to hold the contractor accountable and the greater the potential for an adverse action against the government.

Be proactive, within the authority delegated by the CO, to ensure you receive the support needed.

Ensure there is a clear understanding between the government and FSA of the support you require.

Notify the ACOTR and FSA management of significant issues as they occur, rather than waiting until later when situations become harder to fix. Allow FSA the opportunity to address the matter.

If after notification, FSA does not address an issue, take a minute to document the situation and notify the ACOTR.

Many of the problems that occur during contract performance can be solved through open and clear communication. Talk with your ACOTR and with FSA management on a routine basis.

Common Contract Issues and Situations

Keeping Work Within Scope

The labor categories set forth in the contract help define the work that can be performed by FSA. In general, government employees should avoid assigning tasks to contract employees that are not set forth under the applicable position descriptions and were not specifically addressed with FSA management during the hiring process to fill the respective position. While contract employees are expected to demonstrate a certain amount of flexibility and evolution in the performance of work to meet the government's needs, abuse of this flexibility in assigning them additional, non-agreed upon tasks often leads to dissatisfaction with the work and the work environment on the part of the contract employee and detracts from the main focus of work for which they were originally hired. In most cases problems in this area can be avoided by discussing any significant changes to the work they are assigned with both the employee and their immediate FSA supervisor/regional director, before initiating those changes (unless in response to an emergency in which case FSA should be notified as soon as possible after the fact). Often, such changes to contractor tasks will require guidance on the part of the ACOTR, COTR, or CO before they can be implemented. Examples of work that should not be assigned to FSA employees include the following:

- (1) Work outside of their contract labor category description;
- (2) Running errands for government employees;
- (3) Personal tasks for any individual (government or contractor); and
- (4) Any temporary/permanent tasks that require so much of the contract employee's time as to jeopardize their accomplishment of their primary job/function.

Exhibit 22

The contractor will be as flexible as possible in trying to meet the government=s needs in the utilization of their employees. In a crisis situation, with the employee=s and FSA=s cooperation, it would not be a problem for an employee to help out. However, if a task is required on a recurring and/or routine basis it then becomes a requirement. If it is a requirement that is not part of the stated contractual agreement with FSA, then it can not be performed by the employee. When in doubt, always discuss the issue with FSA contract management and/or the ACOTR, COTR, or CO before implementation.

Example: The office has an unscheduled vacancy in a Clerical position and needs help with the continuity of that function until the critical duties can be re-apportioned and a replacement can be found. The QAE/Officer manager would like one of the FSA Data Analysts to assist with one or more of these critical duties, from time to time, until the tasks can be shifted to someone else, a temp is hired to do them, or a replacement is hired. Since the tasks in question are outside the normal tasks performed by a Data Analyst, the QAE should do the following:

- (1) Speak to the ACOTR about the issue.
- (2) Speak to the employee=s supervisor/Regional Director about the issue.

If both the ACOTR and the FSA supervisor/Regional Director approve performance of the new tasks on a non-routine basis - the FSA supervisor/Regional Director will confirm with the employee that he/she has the time to help out without jeopardizing the accomplishment of his/her normal job, and that he/she is willing to assist in performing the tasks.

While this may seem to be a complicated procedure, experience has shown that it is the most effective way to prevent miscommunication on an issue and prevent problems associated with operating outside the scope of the contract.

Recruiting, Hiring & Sustaining Contract Employees

In accordance with the DOJ Asset Forfeiture Contract and current labor laws, FSA is responsible for the recruiting, hiring and sustaining employees to work on this contract effort.

Recruiting:

For the recruiting effort, FSA bears all costs and responsibility for advertising, screening and interviewing candidates for the positions ordered on the contract. However, government personnel involvement in this process is considered Acritical@, so that the right people get selected for the right job. In all cases candidates will be selected in accordance with all applicable labor laws and will be mutually agreed upon by both the contractor and the government before hiring actions take place. As such, it is essential that the applicable government personnel be available to participate in this process. Significant delays in filling positions can and do occur in this process when government personnel are not timely in their participation. Significant amounts of time, money and effort are associated with providing qualified candidates for the ordered positions. The commitment of local government personnel to support this effort is critical. Most candidates for these positions do not stop looking for work during this process. Both the government and FSA in a sense are competing for their services

Exhibit 22

within the job market and many highly qualified candidates are lost to other job opportunities when the process is delayed for even a couple of weeks. This then requires the search for additional candidates and ultimately delays filling the position and providing the contract support to meet the office's needs in a timely manner.

Additionally, if the contractor has provided a group of candidates that are fully qualified for the position, in accordance with the labor category description and the articulated needs of the customer given to FSA prior to recruitment, then a mutually agreed upon candidate for the position should be selected from this group as soon as is feasibly possible. Generally, the only acceptable reasons to ask the contractor to provide additional candidates would be if the contractor had failed to provide fully qualified candidates in the first group; legitimate and compelling issues with fully qualified candidates are discovered during the process; or candidates selected from this group fail to complete the entire recruiting/hiring process to include obtaining a clearance.

Example - A Federal Agency Office orders three new positions on their contract Delivery Order (DO). FSA begins recruiting, advertising, collecting and screening resumes and selects a group of fully qualified candidates to interview. The responsible officer at the respective government office should try to do the following:

- Within one week of receiving a batch of fully qualified candidates, arrange for FSA to conduct interviews at the government office, so government personnel can participate.
- After the interviews are complete (this should not take more than one week), provide FSA input on which candidate the government believes is the most qualified and suitable candidate for the position, and an alternate. FSA will make the selection using the government's input. Any conflicts with the selection should be resolved at the ACOTR level.

If none of the candidates were acceptable to the government and you want FSA to find additional candidates, you must let FSA know why/how they do not meet the qualifications required in the Labor Category description or why they are otherwise unsuitable for the position, based on the criteria you initially provided FSA for the recruiting effort. FSA must have this information in order to provide additional candidates that meet the government's expectations, and to justify the expenses for the additional recruiting effort.

A selected candidate that accepts an offer of employment will be processed for a clearance (Note: FSA is responsible for prescreening candidates). The delays encountered in the security processing account for most of the candidates lost in the recruiting process. Most candidates just cannot afford to wait months for a paying position. Thus it is in the government's best interest to do whatever it can to shorten the process including requesting a waiver or interim access for these candidates. None of us want to lose the candidate to other employment opportunities and have to begin the process all over again.

Hiring & Retention:

Exhibit 22

FSA will complete hiring actions on a candidate as soon as they are officially notified (in writing by email) that the clearance or waiver has been granted. Once an employee is officially hired, the QAE is encouraged to provide an orientation for the employee to get them started in supporting their operations. FSA, as the employer, is responsible for the following:

- (1) Paying the employee salary and awards;
- (2) Handling pay, vacation, sick and other leave issues;
- (3) Providing health & welfare benefits;
- (4) Conducting performance evaluations;
- (5) Disciplining the employee- Includes putting the employee on a performance improvement plan (PIP) if necessary;
- (6) Handling all Human Resources related matters, etc.

The government is encouraged to provide FSA input in all of these areas and the contractor will usually be pre-disposed to follow the government's recommendations. But, it is the employer's responsibility to address any issues that arise in these areas. Most if not all of these matters involve privileged/confidential information to be exchanged between the employer and the employee. Government coordination with FSA in establishing communication mechanisms to facilitate interaction on these issues is very important. Access to FSA's secure/encrypted email system is the backbone of their communication approach. The government's assistance in providing FSA employees access to this communication mechanism without compromising security requirements is beneficial to all. Often, effective communication in these areas is the key to maintaining a productive and stable contract workforce.

Disciplining, Terminating or Correcting the Performance of Contract Employees

Contract employees will make mistakes from time to time. FSA, as well as the individual employee, should be provided the opportunity to address these issues when they arise. This can be done informally or through a formal performance improvement plan (PIP) initiated by FSA (based on the nature and frequency of the error). If you are concerned about the performance of a contract employee, immediately bring it to the attention of FSA management. An email to the Regional Director is sufficient, and should detail what you are dissatisfied with and your recommendations for a course of action. If appropriate, FSA will put the individual on a PIP and closely monitor their performance for a specified period of time. The period of time may be discussed with the FSA. If after that time both the government and FSA believe that the employee has made enough progress the employee will be retained. If not, the employee will be terminated.

Example: A contract employee has recently started demonstrating atypical behavior; is occasionally late for work; appears distracted or unfocused; and is turning in a reduced quality of work. The traits are often indication that the employee is having personal or family problems, or something has changed in their life that is affecting their work performance. In such cases, the government should immediately inform FSA management

who will confront the employee about his/her performance and, if appropriate, refer the employee to the FSA HR manager for consultation and assistance. FSA will make every attempt to correct the situation, to include assisting the employee in obtaining outside assistance and putting the employee on a PIP if necessary to improve their performance. The most important thing for government personnel to remember is that these actions need to be taken as soon as possible in order to improve the chances of rehabilitation and retention of the employee for the long-term.

Additionally, it is sometimes necessary to discipline an employee for a particular infraction. The government will provide recommendations to FSA when they think an employee requires disciplining. However, it is FSA's responsibility to initiate disciplinary action, not the government. The government has the right to deny the contract employee access to their facility at anytime. However, such action is usually limited to occasions where they feel that the employee is either a security risk or a physical threat---which will in most cases initiate termination actions by the contractor. In any case, **only the contractor** can terminate the employment of one of their employees. If the government feels that a contract employee should be terminated, that information should be passed to FSA management for action so FSA can take that action in accordance with applicable state and federal laws.

Example: A contract employee is suspected of falsifying a travel claim:

- The government can of course conduct their own investigation, but FSA is also required to conduct an investigation. It is recommended that FSA conduct their investigation first, since the results of that investigation may make it unnecessary for the government to take any further action.
- Provide FSA management with any information available on the case, and they will initiate an investigation. They are required to keep the government informed on their progress and provide the results to the government.
- If FSA's investigation reveals that the allegations are true, the employee will be terminated and be required to make restitution to both FSA and the government, if appropriate.
- Based on the results of FSA's investigation either the government, FSA, or both may decide to take further legal action as desired.

Caution

QAEs should be aware that taking punitive action against a contract employee without going through the appropriate contractual process may leave you personally liable to litigation from the affected employee.

Contractor Recognition Awards

Exhibit 22

FSA has a Recognition Award Program that is designed to objectively recognize its employees for outstanding employee performance as demonstrated by specific accomplishments in the office to which the employee is assigned.

FSA offers the following types of Recognition Awards:

- Spot Bonus - Exempt and non-exempt FSA employees may receive a cash award amount(s) from \$100 to \$500 anytime during the contract year.
- Employee of the Quarter - Non-exempt employees may receive an Employee of the Quarter cash award in the amount of \$250 and a plaque in recognition of their exceptional effort. Employee of the Quarter winners will be announced at the end of each quarter. The qualifying time periods are:

Quarter 1	October 1 through December 31
Quarter 2	January 1 through March 31 st
Quarter 3	April 1 through June 30 th
Quarter 4	July 1 through September 30 th

All nominations for the recognition awards must be submitted and approved by the FSA Agency Manager and/or Project/Regional Director. However as the on-site government employee, if you are aware of any outstanding contractor performance you should make every effort to bring this information to the attention of the FSA Agency Manager and/or Project/Regional Director. You can do this by sending an email with a description of the events to the FSA Agency Manager and/or Project/Regional Director. It is then the responsibility of the FSA Agency Manager and/or Project/Regional Director to submit the nomination form.

Example: FSA Employee John Doe prepared 48 seizure warrants during the month of March. In addition, he worked very diligently on completing several reviews and the reporting of various statistics. Since this employee went above and beyond his regular job duties you believe this employee is deserving of a recognition award and would like his Regional/Project Director to be aware and submit a nomination. You should write an email or a formal letter to the attention of the Regional/Project Director as soon as possible after the event. However, the contractor ultimately decides if an award is warranted and how much that award will be. It is inappropriate to try to unduly influence or lobby the contractor to comply with your request. The contractor values and appreciates your input. In all but the rarest of cases they will likely take your advice. If FSA doesn't agree or act on your recommendation, feel free to ask for an

explanation---in such cases the contractor probably has information about the employee that you are unaware.

Contractor New Employee Orientation

FSA provides New Employee Orientation for all new hires. Prior to their first day of work, contractor employees are sent an FSA Welcome Packet that includes an Employee Handbook, new hire paperwork, benefits information, enrollment forms, and a welcome letter. In addition, new employees are oriented by the employee's supervisor, Agency Manager or Regional/Project Director regarding FSA company policies and procedures.

FSA new employees are instructed to complete and return all new hire documents and benefit enrollment forms, if applicable, to the FSA Human Resources Department on or before their first day of employment.

Although FSA orients its new hires with its company policies and procedures, orientation from government personnel during their first week on the job that will provide the employee with an understanding of the government environment, policies, procedures and security requirements is strongly recommended. This is especially important in locations where there is no on-site FSA supervisor, or other FSA employee(s) who could provide this orientation to the new employee. In situations where there is no on-site FSA supervisor or other FSA employee(s) it is best to coordinate the new hire orientation with the Agency Manager and/or Regional/Project Director.

Advancement

When changes in government requirements result in position upgrades FSA works with the government to provide qualified employees every opportunity for new higher-level positions when the employee is interested and meets the applicable requirements. These opportunities for advancement are considered critical to employee retention and the maintenance of a stable, experienced contract workforce for the government. FSA will perform the normal recruiting interview/selection process to fill these positions. However, the field of applicants may be limited to some extent as determined appropriate.

Frequently Asked Questions

Q. How do I request, change, or delete a contract position?

A. Requests, whether they are for a new position or to change or delete an existing position should be coordinated with your agency ACOTR. Only the ACOTR, COTR, and CO can place orders under the contract.

Q. Can I sit in on contractor interviews?

Exhibit 22

A. The hiring process of contract employees is solely the responsibility of the contractor. However, appropriate government personnel are encouraged to sit in to review qualifications and provide suitability input to the contractor.

Q. What is the process regarding security for getting a contract employee on-board after selection has been made?

A. Contract employees must meet the security standards and requirements applicable to the customer supported and the work performed. The contractor will pre-screen the candidates, collect their security packages, and submit them to the customer designated point of contact for adjudication.

Q. What are my responsibilities with regard to scheduling, verifying, and reporting contractor work times?

A. It is the responsibility of the contractor to coordinate the work schedule with the QAE and the contract employee based on the needs clearly articulated by the government.

Q. How are the contract employee work hours billed?

A. The government is invoiced only for actual hours worked by the contract employee. For example, if a contract employee works from 8:00 AM to 4:00 PM, and takes an hour lunch, the government will be invoiced 7 hours for that day. The QAE should verify contract time sheets at the end of each contractor pay period.

Q. Can a contract employee work overtime to meet increased workloads or assist on a special project?

A. All overtime must be approved in advance and in writing by the ACOTR. QAEs should contact their ACOTR to confirm the process used to obtain this approval. The ACOTR has the discretion to delegate the authority for approving overtime to the QAE.

Q. How do I request training for a contract support employee?

A. Training should be requested through the ACOTR.

Q. Can a Government employee supervise a contract employee?

A. Government employees must avoid the trappings or perception of being perceived as a contract employee's supervisor. It is permissible for a government employee to issue direction or task contract employees with regard to assignments or requirements. However, to the greatest degree possible, the government should focus on results and allow the contractor to manage their employees.

Q. How are disciplinary actions handled?

A. Substandard performance or personnel issues should be directed to the contract employee's FSA supervisor. Communicating an issue in its early stages may prevent a major problem from developing. A record of such incidents should be maintained and as necessary shared with the ACOTR.

Q. How do I evaluate contract employee performance?

A. QAEs should be cognizant of the duties of the positions ordered and assess performance with that as the criteria. QAE input on contractor performance is important. Evaluations should be given to the FSA supervisor. In no case should a government employee sign a contract employee evaluation.

Q. How do I recognize a contract employee for outstanding performance?

A. QAEs may issue letters of commendation or certificates recognizing performance at their discretion. QAEs may also contact FSA to nominate employees for awards through FSA=s employee recognition programs.

Defining Personal Services The Relationship Between the Government and its Contractors

Federal Acquisition Regulation 37.104 indicates that a personal service contract is characterized by the employer-employee relationship it creates between the government and a contractor=s personnel. The government is normally required to obtain its employees by direct hire under competitive appointment or other procedures required by civil service laws. Obtaining personal services by contract, rather than by direct hire, circumvents those laws unless Congress has specifically authorized acquisition of services by contract.

Important

It should be noted that Congress has not authorized the contract with FSA to be a personal services contract. Therefore, we must all be very careful not to take actions that would cause this to be deemed a personal services contract resulting in the loss of our access to such a valuable contractual support tool.

Checking the Job for Personal Services

- (1) Is the employee continuously supervised by a government employee?
- (2) Is the work at a government location?
- (3) Is the employee furnished all tools and equipment by the government?
- (4) Are similar services performed by civil servants?
- (5) Does the need for the service go beyond a year?

What Must Be Done to Ensure the Contract is Not Managed as a Personal Service Contract

- (1) FSA must manage its employees - ordering on-site supervisors is encouraged
- (2) FSA must recruit their employees including screening and interviewing
- (3) FSA must select their employees
- (4) FSA must coordinate leave with the government but FSA approves/disapproves leave
- (5) FSA must discipline and/or terminate their employees
- (6) FSA employees may only perform duties within the scope of the contract and their labor category
- (7) FSA employees must maintain their identity as contract employees
- (8) The government should focus on results instead of managing FSA employees

Contacts

Exhibit 22

Always feel free to contact your agency ACOTR to discuss issues and obtain advice.
In addition to your ACOTR, you may also contact:

██████████ DOJ Contracting Officer, (202) ██████████ or
██████████ DOJ Contracting Officer's Technical Representative, (202) ██████████

Exhibit 23

From: [REDACTED]
Sent: Monday, November 14, 2011 1:19 PM
To: [REDACTED] (USMS)
Cc:
Subject: RE: Columbus

We can absolutely re-advertise and look for additional applicants. I was not present for the interviews and would certainly not want to extend an offer to any applicant that is not acceptable. Yes, the position was advertised on Monster.com, the FSA website and with professional organizations including the former IRS agents association and ACFE.

[REDACTED]
[REDACTED] - Office

From: [REDACTED] (USMS)
Sent: Monday, November 14, 2011 2:11 PM
To: [REDACTED]
Cc:
Subject: Re: Columbus

[REDACTED] never brought up his CLEE during the interview and we specifically asked about professional certification(s). Regardless, neither were acceptable to the interview panel (and I would cancel the task order rather than agree with making an offer to either). That leaves only a single candidate. While a possible contender I would like to see more candidates with law enforcement experience. What was FSA's recruitment effort? For example, was the position advertised with ACFE or other similar professional organization? [REDACTED] suggested this may be possible.

From: [REDACTED]
Sent: Monday, November 14, 2011 01:59 PM
To: [REDACTED] (USMS)
Cc:
Subject: RE: Columbus

[REDACTED] has his CFE (Certified Fraud Examiner) and CLI (Certified Legal Investigator) and [REDACTED] has his CLEE (Certified Law Enforcement Executive). Based on my understanding of the contract job description (one or more related professional certifications such as Certified Public Accountant, Certified Internal Auditor, Certified Fraud Examiner, Certified Government Financial Manager, etc.) it appears that both applicants meet the certification requirement.

Regards,

[REDACTED]
[REDACTED] - Office

From: [REDACTED] (USMS)
Sent: Monday, November 14, 2011 1:52 PM
To: [REDACTED]

Exhibit 23

Cc: [REDACTED]
Subject: Re: Columbus

Both [REDACTED] and [REDACTED] did not report they had a certification (I cannot recall which one). They were clear they did not. How can both be fully qualified? One of the two spent much of his career managing people who conduct investigations, versus working them himself.

From: [REDACTED]
Sent: Monday, November 14, 2011 01:45 PM
To: [REDACTED] (USMS)
Cc: [REDACTED]
Subject: RE: Columbus

I am waiting to hear back from [REDACTED] and [REDACTED] both fully qualify for the position. [REDACTED] is missing the professional certification. However, if [REDACTED] is the leading applicant, the labor category can easily be downgraded to the non senior FFS which does not require a professional certification.

Regards,

[REDACTED]
 [REDACTED] - Office

From: [REDACTED] (USMS) [REDACTED]
Sent: Monday, November 14, 2011 1:34 PM
To: [REDACTED]
Subject: Re: Columbus

Have you spoken to [REDACTED]? He and I spoke on Friday. Only one of the three candidates had the requisite certification and he was a definite non-starter.

From: [REDACTED]
Sent: Monday, November 14, 2011 01:27 PM
To: [REDACTED] (USMS)
Subject: Columbus

[REDACTED]

I wanted to touch base regarding last week's interviews in Columbus. Have you decided how you want to proceed?

Thank you!

[REDACTED]
 [REDACTED] - Office

From: [REDACTED] (USMS)
Sent: Sunday, November 06, 2011 8:53 PM
To: [REDACTED] (USMS)
Subject: Email to DAD

Can you take a look at this...

The only thing that bugs me is the fact that the DAD is wanting to fly 2500 miles for an interview. [REDACTED] would be ample representation from HQ, as he conducted the interviews for [REDACTED]. I understand why she went to Boston, but why micro-manage to the point you are flying 5000 miles for something someone you supervise can adequately accomplish.

Exhibit 24

DAD Beal,

[REDACTED]. Please do not worry about responding until you get back to work, as the below information is not time sensitive. I just want to insure it is mentioned as early as possible for planning purposes.

Pertaining to the FSA position for Seattle, my understanding is this advertisement has been removed and will be re-advertised at a later date. The original advertisement yielded approximately ten (10) applicants; however only two (2) applicants were fully qualified. After approximately eight (8) interviews, the top two (2) applicants were not fully qualified.

Some of the top candidates are currently working towards their CFE in order to fully qualify. Based on this, I am asking we delay the re-advertisement until December. This will allow the top candidate's time to complete the CFE and re-apply as fully qualified. Additionally, with my current site visit schedule and the upcoming Holidays, availability for interviews may be more flexible in January for all of us. Lastly, if we have a larger pool of fully qualified candidates, I can have the FSA recruiter arrange interviews for those select few that are fully qualified.

I look forward to seeing you and [REDACTED] in Seattle.

[REDACTED]

Exhibit 25

To: [REDACTED] (USMS); [REDACTED]
From: Beal, Kim (USMS)
Sent: Thur 10/6/2011 3:46:07 PM
Subject: RE: Request for FSA Contract Assistance

My point being that this candidate based on the advertisement doesn't qualify, much like the Boston situation ☺ I think that we need to rethink the ad for future hires – we may be missing very qualified individuals because we are so specific in the qualifications.

From: [REDACTED] (USMS)
Sent: Thursday, October 06, 2011 3:10 PM
To: Beal, Kim (USMS)
Subject: RE: Request for FSA Contract Assistance

Interviews for Boston are next week. [REDACTED] conducted his earlier this week over two days and he and the AUSA committee concluded this was the best candidate. She has a law degree with a financial investigation background, but is short on the requisite ten years experience and the certification that she has agreed to obtain. She is not a retiring/retired agent. Based on a review of the resumes, [REDACTED] similarly believes in advance of the interviews an attorney applicant with a financial investigation background and a CPA may be the best qualified in Boston. The interviews, of course, will determine if so.

From: Beal, Kim (USMS)
Sent: Thursday, October 06, 2011 2:33 PM
To: [REDACTED] (USMS)
Subject: FW: Request for FSA Contract Assistance

Isn't the exact same scenario playing out in Boston right now?

From: [REDACTED] (USMS)
Sent: Thursday, October 06, 2011 9:04 AM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS); [REDACTED] (USMS)
Subject: RE: Request for FSA Contract Assistance

FYI

From: [REDACTED] (USMS)
Sent: Thursday, October 06, 2011 12:45 AM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS)
Subject: Request for FSA Contract Assistance

[REDACTED]

I have been working with [REDACTED] FSA Recruiter for the Western U.S., regarding the FSA position we are hiring in Seattle. Based on our selection, we will need to downgrade the position from:

Senior Forfeiture Financial Specialist

to

Forfeiture Financial Specialist

Once our selection completes an additional two years on the job, which will result in 10 years' experience, and completes the CFE, I will submit a request that she is upgraded to the Senior Forfeiture Financial Specialist.

[REDACTED] — speaking with the candidate, she will not hesitate in completing the CFE. Once [REDACTED] makes the offer and she accepts, I will speak with her and I believe she may be able to complete this prior to onboarding; however it would not be a condition of the onboarding.

Lastly, we are confident she will accept the position. She is currently an FSA employee working in the ICE Asset Forfeiture Section. This will be a significant raise and/or promotion for her.

V/r,

[REDACTED]
[REDACTED]
[REDACTED]

Exhibit 26

To: [REDACTED]
From: Beal, Kim (USMS)
Sent: Thur 10/6/2011 11:54:39 AM
Subject: Re: Request for FSA Contract Assistance

Unbelievable! Thanks for the info

From: [REDACTED]
Sent: Thursday, October 06, 2011 11:13 AM
To: Beal, Kim (USMS)
Cc: [REDACTED] (USMS)
Subject: FW: Request for FSA Contract Assistance

Kim,

I have a hard copy for you – but this directly supports the conversation that you had regarding the requirements of hiring for the Jump Team FFS (and whether or not we should consider/hire at an SFFS/FFS level. Notably [REDACTED] is on this email.

W/WA is requesting to hire their jump team member at a FFS level vs. SFFS level.

From: [REDACTED] (USMS)
Sent: Thursday, October 06, 2011 10:52 AM
To: [REDACTED] (USMS); [REDACTED]
Subject: FW: Request for FSA Contract Assistance

For your info.

From: [REDACTED] (USMS)
Sent: Thursday, October 06, 2011 9:04 AM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: RE: Request for FSA Contract Assistance

FYI

From: [REDACTED] (USMS)
Sent: Thursday, October 06, 2011 12:45 AM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS)
Subject: Request for FSA Contract Assistance

[REDACTED]

I have been working with [REDACTED] FSA Recruiter for the Western U.S., regarding the FSA position we are hiring in Seattle. Based on our selection, we will need to downgrade the position from:

Senior Forfeiture Financial Specialist

to

Forfeiture Financial Specialist

Once our selection completes an additional two years on the job, which will result in 10 years' experience, and completes the CFE, I will submit a request that she is upgraded to the Senior Forfeiture Financial Specialist.

[REDACTED] – speaking with the candidate, she will not hesitate in completing the CFE. Once [REDACTED] makes the offer and she accepts, I will speak with her and I believe she may be able to complete this prior to onboarding; however it would not be a condition of the onboarding.

Lastly, we are confident she will accept the position. She is currently an FSA employee working in the ICE Asset Forfeiture Section. This will be a significant raise and/or promotion for her.

V/r,

[REDACTED]
[REDACTED]
[REDACTED]

Exhibit 27

PAGE 1 OF 3 PAGES

ORDER FOR SUPPLIES OR SERVICES									
IMPORTANT: Mark all packages and papers with contract and/or order numbers.									
1. DATE OF ORDER 2/7/2012		2. CONTRACT NO. (if any) DJJ11C2131		6. SHIP TO:					
3. ORDER NO. DJJ11C2131-1-0613 MOD-03		4. REQUISITION/REFERENCE NO.		a. NAME OF CONSIGNEE U.S. Marshals Service					
5. ISSUING OFFICE U.S. Department of Justice: Justice Management Division/Procurement Services Staff Two Constitution Square, 145 N St NE; Suite 8E.118 Washington, DC 20530				b. STREET ADDRESS Asset Forfeiture Division, CM-4 Room 1029 U.S. Marshals Service 2604 Jefferson Davis Highway					
				c. CITY Alexandria		d. STATE VA		e. ZIP CODE 22301	
				f. SHIP VIA					
7. TO:				8. TYPE OF ORDER					
a. NAME OF CONTRACTOR Forfeiture Support Associates				<input type="checkbox"/> a. PURCHASE <input checked="" type="checkbox"/> b. DELIVERY - Except for billing, instructions on the reverse. The delivery order is subject to instructions contained on the side only of this form and is issued subject to the terms and conditions of the above numbered contract.					
b. STREET ADDRESS 20110 Ashbrook Place, Suite 220				REFERENCE YOUR: Please furnish the following on the terms and conditions specified on both sides of the order and on the attached sheet, if any, including delivery as indicated.					
c. CITY Ashburn		d. STATE VA		a. ZIP CODE 20147					
9. ACCOUNTING AND APPROPRIATION DATA USMS - Asset Forfeiture				10. REQUISITIONING OFFICE					
11. BUSINESS CLASSIFICATION (Check appropriate box(es))								12. F.O.B. POINT Destination	
<input type="checkbox"/> a. SMALL <input type="checkbox"/> d. WOMAN-OWNED <input checked="" type="checkbox"/> b. OTHER THAN SMALL <input type="checkbox"/> e. HUBZone <input type="checkbox"/> c. DISADVANTAGED <input type="checkbox"/> f. EMERGING SMALL BUSINESS <input type="checkbox"/> g. SERVICE-DISABLED VETERAN-OWNED									
13. PLACE OF		14. GOVERNMENT BIL. NO.		15. DELIVER TO F.O.B. POINT ON OR BEFORE (Date)		16. DISCOUNT TERMS			
a. INSPECTION Destination		b. ACCEPTANCE Destination		N/A		2/1/2012 thru 9/30/2012		N/A	
17. SCHEDULE (See reverse for Rejections)									
ITEM NO. (a)	SUPPLIES OR SERVICES (b)			QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)	
	New York City, NY Details: See Attached								
18. SHIPPING POINT		19. GROSS SHIPPING WEIGHT		20. INVOICE NUMBER				17(h) TOT. (Cont. pages)	
				21. MAIL INVOICE TO:					
a. NAME See Block 6 Above									
b. STREET ADDRESS (or P.O. BOX)								17(i) GRAND TOTAL	
c. CITY		d. STATE		e. ZIP CODE					
22. UNITED STATES OF AMERICA BY (Signature)				23. NAME (Typed)					
				TITLE: CONTRACTING/ORDERING OFFICER					

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OPTIONAL FORM 347 (REV. 4/2006)
 Prescribe by GSA/FAR 48 CFR 53.213(f)

COMMITTEE CONFIDENTIAL

USMS-SJC-0002070

Agency:	U.S. Marshals Service
Delivery Order Site:	New York City, NY
FY:	2012
Date Approved:	Tuesday, February 07, 2012
Funding Source	USMS - Asset Forfeiture
Ceiling (NTE Amount):	0.00
Charge No.:	

Delivery Order Modifications
2/1/2012 thru 9/30/2012

Position ID	Field Site	Labor Category	Hours/ Week	Hours	Bill Rate	OT Bill Rate	Total Cost
--- Positions Removed ---							
026	Seattle, WA	Sr Forfeiture Fin Specialist	40	-1384			
027	Houston, TX	Sr Forfeiture Fin Specialist	40	-1384			
028	Columbus, OH	Sr Forfeiture Fin Specialist	40	-1384			
--- Positions Added ---							
031	Arlington, VA	Sr Forfeiture Fin Specialist	40	1384			
					Training Funds:		\$0.00
					Travel Funds:		\$0.00
					Overtime Funds:		\$0.00
					Other Funds:		\$0.00
					Added Labor Funds:		\$0.00
					De-Obligated Funds:		\$0.00
					Mod Total:		

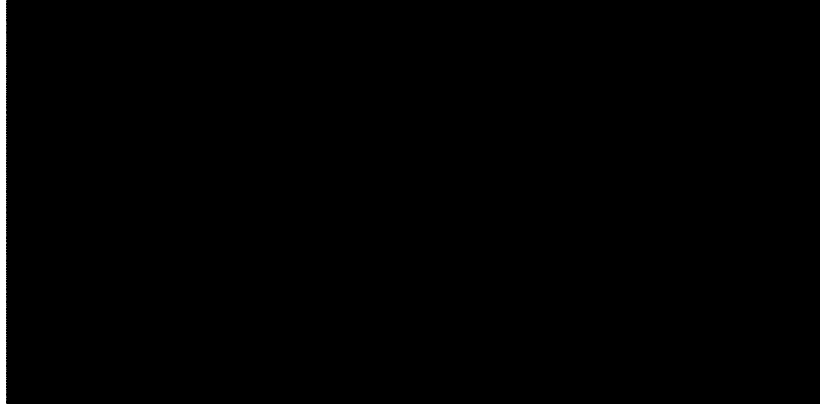
Delivery Order Total

**** Indicates Position is Inactive**
Number of Active Positions: 27

[illegible]

Exhibit 27

PAGE 3 OF 3 PAGES



Training Funds:	\$0.00
Travel Funds:	\$0.00
Overtime Funds:	\$0.00
Other Funds:	\$0.00
Added Labor Funds:	\$0.00
De-Obligated Funds:	\$0.00
D/O Total:	[REDACTED]

Exhibit 28

To: 'donald.lenzie [REDACTED]
From: Hylton, Stacia (USMS)
Sent: Fri 9/16/2011 6:30:23 AM
Subject: Re: Hi - are you still in the office?

I'll check on the job then once I have that should I text or email you. I imagine it would be around 10 or so.

From: Lenzie, Donald A [REDACTED]
Sent: Friday, September 16, 2011 06:28 AM
To: Hylton, Stacia (USMS)
Subject: Re: Hi - are you still in the office?

Let me know what is good time to talk today. Thanks

From: Hylton, Stacia (USMS) [mailto:[REDACTED]]
Sent: Friday, September 16, 2011 05:00 AM
To: 'donald.lenzie [REDACTED]
Subject: Re: Hi - are you still in the office?

Yes I am sorry I had to go to "Back to school" at 6:30, no cell phones allowed or I would have gotten Detention!!!
 Do you want me to call that number today, if so what time is good?

From: Lenzie, Donald A [mailto:[REDACTED]]
Sent: Thursday, September 15, 2011 06:58 PM
To: Hylton, Stacia (USMS)
Subject: Re: Hi - are you still in the office?

Tried 3 #S. No go. Can you call me 617 [REDACTED]

From: Hylton, Stacia (USMS) [mailto:[REDACTED]]
Sent: Thursday, September 15, 2011 06:40 PM
To: 'donald.lenzie [REDACTED]
Subject: Re: Hi - are you still in the office?

That is too funny, yes I am still in office, although I wonder why I left the sweet retirement life and consulting gig on any given day! Want to catch up via phone?

From: Lenzie, Donald A [mailto:[REDACTED]]
Sent: Wednesday, September 14, 2011 05:03 PM
To: Hylton, Stacia (USMS)
Subject: Hi - are you still in the office?

Exhibit 29

To: Hylton, Stacia (USMS) [REDACTED]
From: Lenzie, Donald A
Sent: Fri 9/16/2011 6:34:35 AM
Subject: Re: Hi - are you still in the office?

Can I call you know?

From: Hylton, Stacia (USMS) [mailto:[REDACTED]]
Sent: Friday, September 16, 2011 06:30 AM
To: 'donald.lenzie' [REDACTED]
Subject: Re: Hi - are you still in the office?

I'll check on the job then once I have that should I text or email you. I imagine it would be around 10 or so.

From: Lenzie, Donald A [mailto:[REDACTED]]
Sent: Friday, September 16, 2011 06:28 AM
To: Hylton, Stacia (USMS)
Subject: Re: Hi - are you still in the office?

Let me know what is good time to talk today. Thanks

From: Hylton, Stacia (USMS) [mailto:[REDACTED]]
Sent: Friday, September 16, 2011 06:00 AM
To: 'donald.lenzie' [REDACTED]
Subject: Re: Hi - are you still in the office?

Yes I am sorry I had to go to "Back to school" at 6:30, no cell phones allowed or I would have gotten Detention!!!

Do you want me to call that number today, if so what time is good?

From: Lenzie, Donald A [mailto:[REDACTED]]
Sent: Thursday, September 15, 2011 06:58 PM
To: Hylton, Stacia (USMS)
Subject: Re: Hi - are you still in the office?

Tried 3 #S. No go. Can you call me 617 [REDACTED]

From: Hylton, Stacia (USMS) [mailto:[REDACTED]]
Sent: Thursday, September 15, 2011 06:40 PM
To: 'donald.lenzie' [REDACTED]
Subject: Re: Hi - are you still in the office?

That is too funny, yes I am still in office, although I wonder why I left the sweet retirement life and consulting gig on any given day! Want to catch up via phone?

From: Lenzie, Donald A [mailto:[REDACTED]]
Sent: Wednesday, September 14, 2011 05:03 PM
To: Hylton, Stacia (USMS)
Subject: Hi - are you still in the office?

Exhibit 30

To: Beal, Kim (USMS) [REDACTED]
From: Staciahyton
Sent: Fri 9/16/2011 5:52:47 PM
Subject: Fwd: resume
[Lenzie Resume September 2011.doc](#)
[ATT00001.htm](#)

Thx Kim

Sent from my iPhone
Stacia

Begin forwarded message:

From: "Lenzie, Donald A" <[REDACTED]>
Date: September 16, 2011 8:26:49 AM EDT
To: [REDACTED]@mc.com
Subject: resume

Hi Stacie

Attached is my resume that I submitted with the application to FSA (Forfeiture Support Associates) who are recruiting for a financial investigators position with the USMS in Boston. I was told by the FSA recruiter that they are looking for someone to do financial investigations and asset identification. Not so much the forfeiture end. That is right down my alley as I have been doing that most of my career. I was told it will be working with the USMS asset forfeiture unit in Boston. Interviews are expected to be scheduled in the next few weeks.

In my application I listed a federal judge from NH, a civil AUSA and my RAC as references. It also reflects my assignments in NH - last 8 years, Boston - 18 years, San Francisco - 3 years, Galveston, TX - almost 2 and of course my Co-Op days. Please call me anytime if you have any questions at 617 [REDACTED] or can email and I will get on my blackberry. I am going out of town (FL) middle of next for a week 9/21 and will be back on 9/29. Thanks Kirk! Have a quiet day and pace yourself.

Exhibit 31

To: [REDACTED]
Cc: [REDACTED] (USMS)
From: [REDACTED] (USMS)
Sent: Thur 9/15/2011 11:21:44 AM
Subject: VM Message

Hello [REDACTED]

Thanks for your call this morning. Please send resumes for the Boston FSA position to myself and [REDACTED] (copied herein). [REDACTED] will be taking the point on the interviews. Thanks!

[REDACTED]

Exhibit 32

To: [REDACTED] USMS [REDACTED]
 (USMS)
 From: Beal, Kim (USMS)
 Sent: Fri 9/16/2011 6:07:18 PM
 Subject: Fw: Fwd: resume
[Lenzie Resume September 2011.doc](#)
[ATT00001.htm](#)

See below

From: Staciahyllton [mailto:[REDACTED]@me.com]
 Sent: Friday, September 16, 2011 05:52 PM
 To: Beal, Kim (USMS)
 Subject: Fwd: resume

Thx Kim

Sent from my iPhone
 Stacia

Begin forwarded message:

From: "Lenzie, Donald A" <[REDACTED]>
 Date: September 16, 2011 8:26:49 AM EDT
 To: [REDACTED]@me.com
 Subject: resume

Hi Stacie

Attached is my resume that I submitted with the application to **FSA (Forfeiture Support Associates)** who are recruiting for a financial investigators position with the USMS in Boston. I was told by the FSA recruiter that they are looking for someone to do financial investigations and asset identification. Not so much the forfeiture end. That is right down my alley as I have been doing that most of my career. I was told it will be working with the USMS asset forfeiture unit in Boston. Interviews are expected to be scheduled in the next few weeks.

In my application I listed a federal judge from NH, a civil AUSA and my RAC as references. It also reflects my assignments in NH - last 8 years, Boston - 18 years, San Francisco - 3 years, Galveston, TX - almost 2 and of course my Co-Op days. Please call me anytime if you have any questions at 617 [REDACTED] or can email and I will get on my blackberry. I am going out of town (FL) middle of next for a week 9/21 and will be back on 9/29. Thanks Kirk! Have a quiet day and pace yourself.

Exhibit 33

To: Morales, Eben (USMS) [REDACTED]
From: Beal, Kim (USMS)
Sent: Fri 9/16/2011 6:24:12 PM
Subject: Fw: Fwd: resume

See below - Director called and has forwarded the resume of a Customs agent that she highly recommends for the jump team FFS in Boston.

We should have the resumes by Monday.

From: Beal, Kim (USMS)
Sent: Friday, September 16, 2011 06:06 PM
To: [REDACTED]@me.com' <[REDACTED]@me.com>
Subject: Re: Fwd: resume

Absolutely - I will keep you posted as we go through the process.

From: Staciahyllton [mailto:[REDACTED]@me.com]
Sent: Friday, September 16, 2011 05:52 PM
To: Beal, Kim (USMS)
Subject: Fwd: resume

Thx Kim

Sent from my iPhone
 Stacia

Begin forwarded message:

From: "Lenzie, Donald A" <[REDACTED]>
Date: September 16, 2011 8:26:49 AM EDT
To: [REDACTED]@me.com
Subject: resume

Hi Stacie

Attached is my resume that I submitted with the application to **FSA (Forfeiture Support Associates)** who are recruiting for a financial investigators position with the USMS in Boston. I was told by the FSA recruiter that they are looking for someone to do financial investigations and asset identification. Not so much the forfeiture end. That is right down my alley as I have been doing that most of my career. I was told it will be working with the USMS asset forfeiture unit in Boston. Interviews are expected to be scheduled in the next few weeks.

Exhibit 33

In my application I listed a federal judge from NH, a civil AUSA and my RAC as references. It also reflects my assignments in NH - last 8 years, Boston - 18 years, San Francisco - 3 years, Galveston, TX - almost 2 and of course my Co-Op days. Please call me anytime if you have any questions at 617-██████████ or can email and I will get on my blackberry. I am going out of town (FL) middle of next for a week 9/21 and will be back on 9/29. Thanks Kirk! Have a quiet day and pace yourself.

Exhibit 34

To: Morales, Eben (USMS) [REDACTED]
From: Beal, Kim (USMS)
Sent: Wed 9/21/2011 6:15:36 PM
Subject: Re: Recommendation of [REDACTED]

No - his name is Don Lenske.

From: Morales, Eben (USMS)
Sent: Wednesday, September 21, 2011 06:12 PM
To: Beal, Kim (USMS)
Subject: Fw: Recommendation of [REDACTED]

Is this the Director's recommended candidate?

From: Auerbach, Gerald (USMS)
Sent: Wednesday, September 21, 2011 06:09 PM
To: Morales, Eben (USMS)
Subject: Recommendation of [REDACTED]

The above person, [REDACTED] has applied for DOJ FSA paralegal positions in Boston , Massachusetts, including USMS positions. I personally know that she is highly qualified and I personally recommend her for those positions. If you could pass this recommendation on, I would greatly appreciate it. Thanks.

Exhibit 35

To: [REDACTED] (USMS) [REDACTED]
From: Beal, Kim (USMS)
Sent: Wed 10/12/2011 8:17:53 PM
Subject: RE:

Quick trip - left yesterday and back this evening - didn't have bb so trying to catch up - had 87 emails when I got home!! So many qualified folks - tough decision - particularly since D has recommended a candidate - not #1 - but close 2nd - gonna toss this one to Eben for decision!!

-----Original Message-----

From: [REDACTED] (USMS)
Sent: Wednesday, October 12, 2011 8:04 PM
To: Beal, Kim (USMS)
Subject:

Have a good trip/interviews in Boston?

[REDACTED]
Strategic Planning, Audits & Internal Controls
Asset Forfeiture Division
US Marshals Service

[REDACTED] (cell)
[REDACTED] (fax)

Exhibit 36

To: [REDACTED]@me.com [REDACTED]@me.com]
From: Beal, Kim (USMS)
Sent: Sat 9/17/2011 7:50:49 AM
Subject: Re: resume

Thank you Director - I appreciate the kind words.

From: Stacia Hylton [mailto:[REDACTED]@me.com]
Sent: Saturday, September 17, 2011 06:52 AM
To: Beal, Kim (USMS)
Subject: Re: resume

Thanks Kim, I appreciate it. Don is a great investigator, extremely dedicated to government, but has always worked hard on the AFF side with AUSAs and wants to still work in gov. after retirement. Thank you and most of all for your dedication to the program we are so lucky to have you over at AFF!

On Sep 16, 2011, at 6:06 PM, Beal, Kim (USMS) wrote:

Absolutely - I will keep you posted as we go through the process.

From: StaciaHylton [mailto:[REDACTED]@me.com]
Sent: Friday, September 16, 2011 05:52 PM
To: Beal, Kim (USMS)
Subject: Fwd: resume

Thx Kim

Sent from my iPhone
 Stacia

Begin forwarded message:

From: "Lenzie, Donald A" <[REDACTED]>
Date: September 16, 2011 8:26:49 AM EDT
To: [REDACTED]@me.com
Subject: resume

Hi Stacie

Attached is my resume that I submitted with the application to **FSA (Forfeiture Support Associates)** who are recruiting for a financial investigators position with the USMS in Boston. I was told by the FSA recruiter that they are looking for someone to do financial investigations and asset identification. Not so much the forfeiture end. That is right down my alley as I have

Exhibit 36

been doing that most of my career. I was told it will be working with the USMS asset forfeiture unit in Boston. Interviews are expected to be scheduled in the next few weeks.

In my application I listed a federal judge from NH, a civil AUSA and my RAC as references. It also reflects my assignments in NH - last 8 years, Boston - 18 years, San Francisco - 3 years, Galveston, TX - almost 2 and of course my Co-Op days. Please call me anytime if you have any questions at 617-██████████ or can email and I will get on my blackberry. I am going out of town (FL) middle of next for a week 9/21 and will be back on 9/29. Thanks Kirk! Have a quiet day and pace yourself.

To: [REDACTED]
From: Beal, Kim (USMS)
Sent: Sat 9/17/2011 7:51:15 AM
Subject: Fw: resume

Look what I woke up to!

From: Stacia Hylton [mailto:[REDACTED]@me.com]
Sent: Saturday, September 17, 2011 06:52 AM
To: Beal, Kim (USMS)
Subject: Re: resume

Thanks Kim, I appreciate it. Don is a great investigator, extremely dedicated to government, but has always worked hard on the AFF side with AUSAs and wants to still work in gov. after retirement. Thank you and most of all for your dedication to the program we are so lucky to have you over at AFF!

On Sep 16, 2011, at 6:06 PM, Beal, Kim (USMS) wrote:

Absolutely - I will keep you posted as we go through the process.

From: StaciaHylton [mailto:[REDACTED]@me.com]
Sent: Friday, September 16, 2011 05:52 PM
To: Beal, Kim (USMS)
Subject: Fwd: resume

Thx Kim

Sent from my iPhone
Stacia

Begin forwarded message:

From: "Lenzie, Donald A" <[REDACTED]>
Date: September 16, 2011 8:26:49 AM EDT
To: [REDACTED]@me.com
Subject: resume

Hi Stacie

Attached is my resume that I submitted with the application to **FSA (Forfeiture Support Associates)** who are recruiting for a financial investigators position with the USMS in Boston. I was told by the FSA recruiter that they are looking for someone to do financial investigations and asset identification. Not so much the forfeiture end. That is right down my alley as I have

Exhibit 37

been doing that most of my career. I was told it will be working with the USMS asset forfeiture unit in Boston. Interviews are expected to be scheduled in the next few weeks.

In my application I listed a federal judge from NH, a civil AUSA and my RAC as references. It also reflects my assignments in NH - last 8 years, Boston - 18 years, San Francisco - 3 years, Galveston, TX - almost 2 and of course my Co-Op days. Please call me anytime if you have any questions at 617-██████████ or can email and I will get on my blackberry. I am going out of town (FL) middle of next for a week 9/21 and will be back on 9/29. Thanks Kirk! Have a quiet day and pace yourself.

Exhibit 38

To: [REDACTED]
From: Beal, Kim (USMS)
Sent: Sat 9/17/2011 10:13:04 AM
Subject: Re: resume

Yep!

From: [REDACTED]
Sent: Saturday, September 17, 2011 09:58 AM
To: Beal, Kim (USMS)
Subject: Re: resume

Wow!!! Great timing and wonderful words to hear!!

All things happen for a reason!

From: Beal, Kim (USMS)
Sent: Saturday, September 17, 2011 07:51 AM
To: [REDACTED]
Subject: Fw: resume

Look what I woke up to!

From: Stacia Hylton [mailto:[REDACTED]@me.com]
Sent: Saturday, September 17, 2011 06:52 AM
To: Beal, Kim (USMS)
Subject: Re: resume

Thanks Kim, I appreciate it. Don is a great investigator, extremely dedicated to government, but has always worked hard on the AFF side with AUSAs and wants to still work in gov. after retirement. Thank you and most of all for your dedication to the program we are so lucky to have you over at AFF!

On Sep 16, 2011, at 6:06 PM, Beal, Kim (USMS) wrote:

Absolutely - I will keep you posted as we go through the process.

From: StaciaHylton [mailto:[REDACTED]@me.com]
Sent: Friday, September 16, 2011 05:52 PM
To: Beal, Kim (USMS)
Subject: Fwd: resume

Thx Kim

Sent from my iPhone
Stacia

Begin forwarded message:

From: "Lenzie, Donald A" <[REDACTED]>
Date: September 16, 2011 8:26:49 AM EDT
To: [REDACTED]@me.com
Subject: resume

Hi Stacie

Attached is my resume that I submitted with the application to **FSA (Forfeiture Support Associates)** who are recruiting for a financial investigators position with the USMS in Boston. I was told by the FSA recruiter that they are looking for someone to do financial investigations and asset identification. Not so much the forfeiture end. That is right down my alley as I have been doing that most of my career. I was told it will be working with the USMS asset forfeiture unit in Boston. Interviews are expected to be scheduled in the next few weeks.

In my application I listed a federal judge from NH, a civil AUSA and my RAC as references. It also reflects my assignments in NH - last 8 years, Boston - 18 years, San Francisco - 3 years, Galveston, TX - almost 2 and of course my Co-Op days. Please call me anytime if you have any questions at 617-[REDACTED] or can email and I will get on my blackberry. I am going out of town (FL) middle of next for a week 9/21 and will be back on 9/29. Thanks Kirk! Have a quiet day and pace yourself.

Exhibit 39

To: Beal, Kim (USMS) [REDACTED]
(USMS) [REDACTED]
From: [REDACTED] (USMS)
Sent: Fri 9/16/2011 6:12:18 PM
Subject: RE: Fwd: resume

Impressive resume, but no reference to any certification(s) that is a pre-requisite. Let's see if FSA forwards the resume, or not based on the lack of a certification.

From: Beal, Kim (USMS)
Sent: Friday, September 16, 2011 6:07 PM
To: [REDACTED]
Subject: Fw: Fwd: resume

See below

From: Staciahyton [mailto:[REDACTED]@me.com]
Sent: Friday, September 16, 2011 05:52 PM
To: Beal, Kim (USMS)
Subject: Fwd: resume

Thx Kim

Sent from my iPhone

Stacia

Begin forwarded message:

From: "Lenzie, Donald A" <[REDACTED]>
Date: September 16, 2011 8:26:49 AM EDT
To: [REDACTED]@me.com
Subject: resume

Hi Stacie

Attached is my resume that I submitted with the application to **FSA (Forfeiture Support Associates)** who are recruiting for a financial investigators position with the USMS in Boston. I was told by the FSA recruiter that they are looking for someone to do financial investigations and asset identification. Not so much the forfeiture end. That is right down my alley as I have been doing that most of my career. I was told it will be working with the USMS asset forfeiture unit in Boston.

Exhibit 39

Interviews are expected to be scheduled in the next few weeks.

In my application I listed a federal judge from NH, a civil AUSA and my RAC as references. It also reflects my assignments in NH - last 8 years, Boston - 18 years, San Francisco - 3 years, Galveston, TX - almost 2 and of course my Co-Op days. Please call me anytime if you have any questions at 617-██████████ or can email and I will get on my blackberry. I am going out of town (FL) middle of next for a week 9/21 and will be back on 9/29. Thanks Kirk! Have a quiet day and pace yourself.

Exhibit 40

To: [REDACTED] (USMS); [REDACTED]
From: Beal, Kim (USMS)
Sent: Fri 9/16/2011 6:14:12 PM
Subject: Re: Fwd: resume

Shit - this could get complicated.

From: [REDACTED] (USMS)
Sent: Friday, September 16, 2011 06:12 PM
To: Beal, Kim (USMS); [REDACTED] (USMS)
Subject: RE: Fwd: resume

Impressive resume, but no reference to any certification(s) that is a pre-requisite. Let's see if FSA forwards the resume, or not based on the lack of a certification.

From: Beal, Kim (USMS)
Sent: Friday, September 16, 2011 6:07 PM
To: [REDACTED] (USMS); [REDACTED] (USMS)
Subject: Fw: Fwd: resume

See below

From: Staciahyton [mailto:[REDACTED]@me.com]
Sent: Friday, September 16, 2011 05:52 PM
To: Beal, Kim (USMS)
Subject: Fwd: resume

Thx Kim

Sent from my iPhone

Stacia

Begin forwarded message:

From: "Lenzie, Donald A" <[REDACTED]>
Date: September 16, 2011 8:26:49 AM EDT
To: [REDACTED]@me.com
Subject: resume

Hi Stacie

Exhibit 40

Attached is my resume that I submitted with the application to **FSA (Forfeiture Support Associates)** who are recruiting for a financial investigators position with the USMS in Boston. I was told by the FSA recruiter that they are looking for someone to do financial investigations and asset identification. Not so much the forfeiture end. That is right down my alley as I have been doing that most of my career. I was told it will be working with the USMS asset forfeiture unit in Boston. Interviews are expected to be scheduled in the next few weeks.

In my application I listed a federal judge from NH, a civil AUSA and my RAC as references. It also reflects my assignments in NH - last 8 years, Boston - 18 years, San Francisco - 3 years, Galveston, TX - almost 2 and of course my Co-Op days. Please call me anytime if you have any questions at 617- [REDACTED] or can email and I will get on my blackberry. I am going out of town (FL) middle of next for a week 9/21 and will be back on 9/29. Thanks Kirk! Have a quiet day and pace yourself.

Exhibit 41

To: Beal, Kim (USMS) [REDACTED]
From: [REDACTED] (USMS)
Sent: Fri 9/16/2011 6:32:52 PM
Subject: RE: Fwd: resume

Not really. . .if he isn't qualified there is nothing we can do to change it. It isn't our rule. She should understand.

From: Beal, Kim (USMS)
Sent: Friday, September 16, 2011 6:14 PM
To: [REDACTED] (USMS)
Subject: Re: Fwd: resume

Shit - this could get complicated.

From: [REDACTED] (USMS)
Sent: Friday, September 16, 2011 06:12 PM
To: Beal, Kim (USMS); [REDACTED] (USMS)
Subject: RE: Fwd: resume

Impressive resume, but no reference to any certification(s) that is a pre-requisite. Let's see if FSA forwards the resume, or not based on the lack of a certification.

From: Beal, Kim (USMS)
Sent: Friday, September 16, 2011 6:07 PM
To: [REDACTED] (USMS); [REDACTED] (USMS)
Subject: Fw: Fwd: resume

See below

From: Staciahyton [mailto:[REDACTED]@me.com]
Sent: Friday, September 16, 2011 05:52 PM
To: Beal, Kim (USMS)
Subject: Fwd: resume

Thx Kim

Sent from my iPhone

Stacia

Begin forwarded message:

From: "Lenzie, Donald A" <[REDACTED]>
Date: September 16, 2011 8:26:49 AM EDT
To: [REDACTED]@me.com
Subject: resume

Hi Stacie

Attached is my resume that I submitted with the application to **FSA (Forfeiture Support Associates)** who are recruiting for a financial investigators position with the USMS in Boston. I was told by the FSA recruiter that they are looking for someone to do financial investigations and asset identification. Not so much the forfeiture end. That is right down my alley as I have been doing that most of my career. I was told it will be working with the USMS asset forfeiture unit in Boston. Interviews are expected to be scheduled in the next few weeks.

In my application I listed a federal judge from NH, a civil AUSA and my RAC as references. It also reflects my assignments in NH - last 8 years, Boston - 18 years, San Francisco - 3 years, Galveston, TX - almost 2 and of course my Co-Op days. Please call me anytime if you have any questions at 617-[REDACTED] or can email and I will get on my blackberry. I am going out of town (FL) middle of next for a week 9/21 and will be back on 9/29. Thanks Kirk! Have a quiet day and pace yourself.

To: Beal, Kim (USMS) [REDACTED]
From: [REDACTED] (USMS)
Sent: Fri 9/16/2011 9:12:59 PM
Subject: RE: Fwd: resume

His name likely won't be forwarded. He is missing two key pre-requisites (certification and his bachelor's degree is in criminal justice). From the advertisement on the FSA website:

Basic Qualifications:

A Senior Forfeiture Financial Specialist must meet the following qualifications:

- Preference will be given to candidates with prior financial investigative experience. Federal experience is a plus!
- Four-year undergraduate diploma in accounting, finance or related field.
- One or more related professional certifications such as Certified Public Accountant, Certified Internal Auditor, Certified Fraud Examiner, Certified Government Financial Manager, etc.
- Ten years of direct experience related to accounting, auditing, finance or budget administration.
- Asset Forfeiture experience desirable, but not required
- Experience in Government accounting systems and proficiency in using spreadsheet and word processing software.
- Demonstrated ability to: (a) prioritize and complete multiple complex projects under tight deadlines; (b) work with minimal supervision; and (c) consistently deliver the highest level of quality work

From: [REDACTED] (USMS)
Sent: Friday, September 16, 2011 6:33 PM
To: Beal, Kim (USMS)
Subject: RE: Fwd: resume

Not really. . .if he isn't qualified there is nothing we can do to change it. It isn't our rule. She should understand.

From: Beal, Kim (USMS)

Exhibit 42

Sent: Friday, September 16, 2011 6:14 PM
To: [REDACTED] (USMS)
Subject: RE: Fwd: resume

Shit - this could get complicated.

From: [REDACTED] (USMS)
Sent: Friday, September 16, 2011 06:12 PM
To: Beal, Kim (USMS); [REDACTED] (USMS)
Subject: RE: Fwd: resume

Impressive resume, but no reference to any certification(s) that is a pre-requisite. Let's see if FSA forwards the resume, or not based on the lack of a certification.

From: Beal, Kim (USMS)
Sent: Friday, September 16, 2011 6:07 PM
To: [REDACTED] (USMS); [REDACTED] (USMS)
Subject: Fw: Fwd: resume

See below

From: Staciahyton [mailto:[REDACTED]@me.com]
Sent: Friday, September 16, 2011 05:52 PM
To: Beal, Kim (USMS)
Subject: Fwd: resume

Thx Kim

Sent from my iPhone

Stacia

Begin forwarded message:

From: "Lenzie, Donald A" <[REDACTED]>
Date: September 16, 2011 8:26:49 AM EDT
To: [REDACTED]@me.com
Subject: resume

Exhibit 42

Hi Stacie

Attached is my resume that I submitted with the application to **FSA (Forfeiture Support Associates)** who are recruiting for a financial investigators position with the USMS in Boston. I was told by the FSA recruiter that they are looking for someone to do financial investigations and asset identification. Not so much the forfeiture end. That is right down my alley as I have been doing that most of my career. I was told it will be working with the USMS asset forfeiture unit in Boston. Interviews are expected to be scheduled in the next few weeks.

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Exhibit 43

To: [REDACTED] (USMS) [REDACTED]
From: Beal, Kim (USMS)
Sent: Mon 9/19/2011 1:37:04 PM

Anything from FSA on the FFS position? I'm getting ready to walk into a D staff mtg and would like to have an update if she asks. Thanks.

Kimberly Beal
Deputy Assistant Director
Asset Forfeiture Division
[REDACTED]

To: [REDACTED] (USMS) [REDACTED]
From: Beal, Kim (USMS)
Sent: Mon 9/19/2011 1:53:49 PM
Subject: Re:

No worries - just wanted to be able to relay the latest info - thx.

From: [REDACTED] (USMS)
Sent: Monday, September 19, 2011 01:51 PM
To: Beal, Kim (USMS)
Subject: Re:

FSA has not sent the list. I am trying to get it. I would tell her that the list has not been sent yet but as soon as AFD gets it you will notify her. Sorry about this.

From: Beal, Kim (USMS)
Sent: Monday, September 19, 2011 01:37 PM
To: [REDACTED] (USMS)
Subject:

Anything from FSA on the FFS position? I'm getting ready to walk into a D staff mtg and would like to have an update if she asks. Thanks.

Kimberly Beal
Deputy Assistant Director
Asset Forfeiture Division
[REDACTED]

Exhibit 45

To: [REDACTED] USMS [REDACTED]
 Cc: [REDACTED] USMS [REDACTED]
 From: [REDACTED]
 Sent: Mon 9/19/2011 6:26:52 PM
 Subject: RE: VM Message
 [REDACTED]-SFBS-Boston.doc
 [REDACTED]-SFBS-Boston.doc
 [REDACTED]-SFBS-Boston.docx

[REDACTED]

Attached are three resumes that meet all the requirements. It is a competitive group.

[REDACTED] not sure if you remember me but I've met you a few times when you were at SDNY. I have commitments (interviews) the next several weeks and will be available to interview Mon 9/26, the morning of Tue 9/27, Mon 10/3, Fri 10/7 and any day the week of 10/10. Let me know what day works best for you and I will schedule the applicants.

Let me know if you have any questions.

Regards,

[REDACTED]

From: [REDACTED] (USMS) [mailto:[REDACTED]]
 Sent: Monday, September 19, 2011 5:07 PM
 To: [REDACTED]
 Cc: [REDACTED] (USMS)
 Subject: FW: VM Message

Exhibit 45

As requested. If you reply to all your e-mail will send the resumes to both [REDACTED] and me. Thanks!

From: [REDACTED] (USMS)
Sent: Thursday, September 15, 2011 11:22 AM
To: [REDACTED]
Cc: [REDACTED] (USMS)
Subject: VM Message

Hello [REDACTED]

Thanks for your call this morning. Please send resumes for the Boston FSA position to myself and [REDACTED] (copied herein). [REDACTED] will be taking the point on the interviews. Thanks!

[REDACTED]

To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS)
From: [REDACTED]
Sent: Mon 9/19/2011 6:34:18 PM
Subject: RE: VM Message

Ok...I will schedule all three for Friday, October 7th beginning at 10:00am 45 minutes apart.

I will forward a complete schedule once I've contacted all applicants.

Let me know if you have any questions.

Regards,

[REDACTED]

From: [REDACTED] (USMS) (mailto:[REDACTED])
Sent: Monday, September 19, 2011 6:27 PM
To: [REDACTED]
Cc: [REDACTED] (USMS); [REDACTED] (USMS)
Subject: Re: VM Message

I do remember you, come on brother. How about the 7th of October @ the USMS on Boston.

From: [REDACTED] (mailto:[REDACTED])
Sent: Monday, September 19, 2011 06:26 PM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS)
Subject: RE: VM Message

[REDACTED]

Attached are three resumes that meet all the requirements. It is a competitive group.

[REDACTED] not sure if you remember me but I've met you a few times when you were at SDNY. I have commitments (interviews) the next several weeks and will be available to interview Mon 9/26, the morning of Tue 9/27, Mon 10/3, Fri 10/7 and any day the week of 10/10. Let me know what day works best for you and I will schedule the applicants.

Let me know if you have any questions.

Regards,

[REDACTED]

From: [REDACTED] (USMS) [mailto:[REDACTED]]
Sent: Monday, September 19, 2011 5:07 PM
To: [REDACTED]
Cc: [REDACTED] (USMS)
Subject: FW: VM Message

As requested. If you reply to all your e-mail will send the resumes to both [REDACTED] and me. Thanks!

From: [REDACTED] (USMS)
Sent: Thursday, September 15, 2011 11:22 AM

Exhibit 46

To: [REDACTED]
Cc: [REDACTED] (USMS)
Subject: VM Message

Hello [REDACTED]

Thanks for your call this morning. Please send resumes for the Boston FSA position to myself and [REDACTED] (copied herein). [REDACTED] will be taking the point on the interviews. Thanks!

[REDACTED]

Exhibit 47

To: Beal, Kim (USMS) [REDACTED]
Cc: [REDACTED] (USMS)
From: [REDACTED] (USMS)
Sent: Tue 9/20/2011 8:29:54 AM
Subject: Draft D Response

Draft . .

Hello Director Hylton --

Last evening Forfeiture Support Associates (FSA) transmitted the resumes of candidates for the Senior Forfeiture Financial Specialist contract position in Boston that will support our Financial Investigator Program and Complex Assets Team. Unfortunately, Donald Lenzic's was not included. My staff inquired and was informed he did not meet the position requirements that include: "1) a four year undergraduate diploma in accounting, finance, or related field; and, 2) one or more related professional certifications such as Certified Public Accountant, Certified Internal Auditor, Certified Fraud Examiner, Certified Government Financial Manager, etc." These credentials were taken directly from the contractor's position announcement.

We have run into similar situations in the past with little opportunity to recommend to the contractor good candidates based on Departmental criteria that is contract driven. The DOJ Contracting Officer's Technical Representative has been unwilling to grant waivers, citing audit requirements, where a candidate does not meet the requisite degree and certification qualifications.

I am happy to keep Donald's resume on file and keep him in mind for future opportunities in the Boston area. In the event something should change I will certainly keep you updated. I cannot thank you enough for your support of the USMS asset forfeiture mission. Please let me know if I can answer any questions.

Respectfully,

Kim

Kimberly Beal

Deputy Assistant Director

Asset Forfeiture Division



To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS)
From: Beal, Kim (USMS)
Sent: Tue 9/20/2011 8:44:48 AM
Subject: Re: Draft D Response

No one say anything to anyone yet - I want to talk to Eben about this before we do anything.

From: [REDACTED] (USMS)
Sent: Tuesday, September 20, 2011 08:29 AM
To: Beal, Kim (USMS)
Cc: [REDACTED] (USMS)
Subject: Draft D Response

Draft . . .

Hello Director Hylton --

Last evening Forfeiture Support Associates (FSA) transmitted the resumes of candidates for the Senior Forfeiture Financial Specialist contract position in Boston that will support our Financial Investigator Program and Complex Assets Team. Unfortunately, Donald Lenzie's was not included. My staff inquired and was informed he did not meet the position requirements that include: "1) a four year undergraduate diploma in accounting, finance, or related field; and, 2) one or more related professional certifications such as Certified Public Accountant, Certified Internal Auditor, Certified Fraud Examiner, Certified Government Financial Manager, etc." These credentials were taken directly from the contractor's position announcement.

We have run into similar situations in the past with little opportunity to recommend to the contractor good candidates based on Departmental criteria that is contract driven. The DOJ Contracting Officer's Technical Representative has been unwilling to grant waivers, citing audit requirements, where a candidate does not meet the requisite degree and certification qualifications.

I am happy to keep Donald's resume on file and keep him in mind for future opportunities in the Boston area. In the event something should change I will certainly keep you updated. I cannot thank you enough for your support of the USMS asset forfeiture mission.

Please let me know if I can answer any questions.

Respectfully,

Kim


Kimberly Beal
Deputy Assistant Director
Asset Forfeiture Division


Exhibit 49

To: [REDACTED]
Cc: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
From: Beal, Kim (USMS)
Sent: Tue 9/20/2011 4:38:28 PM
Subject: Re: SFFS - Boston

[REDACTED] - let me review the resumes and I will get back to you - thanks!

----- Original Message -----

From: [REDACTED]
Sent: Tuesday, September 20, 2011 04:38 PM
To: [REDACTED] Beal, Kim (USMS)
Cc: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: SFFS - Boston

Kim,

Attached are the resumes for the SFFS Boston.

[REDACTED] and [REDACTED] meet all position requirements.

Lenzie, [REDACTED] and [REDACTED] do not meet all position requirements.

Let me know if you want to schedule all 6. We can break up the interviews over the course of two days. If 10/7 does not work, we can schedule for Monday 10/10 and Tuesday 10/11.

Regards,

[REDACTED]

To: [REDACTED] (USMS) [REDACTED]
From: Beal, Kim (USMS)
Sent: Thur 9/22/2011 8:16:57 AM
Subject: Re:

The [REDACTED] is my bday and my family would divorce me - what about next week?

----- Original Message -----

From: [REDACTED] (USMS)
Sent: Thursday, September 22, 2011 08:04 AM
To: Beal, Kim (USMS)
Subject:

Hi there, just got [REDACTED] email. I would greatly prefer to do it the [REDACTED] for several reasons, which include timeliness (want to get it filled asap) scheduling (I informed [REDACTED] of these dates early last week).

I know the Friday is tough for you, I don't understand why we cannot do all of them on the [REDACTED] 1 hour each. Let me know your thoughts.

[REDACTED]

Exhibit 51

To: [REDACTED] (USMS); [REDACTED]
From: [REDACTED]
Sent: Thur 9/22/2011 8:51:23 AM
Subject: RE: SFFS Boston Interviews

The office is located at [REDACTED] Boston,
MA [REDACTED]

Hotel Options:

Intercontinental Hotel www.intercontinentalboston.com/

Long Wharf Marriott <http://www.marriott.com/hotels/travel/boslw-boston-marriott-long-wharf/>

We are going to start at 1:00pm on the 6th so you can take the train early the morning of the 6th or come the night before. (you decide)

Call [REDACTED] and she will explain to you exactly what you need to do with regard to making travel arrangements. We have to use the designated travel agency to make arrangements.

Yes, South Station. It's walking distance to the hotels and the office.

Let me know if you need anything else.

Regards,

[REDACTED]

Exhibit 51

From: [REDACTED] (USMS) [mailto:[REDACTED]]
Sent: Thursday, September 22, 2011 8:38 AM
To: [REDACTED]
Subject: RE: SFFS Boston Interviews

[REDACTED]

Please provide the location of the interviews.

What was your hotel recommendation?

Should I plan on going the evening of the 5th?

Do I need to book through the FSA travel agency, even for Amtrak?

It was the South St Station stop, correct?

Thank You

[REDACTED]

[REDACTED]

Senior Forfeiture Financial Specialist, FSA Contractor

United States Marshals Service, SDNY

Asset Forfeiture Division

[REDACTED] New York, NY [REDACTED]

Tel: [REDACTED] Mobile [REDACTED]

Fax: [REDACTED]

From: [REDACTED]@forfeituresupport.com]
Sent: Thursday, September 22, 2011 7:59 AM
To: Beal, Kim (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: SFFS Boston Interviews

Kim,

Have you had a chance to review your schedule regarding availability to conduct interviews in Boston? [REDACTED] is not available the week of 10/10 and it is my understanding you are not available the week of 10/17.

In order to avoid delaying interviews until the week of 10/24, I can change a set of interviews for 10/6 I already have scheduled make myself available the afternoon of 10/6 and the morning of 10/7 (we can schedule three for each day) . I know [REDACTED] had some concerns with 10/7 but I think we can start early 10/7 and be done by 11am to get [REDACTED] on a train back to NYC ASAP.

Let me know if that will work for your group.

Regards,

[REDACTED]

Exhibit 52

To: [REDACTED] (USMS) [REDACTED]
From: [REDACTED]
Sent: Thur 9/22/2011 8:54:30 AM
Subject: RE: SFFS Boston Interviews

One more hotel option:

Hilton http://www1.hilton.com/en_US/hi/hotel/BOSFDHF-Hilton-Boston-Downtown-Financial-District-Massachusetts/index.do

All three hotels are walking distance to the office.

Regards,

[REDACTED]

From: [REDACTED] (USMS) [mailto:[REDACTED]]
Sent: Thursday, September 22, 2011 8:38 AM
To: [REDACTED]
Subject: RE: SFFS Boston Interviews

[REDACTED]

Please provide the location of the interviews.

What was your hotel recommendation?

Should I plan on going the evening of the 5th?

Do I need to book through the FSA travel agency, even for Amtrak?

Exhibit 52

It was the South St Station stop, correct?

Thank You

[REDACTED]

[REDACTED]

Senior Forfeiture Financial Specialist, FSA Contractor

United States Marshals Service, SDNY

Asset Forfeiture Division

[REDACTED] New York, NY [REDACTED]

Tel: [REDACTED] Mobile: [REDACTED]

Fax: [REDACTED]

From: [REDACTED] (mailto:[REDACTED]@forfeituresupport.com)

Sent: Thursday, September 22, 2011 7:59 AM

To: Beal, Kim (USMS); [REDACTED] (USMS); [REDACTED] (USMS)

Subject: SFFS Boston Interviews

Kim,

Have you had a chance to review your schedule regarding availability to conduct interviews in Boston? [REDACTED] is not available the week of 10/10 and it is my understanding you are not available the week of 10/17.

In order to avoid delaying interviews until the week of 10/24, I can change a set of interviews for 10/6 I already have scheduled make myself available the afternoon of 10/6 and the morning of 10/7 (we can schedule three for each day). I know [REDACTED] had some concerns with 10/7 but I think we can start early 10/7 and be done by 11am to get [REDACTED] on a train back to NYC ASAP.

Let me know if that will work for your group.

Regards,



Exhibit 53

To: [REDACTED] (USMS)
 (USMS)
 From: Beal, Kim (USMS)
 Sent: Thur 9/22/2011 9:10:45 AM
 Subject: Re:

Let's see if [REDACTED] can work it out [REDACTED] you ant to reach out to him? thx!

----- Original Message -----
 From: [REDACTED] (USMS)
 Sent: Thursday, September 22, 2011 09:08 AM
 To: Beal, Kim (USMS); [REDACTED] (USMS)
 Subject: RE:

[REDACTED] said yes to next Thursday and Friday too.

[REDACTED]
 FSA Contractor
 Supervisor Records Examiner/Analyst
 U.S. Marshals Service
 Asset Forfeiture Division
 Office: [REDACTED]
 Blackberry [REDACTED]

-----Original Message-----
 From: Beal, Kim (USMS)
 Sent: Thursday, September 22, 2011 9:03 AM
 To: [REDACTED] (USMS)
 Cc: [REDACTED] (USMS)
 Subject: Re:

[REDACTED] - anything on the calendar next Thursday/Friday - we also need to see if [REDACTED] can do it.

----- Original Message -----
 From: [REDACTED] (USMS)
 Sent: Thursday, September 22, 2011 08:26 AM
 To: Beal, Kim (USMS)
 Subject: Re:

Next week would be fine. Thurs and Friday?

----- Original Message -----
 From: Beal, Kim (USMS)
 Sent: Thursday, September 22, 2011 08:16 AM
 To: [REDACTED] (USMS)
 Subject: Re:

The [REDACTED]s my bday and my family would divorce me - what about next week?

----- Original Message -----
 From: [REDACTED] (USMS)
 Sent: Thursday, September 22, 2011 08:04 AM
 To: Beal, Kim (USMS)
 Subject:

Exhibit 53

Hi there, just got [REDACTED] email. I would greatly prefer to do it the [REDACTED] for several reasons, which include timeliness (want to get it filled asap) scheduling (I informed [REDACTED] of these dates early last week).

I know the Friday is tough for you, I don't understand why we cannot do all of them on the [REDACTED] hour each. Let me know your thoughts.

[REDACTED]

Exhibit 54

To: [REDACTED] USMS [REDACTED]
From: Beal, Kim (USMS)
Sent: Thur 9/22/2011 9:22:18 AM
Subject: Re: SFFS Boston Interviews

Call me pls

From: [REDACTED] (USMS)
Sent: Thursday, September 22, 2011 09:16 AM
To: [REDACTED] (USMS); Beal, Kim (USMS); [REDACTED]
Subject: Re: SFFS Boston Interviews

Can another recruiter please attend? We want to get this done ASAP and these are the only dates that the USMS can get together in the next month. We feel that a month is far too long to wait for the interviews.

Let me know,

[REDACTED]
From: [REDACTED]
Sent: Thursday, September 22, 2011 09:16 AM
To: [REDACTED] (USMS); Beal, Kim (USMS); [REDACTED] (USMS)
Subject: RE: SFFS Boston Interviews

[REDACTED]
I already have commitments next week (9/27 thru 9/30).

Regards,

[REDACTED]

From: [REDACTED] (USMS) [mailto:[REDACTED]]
Sent: Thursday, September 22, 2011 9:13 AM
To: [REDACTED] Beal, Kim (USMS); [REDACTED] (USMS)

Subject: Re: SFFS Boston Interviews

[REDACTED]

Can we please schedule for next Thurs afternoon and Friday am? That seems to work best for right now. Let me know and thank you.

[REDACTED]

From: [REDACTED]@forfeituresupport.com]
Sent: Thursday, September 22, 2011 07:59 AM
To: Beal, Kim (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: SFFS Boston Interviews

Kim,

Have you had a chance to review your schedule regarding availability to conduct interviews in Boston? [REDACTED] is my understanding you are not available the week of 10/10 and it is my understanding you are not available the week of 10/17.

In order to avoid delaying interviews until the week of 10/24, I can change a set of interviews for 10/6 I already have scheduled make myself available the afternoon of 10/6 and the morning of 10/7 (we can schedule three for each day) . I know [REDACTED] had some concerns with 10/7 but I think we can start early 10/7 and be done by 11am to get [REDACTED] on a train back to NYC ASAP.

Let me know if that will work for your group.

Regards,

[REDACTED]

[REDACTED]

Exhibit 55

To: [REDACTED]
(USMS) [REDACTED]@usms.doj.gov; [REDACTED] (USMS) [REDACTED]@usms.doj.gov
From: Beal, Kim (USMS)
Sent: Thur 9/22/2011 10:28:28 AM
Subject: Re: SFFS Boston Interviews

Yes - that works for me - thanks all.

From: [REDACTED]
Sent: Thursday, September 22, 2011 10:22 AM
To: [REDACTED] (USMS); [REDACTED] (USMS); Beal, Kim (USMS); [REDACTED]
Subject: RE: SFFS Boston Interviews

Kim,

Does that work for you?



From: [REDACTED] (USMS) [mailto:[REDACTED]]
Sent: Thursday, September 22, 2011 10:18 AM
To: [REDACTED] (USMS); [REDACTED] Beal, Kim (USMS); [REDACTED]
Subject: Re: SFFS Boston Interviews

All,

Let's do Tuesday October 11 in the afternoon and Wed am. 3 each day.

From: [REDACTED] (USMS)
Sent: Thursday, September 22, 2011 09:20 AM
To: [REDACTED] (USMS); [REDACTED]
Beal, Kim (USMS); [REDACTED]
Subject: RE: SFFS Boston Interviews

I am unavailable next Thursday and Friday.

[REDACTED]
Senior Forfeiture Financial Specialist, FSA Contractor

United States Marshals Service, SDNY

Asset Forfeiture Division

[REDACTED] New York, NY [REDACTED]

Tel: [REDACTED] Mobile: [REDACTED]

Fax: [REDACTED]

From: [REDACTED] (USMS)

Sent: Thursday, September 22, 2011 9:17 AM

To: [REDACTED] Beal, Kim (USMS); [REDACTED] (USMS)

Subject: Re: SFFS Boston Interviews

Can another recruiter please attend? We want to get this done ASAP and these are the only dates that the USMS can get together in the next month. We feel that a month is far too long to wait for the interviews.

Let me know,

[REDACTED]

From: [REDACTED]

Sent: Thursday, September 22, 2011 09:16 AM

To: [REDACTED] (USMS); Beal, Kim (USMS); [REDACTED] (USMS)

Subject: RE: SFFS Boston Interviews

[REDACTED]

I already have commitments next week (9/27 thru 9/30).

Regards,

[REDACTED]

From: [REDACTED] (USMS) [mailto:[REDACTED]]
Sent: Thursday, September 22, 2011 9:13 AM
To: [REDACTED] Beal, Kim (USMS); [REDACTED] (USMS)
Subject: Re: SFFS Boston Interviews

[REDACTED]

Can we please schedule for next Thurs afternoon and Friday am? That seems to work best for right now. Let me know and thank you.

[REDACTED]

From: [REDACTED]
Sent: Thursday, September 22, 2011 07:59 AM
To: Beal, Kim (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: SFFS Boston Interviews

Kim,

Have you had a chance to review your schedule regarding availability to conduct interviews in Boston? [REDACTED] is not available the week of 10/10 and it is my understanding you are not available the week of 10/17.

Exhibit 55

In order to avoid delaying interviews until the week of 10/24, I can change a set of interviews for 10/6 I already have scheduled make myself available the afternoon of 10/6 and the morning of 10/7 (we can schedule three for each day) . I know [REDACTED] had some concerns with 10/7 but I think we can start early 10/7 and be done by 11am to get [REDACTED] on a train back to NYC ASAP.

Let me know if that will work for your group.

Regards,

[REDACTED]

Exhibit 56

To: Beal, Kim (USMS) [REDACTED]
(USMS) [REDACTED] (USMS) [REDACTED]
Cc: [REDACTED]
From: [REDACTED]
Sent: Thur 9/22/2011 10:34:49 AM
Subject: RE: SFFS Boston Interviews
[Lenzie-SFFS-Boston.doc](#)
[\[REDACTED\]-SFFS-Boston.doc](#)
[\[REDACTED\].doc](#)
[\[REDACTED\]-SFFS-Boston.docx](#)
[\[REDACTED\]-SFFS-Boston.doc](#)
[\[REDACTED\]-SFFS-Boston.doc](#)

Great! I will schedule the following:

[REDACTED]

Lenzie

[REDACTED]

Three will be scheduled for the afternoon of Tuesday, October 11th beginning at 1pm (1 hour apart) and three for the morning of Wednesday October 12th beginning at 9:00am (1 hour apart). I will forward a complete schedule once I have contact all six applicants.

Let me know if you have any questions.

Regards,

[REDACTED]

[REDACTED] - Office

From: Beal, Kim (USMS) [mailto:[REDACTED]]
Sent: Thursday, September 22, 2011 10:28 AM
To: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED]
Subject: Re: SFFS Boston Interviews

Yes - that works for me - thanks all.

From: [REDACTED]
Sent: Thursday, September 22, 2011 10:22 AM
To: [REDACTED] (USMS); [REDACTED] (USMS); Beal, Kim (USMS); [REDACTED]
Subject: RE: SFFS Boston Interviews

Kim,

Does that work for you?

[REDACTED]

From: [REDACTED] (USMS) [mailto:[REDACTED]]
Sent: Thursday, September 22, 2011 10:18 AM
To: [REDACTED] (USMS); [REDACTED] Beal, Kim (USMS); [REDACTED]
Subject: Re: SFFS Boston Interviews

All,

Let's do Tuesday October 11 in the afternoon and Wed am. 3 each day.

Exhibit 56

From: [REDACTED] (USMS)
Sent: Thursday, September 22, 2011 09:20 AM
To: [REDACTED] (USMS); [REDACTED]
Beal, Kim (USMS); [REDACTED]
Subject: RE: SFFS Boston Interviews

I am unavailable next Thursday and Friday.

[REDACTED]
Senior Forfeiture Financial Specialist, FSA Contractor

United States Marshals Service, SDNY

Asset Forfeiture Division

[REDACTED] New York, NY [REDACTED]

Tel: [REDACTED] Mobile [REDACTED]

Fax: [REDACTED]

From: [REDACTED] (USMS)
Sent: Thursday, September 22, 2011 9:17 AM
To: [REDACTED] Beal, Kim (USMS); [REDACTED] (USMS)
Subject: Re: SFFS Boston Interviews

Can another recruiter please attend? We want to get this done ASAP and these are the only dates that the USMS can get together in the next month. We feel that a month is far too long to wait for the interviews.

Let me know,

[REDACTED]

From: [REDACTED]
Sent: Thursday, September 22, 2011 09:16 AM
To: [REDACTED] (USMS); Beal, Kim (USMS); [REDACTED] (USMS)

Subject: RE: SFFS Boston Interviews

[REDACTED]

I already have commitments next week (9/27 thru 9/30).

Regards,

[REDACTED]

From: [REDACTED] (USMS) [mailto:[REDACTED]]
Sent: Thursday, September 22, 2011 9:13 AM
To: [REDACTED] Beal, Kim (USMS); [REDACTED] (USMS)
Subject: Re: SFFS Boston Interviews

[REDACTED]

Can we please schedule for next Thurs afternoon and Friday am? That seems to work best for right now. Let me know and thank you.

[REDACTED]

From: [REDACTED]
Sent: Thursday, September 22, 2011 07:59 AM
To: Beal, Kim (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: SFFS Boston Interviews

Kim,

Have you had a chance to review your schedule regarding availability to conduct interviews in Boston? [REDACTED] is not available the week of 10/10 and it is my understanding you are not available the week of 10/17.

In order to avoid delaying interviews until the week of 10/24, I can change a set of interviews for 10/6 I already have scheduled make myself available the afternoon of 10/6 and the morning of 10/7 (we can schedule three for each day) . I know [REDACTED] had some concerns with 10/7 but I think we can start early 10/7 and be done by 11am to get [REDACTED] on a train back to NYC ASAP.

Let me know if that will work for your group.

Regards,


A large black rectangular redaction box covering the signature area.

Exhibit 57

To: [REDACTED]
From: Beal, Kim (USMS)
Sent: Thur 9/22/2011 10:34:52 AM
Subject: Re: SFFS Boston Interviews

Sure

From: [REDACTED]
Sent: Thursday, September 22, 2011 10:31 AM
To: Beal, Kim (USMS)
Subject: Re: SFFS Boston Interviews

[REDACTED] is not on this, want me to forward? Hotels are sometimes hard to get there and the Intercontinental is really convenient.

From: Beal, Kim (USMS)
Sent: Thursday, September 22, 2011 10:28 AM
To: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED]
Subject: Re: SFFS Boston Interviews

Yes - that works for me - thanks all.

From: [REDACTED]
Sent: Thursday, September 22, 2011 10:22 AM
To: [REDACTED] (USMS); [REDACTED] (USMS); Beal, Kim (USMS); [REDACTED]
Subject: RE: SFFS Boston Interviews

Kim,

Does that work for you?

[REDACTED]

From: [REDACTED] (USMS) [mailto:[REDACTED]]
Sent: Thursday, September 22, 2011 10:18 AM
To: [REDACTED] (USMS); [REDACTED] Beal, Kim (USMS); [REDACTED]
Subject: Re: SFFS Boston Interviews

All,

Let's do Tuesday October 11 in the afternoon and Wed am. 3 each day.

From: [REDACTED] (USMS)
Sent: Thursday, September 22, 2011 09:20 AM
To: [REDACTED] (USMS); [REDACTED]
Beal, Kim (USMS): [REDACTED]
Subject: RE: SFFS Boston Interviews

I am unavailable next Thursday and Friday.

[REDACTED]
Senior Forfeiture Financial Specialist, FSA Contractor
United States Marshals Service, SDNY
Asset Forfeiture Division
[REDACTED] New York, NY [REDACTED]
Tel: [REDACTED] Mobile: [REDACTED]
Fax: [REDACTED]

From: [REDACTED] (USMS)
Sent: Thursday, September 22, 2011 9:17 AM
To: [REDACTED] Beal, Kim (USMS); [REDACTED] (USMS)
Subject: Re: SFFS Boston Interviews

Can another recruiter please attend? We want to get this done ASAP and these are the only dates that the USMS can get together in the next month. We feel that a month is far too long to wait for the interviews.

Let me know,

[REDACTED]

From: [REDACTED] (mailto:[REDACTED])
Sent: Thursday, September 22, 2011 09:16 AM
To: [REDACTED] (USMS); Beal, Kim (USMS); [REDACTED] (USMS)
Subject: RE: SFFS Boston Interviews

[REDACTED]

I already have commitments next week (9/27 thru 9/30).

Regards,

[REDACTED]

From: [REDACTED] (USMS) (mailto:[REDACTED])
Sent: Thursday, September 22, 2011 9:13 AM
To: [REDACTED] Beal, Kim (USMS); [REDACTED] (USMS)
Subject: Re: SFFS Boston Interviews

[REDACTED]

Can we please schedule for next Thurs afternoon and Friday am? That seems to work best for right now. Let me know and thank you.

[REDACTED]

From: [REDACTED] (mailto:[REDACTED])
Sent: Thursday, September 22, 2011 07:59 AM
To: Beal, Kim (USMS); [REDACTED] (USMS); [REDACTED] (USMS)

Subject: SFFS Boston Interviews

Kim,

Have you had a chance to review your schedule regarding availability to conduct interviews in Boston? [REDACTED] is not available the week of 10/10 and it is my understanding you are not available the week of 10/17.

In order to avoid delaying interviews until the week of 10/24, I can change a set of interviews for 10/6 I already have scheduled make myself available the afternoon of 10/6 and the morning of 10/7 (we can schedule three for each day) . I know [REDACTED] had some concerns with 10/7 but I think we can start early 10/7 and be done by 11am to get [REDACTED] on a train back to NYC ASAP.

Let me know if that will work for your group.

Regards,

[REDACTED]

Exhibit 58

To: Beal, Kim (USMS) [REDACTED]
(USMS) [REDACTED] (USMS) [REDACTED]
[REDACTED] (USMS) [REDACTED]
Cc: [REDACTED] (USMS) [REDACTED]
From: [REDACTED]
Sent: Thur 9/29/2011 4:28:31 PM
Subject: RE: SFFS Boston Interviews

The following have been scheduled:

Tuesday, October 11th:

Don Lenzie	1:00pm
[REDACTED]	2:00pm
	3:00pm

Wednesday, October 12th:

[REDACTED]	9:00am
	10:00am
	11:00am

Applicants have been instructed to arrive at [REDACTED] and ask for [REDACTED]

Let me know if you have any questions.

Regards,

[REDACTED]

From: [REDACTED]
Sent: Thursday, September 22, 2011 10:35 AM
To: 'Beal, Kim (USMS)'; [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED]
Cc: [REDACTED]
Subject: RE: SFFS Boston Interviews

Great! I will schedule the following:

[REDACTED]

Lenzie

[REDACTED]

Three will be scheduled for the afternoon of Tuesday, October 11th beginning at 1pm (1 hour apart) and three for the morning of Wednesday October 12th beginning at 9:00am (1 hour apart). I will forward a complete schedule once I have contact all six applicants.

Let me know if you have any questions.

Regards,

[REDACTED]

From: Beal, Kim (USMS) [mailto: [REDACTED]]
Sent: Thursday, September 22, 2011 10:28 AM
To: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED]
Subject: Re: SFFS Boston Interviews

Yes - that works for me - thanks all.

From: [REDACTED] [mailto: [REDACTED]]
Sent: Thursday, September 22, 2011 10:22 AM
To: [REDACTED] (USMS); [REDACTED] (USMS); Beal, Kim (USMS); [REDACTED]
Subject: RE: SFFS Boston Interviews

Kim,

Does that work for you?

[REDACTED]

From: [REDACTED] (USMS) [mailto: [REDACTED]]
Sent: Thursday, September 22, 2011 10:18 AM
To: [REDACTED] (USMS); [REDACTED] Beal, Kim (USMS); [REDACTED]
Subject: Re: SFFS Boston Interviews

All,

Let's do Tuesday October 11 in the afternoon and Wed am. 3 each day.

From: [REDACTED] (USMS)
Sent: Thursday, September 22, 2011 09:20 AM

Exhibit 58

To: [REDACTED] (USMS); [REDACTED]
 Beal, Kim (USMS); [REDACTED]
 Subject: RE: SFFS Boston Interviews

I am unavailable next Thursday and Friday.

[REDACTED]
 [REDACTED] FSA Contractor
 United States Marshals Service, SDNY
 Asset Forfeiture Division
 [REDACTED] New York, NY [REDACTED]
 Tel: [REDACTED] Mobile: [REDACTED]
 Fax: [REDACTED]

From: [REDACTED] (USMS)
 Sent: Thursday, September 22, 2011 9:17 AM
 To: [REDACTED] Beal, Kim (USMS); [REDACTED] (USMS)
 Subject: Re: SFFS Boston Interviews

Can another recruiter please attend? We want to get this done ASAP and these are the only dates that the USMS can get together in the next month. We feel that a month is far too long to wait for the interviews.

Let me know,

[REDACTED]

From: [REDACTED] (mailto:[REDACTED])
 Sent: Thursday, September 22, 2011 09:16 AM
 To: [REDACTED] (USMS); Beal, Kim (USMS); [REDACTED] (USMS)
 Subject: RE: SFFS Boston Interviews

[REDACTED]

I already have commitments next week (9/27 thru 9/30).

Regards,

[REDACTED]

From: [REDACTED] (USMS) [mailto:[REDACTED]]
Sent: Thursday, September 22, 2011 9:13 AM
To: [REDACTED] Beal, Kim (USMS); [REDACTED] (USMS)
Subject: Re: SFFS Boston Interviews

[REDACTED]

Can we please schedule for next Thurs afternoon and Friday am? That seems to work best for right now. Let me know and thank you.

[REDACTED]

From: [REDACTED] [mailto:[REDACTED]]
Sent: Thursday, September 22, 2011 07:59 AM
To: Beal, Kim (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: SFFS Boston Interviews

Kim,

Have you had a chance to review your schedule regarding availability to conduct interviews in Boston? [REDACTED] is not available the week of 10/10 and it is my understanding you are not available

the week of 10/17.

In order to avoid delaying interviews until the week of 10/24, I can change a set of interviews for 10/6 I already have scheduled make myself available the afternoon of 10/6 and the morning of 10/7 (we can schedule three for each day) . I know [REDACTED] had some concerns with 10/7 but I think we can start early 10/7 and be done by 11am to get [REDACTED] on a train back to NYC ASAP.

Let me know if that will work for your group.

Regards,

[REDACTED]

Exhibit 59

To: [REDACTED]
From: [REDACTED] (USMS)
Sent: Thur 8/18/2011 12:50:17 PM
Subject: RE: SFFS Recruitment

I am a volunteer for Boston if need assistance.

From: [REDACTED] (USMS)
Sent: Wednesday, August 17, 2011 2:09 PM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: SFFS Recruitment

Hello [REDACTED]

Kim and I met with [REDACTED] moments ago to discuss a recruitment strategy and we are prepared to issue the task orders to FSA for four (4) Senior Forfeiture Financial Specialist positions in support of the Asset Forfeiture Financial Investigator Program and Complex Assets Team. The cities and AFD points of contact are as follows:

1. Boston, MA; [REDACTED]
2. Seattle, WA; [REDACTED]
3. Houston, TX; [REDACTED]
4. Columbus, OH; [REDACTED]

I will coordinate with [REDACTED] to include any additional USMS representation during the interview process. Please ask FSA to copy [REDACTED] and me on all recruitment activity, to include the date when the announcements post on the FSA website. Thanks!

[REDACTED]

From: [REDACTED] (USMS)
Sent: Wednesday, August 17, 2011 2:09 PM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: SFFS Recruitment

Hello [REDACTED]

Kim and I met with [REDACTED] moments ago to discuss a recruitment strategy and we are prepared to issue the task orders to FSA for four (4) Senior Forfeiture Financial Specialist positions in support of the Asset Forfeiture Financial Investigator Program and Complex Assets Team. The cities and AFD points of contact are as follows:

1. Boston, MA; [REDACTED]
2. Seattle, WA; [REDACTED]
3. Houston, TX; [REDACTED]
4. Columbus, OH; [REDACTED]

I will coordinate with [REDACTED] to include any additional USMS representation during the interview process. Please ask FSA to copy [REDACTED] and me on all recruitment activity, to include the date when the announcements post on the FSA website. Thanks!

[REDACTED]

Exhibit 61

To: Stacia Hylton [mailto: [REDACTED]@me.com]
Cc: Morales, Eben (USMS) [REDACTED]
From: Beal, Kim (USMS)
Sent: Fri 9/23/2011 2:54:21 PM
Subject: RE: resume

Director Hylton,

As a follow up to our previous conversation, we have 6 qualified candidates, including Don Lenzie for the FFS position in Boston. Interviews will take place on October 12/13, 2011 and I will sit on the interview panel. I'll get back to you once we have completed the interviews. Have a nice weekend.

From: Stacia Hylton [mailto: [REDACTED]@me.com]
Sent: Saturday, September 17, 2011 6:53 AM
To: Beal, Kim (USMS)
Subject: Re: resume

Thanks Kim, I appreciate it. Don is a great investigator, extremely dedicated to government, but has always worked hard on the AFF side with AUSAs and wants to still work in gov. after retirement. Thank you and most of all for your dedication to the program we are so lucky to have you over at AFF!

On Sep 16, 2011, at 6:06 PM, Beal, Kim (USMS) wrote:

Absolutely - I will keep you posted as we go through the process.

From: StaciaHylton [mailto: [REDACTED]@me.com]
Sent: Friday, September 16, 2011 05:52 PM
To: Beal, Kim (USMS)
Subject: Fwd: resume

Thx Kim

Sent from my iPhone

Stacia

Begin forwarded message:

From: "Lenzie, Donald A" <[REDACTED]>
Date: September 16, 2011 8:26:49 AM EDT
To: [REDACTED]@mc.com
Subject: resume

Hi Stacie

Attached is my resume that I submitted with the application to **FSA (Forfeiture Support Associates)** who are recruiting for a financial investigators position with the USMS in Boston. I was told by the FSA recruiter that they are looking for someone to do financial investigations and asset identification. Not so much the forfeiture end. That is right down my alley as I have been doing that most of my career. I was told it will be working with the USMS asset forfeiture unit in Boston. Interviews are expected to be scheduled in the next few weeks.

In my application I listed a federal judge from NH, a civil AUSA and my RAC as references. It also reflects my assignments in NH - last 8 years, Boston - 18 years, San Francisco - 3 years, Galveston, TX - almost 2 and of course my Co-Op days. Please call me anytime if you have any questions at 617-[REDACTED] or can email and I will get on my blackberry. I am going out of town (FL) middle of next for a week 9/21 and will be back on 9/29. Thanks Kirk! Have a quiet day and pace yourself.

Exhibit 62

To: Beal, Kim (USMS) [REDACTED]
From: Stacia Hylton
Sent: Fri 9/23/2011 6:05:39 PM
Subject: Re: resume

Thx Kim, I am you have so many candidates for the position. Thanks for the update.

Sent from my iPhone
 Stacia

On Sep 23, 2011, at 2:54 PM, "Beal, Kim (USMS)" <[REDACTED]> wrote:

Director Hylton,

As a follow up to our previous conversation, we have 6 qualified candidates, including Don Lenzie for the FFS position in Boston. Interviews will take place on October 12/13, 2011 and I will sit on the interview panel. I'll get back to you once we have completed the interviews. Have a nice weekend.

From: Stacia Hylton [mailto:[REDACTED]@me.com]
Sent: Saturday, September 17, 2011 6:53 AM
To: Beal, Kim (USMS)
Subject: Re: resume

Thanks Kim, I appreciate it. Don is a great investigator, extremely dedicated to government, but has always worked hard on the AFF side with AUSAs and wants to still work in gov. after retirement. Thank you and most of all for your dedication to the program we are so lucky to have you over at AFF!

On Sep 16, 2011, at 6:06 PM, Beal, Kim (USMS) wrote:

Absolutely - I will keep you posted as we go through the process.

From: Stacia Hylton [mailto:[REDACTED]@me.com]
Sent: Friday, September 16, 2011 05:52 PM
To: Beal, Kim (USMS)

Subject: Fwd: resume

Thx Kim

Sent from my iPhone

Stacia

Begin forwarded message:

From: "Lenzie, Donald A" <[REDACTED]>
Date: September 16, 2011 8:26:49 AM EDT
To: [REDACTED]@mc.com
Subject: resume

Hi Stacie

Attached is my resume that I submitted with the application to **FSA (Forfeiture Support Associates)** who are recruiting for a financial investigators position with the USMS in Boston. I was told by the FSA recruiter that they are looking for someone to do financial investigations and asset identification. Not so much the forfeiture end. That is right down my alley as I have been doing that most of my career. I was told it will be working with the USMS asset forfeiture unit in Boston. Interviews are expected to be scheduled in the next few weeks.

In my application I listed a federal judge from NH, a civil AUSA and my RAC as references. It also reflects my assignments in NH - last 8 years, Boston - 18 years, San Francisco - 3 years, Galveston, TX - almost 2 and of course my Co-Op days. Please call me anytime if you have any questions at 617-[REDACTED] or can email and I will get on my blackberry. I am going out of town (FL) middle of next for a week 9/21 and will be back on 9/29. Thanks Kirk! Have a quiet day and pace yourself.

Exhibit 63

From: [REDACTED] (USMS)
Importance: Normal
Subject: D/MA FFS Interviews
Categories: Travel Required
Start Date/Time: Tue 10/11/2011 12:00:00 AM
End Date/Time: Thur 10/13/2011 12:00:00 AM

Exhibit 64

To: [REDACTED] (USMS) [REDACTED] Beal, Kim
 (USMS) [REDACTED]
 From: [REDACTED] cwtstotravel.com
 Sent: Fri 9/23/2011 2:52:27 PM
 Subject: Booking Confirmation KIMBERLY BEAL -- Boston, Oct 11

Thank you for making your reservation through our site.

This is a no reply mail box. If you need assistance please contact your CWTSToTravel customer support site.

This is a copy of your itinerary only. Please review for accuracy. When your reservation is ticketed, your invoice will be sent in a separate message. The invoice will show your trip details, ticket number, and ticket cost. Please be prepared to present your invoice (not this itinerary copy) upon airport check-in as proof your ticket has been issued.

 CONFIRMATION NUMBERS
 SABRE Record Locator #: FOCVOS
 Airline Record Locator #1 US-GBTLN5 (US Airways)

 Name(s) of people Traveling
 Name: KIMBERLY BEAL
 Meal: standard

Fare Details: WAS US BOS77.21TCADCA US WAS77.21TCADCA USD154.42END ZPDCABOS
 XFDC4.5BOS4.5

Penalty: VALIDATING CARRIER - US

 ITINERARY

AIR
 Flight/Equip.: US Airways 2026 Airbus A319
 Depart: Washington(DCA) Tuesday, Oct 11 9:30 AM
 Arrive: Boston(BOS) Tuesday, Oct 11 10:56 AM
 Stops: non-stop; Miles: 399
 Class: Coach
 Status: Confirmed
 Seats Requested:

AIR
 Flight/Equip.: US Airways 2037 Airbus A319
 Depart: Boston(BOS) Wednesday, Oct 12 2:00 PM
 Arrive: Washington(DCA) Wednesday, Oct 12 3:31 PM
 Stops: non-stop; Miles: 399
 Class: Coach
 Status: Confirmed
 Seats Requested:

Exhibit 64

Base Airfare (per person) 154.42 USD
Total Taxes and/or Applicable fees (per person) 32.98 USD
Total Flight (per person) 187.40 USD
Flight segments must be ticketed by close of business on Tuesday, Oct 11, 2011

Penalty: VALIDATING CARRIER - US

AGENCY INFORMATION

Agency: Carlson Wagonlit Government Travel Inc.
Washington, DC, US

Phone: [REDACTED]

DELIVERY INFORMATION

Deliver To:

Name: KIMBERLY BEAL

Address: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Shipment: Electronic Ticket

PAYMENT INFORMATION

Name on charge card: Kimberly Beal

MasterCard Card Number: [REDACTED]

SPECIAL REQUESTS

General Requests or Special Needs:

HAVE A GREAT TRIP

Exhibit 65

October 6, 2011



For: KIMBERLY BEAL

To: ATTN-KIMBERLY BEAL [REDACTED]

USMS

Sales Person: ZB
 Locator: FOCVOS
 Customer Number: Q31294J

TICKET PURCHASE WITH CA.....2716
 *THIS DOCUMENT BECOMES AN INVOICE WHEN THE PASSENGER
 *NAME/INVOICE AND TICKET NUMBERS APPEAR
 *IN THE PRICING BOX

 FEES TOTALING 6.49PP CHARGED IN ADDITION TO TKT PRICE
 FEE-USD6.49PP-AIR/AMTRAK DOMESTIC, ONLINE

Tuesday October 11, 2011



US Airways Flight Number: 2026
 Class of Service: Coach Class T
 Depart: WASHINGTON/NATL,DC 9:30 Am October 11, 2011
 Arrive: BOSTON, MA 10:56 Am October 11, 2011
 Total Flight Time: 1 Hour 26 Minutes Non-Stop
 Equipment: Airbus Jet
 Meal Service: None
 Status: Confirmed Confirmation Number: GBTLN5
 Frequent Flyer Number: USV35M076 BEAL/KIMBERLY
 DEP-TERMINAL C ARR-TERMINAL B

Wednesday October 12, 2011



US Airways Flight Number: 2037
 Class of Service: Coach Class T
 Depart: BOSTON, MA 2:00 Pm October 12, 2011
 Arrive: WASHINGTON/NATL,DC 3:31 Pm October 12, 2011
 Total Flight Time: 1 Hour 31 Minutes Non-Stop
 Equipment: Airbus Jet
 Meal Service: None
 Status: Confirmed Confirmation Number: GBTLN5
 Frequent Flyer Number: [REDACTED] BEAL/KIMBERLY
 DEP-TERMINAL B ARR-TERMINAL C

Name	Invoice / Ticket / Date	Base	Tax1	Tax2	Tax3	Total
BEAL KIMBERLY	773349/0378713949720/06OCT11	154.42	11.58US	7.40ZP	14.00XT	187.40
					Trip Fee	6.49

FOR [REDACTED]

Exhibit 65

Total Amount: 193.89

 *****TO BOOK RESERVATIONS ONLINE PLEASE VISIT*****
 *****CWTSATOTRAVEL.COM*****
 THANK YOU FOR USING CWTSATOTRAVEL
YOUR REFERENCE CODE IS *** SABRE OV4C

 PLEASE CALL LOCAL OFFICE DURING NORMAL BUSINESS HOURS
 TOLL FREE NUMBER 888-318-3296 MON-FRI 700A-700P CST
 FOR AFTER HOURS EMERGENCY SERVICE IF TRAVEL IS WITHIN
 24 HOURS CALL 1-888-318-3296 AND PRESS OPTION 1

 ****IF INTERNATIONAL 800 NUMBER DOES NOT WORK PLEASE***
 ***** CALL COLLECT TO 210-877-3327 *****

 CONTRACT CARRIER CITY PAIR FARES DO NOT REQUIRE
 ADVANCE PURCHASE. ALL OTHER FARES MAY REQUIRE ADVANCE
 PURCHASE AND ARE NOT GUARANTEED UNTIL TICKETED

 TRANSACTION FEES ARE NONREFUNDABLE

 UNUSED PAPER TICKETS MUST BE RETURNED TO SATOTRAVEL
 CONTACT SATOTRAVEL TO REFUND ELECTRONIC TICKETS

 GOVERNMENT ISSUED ID IS REQUIRED

 TO VIEW ITINERARIES ONLINE PLEASE GO TO
*** WWW.VIRTUALLYTHERE.COM ***.....
 ADD YOUR SABRE RESERVATION CODE, NAME AND EMAIL IN
 THE APPROPRIATE BOXES AND ENTER.

 Notes:
 .
 CWTSATOTRAVEL CAN BOOK YOUR HOTEL ACCOMODATIONS. WE CAN ASSIST IN KEEPING COSTS
 WITHIN PER DIEM AT A FEMA APPROVED PROPERTY, GUARANTEE YOUR RESERVATION FOR
 LATE ARRIVAL, AND EVEN CHECK FOR A ROOM AT YOUR FAVORITE HOTEL AT LOW FHDROOM
 OR CWTSATOTRAVEL GOVERNMENT RATES. ALL YOUR RESERVATIONS INCLUDED ON ONE
 ITINERARY--AIR, CAR, AND HOTEL.
 .
 THANKS FROM YOUR CWTSATOTRAVEL TEAM!!!

Exhibit 66

To: Beal, Kim (USMS) [REDACTED]
From: [REDACTED]
Sent: Thur 10/13/2011 3:52:45 PM
Subject: USMS-Boston

Kim,

I was able to follow up and speak with [REDACTED] today. Sounds like you have a leading applicant and a very close second. Let me know if you need anything from me.

Let me know when the group is ready to move forward with a selection and I will take care of the FSA part of the selection process.

I apologize for withdrawing from the process at the last minute and hope it did not cause any inconvenience.

Regards,

[REDACTED]

Exhibit 67

To: Morales, Eben (USMS) [REDACTED]
From: Beal, Kim (USMS)
Sent: Thur 10/13/2011 3:46:06 PM
Subject: Boston FFS

Do you have some time to talk about this position and where we go from here?

To: Morales, Eben (USMS) [REDACTED]
From: Beal, Kim (USMS)
Sent: Thur 10/13/2011 4:23:31 PM
Subject: RE: Boston FFS

I'll call you tomorrow.

From: Morales, Eben (USMS)
Sent: Thursday, October 13, 2011 4:18 PM
To: Beal, Kim (USMS)
Subject: Re: Boston FFS

Not right now...anytime tomorrow.

From: Beal, Kim (USMS)
Sent: Thursday, October 13, 2011 03:46 PM
To: Morales, Eben (USMS)
Subject: Boston FFS

Do you have some time to talk about this position and where we go from here?

Exhibit 69

To: Beal, Kim (USMS); [REDACTED]
From: [REDACTED]
Sent: Fri 10/21/2011 2:02:53 PM
Subject: RE: DO for Boston FFSS and Applicants for DA (AFD) and JFA (IOD)

Kim,

Since we already have the SFSS on the DO, do you want us to move forward with an offer to [REDACTED]?

Regards,

[REDACTED]

From: Beal, Kim (USMS) [mailto:[REDACTED]]
Sent: Friday, October 21, 2011 1:54 PM
To: [REDACTED]
Subject: RE: DO for Boston FFSS and Applicants for DA (AFD) and JFA (IOD)

Great -- thanks!

From: [REDACTED] [mailto:[REDACTED]]
Sent: Friday, October 21, 2011 1:51 PM
To: Beal, Kim (USMS); [REDACTED]
Subject: RE: DO for Boston FFSS and Applicants for DA (AFD) and JFA (IOD)

Kim,

I discussed this with Mr. Lenzie when he first submitted his application. He is well aware that he only qualifies for the FFS.

Regards,

[REDACTED]

From: Beal, Kim (USMS) [mailto:[REDACTED]]
Sent: Friday, October 21, 2011 12:38 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: DO for Boston FFSs and Applicants for DA (AFD) and JFA (IOD)

[REDACTED] – I failed to ask you this question during our conversation – but I’m assuming that Mr. Lenzie will be notified (if he wasn’t during the interview process) that he qualifies for the FFS position rather than the SFFS since he doesn’t have the required CFE certification. He did say during the interview that he would obtain it if hired.

From: [REDACTED] (USMS)
Sent: Friday, October 21, 2011 10:17 AM
To: [REDACTED]
Cc: Beal, Kim (USMS); [REDACTED] (USMS); [REDACTED]
Subject: DO for Boston FFSs and Applicants for DA (AFD) and JFA (IOD)

[REDACTED]

1. FFSs for Boston

This is to authorize an additional FFS on the Boston DO. Started with one FFS now it will be two. Please see the following FFS individuals:

-Donald Lenzie (FFS)

-[REDACTED] (SRFFS)

2. Applicants for AFD DA and IOD JFA

Please advise as to the status of USMS receiving applicants for the above two positions.

Thanks

[REDACTED]

To: [REDACTED]
Cc: [REDACTED]
From: Beal, Kim (USMS)
Sent: Fri 10/21/2011 12:37:59 PM
Subject: RE: DO for Boston FFSs and Applicants for DA (AFD) and JFA (IOD)

[REDACTED] - I failed to ask you this question during our conversation - but I'm assuming that Mr. Lenzie will be notified (if he wasn't during the interview process) that he qualifies for the FFS position rather than the SFFS since he doesn't have the required CFE certification. He did say during the interview that he would obtain it if hired.

From: [REDACTED] (USMS)
Sent: Friday, October 21, 2011 10:17 AM
To: [REDACTED]
Cc: Beal, Kim (USMS); [REDACTED] (USMS); [REDACTED]
Subject: DO for Boston FFSs and Applicants for DA (AFD) and JFA (IOD)

[REDACTED]

1. FFSs for Boston

This is to authorize an additional FFS on the Boston DO. Started with one FFS now it will be two. Please see the following FFS individuals:

-Donald Lenzie (FFS)

[REDACTED] (SRFFS)

2. Applicants for AFD DA and IOD JFA

Please advise as to the status of USMS receiving applicants for the above two positions.

Thanks



Exhibit 71

To: [REDACTED] (USMS); [REDACTED]@forfeituresupport.com]
From: [REDACTED]
Sent: Fri 10/21/2011 1:50:54 PM
Subject: RE: DO for Boston FFSs and Applicants for DA (AFD) and JFA (IOD)

Kim,

I discussed this with Mr. Lenzie when he first submitted his application. He is well aware that he only qualifies for the FFS.

Regards,



From: Beal, Kim (USMS) [mailto:[REDACTED]]
Sent: Friday, October 21, 2011 12:38 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: DO for Boston FFSs and Applicants for DA (AFD) and JFA (IOD)

[REDACTED] - I failed to ask you this question during our conversation – but I'm assuming that Mr. Lenzie will be notified (if he wasn't during the interview process) that he qualifies for the FFS position rather than the SFFS since he doesn't have the required CFE certification. He did say during the interview that he would obtain it if hired.

From: [REDACTED] (USMS)
Sent: Friday, October 21, 2011 10:17 AM
To: [REDACTED]@forfeituresupport.com)
Cc: Beal, Kim (USMS); [REDACTED] (USMS); [REDACTED]@forfeituresupport.com
Subject: DO for Boston FFSs and Applicants for DA (AFD) and JFA (IOD)

[REDACTED]

1. FFSs for Boston

This is to authorize an additional FFS on the Boston DO. Started with one FFS now it will be two. Please see the following FFS individuals:

-Donald Lenzie (FFS)

-[REDACTED] (SRFFS)

2. Applicants for AFD DA and IOD JFA

Please advise as to the status of USMS receiving applicants for the above two positions.

Thanks

[REDACTED]

To: [REDACTED] USMS [REDACTED]
From: Beal, Kim (USMS)
Sent: Fri 10/21/2011 2:41:30 PM
Subject: FW: DO for Boston FFSS and Applicants for DA (AFD) and JFA (IOD)

When do you expect that they will get the DO for Lenzie?

From: [REDACTED]
Sent: Friday, October 21, 2011 2:41 PM
To: Beal, Kim (USMS) [REDACTED]
Subject: RE: DO for Boston FFSS and Applicants for DA (AFD) and JFA (IOD)

I can call [REDACTED] but I need to wait for the DO on Lenzie. I can wait to call them both on the same day if you prefer.

Regards,

[REDACTED]
 [REDACTED] - Office

From: Beal, Kim (USMS) [mailto:[REDACTED]]
Sent: Friday, October 21, 2011 2:08 PM
To: [REDACTED]
Subject: RE: DO for Boston FFSS and Applicants for DA (AFD) and JFA (IOD)

You should have the DO today – can we call them both?

From: [REDACTED]
Sent: Friday, October 21, 2011 2:08 PM
To: Beal, Kim (USMS) [REDACTED]
Subject: RE: DO for Boston FFSS and Applicants for DA (AFD) and JFA (IOD)

Kim,

Since we already have the SFPS on the DO, do you want us to move forward with an offer to
[REDACTED]

Regards,

[REDACTED]

[REDACTED] - Office

From: Beal, Kim (USMS) [mailto:[REDACTED]]
Sent: Friday, October 21, 2011 1:54 PM
To: [REDACTED]
Subject: RE: DO for Boston FFSS and Applicants for DA (AFD) and JFA (IOD)

Great -- thanks!

From: [REDACTED]
Sent: Friday, October 21, 2011 1:51 PM
To: Beal, Kim (USMS); [REDACTED]
Subject: RE: DO for Boston FFSS and Applicants for DA (AFD) and JFA (IOD)

Kim,

I discussed this with Mr. Lenzie when he first submitted his application. He is well aware that he

only qualifies for the FFS.

Regards,

[REDACTED]

[REDACTED] - Office

From: Beal, Kim (USMS) [mailto:[REDACTED]]
Sent: Friday, October 21, 2011 12:38 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: DO for Boston FFSs and Applicants for DA (AFD) and JFA (IOD)

[REDACTED] I failed to ask you this question during our conversation – but I'm assuming that Mr. Lenzie will be notified (if he wasn't during the interview process) that he qualifies for the FFS position rather than the SFFS since he doesn't have the required CFE certification. He did say during the interview that he would obtain it if hired.

From: [REDACTED] (USMS)
Sent: Friday, October 21, 2011 10:17 AM
To: [REDACTED]
Cc: Beal, Kim (USMS); [REDACTED]
Subject: DO for Boston FFSs and Applicants for DA (AFD) and JFA (IOD)

[REDACTED]

1. FFSs for Boston

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-Donald Lenzie (FFS)

 (SRFFS)

2. Applicants for AFD DA and IOD JFA

Please advise as to the status of USMS receiving applicants for the above two positions.

Thanks



ORDER FOR SUPPLIES OR SERVICES									
IMPORTANT: Mark all packages and papers with contract and/or order numbers.									
1. DATE OF ORDER 10/24/2011		2. CONTRACT NO. (if any) DJJ11C2131		8. SHIP TO:					
3. ORDER NO. DJJ11C2131-1-0613 MOD-01		4. REQUISITION/REFERENCE NO.		a. NAME OF CONSIGNEE U.S. Marshals Service - [REDACTED]					
5. ISSUING OFFICE U.S. Department of Justice: Justice Management Division/Procurement Services Staff Two Constitution Square; 145 N St NE; Suite 8E.118 Washington, DC 20530				b. STREET ADDRESS Asset Forfeiture Division, CM-4 Room 1029 U.S. Marshals Service 2604 Jefferson Davis Highway					
				c. CITY Alexandria		d. STATE VA		e. ZIP CODE 22301	
				f. SHIP VIA					
7. TO:				9. TYPE OF ORDER					
a. NAME OF CONTRACTOR Forfeiture Support Associates				<input type="checkbox"/> a. PURCHASE <input checked="" type="checkbox"/> b. DELIVERY - Except for billing, instructions on the reverse, the delivery order is subject to instructions contained on the side only of the form and is issued subject to the terms and conditions of the above-numbered contract.					
b. STREET ADDRESS 20110 Ashbrook Place, Suite 220				REFERENCE YOUR: Please furnish the following on the terms and conditions specified on both sides of this order and on the attached sheet, if any, including delivery as indicated.					
c. CITY Ashburn		d. STATE VA		a. ZIP CODE 20147					
9. ACCOUNTING AND APPROPRIATION DATA USMS - Asset Forfeiture				10. REQUISITIONING OFFICE					
11. BUSINESS CLASSIFICATION (Check appropriate box(es))									
<input type="checkbox"/> a. SMALL <input checked="" type="checkbox"/> b. OTHER THAN SMALL <input type="checkbox"/> c. DISADVANTAGED <input type="checkbox"/> d. WOMAN-OWNED <input type="checkbox"/> e. HUBZone <input type="checkbox"/> f. EMERGING SMALL BUSINESS <input type="checkbox"/> g. SERVICE-DISABLED VETERAN-OWNED									
12. F.O.B. POINT Destination									
13. PLACE OF									
a. INSPECTION Destination		b. ACCEPTANCE Destination		14. GOVERNMENT BIL. NO. N/A		15. DELIVER TO F.O.B. POINT ON OR BEFORE (Date) 10/21/2011 thru 9/30/2012		16. DISCOUNT TERMS N/A	
17. SCHEDULE (See reverse for Rejections)									
ITEM NO. (a)	SUPPLIES OR SERVICES (b)				QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)
	New York City, NY Details: See Attached								
18. SHIPPING POINT									
19. GROSS SHIPPING WEIGHT									
20. INVOICE NUMBER									
21. MAIL INVOICE TO:									
a. NAME See Block 6 Above									
b. STREET ADDRESS (or P.O. BOX)									
c. CITY									
d. STATE									
e. ZIP CODE									
17(h) TOT. (Cont. pages)									
17(i) GRAND TOTAL									
22. UNITED STATES OF AMERICA BY (Signature)									
23. NAME (Typed)									
TITLE: CONTRACTING/ORDERING OFFICER									
AUTHORIZED FOR LOCAL REPRODUCTION PREVIOUS EDITION NOT USABLE									
OPTIONAL FORM 347 (REV. 4/2006) Prescribed by GSA/FAR 48 CFR 53.213(f)									

Exhibit 73

PAGE 2 OF 3 PAGES

Delivery Order Financial Summary

Contract No.: DJJ11C2131
 Delivery Order No.:DJJ11C2131-1-0613 MOD-01

Agency: U.S. Marshals Service
 Delivery Order Site: New York City, NY
 FY: 2012
 Date Approved: Monday, October 24, 2011
 Funding Source USMS - Asset Forfeiture
 Ceiling (NTE Amount): 0.00
 Charge No.:

Delivery Order Modifications
 10/21/2011 thru 9/30/2012

Position ID	Field Site	Labor Category	Hours/ Week	Hours	Bill Rate	OT Bill Rate	Total Cost
--- Positions Added ---							
030	Boston, MA	Forfeiture Fin Specialist	40	1900			
Training Funds:							\$0.00
Travel Funds:							\$0.00
Overtime Funds:							\$0.00
Other Funds:							\$0.00
Added Labor Funds:							\$0.00
De-Obligated Funds:							\$0.00
Mod Total:							

Delivery Order Total

** Indicates Position is Inactive
 Number of Active Positions: 30

Field Site	Labor Category	Hours/ Week	Hours	Bill Rate	OT Bill Rate	Total Cost
013	Boston, MA	Sr Forfeiture Fin Specialist	40	1900		

COMMITTEE CONFIDENTIAL

USMS-SJC-0002016

Exhibit 73

PAGE 3 OF 3 PAGES

025	Boston, MA	Sr Forfeiture Fin Specialist	40	1900

Training Funds:	\$0.00
Travel Funds:	\$0.00
Overtime Funds:	\$0.00
Other Funds:	\$0.00
Added Labor Funds:	\$0.00
De-Obligated Funds:	\$0.00
D/O Total:	

To: Morales, Eben (USMS) [REDACTED]
From: Beal, Kim (USMS)
Sent: Mon 10/24/2011 5:14:23 PM
Subject: FFs/Boston

If you have a chance, let the D know that we hired Don Lenskie – she will be very happy ☺

Kimberly Beal

Deputy Assistant Director

Asset Forfeiture Division

[REDACTED]

Exhibit 75

To: [REDACTED] (USMS)
 (USMS)
 Cc: [REDACTED] (USMS) [REDACTED] (USMS)
 [REDACTED] (USMS) [REDACTED] (USMS)
 From: [REDACTED] (USMS)
 Sent: Wed 1/4/2012 8:40:40 AM
 Subject: RE: New FFS Employees

[REDACTED] mentioned it to me that the BB's needed to be Verizon but I didn't discuss it with anyone else. We can ask Verizon to send the BB's directly to D/MA (which takes 48 hours) and mail the barcodes from here or we can have the BB's sent to here and barcode them and send them out which would take a week, week and a half.

From: [REDACTED] (USMS)
 Sent: Tuesday, January 03, 2012 6:56 PM
 To: [REDACTED] (USMS); [REDACTED] (USMS)
 Cc: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
 Subject: FW: New FFS Employees

Hi—Do we have two laptops, etc for two new FFS employees in D/Mass? If so, we need to send to the District Courthouse in Boston.

[REDACTED] Did we discuss the two blackberries today? I can't remember who told me that they were on order.

From: [REDACTED] (USMS)
 Sent: Tuesday, January 03, 2012 3:19 PM
 To: [REDACTED] (USMS); [REDACTED] (USMS)
 Cc: [REDACTED] (USMS)
 Subject: New FFS Employees

[REDACTED]

We have two new FFS Jump Team members in the D/MA. They started today. Their names are Donald Lenzie and [REDACTED]. They each need a BB, laptop, monitor, docking station scanner and a printer. Can we get them this equipment as soon as possible?

Thanks,

■

To: [REDACTED] (USMS) [REDACTED]
From: Beal, Kim (USMS)
Sent: Tue 11/1/2011 3:17:42 PM
Subject: Don Lenske

Hey -- we need to keep on the burner where he's going to sit -- I talked to the Director yesterday and she was supportive of our selection.

Exhibit 77

To: [REDACTED] (USMS [REDACTED])
From: [REDACTED] (USAMA)
Sent: Fri 1/6/2012 2:56:00 PM
Subject: help

d This is super embarrassing, but can you shoot me the name of the other person hired with
[REDACTED]

[REDACTED]
Assistant United States Attorney
[REDACTED]

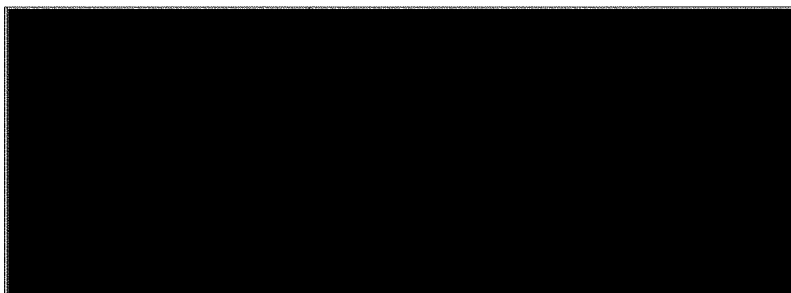
.....
U.S. Attorney's Office, District of Massachusetts
John Joseph Moakley Courthouse
[REDACTED]
Boston, MA [REDACTED]
[REDACTED]

QUARTERLY REPORT

Unit: Asset ForfeitureWeek Ending: Q1 FY 2012

	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
8. Administrative/staffing changes:	We have had several changes in the AFU over the past quarter. [REDACTED]

	<p>[REDACTED]</p> <p>We have also added two new employees through the United States Marshals AFU program. [REDACTED] is a Deputy United States Marshal who is filling [REDACTED] position working on pre-seizure planning and identification of assets to satisfy money judgments. [REDACTED] is still located in our unit, but is charged with management of forfeiture folks in the Marshals Service on the East Coast. [REDACTED] has also joined the unit. [REDACTED] is a Financial Analyst who is a contractor for the Marshals Service, and will assist on cases</p>
8. Administrative/staffing changes (continued):	<p>both in this district and other districts in tracing assets and analyzing financial information. She is a joint J.D., C.P.A. The Marshals Service also hired a second Financial Analyst, Don Lenzie, who will spend some time in this district and in New Hampshire. Don is a retired ICE Special Agent.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>



Complex Assets Jump Team Meeting Minutes*Friday, January 20, 2012**Southern District of New York**9:00 a.m. – 12:00 p.m.***Present:**

Assistant Director Eben Morales

Assistant Chief Inspector [REDACTED]

Operations Program Manager [REDACTED]

Complex Assets Unit Case Manager [REDACTED]

District Asset Forfeiture Coordinator [REDACTED]

Management and Program Analyst [REDACTED]

Jump Team Coordinator [REDACTED] SFFS

Jump Team Member [REDACTED] SFFS

Jump Team Member [REDACTED] SFFS

Jump Team Member [REDACTED] SFFS

Jump Team Member Donald Lenzie, SFFS

Next meeting: February 8-9, 2012, Headquarters**I. Discussion**

- **Advanced Reads/SOP** – some was written 2 ½ years ago. Revision of advanced reads needed to define them clearly. [REDACTED] will be the coordinator. Eventual SOP for Jump Team. We need SOPs so that everyone is doing things the same. We need the 94 districts to act the same. Creation of eManuals so anyone can find the needed steps for handling of each asset. Central nervous system of how we train at the academy. Jump Team is one of those solutions.

- **District Toolbox** - [REDACTED]

- **Training/Marketing** - [REDACTED]

- **Pre-seizure Recommendations -** [REDACTED]
- **Budget -** [REDACTED]
- **Independent Evaluator -** [REDACTED]
- **SharePoint -** [REDACTED]
- **6E -** [REDACTED]
- **Overall Vision** – We need to see a document that this is what the end state will be after we've figured all this out. This is the way the agency will deal with Complex Assets. Here's where we are today and here's where we're getting to. Training, SOPs, Marketing component. Three or four more vacancies. A plan is needed with an Organizational Chart with how you contact these tools. In FY12 this is what we'll get done. In FY13 here's what we're going to get done. Clear guidance is needed, a critical path between here and full implementation.

II. Action Items

- [REDACTED] to put together an outline on policy and procedure. When do we deploy the Jump Team? We need written protocol.
- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]



From: [REDACTED] (USMS)
Sent: Wednesday, March 21, 2012 11:17 AM
To: [REDACTED] (USMS)
Subject: FW: Jump Team Cases

From: [REDACTED] (USMS)
Sent: Wednesday, March 21, 2012 12:11 PM
To: [REDACTED] (USMS)
Subject: FW: Jump Team Cases

[REDACTED]

Here we go again...see below. I can't seem to get a handle on what my job is supposed to be. I guess more specifically, how I am supposed to get cases to work on? If I don't have any cases to work on, and I shouldn't be doing money judgments, what should I be doing?

I know you're busy with training, but this topic seems to be a recurring theme. A bit frustrating, to say the least. I'll do whatever you guys want me to do, but I can't sit here and do nothing. We can talk about this later, but just wanted to give you a heads up, because I imagine my work flow is being discussed in AFD right now.

From: [REDACTED] (USMS)
Sent: Wednesday, March 21, 2012 12:02 PM
To: [REDACTED] (USMS)
Subject: RE: Jump Team Cases

Exhibit 80

I am working money judgments as well. I have been working with [REDACTED] a little, but mostly in an advisory role in the sense of showing him examples of how to analyze and present financial data. In Massachusetts the judges don't think too highly of giving contractors access to Grand Jury materials, so right now I've been limited in what I can assist with here in the district. The Chief of the Asset Forfeiture Unit at the US Attorney's Office is in the process of preparing a motion so that I can have blanket access to Grand Jury materials, and if that happens then I will be able to offer my assistance to district matters that require pre-seizure planning.

My office is in the US Attorney's Office and I share an office with [REDACTED].

I'm not trying to be a wise guy, but if I shouldn't be doing money judgments, any advice on how I should go about soliciting the right type of work?

Thanks,

[REDACTED]

From: [REDACTED] (USMS)
Sent: Wednesday, March 21, 2012 11:37 AM
To: [REDACTED] (USMS)
Subject: Jump Team Cases

[REDACTED]

Can you give me a brief summary of the cases you have been working on (besides the [REDACTED] in NY). Don said he had been working on money judgments in New Hampshire, which really isn't the type of cases the SFFSs should be doing.

Have you been working with [REDACTED] at all? Where is your office located, US Attorney or the USMS District Office?

Thanks

[REDACTED]

Senior Forfeiture Financial Specialist

Exhibit 80

FSA Contractor

U.S. Marshals Service

Asset Forfeiture Division (AFD)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Exhibit 81

To: [REDACTED] (USMS) [REDACTED]
From: [REDACTED] (USMS)
Sent: Wed 3/21/2012 11:42:09 AM
Subject: RE: Re: Thurs at DEA and Friday meeting with AUSA [REDACTED]

[REDACTED] called me this morning; I just talked with Don.

Don wants part time, not desk bound; G -ride would be nice too since he is travelling over 100 miles each day presently.

Seems bored with debt collection in NH

Wants some time off; has a 20 hr per week job with Homeland Security possibly lined up

[REDACTED]
United States Marshals Service/SDNY (FSA)

[REDACTED]
New York, NY [REDACTED]

Tel [REDACTED] Blackberry [REDACTED]

From: [REDACTED] (USMS)
Sent: Wednesday, March 21, 2012 11:39 AM
To: [REDACTED] (USMS)
Subject: Re: Re: Thurs at DEA and Friday meeting with AUSA [REDACTED]

???

From: [REDACTED] (USMS)
Sent: Wednesday, March 21, 2012 11:37 AM
To: [REDACTED] (USMS)
Subject: RE: Re: Thurs at DEA and Friday meeting with AUSA [REDACTED]

Exhibit 81

Don Lenzie will be on the call Friday (but is resigning at end of next week)

Best Regards

[REDACTED]

[REDACTED]

United States Marshals Service/SDNY (FSA)

[REDACTED]

New York, NY [REDACTED]

Tel: [REDACTED] Blackberry [REDACTED]

From: [REDACTED] (USMS)
Sent: Wednesday, March 21, 2012 11:31 AM
To: [REDACTED] (USMS); [REDACTED] (DEA-US); [REDACTED] (DEA-US)
Cc: [REDACTED] (DEA-US); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: Re: Re: Thurs at DEA and Friday meeting with AUSA [REDACTED]

All;

[REDACTED]

[REDACTED] Lastly as per USMS district policy every contractor will be accompanied by a USMS employee at all meetings.

Thanks

[REDACTED]

From: [REDACTED] (USMS)
Sent: Wednesday, March 21, 2012 11:07 AM
To: [REDACTED] (DEA-US); [REDACTED] (DEA-US)
Cc: [REDACTED] (DEA-US); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: RE: Re: Thurs at DEA and Friday meeting with AUSA [REDACTED]

[REDACTED]

Exhibit 81

[REDACTED]

Best Regards

[REDACTED]

[REDACTED]

United States Marshals Service/SDNY (FSA)

[REDACTED]

New York, NY [REDACTED]

Tel [REDACTED] Blackberry [REDACTED]

From: [REDACTED] [mailto:[REDACTED]]
Sent: Wednesday, March 21, 2012 11:00 AM
To: [REDACTED] (USMS); [REDACTED] (DEA-US)
Cc: [REDACTED] (DEA-US); [REDACTED] (USMS); Lenzie, Donald (USMS)
Subject: RE: Re: Thurs at DEA and Friday meeting with AUSA [REDACTED]

[REDACTED]

From: [REDACTED] (USMS) [mailto:[REDACTED]]
Sent: Tuesday, March 20, 2012 3:56 PM
To: [REDACTED]
Cc: [REDACTED] (USMS); Lenzie, Donald (USMS)
Subject: Re: Thurs at DEA and Friday meeting with AUSA [REDACTED]

Hi [REDACTED]

I will be coming up to DEA Thurs at 11 AM to bring computer files.

I wanted to know whether Friday's meeting with AUSA [REDACTED] was still on, because DUSM [REDACTED] is planning to meet us there.

[REDACTED] we always have a DUSM accompany a contractor to an outside meeting.

If the meeting is postponed, please let me know so I can inform [REDACTED] and Don Lenzie (who will be available by telephone).

Thank You

[REDACTED]

[REDACTED]

United States Marshals Service/SDNY

Asset Forfeiture Unit (FSA Contractor)

[REDACTED]

New York, NY [REDACTED]

Tel: [REDACTED] Blackberry: [REDACTED]

To: Beal, Kim (USMS) [REDACTED] (USMS) [REDACTED]
[REDACTED] (USMS) [REDACTED] (USMS) [REDACTED]
(USMS) [REDACTED] (USMS) [REDACTED]
(USMS) [REDACTED]
From: [REDACTED] (USMS)
Sent: Fri 3/23/2012 9:41:02 AM
Subject: BOD Notes 3-20-12
[BOD Meeting Notes 3 20 12.docx](#)

Good Morning All-

I hope all is well. Attached are the BOD notes from Tuesday's meeting, 3/20/12. Have a great weekend!

[REDACTED]

FSA Contractor

U.S. Marshals Service

Asset Forfeiture Division/ Tactical Operations Division

Data Analyst/ Personnel Security Asst.

Office: [REDACTED]

Fax: [REDACTED]



Business of the Day

U.S. Marshals Service

Asset Forfeiture Division

Daily Executive Team Meeting

Participants: AD Beal (A)

3/20/2012

Asset Forfeiture Division Executive Weekly Report

Operations/Complex Assets –

- ☐ Donald Lenzie from D/MA submitted his resignation notice today; Kim says the Jump Team should pursue a Business Background (as opposed to a Law Enforcement Background)

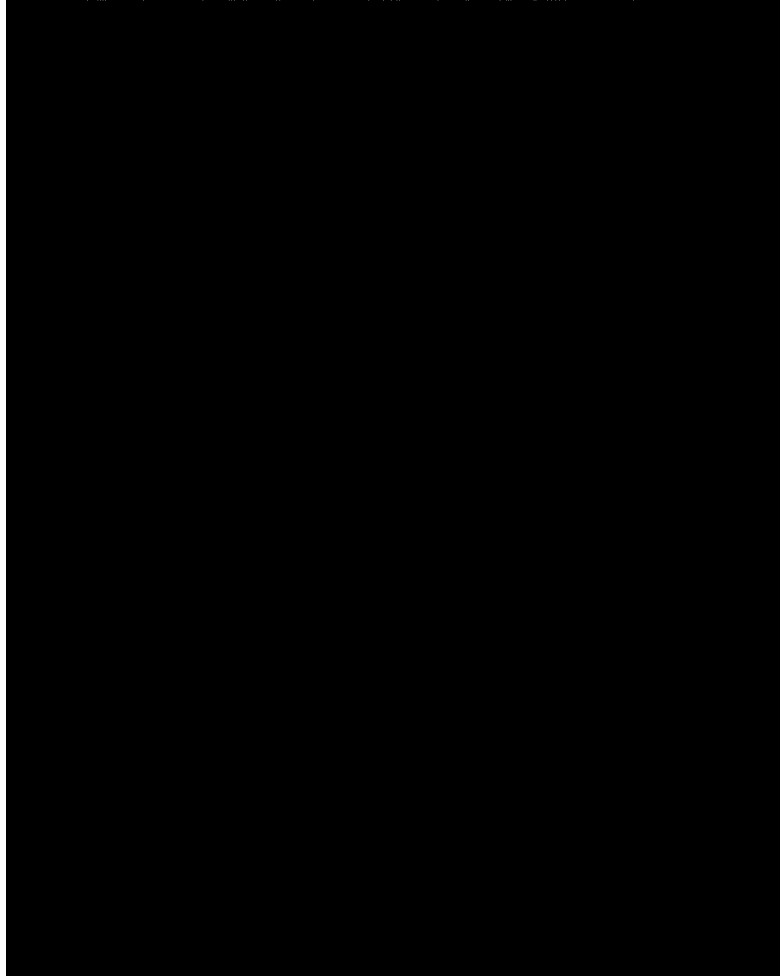


Exhibit 83

From: Donald A. Lenzie
Sent: Wednesday, March 21, 2012 12:19 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: resignation

Hi [REDACTED]

March 21, 2012

As discussed yesterday please accept this email as notice that I am resigning from my position as an FSA Forfeiture Financial Specialist effective March 30, 2012. I have also previously given notice to FSA U.S. Marshals team leader [REDACTED] U.S. Marshals Asset Forfeiture Division Assistant Director Kim Beal and Supervisory DUSM [REDACTED]

I would like to thank you and the folks at FSA for the opportunities that were given to me and for your assistance throughout my employment.

Sincerely,

Donald A. Lenzie

Exhibit 84

To: [REDACTED] (USMS)
From: [REDACTED] (USMS)
Sent: Tue 4/10/2012 8:19:54 AM
Subject: RE: AF Jump Team

Yes. He sent out a draft form last week I think. I will work with him today and get something posted.

[REDACTED]

US Marshals Service, Asset Forfeiture Division

Complex Assets Unit

From: [REDACTED] (USMS)
Sent: Tuesday, April 10, 2012 7:06 AM
To: [REDACTED] (USMS)
Subject: Re: AF Jump Team

[REDACTED]

Can you check with [REDACTED] and see how the JT report is coming on the portal?

Thanks.

[REDACTED]

Senior FFS, FSA
US Marshals Service
Asset Forfeiture Division
Complex Assets Unit

[REDACTED]

From: [REDACTED] (USMS)
Sent: Monday, April 09, 2012 02:14 PM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS)
Subject: FW: AF Jump Team

[REDACTED]

See attached draft white paper. There have been some personnel changes since this last draft (back in January) – Don Lenzie is no longer part of the team, and has been replaced by [REDACTED] (NM). Let me know if you need anything else.

Thanks,

[REDACTED]

US Marshals Service, Asset Forfeiture Division
Complex Assets Unit

From: [REDACTED] (USMS)
Sent: Monday, April 09, 2012 01:58 PM
To: [REDACTED] (USMS)
Subject: AF Jump Team

[REDACTED]

Please email me a copy of the AF Jump Team White Paper and any other documentation which explains the duties of the unit. I'm sure the Seizure AUSA will be interested.

Thank You,

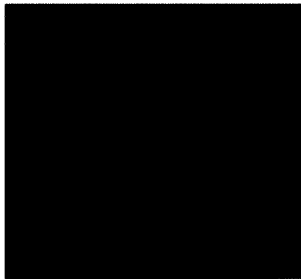
[REDACTED]



United States Marshals Service

Asset Forfeiture Division

U.S. Attorneys Office



Name	Hire Date	Termination Date	Lot Code	Employee Status	Current Assignment	If terminated, previous assignment
Leazles Donald A	01/03/2012	02/30/2012	FFS	T		CAU Jump Team
NM SFS	06/20/2011		SFS	A	CAU Jump Team (previously ACU)	

*term date reflects last day supporting USMS in specified positions; still employed by FSA in another capacity

AICU	Audits & Internal Controls
CAJ Jump Team	Complex Assets Unit Jump Team
FI Support	Financial Investigations (AFI) Support
19 On board	
3 FFS	
16 SFFS	

Exhibit 86

To: Beal, Kim (USMS) [REDACTED]
From: [REDACTED] (USMS)
Sent: Thur 10/6/2011 3:09:32 PM
Subject: RE: Request for FSA Contract Assistance

Interviews for Boston are next week. [REDACTED] conducted his earlier this week over two days and he and the AUSA committee concluded this was the best candidate. She has a law degree with a financial investigation background, but is short on the requisite ten years experience and the certification that she has agreed to obtain. She is not a retiring/retired agent. Based on a review of the resumes, [REDACTED] similarly believes in advance of the interviews an attorney applicant with a financial investigation background and a CPA may be the best qualified in Boston. The interviews, of course, will determine if so.

From: Beal, Kim (USMS)
Sent: Thursday, October 06, 2011 2:33 PM
To: [REDACTED] (USMS)
Subject: FW: Request for FSA Contract Assistance

Isn't the exact same scenario playing out in Boston right now?

From: [REDACTED] (USMS)
Sent: Thursday, October 06, 2011 9:04 AM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS); [REDACTED] (USMS)
Subject: RE: Request for FSA Contract Assistance

FYI

From: [REDACTED] (USMS)
Sent: Thursday, October 06, 2011 12:45 AM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS)
Subject: Request for FSA Contract Assistance

[REDACTED]

I have been working with [REDACTED] FSA Recruiter for the Western U.S., regarding the FSA position we are hiring in Seattle. Based on our selection, we will need to downgrade the position from:

Senior Forfeiture Financial Specialist

to

Forfeiture Financial Specialist

Once our selection completes an additional two years on the job, which will result in 10 years' experience, and completes the CFE, I will submit a request that she is upgraded to the Senior Forfeiture Financial Specialist.

[REDACTED] – speaking with the candidate, she will not hesitate in completing the CFE. Once [REDACTED] makes the offer and she accepts, I will speak with her and I believe she may be able to complete this prior to onboarding; however it would not be a condition of the onboarding.

Lastly, we are confident she will accept the position. She is currently an FSA employee working in the ICE Asset Forfeiture Section. This will be a significant raise and/or promotion for her.

V/r,



Exhibit 87

To: Beal Kim (USMS) [REDACTED]
From: [REDACTED] (USMS)
Sent: Thur 10/6/2011 11:24:53 AM
Subject: FW: Request for FSA Contract Assistance

This is pretty ironic considering the fight he put up against the candidate the Director asked to be considered.

[REDACTED]

Strategic Planning, Audits and Internal Controls

Asset Forfeiture Division

US Marshals Service

[REDACTED]

(blackberry)

(fax)

From: [REDACTED] (USMS)
Sent: Thursday, October 06, 2011 10:52 AM
To: [REDACTED] (USMS)
Subject: FW: Request for FSA Contract Assistance

For your info.

From: [REDACTED] (USMS)
Sent: Thursday, October 06, 2011 9:04 AM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS); [REDACTED] (USMS)
Subject: RE: Request for FSA Contract Assistance

FYI

From: [REDACTED] (USMS)
Sent: Thursday, October 06, 2011 12:45 AM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS)
Subject: Request for FSA Contract Assistance

[REDACTED]

I have been working with [REDACTED] FSA Recruiter for the Western U.S., regarding the FSA position we are hiring in Seattle. Based on our selection, we will need to downgrade the position from:

Senior Forfeiture Financial Specialist

to

Forfeiture Financial Specialist

Once our selection completes an additional two years on the job, which will result in 10 years' experience, and completes the CFE, I will submit a request that she is upgraded to the Senior Forfeiture Financial Specialist.

[REDACTED] - speaking with the candidate, she will not hesitate in completing the CFE. Once [REDACTED] makes the offer and she accepts, I will speak with her and I believe she may be able to complete this prior to onboarding; however it would not be a condition of the onboarding.

Lastly, we are confident she will accept the position. She is currently an FSA employee working in the ICE Asset Forfeiture Section. This will be a significant raise and/or promotion for her.

V/r,

[REDACTED]
[REDACTED]
[REDACTED]

To: [REDACTED] (USMS); [REDACTED]
From: Beal, Kim (USMS)
Sent: Thur 10/6/2011 2:32:41 PM
Subject: FW: Request for FSA Contract Assistance

Isn't the exact same scenario playing out in Boston right now?

From: [REDACTED] (USMS)
Sent: Thursday, October 06, 2011 9:04 AM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS); [REDACTED] (USMS)
Subject: RE: Request for FSA Contract Assistance

FYI

From: [REDACTED] (USMS)
Sent: Thursday, October 06, 2011 12:45 AM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS)
Subject: Request for FSA Contract Assistance

[REDACTED]

I have been working with [REDACTED] FSA Recruiter for the Western U.S., regarding the FSA position we are hiring in Seattle. Based on our selection, we will need to downgrade the position from:

Senior Forfeiture Financial Specialist

to

$V/r,$

[REDACTED]

From: [REDACTED]
Sent: Tuesday, November 01, 2011 1:11 PM
To: [REDACTED] (USMS); [REDACTED]
Cc: [REDACTED] (USMS)
Subject: RE: Columbus Interviews Tuesday, November 8, 2011

Below is the revised schedule:

Tuesday, November 08th:

[REDACTED]

[REDACTED] and [REDACTED] have been re-confirmed. Waiting to hear back from [REDACTED] confirming the 3:30pm time change. I'll keep you posted.

Regards,

[REDACTED]
[REDACTED] - Office

From: [REDACTED] (USMS [REDACTED])
Sent: Tuesday, November 01, 2011 2:01 PM
To: [REDACTED]; [REDACTED]
Cc: [REDACTED] (USMS)
Subject: Columbus Interviews Tuesday, November 8, 2011

All,

Based upon a scheduling conflict from the U.S. Attorney's Office, could we move the [REDACTED] interview from the 11am slot to an afternoon slot. An Attorney who will be working closely with the person selected, is not free till after lunch. Let me know. Thanks. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
U.S. Marshals Service
Southern District of Ohio
[REDACTED]
[REDACTED]

[illegible]



U.S. Department of Justice


Exhibit 91

United States Marshals Service

Office of the Director

Alexandria, VA 22301-1025

January 25, 2012

MEMORANDUM TO: United States Marshals Service Employees
FROM: 
Stacia A. Hylton
Director
SUBJECT: Acting Associate Director for Operations

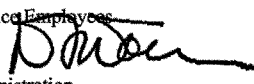
As you may know, Associate Director for Operations [REDACTED] recently retired. The Associate Director for Operations position will be filled by rotation in an acting capacity for the immediate future. Effective January 30, 2012, Assistant Director Eben Morales, Asset Forfeiture Division (AFD), will assume the position of Acting Associate Director for Operations for 150 days. Deputy Assistant Director Kim Beal will serve as the Acting Assistant Director and Program Manager for Administration [REDACTED] will serve as the Acting Deputy Assistant Director for AFD.



U.S. Department of Justice
United States Marshals Service
Associate Director for Administration

Alexandria, Virginia 22301-1025

March 15, 2010

MEMORANDUM TO: United States Marshals Service Employees
FROM: Donald S. Donovan 
Associate Director for Administration
SUBJECT: Acting Deputy Assistant Director for Asset Forfeiture Division

I am pleased to announce that effective February 7, 2010, Ms. Kimberly Beal, Supervisory Property Management Specialist in the Asset Forfeiture Division, assumed the duties of Acting Deputy Assistant Director for the Asset Forfeiture Division. Acting Deputy Assistant Director Beal may be reached by telephone at [REDACTED] or by email at [REDACTED]

Exhibit 93



U.S. Department of Justice

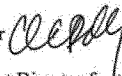
United States Marshals Service

Office of the Director

Alexandria, VA 22301

September 27, 2010

MEMORANDUM TO: United States Marshals Service Employees

FROM: Chris Dudley
Deputy Director 

SUBJECT: Deputy Assistant Director for the Asset Forfeiture Division

I am pleased to announce that effective September 26, 2010, Ms. Kimberly Beal will become the Deputy Assistant Director for the Asset Forfeiture Division. Ms. Beal has been acting in this capacity since February.

Please join me in wishing Deputy Assistant Director Beal success in her new position. She may be reached at [REDACTED] or [REDACTED]

Non-SES Individuals Detailed to SES Positions

TAXNSDOLPCRTEOIRCIVOJPOSGODAGEOUST

[REDACTED]

CRM

[REDACTED]

EQUSA

[REDACTED]

USMS

Kim Beal, detailed to Assistant Director, Asset Forfeiture – 1/30/2012 – 5/30/2012, 5/31/2012 – 9/28/2012.

[REDACTED]

NDIC

[REDACTED]

NOTE: Detailees highlighted in RED reflect those in position longer than 240 days.

Non-SES Individuals Detailed to SES Positions

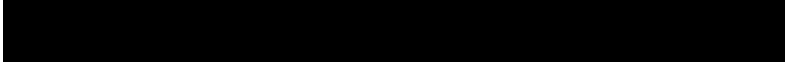
JMD
[REDACTED]TAX
[REDACTED]OLP
[REDACTED]EOIR
[REDACTED]CIV
[REDACTED]OSG
[REDACTED]ODAG
[REDACTED]EOUST
[REDACTED]USMS

Kim Beal, detailed to Assistant Director, Asset Forfeiture – 1/30/2012 – 5/30/2012, 5/31/2012 – 9/28/2012. Detail has been advertised under competitive procedures. Kim Beal was selected and will serve in the detail beyond 9/28/2012.

[REDACTED]



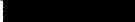
NOTE: Detailees highlighted in RED reflect those in position longer than 240 days.

Non-SES Individuals Detailed to SES Positions November 2013

ATFCRTEOUSTNSDTAXUSMS

Kim Beal, detailed to Assistant Director, Asset Forfeiture – 1/30/2012 – 5/30/2012, 5/31/2012 – 9/28/2012. Detail has been advertised under competitive procedures. Kim Beal was selected and will serve in the detail until 2/4/2014.



SES DETAIL OPPORTUNITY	
OPEN DATE: September 12, 2012	CLOSE DATE: September 25, 2012
POSITION: (Acting) Assistant Director (AD) for Asset Forfeiture Division (AFD)	Announcement Number: SES-12-003HQ
LOCATION: Headquarters	
<p>This is a detail opportunity open to all Headquarters Asset Forfeiture Division personnel at the GS-14 and 15 levels. The detail is not to exceed one year. If you are interested in being considered for a detail opportunity to this position, you must submit your resume via email, by the closing date, to the point of contact listed below. Interested applicants must demonstrate in their resume that they possess the necessary knowledge, skills, abilities, and leadership competencies to be considered for this detail opportunity. The incumbent will be required to travel.</p> <p>The AD for Asset Forfeiture Division serves as the principal advisor to the Associate Director for Administration on the Asset Forfeiture Program which involves the seizure, management, and disposal of forfeited properties and assets from illegal drug trafficking, racketeering, and other organized criminal activities. The AD provides policy advice and guidance to investigative, litigated, and custodial agencies relating to seized property issues. The AD manages a delivery system, using both private sector and government services to secure, transport, store, maintain, and dispose of seized and forfeited property; arranges for the sale of forfeited property; establishes a national inventory of seized property; and collects and analyzes data related to the costs and benefits of seized property management options, including, but not limited to storage, security, maintenance, and sales options. The AD also represents the United States Marshals Service in meetings and conferences with high ranking government officials, representatives from state, local, and foreign governments, officials from private and/or public organizations, and the general public.</p> <p>Selection for this position will be based on the needs of the U.S. Marshals Service and without regard to sex, race, creed, color, national origin, age, union membership or political affiliation. The Director will serve as the final selecting official.</p>	
<p align="center">Send resume to:</p> <p align="center">  Human Resources Division Senior Executive Services Executive.Resources@usdoj.gov Tel:  </p>	

[REDACTED]

From: [REDACTED]
Sent: Tuesday, September 18, 2012 7:19 PM
To: [REDACTED]
Subject: FW: AFD Detail Opportunity

No TDY travel \$ limiting competition to four administrative employees, one that is planning to retire in < a year.

From: [REDACTED]
Sent: Tuesday, September 18, 2012 5:03 PM
Subject: FW: AFD Detail Opportunity

Good afternoon,

Please see the latest update regards to the AFD Detail Opportunity. Thanks

From: [REDACTED]
Sent: Tuesday, September 18, 2012 4:22 PM
To: [REDACTED]
Subject: FW: AFD Detail Opportunity

Hi [REDACTED]

As indicated by [REDACTED] only employees in the commuting area of HQ (50 mile radius) are eligible to apply for this detail. This was the same stipulation for the POD detail that we announced several months ago. This has been confirm by our Acting AD for obvious financial reasons. However, in the future, we will make this point clearer in these types of announcements.

Thanks for fielding the question for us.

[REDACTED]

From: [REDACTED]
Sent: Wednesday, September 12, 2012 3:53 PM
Subject: FW: AFD Detail Opportunity

Good afternoon,

Please see attached announcement.

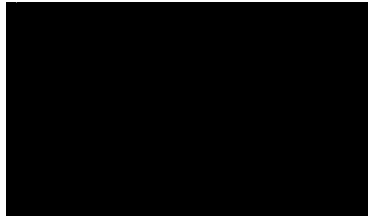
thanks

From: [REDACTED]
Sent: Wednesday, September 12, 2012 2:29 PM
To: [REDACTED]
Subject: AFD Detail Opportunity

Hi [REDACTED]

Please see attached detail NTE 1 year opportunity for all AFD personnel. Please disseminate division wide.

Thanks!



UNITED STATES MARSHALS SERVICE
DETAIL CERTIFICATE

POSITION TITLE, SERIES & GRADE:

(Acting) Assistant Director of Asset Forfeiture Division, ES-0340/1811-00

DUTY LOCATION:

Arlington, Virginia

DATE OF CERTIFICATE:

September 27, 2012

ANNOUNCEMENT NUMBER:

SES-12-003HQ

OPENING DATE:

September 12, 2012

CLOSING DATE:

September 25, 2012

CERTIFYING OFFICIAL:



9.27.12

DATE

SELECTING OFFICIAL:

STACIA A. HYLTON
DIRECTOR

10.8.12

DATE

ACTION:	CANDIDATES' NAMES	DISTRICT/ AGENCY	GRADE
<u>S</u>	Beal, Kimberly	USMS	GS-15

ACTION: S/SELECTED N/NON-SELECT D/DECLINED

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

REPORT OF INVESTIGATION

SUBJECT Eben Morales (XXXX-XX) [REDACTED] Associate Director of Operations (GS-01811-SES) U.S. Marshals Service Arlington, Virginia		CASE NUMBER 2012-002687
OFFICE CONDUCTING INVESTIGATION Fraud Detection Office		DOJ COMPONENT U.S. Marshals Service
DISTRIBUTION <input type="checkbox"/> Field Office FDO <input type="checkbox"/> AGENCY <input type="checkbox"/> Component USMS <input type="checkbox"/> USA <input type="checkbox"/> Other	STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED <input type="checkbox"/> YES <input type="checkbox"/> NO Date of Previous Report:	

SYNOPSIS

This investigation was initiated based on a complaint the Department of Justice (DOJ), Office of the Inspector General (OIG), Fraud Detection Office (FDO), received about allegations of retaliation by Eben Morales, U.S. Marshals Service (USMS) former Assistant Director of Asset Forfeiture Division (AFD), currently the Acting Associate Director of Operations, against Brisa Aryai, a USMS contractor for Forfeiture Support Associates, LLC (FSA), after he reported that he suspected Leonard Briskman, Supervisor, USMS Complex Assets Team may be committing fraud and had conflicts of interest in connection with the performance of his USMS duties. After reporting his suspicions to an Assistant U.S. Attorney (AUSA), Aryai was removed from the project he was working on with the U.S. Attorney's Office for the Southern District of New York (USAO-SDNY), and subsequently fired by FSA. Aryai filed a civil lawsuit in the U.S. District Court for the Southern District of New York (USDC-SDNY) alleging that the USMS, FSA, and Morales violated the whistleblower's provisions of the False Claims Act by taking retaliatory actions against Aryai, including terminating his employment with FSA. On August 27, 2012, the court dismissed on legal grounds all claims against the USMS and Morales. The case against FSA remains pending.

The OIG determined that an AUSA in the USAO-SDNY, reported to Morales allegations she received from Aryai about Briskman's alleged conflicts of interest and suspected fired in conducting his duties as supervisor of the USMS Complex Assets Team. Aryai reported that Briskman had a private asset valuation business and Aryai questioned whether Briskman's private business interest affected his handling of asset matters for the USMS. In view of the fact that Briskman operated a private asset valuation business, Aryai had a reasonable basis for reporting his concerns to the USAO-SDNY. In a separate investigation, the OIG concluded that Briskman's private business did not conflict with his USMS duties.

DATE	11/21/12	SIGNATURE	[REDACTED]
PREPARED BY SPECIAL AGENT			
DATE	11/21/12	SIGNATURE	[REDACTED]
APPROVED BY SPECIAL AGENT IN CHARGE M. Elise Chavaza			

OIG Form 101-2011/4 (01/28/97) Portions of the Report of Investigation may not be exempt under the Freedom of Information Act (5 USC 552) and the Privacy Act (5 USC 552a).

Initially, the AUSA did not identify to Morales the source of the allegations. However, in a subsequent communication the AUSA identified Aryai to Morales as the source of the allegations against Briskman when Morales asked her who had made the allegations to her.

The OIG determined that Morales specifically inquired of the AUSA the source of the allegations against Briskman. The AUSA described Morales's reaction as being "furious" when she confirmed that Aryai had made the allegations to her. The AUSA's description of Morales's reaction is consistent with Aryai's statement that Morales was "angry" that he made the allegations to the USAO-SDNY. Within several days after Morales learned of Aryai's identity, he called in Aryai and his FSA supervisor for a meeting. Kim Beal, former Deputy Assistant Director of AFD, currently the Acting Assistant Director of AFD, also attended the meeting, at which Morales expressed dissatisfaction with Aryai having made the allegations to the USAO-SDNY about Briskman and Morales expressed his support for Briskman. Morales told Aryai that Aryai had "overstepped" boundaries by reporting his concerns about Briskman outside of the USMS and that he owed his loyalty to the USMS.

Subsequently, Pam Bass, Program Manager for Audits and Internal Controls, USMS AFD, drafted a memorandum to the DOJ contracting officer for the asset forfeiture support contract, [REDACTED] Justice Management Division. Bass's memorandum contained reasons for Aryai's removal from the project with USAO-SDNY. However, almost all of the points raised in the memorandum as justification for the action were alleged to have occurred after Aryai reported the allegations against Briskman, and all of the information for the memorandum appears to have been gathered as a result of Aryai's allegations against Briskman. Subsequently, Beal sent an e-mail to [REDACTED] referencing Bass's memorandum and an additional minor incident as reasons for the USMS's view that Aryai was not performing his duties and requesting immediate resolution. [REDACTED] used the Bass memorandum as support for a request that FSA remove Aryai from the USMS contract and in support of a referral to FSA for consideration of further action against Aryai.

The OIG investigation determined that Aryai was singled out by the USMS for adverse personnel action by his employer after he reported allegations of fraud and conflicts of interest against Briskman. Morales, Beal, and Bass were all directly involved by, among other things, inquiring of the USAO-SDNY for information about the sources of the allegations about Briskman, meeting with Aryai to express displeasure with the allegations and support for Briskman, gathering information about Aryai after learning he had made the allegations, and raising concerns regarding Aryai, which the OIG concluded were pretextual, with the contracting officer, which ultimately resulted in Aryai's removal from the USMS contract and termination from FSA. The OIG concluded the purported concerns about Aryai presented by the USMS to cause FSA to terminate Aryai were pretextual for several reasons. First, there was no indication or evidence of problems with Aryai's performance until after he reported suspicions about Briskman; to the contrary, Aryai's performance was lauded. Second, none of the concerns presented by the USMS about Aryai had been raised or documented before Aryai's allegations against Briskman. Third, information leading to the purported bases was affirmatively gathered after Aryai's allegations about Briskman were made. Fourth, there was no indication that the USMS gathered information regarding other contractor employees about the items presented to FSA as the bases for

dissatisfaction with Aryai. Finally, Morales's expressed displeasure with Aryai, described as "furious" or "angry," upon learning of Aryai's allegations. The OIG concluded that there was a reasonable basis to believe that Morales, Beal, and Bass retaliated against Aryai for reporting his suspicions about Briskman to the AUSA.

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

ADDITIONAL SUBJECTS

Bass, Pamela (XXX-XX-XXXX)
Program Manager for Audits and Internal Controls for the Asset Forfeiture Division (GS-00343-15)
U.S. Marshals Service
Arlington, Virginia

Beal, Kimberly (XXX-XX-XXXX)
Acting Assistant Director for the Asset Forfeiture Division (GS-00343-15)
U.S. Marshals Service
Arlington, Virginia

DETAILS OF THE INVESTIGATION

Predication

On December 20, 2011, the Fraud Detection Office (FDO) received allegations about retaliation by Eben Morales, U.S. Marshals Service (USMS) former Assistant Director of the Asset Forfeiture Division (AFD), currently the Acting Associate Director of Operations, against a Forfeiture Support Associates, LLC (FSA) contract employee, Brian Aryai, after Aryai reported suspected fraud and conflicts of interest related to Leonard Briskman, former Complex Assets Team Supervisor, AFD, currently a Real Estate Manager, Management and Support Division.

On November 30, 2010, Aryai filed a civil lawsuit in the U.S. District Court for Southern District of New York (USDC-SDNY) alleging FSA, the USMS, and Morales violated the whistleblower's provisions of the False Claims Act by taking retaliatory actions against Aryai, including ultimately terminating his employment with FSA after he reported the alleged fraud. On August 27, 2012, the court dismissed all claims against the USMS and Morales on legal grounds. The case against FSA remains pending.

The OIG investigated whether Aryai was terminated as a result of his reporting suspected fraud and conflicts of interest relating to the handling of assets by the USMS AFD, in particular, Leonard Briskman.

Investigative Process

The OIG investigation included the following efforts:

Interviews of USMS Personnel

- Eben Morales, Associate Director of Operations
- Kim Beal, Acting Assistant Director, AFD
- Pam Bass, Supervisory Management and Program Analyst, AFD
- [REDACTED], Assistant Chief Inspector, AFD
- [REDACTED], Assistant Contracting Officer's Technical Representative, AFD
- Bob Walsh, Deputy Assistant Director, AFD
- [REDACTED], Deputy U.S. Marshal (DUSM)
- [REDACTED], Supervisory DUSM
- [REDACTED], Management Program Analyst, AFD
- Lisa Dickinson, Principal Deputy General Counsel, Office of General Counsel (OGC)
- Robert Marcovici, Associate General Counsel, OGC
- [REDACTED], Case Manager
- [REDACTED], DUSM

- [REDACTED] DUSM
- [REDACTED] Management Program Analyst
- [REDACTED] District Asset Forfeiture Coordinator
- Leonard Briskman, Real Estate Manager, Management and Support Division

Interviews of FSA Personnel

- William Wolf, Regional Director
- [REDACTED] Senior Financial Forfeiture Specialist (FFS)
- [REDACTED] Senior FFS
- [REDACTED] FFS
- [REDACTED] Senior FFS
- [REDACTED] Senior FFS
- [REDACTED] FFS
- [REDACTED] FFS

Interviews of Others

- [REDACTED] Contracting Officer, DOJ Justice Management Division (JMD)
- [REDACTED] Contracting Officer's Technical Representative, DOJ JMD
- [REDACTED] Assistant U.S. Attorney, USAO-SDNY
- [REDACTED] Assistant U.S. Attorney, USAO-SDNY
- Brian Aron, former Senior FFS, FSA
- [REDACTED] former Supervisory FFS, FSA

The OIG investigation also included the examination and analysis of relevant contract documents, memoranda, and e-mail of USMS personnel, FSA personnel, and an AUSA.

Background

The Asset Forfeiture Support Contract Awarded to FSA

The Asset Forfeiture Support contract is a DOJ-wide contract administered by the Justice Management Division (JMD). It is an umbrella contract used by various DOJ components, including the USMS, the Bureau of Alcohol, Tobacco, and Firearms, the Drug Enforcement Administration, and the Executive Office of the U.S. Attorneys. The contractors used by the DOJ components assist with the review and management of asset forfeiture-related matters. According to the contract, the FFS positions were created to provide USMS districts with a level of financial and auditing expertise not otherwise available. The USMS was the first DOJ component to utilize the FFS positions, and it placed the FFS positions in the AFD and under the control of the Audits and Internal Controls Section. JMD awarded FSA the contract in 2004 and its follow-on contract in March 2011.

Timeline of Events

- October 13, 2009: Aryai's FSA hire date.
- March 4, 2010: Aryai raised issues about how Briskman valued assets to Pamela Bass, Supervisory Management and Program Analyst and Quality Assurance Evaluator, and his FSA supervisor, [REDACTED] former Supervisory FFS.
- March 11, 2010: Aryai raised issues to an AUSA at the USAO-SDNY about Briskman's *LinkedIn* account, which showed that Briskman operated an asset valuation business.
- March 24, 2010: Aryai was transferred within AFD from Bass's group, Audits and Internal Controls Section, to Briskman's group, Complex Assets Team.
- April 6, 2010: AUSA brought concerns raised about Briskman's asset valuation business to the attention of Morales.
- April 7, 2010: At the request of Morales, AUSA identified Aryai as the source of the information leading to the concerns she raised to Morales about Briskman.
- Week of May 10, 2010: The AFD National Conference was held in Tampa, Florida.
- May 18 and 19, 2010: AFD raised concerns about Aryai to JMD, specifically [REDACTED] Contracting Officer's Technical Representative (COTR) for the asset forfeiture support contract, and [REDACTED] Contracting Officer (CO) for the asset forfeiture support contract.
- May 21, 2010: Bass sent an e-mail to William Wolf, FSA Regional Director, Morales, Kim Beal, Acting Assistant Director, AFD, [REDACTED] and [REDACTED] detailing a number of issues AFD had with Aryai.
- May 21, 2010: Aryai was re-assigned from the USMS-SDNY to the USMS-District of New Jersey (DNJ). Aryai reported to the USMS-DNJ on May 24, 2010.
- June 6, 2010: Aryai sent an e-mail to various individuals making allegations that Morales steered an AFD district assistance contract, which was forwarded to Morales on June 7, 2010, by Donald Rackley, Chief DUSM, USMS-DNJ.
- June 7, 2010: Bass sent a memorandum to [REDACTED] detailing the same issues provided in her May 21, 2010 e-mail.

- June 15, 2010: Beal sent an e-mail to [REDACTED] copying [REDACTED] that stated, "Based on the prior information [the June 7, 2010, memorandum] and this latest incident [taking sick leave yet claiming time worked], the USMS believes that proper contract services are not being provided by Mr. Aryai and that immediate resolution to this matter is required."
- June 16, 2010: [REDACTED] sent an e-mail to [REDACTED] Chief Operating Officer, FSA, copying [REDACTED] that stated the customer requested Aryai be removed from the contract. Aryai was terminated by FSA on the same date.

The Bass Memorandum

On June 7, 2010, Bass sent a memorandum (hereafter referred to as "the Bass memorandum") to JMD contracting officer [REDACTED] detailing the following issues related to Aryai:

- Misrepresentation of his position
- Exposing a firearm during the AFD National Conference in May 2010
- Multiple instances not working within his chain of command
- A pattern of disruptive and divisive behavior
- A pattern of unresponsiveness and disregard for USMS management's requests and tasks

Aryai's Employment with FSA

Review of FSA records revealed FSA hired Aryai as a Senior FFS on October 13, 2009, and he was terminated June 16, 2010. During his tenure, Aryai was assigned to the USMS- SDNY, but also covered the USDC-Eastern District of New York (EDNY) and USDC-DNJ. In March 2010, Aryai was transferred from the AFD Audits and Internal Controls Section to the AFD Complex Assets Team. On November 30, 2010, Aryai filed a complaint in the USDC-SDNY claiming he had been retaliated against by being terminated by FSA for making fraud allegations against Briskman, which related to Briskman owning and operating an asset valuation business. The OIG completed an investigation into allegations against Briskman in September 2011 and found no evidence of fraud or a financial conflict of interest involving Briskman's ownership of a valuation business.

Aryai Identified as the Source of the Allegations against Briskman

According to interviews with Morales and prosecutors with the USAO-SDNY, an AUSA told Morales on April 6, 2010, about concerns related to Briskman, including his owning and operating an asset valuation business. In addition, the Bass memorandum stated, "[AUSA] alluded to the fact that FFS Brian Aryai brought many of these issues to her." The AUSA told the OIG she reported the allegations to Morales, but did not initially provide him with the name of the source of the allegations. The AUSA also stated she had learned some of the information about Briskman's asset valuation business independently but said she waited a few weeks to report it because she did not know what to do with the

information about Briskman. She told the OIG that she discussed what to do with the information with her supervisor at the USAO-SDNY, [REDACTED]. The OIG interviewed [REDACTED] who confirmed that the AUSA checked with her about providing the information about Briskman to Morales.

The AUSA said she called Morales on April 6 to discuss the information about Briskman's asset valuation business. She said at that time, she did not inform Morales that Aryai was the source of some of her information. The AUSA said Morales contacted her at a later date, by leaving her a voicemail or an e-mail, asking whether Aryai was the source of her information about Briskman. The AUSA again checked with [REDACTED] about providing Aryai's name to Morales. [REDACTED] stated she told the AUSA to tell Morales everything related to the allegations. The AUSA confirmed she provided Aryai as the source of the information to Morales. During a review of the AUSA's e-mails, the OIG discovered an e-mail dated April 7, 2010, from the AUSA to Morales, in which she stated she only provided Aryai's name to Morales because he asked.

When interviewed, Morales confirmed that in a subsequent conversation with the AUSA he asked her how the information about Briskman had come to her attention. When Morales learned of the allegations against Briskman, Morales reported the information to the USMS OGC and the USMS Office of Internal Investigations (OI). Morales told the OIG that he asked about the source of the information because he needed to take action to close the gaps where there were program weaknesses. He said he thought he needed more details to take such action. When the OIG asked Morales why he needed Aryai's identity to take action when the information regarding Briskman had already been reported to the USMS OGC and the USMS OI Morales stated he had to do something because he would have received questions from his leadership as to what had happened. The OIG could not determine the reason Morales could not take action without knowing the source of the information.

Beal stated that shortly after learning about the allegations about Briskman's outside business, she learned that the AUSA told Morales that Aryai was the source of the allegations. Beal did not recall when she learned that Aryai was the source of the allegations against Briskman.

The AUSA stated that when she confirmed to Morales that Aryai was the source of the allegations, he was "furious." Beal told the OIG that Morales was concerned about the situation involving allegations of public corruption within AFD. The OIG asked Morales if he was angry with Aryai about reporting the allegations to the USAO-SDNY. He explained that he was not angry, but frustrated that Aryai had not reported the allegations about Briskman to the USMS, in addition to reporting it to the AUSA. Morales said Aryai was hired to help fix weaknesses in AFD, but Aryai failed to tell AFD about possible public corruption occurring within AFD. Morales stated he was happy Aryai told the AUSA because she reported the issues related to Briskman to AFD. However, Morales said if the AUSA had not reported the issues to AFD, no one in AFD would have known about the problems. When the OIG asked Morales about Aryai reporting the way Briskman valued assets in March 2010, Morales said AFD already knew there were problems with how AFD valued assets. Beal said when Aryai reported problems with the way Briskman valued assets, AFD was working on establishing new procedures for valuing assets. Beal said Aryai raised concerns in March 2010 to her about the types of valuations that Briskman would use.

Bass said she reported Aryai's concerns to Beal and Morales. Bass said Morales told her AFD would follow-up on Aryai's concerns.

Findings

The OIG determined the Morales requested the identity of the USAO-SDNY's source of information about allegations concerning Briskman's handling of USMS assets and a potential conflict of interest with a personal asset valuation business he owned. The AUSA who reported the allegations to Morales had not initially identified her source, but upon receiving the request from Morales and consulting with her supervisor, she identified Aryai to Morales as the source of the allegations against Briskman.

Aryai's Termination

In an attempt to determine whether or not Aryai's termination was in retaliation for reporting allegations against Briskman, the OIG reviewed the following areas:

- Events immediately following Aryai's reporting allegations against Briskman
- The manner in which Aryai was supervised and given assignments
- Aryai's employment performance
- The matters raised in the Bass memorandum as support for Aryai's removal from the contract and termination by FSA

April 12, 2010 Meeting Between Morales and Aryai

FSA Regional Director Wolf told the OIG that when Morales learned about the allegations Aryai made against Briskman, Morales requested a meeting with Wolf and Aryai. The meeting occurred on April 12, 2010, five days after Morales learned from the USAO-SDNY that Aryai was the source of the allegations. Aryai, Wolf, and Beal attended the meeting with Morales. Wolf described the meeting as polite, but not friendly because Morales appeared to him to be embarrassed by the situation. Wolf said Morales told Aryai that Aryai had overstepped his bounds and that Morales did not believe Aryai's suspicions about Briskman. Furthermore, Wolf said Morales told Aryai he had known Briskman for years and he trusted him. Wolf explained that during this meeting there was no specific conversation related to Aryai's removal.

Aryai told the OIG that Morales was angry during the meeting and wanted to know how Aryai could hurt Briskman and his family by making the allegations. He also said Morales told him that he overstepped his bounds by going outside of the USMS because he was a contractor and had to do what the USMS told him to do. Aryai also said Morales told him that his loyalty should be with the USMS. Morales explained that the USMS hired Aryai to help fix the weaknesses in AFD. Therefore, he should have reported any weaknesses to the USMS.

According to Morales, his account of the meeting was that he told Aryai the reason he was hired was in an internal control function and if Aryai found something wrong, he should have told AFD for immediate action to be taken. Beal described Morales speaking to Aryai during the meeting about his roles and responsibilities and that Aryai went outside the chain of command to the USAO-SDNY instead of reporting his allegations to the USMS or FSA. Beal did not recall Morales threatening Aryai's job during the meeting.

The OIG reviewed the FSA contract, which made no direct reference to a contract employee's obligation to report problems within the chain of command. However, the contract stated the contractor shall appoint a supervisor, who will be the single point of contact through which all contractor/government communications, work, and technical direction shall flow. Aryai said he reported the issues related to Briskman's asset valuation business to his FSA supervisor, [REDACTED]. [REDACTED] told the OIG she could not remember when she had learned about Briskman's asset valuation business. Wolf said he learned from [REDACTED] that Aryai had reported the issues about Briskman's business to the USAO-SDNY.

On April 9, 2010, three days prior to the meeting with Aryai, Morales sent an e-mail to the USAO-SDNY, copying Beal and Bass, stating Aryai was a contractor and he intended to "remind him one time." Morales explained to the OIG that the purpose of the e-mail was that Aryai needed to tell the USMS about the Briskman issues so corrective action could be taken. However, Morales, Beal, and Bass could not tell the OIG how the corrective action would have been different had Aryai come directly to the USMS rather than to the USAO-SDNY.

Findings

The OIG determined that Morales and Bass said they would still have reported the allegations against Briskman to the USMS OGC and the USMS OII if Aryai had reported the allegations related to Briskman's outside business to them. Beal said she did not know what AFD would have done with the allegations related to Briskman's outside business had Aryai reported the allegations to AFD rather than to the USAO-SDNY. The OIG could not determine the actual purpose of the meeting between Morales, Beal, Wolf, and Aryai. However, the OIG noted that the Quality Assurance Evaluator, Assistant COTR, COTR, or CO were not present at the meeting, as would be expected if the purpose of the meeting related to concerns with the contractor's performance.

Supervision of Aryai

The OIG interviewed Wolf and [REDACTED] as the FSA staff who supervised Aryai during his tenure with FSA. Wolf stated [REDACTED] was Aryai's supervisor. [REDACTED] said she was Aryai's supervisor until he was transferred under Briskman. However, [REDACTED] continued to submit his time cards because she was an FSA employee, but did not act as his supervisor.

The OIG also interviewed Briskman, Bass, and [REDACTED], Supervisory Deputy U.S. Marshal

(DUSM), who were the USMS staff assigning Aryai tasks. Briskman said he was Aryai's supervisor for less than a month during March 2010. When interviewed by the OIG, [REDACTED] said he assigned Aryai tasks, but was not his supervisor. [REDACTED] further stated Aryai worked on cases that were not in the USDC-SDNY. Bass said Aryai would have received his assignments in conjunction with Briskman and [REDACTED]. Morales could not specifically provide who Aryai's supervisor was, but said Bass was the USMS point of contact for the FSA contract. [REDACTED] was Aryai's FSA supervisor, and [REDACTED] Assistant COTR, AFD, was the COTR for the USMS. Aryai said he received assignments from many directions, including Briskman, Bass and USMS District Offices.

In the amended complaint Aryai filed in the USDC-SDNY, he claimed that he had been "inexplicably" transferred under Briskman as retaliation for coming forward in March 2010 with issues related to how Briskman valued assets. During his interview, Aryai said [REDACTED] and Bass told him he would be transferred under Briskman because of his expertise. Aryai stated to the OIG that depending on his role it may have made sense to be transferred under Briskman. However, he added that if he was there as a financial specialist to give opinions and write findings, it would not be good to be working under the person that he might have to criticize. Aryai said when he expressed that opinion, [REDACTED] and Bass said the decision to transfer him had already been made. During Briskman's interview, he said he told Beal that the Complex Assets Team was unaware of what Aryai was working on. Therefore, Briskman said Beal and Bass transferred Aryai under him. Morales said Briskman, at some point, worked directly with Aryai because they both worked on complex assets. Morales explained that he did not think Briskman gave Aryai day-to-day tasks, but Briskman should have known what Aryai was working on.

Findings

The OIG determined no single person gave Aryai his work assignments or was responsible for monitoring his performance during his assignment to the USMS as an FSA contractor. In addition, the OIG determined that if Aryai was working on complex cases it would not seem appropriate for him report to the Audits and Internal Controls Section, where Bass was the manager.

Aryai's Performance

In an attempt to determine Aryai's work performance, which was questioned in the Bass memorandum dated June 7, 2010, the OIG reviewed FSA personnel records and interviewed his relevant FSA supervisors.

[REDACTED] and Wolf stated no performance appraisals were completed for Aryai due to the fact he was an FSA employee for less than one year. However, [REDACTED] and Wolf said Aryai was not reprimanded or counseled during his tenure with FSA. [REDACTED] described Aryai's performance as excellent.

Bass stated that from the time Aryai was hired in 2009 there was a failure of the AFD to set up a good

reporting structure for the FFSs. USAO-SDNY personnel said losing Aryai upon his reassignment had an impact on their office. [REDACTED] said Aryai did everything he was asked and said Aryai's reports were well-written and his analyses were great. [REDACTED] Case Manager, AFD, said they worked well together, but Aryai was not always timely with his reports.

Aryai was reported as a strong contributor to the FFS program by all personnel interviewed by the OIG, including Morales. However, the Bass memorandum to [REDACTED] categorized Aryai as having a pattern of disruptive and divisive behavior, along with unresponsiveness and disregard to USMS requests. The AUSA in the USAO-SDNY, who initially contacted Morales with Aryai's concerns, told the OIG that her supervisor, [REDACTED] told her that Morales informed [REDACTED] that there were serious performance issues with Aryai. [REDACTED] said Morales had called her to inform her Aryai had been reassigned and there had been problems with Aryai for a long time, unrelated to his having reported Briskman's outside business to the USAO-SDNY. [REDACTED] said Morales did not detail the problems to her. Morales said he did not recall the conversation with [REDACTED] about Aryai's performance.

Findings

The OIG found that those who received Aryai's work-product were generally satisfied with its quality. There were what seemed to be a view of one or two individuals that Aryai had minor issues with his communication and timeliness, but those issues do not appear to have warranted termination of his employment with FSA. Aryai received no official counseling related to his work performance. Prior to April 6, 2010, there is no written record of problems with Aryai.

Memorandum from USMS to JMD Preceding Aryai's Termination

The Bass memorandum, dated June 7, 2010, which she authored and sent to [REDACTED] and [REDACTED] through [REDACTED], asked [REDACTED] and [REDACTED] to have FSA investigate the issues related to Aryai and for FSA to take necessary action based on the provisions of the current FSA contract. Beal stated that Bass wrote the memorandum, but did not have the authority to take any action against Aryai. Bass also provided a timeline with the memorandum. However, there was no indication or documentation of any of the performance or conduct issues with Aryai until May 2010, more than one month after Morales first learned from the USAO-SDNY about the allegations Aryai had made about Briskman on April 6, 2010. Morales said he requested Bass to compile the timeline because he realized the allegations Aryai made against Briskman were significant. When first interviewed by the OIG, Morales said he did not read the Bass memorandum, but knew Beal and Bass were writing it with the guidance of the USMS OGC. However, in a later interview with the OIG, Morales said he could not recall if he reviewed the Bass memorandum, but said in all likelihood he would have reviewed it. Beal said she and Morales reviewed the Bass memorandum. Bass said she, Beal, and Morales were part of conversations related to Aryai's behavior with [REDACTED] who asked for a formalized memorandum. Bass also said she talked to "everyone," including Morales, and was told to summarize the issues related to Aryai. The Bass memorandum claimed there were five significant issues related to Aryai:

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1. His misrepresentation of his position as a USMS contractor by failing to properly identify himself on his *LinkedIn* page, using retired law enforcement credentials to identify himself, and carrying a firearm as a retired law enforcement officer
2. His wearing an exposed firearm at the AFD national conference held in Tampa, Florida, in May 2010
3. His multiple instances of failure to work within "his chain of command"
4. His pattern of disruptive and divisive behavior
5. His pattern of behavior of unresponsiveness and disregard to the USMS

Purpose of the Memorandum

According to the Bass memorandum, its purpose was to request that FSA investigate the incidents and provide the CO and COIR with a necessary plan of action. During an interview with the OIG, Bass said the purpose of the memorandum was to help remedy the problems with Aryai and move forward. Bass said moving forward either meant the AFD staff could fix the working relationship with Aryai or FSA needed to have him removed from the contract. [REDACTED] told the OIG by the time the issues were brought to his attention there did not seem to be a way to resolve things. Wolf said when the USMS asked for Aryai to be removed, the relationship was already "poisoned." Beal explained that the intent of the memorandum was to raise concerns about an employee and ask FSA to take appropriate action. Morales said the purpose of the Bass memorandum was to pass the information about Aryai to FSA to have it deal with its employee or take corrective action. Morales later said the USMS expected Aryai would be counseled rather than removed from the contract.

Morales said someone in the USMS OGC, either Lisa Dickinson, Principal Deputy General Counsel, or Gerald Auerbach, General Counsel, told AFD to refer the issues to the CO. Morales later identified Dickinson as the OGC person who told Bass to draft the memorandum. Dickinson stated the purpose of the memorandum was to have the allegations investigated. Dickinson said the Bass memorandum was not unusual. The OIG found no basis to conclude that the OGC attorneys participated in the retaliation against Aryai. However, in view of the fact that the OGC was aware Aryai had made allegations about Briskman, the OGC attorneys should have raised questions about the substantive validity of and timing of presenting the information in the Bass memorandum to FSA.

USMS assistant contracting officer [REDACTED] said he may have seen the Bass memorandum, which was sent to the CO. He said it outlined the issues related to Aryai, but he had provided no input for it. [REDACTED] said he had never seen a memorandum of this nature relating to the conduct of a contract employee.

Bass told the OIG that everything in her memorandum should be considered together with the other items in her memorandum. However, Morales stated Aryai was not singled out because each item in the memorandum came up separately and were only documented together.

Reports of Misrepresentation of Position

- **Online Networking Site Misrepresentation**

The Bass memorandum stated that Beal reviewed Aryai's *LinkedIn* page on May 6, 2010, and it did not identify him as a USMS contractor and made it appear he was a USMS employee. The *LinkedIn* page attached to the memorandum said Aryai was "appointed to provide specialized expertise in United States governmental law enforcement matters and operations." It also listed Aryai as a Senior Financial Specialist, U.S. Department of Justice, United States Marshals Service, and described that position as "Aryai provides strategic and operational advisory expertise to federal law enforcement matters to the United States Department of Justice and the United States Marshals Service." Bass said other employees' *LinkedIn* pages were not reviewed for content and she did not know who had reviewed Aryai's *LinkedIn* page. Beal did not recall who had brought Aryai's *LinkedIn* page to her attention.

Aryai said he thought he had "contractor" listed on his *LinkedIn* page. When the OIG told him his *LinkedIn* page listed: "appointed to provide specialized expertise in United States governmental law enforcement matters and operations," he said no one spoke to him about the clarity of what he had on his *LinkedIn* page. According to an e-mail sent from Wolf to Aryai on May 25, 2010, Wolf asked him to make it clear that he was an FSA contractor on his *LinkedIn* page. Neither Beal nor Morales could state what preceded the e-mail from Wolf to Aryai.

Neither FSA nor the USMS has a policy regulating or addressing an employee's or contractor's social media page related to USMS employment. The forfeiture support contract also did not address social media pages. The OIG could not locate a DOJ policy which addressed social media issues for employees or contractors other than the policy relating to the Hatch Act. Although not related to social media sites, the Forfeiture Support contract stated "contractor business cards, letterhead, stationary, etc., shall not in any way imply employment or legal affiliation with the U.S. Government, Department of Justice, or any other Government component." In addition, Federal Acquisition Regulation subpart 37.114 (c) states that contractor personnel, whose contractor status is not obvious to third parties, are required to identify themselves as contractors.

- **Displaying Retired Credentials at a Meeting**

The OIG investigation determined from Aryai that he was a retired law enforcement agent, having worked for the Internal Revenue Service and then the U.S. Customs Service. Aryai said he had retired law enforcement credentials.

According to the Bass memorandum, USMS Case Manager [REDACTED] told Beal on May 14, 2010, that Aryai used his retired agent credentials to identify himself during a meeting that took place six months earlier on November 4, 2009. At the time of the incident, [REDACTED] did not report that Aryai used his retired agent credentials. [REDACTED] said Beal asked her whether she knew anything related to Aryai that

was law enforcement-related, for example carrying a firearm or using a badge. Beal stated [REDACTED] had approached her unsolicited about the credentials and told her she had seen Aryai show his badge to a third-party [REDACTED] said she could not recall whether Bass had also talked to her about it. [REDACTED] could not recall whether Bass or Beal asked her any follow-up questions about the situation. [REDACTED] explained to the OIG that Aryai showed his credentials and [REDACTED] recalled seeing something silver, but did not recall whether Aryai identified himself as a retired agent. [REDACTED] said he may have said he was a retired agent, but was working as a contractor. At some point, Aryai and [REDACTED] had a conversation that his credentials were nicer than hers and he explained they were his retired credentials. [REDACTED] said she could not recall whether that conversation was in front of the third-party. [REDACTED] said she has been at meetings when contractors show their building pass or wait for the USMS staff members to introduce themselves. However, at the time of the meeting with Aryai, she did not know whether Aryai had a building pass or FSA business cards because he was new.

[REDACTED] DUSM, [REDACTED] DUSM, and [REDACTED] DUSM, who had done field work with Aryai, never saw him using his retired credentials to identify himself. According to [REDACTED] all of whom were FSA contractors, said FSA contractors had Personal Identity Verification cards, which they used to identify themselves.

Aryai told the OIG he never used his retired credentials during any meetings to identify himself as an FSA employee. He stated he had a building pass from the USMS-SDNY Office, which he used as identification. Aryai could not explain why someone would think he had used his retired agent credentials as identification. He said USMS employees with whom he accompanied to meetings introduced him. Aryai also said [REDACTED] instructed him to use his building pass as identification.

• DUSM References Aryai Armed while Attending Law Enforcement Operations

The Bass memorandum referenced a comment allegedly made by DUSM [REDACTED] at the AFD Conference during the week of May 10, 2010, about Aryai carrying a firearm on law enforcement operations. [REDACTED] told the OIG that he never mentioned to anyone that Aryai had ever carried a weapon during field work because [REDACTED] did not know whether Aryai did. [REDACTED] told the OIG he never saw Aryai in possession of a firearm, stating that Aryai always wore a suit jacket, which would hide a firearm if he were carrying one. [REDACTED] explained he probably joked with his co-workers that he would not mind if an FFS carried a weapon. [REDACTED] said he knew the Chief DUSM in the USMS-DNJ gave Aryai permission to carry his firearm in the USDC-DNJ. However, [REDACTED] said [REDACTED] told him Aryai carried a firearm. [REDACTED] FFS, and Aryai attended AFD conferences and socialized during those conferences. When interviewed by the OIG [REDACTED] said he saw Aryai's firearm once or twice during those times, but they never actually worked together. [REDACTED] Senior FFS, said Aryai told her he carried a firearm, which she reported to [REDACTED] [REDACTED] said she did not know Aryai carried a firearm until May 2010 when she attended the AFD National Conference in Florida.

Between May 25 and 27, 2010, [REDACTED] Assistant Chief Inspector, AFD, obtained statements from [REDACTED] and [REDACTED] related to Aryai carrying a firearm. [REDACTED] said he was at the AFD conference and heard about Aryai carrying a firearm. [REDACTED] said he was not directed to obtain statements from the DUSMs, but thought he had discussed it with others in AFD, who he could not further identify. The statements [REDACTED] obtained from the DUSMs all said they had no knowledge of Aryai carrying a firearm on law enforcement operations. Bass told the OIG she had seen these statements, but did not forward them to the CO despite the fact that they contained information contrary to one of the bases in her memorandum for seeking action against Aryai.

According to Aryai, he did not participate in law enforcement operations as an FFS. He said he would help review records during operations after an area was deemed safe. Aryai said he may have carried his firearm during meetings with non-USMS personnel but he could not recall if he did or not. Aryai told the OIG that he asked for guidance regarding carrying his firearm from [REDACTED] in the USMS office in SDNY. [REDACTED] confirmed with the OIG that he told Aryai to lock his firearm up at the courthouse and told Aryai he could not carry it while doing USMS work. Aryai said he was legally allowed to carry the firearm under "H.R. 218". The OIG determined the law governing a retired or separated law enforcement officer is 18 U.S. Code § 926C *Carrying of Concealed Firearms by Qualified Retired Law Enforcement Officers*. The law defines an individual's status as a qualified retired law enforcement officer, an individual's length of prior law enforcement experience, an individual's firearm qualification requirements, an individual's medical qualifications, whether an individual is under the influence of alcohol or drugs, and whether an individual is prohibited by federal law from receiving a firearm. The OIG determined that Aryai satisfied the requirements set forth in 18 U.S. Code § 926C (before it was amended in October 2010) to be qualified to carry a firearm under the law. No other FFSs, who are former law enforcement officers, interviewed by the OIG carried firearms while working as an FFS.

The USMS did not have a policy related to contractors carrying firearms, except as related to the use of firearms by contract guards. USMS Policy 9.3, *Use of Personal Services-Contract District Security Officers*, governs the use of firearms by contract guards. However, this policy does not apply to FFSs because they are not USMS District Security Officers.

Wolf said an employee carrying a firearm while performing their duties violated FSA's policies. Wolf further stated that when Aryai was first hired, he signed that he read and understood the FSA Human Resources policies, which included the firearms policy. The OIG reviewed FSA's employee handbook, which states the possession of firearms is unacceptable at FSA or at client premises. Aryai acknowledged his receipt of the employee handbook on October 19, 2009. However, when asked by the OIG, Aryai did not recall the policy.

Exposure of Firearm at National Conference

The Bass memorandum stated Aryai was observed dancing with an exposed firearm in the hospitality suite at the AFD National Conference, held during the week of May 10, 2010.

Aryai, Morales, Bass, [REDACTED] AFD Management Program Analyst, [REDACTED] AFD Management Program Analyst, and [REDACTED] stated that the hospitality suite was not a required conference function and alcohol was served. Aryai told the OIG that he wore his firearm and was dancing at the conference hospitality suite. However, he said was not wearing his jacket for part of the dance because Wolf helped him remove his jacket and would not return it. After the dance was completed, Aryai said he put his jacket back on. Wolf stated he helped Aryai remove his jacket, but after the dance gave it back to him. [REDACTED] FFS, confirmed that Wolf took Aryai's jacket and said he thought Wolf offered it back to Aryai. Bass was unaware that Wolf removed Aryai's jacket, and she said if she had known, she would have included that fact in the memorandum provided to the CO. Morales said Aryai's firearm was exposed regardless of who removed his jacket. Wolf stated at the end of the night, he spoke to Aryai about carrying a firearm. He said he told Aryai that Aryai should not leave the conference giving the impression that Aryai was the "fane ranger" and needed to be professional.

Morales, Beal, and Bass were unable to provide the USMS policy which Aryai violated by showing his firearm. However, [REDACTED] provided USMS Policy Code of Professional Responsibility Section 1.3 (E)(7):

Operational employees must conceal all weapons from view when not in use, unless otherwise authorized by management. Weapons will not be inspected, cleaned, handled or exchanged in public areas or in the presence of jury members, prisoners, witnesses, protectees, family members or the general public.

However, the policy provided by [REDACTED] did not apply to Aryai because he was not a USMS employee. Furthermore, Aryai's position description was not that of an operational employee. Bass, Beal, and Morales had different opinions on whether the hospitality suite was located in a public or private area of the hotel. Beal said it was a private area. Bass said a public area was passed to get to the area where the hospitality suite was located. Morales said the area for the hospitality suite was off of the lobby, but had doors. Moreover, Morales stated he considered the area public despite saying that only conference attendees were there. [REDACTED] and Aryai recalled the room was reserved and attended by only conference attendees. [REDACTED] said the public was not allowed in the area where the after-hours event was held.

Wolf stated he did not ask Aryai to cover the firearm or to lock it up. Beal also said she saw Aryai dancing with the firearm at the conference reception, but did not ask him to cover it. When asked, Beal did not have an answer as to why she did not ask him to cover it, but said she is not an "1811" (criminal investigator) and did not think it was her place to tell him to conceal the firearm. When asked by the OIG if anyone else was wearing a firearm in the conference hospitality suite, Wolf stated a couple of the DUSMs either had firearms visible or Wolf could tell they had their firearms because of his experience as a former Drug Enforcement Agency agent and was familiar with how concealed firearms appeared. However, he did not know the names of the DUSMs he saw.

When interviewed, Aryai said he was not aware of any USMS policy prohibiting contractors from carrying a firearm because some USMS contractors specifically carry firearms to safeguard government buildings. Furthermore, he said he told [REDACTED] he carried a firearm as a retired agent and asked her if there was a problem with it. [REDACTED] said she did not know Aryai carried a firearm. Beal explained policies were on the USMS intranet and certain policies pertaining to the FFSs would have been provided during their initial training. However, she could not be more specific. Morales was unaware if contractors were made aware of USMS policies. The USMS Office of Internal Investigations provided the OIG information that there is no USMS policy requiring contractors to be educated on USMS policies.

Multiple Instances of Failure to Work within Chain of Command

The Bass memorandum stated there were multiple instances of Aryai's failure to work within his chain of command. The memorandum also stated all FFSs received "intensive training on the Asset Forfeiture Program, including chain of command training" for two weeks in January 2010 and two weeks in February 2010. The memorandum also included an organizational chart. Bass said they touched on the chart during training. [REDACTED] stated there may have been mention of where to report fraud, but it was not a formal training block. She knew this because she was the FSA employee who put the training together. [REDACTED] provided the training syllabus to the OIG, which did not include anything related to the chain of command. In the training sessions Wolf said he attended, there was not any training related to reporting misconduct or fraud within the chain of command. Wolf further stated he did not recall seeing any training documents related to reporting misconduct or fraud within the chain of command. In an e-mail dated June 16, 2010, from [REDACTED] Senior FFS, to Wolf, she asked about a protocol for reporting when fraud was discovered. There was no e-mail response from Wolf in the documents FSA provided to the OIG.

Briskman, [REDACTED] Morales, Beal, and Bass had vague recollections related to Aryai failing to provide case-related information to USMS Headquarters. Briskman said Aryai was not keeping him informed about complex assets cases, and reported the issue to Beal, who decided to have Aryai report to Briskman. However, when Briskman questioned Aryai on specific issues, Aryai provided him with answers to his questions. [REDACTED] had heard Briskman complain about not receiving information related to complex cases, but did not have direct issues with Aryai reporting within the chain of command. Morales and Beal recalled there were issues with Aryai failing to report what he was working on to USMS Headquarters, but could not provide any further information. Bass said Aryai was working directly with the USAO-SDNY and making recommendations to them about the disposal of certain assets without consulting the Complex Assets Team. Bass said AFD tried a variety of reporting structures because Aryai's knowledge was not suited to working under her in the Audits and Internal Controls Section. Bass stated Aryai did not provide information on what he worked to USMS Headquarters, which is something AFD asked him to do. The contract stated the contractor shall appoint a supervisor, who will be the single point of contact through which all contractor/government communications, work, and technical direction shall flow.

Bass, Beal, and Morales stated to the OIG that one example of Aryai failing to follow the chain of command was when he reported the information about Briskman's asset valuation business to the USAO-SDNY. In an interview with the OIG, Morales stated he did not consider this to be a chain of command issue. However, in March 2010, Bass stated Aryai had reported other concerns about how Briskman valued assets to Bass and [REDACTED]. Bass said she provided that information to Beal and Morales. Bass told the OIG she thought Aryai did not think AFD was moving quickly enough to resolve the issues he brought forward in March 2010. [REDACTED] said she did not see the AUSA as being outside of the group because she was working on the assets with them. Morales said he did not care that Aryai reported the issues to the AUSA, but wanted him to report the allegation also to AFD. Morales said one of Aryai's functions was an internal audit function. Therefore, as part of his job description, he should have reported problems directly to AFD.

Bass stated the information about Briskman's asset valuation business should have been reported to AFD so its staff could have taken action. When the OIG asked about how the actions would have been different from those taken when the USAO-SDNY provided the information to Morales, Bass said it would not have differed. Aryai stated Morales told him if he had learned of the allegations against Briskman, Morales would have "quietly forced [Briskman] into retirement." Unrelated to Briskman's asset valuation business, Doherty provided information that she had spoken to Beal about another ethics issue and had originally taken her concerns to a USMS OGC ethics official. Beal told her she should have reported her concerns to the AFD management team and they would have taken care of the issues. Beal said she never told anyone to come to her instead of the ethics official. However, Beal thought she should also be told of situations involving her office in addition to the ethics official.

The OIG interviewed other FSA contractors who expressed varying opinions on where allegations of fraud or misconduct should be reported. Some said the allegations should be reported to their FSA supervisor, while others said they would have reported to the appropriate person either within the USMS or FSA.

A Pattern of Disruptive and Divisive Behavior

The Bass memorandum stated Aryai showed a "pattern of disruptive and divisive behavior, including reporting inaccurate and misleading information to the DOJ OIG." As support for the memorandum, Bass included an e-mail dated May 22, 2010, sent from Aryai to Wolf, copying Auerbach, Marcovici, Morales, Bass, John Clark, former USMS Director, and Paul Weiner, Aryai's attorney, referencing compiling a report for the OIG and the Attorney General. Beal explained Aryai sent a memorandum to the OIG with inaccurate information about Briskman. When the OIG pointed out to Beal that when Aryai sent the information to the OIG, it was prior to the completion of the investigation and he did not know whether it was inaccurate, Beal did not have an answer. Bass said Aryai had provided inaccurate information regarding Briskman and was not able to comment on what Aryai thought was true or not. During a later interview with the OIG, Bass stated Aryai sent e-mails to a variety of places with inaccurate information and working with Aryai did not get easier. Morales stated Aryai made an allegation about Morales steering an AFD district assistance contract that Morales personally knew was

untrue. However, Morales could not provide information as to whether Aryai knew the allegation was true or false when he reported the allegations.

Briskman and [REDACTED] both said they saw no evidence of Aryai exhibiting disruptive or divisive behavior.

A Pattern of Behavior of Unresponsiveness and Disregard to the USMS

The Bass memorandum mentioned "a pattern of behavior of unresponsiveness and disregard to the USMS government management's requests and tasks." Beal and Morales could not provide a distinction between this issue and Aryai's instances of failure to work within his chain of command. However, when asked by the OIG to provide examples of Aryai's unresponsiveness and disregard to the USMS, Beal said she considered Aryai failing to complete tasks assigned in April 2010 as unresponsive. Briskman said he considered not knowing what complex assets Aryai was working on to be unresponsive. Bass said Aryai was unresponsive when she asked him why he would be missing sessions at the AED National Conference and when he took sick leave, but submitted work hours. [REDACTED] said she saw no evidence of Aryai's pattern of behavior of unresponsiveness.

Related to submitting work hours while on sick leave in June 2010, Aryai said he was sick when he took the sick leave, but helped out because he was needed to complete the work. Aryai said after his re-assignment to New Jersey, he did not know what he was supposed to work on. Wolf also said he was unsure about the assignments given to Aryai. However, an e-mail dated May 25, 2010, from Wolf to Aryai said that the assignments from Bass were attached.

Findings

The OIG determined Aryai was singled-out by the Bass memorandum with reference to the content of his *LinkedIn* page not making clear that he was a contractor because there is no evidence that Bass or the USMS reviewed the *LinkedIn* pages of other FFSs or USMS employees. In addition, the purported issues with Aryai using his retired credentials as identification were not raised until approximately six months after they first appeared. There was no follow up by the USMS to obtain any explanation for the situation.

The OIG's investigation reflected that one person witnessed Aryai use his retired credentials in a single instance to identify himself, which contradicted Aryai's statement.

Related to Aryai's firearm, the OIG determined Aryai had asked [REDACTED] about carrying his firearm when he began his employment in the SDNY. The OIG was unable to determine whether Aryai carried a firearm at work because no one witnessed Aryai carrying a firearm while at work and Aryai said he was unsure if he carried a firearm during meetings. If Aryai had in fact carried a firearm while working, he would have been in violation of FSA's policy.

The OIG determined during the after-hours event at the hospitality suite during the conference in May 2010, Aryai was not in violation of the USMS policy, even if it were applicable to a contractor, because by most accounts, when Aryai had his jacket off he was not in a public place. The OIG could not determine whether Aryai was in violation of 18 U.S. Code § 926C(c)(6), which allows for retired or separated law enforcement officers to carry a concealed firearm, if not under the influence of alcohol, because it is unknown whether Aryai would have been considered to be under the influence of alcohol. It appeared that Aryai was again singled-out by the reference to this alleged conduct in the Bass memorandum because witnesses told the OIG that there were armed DUSMs at the same event who may have been drinking.

There were no documented instances of Aryai's failure to work within his chain of command prior to April 6, 2010, or at all prior to the Bass e-mail and memorandum. The OIG determined Aryai's alleged "disruptive or divisive behavior" as referenced in the Bass memorandum was his providing information to the OIG, in addition to sending e-mails to the former USMS Director. There were no documented instances of Aryai having been "disruptive or divisive" until the Bass e-mail and memorandum.

The OIG determined there were no documented instances of Aryai's unresponsiveness and disregard to the USMS prior to April 6, 2010.

Transfer to the USMS-DNJ

According to an e-mail dated May 21, 2010, the USMS requested Aryai be transferred from the USMS-SDNY to the USMS-DNJ. According to the Bass memorandum, Aryai reported to the USMS-DNJ on May 24, 2010. Morales stated while FSA was reviewing the issues with Aryai, Bass thought it would be a good idea to have him go somewhere and assign him a specific set of duties. Bass said there were concerns that Aryai continued to report to the USAO-SDNY rather than in the USMS chain of command because the USMS-SDNY did not know what Aryai was working on. Therefore, they transferred Aryai to the USMS-DNJ. Bass initially said Aryai had said his office space in the USMS-SDNY was not conducive for the type of work he had to do, but also later said Aryai was transferred to the USMS-DNJ because he was not spending enough time on the USMS-DNJ or the USMS-EDNY cases. During a later interview of Morales, he could not remember if Aryai was transferred to USMS-DNJ because Aryai would be out of the USMS-SDNY while FSA reviewed the issues or whether it was so Aryai could shift his focus to the USMS-DNJ or USMS-EDNY cases. Wolf said it was unclear to him why Aryai was transferred by the USMS. Wolf said Aryai took sick leave when he was re-assigned to the USMS-DNJ because of the commute. Bass said when she learned of the long commute, she approved Aryai working from home.

According to Dickinson, Aryai was moved to the USMS-DNJ while the issues identified in the Bass memorandum were investigated. [REDACTED] said when Aryai was transferred, it greatly impacted USDC-SDNY because of the work Aryai completed for that district.

Findings

The OIG determined the purpose for Aryai's transfer to the USMS-DNJ was related to the Bass memorandum. It was not clear that the purpose was to allow FSA to investigate the issues raised in the memorandum, or to enable Aryai to work on issues relating to districts other than SDNY, as asserted by the USMS. It appears that work on items other than SDNY complex assets matters could have been accomplished without the transfer and were already part of his duties. The transfer could reasonably be viewed as an action against Aryai in response to his making allegations against Briskman to the USAO-SDNY.

Aryai's Removal from the Contract

According to [REDACTED] a female from the USMS, whom he could not identify further told him that Aryai needed to be removed from the FSA contract. The USMS provided [REDACTED] with written documentation of Aryai's removal, which appeared to him to be "above-board." The contract removal clause related to employee conduct (C.1.5.3 *Employee Qualifications and Conduct*) stated the following:

(a) The Government reserves the right to require the Contractor to reassign from this contract any Contractor employee(s) who is deemed incompetent, careless, unsuitable or otherwise objectionable, or whose continued use under the contract is deemed contrary to the best interests of the Government.

(b) The Contractor shall remove any employee from performance of contract work within five (5) working days of receiving notice from the Contracting Officer that the employee's performance is unsatisfactory. The Contractor shall immediately remove any Contractor employee found to represent a threat to the safety of government records, government employees, or other Contractor employees if this occurs the Contractor shall reimburse the Government for the cost of any Government-provided or funded training given to the Contractor employee who ceases to perform Contract duties within six (6) months after receiving that training. In instances where the removal of an employee is for substandard performance or behavior negatively impacting delivery of services, the Contractor will be given an opportunity to address the situation prior to removing the employee.

Robert Marcovici, Associate General Counsel for the USMS, informed the OIG that he heard from Morales, Beal, Dickinson, or Auerbach that AFD was going to ask FSA to investigate what occurred at the May 2010 AFD National Conference and have Aryai removed if FSA concurred with what AFD learned. Marcovici never heard from anyone, except Aryai, that his removal was retaliatory. Dickinson stated Morales was upset that he had to learn about the allegations about Briskman through the USAO-

SDNY, but did not express to her that he wanted to remove Aryai.

██████████ said on or about April 9, 2010, Beal expressed that AFD did not know what to do about Aryai. She expressed frustration with Aryai's alleged insolence. Beal also expressed to ██████████ concerns about Aryai's relationship with the AUSA in SDNY and that Aryai was "feeding" her information about Briskman. ██████████ told Beal if Aryai was being insubordinate, she had no option except to have his relationship with the USMS terminated. Beal said she could not recall the conversation with ██████████. Morales said he was unaware of the conversation between Beal and ██████████.

On April 9, 2010, Morales sent an e-mail to the USAO-SDNY, copying Beal and Bass, that Aryai "[reporting information outside the USMS] is not sitting well with me. [Aryai] is a contractor of the USMS-I intend to remind him just one time." When the OIG asked, Morales stated he meant that Aryai should have come to the USMS, but did not mean that Aryai should be removed from the contract. Morales further stated he could not have him removed from the contract because only the contracting officer can remove contractors.

On May 21, 2010, Bass sent an e-mail to Wolf, Morales, Beal, ██████████, and ██████████ with the same issues addressed as in the Bass's memorandum. Bass said she did not know why the memorandum was sent later than the e-mail, but thought it might be because JMD requested a formal document. An e-mail dated June 6, 2010 from Aryai to various individuals, making allegations about Morales steering an AFD district assistance contract, was forwarded to Morales on June 7, 2010, by Rackley. Bass and Beal said they were not aware Morales learned that information on the same date the memorandum was issued.

Wolf recounted in June 2010, ██████████ directed ██████████ FSA Chief Operating Officer, to complete an investigation related to the memorandum submitted by Bass, which ██████████ delegated to Wolf. Wolf drafted an outline for the steps needed to complete the investigation, but never completed this investigation because John Farrell, FSA president, did not want to run into a conflict with the OIG Washington Field Office's investigation. Wolf stated that later in June 2010, he learned from ██████████ that the USMS requested Aryai be removed from the contract. Aryai was not transferred to another DOJ component because there were no other FFS positions or positions at that level available in the foreseeable future. Therefore, FSA terminated Aryai. Wolf stated Morales, Beal, or Bass did not say their intent was to have Aryai terminated, but he said he viewed the USMS as being careful in the language they used related to Aryai.

On June 15, 2010, Beal sent an e-mail to ██████████ copying ██████████ that stated, "...the USMS believes that proper contract services are not being provided by Mr. Aryai and that immediate resolution to this matter is required." Following that e-mail, ██████████ sent FSA an e-mail, also dated June 15, 2010, that stated, "per the customer's request below and Contract Section C.1.5.3 we request you remove your employee, Brian Aryai, from the contract."

Findings

The OIG determined the purpose of the Bass memorandum was to support Aryai's removal from the contract after he made allegations against Morales rather than have FSA investigate Aryai's behavior.

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

MERIT PROMOTION EXAM STUDY MATERIAL
Current as of 6/1/2014

Exhibit 101



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.40 DISCIPLINE AND ADVERSE ACTIONS

A. General:

1. 5 C.F.R. § 752 and Department of Justice Human Resources Order 1200.1 implement those portions of the Civil Service Reform Act of 1978 (CSRA) dealing with discipline and adverse actions. In addition, DOJ Order 1430.3 (Performance Appraisal System) provides separate procedures for actions against employees because of unacceptable performance.
2. This section sets forth a delegation of authority for discipline and adverse actions, including letters of caution, reprimand, suspensions, demotions and removals. It also establishes a USMS Table of Offenses.
3. The provisions of this section apply to all offices, divisions and districts within the USMS. They apply to all discipline and adverse actions taken against USMS employees who are not excluded from coverage by DOJ Human Resources Order 1200.1, Chapter 1.

B. Responsibilities:

1. The Director, USMS, is responsible for the USMS adverse action system and all actions processed under 5 USC 75, as amended by the CSRA of 1978, 5 C.F.R. § 752 and DOJ Human Resources Order 1200.1.
2. The Assistant Director for Human Resources administers this section and the USMS Adverse Action program.
3. The Chief, Employee Relations Team provides staff assistance to the Director and the Assistant Director for Human Resources. The team leader assists districts and other offices in the discharge of their responsibilities.
4. Supervisors and managers must inform employees of rules and standards of conduct and performance as well as ensure their subordinates' compliance. Supervisors and managers will:
 - a. Take appropriate steps to prevent situations from reaching the stage where adverse action is required.
 - b. Initiate action by promptly reporting, through channels, to the Office of Internal Affairs alleged infractions of statutes or regulations or other misconduct that may warrant discipline.
 - c. Consider the total effect of the proposed disciplinary measure upon both the affected employee and others in the work force before recommending it.

MERIT PROMOTION EXAM STUDY MATERIAL
Current as of 6/1/2014

Exhibit 101

5. Failing to provide required instructions to subordinates, permitting or requiring actions that violate regulations and/or failing to report allegations of misconduct may result in adverse action against the supervisor or manager.

C. Status of Employees under Investigation:

1. If a supervisory official learns that an employee who is up for a promotion, incentive award or other favorable personnel action may face investigation due to allegations of misconduct, the official will inform the Chief, Employee Relations Team, so that such reward may be withheld temporarily.
2. If the information is credible, the employee may face disciplinary action. The Assistant Director for Human Resources may approve the favorable personnel action if he or she determines that it would not be affected by the adverse information. Within-grade increases will not be affected.
3. When an advance notice of a proposed action to suspend, demote or remove has been issued to an employee, the Personnel Officer will not approve any favorable personnel action for the employee until the adverse action is finalized.

D. Appeal Rights:

1. Appeal rights for non-bargaining-unit employees are set forth in DOJ Human Resources Order 1200.1. These employees may challenge suspensions of 14 days or less and lesser disciplinary actions using the agency grievance procedure contained in Section 3.14 or the DOJ equal employment opportunity procedure when discrimination is alleged. Challenges to longer suspensions, reductions in grade or pay, furloughs of 30 days or less, or removals may be filed with the Merit Systems Protection Board (MSPB) under 5 C.F.R. §§ 1200-1202. When such challenges allege discrimination, they may be pursued through the MSPB or the DOJ equal employment opportunity procedure.
2. Appeal rights for bargaining-unit employees are set forth in DOJ Human Resources Order 1200.1. These employees may challenge suspensions of 14 days or less and lesser disciplinary actions using the negotiated grievance procedure or the DOJ equal employment opportunity procedure when alleging discrimination. Challenges to longer suspensions, reductions in grade or pay, furloughs of 30 days or less, or removals may be pursued through the negotiated grievance procedure, the DOJ equal employment opportunity procedure or the MSPB. An employee may choose only one of these courses of appeal.

E. Effect of Disciplinary and Adverse Actions on Positive Personnel Actions:

1. A letter of reprimand or lesser disciplinary measure will not, in and of itself, prevent an employee from receiving a favorable personnel action.
2. An employee subject to an investigation or who has received a disciplinary action more serious than a letter of reprimand may not be promoted for one year after the date of the offense. At the Director's discretion, that period may be extended to two years. Such matters will be referred to the Director through the Assistant Director for Human Resources for consideration. This provision does not apply to within-grade increases.

F. Instructions for Applying the Table of Offenses:

1. The USMS Table of Offenses provides guidance in applying uniform discipline as a supplement to the Department of Justice Standard Schedule of Disciplinary Offenses and Penalties, which also applies to USMS employees. The offenses listed are not all-

MERIT PROMOTION EXAM STUDY MATERIAL

Current as of 6/1/2014

Exhibit 101

inclusive but are examples of offenses for which employees of the USMS may be penalized for on-duty and off-duty misconduct. While this table should be used as a guide in determining appropriate penalties, management officials have enough flexibility that offenses listed in the Table can be used in proposing and deciding penalties for similar infractions not found there. The table does not cover discipline required by law. 28 CFR 45-735 and 5 C.F.R. § 2635 contain additional statutory and nonstatutory provisions relating to conduct of USMS employees.

2. Suspensions are set forth in calendar days.
3. The reckoning period is used to determine whether an infraction is a first, second or third offense. It begins on the date management becomes aware of a first offense and continues until the end of the reckoning period. Recurrences of similar offenses within the reckoning period will result in increasingly severe penalties.

For example, the reckoning period for excessive unauthorized absence (Offense 3, DOJ Table of Offenses) is two years (730 days). If a manager becomes aware of a violation of Offense 3 on July 12, 1992, the range of penalties provided is a five-day suspension to removal. A subsequent violation of Offense 3 taking place before July 11, 1994, has a range of penalties from a 15-day suspension to removal, and a third violation of the same offense before July 11, 1994, merits removal.
4. Prior offenses are considered when determining appropriate penalties regardless of the reckoning period. An employee who demonstrates a pattern of misconduct will be subject to progressively higher penalties within the allowable range.
5. When appropriate, directed reassignment or other remedial action may be considered in addition to the suggested penalties.
6. Employees must know and adhere to the Standards of Conduct of the Department of Justice and the USMS directives governing conduct and responsibility.
7. A wide range of penalties is listed for various serious offenses because the table is intended to provide maximum flexibility in the assignment of penalties. An offense committed by a supervisor or management official, for example, may be treated more seriously because of his or her position than a similar offense committed by a non-managerial employee. In aggravated cases, a measure outside the range of penalties may be imposed. When a more severe penalty than that provided for in the range of penalties is proposed, the adverse action file should document the reason for imposing it.
8. Copies of the table must be provided to all employees and copies must also be posted prominently in each USMS office. Deciding officials will explain the effects of the disciplinary action on future favorable personnel actions in all decision letters.
9. The Employee Relations Team will assist in resolving questions pertaining to disciplinary actions. Discipline should always be administered confidentially insofar as possible.

- G. Disruptive Behavior:** An employee whose behavior is disruptive or abusive, and who poses a hazard to himself or herself or others, may be placed on administrative leave temporarily, not to exceed 10 days, after coordination with the Employee Relations Team to ensure that it is in accordance with the Department of Justice Leave Administration Order 1630.1B. In addition, any administrative leave that may exceed 10 days must also be coordinated with the Employee Relations Team and have the prior written approval of the Department of Justice, Assistant Attorney General for Administration.



U.S. Department of Justice

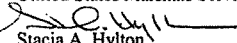
United States Marshals Service

Office of the Director

Alexandria, VA 22301-1025

May 3, 2012

MEMORANDUM TO: United States Marshals Service Employees

FROM: 
Stacia A. Hylton
Director

SUBJECT: Revised Table of Offenses and Penalties

This memorandum is to advise you that the United States Marshals Service (USMS) and Department of Justice (DOJ) Table of Offenses and Penalties has been revised. The *USMS Table of Offenses and Penalties* is intended as a suggested guide to assist USMS managers, supervisors, and employee relations practitioners in assessing the appropriate penalty, within given ranges, for disciplinary and adverse actions¹.

The offenses listed in the Table are not all-inclusive, but they are examples of common types of offenses for which USMS employees may be penalized for on-duty and off-duty misconduct. Offenses not covered in the Table will be considered separately and may become a basis for disciplinary or adverse action.

Those with authority to propose and decide disciplinary or adverse actions in accordance with USMS Policy Directive 3.3, Discipline Delegation, are reminded that discipline will be administered in a consistent manner to promote the efficiency of the Agency. Proposing and Deciding Officials must consider relevant factors in *Douglas v. Veterans Administration*, 5 MSPR 280 (MSPB 1981) when determining whether an action should be taken and in determining the appropriate penalty for misconduct. Proposing and Deciding Officials must also provide Office of Inspection, Discipline Management, with a written rationale outlining the reason(s) for their determinations. This Table supersedes any previously published versions.

The revised Table may be found on the Office of Inspection, Discipline Management, webpage at <http://156.9.232.31/oi/discipline-management/offenses-penalties.pdf>. If you need further information on discipline procedures and requirements, please consult your district or division's servicing Discipline Management Specialist listed at <http://156.9.232.31/oi/discipline-management/district-contacts.pdf>.

¹ Disciplinary actions are corrective actions up to suspensions of 14 calendar days. Adverse actions are suspensions of more than 14 calendar days, furlough without pay for up to 30 calendar days, reduction in grade or pay, or removal.

USMS Guidance Table of Disciplinary Offenses and Penalties				
Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
I. Attendance Issues				
a. Unexcused or unauthorized absence on scheduled day of work (AWOL in increments of 15 minutes or more)	To include absences of 8 hours or less to absences of 8 hours or more of AWOL. (Note: This absence does not have to be consecutive.) Also includes tardiness relating to reporting for duty, returning from lunch or break, and returning from an authorized absence from the workstation.	Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day Suspension to Removal
b. Recurring excessive unexcused or unauthorized absence	To include absences of five consecutive days or more	14-day Suspension to Removal	Removal	—
c. Violation of leave restrictions	A violation of properly imposed leave restrictions or instructions can be charged in addition to AWOL	Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day to Removal
d. Improper use of sick leave for any reason other than permitted under USMS Directive 3.4	Involves an employees' use of sick leave for reasons other than that which is authorized. For example: for a family vacation.	Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day to Removal

USMS Guidance				
Table of Disciplinary Offenses and Penalties				
Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
e. Failure to report for duty as detailed, transferred, or reassigned	This is not limited to employees who are under a mobility agreement. [<i>Ramos v. Federal Aviation Administration</i> , 4 M.S.P.R. 388, 4 M.S.B.P. 446 (1980); <i>Boykin v. United States Postal Service</i> , 1995 U.S. App. LEXIS 2183 (Fed. Cir. 1995) (nonprecedential decision)]	Removal	—	—
II. Fiscal Issues				
a. Submission of falsely stated travel vouchers, time and attendance, or other fiscal documents or their supporting documentation	Falsification occurs when an employee knowingly or in reckless disregard for the truth or with a conscious purpose to avoid learning the truth provides false information or withholds information with the intent to deceive or defraud. These elements can be established by direct or circumstantial evidence.	Reprimand to Removal	Removal	—
c. Failure to properly expend allocated resources		Reprimand to 14-day Suspension	14-day Suspension to Removal	Removal
d. Expenditure of allocated funds in excess of funds available		14-day Suspension to Removal	Removal	—

USMS Guidance				
Table of Disciplinary Offenses and Penalties				
Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
e. Unauthorized and/or improper use of property, government funds, or any other thing of value coming into an employee's custody as a result of employment		Reprimand to Removal	Removal	—
f. Misuse of government issued credit card for other than authorized purposes	To include using the card for personal purchases while in a travel status, extending authorized stay at hotel, and excessive ATM withdrawals. An extensive list of prohibitions is listed in the credit card policy.	Reprimand to 14-day Suspension	14-day Suspension to Removal	Removal
III. False Statements or Incorrect Official Documents				
a. Falsification, misrepresentation, or concealment of information or fact(s) in connection with an official government document or in any other official statement, oral or written	To include: employment documents or other matters under official investigation. Falsification occurs when an employee knowingly or in reckless disregard for the truth or with a conscious purpose to avoid learning the truth provides false information or withholds information with the intent to deceive or defraud. These elements can be established by direct or circumstantial evidence.	14 day Suspension to Removal	Removal	—

USMS Guidance				
Table of Disciplinary Offenses and Penalties				
Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
b. Lack of Candor	When an employee fails to disclose information that should have been disclosed in order to make the statement accurate and complete.	14 day Suspension to Removal	Removal	—
IV. Harassment/Discrimination				
a. Sexual Harassment	As defined in Title VII of the Civil Rights Act of 1964, as amended	5 day Suspension to Removal	Removal	—
b. Unprofessional or inappropriate conduct of a sexual nature	To include: teasing, jokes, actions, gestures, display of materials or remarks of a sexual nature	Reprimand to Removal	14-day to Removal	Removal
c. Retaliation against an employee resulting from or in connection with an allegation of sexual harassment	Any person who has been found to have engaged in the act of retaliation.	5 day Suspension to Removal	Removal	—
d. Creating and/or fostering a hostile working environment by any discriminatory activity	To include: intimidating employees by speech, behavior, gestures, etc. A hostile environment is created when the conduct is sufficiently severe or pervasive as to affect a term, condition or privilege of employment.	5-day Suspension to Removal	Removal	—
e. Discrimination against an employee or applicant for	Discrimination in the Federal government is prohibited by, among other laws and regulations, Title VII of the	5 day Suspension to Removal	14-day Suspension to Removal	Removal

USMS Guidance				
Table of Disciplinary Offenses and Penalties				
Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
employment because of race, color, sex, religion, national origin, age, disability, or sexual orientation. Retaliation against an employee having engaged in a protected activity or in reprisal for the exercise of an appeal right granted by any law, rule or regulation or for engaging in whistle blowing	Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, or national origin; the Equal Pay Act of 1963, which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination; the Age Discrimination in Employment Act of 1967, which protects individuals who are 40 years of age or older; Title I and Title V of the Americans with Disabilities Act of 1990 and ADA Amendments Act of 2008 (P.L. 110-325), revised, which prohibit employment discrimination against qualified individuals with disabilities.			
V. Law Enforcement Specific Offenses				
a. Improper association with a convicted felon or witness protection program participant, confidential source and/or persons connected with criminal activity.	All USMS employees are held accountable for this type of behavior.	Reprimand to Removal	Removal	—
b. Unintentional and improper		Reprimand to 5-day	5- to 14-day Suspension	14-day Suspension to

USMS Guidance Table of Disciplinary Offenses and Penalties				
Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
discharge of a firearm		Suspension		Removal
c. Intentional and improper discharge of a firearm		14-day Suspension to Removal	Removal	—
d. Improper or unauthorized use, display or possession of a firearm or other weapon	To include accidentally or unintentionally bringing a weapon into the building in vehicle, purse, brief case, and use of less than lethal force, etc.	1-day Suspension to Removal	Removal	—
e. Loss of a USMS issued badge or credential		Reprimand to 2-day Suspension	2- to 7-day Suspension	7- to 14-day Suspension
f. Loss of a USMS issued firearm	For example: a firearm that is stolen from an employee's Government Owned Vehicle or Private Owned Vehicle.	Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day to Removal
g. Intentional, reckless or negligent violation of rules governing searches and seizures	For example: A violation is 'intentional' when the act is foreseen and desired, and this foresight and desire resulted in the act through the operation of the doer's will. This can be proven by direct or circumstantial evidence. A violation is in 'reckless disregard of the rules' when the act was undertaken with conscious indifference to its possible consequences. This is a lesser included offense of a charge of intentional violation of rules governing searches and seizures. A	Reprimand to Removal	—	—

USMS Guidance				
Table of Disciplinary Offenses and Penalties				
Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
	violation is 'negligent' when it occurs because the person committing the violation failed to exercise the standard of care that a reasonably prudent person would have exercised in a similar situation. This is a lesser included offense of a charge of intentional violation of rules governing searches and seizures and of a charge of reckless disregard of rules governing searches and seizures			
h. Failure to secure or process evidence	For example: leaving evidence overnight without following proper storage procedures	Reprimand to 3-day Suspension	3- to 7-day Suspension	7- to 14-day Suspension
i. Failure to report misconduct related issues through the Chain of Command or to the Office of Internal Investigations in a timely fashion	All employees are required to report misconduct related issues, to include: theft, unauthorized use of an Government Owned Vehicle, falsifying documents, etc.	Reprimand to 3-day Suspension	3- to 7-day Suspension	7- to 14-day Suspension
j. Unauthorized interference with, refusing, or failing to submit to a properly ordered or authorized drug test	Including substituting, altering otherwise tampering with a urine sample	Removal	—	—
k. Unauthorized failure or refusal to submit to a	Only applies to those employees who are under medical standards as a	Removal	—	—

USMS Guidance				
Table of Disciplinary Offenses and Penalties				
Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
properly ordered physical examination or psychological examination	condition of continued employment			
VI. Failure to Follow				
a. Failure to follow supervisory instructions	An employee's refusal or noncompliance with a supervisor's instruction.	Reprimand to 7-day Suspension	7- to 14-day Suspension	14-day Suspension to Removal
b. Failure to follow written or oral instructions	An employee's noncompliance with agency rules, regulations, and/or policies.	Reprimand to 7-day Suspension	7 - day Suspension to Removal	14-day Suspension to Removal
VII. Negligent Work				
a. Sleeping while on duty		Reprimand to 3-day Suspension	3- to 14-day Suspension	14-day Suspension to Removal
b. Inattention to duty/careless workmanship	For example: an employee that has failed to pay attention to some detail of an assignment that has therefore caused some sort of problems or issue	Reprimand to 7-day Suspension	7- to 14-day Suspension	14-day Suspension to Removal
VIII. Health & Safety Issues				
a. Failure to follow proper safety procedures, posted rules,	For example: failing to wear the protective clothing as required on tactical assignments	Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day Suspension to Removal

USMS Guidance				
Table of Disciplinary Offenses and Penalties				
Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
signs, protective clothing and equipment procedures				
b. Failure to exercise proper hygiene and dress standard in the workplace		Reprimand to 5-day Suspension	5- to 14-day Suspension	14 day Suspension to Removal
IX. Security Issues				
a. Unauthorized disclosure of and/or failure to safeguard information protected by the Privacy Act, other official, sensitive, or classified information	Including: Disclosure of and/or failure to prevent access to classified or USMS Sensitive information to uncleared personnel or to persons not having a need-to-know; transmitting or transporting or sensitive information improperly; failure to properly secure, store, or dispose of classified or USMS Sensitive information; discussing or transmitting classified or USMS Sensitive information over non-encrypted systems.	Reprimand to Removal	2-day Suspension to Removal	5-day Suspension to Removal
b. Failure to submit required reinvestigation forms within prescribed timeframe or to attend scheduled security briefing	Including: Failure or refusal to properly complete or submit the SF-86 in a timely manner; failure to respond to attempts by the Personnel Security Section or authorized investigators to obtain missing personal background information.	Reprimand to 7-day Suspension	7- to 14-day Suspension	14-day Suspension to Removal
c. Inability to meet the requirements of	For example: Failure to maintain a security clearance required for the position	Removal	—	—

USMS Guidance Table of Disciplinary Offenses and Penalties				
Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
the position/ maintaining a clearance	based in information arising in background investigation or as a result a misconduct investigation.			
d. Sharing of or failure to protect passwords, failure to follow IT security policy, and/or exploitation of USMS's IT systems in a manner which undermines established system security protocols	Including: Sharing or fraudulent use of another user's password; improperly safeguarding passwords; processing classified information on unclassified systems; hacking into IT systems; attempting to access system information without proper authorization; tampering with the integrity of IT system security configurations or data; adding peripheral devices or unauthorized software/hardware to USMS's IT systems.	Reprimand to Removal	2-day Suspension to Removal	5-day Suspension to Removal
e. Failure to follow, attempts to bypass, or careless disregard for established physical and/or facilities security measures	Including: Failure to escort uncleared visitors or allowing them improper access to USMS controlled; disclosing secure combinations or access codes to unauthorized personnel; failure to display or fraudulent use of building pass.	Reprimand to Removal	2-day Suspension to Removal	5-day Suspension to Removal
X. Supervisory Misconduct				
a. Failure to properly supervise employees		Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day Suspension to Removal
c. Failure to		Reprimand to	5- to 14-day	14-day

USMS Guidance				
Table of Disciplinary Offenses and Penalties				
Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
enforce USMS policies/ regulations		5-day Suspension	Suspension	Suspension to Removal
XI. Conduct Prejudicial to the USMS/DOJ				
a. Failure to honor just debts without good cause	To include: personal credit debt as well as failing to pay the full account balance on a government issued credit card within the allotted timeframe	Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day Suspension to Removal
b. Damaging government property or the property of others		Reprimand to 14-day Suspension	14-day to Removal	Removal
c. Willful use or authorizing the use of any government owned or leased passenger vehicles, aircraft, or vessels for other than official purposes	Offense carries a mandatory penalty of 1-month suspension as defined in 31 USC 1349(b) To include any use that is not authorized under USMS policy as permissible use of an GOV.	30-day Suspension to Removal	60-day to Removal	Removal
d. Misuse of any government owned or leased passenger vehicles, aircraft, or vessels for other than official purposes.	Offense based on minor personal use of a GOV incidental to an authorized use.	Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day Suspension to Removal
e. Operating an official government vehicle while under the	Under the influence is defined in the Standards of Conduct.	60-day Suspension to Removal	Removal	—

USMS Guidance				
Table of Disciplinary Offenses and Penalties				
Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
influence of alcohol and/or drugs				
f. Disrespectful or unprofessional conduct	To include: use of insulting, abusive or obscene language, angry outbursts, disrespectful comments, provoking quarrels, or inappropriate remarks	Reprimand to 7-day Suspension	7- to 14-day Suspension	14-day Suspension to Removal
g. Unauthorized refusal to cooperate in an official U.S. Government inquiry or investigation	For example: refusal to answer work-related questions or attempting to influence others involved in an official Government investigation	14 day Suspension to Removal	Removal	—
h. Refusal to cooperate in an administrative investigation	Including refusal to answer questions of Office of Internal Investigation investigators or attempting to influence others involved in the inquiry	14- day Suspension to Removal	Removal	—
i. Reporting for duty under the influence of intoxicants or other drugs	Under the influence is defined in the Standards of Conduct.	5-day Suspension to Removal	Removal	—
j. Unauthorized possession of intoxicants on government owned or leased property	(This does not include being in possession of an unopened gift of a bottle of wine or alcoholic beverage)	5-day Suspension to Removal	Removal	—
k. Engaging in unauthorized	Outside employment must be approved prior to its start	Reprimand to 14-day	14- to Removal	Removal

USMS Guidance Table of Disciplinary Offenses and Penalties				
Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
outside employment		Suspension		
l. Improper operation of an official vehicle	To include violating traffic regulations	Reprimand to 7-day Suspension	7- to 14-day Suspension	14-day Suspension to Removal
m. Misuse of position/office	For example: the use of USMS systems to which you have access in connection with your position, to gain information for personal use	Reprimand to 7-day Suspension	7-day Suspension to Removal	14-day Suspension to Removal
n. Improper use of official authority or credentials	To include the use of your official credentials in an attempt to be provided preferential treatment because of your position with the USMS	Reprimand to 7-day Suspension	7- to 14-day Suspension	14-day Suspension to Removal
o. Conduct Unbecoming a USMS employee		Reprimand to Removal	7-day Suspension to Removal	14-day Suspension to Removal
p. Disorderly conduct, fighting, threatening or attempting to inflict bodily injury to another		Reprimand to 14-day Suspension	14-day to Removal	Removal
q. Gambling or unlawful betting on government owned or leased property	For example: placing bets on football pools, playing cards for profit on government owned or leased property	Reprimand to 5-day Suspension	5- to 14-day Suspension	14-day Suspension to Removal
r. Taking or attempting to take		14-day Suspension to	Removal	—

USMS Guidance Table of Disciplinary Offenses and Penalties				
Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
government property or the property of others without permission		Removal		
s. Unauthorized receiving of soliciting gifts or favors or bribes in connection with official duty		14-day Suspension to Removal	Removal	—
t. Criminal, dishonest, infamous, or notoriously disgraceful misconduct		14-day Suspension to Removal	Removal	—
u. Failure to report possible conflict of interests which relates to employee's position or duties	For example: having a financial interest in a company in which USMS is doing business and the employee stands to profit from his/her connection with the business	Reprimand to Removal	Removal	—
v. Conduct which creates a reasonable belief that the employee has committed a crime for which a sentence of imprisonment		Indefinite Suspension to Removal	Removal	—

USMS Guidance				
Table of Disciplinary Offenses and Penalties				
Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
may be imposed.				
w. Unauthorized use or possession of narcotics, dangerous drugs or marijuana		Removal	—	—
x. Discourteous conduct to the public	Using improper language to the public, clients, complainants, etc.	Reprimand to 5-day Suspension	5- to 10-day Suspension	14-day Suspension to Removal
y. Failure to provide required testimony	For example: not attending a hearing in which you have been scheduled to provide testimony	Reprimand to Removal	5-day Suspension to Removal	14-day Suspension to Removal
z. Concealing, removing, mutilating, altering, or destroying government records	For example: destroying time and attendance reports prior to records requirements for disposal	Reprimand to Removal	Removal	—
aa. Conducting unauthorized personal business while in a duty status	(Allowable use includes: minimal use of government equipment such as computers, copiers, and printers during lunch, breaks, and before & after work)	Reprimand to Removal	14-day Suspension to Removal	Removal
bb. Misuse of Internet and/or unauthorized use of federal telecommunication system, commercial long distance	To include: employees who send or download obscene or sexually related materials over the e-mail or visit obscene websites	Reprimand to Removal	14-day Suspension to Removal	Removal

USMS Guidance				
Table of Disciplinary Offenses and Penalties				
Type of Misconduct	Explanation of Offense	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
cc. Misrepresentation /Falsification of an application for employment or other personnel history record by omission or by making a false entry	To include: an employee or applicant who provides information on an application for employment that is incorrect	Removal	—	—
dd. Conviction law enforcement officer of a felony		Removal (mandatory under statute)	—	—
ee. Off duty misconduct	To include operation of POV while under the influence	Reprimand to 14 day Suspension	14- to 30 day Suspension	30 day Suspension to Removal
ff. Violations of the Code of Professional Responsibility		Reprimand to 14- day Suspension	14- to 30 day Suspension	30 day Suspension to Removal

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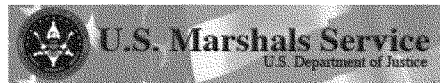


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Job Title: Assistant Director for Asset Forfeiture Division
Department: Department Of Justice
Agency: U.S. Marshals Service
Job Announcement Number: 800704

SALARY RANGE: \$119,554.00 to \$179,700.00 / Per Year
OPEN PERIOD: Thursday, December 13, 2012 to Thursday, January 10, 2013
SERIES & GRADE: ES-0340-00
POSITION INFORMATION: Full Time - Senior Executive Service (SES)
DUTY LOCATIONS: 1 vacancy in the following location:
 Arlington, VA United States [View Map](#)
WHO MAY APPLY: All groups of qualified individuals within the civil service as defined by 5 U.S.C. 2101
JOB SUMMARY:

[United States Marshals Service](#)

ASSET FORFEITURE DIVISION / ARLINGTON, VA

The United States Marshals Service (USMS) is the nation's oldest and most versatile federal law enforcement agency. The missions of the Service include protection of the judiciary, court security, witness security, asset seizure and forfeiture, apprehension of fugitives, prisoner transportation and custody.

Job Title: Assistant Director for Asset Forfeiture Division, ES-0340

Promotion Potential: 00

KEY REQUIREMENTS

- U.S. Citizenship Required.
- PCS paid move is authorized.
- Designated and/or Random Drug Testing required
- Background and/or Security Investigation required
- Must be able to obtain and maintain a Top Secret Clearance

DUTIES:[Back to top](#)

Serves as the Assistant Director for Asset Forfeiture Division, with full technical responsibility for managing, administering, and executing the development, implementation, and operation of programs, policies, and procedures pertaining to the United States Marshals Service Asset Forfeiture Division (AFD). The Asset Forfeiture Division provides support for the Marshals Service Headquarters, 94 Districts, and sub-offices nationwide and in Guam, Puerto Rico, the Virgin Islands, Mexico, Jamaica and the Dominican Republic. The incumbent of this position serves as the principal advisor to the Associate Director for Administration on all matters involving management of the United States Marshals Service Asset Forfeiture Division which involves the seizure, management, and disposal of forfeited properties and assets from illegal drug trafficking, racketeering, and other organized criminal activities. Provides policy advice and guidance to investigative, litigative, and custodial agencies relating to seized property issues. Oversees both private sector and government services used to secure, transport, store, maintain and dispose of seized and forfeited property. Ensures that resources are effectively and efficiently utilized; conducts periodic and comprehensive evaluations of program goals and objectives; adjusts or redefines goals and objectives as required. Provides positive direction and leadership to the AFD staff. Creates and maintains an atmosphere that promotes equal employment opportunity concepts, positive human relations, and open communication between employees and their superiors; represents the United States Marshals Service in meetings and conferences with high ranking government officials, representatives from state and local governments, officials from private and/or public organizations, and the general public. Establishes and maintains contacts with counterparts in other agencies in order to exchange key information and further the interests of the United States Marshals Service.

QUALIFICATIONS REQUIRED:[Back to top](#)**QUALIFICATIONS:**

Qualifications include an expert level in the Asset Forfeiture program, which includes the seizure, management, and disposal of forfeited properties and assets. This position requires a substantive knowledge of the policies and prescribed rules, regulations, and procedures governing the execution of the Asset Forfeiture program.

Executive Core Qualifications: To receive consideration, applicants for this position must demonstrate successful performance and creative leadership in prior managerial position(s). Applicants must demonstrate possession of competencies in the following Executive Core Qualifications (ECQ):

Exhibit 103

ECQ 1 - LEADING CHANGE: This core qualification involves the ability to bring about strategic change, both within and outside the organization, to meet organizational goals. Inherent to this ECQ is the ability to establish an organizational vision and to implement it in a continuously changing environment.

Leadership Competencies:**1. Creativity and Innovation**

Develops new insights into situations; questions conventional approaches; encourages new ideas and innovations; designs and implements new or cutting edge programs/processes.

2. External Awareness

Understands and keeps up-to-date on local, national, and international policies and trends that affect the organization and shape stakeholders' views; is aware of the organization's impact on the external environment.

3. Flexibility

Is open to change and new information; rapidly adapts to new information, changing conditions, or unexpected obstacles.

4. Resilience

Deals effectively with pressure; remains optimistic and persistent, even under adversity. Recovers quickly from setbacks.

5. Strategic Thinking

Formulates objectives and priorities, and implements plans consistent with the long-term interests of the organization in a global environment. Capitalizes on opportunities and manages risks.

6. Vision

Takes a long-term view and builds a shared vision with others; acts as a catalyst for organizational change. Influences others to translate vision into action.

ECQ 2 - LEADING PEOPLE: This core qualification involves the ability to lead people toward meeting the organization's vision, mission, and goals. Inherent to this ECQ is the ability to provide an inclusive workplace that fosters the development of others, facilitates cooperation and teamwork, and supports constructive resolution of conflicts.

Leadership Competencies:**1. Conflict Management**

Encourages creative tension and differences of opinions. Anticipates and takes steps to prevent counter-productive confrontations. Manages and resolves conflicts and disagreements in a constructive manner.

2. Leveraging Diversity

Fosters an inclusive workplace where diversity and individual differences are valued and leveraged to achieve the vision and mission of the organization.

3. Developing Others

Exhibit 103

Develops the ability of others to perform and contribute to the organization by providing ongoing feedback and by providing opportunities to learn through formal and informal methods.

4. Team Building

Inspires and fosters team commitment, spirit, pride, and trust. Facilitates cooperation and motivates team members to accomplish group goals.

ECQ 3 - RESULTS DRIVEN: This core qualification involves the ability to meet organizational goals and customer expectations. Inherent to this ECQ is the ability to make decisions that produce high-quality results by applying technical knowledge, analyzing problems, and calculating risks.

Leadership Competencies:**1. Accountability**

Holds self and others accountable for measurable high-quality, timely, and cost-effective results. Determines objectives, sets priorities, and delegates work. Accepts responsibility for mistakes. Complies with established control systems and rules.

2. Customer Service

Anticipates and meets the needs of both internal and external customers. Delivers high-quality products and services; is committed to continuous improvement.

3. Decisiveness

Makes well-informed, effective, and timely decisions, even when data are limited or solutions produce unpleasant consequences; perceives the impact and implications of decisions.

4. Entrepreneurship

Positions the organization for future success by identifying new opportunities; builds the organization by developing or improving products or services. Takes calculated risks to accomplish organizational objectives.

5. Problem Solving

Identifies and analyzes problems; weighs relevance and accuracy of information; generates and evaluates alternative solutions; makes recommendations.

6. Technical Credibility

Understands and appropriately applies principles, procedures, requirements, regulations, and policies related to specialized expertise.

ECQ 4 - BUSINESS ACUMEN: This core qualification involves the ability to manage human, financial, and information resources strategically.

Leadership Competencies:**1. Financial Management**

Exhibit 103

Understands the organization's financial processes. Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities.

2. Human Capital Management

Builds and manages workforce based on organizational goals, budget considerations, and staffing needs. Ensures that employees are appropriately recruited, selected, appraised, and rewarded; takes action to address performance problems. Manages a multi-sector workforce and a variety of work situations.

3. Technology Management

Keeps up-to-date on technological developments. Makes effective use of technology to achieve results. Ensures access to and security of technology systems.

ECQ 5 - BUILDING COALITIONS: This core qualification involves the ability to build coalitions internally and with other Federal agencies, State and local governments, nonprofit and private sector organizations, foreign governments, or international organizations to achieve common goals.

Leadership Competencies:**1. Partnering**

Develops networks and builds alliances; collaborates across boundaries to build strategic relationships and achieve common goals.

2. Political Savvy

Identifies the internal and external politics that impact the work of the organization. Perceives organizational and political reality and acts accordingly.

3. Influencing/Negotiating

Persuades others; builds consensus through give and take; gains cooperation from others to obtain information and accomplish goals.

Fundamental Competencies: These competencies are the foundation for success in each of the Executive Core Qualifications.

Competencies:

1. Interpersonal Skills

Treats others with courtesy, sensitivity, and respect. Considers and responds appropriately to the needs and feelings of different people in different situations.

2. Oral Communication

Makes clear and convincing oral presentations. Listens effectively; clarifies information as needed.

3. Integrity/Honesty

Behaves in an honest, fair, and ethical manner. Shows consistency in words and actions. Models high standards of ethics.

4. Written Communication

Writes in a clear, concise, organized, and convincing manner for the intended audience.

5. Continual Learning

Assesses and recognizes own strengths and weaknesses; pursues self-development.

6. Public Service Motivation

Shows a commitment to serve the public. Ensures that actions meet public needs; aligns organizational objectives and practices with public interests.

MANDATORY TECHNICAL QUALIFICATIONS:

Please include information on the scope and complexity of your experience in the following Technical Qualifications.

1. Experience in leading and managing others within a national organization responsible for the management and oversight of assets subject to forfeiture. This includes extensive knowledge of asset management; budget and acquisition policies; and internal control procedures.
2. Demonstrated knowledge and experience in managing and overseeing a nationwide pre-seizure/financial investigation program, including domestic and international forfeiture operations.
3. Demonstrated experience in developing, managing, and overseeing strategic long-range planning, budgeting, and work force planning in order to define strategic goals/priorities and directing the formulation of plans to achieve them.

Must be able to obtain and maintain a Top Secret Clearance.

HOW YOU WILL BE EVALUATED:

Once your completed application is received, we will conduct an evaluation of your qualifications and determine your ranking. The most highly qualified candidates will be referred to the hiring manager for further consideration and possible interview.

BENEFITS:[Back to top](#)

The Department of Justice offers a comprehensive benefits package that includes, in part, paid vacation; sick leave; holidays; telework; life insurance; health benefits; and participation in the Federal Employees Retirement System. This link provides an overview of the benefits currently offered to Federal employees: <http://www.usajobs.gov/EI/benefits.asp#icc>.

OTHER INFORMATION:

Selective Service: If you are a male applicant born after December 31, 1959, you must certify that you have registered with the Selective Service System, or are exempt from having to do so under the Selective Service Law. See www.sss.gov.

Exhibit 103

You will be required to complete a Confidential Financial Disclosure Report, SF-278, thirty days after assuming position. You will need to provide the information annually.

If you are new to the Senior Executive Service, you will be required to serve a probationary period of one year.

HOW TO APPLY:[Back to top](#)

To be considered for this position, you must submit a complete Application Package. All materials must be received by 11:59 p.m. EST, Thursday, January 10, 2013 to be considered. Please follow the instructions listed below for submitting the Occupational Questionnaire, Résumé, and Required Documents. Please read all instructions before you begin. You are solely responsible for the delivery of your materials. We cannot be responsible for incompatible software, illegible fax transmissions, etc.

To begin the process, click the Apply Online button at the bottom of this screen to create an account or log into your existing USAJOBS account. Follow the prompts to complete the occupational questionnaire. Please ensure you click the Submit My Answers button at the end of the process.

Note: To return to a previously Saved or Incomplete application you may use the following link:
<https://applicationmanager.gov/>.

To fax supporting documents you are unable to upload, complete this cover page
<http://staffing.opm.gov/pdf/usascover.pdf> using the following Vacancy ID 692628. Fax your documents to 1-478-757-3144.

If you cannot apply online:

1. Click the following link to view and print the occupational questionnaire View Occupational Questionnaire, and
2. Print this 1203FX form to provide your response to the occupational questionnaire
<http://www.opm.gov/forms/pdfimage/opm1203fx.pdf> and
3. Fax the completed 1203FX form along with any supporting documents to 1-478-757-3144. Your 1203FX will serve as a cover page for your fax transmission.

REQUIRED DOCUMENTS:

Applicants must submit the following: Applicants may choose one of three job application procedures. You may submit: 1) an Optional Form 612, Optional Application for Federal

Exhibit 103

Employment or 2) a resume (please note that there are minimum requirements for resume content which are described in OPM Pamphlet OF-510, "Applying for a Federal Job" (copies are available in most Federal agencies). In addition, if you are a current or recent Federal employee, you must submit a performance appraisal issued within the past 12 months, or if none exists, a statement to that effect and a copy of your latest Notification of Personnel Action (SF-50).

All applicants must submit a separate supplementary statement addressing each of the Executive Core Qualifications and Technical Qualification (TQ) requirements listed above. For each ECQ and TQ, no more than two pages for each element will be accepted. **Please do not submit ECQ's and TQ's as one document.**

A narrative statement specifically addressing the Executive Core Qualifications (ECQs), and mandatory technical qualifications. For more information on the ECQs, go to <http://www.opm.gov/ses/recruitment/ecq.asp>. If you are currently a member of the SES, you do not need to address the ECQs but you will need to address the Technical Qualifications.

If you are a current or former federal employee with reinstatement eligibility, you must submit a copy of your last Notification of Personnel Action (SF-50) showing your position, title, series, grade and eligibility.

AGENCY CONTACT INFO:

*Agency Information:
U S Marshals Service
HRD
Washington, DC
20530-1000
USA*

WHAT TO EXPECT NEXT:

We expect to make a selection within 45 days of the closing date of this announcement. You will be notified of the outcome.

EEO Policy Statement: <http://www.usajobs.gov/eo>

Reasonable Accommodation Policy Statement: <http://www.usajobs.gov/raps>

USAJOBS - Search Jobs



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Exhibit 103Veterans Information: <http://www.usajobs.gov/vi>Legal and Regulatory Guidance: <http://www.usajobs.gov/lrg>[Back to top](#)[< Back to Results](#)

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Contact Us	Help/FAQs		Privacy Act and Public Burden Information	FOIA	About Us	USA.gov

This is a United States Office of Personnel Management website.
USAJOBS is the Federal Government's official one-stop source for Federal jobs and employment information.

AFD - AD

POSITION DESCRIPTION (Please Read Instructions on the Back)						1. Agency Position No. 10099	
2. Reason for Submission <input checked="" type="checkbox"/> Reestablishment <input type="checkbox"/> Reestablishment Explanation (Show any positions replaced) Replaces PD#28137		3. Service <input checked="" type="checkbox"/> Hdqtrs <input type="checkbox"/> Field		4. Employing Office Location ARLINGTON, VA		5. Duty Station ARLINGTON, VA	
7. Fair Labor Standards Act <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt		8. Financial Statements Required <input type="checkbox"/> Executive Personnel Financial Disclosure <input type="checkbox"/> Employment and Financial Interest		9. Subject to IA Action <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		10. Position Status <input type="checkbox"/> Competitive <input type="checkbox"/> Excepted (Specify in Remarks) <input type="checkbox"/> SES (Gen.) <input checked="" type="checkbox"/> SES (CR)	
11. Position is <input type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input type="checkbox"/> Neither		12. Sensitivity <input type="checkbox"/> 1-Non-Sensitive <input type="checkbox"/> 3-Critical <input type="checkbox"/> 2-Noncritical Sensitive <input type="checkbox"/> 4-Special Sensitive		13. Competitive Level Code		14. Agency Use	
15. Classified/Graded by		Official Title of Position		Pay Plan		Occupational Code	
a. Office of Personnel Management							
b. Department, Agency or Establishment							
c. Second Level Review		ASSISTANT DIRECTOR FOR ASSET FORFEITURE		ES		1811	
d. First Level Review							
e. Recommended by Supervisor or Initiating Office							
16. Organizational Title of Position (If different from official title)				17. Name of Employee (If vacant, specify)			
18. Department, Agency, or Establishment DEPARTMENT OF JUSTICE				c. Third Subdivision			
a. First Subdivision UNITED STATES MARSHALS SERVICE				d. Fourth Subdivision			
b. Second Subdivision				e. Fifth Subdivision			
Employee Review-This is an accurate description of the major duties and responsibilities of my position.				Signature of Employee (optional)			
20. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that				this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.			
a. Typed Name and Title of Immediate Supervisor DONALD S. DONOVAN ASSOCIATE DIRECTOR FOR ADMINISTRATION				b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)			
Signature  Date 2/9/10				Signature _____ Date _____			
21. Classification/Job Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.				22. Position Classification Standards Used in Classifying/Grading Position			
Typed Name and Title of Official Taking Action  Date 2/8/2010				Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.			
23. Position Review		Initials		Date		Initials	
a. Employee (optional)							
b. Supervisor							
c. Classifier							
24. Remarks							
25. Description of Major Duties and Responsibilities (See Attached)							

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OF 8 (Rev. 1-88)
U.S. Office of Personnel Management
PPM Chapter 295

**ASSISTANT DIRECTOR FOR ASSET FORFEITURE
ES-1811**

I. INTRODUCTION:

The United States Marshals Service, a law enforcement agency of the Federal government, is primarily responsible for supporting the Federal Judiciary in activities which facilitate litigation and protect the integrity of the judicial process. The activities of the United States Marshals Service include: ensuring the safety of the Federal Judiciary and other court officers; maintaining order during court proceedings; maintaining security of deliberating and sequestered juries; apprehending Federal fugitives; maintaining security of key government witnesses and their families; guarding and transporting Federal prisoners; providing assistance in matters of federal emergencies involving civil disturbances; operating the Asset Forfeiture program; and serving process.

The incumbent of this position serves as the Assistant Director for Asset Forfeiture with full technical responsibility for managing, administering, and executing the development, implementation, and operation of programs, policies, and procedures pertaining to the United States Marshals Service Asset Forfeiture Program.

II. DUTIES AND RESPONSIBILITIES:

1. Serves as the principal advisor to the Associate Director for Administration on the Asset Forfeiture Program which involves the seizure, management, and disposal of forfeited properties and assets from illegal drug trafficking, racketeering, and other organized criminal activities.
2. Manages and administers the Asset Forfeiture program. Provides policy advice and guidance to investigative, litigative, and custodial agencies relating to seized property issues. Manages a delivery system, using both private sector and government services to secure, transport, store, maintain, and dispose of seized and forfeited property; arranges for the sale of forfeited property; establishes a national inventory of seized property; and collects and analyzes data related to the costs and benefits of seized property management options, including, but not limited to storage, security, maintenance, and sales options.
3. Formulates policy and prescribes rules, regulations, and procedures governing the execution of the Asset Forfeiture program. Establishes cost-accounting and management controls governing the seized and forfeited property in conjunction with the Assistant Director for Financial Services.
4. Coordinates international forfeiture actions in concert with other components of the Department of Justice and foreign governments. Provides training, advice, and assistance to foreign governments on asset forfeiture related matters.
5. Directs the United States Marshals Service national pre-seizure investigative program.

6. Ensures that resources are effectively and efficiently utilized. Conducts periodic comprehensive evaluations of goals and objectives; adjusts or redefines goals and objectives as required. Continuously analyzes program areas to identify problem areas and those in need of improvement. Directs and evaluates special studies for the purpose of determining the effectiveness of the United States Marshals Service Asset Forfeiture Program.
7. Participates in budget preparation, review, and defense. Projects annual resource requirements and submits requests/justifications. Based on resource allocations, determines which programs and/or projects to initiate, curtail, or drop. Monitors and justifies major program expenditures.
8. Provides positive direction to subordinate organizational levels and resolves differences between key subordinate officials. Creates and maintains an atmosphere that promotes equal employment opportunity concepts, positive human relations, and open communications between employees and their superiors.
9. Represents the United States Marshals Service in meetings and conferences with high ranking government officials, representatives from state, local, and foreign governments, officials from private and/or public organizations, and the general public. Establishes and maintains contacts with counterparts in other agencies in order to exchange key information and further the interests of the United States Marshals Service.

Performs other duties as assigned.

III. SUPERVISORY RESPONSIBILITIES:

Through subordinate managers, the incumbent is responsible for the management and executive direction of a staff of professional, administrative, technical, and clerical personnel in the execution of the above duties.

IV. CONTROLS OVER THE WORK:

This position is under the general and administrative direction of the Associate Director for Administration, United States Marshals Service. The incumbent performs duties with unusual latitude for independent determinations in accordance with the Marshals Service needs and in compliance with objectives established by the Attorney General and legislation pertinent to the Marshals Service. The incumbent keeps the Associate Director for Administration apprised of work progress, major work problems, and program results through periodic conferences and written reports.

V. QUALIFICATIONS:

Successful performance in this position requires progressively responsible experience in the management and administration of law enforcement programs. Previous experience in legal or investigative work, which provided a sound knowledge of judicial and criminal operations, is

necessary. This position also requires a high level of managerial and administrative expertise. Other required managerial traits are awareness of social and political forces which impact on the law enforcement programs, knowledge of personal and physical security techniques, understanding of the missions of agencies with related functions, ability to represent the Marshals Service at the highest levels of government, and the ability to delegate authority and control activities through subordinate managers.

SPECIAL REQUIREMENTS:

TRAVEL IS REQUIRED

TOP SECRET CLEARANCE IS REQUIRED

**THIS POSITION IS A DRUG-TESTING DESIGNATED POSITION SUBJECT TO
RANDOM TESTING**

**THE INCUMBENT OF THIS POSITION MUST HAVE PRIOR EXPERIENCE IN A
PRIMARY LAW ENFORCEMENT POSITION AND IMMEDIATE PRIOR
EXPERIENCE IN A POSITION APPROVED FOR COVERAGE UNDER 5 U.S.C. 8336 C
(1) OR 5 U.S.C. (D) SINCE THIS POSITION INCLUDES RESPONSIBILITIES
DIRECTLY INVOLVING THE INVESTIGATION OF CRIMINAL ACTIVITIES.**

To: Dickinson, Lisa (USMS) [REDACTED]
From: [REDACTED] (USMS)
Sent: Tue 11/12/2013 4:56:19 PM
Subject: RE: Alternative Dispute Resolution (ADR) Notification Follow Up (attachments included)

But of course! I will send that to him as well.

[REDACTED]
Human Resources Division

U.S. Marshals Service
[REDACTED]

From: Dickinson, Lisa (USMS)
Sent: Tuesday, November 12, 2013 9:03 AM
To: [REDACTED] (USMS)
Subject: RE: Alternative Dispute Resolution (ADR) Notification Follow Up (attachments included)

When it was advertised in 2012, it was as a 301. That was how Kim was able to apply.

Lisa M. Dickinson

Acting Associate Director for Administration

U.S. Marshals Service
[REDACTED]



From: [REDACTED] (USMS)
Sent: Tuesday, November 12, 2013 9:02 AM
To: Dickinson, Lisa (USMS)
Subject: Re: Alternative Dispute Resolution (ADR) Notification Follow Up (attachments included)

I didn't know it was a 301 as well - I'll check on that.

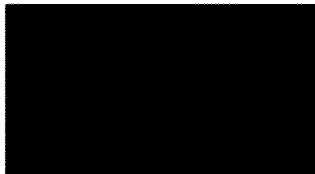
From: Dickinson, Lisa (USMS)
Sent: Tuesday, November 12, 2013 08:00 AM Central Standard Time
To: [REDACTED] (USMS)
Subject: RE: Alternative Dispute Resolution (ADR) Notification Follow Up (attachments included)



The PD that was sent him for the AD, AFD position was an 1811. However, I believe that position has also been classified as a 301. Is there some reason that was not sent to him as well?

Lisa

Lisa M. Dickinson
Acting Associate Director for Administration
U.S. Marshals Service



From: Crane, Jennifer
Sent: Monday, January 07, 2013 7:59 PM
To: Bass, Pam (USMS)
Subject: K Beal Technical Qualifications 01072013 (Autosaved).docx

Here you go – the 3 Technicals are on here for your review, there are some margin notes for you ---
Kim has reviewed 1 and 2 – she thinks 2 definitely needs work, as shown by the comments. She has not reviewed 3.

[REDACTED]

Filename: Eben Morales Resume July 2 2012
Directory: H:
Template: C:\Users\LayD\AppData\Roaming\Microsoft\Templates\Normal.d
otm
Title:
Subject:
Author: [REDACTED]
Keywords:
Comments:
Creation Date: 7/2/2012 3:39:00 PM
Change Number: 2
Last Saved On: 7/2/2012 3:39:00 PM
Last Saved By: Crane, Jennifer
Total Editing Time: 1 Minute
Last Printed On: 10/12/2016 11:11:00 AM
As of Last Complete Printing
Number of Pages: 1 (approx.)
Number of Words: 1,238
Number of Characters: 8,156

[REDACTED]

From: [REDACTED]
Sent: Friday, June 14, 2013 11:05 AM
To: [REDACTED]
Subject: Hello!

[REDACTED]


Hope all is well this morning...

Just wanted to pass along the news (at least to *me*) about the USMS position we discussed. I received an automated email this morning from USMS stating: "The agency has cancelled this announcement. The vacancy will be reannounced in the very near future. Please check the USAJobs website periodically to see the new announcement." Interesting.

Look forward to chatting with you again soon.

Thanks,

[REDACTED]

SES DETAIL OPPORTUNITY	
OPEN DATE: September 19, 2013	CLOSE DATE: October 2, 2013
POSITION: (Acting) Assistant Director for Asset Forfeiture Division	Announcement Number: SES-13-001HQ
LOCATION: Headquarters - Arlington, Virginia	
<p>This detail opportunity is open to all Headquarters Asset Forfeiture Division personnel at the GS-14 and 15 levels assigned within the local commuting area (Arlington, Virginia). The detail is not to exceed one year. If you are interested in being considered for this position, you must submit your resume via email not later than the closing date of the announcement to the point of contact listed below. Applicants must demonstrate in their resume that they possess the necessary knowledge, skills, abilities and leadership competencies to be considered for this position. The incumbent will be required to travel.</p> <p>The Assistant Director for Asset Forfeiture serves as the principal advisor to the Associate Director for Administration on the Asset Forfeiture Program which involves the seizure, management and disposal of forfeited properties and assets from illegal drug trafficking, racketeering and other organized criminal activities. The Assistant Director also provides policy advice and guidance to investigative, litigation and custodial agencies relating to seized property issues. Additionally, the Assistant Director manages a delivery system, using both private sector and government services to secure, transport, store, maintain and dispose of seized and forfeited property; arrange for the sale of forfeited property; establish a national inventory of seized property; and collect and analyze data related to the costs and benefits of seized property management options, including, but not limited to storage, security, maintenance and sales options. Finally, the Assistant Director represents the United States Marshals Service in meetings and conferences with high ranking government officials, representatives from state, local and foreign governments, officials from private and/or public organizations and the general public.</p> <p>Selection for this position is based on the needs of the United States Marshals Service and without regard to sex, race, creed, color, national origin, age, union membership or political affiliation.</p> <p>The Director serves as the final selecting official for this position.</p>	
<p align="center">Send resume to:</p> <p align="center">[Redacted]</p> <p align="center">Human Resources Division Executive.Resources@usdoj.gov Tel: [Redacted]</p>	

UNITED STATES MARSHALS SERVICE
DETAIL CERTIFICATE

POSITION TITLE, SERIES & GRADE:

(Acting) Assistant Director, Asset Forfeiture Division—ES-0340/1811-00

DUTY LOCATION:

Arlington, Virginia

DATE OF CERTIFICATE:

October 11, 2013

ANNOUNCEMENT NUMBER:

SES-13-001HQ

OPENING DATE:

September 19, 2012

CLOSING DATE:

October 2, 2013

ACTION

CANDIDATE

GRADE

S

Beal, Kimberly A.

GS-15

CERTIFYING OFFICIAL:



SELECTING OFFICIAL:

Stacia A. Hylton
Director10/11/13
Date10/11/13
Date

ACTION CODES:

S / Selected

N / Non-Selected

DP / Declined Position

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United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.10 MERIT PROMOTION PLAN

- A. Purpose:** This section has been developed in compliance with the merit promotion requirements set forth by the Office of Personnel Management (OPM) in the Federal Personnel Manual (FPM), Chapter 335, and by the Department of Justice (DOJ) in DOJ Order 1335. It provides the mechanisms for affording merit staffing and promotional opportunities to status candidates within the USMS in particular and the DOJ in general. (At the option of the USMS, those from outside the DOJ may also be invited to apply under this plan. However, such invitations do not convey agency appeal rights to those individuals.)
- B. Policy:** The USMS fills positions from among the best-qualified candidates on the basis of merit. Non-merit considerations--such as favoritism, personal relationship (nepotism) or patronage--will not enter into the promotion process. All actions under this plan--including evaluation of qualifications, identification of best-qualified candidates, referrals, and selections--will be made without regard to race, religion, color, national origin, sex, age, non-disqualifying physical handicap, political affiliation, membership or non-membership in an employee organization, or marital status. Any official who is found to have improperly discriminated on the basis of any of the non-merit considerations listed above when rating employees or making selections will be subject to disciplinary action.
- C. Career Board (CB):** The CB is composed of senior career USMS employees. All CB appointments are made by the Director. The CB makes recommendations to the Director or designee, who determines which positions will be filled using CB procedures.
- D. Definitions:**
1. **Area of Consideration:** the area in which the search for eligible candidates is conducted in connection with a specific vacancy. The MINIMUM AREA OF CONSIDERATION is the area designated by this plan in which the agency may reasonably expect to locate a sufficient number of highly qualified candidates as determined by the USMS, to fill vacancies in positions covered by the plan.
 2. **Best-qualified Candidates:** those who rank at the top of the merit promotion list when measured against other eligible candidates.
 3. **Highly Qualified:** candidates who possess the knowledge, abilities, skills and other characteristics required for the position to a degree that substantially exceeds that which is considered minimally qualifying.
 4. **Qualified:** candidates who meet the established qualification requirements described in OPM Handbook X-118.
 5. **Ineligible:** candidates who are eliminated from consideration because their applications do not indicate compliance with the basic eligibility requirements for the position described in OPM Handbook X-118, the time-in-grade requirement or the administrative requirements.

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6. **Career Appointment:** a permanent appointment to a position in the competitive service given to an employee who has completed three substantially continuous years of creditable federal service.
7. **Career-conditional Appointment:** a permanent appointment to a position in the competitive service given to a person who has not yet completed three substantially continuous years of creditable federal service.
8. **Career Ladder:** an occupational grouping of positions through which successive promotions can be made from entrance level to full-performance level without current competition if:
 - a. The employee was, at an earlier stage, selected from an OPM register under competitive promotion procedures or under a noncompetitive appointing authority for a position with an established career ladder.
 - b. The fact that the assignment was intended to prepare the employee for the higher-grade duties is a matter of record and was made known at the time the position was advertised.
9. **Career Promotion:** the noncompetitive promotion of an employee appointed to an entry- or intermediate-level position designed to prepare the incumbent for the full-performance level of the position being filled. Successive noncompetitive promotions may occur until the full-performance level is reached.
10. **Competitive Service Positions:** all positions that are not specifically excepted from civil service laws by statute or by the Office of Personnel Management.
11. **Job Analysis:** the systematic process of collecting and making judgments about all the pertinent information relating to a job. The results of job analyses are used for many purposes, such as developing new qualification or classification standards and identifying performance standards. In the context of this plan, the purpose is to provide a job-related basis for evaluation and selection.
12. **Job Element:** knowledge, ability, skill or other characteristic necessary for successful job performance.
13. **Knowledge, Abilities, Skills and Other Characteristics (KASOs):** worker characteristics typically associated with successful job performance. They are identified through a job analysis and provide the basis for the development of the crediting plan, performance standards, etc.
14. **Crediting Plan:** a document used in the evaluation process that prescribes the way in which points or other values will be awarded for pertinent experience, supervisory appraisals, education and training, awards as appropriate, test scores, etc. (also known as a rating guide).
15. **Detail:** the temporary assignment of an employee to a position for a specified period, with the employee returning to his or her regular duties at the end of the detail. Details generally do not include promotions. Technically, a position is not filled by a detail, and the employee continues to be the incumbent in the position from which he or she was detailed.
16. **Demotion:** the change of an employee to:

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- a. A lower grade when both the old and new positions are under the general schedule or under the same wage-grade schedule.
 - b. A position with a lower rate of basic pay when both the old and new positions are under the same type of ungraded wage schedule or in different pay method categories.
- 17. **Law Enforcement Positions:** positions in a two-grade interval series that meet the law enforcement retirement criteria for primary or secondary coverage.
- 18. **Priority Consideration:** giving consideration first to a candidate who was not given proper consideration in a previous competitive promotion action before other eligible merit promotion candidates are considered. However, the selecting official is required neither to select nor to state a reason for not selecting the employee to whom priority consideration has been afforded.
- 19. **Promotion:** the change of an employee to either a higher grade level within the same job classification and pay schedule or to a position with a higher rate of basic pay in a different job classification system and pay schedule.
- 20. **Promotion Appraisal:** a written assessment of the degree to which an employee possesses the KASOs identified as important for successfully performing the position being filled.
- 21. **Promotion Certificate:** a list of candidates who were determined through the evaluation process to be the best qualified for a position. The alphabetical list is submitted to the selecting official.
- 22. **Promotion Potential:** This term is used to describe those positions from which career promotions can be made. Positions with known promotion potential include:
 - a. Those filled at a grade(s) below the established or anticipated grade level
 - b. Career-ladder positions
 - c. Apprentice and trainee positions
 - d. Understudy positions
- 23. **Qualification Standards:** statements of the minimum requirements established by OPM for a position. They may be supplemented by selective factors if the duties of a job justify it.
- 24. **Qualified/Eligible:** candidates who meet all minimum qualifications, including appropriate selective factors, and all legal, regulatory and administrative requirements for a position.
- 25. **Ranking:** the process of arranging eligible candidates by their overall ratings.
- 26. **Rating:** the process of assessing the qualifications of candidates to determine basic eligibility and the degree to which they possess the KASOs required for successful performance in the job to be filled.
- 27. **Rating Guide:** synonymous with crediting plan.

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28. **Reassignment:** when an employee switches from one position to another without promotion or demotion.
29. **Recommending Official:** appropriate U.S. Marshal, division or staff office chief, etc. for positions over which the Director has final approval (generally GS-13 and above).
30. **Selecting Official:** the Director, USMS, or appropriate division or staff office chief with authority to select the individual who will fill a position.
31. **Selective Factors:** knowledge, abilities, or skills that are essential for satisfactory performance in a position. Such factors are in addition to the minimum qualification standards set by OPM and constitute part of the minimum eligibility requirements. Selective factors must be stated in the vacancy announcement, required by the position, and documented in the position description.
32. **Temporary Promotion:** qualified employees who receive temporary promotions to vacant positions for no more than 120 days. Competition is required for temporary promotions of more than 120 days.
33. **Term Promotion:** the promotion of an employee for a period of between two and four years to complete a designated assignment. Upon approval by OPM, a term promotion may be extended for an additional year for a total of five years.
34. **Vacancy Announcement:** the means by which an available position is advertised. The announcement states the location of the vacancy, the qualifications required and other pertinent information.

E. Responsibilities:

1. **Managers and Supervisors:**
 - a. Support merit system principles, promote the program within their areas of authority, and ensure compliance with the spirit and procedural requirements of the merit system.
 - b. Complete promotion appraisals on employees in an impartial and timely manner.
 - c. Serve on ad hoc or other rating panels and otherwise participate in the merit promotion process.
2. **Human Resources Division:**
 - a. Issue and implement guidelines, revisions and supplements in accordance with appropriate regulations and merit system principles.
 - b. Periodically evaluate policy and merit promotion plan effectiveness.
 - c. Issue policy and assist in filling headquarters and in-district vacancies.
 - d. Staff all national USMS law enforcement vacancies.
 - e. Rate and rank applications for positions covered by this plan.
3. **Employees:**
 - a. Ensure that their merit promotion plan applications are complete and up-to-date.

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- b. Apply for vacancies for which they wish to be considered. Employees who wish to be considered for non-bargaining-unit vacancies that occur while they are temporarily absent for leave, detail, training or other appropriate reasons are also responsible for providing written notification of:
 - 1) The types of vacancies for which they would like to be considered during their absence
 - 2) The dates of their absence
 - 3) All required applications and submissions
 - c. The written notification should be forwarded to the Human Resources Division.
 - 4. **Merit Promotion Staff:**
 - a. Rate, rank and authenticate all of the application packages received from candidates for the following positions: Chief Deputy U.S. Marshal, Supervisory Deputy U.S. Marshal and all other law enforcement positions GS-11 and above not included in a bargaining unit.
 - b. Recommend appropriate administrative review in cases where it is determined that candidates for the above positions may have submitted inaccurate or misleading information in their promotion packages or during the interview process. Appropriate action, including disciplinary action, may be taken upon verification.
 - c. Recommend to the Director procedural and other changes relating to merit promotion procedures in law enforcement positions covered by this plan.
 - 5. **Selecting Officials:** Designated by the Director, these officials select candidates for positions covered by this plan. When other than the Director, the selecting official is normally the supervisor of the position being filled. For positions at the GS-13 level and above, however, the Director may appoint an ad hoc panel of two to three individuals to serve as the selecting officials. Whenever an ad hoc panel serves as the selecting official, the individuals appointed to it should be in positions of at least the same grade as the position being filled.
- F. **Coverage:**
 - 1. **Position Coverage:**
 - a. The provisions of this plan are applicable to all competitive service positions within the USMS up to and including the GS-15 level, that meet the definition of supervisor and/or management official, and to any other competitive service positions excluded from the bargaining unit in the USMS.
 - b. Positions within a bargaining unit are covered by separate procedures. Senior Executive Service (SES), attorney, law clerk positions, and positions at the GS-16/17/18 levels will be filled in accordance with applicable DOJ and OPM procedures.
 - 2. **Covered Personnel Actions:** The competitive provisions of the plan apply to the personnel actions listed below when they are taken in connection with positions also included under the coverage of the plan.

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- a. All promotions except those listed under Excluded Personnel Actions.
 - b. Reassignments, transfer, or demotion to a position with more promotion potential than the position last held except as permitted by regulations governing reduction-in-force (RIF) and the placement of employees entitled to a retained grade.
 - c. Movement between pay schedules or classification systems which would be a change to a higher representative rate of pay.
 - d. Reinstatement to a permanent or temporary position up to the highest grade previously held on a permanent basis under a career or career-conditional appointment when demoted or separated for cause.
 - e. Transfer from a position in another agency to a higher graded one within the USMS.
 - f. Selection for training which would give an employee a significant advantage in competing for subsequent promotion, or which is a prerequisite for entry into a different career ladder.
 - g. Temporary promotions in excess of 120 days. Service under all temporary promotions, term promotions, and details to higher-graded positions that occurred during the preceding twelve months is counted toward the 120-day limitation.
 - h. Term promotions (unless an exclusion under Excluded Personnel Actions applies, in which case see Temporary Details/Promotions Longer Than 120 Days.
 - i. Selection for details of more than 120 days to a higher-graded position or to a position with known promotion potential.
3. **Excluded Personnel Actions:** Competitive procedures do NOT apply to the following actions:
- a. **Career Promotions:**
 - 1) **Promotions within a career ladder:** An employee may be noncompetitively promoted to any grade within a career ladder and may move noncompetitively to other positions at the same grade level with no higher career ladders when both of the following criteria have been met:
 - The employee was originally appointed to a position with an established career ladder from a civil service register, under a noncompetitive appointing authority or under competitive promotion procedures.
 - The fact that the initial selection could lead to subsequent promotions within the career ladder without further competition was made known in advance to all potential applicants.
 - 2) Promotion of employees from trainee, understudy, or other positions, filled at a grade lower than the established or anticipated grade, when both of the following criteria have been met:

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- The position was filled through competitive procedures.
 - The fact was made known when the position was advertised that it had promotion potential up to the established grade level.
- 3) Promotion of employees who satisfactorily complete training under a training or executive development agreement approved by OPM if both of the following criteria have been met:
- The agreement provides for such promotion.
 - The employee was chosen under competitive promotion procedures or appointed from a civil service register.
- 4) Promotions of employees detailed to higher-graded positions or those with known promotion potential for the purpose of training or evaluation if the detail was made under competitive promotion procedures and the fact that the detail could lead to promotion was made known to all employees.
- 5) The permanent assignment of an employee to a position to which the employee had been promoted on a temporary or term basis if the temporary or term promotion was originally made under competitive procedures and the fact that the assignment could lead to a permanent promotion was made known to all competitors at the time it was advertised.
- b. **Reclassification Actions:**
- 1) Employees who occupy positions that are upgraded without a significant change in duties, due to the issuance of a new classification standard or the correction of a classification error.
- 2) Promotion of an employee whose position is upgraded as a result of a change in duties and responsibilities if all of the following provisions are met:
- The employee continues to perform the same basic functions performed in the former position.
 - The duties of the former position are administratively absorbed into the new position.
 - The addition of the duties and responsibilities does not adversely affect another incumbent's position.
 - There is no change in the organizational entity or unit where the position is located.
 - The upgrade does not result in the promotion of a nonsupervisor to a supervisory position when the supervisory duties are the primary basis for upgrading the position.
 - The new position has no known promotion potential.

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- 3) Temporary promotions or details to higher-graded positions for periods of 120 days or less [also see Temporary Promotions in excess of 120 days and Selections for detail of more than 120 days to a higher graded position or to a position with known promotion potential].
- 4) Reassignment, lateral transfer, reinstatement, or voluntary demotion of a status candidate into a position with no known promotion potential (or a position having no higher promotion potential than one's existing or most recent nontemporary position in the competitive service). A selecting official has the option of considering and selecting, at any point, any candidate who is eligible for noncompetitive placement into a position regardless of the vacancy announcement status or whether a list of competitive eligibles exists. For noncompetitive placement, no formal evaluation procedures are required.
- 5) Reinstatement of a former career or career-conditional employee, who previously converted to a career SES appointment, to any position and grade for which the employee is qualified.
- 6) Reinstatement of a former career or career-conditional employee (other than those covered by the preceding paragraph) with reinstatement eligibility to a permanent or temporary position at a grade no higher than the last grade held in a non-temporary position in the competitive service.
- 7) Re-promotion up to the highest grade previously held on a permanent basis unless demoted or removed for cause.
- 8) RIF-related reassignments which entail the placement of an employee in one of the following types of positions:
 - A position in a different pay system which would result in the employee receiving higher pay.
 - A position with more promotion potential than the employee's former position.
- 9) Selection of an employee who was afforded priority consideration as a remedy for failure to receive proper consideration in a previous competitive promotion or staffing action.
- 10) Placement of retained grade/pay eligibles in positions at the grade held prior to their downgrading, including:
 - Reassignment to positions with greater promotion potential.
 - Repromotion to the grade from which demoted, including to a position with greater promotion potential.
- 11) Appointment from the Priority Placement and Referral List to any USMS position for which registered, including to a position with more promotion potential or at a higher grade level.
- 12) Selection from OPM's Displaced Employee Program (DEP) for a position, including one with greater promotion potential than that of the position from which the employee was, or will be displaced.

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- 13) Appointment to a position from a civil service register or under an OPM-delegated direct-hire authority.
- 14) Appointment to a position under any other appropriate appointing authority authorized by OPM.

4. Employees Eligible for Competitive Actions:

- a. All career or career-conditional employees within the stated area of consideration are eligible to compete for positions under this plan, provided they meet all of the following criteria:
 - 1) The time-after-competitive appointment restriction.
 - 2) The appropriate qualification standard for the position.
 - 3) They will have met the time-in-grade requirement within 90 days of the closing date of the merit promotion announcement (unless a shorter time frame for meeting the above requirement is specified in the announcement), if applicable.
 - 4) If the position change would result in a promotion, the employee must have been rated at the "Fully Successful" level or higher on their most recent performance rating of record with ratings of "Fully Successful" or better on all critical elements which are also critical to successful performance in the higher grade position.
 - 5) All other administrative and regulatory requirements for the position.
- b. Reinstatement eligibles and individuals with eligibility for other noncompetitive appointing authorities (e.g., Veterans Re-adjustment Appointments, etc.), provided that both of the following criteria are met:
 - 1) The individual meets the qualification standards for the position.
 - 2) The noncompetitive appointing authority for which the individual is eligible would be an appropriate appointing authority for the position and grade in question.
- c. Employees and others with eligibility on an appropriate OPM register may, at management's option, be considered in addition to (or in lieu of) merit promotion candidates.
- d. **Absent Employees:**
 - 1) Employees absent because of details, leave (including military leave such as for active reserve training), travel, training courses, worker's compensation, or other legitimate reasons will be considered if they have notified the appropriate division in writing of:
 - The types of vacancies for which they desire consideration.
 - The dates of their absence.

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- Any other information deemed necessary by the Human Resources Division.
5. **Employees Eligibility for Noncompetitive Promotions:** To be eligible for a noncompetitive promotion, all of the following criteria must be met:
- 1) The employee must meet all legal, regulatory, and qualification requirements for the promotion.
 - 2) The employee must have demonstrated ability to perform the work at the higher level over a significant period of time (usually at least six months).
 - 3) There must be sufficient higher-graded work to warrant the promotion.
 - 4) The employee was rated at the "Fully Successful" level or higher on their most recent performance rating of record and all critical elements which are also critical to successful performance in the higher grade position were rated at the "Fully Successful" level or higher.
6. **Selection for Supervisory Positions:**
- a. In order to be eligible for placement in a supervisory position, an employee must meet all minimum qualification requirements associated with the particular occupational series and those for supervisory positions. This applies to proposed competitive actions under the purview of this plan as well as to noncompetitive actions excepted from its provisions.
 - b. In accordance with 5 U.S.C. § 3321 and 5 C.F.R. §§ 315.901-315.909, satisfactory completion of a probationary period is required before an initial appointment as a supervisor or a manager becomes final.
7. **Area of Consideration:**
- a. **Minimum Areas of Consideration:**
 - 1) The minimum area of consideration for law enforcement positions at the GS-13 level and above filled under the provisions of this plan is Service-wide.
 - 2) The minimum area of consideration for all permanent Chief Deputy U.S. Marshal and Supervisory Deputy U.S. Marshal positions is Servicewide.
 - b. **Extending the Area of Consideration.** The Personnel Officer, with input from management, retains the option of extending the minimum area of consideration when deemed appropriate. These extensions may occur when the action is initiated or at any point thereafter.
 - c. **Payment of Relocation Expenses.** Except as provided for in Relocation Expenses, the relocation expenses of employees appointed to law enforcement positions at the GS-12 level and above that are filled in accordance with the provisions of this plan will be paid by the USMS unless otherwise notified. The relocation expenses of employees appointed to other positions covered by this plan will not be borne by the USMS unless the exigencies of the position make it necessary to do so. The level of benefits authorized for a permanent change of station (PCS) move may vary according to the position. The employee should

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review his or her relocation authorization for more details on the benefits provided.

G. Vacancy Announcements:

1. **Distribution and Posting:** The procedures for distributing and posting vacancy announcements will be determined by the Human Resources Division except as provided for below:
 - a. Notifications will be posted on management-maintained bulletin boards.
 - b. Once announced, non-bargaining-unit vacancies will remain open for applications for at least 10 working days.
 - c. Vacancy announcements for non-law-enforcement positions will normally remain open for 11 to 30 days.
2. **Contents:** Each vacancy announcement will include at least the following information:
 - a. Announcement (or identification) number
 - b. Opening and closing dates (and a statement that applications received or postmarked by the closing date will be accepted)
 - c. Title, series, and grade of the position
 - d. Organizational and geographic location (including exact duty station) of the position
 - e. Area of consideration, including any restrictions on the acceptance of applications (If the area of consideration is subsequently extended, an amended vacancy announcement will be issued stating that those who already applied need not reapply.)
 - f. Promotion potential of the position
 - g. Whether more than one position may be filled from the resulting promotion certificate or whether the purpose of the announcement is to establish a register (this requirement does not apply to "open-continuous" announcements)
 - h. A summary of duties for administrative and unique law enforcement positions
 - i. A summary of the qualifications required, including any selective factors (i.e., required experience) and knowledge, skills or other characteristics that will be used to rank candidates.
 - j. For supervisory or managerial positions, a statement that the selectee may have to serve a probationary period in accordance with the provisions of 5 CFR 315.901-909
 - k. For positions involving more than occasional travel, a statement concerning the frequency of travel
 - l. Information regarding the time frame within which all applicants must have met the qualification requirements

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- m. A statement as to whether or not relocation expenses will be authorized
- n. A statement that the USMS is an Equal Opportunity Employer
- o. Instructions for submitting the application (including forms to be filed, address to which they should be mailed, and the name and telephone number of the person to contact for additional information)

H. Evaluation Process:

1. **Basic Eligibility:** To be eligible for promotion or placement under this plan, candidates must meet the minimum qualifications for the position, including any bona fide selective factors.
 - a. The Human Resources Division determines basic eligibility requirements.
 - b. The minimum qualifications for the position will be those specified on the vacancy announcement and prescribed or approved by OPM in its Qualification Standards for General Schedule Positions, in Single-Agency Qualifications Standards, or in appropriate examination announcements. Selective factors may also be used if they are essential to successful performance. These factors are jointly determined by the selecting official and the Human Resources Division.
 - c. Candidates must meet the time-in-grade or qualification requirements for length of experience within the time frame specified on the vacancy announcement. When a written test is required, the Human Resources Division will determine the time frame within which applicants must meet the time-in-grade and other requirements in order to be eligible to take the written test. When deciding who will be eligible to take the test, consideration will be given to such factors as the number of vacancies expected for the register and how long the register will be open.
2. **Rating and Ranking:** Candidates for headquarters non-law-enforcement positions covered by this plan are rated and ranked by the Human Resources Division and experts designated by management. Candidates for field administrative positions are rated and ranked by the U.S. Marshal or designee. Candidates for non-bargaining-unit law enforcement positions are rated and ranked by the subject matter experts. All eligible candidates who apply under this plan for a specific position and grade will be rated and ranked against the same criteria.
 - a. All basically eligible candidates in accordance with the degree to which will be rated and ranked according to how well they demonstrate possession of job-related criteria outlined in the crediting plan. Promotion appraisals, education, experience, awards, etc. will be considered only in terms of the degree to which they prove the candidate has the knowledge, skills and other characteristics required for the position. Candidates annual performance appraisals may also be considered insofar as they are job related.
 - b. All candidates are rated numerically, and those with the highest scores are considered the best qualified. The number of applicants on the best-qualified list is determined using the "significant break" method. A significant break in scores is generally considered a difference of greater than one point. A best-qualified list will not have fewer than five applicants unless fewer than five apply and are eligible.

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3. **Written Tests:**

- a. A written test is required for 1811 positions with full performance levels of GS-13 and above. Although there is no pass/fail score on the exam, all eligible employees who wish to be considered for such positions under this plan must, as part of the application process, take the appropriate exam.
- b. The written test scores may be combined with the ratings assigned to the candidates for such areas as education, experience, training, awards, appraisals and FIT to determine their combined overall merit promotion scores.
- c. Employees who wish to remain eligible must take the appropriate exam each time it is offered.
- d. Employees will be notified of the opportunity to apply for the written test at least 90 days before it is given. General information about the test, including those who are eligible to take it, will also be provided.
- e. Employees will be told their test scores and other pertinent information about the overall distribution of test scores.

4. **Promotion Appraisals:**

- a. Promotion appraisals are to be completed by the employee's first-level supervisor. If the employee has been under the supervisor's responsibility for at least 90 days that supervisor should complete the appraisal based on personal observations of the employee's performance, otherwise it should be done by the former supervisor. If the supervisor is unable to rate the employee on one or more items on the promotion appraisal, he or she may consult a former supervisor(s) who had the opportunity to observe the employee's performance in those areas. Whenever former supervisors are contacted, their names, titles, employing organizations and work telephone numbers must be noted on the promotion appraisal.
- b. If the employee has not been supervised by his or her current supervisor for at least 90 days the appraisal should be completed by the former supervisor or the second line supervisor if he or she has supervised the employee for at least 90 days.
- c. It is recommended that the first-level supervisor discuss the promotion appraisal with the second-level supervisor.

5. **Documentation of Experience:**

- a. All experience claimed by candidates for positions covered by this plan is to be verified by audit teams or other appropriate means. Candidates must therefore ensure that they only claim to have knowledge, abilities and other characteristics that can be satisfactorily documented.
- b. Willful exaggerations and misstatements in the application process may be cause for disqualification and disciplinary action.

6. **Documentation of Fitness Levels:** Law enforcement applicants must be FIT program participants. When indicated, applicants must submit a fitness assessment documenting their fitness levels within the specified time frame.

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- a. Candidates' fitness results are subject to verification by the Human Resources Division or other appropriate means.
 - b. Willful exaggerations and misstatements on the fitness assessment may be cause for non-selection and disciplinary action.
- 7. **Confidentiality:** An employee's merit promotion application, appraisal and score will not be reviewed by other employees, though such records will be available to rating, selecting and other appropriate officials.
- I. **Applications for Merit Promotion Vacancies:** Applications for promotions may be accepted during any merit promotion vacancy announcement period.
- J. **Referrals:**
 - 1. **Method of Referral:**
 - a. Best-qualified candidates will be listed alphabetically on a promotion certificate. The number of applicants is determined by a significant break in the ratings.
 - b. If there is a tie for the last position on the promotion certificate, all candidates with that score will be referred. If the individuals tied for last place are not USMS employees, the tie will be resolved based on length of federal civilian service.
 - c. When there are fewer than five qualified candidates for positions covered by this plan, all qualified candidates will be referred.
 - d. If there are multiple vacancies for the same type of position (same series, grade and title), up to five additional names may be referred for each extra vacancy.
 - e. When a position was advertised at more than one grade level, the best-qualified candidates for each grade level may be referred on separate promotion certificates.
 - 2. **Employee Interviews:** The best-qualified candidates may be interviewed by the selecting or recommending official. If one candidate is interviewed, all candidates on that certificate should be interviewed.
- K. **Selections:**
 - 1. **General:**
 - a. The selecting official may either select one of the candidates on the promotion certificate or choose one or more of the following options:
 - 1) Request the certification of additional names when appropriate (e.g., there are fewer than five candidates on the certificate).
 - 2) Request that the position be re-announced to expand the area of consideration.
 - 3) Select from another appropriate source, such as an OPM register or from among individuals eligible for noncompetitive appointment to the position.
 - 4) Decide not to fill the position.

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- b. Selections should normally be made within 30 days of receiving the promotion certificate.
 - c. A competitive promotion for a USMS employee against whom an investigation and or disciplinary action is pending or has been taken, that has or will result in greater than a letter of reprimand, will not take effect for a year after the offense was committed or the date headquarters became aware of it. At the Director's discretion, this may be extended to two years based on the severity of the offense. USMS employees may not be considered for merit promotion vacancies if they are within a year of the date of offense (or the date headquarters became aware of it) for which they received more than a letter of reprimand. The Director may opt to extend that period to two years. Actions against employees that are between one and two years will be referred to the Director through the Assistant Director for Human Resources.
 - d. The Director reviews candidate selections, and then the Human Resources Division announces them to the offices with the vacancies. Candidates should not be informed that they have been selected until their offices have been notified.
2. **Release of Selected Employees:** Employees selected for positions under this plan should be released from their existing jobs promptly, normally within 15 days of selection notification or at the end of the first full pay period after that. However, when circumstances warrant, the employee, by mutual agreement between current and future supervisors, may remain in the current position for up to 30 days.
3. **Effective Dates of Position Changes:**
- a. Except in instances where an employee will move to a new geographical location, position changes within the USMS that involve salary changes will be made at the beginning of a pay period. They will normally be effective on the first day of the first pay period after the Personnel Officer or designee approves the action.
 - b. Promotions that also involve changes in duty stations and geographical locations will be effective the first day of the first pay period after the employee reports for duty.
 - c. Effective dates that differ from the above must be approved in advance by the Personnel Officer and be effective the first day of the agreed upon pay period.
4. **Information to Candidates:** Upon written request, the Human Resources Division will furnish candidates with the following information:
- a. The qualification standards, job elements and rating factors used for the position except those identified as secure.
 - b. Whether the candidate met the qualification requirements.
 - c. Whether the candidate was in the best-qualified group of eligibles referred to the selecting official. Only uncertified employees may be notified of their rank.
 - d. The employee's scores for a specified position. Employees are not entitled to the scores or rankings of others.

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- e. The number of applicants for a position and the number certified. Employees are not entitled to the names, positions or locations of other applicants.
- f. The name, title, organizational assignment and geographical location of the person who was selected.

L. Temporary Details/Promotions Longer than 120 Days:

1. General:

- a. Offices may temporarily promote or detail employees to vacant positions for more than 120 days until permanent candidates are chosen. In order to do so, though, the action must be competitive and the appointment may not exceed one year. Positions may not be filled by a temporary, not to exceed one year appointment, in lieu of a permanent selection.
- b. The position must be established and funded, and the need for a temporary appointment must be justified by the U.S. Marshal, division, etc.
- c. Temporary appointments not to exceed a year may be terminated at any time.

2. Procedures for Operational Positions:

- a. Operational positions that are filled temporarily are advertised through the Merit Promotion program. Requests to fill such positions are made to the Human Resources Division.
- b. The area of consideration is restricted to the district or division where the vacancy exists.
- c. No moving expenses are authorized for temporary appointments.
- d. The U.S. Marshal or division chief recommends someone from the best-qualified list produced by the Human Resources Division. The Director or designee makes the final selection.

M. Maintenance of Records:

- 1. Promotion records, ranking lists, promotion certificates, and correspondence or documents pertaining to the ranking of competitors will be kept by the Human Resources Division for at least two years or until a formal personnel management evaluation review by OPM, whichever comes first. The records will then be destroyed, provided that the period for submitting grievances is over.
- 2. Crediting plans and rating procedures for evaluating candidates' experience will not be released if this would undermine the fairness and validity of the selection process. The USMS prohibits the release of the experience and supervisory appraisal portions of the rating guide for law enforcement positions.



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.10 MERIT PROMOTION PLAN

- A. **Proponent:** Human Resources (HR) Officer, Human Resources Division (HRD).
- B. **Purpose:** To provide the mechanisms for affording merit staffing and promotional opportunities to competitive status candidates. The provisions of this plan are applicable to all competitive service positions within the United States Marshals Service (USMS), up to and including the GS-15 level. Senior Executive Service (SES), attorneys, law clerk positions, politically-appointed United States Marshals (USMs), and Attorney General-appointed/designated positions will be filled in accordance with applicable Department of Justice (DOJ) and Office of Personnel Management (OPM) procedures.
- C. **Authority:** This section has been developed in compliance with the requirements set forth by 5 C.F.R. Parts 330 and 335.
- D. **Policy:** It is the policy of the USMS to maintain a sound staffing program that will ensure the USMS fills positions from among the best-qualified candidates and that the selection, assignment, and promotion of employees are on the basis of job-related criteria. The policy includes:
 - 1. **Equal Employment Opportunity (EEO):**
 - a. Selections for promotions or other placement actions covered by this policy will be made solely on the basis of merit- and job-related criteria. Actions under this promotion plan – whether identification, qualification, evaluation, or selection of candidates – must be made without regard to race, color, religion, sex (including pregnancy and gender identity), national origin, age (as defined by the Age Discrimination in Employment Act of 1967, as amended), disability, genetic information (including family medical history), marital status, political affiliation, sexual orientation, labor organization affiliation or nonaffiliation, status as a parent, or any other non-merit based factor, unless specifically designated by statute as a factor that must be taken into consideration when awarding such benefits, or retaliation for exercising rights with respect to the categories enumerated above, where retaliation rights are available, and must be based solely on job-related criteria. Any official found to have improperly discriminated against an employee or applicant when taking an action covered by this policy may be subject to disciplinary action as circumstances warrant.
 - b. Allegations of discrimination may be pursued through the EEO Complaints Processing Program found in Policy Directive 1.2, Equal Employment Opportunity.
 - 2. **Prohibition against Nepotism:**
 - a. A public official shall not advocate one of his or her relatives or other covered individuals for appointment, employment, promotion, or advancement to a position in his or her agency or in an agency over which he or she exercises jurisdiction or control.

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- b. A public official shall not appoint, employ, promote, or advance to a position in his or her agency or in an agency over which he or she exercises jurisdiction or control:
 - 1) One of his or her relatives or other covered individuals; or
 - 2) The relative of another public official of his or her agency, or of a public official who exercises jurisdiction or control over his or her agency, if the public official has advocated the appointment, employment, promotion, or advancement of that relative.
 - c. Public officials with authority to act within this policy must comply with the September 16, 2014, DOJ guidance titled "Improving Department-wide Internal Controls Over Hiring and Other Personnel Actions" and complete the required disclosure forms and process.
 - d. A public official who recommends a relative or other covered individual, or refers a relative or other covered individual for consideration by a public official standing lower in the official's chain of command, for appointment, employment, promotion, or advancement may be deemed to have advocated the appointment, employment, promotion, or advancement of the relative or other covered individual.
3. **Grievances:** Failure to be selected for promotion when proper promotion procedures are used, that is, non-selection from a group of properly ranked and certified candidates, is not a basis for a formal grievance. An employee who believes that governing procedures were not properly followed in filling a position under this plan may grieve under the USMS Grievance Procedure found in Policy Directive 3.20, Grievance Procedures, or under Article 20 of the Master Agreement, Grievance Procedure.
4. **Covered Personnel Actions:** The competitive procedures of the Merit Promotion Plan apply to all promotions under 5 C.F.R. § 335.102 and to the following actions:
- a. All promotions, except those listed under Section D.5., Excluded Personnel Actions.
 - b. Time-limited promotions under 5 CFR § 335.102(f) for more than 120 days to higher-graded positions (prior service during the preceding 12 months under noncompetitive time-limited promotions and noncompetitive details to higher-graded positions count toward the 120-day total).
 - c. Details for more than 120 days to a higher-graded position or to a position with higher promotion potential (prior service during the preceding 12 months under noncompetitive details to higher-graded positions and noncompetitive time-limited promotions counts toward the 120-day total).
 - d. Selection for training which is part of an authorized training agreement, part of a promotion program, or required before an employee may be considered for a promotion as specified in 5 C.F.R. Part 410.
 - e. Reassignment or demotion to a position with more promotion potential than a position previously held on a permanent basis in the competitive service (except as permitted by Reduction in Force (RIF) regulations).
 - f. Transfer to a position at a higher grade or with more promotion potential than a position previously held on a permanent basis in the competitive service.

- g. Reinstatement to a permanent or temporary position at a higher grade or with more promotion potential than a position previously held on a permanent basis in the competitive service .
- 5. **Excluded Personnel Actions:** Competitive procedures do not apply to the following actions:
 - a. A career ladder promotion of an employee who was appointed from a civil service register, by direct hire, by noncompetitive appointment or noncompetitive conversion, or under competitive promotion procedures for an assignment intended to prepare the employee for the position being filled (the intent must be made a matter of record).
 - b. A position change permitted by RIF procedures in 5 C.F.R. Part 351.
 - c. Reclassification actions when:
 - 1) A promotion results from the upgrading of a position without significant change in the duties and responsibilities due to issuance of a new classification standard or the correction of an initial classification error.
 - 2) Additional duties and responsibilities results in the position being reclassified at a higher grade and all of the following conditions are met. If these conditions are not met, a new position incorporating the additional duties will need to be established and filled competitively through merit promotion action.
 - a) The employee continues to perform the same basic functions of the former position.
 - b) The duties of the former position are absorbed into the new position (i.e., the new position is a clear successor to the previous position).
 - c) The new duties could not reasonably be assigned to any other position within the organization.
 - d) No other positions within the organizational unit, whether encumbered or unencumbered, are adversely affected by the action (e.g., the "new" duties were moved from another position in the organization and that position's grade is jeopardized by the result).
 - e) Time-in-grade requirements have been met by the employee.
 - f) The new position is not a reclassification from nonsupervisory to team leader or supervisory status.
 - g) The new position is not a reclassification from a one-grade interval to a two-grade interval position.
 - d. A temporary promotion or a detail to a higher-graded position or a position with known promotion potential of 120 days or less.

- e. Promotion to a grade previously held on a permanent basis in the competitive service (or in another merit system with which OPM has an interchange agreement approved under 5 C.F.R. § 6.7) from which an employee was separated or demoted for other than performance or conduct reasons. The names of agencies with an OPM-approved interchange agreement are published on OPM's website.
- f. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having promotion potential no greater than the potential of a position an employee currently holds or previously held on a permanent basis in the competitive service (or in another merit system with which OPM has an interchange agreement approved under 5 C.F.R. § 6.7) and did not lose because of performance or conduct reasons. The names of agencies with OPM-approved interchange agreements are published on OPM's website.
- g. Consideration of a candidate not given proper consideration in a previous competitive promotion action.
- h. Appointments of career SES appointees with competitive service reinstatement eligibility to any position for which they qualify in the competitive service at any grade or salary level, including SL positions established in accordance with 5 C.F.R. Part 319, Employment in Senior Level and Scientific and Professional Positions

E. Responsibilities:

- 1. **Managers, Supervisors, Recommending Officials, and Selecting Officials:**
 - a. Support and comply with merit system principles and other policy and procedural requirements and avoid prohibited personnel practices.
 - b. Complete any forms needed by applicants in an impartial and timely manner.
 - c. Serve on ad hoc or other rating panels and otherwise participate in the merit promotion process.
 - d. Rate and rank eligible candidates based on job-related criteria.
 - e. Anticipate personnel requirements and initiate appropriate requests in a timely manner.
 - f. Promptly make and document recommendations or selections from certification lists.
 - g. Complete required annual awareness training on merit principles and hiring processes.
 - h. Ensure selections are based on merit and job-related criteria.
- 2. **Administrative Officer (AO):** The district or division AO will notify absent employees (e.g., on detail, on leave, attending training, in military service) of promotion and other job opportunities using contact information provided by the employee or, in the event it is not provided, the last known contact information.

3. **HRD:**

- a. Issue and implement policy guidelines, revisions, and supplements in accordance with appropriate regulations and merit system principles.
- b. Periodically evaluate policy and merit promotion effectiveness.
- c. Assist in filling division and district vacancies.
- d. Refer/report any official found to have improperly discriminated against an employee or applicant when taking an action covered by this policy.
- e. Refer cases to the Office of Professional Responsibility (OPR) when it is alleged or suspected that a candidate has behaved inappropriately in the merit promotion process (e.g., willful exaggeration, misstatements, abuses in the application or interview process, etc.). Substantiated improper behavior may be cause for disqualification and/or disciplinary action.
- f. Maintain records in accordance with National Archives and Records Administration (NARA) guidance, General Records Schedules 1, and 5 C.F.R. § 335.103(b)(5).

4. **Employees:**

- a. Ensure the accuracy and validity of experience, knowledge, abilities, and other characteristics.
- b. Apply for vacancies for which they wish to be considered.
 - 1) Employees who wish to be considered for vacancies that occur while they are temporarily absent on leave, detail, training, military service, or other appropriate absence are also responsible for providing their AO with written notification of:
 - a) The types of vacancies for which they would like to be considered during their absence;
 - b) The dates of their absence;
 - c) All required applications, resumes, and submissions within the respective timeframes; and
 - d) Information on how to forward vacancy announcements to them during their absence (e.g., email, phone, fax, etc.).
 - 2) Unless excluded from the vacancy announcement, an application or request for consideration for a Criminal Investigator position, GS-1811 occupational series at the GS-13 level or higher, is deemed a binding commitment to assume the position if selected, unless the request is withdrawn prior to the first date of the meeting of the Career Board. Career Board dates are posted on the HRD webpage and on each Merit Promotion Announcement.
 - 3) Withdrawal of an application or a request for consideration must be done by written notice via email to Merit.Promotion@usdoj.gov, unequivocally withdrawing the application from consideration. The penalty for failing to withdraw an application, prior to the first day of the scheduled Career

Board meeting, will be suspension from merit promotion consideration, which includes promotion and lateral reassignments within the USMS, for 1 calendar year from the date of withdrawal.

- 4) To the extent applicable, bargaining unit employees must follow all procedural requirements outlined in the USMS Master Agreement or any supplemental agreements.

F. Procedures:

1. **Timing of Advertising Vacant Positions:** Vacant positions should be advertised as soon as practical.
 - a. *Special Instructions: GS-1811 Merit Promotion.*
 - 1) Vacant positions must be posted within 120 days of becoming vacant, unless otherwise determined by senior management or the Assistant Director (AD), HRD.
2. **Areas of Consideration:** Areas of consideration must be sufficiently broad to ensure the availability of high-quality candidates, taking into account the nature and level of the positions covered. The following procedures are for full performance level (FPL) permanent promotions or competitive actions:
 - a. For Criminal Investigators, GS-1811, competitive promotions FPL GS-13 and above, the minimum area of consideration is USMS-wide.
 - b. For permanent positions other than Criminal Investigators, the area of consideration will be:
 - 1) FPL GS-8 and below: The minimum area of consideration is within the district or division office.
 - 2) FPL GS-9 to GS-12: The minimum area of consideration is USMS-wide within the local commuting area.
 - 3) FPL GS-13: The minimum area of consideration is USMS-wide.
 - 4) FPL GS-14 and above: The minimum area of consideration is Department-wide unless, for justifiable reasons, an exception is requested in accordance with DOJ 1335.1B13.
 - c. Exceptions to the minimum area of consideration requirements may be determined by the AD, HRD, or his or her designee.
3. **Employees Eligible for Priority Consideration:** Employees not provided proper consideration in a specific promotion action because of a violation of the Merit Promotion Plan may be eligible for priority consideration, as determined by the AD, HRD, or designee. Such employees will be given priority consideration for a vacancy for which the candidate is qualified and may be referred to and selected by the respective selecting official on the basis of such consideration as an exception to competitive promotion procedures. Exercise of priority consideration right is based upon an employee-initiated request. Priority consideration referral does not provide a candidate with selection entitlement.

4. **Vacancy Announcements:**

- a. Distribution and Posting: The procedures for distributing and posting vacancy announcements will be determined by HRD in compliance with 5 C.F.R § 330.707.
 - 1) Employees who are absent for legitimate reasons (e.g., on detail, on leave, at training, in military service) will receive notification of all promotion and/or job opportunities if the employee has notified the AO that he or she will be absent and provided his or her district or division AO with current contact information to have announcements forwarded, and has updated the contact information as necessary during the period of absence.
 - 2) Vacancies will remain open for the receipt of applications for at least 5 business days.
 - 3) When announcing vacancies, Career Transition Assistance Program/Interagency Career Transition Assistance Program (CTAP/ICTAP) regulations will be followed as applicable.
 - 4) A Selective Placement Factor may be used in vacancy announcements if it is essential (not merely desirable) to successful performance. Only one selective placement factor may be included per job announcement. The inclusion of such a factor must be clearly supported by the position description and derive from a job analysis. Time cannot be a component of a selective placement factor, as it is the quality of experience, rather than the length of time, that determines the factors essential to successful performance. A Selective Placement Factor may not be used to limit competition and the burden is on the proponent to justify, with specific reasons, the need for the Selective Placement Factor. The inclusion of a Selective Placement Factor in the vacancy announcement must be approved in advance by the AD, HRD, or designee.
 - 5) Quality Ranking Factors (QRFs) may be used in vacancy announcements to assess the proficiency a candidate may bring to the job. QRFs may not be used to limit competition and the burden is on the proponent to justify, with specific reasons, the need for the QRFs. Inclusion of QRFs in the vacancy announcement must be approved in advance by the AD, HRD, or designee.
 - 6) Conditions of employment, such as successful completion of training and the ability to obtain and maintain a security clearance required for a position, must be listed in the vacancy announcement. Additionally, the training requirement must include the time period for successful completion of the training. Inclusion of a training requirement must be approved in advance by the AD, HRD, or designee.
 - 7) Minimum/maximum service requirements may be used in vacancy announcements if approved in advance by the AD, HRD, or designee.
- 5. **Eligibility Determination:** To be eligible for promotion or placement, candidates must meet the minimum qualification standards as prescribed by OPM, as well as time-in-grade requirements, approved selective placement factors, and all legal, regulatory, and administrative requirements for a position as determined by the AD, HRD.
 - a. *Special Instructions: GS-1811 Merit Promotion.*

- 1) Employees applying for promotion must have submitted a current open season package and have a current Merit Promotion Exam score on file in accordance with established timeframes.
- 2) Applicants will be notified of the opportunity to apply for the Merit Promotion Exam at least 90 days before it is given. Applicants who wish to be considered for promotion must take the Merit Promotion Exam each time it is offered.
- 3) An employee on extended military duty and/or training who demonstrates that he or she was not able to submit an open season package and/or take the Merit Promotion Exam, may be granted an exemption by the AD, HRD. For good cause shown, he or she may be authorized to use his or her most recent open season package submission and/or Merit Promotion Exam score. Upon return to the USMS, the employee must promptly make arrangements with HRD to submit his or her open season package and/or take the Merit Promotion Exam.
 - a) For employees on military duty and/or training who do not have a current open season package on file or a current Merit Promotion Exam score, HRD will make all reasonable efforts to obtain the requisite information needed.
 - b) For employees who are unable to attend the structured interview because of military duty and/or training, HRD will make all reasonable efforts to conduct the structured interview by alternative means.
- 4) Employees who are serving in positions with a minimum service requirement must have completed the minimum service requirement to be eligible for consideration for a lateral reassignment.
- 5) An employee who withdraws an application for promotion and/or lateral reassignment after the first day the Career Board meets will be ineligible for promotion for 1 calendar year from the date of withdrawal. (Refer to Section E.4.b.3)

6. **Evaluation Criteria:**

- a. Candidates determined to meet basic eligibility requirements will be evaluated based on uniformly applied job related criteria. This evaluation will consider such factor as experience, training, performance appraisals, awards, job knowledge and competency exam scores, and other job-related criteria.
- b. A crediting plan or assessment tools are used to rate and rank candidates meeting minimum qualification requirements, including any selective placement factor, against the competencies identified to succeed in the position being filled.
- c. Rating and ranking is used to determine the candidates referred for consideration.
 - 1) A HR Specialist or a rating panel may perform the rating and ranking. The selecting official, in conjunction with the HR Specialist, will determine when a panel is needed. Factors in making this decision include the complexity and organizational level of the vacant position and the number

of applicants, among other factors. Panels generally include at least two subject matter experts at an equivalent or higher grade level than the full performance level of the position being filled. An HR Specialist shall coordinate the appointment of the panel members. Recommending officials, selecting officials, and relatives of applicants may not serve as panel members.

- 2) Rating material used in the rating process must be identified and recorded as part of the merit promotion file.
- 3) For career ladder positions, a crediting plan or assessment tool must be developed and applied for each grade level.

7. Evaluation Procedures:

- a. If there are five or fewer eligible candidates, rating and ranking of applicants who meet the minimum qualifications is not required and all qualified candidates are to be referred to the recommending/selecting officials.
- b. If the number of competitive candidates exceeds five, then at least the top five rated candidates will be referred for consideration. If there is a tie for the last position on the promotion certificate list, all candidates with that score will be referred.
- c. Qualified non-competitive candidates who have applied for reassignment, lateral transfer, reinstatement, or voluntary change to lower grade into a position with no known promotion potential (or a position having no higher promotion potential than one's existing or most recent position), to the position to be filled, or those within reach on an appropriate OPM certificate and who are not required to compete for the position, e.g., VRA, Schedule A, etc. will be listed separately on a non-competitive certificate and referred to the selecting official for consideration. Only the well-qualified non-competitive candidates will be certified for administrative vacancies unless there are fewer than five competitive applicants or if there is a qualified internal non-competitive candidate.
- d. When a merit promotion vacancy has been announced at multiple grade levels, separate promotion certificate lists containing the names of those identified as referred candidates will be prepared for each grade level for which the candidates have been evaluated.
- e. The names of the referred candidates are listed in alphabetical order on the certificate list for referral to the recommending and/or selecting official. Individual scores are not listed on the final certificate list.
- f. *Special Instructions: GS-1811 Merit Promotion.*
 - 1) Using the evaluation criteria outlined above, each candidate will be assigned a numerical score.
 - 2) Based on the span of numerical scores, the HR Specialist determines which of the eligible applicants are referred. The referred candidates are those with the highest scores.
 - 3) If there are five or fewer applicants, all those that meet the minimum qualifications are considered eligible candidates and are referred in alphabetical order to the recommending/selecting officials.

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- 4) If there are more than five applicants, the five candidates with the highest scores will be referred in alphabetical order on the certificate list for the position.
- 5) A break in score of generally more than one point is used to determine whether more than five eligible candidates will be referred. If there is a tie for the last position on the promotion certificate list, all candidates with that score will be referred.
- 6) The names of the referred candidates are entered in alphabetical order on the certificate list for referral to the recommending/selecting officials. Individual merit promotion scores are not listed on the final certificate list.
- 7) Applicants eligible for lateral reassignment, voluntary change to lower grade, or reinstatement will be listed separately from the merit promotion candidates, in alphabetical order, at the appropriate grade level for which they qualify.
- 8) When a merit promotion vacancy has been announced at multiple grade levels, the promotion certificate list must be prepared in one of the following ways:
 - a) Those referred candidates who have been identified for a particular grade level are to be grouped separately on the promotion certificate list from those referred candidates for other grade levels; or
 - b) Separate promotion certificate lists containing the names of those referred may be prepared for each grade level for which the candidates have been evaluated.
- 9) If there are multiple vacancies for the same type of position (same series, grade and title, location), one additional name for each additional vacancy may be referred on the certificate. With multiple vacancies, the significant break method is applied after the additional names are added to the certificate.
- 10) **Employee Structured Interview:**
 - a) Candidates on the certificate list may be subject to a structured interview or further assessment by personnel designated by the USMS. If interviewed/assessed, candidates will be evaluated on a rating scale. The candidate's ratings for the structured interview/assessment will be included on the certificate list. A candidate's interview/assessment rating for a specific grade level (i.e., GS-14 or GS-15) is in effect for a minimum period of 2 years and no re-interview for the same grade level will be given during that period. After that time, candidates may be given an opportunity to be re-interviewed. The new interview rating will replace the prior rating, even if lower. When a new interview or assessment for a specific grade level is established, all referred competitive candidates must be re-evaluated.

8. **Recommendation/Selection:**

- a. The district USM, division AD, or Staff Office Head, or their designee, will be the selecting official based on where the job is located.
- b. If deemed necessary by the selecting official, he or she may designate a recommending official to, among other things, review the certificate list(s) and conduct interviews and reference checks, if appropriate. If such further evaluation is conducted, all candidates must receive the same consideration.
- c. Unless required by negotiated agreement, selecting officials or designees are encouraged, but not required, to conduct job-related interviews. If one USMS candidate from a certificate of eligibles is interviewed, then all USMS candidates from the same certificate should be interviewed. Questions to be asked in the interview process should be standardized in order to provide an objective basis for the comparison of candidates. Additionally:
 - 1) Interviews may be conducted in person, by phone, or alternative means such as video conferencing or Microsoft Lync.
 - 2) Questions should be drawn from the job analysis competencies.
 - 3) Candidates should be asked the same questions.
 - 4) Results of the interview will be considered when making a final selection for the position.
 - 5) Travel to in-person interviews is voluntary. Recommending or selecting officials cannot compel in-person interviews or penalize or reward candidates based on interview travel decisions. As such, any travel resulting from this section will be at the cost of the candidate.
 - 6) The selecting official will notify HRD of his or her decision in order for HRD to extend a tentative offer of employment.
 - 7) If a referred candidate is selected and does not accept the position, the declination must be documented in the case file.
 - 8) If a selected candidate declines, withdraws or fails to pass suitability requirements, another selection may be made from the same certificates of eligibles.
 - 9) Additional positions of the same kind (i.e., the vacancy announcement information would be the same) may be filled within 90 calendar days of original certificates being issued.
- d. *Special Instructions: GS-1811 Merit Promotion.*
 - 1) The initial recommendation of candidates will be submitted to the Career Board in rank order by the USM, AD, or Staff Office Head of the district, division, or staff office where the vacancy is located.
 - 2) The Recommending Manager for GS-1811 promotions and lateral reassignments may further evaluate referred candidates through informal interviews and reference checks, either in person, by phone, or via alternative means such as video tele-conferencing or Microsoft Lync. If such further evaluation is conducted, all candidates must receive the

same consideration. For example, if one candidate on the certificate is interviewed, even informally, all candidates must be interviewed.

- 3) Travel to in-person interviews is voluntary. Recommending Managers cannot compel in-person interviews or penalize or reward candidates based on interview travel decisions. As such, any travel resulting from this section will be at the cost of the candidate.
- 4) The Career Board is a recommending body composed of senior career USMS law enforcement appointed by the Director to make recommendations for GS-1811 Merit Promotion vacancies. The Career Board makes a recommendation to the Director or designee from a certificate list of referred candidates. The Career Board will consider USM, AD, and Staff Office Head recommendations, but will independently review other pertinent information, e.g., the candidates' resumes, certificate list including the candidates' interview ratings, if applicable, and other pertinent information as appropriate, and will make its recommendation to the Director or designee.
- 5) The Director or designee, as the selecting official, will make selections for all permanent GS-1811 Merit Promotion vacancies.

9. **OPR Investigations and Disciplinary Issues:**

- a. Pending misconduct investigations or disciplinary proceedings may affect merit promotion applications. Upon a determination by the Career Board to recommend a candidate, or a determination by the selecting official in the case of administrative employees, a final determination of eligibility for selection, notwithstanding the pending investigation and/or disciplinary proceeding, will be made based on a review of relevant factors. The relevant factors include, but are not limited to the severity of the charges, the likelihood of discipline in excess of a letter of reprimand, the negative effect on the USMS, the type of personnel action involved, the extent of information in the investigation at the time of the personnel action, and the best interests of the USMS. The determination of eligibility for selection will be made by the designated Agency Proposing Official.
- b. Completed disciplinary actions of an employee receiving a letter of reprimand or lesser sanction shall not affect merit promotion. If an employee receives a disciplinary sanction more serious than a letter of reprimand, the employee's eligibility for competitive promotion or reassignment will be determined based on review of the relevant factors including, but not limited to: the severity of the offense, the negative effect on the USMS, and the best interests of the USMS. The period of ineligibility for consideration will be determined by this review and can extend no longer than 2 years from the effective date of the disciplinary action. The review and determination of eligibility for selection will be made by the designated Agency Proposing Official.
- c. In Shooting Review Board cases involving an employee who is, or may reasonably be expected to be, eligible for a competitive promotion, OI, in consultation with the Office of General Counsel, will perform a preliminary review based on police reports and other relevant documentation available at the time of the review. The preliminary review will determine either that there is no evidence to suggest a violation of USMS Policy Directive 2.1, Use of Force, that there was criminal activity, or that further investigation is necessary. The results of the preliminary review are shared with the designated Agency Proposing Official for a determination of eligibility for selection. Only cases for which the preliminary review indicates there is no evidence to suggest a violation may be considered for potential eligibility for selection. If the preliminary review indicates further

investigation is necessary, the candidate is deemed ineligible.

- d. The final resolution of a pending investigation or disciplinary case that results in a letter of reprimand or lesser sanction, including closure without action, does not result in or confer eligibility for retroactive consideration or promotion of the affected candidate.

10. **Release and Effective Date of Position Changes Involving Pay:**

- a. Position changes within the USMS that involve salary changes will be made at the beginning of a pay period.
- b. Employees selected for positions covered by this plan who do not require a change in duty station and geographical location should be released from their existing positions promptly, normally at the end of the first full pay period after selection. When circumstances warrant, the employee, by mutual agreement between current and future supervisors, may remain in the current position for up to 30 days, but the salary change does not take effect until the employee reports to his or her new position.
- c. Employees selected for positions covered by this plan that require a change in duty station and geographical location must report at the beginning of the pay period. When an employee reports for duty on the first working day of a pay period (typically the first Monday), the effective date of his or her personnel action will be the beginning of that pay period.
- d. For GS-1811 merit promotion selections, the Director's selection memorandum serves as the authorizing document for the selections.
- e. For position changes that involve relocation, the employee must report for duty within 120 days of receipt of Permanent Change of Station orders. The personnel action will be effective upon reporting to the new duty location. Extensions beyond 120 days, which are for the benefit of the USMS, are at the discretion of management and are considered on a case-by-case basis.

11. **Time-limited Promotions:**

- a. A request to fill a vacancy with a time-limited promotion for more than 120 days must be approved by the AD, HRD, or designee.
- b. Permanent vacant positions may not be filled by a temporary promotion (not to exceed 1 year) in lieu of a permanent selection, unless approved by the AD, HRD, or designee.
- c. The position must be established and funded, and the need for the temporary promotion must be justified.
- d. The area of consideration for a temporary promotion (not to exceed 1 year) is restricted to the district or division where the vacancy exists. If there are fewer than three eligible candidates for selection based on this area of consideration, HRD will determine if the area of consideration should be broadened beyond the district or division where the vacancy exists in accordance with DOJ area of consideration requirements.
- e. No relocation expenses are authorized for temporary promotions unless authorized by the Director.

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- f. The USM, AD, or Staff Office Head will make a selection from the certification list provided by HRD.
 - g. At management's discretion, temporary promotions may be terminated at any time prior to the not-to-exceed date.
12. **Management Options:** At their discretion, managers may fill positions by means other than the competitive procedures described in the Merit Promotion Plan. Options include, but are not limited to:
- a. Reassignment, lateral, re-promotion, or voluntary change to lower grade of a status applicant into a position with no known promotion potential (or a position having no higher promotion potential than one's existing or most recent position, or to a grade level previously held on a permanent basis in the competitive service).
 - b. Selection from other appropriate sources, with or without posting an announcement to accept competitive candidates, such as re-employment priority lists, reinstatement, transfer, appointing authorities for individuals with disabilities, Veteran Recruitment Act eligibles, etc., or those within reach on an appropriate OPM certificate, 5 C.F.R. § 335.103(b)(4).
 - c. If an applicant meets the requirements for CTAP/ICTAP and is determined to be well qualified for the position, the selecting official must follow the order of selection as outlined in 5 C.F.R. § 330.705.
 - d. A selecting official has the option of considering and selecting, at any point he or she deems appropriate, any candidate who is eligible for noncompetitive placement into a position. When candidates are identified as eligible for noncompetitive placement, no formal evaluation procedures are required as a prerequisite for referral and consideration by the selecting official.
 - e. The selecting official may either select one of the candidates on the promotion certificate or choose one of the following options:
 - 1) Request that the position be re-announced where it can be substantiated to HRD that the applicant pool is insufficient;
 - 2) Request to select from other appropriate sources, such as an OPM register or from among individuals eligible for noncompetitive appointment or placement into the position; or
 - 3) Request not to fill the position and cancel the announcement.
13. **Payment of Relocation Expenses:** Vacancy announcements must contain a statement as to whether or not relocation expenses will be authorized in the event selection is made of a candidate who applies from outside the commuting area.
14. **Initial Appointment as Supervisor or Manager:** A selection resulting in an initial appointment as a supervisor or manager requires serving a probationary period, which if not successfully completed, is subject to the requirements set forth in USMS Policy Directive 3.4, Probationary Period for Supervisors and Managers.

15. **Records:**a. **Confidentiality:**

- 1) Records maintained under the Merit Promotion Plan will be maintained pursuant to the Privacy Act, 5 U.S.C. § 552a.
- 2) Plans and rating benchmarks for evaluating candidates' experience or interview performance will not be released as this would undermine the fairness and validity of the selection process.

b. **Employee Requests for Information:** Upon written request, the following information will be furnished by HRD to employees:

- 1) Whether the requesting employee was considered for the position.
- 2) Whether the qualification requirements were met.
- 3) The requesting employee's scores for a specific position.
- 4) Whether the requesting employee was referred for consideration and placed on the certificate list from which the selection was made.

c. **Retention of Records:** Records must be maintained in accordance with NARA General Records Schedule 1, 5 CFR 335.103(b)(5) and DOJ policy.G. **Definitions:**

1. **Area of Consideration:** Area in which the search for eligible candidates is conducted in connection with a specific vacancy.
2. **Candidates:** All applicants who meet the minimum qualification requirements and other eligibility requirements for a position, and are therefore eligible for consideration.
3. **Career Ladder Promotion or Career Promotion:** Promotion of an employee without competition when the employee competed earlier for the position and the higher-graded full performance level (FPL) or promotion potential is a matter of record. Normally, a position is announced and filled on a competitive basis with promotion to higher grade levels made on a non-competitive basis. The career ladder refers to the range of grades to which the employee may be promoted non-competitively up to the classified FPL of the position.
4. **Certificate of Eligibles:** List(s) of candidates referred for consideration as well as non-competitive candidates or reassignment eligible candidates, listed in alphabetical order, who applied in response to a specific merit promotion vacancy announcement.
5. **Change to Lower Grade:** Occurs when an employee moves to a lower grade and both the old and the new position are under the same pay schedule, or when an employee moves from one pay schedule to another, or from an ungraded position to another ungraded position, and the new position has a lower rate of basic pay.
6. **Crediting Plan/Assessment Tool:** A rating guide used in the evaluation process that describes the way in which points or other values will be awarded to each of the rating criteria (e.g., knowledge, skills and abilities, experience, education and training, awards as appropriate, test scores, etc.).

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7. **Detail:** The temporary assignment of an employee to a different position or set of duties for a specified period with no change in pay, with the employee returning to his or her regular duties at the end of the assignment. An employee may be detailed to a position with a higher grade or rate of pay, but for no more than 120 days without announcement of and competition for the position.
8. **District:** All employees, vacancies and positions that are assigned to a district and in the USMS organization, report through the USM to the Director of the Agency.
9. **Division:** All employees, vacancies and positions that are assigned to a division and in the USMS organization, report through the AD or Staff Officer to the Director of the Agency.
10. **Ineligible Applicants:** Applicants eliminated from consideration because their applications do not indicate compliance with the basic eligibility requirements for the position, the time-in-grade requirement and/or the administrative requirements.
11. **Job Analysis:** A process for identifying the competencies/Knowledge, Skills, Abilities and Other Characteristics (KSAs) directly related to performance on the job. It is a systematic procedure for gathering, documenting, and analyzing information about the content, context, and requirements of the job. It demonstrates that there is a clear relationship between the tasks performed on the job and the competencies/KSAs required to perform the tasks.
12. **Knowledge, Skills, Abilities (KSAs), and Other Characteristics:** Characteristics typically associated with successful job performance. KSAs are identified through a job analysis and provide the basis for the development of the crediting plan. KSAs are also referred to as competencies.
13. **Local Commuting Area:** Defined as the 50-mile radius from the official duty location.
14. **Nepotism:** The prohibited act of appointing, employing, promoting, advancing, or advocating for appointment, promotion, or advancement of a relative (see definition below) to a civil position in any agency in which a public official is serving or over which he or she exercises jurisdiction or control (5 U.S.C. § 3110).
15. **Non-competitive Candidates:** Qualified applicants who are eligible for selection from an appropriate source without competition. Appropriate sources include, but are not limited to, reemployment priority lists, reinstatement, transfer, handicapped, or Veteran Recruitment Act eligible candidates.
16. **Priority Consideration:** Consideration of a candidate who was not given proper consideration in a previous competitive promotion action. It means that the employee, upon initiating a request to exercise priority consideration, is to be considered by the selecting official ahead of other candidates for the next appropriate vacancy for which the candidate is qualified. Priority consideration does not place conditions on the selecting official's right to select or not to select from any appropriate sources at any point in the recruitment and staffing process.
17. **Promotion:** A change of an employee, while serving continuously within the same agency, to a higher grade when both the old and new positions are under the General Schedule or under the same type graded wage schedule or to a position with a higher rate of pay when both the old and new positions are under the same type ungraded wage schedule, or are in different pay method categories.

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18. **Qualified Candidates:** Those applicants who meet established qualification requirements for the position (including selective placement factors) as outlined in the Qualification Standards for General Schedule Positions.
19. **Quality Ranking Factors:** KSAs which could significantly enhance performance in a position, but which are not essential to qualify for the position. QRFs are used to determine which of the basically-qualified applicants are likely to be better qualified for a position. Applicants who address QRFs may be ranked above those who do not, but no one may be rated ineligible solely for failure to address a QRF.
20. **Ranking:** Process of arranging eligible candidates by overall ratings to determine which applicants are referred for consideration.
21. **Rating:** Process of assessing the qualifications of candidates to determine basic eligibility and the degree to which they possess the KSAs required for successful performance in the job to be filled.
22. **Reassignment:** Change of an employee from one position to another position without promotion or change to a lower grade within the USMS or DOJ.
23. **Recommending Official:** For GS-1811 Merit Promotion positions that proceed through the Career Board (a recommending body), the recommending official is the USM, AD, or Staff Office Head of the district, division, or staff office where the position is located. The recommending official makes a recommendation from a certificate of eligible applicants to the Career Board. For administrative positions, the recommending official is designated by the selecting official, if deemed necessary.
24. **Relative:** For purposes of the nepotism statute, 5 U.S.C. § 3110, a relative is a father, mother, son, daughter, brother, sister, aunt, uncle, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister.
25. **Referred Candidates:** Candidates who rank at the top of the Merit Promotion List when measured against other eligible candidates evaluated for a position under competitive merit promotion/staffing procedures.
26. **Selecting Official:** For GS-1811 Merit Promotion positions that proceed through the Career Board, the selecting official is the Director, USMS, or the designated official who has the authority to make the final selection. For administrative positions, the selecting official is the USM, AD, or Staff Office Head of the district, division, or staff office where the position is located, or his or her designee.
27. **Selective Placement Factor:** A Technical Competency/KSA that is essential for satisfactory performance in a position. Such a factor is in addition to the minimum qualification standards set by OPM and constitutes part of the minimum eligibility requirements. Applicants who do not meet selective placement factors will be rated ineligible for a position. Selective factors must be stated in the vacancy announcement and supported by a job analysis.
28. **Service Requirement:** The minimum or maximum amount of time an employee must serve in a position. A minimum service requirement indicates the amount of time an employee must serve in a position before being eligible for consideration for a lateral reassignment. A maximum service requirement generally denotes the length of service expected in the position but may be extended with the approval of the AD, HRD, or designee. When service requirements exist, they are included in the vacancy announcement.

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29. **Time-limited Promotion:** Placement of a qualified employee into a higher-graded position for a specified period of time.
30. **Vacancy Announcement:** Means by which an available position is advertised. The announcement states the location of the vacancy, the qualifications required, and other pertinent information.

H. **References:** None.

I. **Cancellation Clause:** This policy supersedes Policy Directive 3.1, *Merit Promotion Plan*.

J. **Authorization and Date of Approval:**

By Order of:

Effective Date:

_____/s/_____
Stacia A. Hylton
Director
U.S. Marshals Service

7/24/2015

Exhibit 113

To: Dickinson, Lisa (USMS) [REDACTED]
Cc: [REDACTED] (USMS); [REDACTED] Fleoaatty
 ([REDACTED]@aol.com) [REDACTED]@aol.com]
From: [REDACTED] (USMS)
Sent: Wed 10/16/2013 5:09:29 PM
Subject: FW: Senior Executive Service Detail Opportunity - Announcement Number SES-13-001HQ
 (Grievance)
[Exhibit 1.pdf](#)
[Exhibit 2.pdf](#)
[Exhibit 2a.pdf](#)
[Exhibit 3.pdf](#)
[Exhibit 4.pdf](#)
[Exhibit 4a.pdf](#)
[Exhibit 4b.pdf](#)
[Exhibit 5.pdf](#)
[Exhibit 5a.pdf](#)
[Exhibit 6.pdf](#)
[Exhibit 7.pdf](#)
[Exhibit 8.pdf](#)
[Exhibit 9.pdf](#)
[Exhibit 10.pdf](#)
[Exhibit 11.pdf](#)
[Exhibit 12.pdf](#)
[Exhibit 12a.pdf](#)
[Exhibit 13.pdf](#)

Hello Acting ADA Dickinson –

In accordance with the Agency's grievance procedures as delineated in USMS Policy Directive 3.3, please accept this response to the notification of my disqualification for the role of Acting Assistant Director of the Asset Forfeiture Division (AFD). I received notice on Friday, October 11, 2013, from the USMS Human Resources Division (HRD). I hereby designate [REDACTED] of the Federal Law Enforcement Officer's Association (FLEOA) to be my representative in this matter. His contact information is as follows:

[REDACTED] Esquire

[REDACTED]

Telephone: 516-[REDACTED]

Facsimile: 516- [REDACTED]

I respectfully request Mr. [REDACTED] be copied on all correspondence pertaining to this matter.

I challenge the decision by HRD to disqualify me from consideration for announcement number SES-13-001HQ, Senior Executive Service Detail Opportunity (i.e., Acting Assistant Director of AFD). Moreover, I protest the Agency's continued violations of merit principles in connection with this and other promotional opportunities within AFD and Department of Justice (DOJ). As a strong proponent of competitive processes in filling vacancies, I maintain that HRD has unjustly targeted me for discipline in conjunction with my advocating for merit principles in my employment. The basis of my grievance is supported by the following facts:

1. I am a [REDACTED] GS-1811-15, assigned to AFD.
2. On January 25, 2012, USMS Director Stacia A. Hylton announced Kim Beal would serve as the Acting Assistant Director of AFD effective January 30, 2012. [REDACTED] was named as the Acting Deputy Assistant Director effective the same date (Exhibit 1).
3. On September 12, 2012, or 226 days later, HRD published announcement number SES-12-003HQ, Senior Executive Service Detail Opportunity (i.e., Acting Assistant Director of AFD) (Exhibits 2 and 2a). The announcement was shared with all GS-14 and GS-15 employees within AFD, including eligible and qualified GS-1811s (i.e., me). All GS-1811 candidates within AFD were later excluded from competing for the position purportedly due to the fact that TDY funding wasn't available (Exhibit 3). However, on August 28, 2011, another GS-1811-15 was placed on TDY from salaries and expenses (0324) and appointed as the

Acting Deputy Assistant Director of the Management Support Division (Exhibit 4). On July 15, 2012, the same employee remained on TDY status and was appointed Acting Assistant Director of the same division (Exhibit 4a). While continuing on TDY, the employee was formally appointed to the position of Assistant Director sometime after November 20, 2012 (Exhibit 4b). Any TDY costs for the Acting Assistant Director of AFD would have been paid from Assets Forfeiture Fund resources (5042), versus salaries and expenses (0324). Clearly there was no funding shortage from Assets Forfeiture Funding resources. Similar TDY positions within the asset forfeiture community have been supported by the Justice Management Division (JMD), Asset Forfeiture Management Staff (AFMS). In fact, in fiscal year 2013, AFD returned more than \$11 million in funding to JMD, AFMS. The determination to exclude GS-1811 candidates for a position vacated by an ES-1811 (i.e., Eben Morales) was viewed to unfairly provide opportunities and advantages to other administrative employees who were named to the two senior positions within AFD for time periods beyond those allowed by merit principles.

4. On October 25, 2012, Beal shared a Law Enforcement Advisor Developmental Assignment opportunity TDY at JMD, AFMS (Exhibit 5). TDY funding was included within the announcement (Exhibit 5a). I expressed an interest in applying for the position (Exhibit 6). In late November 2012, but before the announcement closed to the receipt of applications, I was verbally informed by [REDACTED] that my request for consideration in even submitting an application for the opportunity was disallowed.

5. On December 13, 2012, the permanent position of Assistant Director, AFD, was announced through OPM under Job Announcement Number 800704 (Exhibit 7). The position was converted from operational (ES-1811) to administrative (ES-0340). A mandatory technical qualification was included in the position announcement that only a GS-1811 could successfully meet in the USMS: "Demonstrated knowledge and experience in managing and overseeing a nationwide pre-seizure/financial investigation program, including domestic and international forfeiture operations." I contend the conversion of the position from operational to

administrative was to pre-select and name Beal to the position where she was acting for more than one year and she was receiving experience not afforded to others. In fact, in December 2012, at least one other well-qualified DOJ attorney interested in competing for the position was discouraged by Morales from applying for it. The position closed on January 10, 2013.

6. In April 2013, Beal was informally told by a senior agency official she was selected for the position of AFD's Assistant Director.

7. On June 14, 2013, the position of Assistant Director for AFD was cancelled due to other separate reasons.

8. According to USMS Policy Directive 3.1 (Merit Promotion Plan):

a. "Offices may temporarily promote or detail employees to vacant positions for more than 120 days until permanent candidates are chosen. In order to do so, though, the action must be competitive and the appointment may not exceed one year. Positions may not be filled by a temporary, not to exceed one year appointment, in lieu of a permanent selection."

b. "The position must be established and funded, and the need for a temporary appointment must be justified by the U.S. Marshal, division, etc."

c. "Temporary appointments not to exceed a year may be terminated at any time."

d. "The area of consideration is restricted to the district or division where the vacancy exists."

e. "The MINIMUM AREA OF CONSIDERATION is the area designated by this plan in which the agency may reasonably expect to locate a sufficient number of highly qualified candidates as determined by the USMS, to fill vacancies in positions covered by the plan."

9. There is no provision in the USMS Merit Promotion Plan or respective Policy Directives to further restrict a competitive position to "the local commuting area." Eligible AFD GS-1811s are located throughout the country (i.e., none are assigned within the local commuting area of Arlington, VA) and should have been afforded TDY opportunities enjoyed by other agency employees at the time, since, and continuing today.

10. The Agency permitted Beal and [REDACTED] to remain in their respective acting roles far greater than 120 days without competition. Beal was selected for announcement number SES-12-003HQ in October 2012, or more than 260 days after being named to the acting role by the USMS Director. She was selected as the permanent Assistant Director in April 2013, although other separate reasons resulted in the position's cancellation. More than 20 months later, she remains in the role of Acting Assistant Director.

11. At its origin, the position of Deputy Assistant Director was a GS-1811 and has been a separate position control number classified under an independent operational position description within AFD. In September 2010 and following it being vacated by Morales, the position was never competitively announced for merit promotion opportunity. Instead, the position was converted to administrative and Beal was non-competitively named to the position where a classified administrative position description did not exist at the time (Exhibit 8). Since January 30, 2012, or for more than 20 months, the position of Acting Deputy Assistant Director – filled by [REDACTED] – has never been competitively announced. In November 2012, around the same time I was denied the opportunity to apply for

the Law Enforcement Advisor Developmental Assignment, I expressed to Beal an interest in the position of AFD's Acting Deputy Assistant Director. She stated she would inquire on its competitiveness with then Associate Director for Administration Steve Mertens. No additional information was ever provided. [REDACTED] remains in the position today.

12. On May 28, 2013, I was informed of a proposal to discipline me for violations of merit principles in connection with my employment within AFD (Exhibit 9). I was specifically and unfairly targeted by HRD on this matter. After transmitting a rebuttal judgment to the Deciding Official on the charge of displaying poor, to include evidence of an HRD official making false statements under oath, I was cleared of the charge on July 22, 2013. The Deciding Official cited "credible and compelling" evidence in her findings (Exhibit 10). I found it disturbing, as any employee would, that unsupported and false allegations were used to pursue disciplinary action against me. Equally alarming, my request to discuss the matter has never been acknowledged (Exhibit 11).

13. Last month (September 19, 2013), announcement number SES-13-001HQ was advertised, to include all eligible employees within AFD of the 0340 and 1811 job series. As the e-mail thread below reflects, it was again transmitted by AFD's Administrative Officer to all eligible GS-14 and GS-15 candidates the same day, to include all qualified 1811s (i.e., me), again none who reside or are assigned within the local commuting area (i.e., eligible AFD 1811s are located in Seattle, Houston, Tampa and Boston). Therefore, limiting competition to the local commuting area of Arlington, VA was improper.

14. On October 2, 2013, I applied for the position as an eligible and qualified candidate based on the Agency's Merit Promotion Plan (Exhibit 12 and 12a).

15. On October 11, 2013, I was informed by HRD that I was not considered for the position (Exhibit 13). Should Beal remain in the position for another one year it will bring her total time in the acting role to nearly 1,000 days

(two one-year periods in addition to the original more than 260 days from January 30 – mid-October 2012). The merit promotion announcement for the permanent Assistant Director has not been re-announced.

16. Since 2009, the asset forfeiture mission in the USMS has grown from a predominantly, yet important administrative function of property management and disposition, to the assignment of GS-1811s throughout the country who are engaged in the use of the asset forfeiture sanction to meet law enforcement objectives. Today, 67 GS-1811 positions are authorized within the USMS to conduct financial investigations, develop theories of forfeiture, assist prosecutors in litigation strategies, collect evidence to prove elements of crime, enforce Forfeiture Money Judgments, advocate for victims' rights by developing original and unique management and disposition methods available only to those employees who are actively and intimately involved in asset forfeiture investigations, and perform many other law enforcement activities. It is the reason the position of AFD Assistant Director and Deputy Assistant Director were once classified as 1811s. Over time, the law enforcement mission in asset forfeiture has expanded, not diminished. I remain the only GS-1811-15 within the USMS actively engaged in a law enforcement mission whose supervisors, through no fault of their own, are not from a law enforcement background (i.e., are not 1811s). OCDETF is a similar program within the USMS, although it is half the personnel size. It is managed by GS-1811s who are likewise supervised by GS-1811s, a common theme in the USMS for operational programs.

17. By excluding eligible and qualified GS-1811 candidates within AFD from the role of Acting Assistant Director, the Agency has and continues to violate merit principles by:

- a. Allowing Beal to serve in the acting role for greater than 120 days without competition (January 30 – October 2012);
- b. Allowing [REDACTED] to serve in an acting role for greater than 120 days without competition (January 30, 2012 – present);
- c. Excluding other eligible candidates with AFD from acting in the Assistant

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Director and Deputy Assistant Director roles, to include eligible GS-1811 candidates;

- d. Purposefully limiting competition and excluding GS-1811s from announcement number SES-12-003HQ whose permanent series was ES-1811-00 (i.e., when Eben Morales was named to the position). TDY funding was never a legitimate consideration;
- e. Purposefully limiting competition and excluding GS-1811s for a second time from announcement number SES-13-001HQ whose permanent series was ES-1811-00. TDY funding remains available within the Agency's fiscal year 2014 Assets Forfeiture Fund resources and continues to be expended from salaries and expenses for other employees;
- f. Establishing a pattern of excluding GS-1811s within AFD from promotional and career developmental opportunities, to include the Law Enforcement Advisor Developmental Assignment opportunity that was announced at JMD, AFMS;
- g. As a GS-1811, targeting me for discipline for purportedly violating merit principles later found to be baseless. This effort caused unnecessary time, effort, energy, anxiety and was designed to interfere with career developmental opportunities;
- h. Disregarding the Agency's Merit Promotion Plan and other existing Policy Directives related to merit promotion.

The remedies I propose include:

- a. Corrective action of the aforementioned issues (a. – h.);
- b. My application to be competitively considered for the position of SES-13-001HQ as a most qualified candidate based on experience outlined within my résumé (Exhibit 12a);
- c. Consideration for the Acting Deputy Assistant Director role within AFD;
- d. I urge HRD to discontinue unjustly targeting me and unfairly pre-selecting

candidates for – while excluding other eligible candidates from – merit promotion opportunities within the Agency. This activity has denied other developmental and leadership opportunities within the Agency and DOJ.

e. Consideration of re-announcing the position of Assistant Director as an ES-1811, consistent with its most recent classification and similar positions within the Agency that oversee a law enforcement mission;

f. For the operational and administrative workforce to better complement one another, consideration of creating a second position of Deputy Assistant Director within AFD, similar to other Divisions that have more than one such position, with reporting directly to the Assistant Director, but that oversees the law enforcement mission within the Agency involving the asset forfeiture sanction and financial investigations.

Given the aforementioned information I hope for an informal resolution within the Agency “as promptly and economically as possible.” I look forward to a written response within the prescribed time periods of the grievance procedures. Should a decision ever be made to name an independent fact-finder, I request DOJ manage the process. I understandably have no confidence in HRD doing so, particular given one official hijacked the process that resulted in the proposed disciplinary action against me where I was later cleared. Please let me know if I can assist by providing additional information or should there be any questions.

Respectfully,



Asset Forfeiture Division

U.S. Marshals Service

 office

[REDACTED] – mobile

[REDACTED]

From: [REDACTED] (USMS) On Behalf Of Resources, Executive (USMS)
Sent: Friday, October 11, 2013 12:06 PM
To: [REDACTED] (USMS)
Subject: RE: Senior Executive Service Detail Opportunity - Announcement Number SES-13-001HQ

[REDACTED]

I acknowledge receipt of your resume.

This detail opportunity is open to all Headquarters Asset Forfeiture Division personnel at the GS-14 and 15 levels assigned within the local commuting area (Arlington, Virginia). As a result, you were not considered for this position.

Please contact me if you have questions.

Respectfully,

[REDACTED]

United States Marshals Service


[REDACTED]

[REDACTED] (office)

[REDACTED] (fax)



This e-mail is FOR OFFICIAL USE ONLY and contains information that may be confidential and privileged. If you are not the intended recipient or have received this in error, please delete the e-mail without reading it. This e-mail should NOT be released to any personnel who do not have a valid "need to know" without prior approval of an authorized USMS official.

From:  (USMS)
Sent: Wednesday, October 02, 2013 4:26 PM
To: Resources, Executive (USMS)
Subject: FW: Senior Executive Service Detail Opportunity - Announcement Number SES-13-001HQ

To Whom It May Concern --

Attached hereto please find my resume for consideration of the position of Acting Assistant Director of the Asset Forfeiture Division, ES-1811-00. If printing the document for review may I request a color printer be used to capture the significant points on page 6?

Please acknowledge receipt and acceptance by replying to this e-mail. I want to make sure you receive it considering potential implications with the government shutdown. Thank you.



Asset Forfeiture Division

U.S. Marshals Service

[REDACTED] – mobile

[REDACTED]

From: [REDACTED] (USMS)
Sent: Thursday, September 19, 2013 3:21 PM
Cc: [REDACTED] (USMS)
Subject: FW: Senior Executive Service Detail Opportunity - Announcement Number SES-13-001HQ

ES-0340/1811-00, (Acting) Assistant Director for Asset Forfeiture Division - Arlington,
VA

POC: [REDACTED], 202-[REDACTED]

Please submit your resume to: [REDACTED]@usdoj.gov

Exhibit 114



U.S. Department of Justice

United States Marshals Service

*Office of the Director**Alexandria, VA 22301-1025*

August 5, 2011

MEMORANDUM TO: United States Marshals Service Employees

FROM: *SAH*
Stacia A. Hylton
Director

SUBJECT: Acting Deputy Assistant Directors for
Management Support and Prisoner Operations

I am pleased to announce that [REDACTED] Central District of California, will be detailed to serve as the Acting Deputy Assistant Director for the Management Support Division, effective August 28, 2011, and Chief Deputy United States Marshal [REDACTED] District of Arizona, will serve as the Acting Deputy Assistant Director for the Prisoner Operations Division, effective August 29, 2011.

I would like to thank [REDACTED] and [REDACTED] for taking on these important leadership assignments.

USMS-SJC-0000064

From: Beal, Kim (USMS)
Sent: Thursday, October 25, 2012 11:58 AM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS)
Subject: FW: Law Enforcement Advisor, Developmental Assignment Opportunity, Justice Management Division, Asset Forfeiture Management Staff

Please forward to any eligible AFFL

Kimberly Beal
 Assistant Director (A)
 Asset Forfeiture Division
 202. [REDACTED]

From: [REDACTED] (JMD) [mailto:[REDACTED]@usdoj.gov]
Sent: Thursday, October 25, 2012 11:21 AM
To: Morales, Eben (USMS); Beal, Kim (USMS)
Subject: FW: Law Enforcement Advisor, Developmental Assignment Opportunity, Justice Management Division, Asset Forfeiture Management Staff

Eben, Kim: this detail opportunity for a Law Enforcement Advisor to AFMS is now open. Please distribute to any individual whom may be qualified and interested.

Thanks, [REDACTED]
 Asset Forfeiture Management Staff



Law Enforcement Advisor, Developmental Assignment Opportunity
Department of Justice, Justice Management Division, Asset Forfeiture Management Staff

This position will be filled with a temporary, non-renewable 18 month reimbursable detail. Applicants must have approval from their DOJ component / agency.

About the Office: The Asset Forfeiture Management Staff (AFMS) is within the Justice Management Division (JMD). AFMS is responsible for the coordination, direction, and general oversight of the DOJ Asset Forfeiture Program (AFP), which provides law enforcement agencies with the tools, policies, and funding to fight crime through the power of the forfeiture sanction. By removing the proceeds of crime and other assets relied upon by criminals and their associates to perpetuate their unlawful activity against our society, asset forfeiture has the power to disrupt and dismantle criminal organizations and help bring justice to victims of fraud.

Exhibit 115

AFMS duties include the financial management of the multi-billion dollar Assets Forfeiture Fund (consisting of deposits resulting from the forfeiture of assets), the implementation and continuous development of forfeiture IT systems, and the oversight of program-wide contracts, internal controls, and property management. AFMS is responsible for the review and evaluation of AFF-funded programs, the interpretation of the Assets Forfeiture Fund statute, the approval of unusual fund uses, and legislative liaison on matters affecting the financial integrity of the Program. AFMS recommends to the Deputy Assistant Attorney General/Controller the budgetary allocation and distribution of AFF resources to participating agencies in support of their forfeiture-related programs and operational activities. The Deputy Attorney General's Office provides final approval of AFF allocations. This position is located in Washington, DC.

Responsibilities and Opportunity Offered: As a Law Enforcement Advisor to AFMS, you will have an opportunity to make use of your law enforcement background and expertise to advise management in a variety of areas, including:

- policy formulation,
- program review and analysis; and
- the evaluation of agency initiatives proposed for AFF funding.

The Law Enforcement Advisor will be given the opportunity to contribute ideas and influence the decision making process, which includes decisions regarding the allocation and distribution of AFF resources to participating agencies.

Duration: 18 months

Work hours: 9:00 – 5:30, but flexible.

Qualification Requirements: The position is restricted to current 1811 law enforcement personnel who have reached the GS-14 or GS-15 level serving within a law enforcement agency that is a member of the DOJ Asset Forfeiture Program (US Marshals Service, Drug Enforcement Administration, Federal Bureau of Investigation, or Bureau of Alcohol, Tobacco, Firearms & Explosives). Management experience, analytical aptitude, and familiarity with program review concepts and management analysis activities are helpful but not required. Applicants must have approval from their current supervisor and agency.

Travel: There is no expected travel associated with this position; however travel may be required depending on the review and oversight of programs and will be fully reimbursed.

Salary Information: This is a reimbursable detail assignment.

Location: Washington, DC. AFMS is located in DOJ's 2CON facility, which is at [REDACTED] Washington, DC.

Relocation Expenses: Applicants outside of the DC metropolitan area are encouraged to apply. Relocation expenses for this detail opportunity may be authorized for both housing rent and certain per diem costs. The reimbursement of these costs may be negotiated, if necessary.

Application Process and Deadline Date: To apply, interested candidates should:

- submit their resume;
- most recent performance appraisal;
- a cover letter that highlights the applicant's interest in the position, and addresses in detail how they meet the qualifications;

[via e-mail to [REDACTED]@usdoj.gov and [REDACTED]@usdoj.gov. Enter "Law Enforcement Advisor" in the subject line, or mail addressed to:]

Exhibit 115

U.S. Department of Justice, Asset Forfeiture Management Staff, Office of the Director, Two Constitution Building,
[REDACTED] Washington, DC 20002 (FedEx) - Washington, DC 20530 (Regular Mail), Attn:

Deadline: Applications must be received by 5:00 pm EST on Friday, November 30, 2012.

Start Date: The anticipated start date for this detail is Monday, January 14, 2013 but can be flexible.

Department Policies: The U.S. Department of Justice is an Equal Opportunity/Reasonable Accommodation Employer. Except where otherwise provided by law, there will be no discrimination because of color, race, religion, national origin, political affiliation, marital status, disability (physical or mental), age, sex, gender identity, sexual orientation, genetic information, status as a parent, membership or non-membership in an employee organization, on the basis of personal favoritism, or any non merit factor. The Department of Justice welcomes and encourages applications from persons with physical and mental disabilities. The Department is firmly committed to satisfying its affirmative obligations under the Rehabilitation Act of 1973, to ensure that persons with disabilities have every opportunity to be hired and advanced on the basis of merit within the Department of Justice. This agency provides reasonable accommodation to applicants with disabilities where appropriate. If you need a reasonable accommodation for any part of the application and hiring process, please notify the agency. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * *

The Department of Justice cannot control further dissemination and/or posting of information contained in this vacancy announcement. Such posting and/or dissemination are not an endorsement by the Department of the organization or group disseminating and/or posting the information.

USMS-SJC-0001382

ASSISTANT DIRECTOR FOR ASSET FORFEITURE
ES-340

I. INTRODUCTION:

The United States Marshals Service (USMS), a law enforcement agency of the Federal government, is primarily responsible for supporting the Federal Judiciary in activities which facilitate litigation and protect the integrity of the judicial process. The activities of the USMS include: ensuring the safety of the Federal Judiciary and other court officers; maintaining order during court proceedings; maintaining security of deliberating and sequestered juries; maintaining security of key government witnesses and their families; guarding and transporting Federal prisoners; apprehending Federal fugitives; execution of the Asset Forfeiture Program; serving process; and providing assistance in matters of federal emergencies involving civil disturbances.

The incumbent of this position serves as the Assistant Director for Asset Forfeiture with full executive responsibility for the development, implementation, and operation of programs, policies, and procedures pertaining to the USMS Asset Forfeiture Program. The USMS Asset Forfeiture Program mission is to provide expert, efficient and cost effective asset identification, planning, seizure, management and disposition services to components of the Department of Justice (DOJ) Asset Forfeiture Program. The incumbent directs both immediate and long range strategic planning for effective management of the USMS Asset Forfeiture Program nationwide.

II. DUTIES AND RESPONSIBILITIES:

1. Serves as the principal advisor to the Associate Director for Administration on the Asset Forfeiture Program which involves the identification, seizure, management, and disposal of seized and forfeited assets as a result of illegal drug trafficking, racketeering, white collar crime and other organized criminal activities.
2. Manages the strategic, operational and administrative aspects of the USMS Asset Forfeiture Program. Conducts periodic and comprehensive evaluations of strategic goals and objectives; adjusts or redefines goals and objectives as required. Ensures resources are effectively and efficiently utilized. Continuously analyzes program areas to identify problem areas and those in need of improvement. Directs and evaluates special studies for the purpose of determining the effectiveness of the USMS Asset Forfeiture Program.
3. Responsible for the use of government and private sector services to secure, transport, store, maintain, and dispose of seized and forfeited property. Establishes processes to support the sale, transfer or destruction of forfeited property as required. Maintains a national inventory of seized and forfeited property. Collects and analyzes data related to the costs and benefits of seized property management options, including, but not limited to storage, security, maintenance, and disposition.

4. Responsible for Asset Forfeiture Division budget preparation, review, and defense. Projects annual resource requirements and submits requests/justifications. Based on resource allocations, determines which programs and/or projects to initiate, curtail, or suspend. Monitors and justifies major program expenditures. Establishes cost-accounting and management controls governing the seized and forfeited property in conjunction with the Assistant Director for Financial Services.

5. Responsible for the procedural and financial integrity of the USMS Asset Forfeiture Program. Formulates policies and prescribes rules, regulations and procedures governing the execution of the Asset Forfeiture Program. Oversees the use of internal data quality reviews and audits to ensure nationwide compliance with Policy Directives, standard operating procedures, and established internal controls. Provides policy advice and guidance to investigative and custodial agencies relating to seized property issues.

6. Responsible for the operation and administration of the USMS Asset Forfeiture Financial Investigator (AFFI) Program. The mission of this program is to build collaborative relationships between the USMS DOs, United States Attorney's Offices (USAOs), and DOJ ACP investigative agencies to enhance seizures and forfeitures related to DOJ criminal investigations, with the goal of maximizing asset identification, victims' compensation and equitable sharing. The program is also responsible for the identification of assets through financial investigation to satisfy outstanding DOJ forfeiture-related debts owed to the US.

7. Directs the Asset Forfeiture Academy. Initiates training assessments and instructional design efforts to address identified skill gaps. Oversees the establishment of training objectives and curriculum development to facilitate achievement of asset forfeiture mission requirements. Collaborates with Training Division to ensure asset forfeiture workforce development occurs in accordance with USMS core competency strategic goals.

8. Provides positive direction to subordinate organizational levels and resolves differences between key subordinate officials. Creates and maintains an atmosphere that promotes equal employment opportunity concepts, positive human relations, and open communications between employees and their superiors.

9. Represents the United States Marshals Service in meetings and conferences with high ranking government officials, representatives from state, local, and foreign governments, officials from private and/or public organizations, and the general public. Establishes and maintains contacts with counterparts in other agencies in order to exchange key information and further the interests of the United States Marshals Service.

Performs other duties as assigned.

III. SUPERVISORY RESPONSIBILITIES:

Through subordinate managers, the incumbent is responsible for the management and executive direction of a staff of professional, administrative, technical, and clerical personnel in the execution of the above duties.

IV. CONTROLS OVER THE WORK:

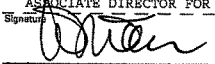
This position is under the general and administrative direction of the Associate Director for Administration, United States Marshals Service. The incumbent performs duties with unusual latitude for independent determinations in accordance with the Marshals Service needs and in compliance with objectives established by the Attorney General and legislation pertinent to the Marshals Service. The incumbent keeps the Associate Director for Administration apprised of work progress, major work problems, and program results through periodic conferences and written reports.

V. QUALIFICATIONS:

Successful performance in this position requires progressively responsible experience in the management, administration, direction, and control of administrative support programs of broad scope and complexity. Experience must have demonstrated that the incumbent can plan, organize, develop, coordinate, direct, evaluate, and carry out vital programs. This position also requires a high level of managerial and administrative expertise. Other required managerial traits are awareness of social and political forces which impact on the operational programs of the Marshals Service, ability to represent the Marshals Service at the highest levels of government, and the ability to delegate authority and control activities through subordinate managers.

SPECIAL REQUIREMENTS:**TRAVEL IS REQUIRED****TOP SECRET CLEARANCE IS REQUIRED****THIS POSITION IS A DRUG-TESTING DESIGNATED POSITION SUBJECT TO
RANDOM TESTING**

AFD - AD

POSITION DESCRIPTION (Please Read Instructions on the Back)						1. Agency Position No. 10099	
2. Reason for Submission <input checked="" type="checkbox"/> Reestablishment <input type="checkbox"/> New Position <input type="checkbox"/> Other		3. Service <input checked="" type="checkbox"/> Hdqtrs <input type="checkbox"/> Field		4. Employing Office Location ARLINGTON, VA		5. Duty Station ARLINGTON, VA	
6. OPM Certification No.		7. Fair Labor Standards Act <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt		8. Financial Statements Required <input type="checkbox"/> Executive Personnel Financial Disclosure <input type="checkbox"/> Employment and Financial Interest		9. Subject to IA Action <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
10. Position Status <input type="checkbox"/> Competitive <input type="checkbox"/> Excepted (Specify in Remarks) <input checked="" type="checkbox"/> SES (Gen.) <input type="checkbox"/> SES (CR)		11. Position is 1-2. Sensitivity <input type="checkbox"/> Supervisory <input type="checkbox"/> 1-Non-Sensitive <input type="checkbox"/> 3-Critical		12. Position is 3-4. Sensitivity <input type="checkbox"/> Managerial <input type="checkbox"/> 2-Noncritical Sensitive <input type="checkbox"/> 4-Special Sensitive		13. Competitive Level Code	
14. Agency Use		15. Classified/Graded by a. Office of Personnel Management b. Department, Agency or Establishment c. Second Level Review d. First Level Review e. Recommended by Supervisor or Initiating Office					
16. Organizational Title of Position (if different from official title)		17. Name of Employee (if vacant, specify)					
18. Department, Agency, or Establishment DEPARTMENT OF JUSTICE		c. Third Subdivision					
a. First Subdivision UNITED STATES MARSHALS SERVICE		d. Fourth Subdivision					
b. Second Subdivision		e. Fifth Subdivision					
Employee Review: This is an accurate description of the major duties and responsibilities of my position.		Signature of Employee (optional)					
20. Supervisory Certification: I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that...		this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.					
a. Typed Name and Title of Immediate Supervisor DONALD S. DONOVAN		b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)					
Signature 		Date 2/9/10		Signature		Date	
21. Classification/Job Grading Certification: I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.		22. Position Classification Standards Used in Classifying/Grading Position					
Typed Name and Title of Official Taking Action		Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.					
23. Common Review a. Employee (optional) b. Supervisor c. Classifier		24. Remarks					
d. Description of Major Duties and Responsibilities (See Attached)							

NSN 7540-00-634-4285

Previous Edition Usable

5008-106

OP 8 (Rev. 1-85)
U.S. Office of Personnel Management
PPM Chapter 295

**ASSISTANT DIRECTOR FOR ASSET FORFEITURE
ES-1811**

I. INTRODUCTION:

The United States Marshals Service, a law enforcement agency of the Federal government, is primarily responsible for supporting the Federal Judiciary in activities which facilitate litigation and protect the integrity of the judicial process. The activities of the United States Marshals Service include: ensuring the safety of the Federal Judiciary and other court officers; maintaining order during court proceedings; maintaining security of deliberating and sequestered juries; apprehending Federal fugitives; maintaining security of key government witnesses and their families; guarding and transporting Federal prisoners; providing assistance in matters of federal emergencies involving civil disturbances; operating the Asset Forfeiture program; and serving process.

The incumbent of this position serves as the Assistant Director for Asset Forfeiture with full technical responsibility for managing, administering, and executing the development, implementation, and operation of programs, policies, and procedures pertaining to the United States Marshals Service Asset Forfeiture Program.

II. DUTIES AND RESPONSIBILITIES:

1. Serves as the principal advisor to the Associate Director for Administration on the Asset Forfeiture Program which involves the seizure, management, and disposal of forfeited properties and assets from illegal drug trafficking, racketeering, and other organized criminal activities.
2. Manages and administers the Asset Forfeiture program. Provides policy advice and guidance to investigative, litigative, and custodial agencies relating to seized property issues. Manages a delivery system, using both private sector and government services to secure, transport, store, maintain, and dispose of seized and forfeited property; arranges for the sale of forfeited property; establishes a national inventory of seized property; and collects and analyzes data related to the costs and benefits of seized property management options, including, but not limited to storage, security, maintenance, and sales options.
3. Formulates policy and prescribes rules, regulations, and procedures governing the execution of the Asset Forfeiture program. Establishes cost-accounting and management controls governing the seized and forfeited property in conjunction with the Assistant Director for Financial Services.
4. Coordinates international forfeiture actions in concert with other components of the Department of Justice and foreign governments. Provides training, advice, and assistance to foreign governments on asset forfeiture related matters.
5. Directs the United States Marshals Service national pre-seizure investigative program.

6. Ensures that resources are effectively and efficiently utilized. Conducts periodic comprehensive evaluations of goals and objectives; adjusts or redefines goals and objectives as required. Continuously analyzes program areas to identify problem areas and those in need of improvement. Directs and evaluates special studies for the purpose of determining the effectiveness of the United States Marshals Service Asset Forfeiture Program.
7. Participates in budget preparation, review, and defense. Projects annual resource requirements and submits requests/justifications. Based on resource allocations, determines which programs and/or projects to initiate, curtail, or drop. Monitors and justifies major program expenditures.
8. Provides positive direction to subordinate organizational levels and resolves differences between key subordinate officials. Creates and maintains an atmosphere that promotes equal employment opportunity concepts, positive human relations, and open communications between employees and their superiors.
9. Represents the United States Marshals Service in meetings and conferences with high ranking government officials, representatives from state, local, and foreign governments, officials from private and/or public organizations, and the general public. Establishes and maintains contacts with counterparts in other agencies in order to exchange key information and further the interests of the United States Marshals Service.

Performs other duties as assigned.

III. SUPERVISORY RESPONSIBILITIES:

Through subordinate managers, the incumbent is responsible for the management and executive direction of a staff of professional, administrative, technical, and clerical personnel in the execution of the above duties.

IV. CONTROLS OVER THE WORK:

This position is under the general and administrative direction of the Associate Director for Administration, United States Marshals Service. The incumbent performs duties with unusual latitude for independent determinations in accordance with the Marshals Service needs and in compliance with objectives established by the Attorney General and legislation pertinent to the Marshals Service. The incumbent keeps the Associate Director for Administration apprised of work progress, major work problems, and program results through periodic conferences and written reports.

V. QUALIFICATIONS:

Successful performance in this position requires progressively responsible experience in the management and administration of law enforcement programs. Previous experience in legal or investigative work, which provided a sound knowledge of judicial and criminal operations, is

necessary. This position also requires a high level of managerial and administrative expertise. Other required managerial traits are awareness of social and political forces which impact on the law enforcement programs, knowledge of personal and physical security techniques, understanding of the missions of agencies with related functions, ability to represent the Marshals Service at the highest levels of government, and the ability to delegate authority and control activities through subordinate managers.

SPECIAL REQUIREMENTS:
TRAVEL IS REQUIRED
TOP SECRET CLEARANCE IS REQUIRED

**THIS POSITION IS A DRUG-TESTING DESIGNATED POSITION SUBJECT TO
RANDOM TESTING**

**THE INCUMBENT OF THIS POSITION MUST HAVE PRIOR EXPERIENCE IN A
PRIMARY LAW ENFORCEMENT POSITION AND IMMEDIATE PRIOR
EXPERIENCE IN A POSITION APPROVED FOR COVERAGE UNDER 5 U.S.C. 8336 C
(1) OR 5 U.S.C. (D) SINCE THIS POSITION INCLUDES RESPONSIBILITIES
DIRECTLY INVOLVING THE INVESTIGATION OF CRIMINAL ACTIVITIES.**

POSITION DESCRIPTION (Please Read Instructions on the Back)						1. Agency Position No. 14010N	
2. Reason for Submission: <input type="checkbox"/> Reassignment <input checked="" type="checkbox"/> Hire <input type="checkbox"/> Reestablishment <input type="checkbox"/> Other		3. Service: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Part		4. Employing Office Location Arlington, VA		5. Duty Station Arlington, VA	
7. Full Labor Standards Act: <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt		8. Financial Statements Required: <input type="checkbox"/> Executive Personnel Financial Disclosure <input type="checkbox"/> Employment and Financial Interest		9. Subject to IA Action: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		10. Competitive Level Code	
10. Position Status: <input type="checkbox"/> Competitive <input type="checkbox"/> Excepted (Specify in Remarks) <input checked="" type="checkbox"/> SES (Gen.) <input type="checkbox"/> SES (Spec.)		11. Position is: <input checked="" type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input type="checkbox"/> Nonstaff		12. Sensitivity: <input type="checkbox"/> 1 - Non-Sensitive <input type="checkbox"/> 2 - Low Risk <input type="checkbox"/> 3 - Moderate <input type="checkbox"/> 4 - High Risk ADP Position: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		13. Agency Use	
14. Classified/Graded by:							
a. U.S. Office of Personnel Management		Official Title of Position		Pay Plan	Occupation Code	Grade	Initials Date
b. Department, Agency or Establishment							
c. Second Level Review		Assistant Director for Asset Forfeiture		ES	0340		DS/KS 11/6/14
d. First Level Review							
e. Recommended by Supervisor or Evaluating Officer							
16. Organizational Title of Position (if different than official title)				17. Name of Employee (if VACANT, specify)			
18. Department, Agency, or Establishment: Department of Justice United States Marshals Service Asset Forfeiture Division				19. Third Subdivision: Fourth Subdivision: Fifth Subdivision: Signature of Employee (optional)			
20. Employee Review - This is an accurate description of the major duties and responsibilities of my position.							
21. Supervisory Certification: I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes related to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.							
a. Typed Name and Title of Immediate Supervisor: LISA M. DICKINSON ACTING ASSOCIATE DIRECTOR FOR ADMINISTRATION				b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)			
Signature: [Signature] Date: 01/16/14				Signature: _____ Date: _____			
22. Classification/Job Grading Certification: I certify that this position has been classified/graded as required by Title 5, U.S. Code, in accordance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistency with the most applicable published standards.				23. Position Classification Standards Used in Classifying / Grading Position			
24. Information for Employee: The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals and complaints on objection from PLSA, is available from the personnel office or the U.S. Office of Personnel Management.							
25. Description of Major Duties and Responsibilities (See Attached)				Previous Edition Unable			
26. Position Review: a. Employee (optional) b. Supervisor c. Classifier							
27. Remarks: Sup. Mgt. Code: Beginning Unit Status Code: Drug Testing Requirement: Security Clearance: TS - Critical Sensitive							
28. Description of Major Duties and Responsibilities (See Attached)							
DF-6 (Rev. 1-85) (FPMR 7-2008) U.S. Office of Personnel Management							

ASSISTANT DIRECTOR FOR ASSET FORFEITURE
ES-340

I. INTRODUCTION:

The United States Marshals Service (USMS), a law enforcement agency of the Federal government, is primarily responsible for supporting the Federal Judiciary in activities which facilitate litigation and protect the integrity of the judicial process. The activities of the USMS include: ensuring the safety of the Federal Judiciary and other court officers; maintaining order during court proceedings; maintaining security of deliberating and sequestered juries; maintaining security of key government witnesses and their families; guarding and transporting Federal prisoners; apprehending Federal fugitives; execution of the Asset Forfeiture Program; serving process; and providing assistance in matters of federal emergencies involving civil disturbances.

The incumbent of this position serves as the Assistant Director for Asset Forfeiture with full executive responsibility for the development, implementation, and operation of programs, policies, and procedures pertaining to the USMS Asset Forfeiture Program. The USMS Asset Forfeiture Program mission is to provide expert, efficient and cost effective asset identification, planning, seizure, management and disposition services to components of the Department of Justice (DOJ) Asset Forfeiture Program. The incumbent directs both immediate and long range strategic planning for effective management of the USMS Asset Forfeiture Program nationwide.

II. DUTIES AND RESPONSIBILITIES:

1. Serves as the principal advisor to the Associate Director for Administration on the Asset Forfeiture Program which involves the identification, seizure, management, and disposal of seized and forfeited assets as a result of illegal drug trafficking, racketeering, white collar crime and other organized criminal activities.
2. Manages the strategic, operational and administrative aspects of the USMS Asset Forfeiture Program. Conducts periodic and comprehensive evaluations of strategic goals and objectives; adjusts or redefines goals and objectives as required. Ensures resources are effectively and efficiently utilized. Continuously analyzes program areas to identify problem areas and those in need of improvement. Directs and evaluates special studies for the purpose of determining the effectiveness of the USMS Asset Forfeiture Program.
3. Responsible for the use of government and private sector services to secure, transport, store, maintain, and dispose of seized and forfeited property. Establishes processes to support the sale, transfer or destruction of forfeited property as required. Maintains a national inventory of seized and forfeited property. Collects and analyzes data related to the costs and benefits of seized property management options, including, but not limited to storage, security, maintenance, and disposition.

4. Responsible for Asset Forfeiture Division budget preparation, review, and defense. Projects annual resource requirements and submits requests/justifications. Based on resource allocations, determines which programs and/or projects to initiate, curtail, or suspend. Monitors and justifies major program expenditures. Establishes cost-accounting and management controls governing the seized and forfeited property in conjunction with the Assistant Director for Financial Services.
 5. Responsible for the procedural and financial integrity of the USMS Asset Forfeiture Program. Formulates policies and prescribes rules, regulations and procedures governing the execution of the Asset Forfeiture Program. Oversees the use of internal data quality reviews and audits to ensure nationwide compliance with Policy Directives, standard operating procedures, and established internal controls. Provides policy advice and guidance to investigative and custodial agencies relating to seized property issues.
 6. Responsible for the operation and administration of the USMS Asset Forfeiture Financial Investigator (AFFI) Program. The mission of this program is to build collaborative relationships between the USMS DOs, United States Attorney's Offices (USAOs), and DOJ AFP investigative agencies to enhance seizures and forfeitures related to DOJ criminal investigations, with the goal of maximizing asset identification, victims' compensation and equitable sharing. The program is also responsible for the identification of assets through financial investigation to satisfy outstanding DOJ forfeiture-related debts owed to the US.
 7. Directs the Asset Forfeiture Academy; initiates training assessments and instructional design efforts to address identified skill gaps. Oversees the establishment of training objectives and curriculum development to facilitate achievement of asset forfeiture mission requirements. Collaborates with Training Division to ensure asset forfeiture workforce development occurs in accordance with USMS core competency strategic goals.
 8. Provides positive direction to subordinate organizational levels and resolves differences between key subordinate officials. Creates and maintains an atmosphere that promotes equal employment opportunity concepts, positive human relations, and open communications between employees and their superiors.
 9. Represents the United States Marshals Service in meetings and conferences with high ranking government officials, representatives from state, local, and foreign governments, officials from private and/or public organizations, and the general public. Establishes and maintains contacts with counterparts in other agencies in order to exchange key information and further the interests of the United States Marshals Service.
- Performs other duties as assigned.

III. SUPERVISORY RESPONSIBILITIES:

Through subordinate managers, the incumbent is responsible for the management and executive direction of a staff of professional, administrative, technical, and clerical personnel in the execution of the above duties.

IV. CONTROLS OVER THE WORK:

This position is under the general and administrative direction of the Associate Director for Administration, United States Marshals Service. The incumbent performs duties with unusual latitude for independent determinations in accordance with the Marshals Service needs and in compliance with objectives established by the Attorney General and legislation pertinent to the Marshals Service. The incumbent keeps the Associate Director for Administration apprised of work progress, major work problems, and program results through periodic conferences and written reports.

V. QUALIFICATIONS:

Successful performance in this position requires progressively responsible experience in the management, administration, direction, and control of administrative support programs of broad scope and complexity. Experience must have demonstrated that the incumbent can plan, organize, develop, coordinate, direct, evaluate, and carry out vital programs. This position also requires a high level of managerial and administrative expertise. Other required managerial traits are awareness of social and political forces which impact on the operational programs of the Marshals Service, ability to represent the Marshals Service at the highest levels of government, and the ability to delegate authority and control activities through subordinate managers.

SPECIAL REQUIREMENTS:**TRAVEL IS REQUIRED****TOP SECRET CLEARANCE IS REQUIRED****THIS POSITION IS A DRUG-TESTING DESIGNATED POSITION SUBJECT TO
RANDOM TESTING**

Investigate : Position Designation of National Security and Public Trust Positions (Step 4)... Page 1 of 1

U.S. OFFICE OF PERSONNEL MANAGEMENT

INVESTIGATE POSITION DESIGNATION OF NATIONAL SECURITY AND PUBLIC TRUST POSITIONS
(STEP 4)

Position Designation Record

Agency: USMS

Position Title: Assistant Director for Asset Forfeiture

Series and Grade/Pay Band: ES-0340

Position Description Number: 14010N

Designator's Name & Title: ADA

Step 4: Final Position Designation and Investigation.

The final position designation is outlined below. Note that for those positions designated as "Non-Sensitive" (no clearance or other sensitive national security duties) or "Noncritical-Sensitive" (duties with potential to cause damage to the national security, up to and including damage at the significant or serious level, including, but not limited to, access to classified material at the Secret, Confidential, or "L" level), the over-riding consideration in the final designation will depend on the designation level associated with the public trust responsibilities of the position.

National Security	
Positions Covered	Investigation Form
Requires eligibility for access to classified material at the SCI/TS SAP/TS/"Q" level, or duties have potential for exceptionally grave or inestimable damage to the National Security	SSBI SF 86
"Special-Sensitive" "Critical-Sensitive"	
Designator Notes/Justification/Comments:	

[Return to Start](#) [Print Summary](#)

<http://www.opm.gov/investigations/background-investigations/position-designation-tool/p...> 1/16/2014

USMS-SJC-0000629

Exhibit 118

Investigate : Position Designation of National Security and Public Trust Positions (Summ... Page 1 of 1

U.S. OFFICE OF PERSONNEL MANAGEMENT

INVESTIGATE POSITION DESIGNATION OF NATIONAL SECURITY AND PUBLIC TRUST POSITIONS
(SUMMARY)**Position Designation Record**

Agency	USMS
Position Title	Assistant Director for Asset Forfeiture
Series and Grade/Pay	ES-0340
Band	
Position Description Number	14010N

Nature of the Position**Critical-Sensitive-** Positions with the potential to cause exceptionally grave damage to the national security, including:

- Access to Top Secret or "Q" classified information

National Security

Investigation	Form Required
SSBI	SF 86

Signature: Date: 1/16/2014Name: ADA<http://www.opm.gov/investigations/background-investigations/position-designation-tool/p...> 1/16/2014

USMS-SJC-0000630



U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
(202) 254-3600

FEB 14 2014

[REDACTED]
Assistant Chief
US Marshals Service
Office of Inspection
2604 Jefferson Davis Highway
Alexandria, VA 22301

Re: OSC File No. [REDACTED]

Dear Ms. Cline:

Attached please find a memorandum describing the Office of Special Counsel's determinations in the anonymous complaint referred by Assistant Inspector General Ochoa to our office. Please feel free to contact me if you have any questions or concerns.

[REDACTED]
Supervisory Attorney
Complaints Examining Unit



U.S. OFFICE OF SPECIAL COUNSEL

Memorandum

TO:

[REDACTED]
 Assistant Inspector General
 Oversight and Review Division
 US Department of Justice

[REDACTED]
 Assistant Chief
 US Marshals Service
 US Department of Justice

FROM:

[REDACTED] NMD
 Team Leader
 Complaints Examining Unit
 US Office of Special Counsel

DATE: January 28, 2014

SUBJECT: Anonymous Complaint of Prohibited Personnel Practices

SUMMARY: On March 21, 2013, the attached anonymous complaint of prohibited personnel practices was forwarded to our office. Based on the information in the anonymous letter, we examined the facts alleged for possible violations of 5 U.S.C. § 2302(b)(2), 5 U.S.C. § 2302(b)(6), 5 U.S.C. § 2302(b)(7), and 5 U.S.C. § 2302(b)(12).

Many of the claims concerned the hiring of contract employees. The above statutes do not apply to contract employees. The remaining claims all concern close personal and working relationships but provide few if any facts to support the assertion of wrongdoing. Rather, the writer appears to rely on the relationship alone to support the claim that prohibited personnel practices occurred. As such, we have decided to take no action on this matter.

ANALYSIS:

As stated above, we examined the anonymous letter forwarded to our office for violations of four prohibited personnel practices. Brief synopses of each follow.

5 U.S.C. § 2302(b)(2): It is prohibited to solicit or consider any recommendation, unless such recommendation is based on the personal knowledge of the person furnishing

U.S. Office of Special Counsel

OSC File No. [REDACTED]

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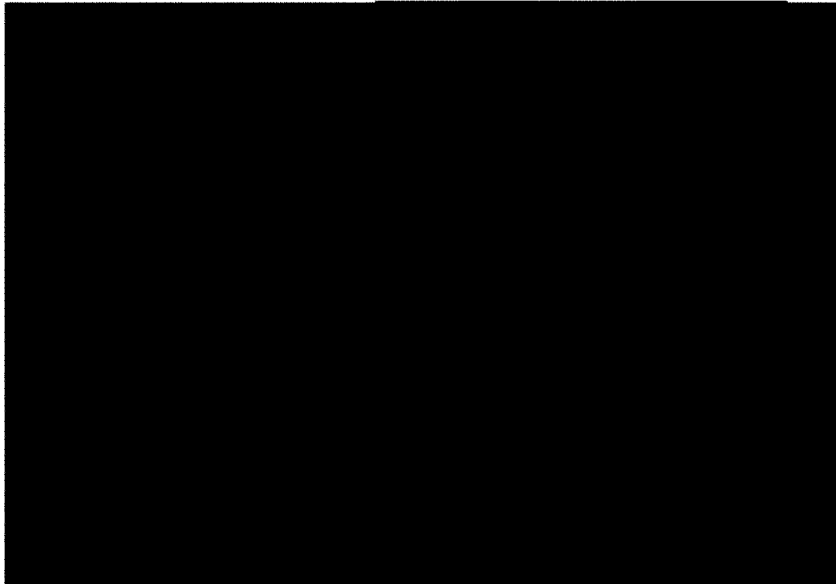
it. This section has been interpreted to prohibit recommendations from members of Congress.

5 U.S.C. § 2302(b)(6): It is prohibited to grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment.

5 U.S.C. § 2302(b)(7): Prohibits nepotism generally.

5 U.S.C. § 2302(b)(12): It is prohibited to take a personnel action in violation of any other law, rule, or regulation implementing or directly concerning a merit system principle.

The anonymous letter contained insufficient information for OSC to conclude that any violations occurred. A description of our conclusions follows. For your reference, they are listed in the order they appeared in the anonymous letter and use the same headings, to the extent possible.



U.S. Office of Special Counsel
OSC File No. [REDACTED]
Page 3

[REDACTED]

[REDACTED] AD Beal. [REDACTED]

Acting AD Beal's Nephew [REDACTED]
[REDACTED]

Acting AD Beal's Neighbor: [REDACTED]
[REDACTED]

[REDACTED]

[REDACTED] Acting AD Beal [REDACTED]
[REDACTED]

Accordingly, we have closed our file in this matter. Please feel free to contact me if you have any questions or concerns.

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USAJOBS

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Job Title: Assistant Director, Asset Forfeiture Division
 Department: Department Of Justice
 Agency: U.S. Marshals Service
 Job Announcement Number: 1042758

SALARY RANGE: \$120,749.00 to \$181,500.00 / Per Year
 OPEN PERIOD: Wednesday, February 26, 2014 to Monday, March 17, 2014
 SERIES & GRADE: ES-0340-00
 POSITION INFORMATION: Full Time - Senior Executive Service (SES)
 DUTY LOCATIONS: 1 vacancy in the following location:
 Arlington, VA
 WHO MAY APPLY: All groups of qualified individuals within the civil service as defined by 5 U.S.C. 2101
 SECURITY CLEARANCE: Top Secret
 SUPERVISORY STATUS: Yes
 JOB SUMMARY:

United States Marshals Service

ASSISTANT DIRECTOR, ASSET FORFEITURE DIVISION / ARLINGTON, VA

The United States Marshals Service (USMS) is the nation's oldest and most versatile federal law enforcement agency. The missions of the Service include protection of the judiciary, court security, witness security, asset seizure and forfeiture, apprehension of fugitives, prisoner transportation and custody.

Job Title: Assistant Director, Asset Forfeiture Division, ES-0340-00

Promotion Potential: 00

TRAVEL REQUIRED

- Occasional Travel
- Approximately 3-15 days per year

RELOCATION AUTHORIZED

- Yes
- Relocation expenses are authorized

KEY REQUIREMENTS

- U.S. Citizenship required
- This is a Designated Random Drug Testing position
- Background investigation/Top Secret security clearance required
- Complete Public Financial Disclosure Report before entering on duty
- Complete a one-year SES probationary period (unless already completed)

DUTIES:

<https://www.usajobs.gov/GetJob/PrintPreview/361412800>

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The Assistant Director for the Asset Forfeiture Division provides executive leadership in the development, implementation and operation of programs, policies and procedures pertaining to the United States Marshals Service (USMS) Asset Forfeiture Program. The incumbent serves as the principal advisor to USMS leadership on all matters involving the Asset Forfeiture Program which includes identification, seizure, management and disposal of seized and forfeited assets as a result of illegal drug trafficking, racketeering, white collar crime and other organized criminal activities.

- The incumbent conducts periodic and comprehensive evaluations of strategic goals and objectives, adjusts or redefines goals and objectives and ensures resources are effectively and efficiently utilized.
- Provides policy advice and guidance to investigative, litigative and custodial agencies relating to seized property issues.
- Oversees both private sector and government services used to secure, transport, store, maintain and dispose of seized and forfeited property.
- Works in conjunction with the Assistant Director for Financial Services to establish cost-accounting and management controls governing the seized and forfeited property.
- Oversees the use of internal data quality reviews and audits to ensure nationwide compliance with policy directives, standard operating procedures and established internal controls.
- Operates and administers the USMS Asset Forfeiture Financial Investigator Program which builds collaborative relationships between the USMS district offices, United States Attorney's Offices and Department of Justice Asset Forfeiture Program investigative agencies to enhance seizures and forfeitures relating to Department of Justice criminal investigations.
- Directs the Asset Forfeiture Academy and collaborates with the Training Division to ensure asset forfeiture workforce development occurs in accordance with USMS core competency strategic goals.

QUALIFICATIONS REQUIRED:

As a basic requirement for entry into the Senior Executive Service (SES), you must provide evidence of progressively responsible leadership experience that is indicative of senior executive level management capability; and that is directly related to the skills and abilities outlined under the Executive Core Qualifications (ECQs) and Mandatory Technical Qualifications (MTQs) listed below.

EXECUTIVE CORE QUALIFICATIONS (ECQs): Below are specific descriptions of each ECQ. Your responses must clearly and accurately support each of the below competencies.

Please Note: Current career SES members, former career SES members with reinstatement eligibility and SES Candidate Development graduates who have been certified by OPM do NOT have to address the ECQs but need to address the MTQs.

ECQ 1 - LEADING CHANGE: This core qualification involves the ability to bring about strategic change, both within and outside the organization, to meet organizational goals. Inherent to this ECQ is the ability to establish an organizational vision and to implement it in a continuously changing environment.

Leadership Competencies:

<https://www.usajobs.gov/GetJob/PrintPreview/361412800>

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1. Creativity and Innovation

Discovers new insights into situations; questions conventional approaches; encourages new ideas and innovations; designs and implements new or cutting edge programs/processes.

2. External Awareness

Understands and keeps up-to-date on local, national, and international policies and trends that affect the organization and shape stakeholders' views; is aware of the organization's impact on the external environment.

3. Flexibility

Is open to change and new information; rapidly adapts to new information, changing conditions, or unexpected obstacles.

4. Resilience

Deals effectively with pressure; remains optimistic and persistent, even under adversity. Recovers quickly from setbacks.

5. Strategic Thinking

Formulates objectives and priorities, and implements plans consistent with the long-term interests of the organization in a global environment. Capitalizes on opportunities and manages risks.

6. Vision

Takes a long-term view and builds a shared vision with others; acts as a catalyst for organizational change. Influences others to translate vision into action.

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ECQ 2 - LEADING PEOPLE: This core qualification involves the ability to lead people toward meeting the organization's vision, mission, and goals. Inherent to this ECQ is the ability to provide an inclusive workplace that fosters the development of others, facilitates cooperation and teamwork, and supports constructive resolution of conflicts.

Leadership Competencies:

1. Conflict Management

Encourages creative tension and differences of opinions. Anticipates and takes steps to prevent counter-productive confrontations. Manages and resolves conflicts and disagreements in a constructive manner.

2. Leveraging Diversity

Fosters an inclusive workplace where diversity and individual differences are valued and leveraged to achieve the vision and mission of the organization.

3. Developing Others

Develops the ability of others to perform and contribute to the organization by providing ongoing feedback and by providing opportunities to learn through formal and informal methods.

4. Team Building

Inspires and fosters team commitment, spirit, pride, and trust. Facilitates cooperation and motivates team members to accomplish group goals.

ECQ 3 - RESULTS DRIVEN: This core qualification involves the ability to meet organizational goals and customer expectations. Inherent to this ECQ is the ability to make decisions that produce high-quality results by applying technical knowledge, analyzing problems, and calculating risks.

Leadership Competencies:

<https://www.usajobs.gov/GetJob/PrintPreview/361412800>

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1. Accountability

Holds self and others accountable for measurable high-quality, timely, and cost-effective results. Determines objectives, sets priorities, and delegates work. Accepts responsibility for mistakes. Complies with established control systems and rules.

2. Customer Service

Anticipates and meets the needs of both internal and external customers. Delivers high-quality products and services; is committed to continuous improvement.

3. Decisiveness

Makes well-informed, effective, and timely decisions, even when data are limited or solutions produce unpleasant consequences; perceives the impact and implications of decisions.

4. Entrepreneurship

Positions the organization for future success by identifying new opportunities; builds the organization by developing or improving products or services. Takes calculated risks to accomplish organizational objectives.

5. Problem Solving

Identifies and analyzes problems; weighs relevance and accuracy of information; generates and evaluates alternative solutions; makes recommendations.

6. Technical Credibility

Understands/appropriately applies principles, procedures, requirements, regulations and policies related to specialized expertise.

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ECQ 4 - BUSINESS ACUMEN: This core qualification involves the ability to manage human, financial, and information resources strategically.

Leadership Competencies:

1. Financial Management

Understands the organization's financial processes. Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities.

2. Human Capital Management

Builds and manages workforce based on organizational goals, budget considerations, and staffing needs. Ensures that employees are appropriately recruited, selected, appraised, and rewarded; takes action to address performance problems. Manages a multi-sector workforce and a variety of work situations.

3. Technology Management

Keeps up-to-date on technological developments. Makes effective use of technology to achieve results. Ensures access to and security of technology systems.

ECQ 5 - BUILDING COALITIONS: This core qualification involves the ability to build coalitions internally and with other Federal agencies, State and local governments, nonprofit and private sector organizations, foreign governments, or international organizations to achieve common goals.

Leadership Competencies:

1. Partnering

Develops networks and builds alliances; collaborates across boundaries to build strategic relationships and achieve common goals.

<https://www.usajobs.gov/GetJob/PrintPreview/361412800>

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2. Political Savvy

Identifies the internal and external politics that impact the work of the organization. Perceives organizational and political reality and acts accordingly.

3. Influencing/Negotiating

Persuades others; builds consensus through give and take; gains cooperation from others to obtain information and accomplish goals.

FUNDAMENTAL COMPETENCIES: These competencies are the foundation for success in each of the Executive Core Qualifications.

Competencies:**1. Interpersonal Skills**

Treats others with courtesy, sensitivity, and respect. Considers and responds appropriately to the needs and feelings of different people in different situations.

2. Oral Communication

Makes clear and convincing oral presentations. Listens effectively; clarifies information as needed.

3. Integrity/Honesty

Behaves in an honest, fair, and ethical manner. Shows consistency in words and actions. Models high standards of ethics.

4. Written Communication

<https://www.usajobs.gov/GetJob/PrintPreview/361417800>

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Writes in a clear, concise, organized, and convincing manner for the intended audience.

5. Continual Learning

Assesses and recognizes own strengths and weaknesses; pursues self-development.

6. Public Service Motivation

Shows a commitment to serve the public. Ensures that actions meet public needs; aligns organizational objectives and practices with public interests.

MANDATORY TECHNICAL QUALIFICATIONS (MTQs) - Please include information on the scope and complexity of your experience in the following Technical Qualifications.

MTQ 1 - Experience in leading and managing others within an organization responsible for the management and oversight of assets subject to forfeiture. This includes knowledge of asset management, budget and acquisition policies and internal control procedures.

MTQ 2 - Demonstrated knowledge and experience in managing and overseeing a pre-seizure/financial investigation program, including domestic and international forfeiture operations.

CONDITIONS OF EMPLOYMENT: Please refer to the section titled "Key Requirements."

HOW YOU WILL BE EVALUATED:

Once your completed application is received, we will conduct an evaluation of your qualifications and determine your ranking. The most highly qualified candidates will be referred to the hiring manager for further consideration and possible interview. Your experience/competencies must be clearly reflected in the ECQs and MTQs or you may be eliminated from the highly qualified status and/or result in non-referral. An SES rating and ranking panel will evaluate your application based on the quality and extent of your total accomplishments, experience and education. Applicants determined to be highly qualified may undergo an interview and a reference check. If selected, your ECQs must be certified by an Office of Personnel Management (OPM) Qualifications Review Board, unless you are a current SES executive or have successfully participated in an OPM approved SES Candidate Development Program. You must receive certification before you can be appointed to the position. We recommend you preview the ECQs and MTQs outlined in this announcement before you start the application process.

<https://www.usajobs.gov/GetJob/PrintPreview/361412800>

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BENEFITS:

The Department of Justice offers a comprehensive benefits package that includes, in part, paid vacation; sick leave; holidays; life insurance; health benefits; and participation in the Federal Employees Retirement System. This link provides an overview of the benefits currently offered to Federal employees: <http://www.usajobs.gov/EI/benefits.asp#icc>.

OTHER INFORMATION:

Selective Service: If you are a male applicant born after December 31, 1959, you must certify that you have registered with the Selective Service System, or are exempt from having to do so under the Selective Service Law. See www.sss.gov.

HOW TO APPLY:

To be considered for this position, you must submit a complete Application Package. All materials must be received by 11:59 p.m. EST, Monday, March 17, 2014 to be considered. Please follow the instructions listed below for submitting the Occupational Questionnaire, Résumé, and Required Documents. Please read all instructions before you begin. You are solely responsible for the delivery of your materials. We cannot be responsible for incompatible software, illegible fax transmissions, etc.

To begin the process, click the Apply Online button to create an account or log in to your existing USAJOBS account. Follow the prompts to select your USAJOBS resume and/or other supporting documents and complete the occupational questionnaire. Please ensure you click the Submit My Answers button at the end of the process. It is your responsibility to ensure your responses and appropriate documentation is submitted prior to the closing date.

To fax supporting documents you are unable to upload, complete this cover page <http://staffing.opm.gov/pdf/usascvcover.pdf> using the following Vacancy ID 1042758. Fax your documents to 1-478-757-3144.

If you cannot apply online:

1. Click the following link to view and print the assessment questionnaire [View Occupational Questionnaire](#)
2. Print this 1203FX form to provide your response to the assessment questionnaire <http://www.opm.gov/forms/pdfimage/opm1203fx.pdf>
3. Fax the completed 1203FX form along with any supporting documents to 1-478-757-3144. Your 1203FX will serve as a cover page for your fax transmission.

REQUIRED DOCUMENTS:

- **RESUME** - showing relevant experience and education. You may submit an Optional Form 612, Optional Application for Federal Employment or a resume. There are minimum requirements for resume content which are prescribed in Office of Personnel Management (OPM) Pamphlet OF-510, "Applying for Federal Jobs." Copies of this publication are available in most Federal agencies. Note: Please do not include photos in your application package.
- **QUESTIONNAIRE** - complete and submit responses to online questionnaire.
- **RESPONSES TO EXECUTIVE CORE QUALIFICATIONS AND MANDATORY TECHNICAL QUALIFICATIONS** - Submit a separate supplementary statement addressing each of the ECQs and MTQs outlined in the announcement. For each ECQ and MTQ, no more than two pages for each element will be accepted. Please address each ECQ and MTQ individually, do not combine them.
- **SF-50** - Current and former federal employees should submit a SF-50 which reflects the most recent position, title, series and grade. Current career SES Executives and SES reinstatement eligibles must submit a copy of a SF-50 that reflects career SES status.
- **PERFORMANCE APPRAISAL** - issued within the the past 12 months. If one does not exist, please submit a statement to that effect.
- **CANDIDATE DEVELOPMENT PROGRAM CERTIFICATE** - Individuals who have successfully completed an OPM approved SES Candidate Development Program must submit a copy of your OPM certificate with your application.

For more information on the ECQs, go to <http://www.opm.gov/ses/recruitment/ecq.asp>.

<https://www.usajobs.gov/GetJob/PrintPreview/361412800>

2016/0014

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USAJOBS

AGENCY CONTACT INFO:



Agency Information:
U S Marshals Service
HRD
Washington, DC
20530-1000
USA

WHAT TO EXPECT NEXT:

We expect to make a selection within 60 days of the closing date of this announcement. You will be notified of the outcome.

EEO Policy Statement: <http://www.usajobs.gov/eeo>

Reasonable Accommodation Policy Statement: <http://www.usajobs.gov/raps>

Veterans Information: <http://www.usajobs.gov/vi>

Legal and Regulatory Guidance: <http://www.usajobs.gov/lrg>

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Job Announcement Number:
1187914

Control Number:
378056300

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 **U.S. Marshals Service**
U.S. Department of Justice

Job Title: Attorney-Advisor (Principal Deputy General Counsel)
Department: Department Of Justice
Agency: U.S. Marshals Service
Job Announcement Number: 1187914

This position is closed and no longer accepting online applications through USAJOBS.

The contents of the announcement can still be viewed.

SALARY RANGE: \$120,749.00 to \$181,500.00 / Per Year
OPEN PERIOD: Tuesday, August 26, 2014 to Wednesday, September 17, 2014
SERIES & GRADE: ES-0905-00
POSITION INFORMATION: Full Time - Senior Executive Service (SES)
DUTY LOCATIONS: 1 vacancy in the following location:
Arlington, VA [View Map](#)
WHO MAY APPLY: Applications will be accepted from all groups of qualified individuals within the civil service
SECURITY CLEARANCE: Top Secret/SCI
SUPERVISORY STATUS: Yes
JOB SUMMARY:

[United States Marshals Service](#)

ATTORNEY-ADVISOR (PRINCIPAL DEPUTY GENERAL COUNSEL)

The United States Marshals Service (USMS) is the nation's oldest and most versatile federal law enforcement agency. The missions of the Service include protection of the judiciary, court security, witness security, asset seizure and forfeiture, apprehension of fugitives, and prisoner transportation and custody.

TRAVEL REQUIRED

- Occasional Travel

- 5 to 10 days per year

RELOCATION AUTHORIZED

- Yes
- Relocation expenses are authorized

KEY REQUIREMENTS

- U.S. Citizenship required
- This is a Designated Random Drug Testing position
- Complete Public Financial Disclosure Report before entering on duty
- Complete a one-year SES probationary period (unless already completed)

DUTIES:[Back to top](#)

The Attorney Advisor for the Office of General Counsel provides direct support and advice to the Director on all administrative and operational matters affecting the United States Marshals Service (USMS). Serves as the principal legal advisor to the Director, Deputy Director and General Counsel on all legal matters. As the Principal Deputy General Counsel, the incumbent advises on questions of law, regulation, precedent and policy throughout USMS operations for the purpose of preparing opinions, policy and guidelines for effective program operations across all functions within the agency. The incumbent's legal direction and judgments are treated as if given by the General Counsel.

- The incumbent serves as the Counsel for Professional Responsibility, providing oversight, direction and legal advice for the USMS Office of Professional Responsibility (OPR).
- Provides legal advice and oversight to the OPR, assuring employee compliance with all rules and regulations governing employee professional conduct and activities.
- Meets with the Director and Deputy Director to advise them on all matters pertaining to employee conduct, legal and ethical standards.
- Serves as the principal legal advisor to the Director, Deputy Director, General Counsel and USMS management on all legal, regulatory and policy matters involving prisoner detention and related prisoner operations.
- Advises the Director in the Director's capacity as Federal Detention Trustee in the management of funds appropriated to the Department of Justice (DOJ) for the exercise of any detention functions and the direction of detention policy setting and operations for the DOJ.
- Advises on operations responsible for the safe and secure confinement, care and transportation of Federal prisoners from the time of court-ordered custody until either their acquittal or conviction and delivery to Federal Bureau of Prisons to serve their sentence.
- Provides a focal point for the daily management, coordination and direction of subordinate staff engaged in the various legal, legislative and regulatory activities of the Office of General Counsel.

QUALIFICATIONS REQUIRED:[Back to top](#)

As a basic requirement for entry into the Senior Executive Service (SES), you must provide evidence of progressively responsible leadership experience that is indicative of senior executive level management capability; and that is directly related to the skills and abilities outlined under the Executive Core Qualifications (ECQs) and Mandatory Technical Qualifications (MTQs).

EXECUTIVE CORE QUALIFICATIONS (ECOs): Below are specific descriptions of each ECQ. Your responses must clearly and accurately support each of the below competencies. Each ECQ must be addressed separately. Do not incorporate ECQs in your resume. If you do not submit separate narrative responses addressing the ECQs, you will not be considered for the position.

All applicants, excluding current and former career SES members and SES Candidate Development Program candidates, must submit written statements in order to be considered for this position. Your narrative responses may not exceed two (2) pages per ECQ.

ECO 1 - LEADING CHANGE: This core qualification involves the ability to bring about strategic change, both within and outside the organization, to meet organizational goals. Inherent to this ECQ is the ability to establish an organizational vision and to implement it in a continuously changing environment. **Leadership Competencies:** 1. **Creativity and Innovation.** Develops new insights into situations; questions conventional approaches; encourages new ideas and innovations; designs and implements new or cutting edge programs/processes. 2. **External Awareness.** Understands and keeps up-to-date on local, national, and international policies and trends that affect the organization and shape stakeholders' views; is aware of the organization's impact on the external environment. 3. **Flexibility.** Is open to change and new information; rapidly adapts to new information, changing conditions, or unexpected obstacles. 4. **Resilience.** Deals effectively with pressure; remains optimistic and persistent, even under adversity. Recovers quickly from setbacks. 5. **Strategic Thinking.** Formulates objectives and priorities, and implements plans consistent with the long-term interests of the organization in a global environment. Capitalizes on opportunities and manages risks. 6. **Vision.** Takes a long-term view and builds a shared vision with others; acts as a catalyst for organizational change. Influences others to translate vision into action.

ECO 2 - LEADING PEOPLE: This core qualification involves the ability to lead people toward meeting the organization's vision, mission, and goals. Inherent to this ECQ is the ability to provide an inclusive workplace that fosters the development of others, facilitates cooperation and teamwork, and supports constructive resolution of conflicts. **Leadership Competencies:** 1. **Conflict Management.** Encourages creative tension and differences of opinions. Anticipates and takes steps to prevent counter-productive confrontations. Manages and resolves conflicts and disagreements in a constructive manner. 2. **Leveraging Diversity.** Fosters an inclusive workplace where diversity and individual differences are valued and leveraged to achieve the vision and mission of the organization. 3. **Developing Others.** Develops the ability of others to perform and contribute to the organization by providing ongoing feedback and by providing opportunities to learn through formal and informal methods. 4. **Team Building.** Inspires and fosters team commitment, spirit, pride, and trust. Facilitates cooperation and motivates team members to accomplish group goals.

ECO 3 - RESULTS DRIVEN: This core qualification involves the ability to meet organizational goals and customer expectations. Inherent to this ECQ is the ability to make decisions that produce high-quality results by applying technical knowledge, analyzing problems, and calculating risks. **Leadership**

Competencies: 1. **Accountability.** Holds self and others accountable for measurable high-quality, timely, and cost-effective results. Determines objectives, sets priorities, and delegates work. Accepts responsibility for mistakes. Complies with established control systems and rules. 2. **Customer Service.** Anticipates and meets the needs of both internal and external customers. Delivers high-quality products and services; is committed to continuous improvement. 3. **Decisiveness.** Makes well-informed, effective, and timely decisions, even when data are limited or solutions produce unpleasant consequences; perceives the impact and implications of decisions. 4. **Entrepreneurship.** Positions the organization for future success by identifying new opportunities; builds the organization by developing or improving products or services. Takes calculated risks to accomplish organizational objectives. 5. **Problem Solving.** Identifies and analyzes problems; weighs relevance and accuracy of information; generates and evaluates alternative solutions; makes recommendations. 6. **Technical Credibility.** Understands/appropriately applies principles, procedures, requirements, regulations and policies related to specialized expertise.

ECO 4 - BUSINESS ACUMEN: This core qualification involves the ability to manage human, financial, and information resources strategically. **Leadership Competencies:** 1. **Financial Management.** Understands the organization's financial processes. Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. 2. **Human Capital Management.** Builds and manages workforce based on organizational goals, budget considerations, and staffing needs. Ensures that employees are appropriately recruited, selected, appraised, and rewarded; takes action to address performance problems. Manages a multi-sector workforce and a variety of work situations. 3. **Technology Management.** Keeps up-to-date on technological developments. Makes effective use of technology to achieve results. Ensures access to and security of technology systems.

ECO 5 - BUILDING COALITIONS: This core qualification involves the ability to build coalitions internally and with other Federal agencies, State and local governments, nonprofit and private sector organizations, foreign governments, or international organizations to achieve common goals. **Leadership Competencies:** 1. **Partnering.** Develops networks and builds alliances; collaborates across boundaries to build strategic relationships and achieve common goals. 2. **Political Savvy.** Identifies the internal and external politics that impact the work of the organization. Perceives organizational and political reality and acts accordingly. 3. **Influencing/Negotiating.** Persuades others; builds consensus through give and take; gains cooperation from others to obtain information and accomplish goals.

FUNDAMENTAL COMPETENCIES: These competencies are the foundation for success in each of the Executive Core Qualifications. **Competencies:** 1. **Interpersonal Skills.** Treats others with courtesy, sensitivity, and respect. Considers and responds appropriately to the needs and feelings of different people in different situations. 2. **Oral Communication.** Makes clear and convincing oral presentations. Listens effectively; clarifies information as needed. 3. **Integrity/Honesty.** Behaves in an honest, fair, and ethical manner. Shows consistency in words and actions. Models high standards of

ethics. 4. **Written Communication.** Writes in a clear, concise, organized, and convincing manner for the intended audience. 5. **Continual Learning.** Assesses and recognizes own strengths and weaknesses; pursues self-development. 6. **Public Service Motivation.** shows a commitment to serve the public. Ensures that actions meet public needs; aligns organizational objectives and practices with public interests.

MANDATORY TECHNICAL QUALIFICATIONS (MTQs) - Please include information on the scope and complexity of your experience in MTQ 1 and MTQ 2. Each MTQ is limited to two pages. Do not incorporate MTQs in your resume. If you do not submit separate narrative responses addressing each MTQ, you will not receive consideration for the position.

MTQ 1 - Experience that demonstrates knowledge of all Federal ethics regulations, Office of Government Ethics guidance, employee conduct regulations, Merit Systems Protection Board, Equal Employment Opportunity Commission requirements and case law, Office of the Inspector General and Federal disciplinary procedures and proceedings.

MTQ 2 - Experience that demonstrates knowledge and leadership in providing legal policy advice on Federal procurement law, Office of Management and Budget requirements, Federal budget process, Intergovernmental Agreements, Federal appropriations law and other relevant legal authorities relating to government procurement.

MANDATORY EDUCATION REQUIREMENT - Applicants must be a graduate from a law school accredited by the American Bar Association and be a member in good standing of a state, territory of the United States, District of Columbia or Commonwealth of Puerto Rico bar.

MANDATORY LICENSURE REQUIREMENT - Applicants must upload proof of licensure with supporting documentation. Applicants who fail to provide proof will not be considered for the position.

HOW YOU WILL BE EVALUATED:

Your experience/competencies must be clearly reflected in the ECQs and MTQs or you may be eliminated from the highly qualified status and/or result in non-referral. An SES rating and ranking panel will evaluate your application based on the quality and extent of your total accomplishments and experience. Applicants determined to be highly qualified may undergo an interview and a reference check. If selected, your ECQs must be certified by an Office of Personnel Management (OPM) Qualifications Review Board, unless you are a current SES executive or have successfully participated in an OPM approved SES Candidate Development Program. You must receive certification before you can be appointed to the position. We recommend you preview the ECQs and MTQs outlined in this announcement before you start the application process.

USAJOBS - Search Jobs

Page 6 of 7
Exhibit 121**BENEFITS:**[Back to top](#)

The Department of Justice offers a comprehensive benefits package that includes, in part, paid vacation; sick leave; holidays; life insurance; health benefits; and participation in the Federal Employees Retirement System. This link provides an overview of the benefits currently offered to Federal employees: https://help.usajobs.gov/index.php/Main_Page.

OTHER INFORMATION:

Selective Service: If you are a male applicant born after December 31, 1959, you must certify that you have registered with the Selective Service System, or are exempt from having to do so under the Selective Service Law. See www.sss.gov.

HOW TO APPLY:[Back to top](#)

To be considered for this position, you must submit a complete application package. All materials must be received by 11:59 p.m. EST, Wednesday, September 17, 2014 to be considered. Please follow the instructions listed below for submitting the Occupational Questionnaire, Resume and other Required Documents. Please read all instructions before you begin. You are solely responsible for the delivery of your materials. We cannot be responsible for incompatible software, illegible fax transmissions, etc.

To begin the process, click the Apply Online button to create an account or login to your existing USAJOBS account. Follow the prompts to select your USAJOBS resume and/or other supporting documents and complete the occupational questionnaire. Please ensure you click the Submit My Answers button at the end of the process. It is your responsibility to ensure your responses and appropriate documentation are submitted prior to the closing date.

To fax supporting documents you are unable to upload, please complete this cover page <http://staffing.opm.gov/pdf/usacover.pdf> using the following Vacancy ID TAG: 1187914. Fax your documents to 1-478-757-3144.

If you cannot apply online:

1. Click the following link to view and print the assessment questionnaire TAG: [View Occupational Questionnaire](#)
2. Print this 1203FX form to provide your responses to the assessment questionnaire <http://www.opm.gov/forms/pdfimage/opm1203fx.pdf>
3. Fax the completed 1203FX form along with any supporting documents to 1-478-757-3144. Your 1203FX will serve as a cover page for your fax transmission.

REQUIRED DOCUMENTS:

- **RESUME** - showing relevant experience and education. You may submit an Optional Form 612, Optional Application for Federal Employment or a resume. There are minimum requirements for resume content which are prescribed in Office of Personnel Management (OPM) Pamphlet OF-510, "Applying for Federal Jobs." Copies of this publication are available in most Federal agencies. Note: Please do not include photos in your application package.
- **QUESTIONNAIRE** - complete and submit responses to online questionnaire.

- **RESPONSES TO EXECUTIVE CORE QUALIFICATIONS AND MANDATORY TECHNICAL QUALIFICATIONS** - Submit a separate narrative responses addressing each of the five ECQs and two MTQs outlined in the announcement. For each ECQ and MTQ, no more than two pages for each element will be accepted. Use 12 point font with 1 inch margins. Please address each ECQ and MTQ individually. Applicants will not be considered if ECQs and MTQs are incorporated in the resume.
- **MANDATORY LICENSURE REQUIREMENT** - Proof of licensure must be uploaded with application. Applicants who fail to provide proof will not be considered for the position.
- **SF-50** - Current and former federal employees should submit a SF-50 which reflects the most recent position, title, series and grade. Current career SES Executives and SES reinstatement eligibles must submit a copy of a SF-50 that reflects career status.
- **PERFORMANCE APPRAISAL** - Issued within the past 12 months. If one does not exist, please submit a statement to that effect.
- **CANDIDATE DEVELOPMENT PROGRAM CERTIFICATE** - Individuals who have successfully completed an OPM approved SES Candidate Development Program must submit a copy of your OPM certificate with your application.

OPM's Guide to Senior Executive Service Qualifications can assist you in writing an effective SES application. In particular, please note the Challenge-Context-Action-Result Model that is recommended and very helpful when drafting ECQ narrative responses. The Guide is available on OPM's Website at: http://www.opm.gov/ses/references/guidetoSESQuals_2012.pdf. Additional information located at: <http://www.opm.gov/ses/recruitment/ecq.asp>.

AGENCY CONTACT INFO:

Agency Information:
U S Marshals Service
HRD
Arlington, VA
22204
USA

WHAT TO EXPECT NEXT:

Once your complete application is received, we will conduct an evaluation of your qualifications and determine your ranking. The most highly qualified candidates will be referred to the hiring manager for further consideration and possible interview. You will be notified of the outcome.

EEO Policy Statement: <http://www.usajobs.gov/eep>

Reasonable Accommodation Policy Statement: <http://www.usajobs.gov/raps>

Veterans Information: <http://www.usajobs.gov/vi>

Legal and Regulatory Guidance: <http://www.usajobs.gov/lrg>

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This is a United States Office of Personnel Management website.
USAJOBS is the Federal Government's official one-stop source for federal jobs and employment information.



U.S. Department of Justice
Attachment 23

Exhibit 122

United States Marshals Service

Office of the Director

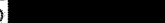
Alexandria, VA 22301

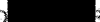
July 22, 2014


MEMORANDUM TO: United States Marshals Service Employees

FROM: 
Stacia A. Hyilton
Director

SUBJECT: Selections for Senior Executive Service Appointments

I am pleased to announce the selection of Deputy Assistant Director (DAD) Kimberly A. Beal, Asset Forfeiture Division, for the position of Assistant Director of the Asset Forfeiture Division; DAD Noelle B. Douglas, Judicial Services Division, for the position of Assistant Director of the Judicial Security Division; and DAD  Tactical Operations Division, for the position of Assistant Director of the Investigative Operations Division.

DAD Beal, DAD Douglas and DAD  Executive Core Qualifications (ECQs) will be forwarded to the Office of Personnel Management for review, and the Senior Executive Service appointment will be effective once the ECQs have been certified by the Executive Review Board.

Please join me in congratulating DADs Beal, Douglas, and  on their new positions. I have every confidence that all three will prove to be excellent leaders in the United States Marshals Service, as well as outstanding members of the Senior Executive Service.

Rating panels for the positions of Assistant Director, Management Support Division, and Assistant Director, Information Technology Division, are currently being established. Interviews for these positions will take place in the near future.

CHARLES E. GRASSLEY, IOWA, CHAIRMAN
 ORRIN G. HATCH, UTAH
 JEFF SESSIONS, ALABAMA
 LINDSEY O. GRAHAM, SOUTH CAROLINA
 JOHN CORNYN, TEXAS
 MICHAEL S. LEE, UTAH
 TED CRUZ, TEXAS
 JEFF FLAKE, ARIZONA
 DAVID VITTER, LOUISIANA
 DAVID A. PERDUE, GEORGIA
 THOM TILLIS, NORTH CAROLINA
 PATRICK J. LEAHY, VERMONT
 Dianne FEINSTEIN, CALIFORNIA
 CHARLES E. SCHUMER, NEW YORK
 RICHARD J. DURBIN, ILLINOIS
 SHELDON WHITEHOUSE, RHODE ISLAND
 AMY KLOBUCHAR, MINNESOTA
 AL FRANKEN, MINNESOTA
 CHRISTOPHER A. COONS, DELAWARE
 RICHARD BLUMENTHAL, CONNECTICUT

United States Senate
 COMMITTEE ON THE JUDICIARY
 WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, Chief Counsel and Staff Director
 KRISTINE J. LUCAS, Democratic Chief Counsel and Staff Director

June 10, 2015

VIA ELECTRONIC TRANSMISSION

The Honorable Sally Quillian Yates
 Deputy Attorney General
 United States Department of Justice

Dear Deputy Attorney General Yates:

This letter follows a series of inquiries made by the Committee regarding allegations received by dozens of whistleblowers regarding misconduct at the U.S. Marshals Service.

The Committee appreciates the Department's intent to cooperate with the Committee's continuing inquiry. The Committee is also coordinating its inquiry in parallel with the Office of Inspector General and expects timely, good faith responses to document and witness interview requests, as has already been discussed with Department staff.

Beyond the many allegations that appear to outline a pattern of improper hiring practices throughout the Marshals Service,¹ this letter requests information regarding additional allegations of mismanagement and misuse of government resources, including the Assets Forfeiture Fund (AFF).

Misuse of Government Funds for Private Gain

The Committee has received allegations from multiple whistleblowers with direct knowledge that senior executives misused government resources for their personal benefit.

¹ See Letter from Charles E. Grassley, Chairman, U.S. Senate Committee on the Judiciary to Sally Quillian Yates, Acting Deputy Attorney General (Apr. 23, 2015); 5 U.S.C. § 1214(a)(5).

Exhibit 123

Deputy Attorney General Yates
 June 10, 2015
 Page 2 of 4

According to whistleblowers, while in the process of applying for the position of Assistant Director (AD) of the Asset Forfeiture Division, then-Acting AD Eben Morales directed a government contractor to draft a portion of Morales' application for the permanent AD position. Each application for a Senior Executive Service (SES) position—of which the AD position is one—requires applicants to submit Executive Core Qualification (ECQ) statements. The USMS contractor allegedly billed time spent drafting Morales' ECQs to the government. Mr. Morales then allegedly directed a different government contractor to make corrections to those ECQs. That contractor allegedly also billed the time to the USMS under that contract.

Additionally, multiple whistleblowers allege that current AD of AFD Kimberly Beal directed Jennifer Crane and Pam Bass, her government employee subordinates, to draft Ms. Beal's ECQs so that Beal could apply for the permanent SES position that she currently occupies.

The AD of the Judicial Security Division, Noelle Douglas, also allegedly directed a government employee subordinate to draft her ECQs for her current permanent SES position.

According to at least one publicly available website, federal government employees may pay several thousand dollars of their own funds for private contractors to spend up to two weeks drafting ECQs and other materials for Senior Executive Service (SES) application packages. These allegations, if true, may amount to serious ethics violations² and thousands of dollars in contract fraud.

Assets Forfeiture Fund and Travel

The Committee also has received allegations from multiple whistleblowers that the USMS AFD uses AFF money to pay for extensive and often unnecessary travel expenses. For example, as I wrote in my April 23, 2015, letter to the Department, multiple whistleblowers have alleged that former AD for AFD Eben Morales, now AD of the Prisoner Operations Division, frequently traveled to Miami on business but spent much of his time on personal matters.

The AFF also allegedly pays for the travel of certain USMS employees to AFD headquarters in Arlington, VA to participate in an "Asset Forfeiture Leadership Council," according to multiple whistleblowers. Those council meetings allegedly are "a waste of time" that produce not "one positive benefit" and "never accomplish anything." Nevertheless, AFF monies pay for these employees to fly across the country twice a year.

² 5 C.F.R. § 2635.705(b) ("An employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation."); *see also id.* §§ 2635-702, 2635-302.

Assets Forfeiture Fund Salaries for Non-Asset Forfeiture Work

Information obtained by the Committee also strongly suggests that the USMS is using AFF money not only to pay for luxurious decor, but also to fund regular Marshals Service activities that have *nothing to do* with asset forfeiture.

Specifically, information obtained by the Committee demonstrates that the AFD uses the AFF to fully fund the salaries and benefits of several non-AFD personnel, including within the USMS Office of General Counsel. However, it is alleged that at least some of those personnel are *not* fully engaged in work related to asset forfeiture.

It is not clear that the USMS can demonstrate with any degree of accuracy that non-asset forfeiture work is precisely offset by asset forfeiture work performed by employees whose salaries and benefits are not paid out of the AFF. For example, previously, the USMS allegedly used a tracking system for all district administrative USMS employees to bill time to specific project codes. Under that system, every hour an employee worked on asset forfeiture-related matters would be billed to the AFF, while the hours not spent on asset forfeiture-related matters would be billed to a different source.

On January, 9, 2013, then-Acting Assistant Director for AFD Kimberly Beal sent a memorandum to the U.S. Marshals' district offices informing them that USMS had "received authority for Asset Forfeiture (AF) positions to be fully billed to the AFF." Certain employees who previously billed their time to asset forfeiture could continue doing asset forfeiture work "as a collateral duty." And employees fully funded in an "AF position" could also continue to perform non-AF work as long as they "complete[d] all AF responsibilities" and "their other [non-AF] duties have been deemed appropriate by District Management." It is not clear from the memorandum exactly how AFD planned to ensure that the true and accurate amount of AFF money was paid to support the amount of AF work actually performed by the USMS.

The agency's apparent failure to accurately track and measure the use of AFF monies to support AF work significantly impairs oversight and accountability for USMS' use of the fund. This type of lax accounting encourages and perpetuates a culture of impunity for waste and mismanagement.

Please provide all documents responsive to the following requests by June 24, 2015:

1. All records relating to communications regarding the drafting of ECQs on behalf of Eben Morales, Kimberly Beal, and Noelle Douglas, by or with the assistance of any government employee or contractor.

Exhibit 123

Deputy Attorney General Yates
June 10, 2015
Page 4 of 4

2. All documentation from FY 2010 to the present for the travel expenses of the following individuals, including the documentation of the purpose of and funding source for that travel:
 - a. Prisoner Operations Division Assistant Director Eben Morales;
 - b. Asset Forfeiture Leadership Council Chairman and U.S. Marshal for the District of Arizona David Gonzalez;
3. A list of all USMS employees and contractors, by name and title, that are funded from AFF resources but that are not specifically assigned to AFD or appearing within the AFD organizational chart; and
4. A detailed methodology demonstrating precisely how the AFD ensures that all positions fully funded by the AFF perform work exclusively on asset forfeiture matters, as required by 28 U.S.C. § 524(c).

Should you have any questions, please contact DeLisa Lay of my Committee staff at (202) 224-5225. Thank you.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice

The Honorable Carolyn N. Lerner
Special Counsel
U.S. Office of Special Counsel

Exhibit 124

To: Smith, Harvey (USMS [REDACTED]@usms.doj.gov)
From: [REDACTED] (USMS)
Sent: Fri 12/20/2013 7:51:52 PM
Subject: Call
[Beal to \[REDACTED\] Sept 16 2011.pdf](#)
[Lenzie Resume September 2011.pdf](#)
[Beal to \[REDACTED\] Sept 20 2011.pdf](#)
[Beal to \[REDACTED\] Sept 20 2011.pdf](#)
[\[REDACTED\] to Beal Sept 29, 2011.pdf](#)
[Beal to \[REDACTED\] Oct 6 2011.pdf](#)
[\[REDACTED\] to \[REDACTED\] Jan 24 2012 \(1\).pdf](#)
[\[REDACTED\] to \[REDACTED\] Feb 13 12.pdf](#)
[BOD Meeting Notes 3 20 12.pdf](#)
[Beal to \[REDACTED\] Oct 25 2013.pdf](#)
[Ethics Balderdash 450 filers OGC 11-13 abbrev.pdf](#)

Hello Harvey --

Can you offer me a good time to give you a call? If you can also review the attached e-mails and the notes below I won't expect you to address the text, but I am certainly willing to answer any questions you may have. I will share the other e-mail under separate cover. I would appreciate having a conversation with you on your next course of actions, understandably recognizing I must continue to work for Beal. You may have aware the OIG has previously held she has retaliated against a whistleblower. Thanks.

[REDACTED]

During preparation for the ADR Conference, the following e-mails were pieced together that are contrary to standards outlined in statute, regulation, and USMS policy, as well as summarized in the annual ethics training for OGE 450 filers completed by Agency employees (the attached pdf is an abbreviated version of the full 111 page slidedeck).

-

[Beal to \[REDACTED\] Sept 16 2011 e-mail thread](#)

Exhibit 124

1. On September 16, 2011, from her personal e-mail account the Director forwards the resume of Donald Lenzie to Beal for a vacant AFD contract position (bill rate is \$[REDACTED]) following a call between the Director and Beal arranged by then [REDACTED] (Beal to [REDACTED] "Why would the Director be calling me?"). According to Beal, Lenzie is a friend of the Director;
2. Beal forwards the e-mail to [REDACTED] (and [REDACTED]);
3. [REDACTED] shares with Beal that Lenzie is not qualified for the contract position;
4. On September 19, 2011, Beal shares with [REDACTED] weekend telephone calls between she and the Director regarding hiring Lenzie.

Beal to [REDACTED] Sept 20 2011 e-mail thread

1. [REDACTED] shares proposed response to inform/protect the Director;
2. Beal directs [REDACTED] to remain silent until further notice.

Beal to [REDACTED] Sept 20 2011 e-mail thread

1. FSA contract human resources manager informs Beal that Lenzie is not qualified for the position;
2. Beal directs [REDACTED] to permit her to make the qualification determination.

[REDACTED] to Beal Sept 29 2011 e-mail thread

1. Beal personally involves herself in interview process by scheduling travel to Boston where a single contractor vacancy exists;
2. Lenzie is scheduled to be interviewed despite not qualifying for the position;
3. Beal travels to Boston for interviews held October 11 & 12, 2011;

4. [REDACTED] recommends [REDACTED] for the single Boston position. Beal reassigns a second contract position from the OFC to Boston despite there being no need to ensure Lenzie is selected for one of the two positions. [REDACTED] and Lenzie are hired by FSA, but instead Lenzie reports to the Connecticut USMO (versus Boston) where there was no infrastructure in Boston and complains to [REDACTED] when he is occasionally directed to report to Boston.

Beal to [REDACTED] Oct 6 2011 e-mail thread

1. Beal acknowledges Lenzie is not qualified for the contract position when [REDACTED] recommends downgrading a Seattle contract position that is later cancelled by Beal. She also cancelled positions in Columbus and Houston after interviews involving Assistant U.S. Attorneys.

[REDACTED] to [REDACTED] Jan 24 2012 e-mail thread

1. [REDACTED] questions Lenzie's qualification

Marcovici to [REDACTED] Feb 13 2012 e-mail thread

1. Marcovici responds to questions from [REDACTED]

BOD Meeting Notes 3 20 12

1. Despite contract start-up costs (e.g., background investigation, opening an office in the Connecticut USMO, purchasing and shipping equipment, etc.) and paying the contract bill rate for several months, Lenzie voluntarily resigns on March 20, 2012 (five weeks after [REDACTED] e-mail).

Beal to [REDACTED] Oct 25 2013 e-mail thread

Exhibit 124

1. Concerned with [REDACTED] access to wireless data as the architect of the USMS Wireless Program – specifically her weekend calls with the Director on the Lenzie matter that have been recently raised – Beal eventually has [REDACTED] removed from wireless project management responsibilities he held since 2008. Her attempts covered an extended period of time (more than one year) where removal was not expedient b/c [REDACTED] was assigned contractually as the project manager and COR.

Considerations: Beal's actions cause at the very least perception concerns summarized in slides 52 & 54 of 2013 annual ethics training for OGE 450 filers. The perception of quid pro quo may reasonably be conceived.

Exhibit 125

To: Musel, David (USMS)[REDACTED]
Bcc: [REDACTED]@yahoo.com; [REDACTED]@yahoo.com
From: [REDACTED] (USMS)
Sent: Thur 2/20/2014 6:32:01 PM
Subject: Matter of concern
[Attachment 1 OGC.pdf](#)
[FW: 2013 National Lesbian, Gay, Bisexual, and Transgender \(LGBT\) Pride Month](#)
[Attachment 3 OIG Summary.pdf](#)
[Attachment 4 Resume.pdf](#)
[Attachments 5 - DOJ.PDF](#)

Good Afternoon Mr. Musel,

Please allow me to congratulate you on your selection as the Associate Director for Administration. As [REDACTED] of the Asset Forfeiture Division, I stand ready to share with you a deeper understanding of the asset forfeiture sanction as a law enforcement tool designed to dismantle the financial infrastructures of criminal organizations.

I am reaching out to you today because as the senior law enforcement officer in the Asset Forfeiture Division I wish to privately share with you a matter of concern. I brought this issue to light two months ago today (attachment 1) by providing the Office of General Counsel (OGC) a copy of an inappropriate and offensive message contained in an e-mail I received last year. Now sixty days later and I still have not been contacted by OGC to understand how the communication will be addressed, if at all. My general belief is the matter has been swept under the carpet because, regrettably, it could make some people uncomfortable.

Last summer Acting Assistant Director Kim Beal forwarded me an e-mail (attachment 2) in response to a memo from then Acting Deputy Director [REDACTED]. The e-mail came after several separate occasions when she made public comments referring to my sexuality. These references were made in my presence, as well as the presence of peers.

Mockery on the topic of sexual orientation has no place in a professional setting,

especially in a federal law enforcement agency. Regardless of my sexual preference, I believe in promoting and participating in an all-inclusive work environment and have done so for my entire career. I have always provided equal employment opportunities to anyone with whom I have associated or supervised. No one should be subjected to ridicule, harassment or bullying based on sexual orientation or other protected status. Moreover, the law does not allow for it.

At the time I received the e-mail I avoided filing a complaint with the Office of Equal Employment Opportunity primarily because I was concerned about retaliation by Acting Assistant Director Beal. In November 2012, the OIG found "a reasonable basis" that she previously retaliated against a whistleblower (attachment 3). Others within the Asset Forfeiture Division have privately shared with me their concerns of retaliation, stating they often stay silent on issues based on similar fears.

In September, I competed for the not-to-exceed one-year appointment as the Acting Assistant Director as a means of best addressing the matter (i.e., had I or anyone else been selected it would have taken her out of my chain of command). I applied, but was disqualified as the announcement was limited to those within the local commuting area. There were no 1811s in the Asset Forfeiture Division who met this narrow criteria, leaving Acting Assistant Director Beal as the sole applicant for a second not-to-exceed one-year time period.

Late last year I considered raising this concern with the Attorney General's Diversity Management Counsel. However, I have a tremendous amount of respect for Associate Director for Operations [REDACTED]. He and I worked together early in our careers while we were both assigned in Ohio. With our previous work relationship in mind, I first want to make every effort to address this in the proper forum internally before taking an issue like this outside the Agency. Hence, a second attempt to address it with you after my first attempt with OGC.

With a USMS workforce that is 73% operational, I have focused on bringing a law enforcement and criminal/financial investigation perspective into asset forfeiture

and into what has traditionally been an administratively-driven division. To give you some background about me, I was a GS-1811-15 at age 40. I have never been married. I have no children. I have relocated eight times during my career, all by my own choice, but ultimately foregoing my personal life for my professional one. In a previous calendar year, for example, I worked 3,208 hours, including 1,128 hours of LEAP. I have dedicated my adult life to public service and the advancement of my career. A review of my résumé (attachment 4), specifically page 6 at *Job Knowledge*, demonstrates my drive, ambition and hard work to excel within the Agency and among my thousands of peers. My work has been recognized at the Department level (attachment 5). Nonetheless, I have long practiced treating everyone with fairness while promoting diversity and acceptance in the workplace. My personal sacrifices are no reason for the manner by which Acting Assistant Director Beal treats me. Her poor judgment as exhibited by the attached e-mail is really quite inexcusable.

I share this matter with you today as I am quite concerned that an acting member of the Senior Executive Service would so publically display prejudicial views against a protected class by sending an inappropriate and offensive message with her signature and official title. More troubling is when the executive is representing an Agency with a long, storied, and distinguished history of protecting the civil rights of all Americans. Having taken the oath more than seventeen years ago to “in all things faithfully execute the duties of Deputy United States Marshal during my continuance in office,” I believe sweeping this under the carpet puts the entire Agency at risk.

I am not certain how best to resolve this matter. I believe doing nothing, though, is really not an option. If Acting Assistant Director Beal treats me with disrespect as a GS-1811-15, I am concerned with the manner she may be treating others.

I would ask that should you choose to act on this matter you afford me an opportunity to first have a conversation with you before doing so. I need to reemphasize my uneasiness knowing Acting Assistant Director Beal may learn about my communication with you, prompting her to possibly retaliate. I am available by phone, e-mail, or Lync. Alternatively, I occasionally travel to HQ and

I am always available to meet in person at a time and place most convenient for you.

I appreciate your time and look forward to hearing from you. I wish you much success in your new role as Associate Director for Administration.

Respectfully,

A black rectangular redaction box covering the signature of the sender.

Asset Forfeiture Division

U.S. Marshals Service

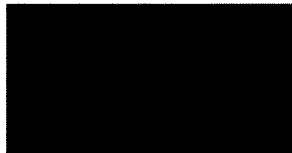
A large black rectangular redaction box covering the contact information of the sender.

Exhibit 126

To: [REDACTED] (USMS) [REDACTED]@usms.doj.gov]
Cc: Dickinson, Lisa (USMS)/O=USMS/OU=HQ/cn=Recipients/cn=LDickinson]
From: Musel, David (USMS)
Sent: Wed 3/19/2014 12:25:48 PM
Subject: Two Topics

[REDACTED]

Regarding your email from Feb 20, if you believe that the information sent by Kim Beal was related to a protected basis, I suggest you contact the Office of EEO to file an informal complaint.

Regarding your email from March 7, I do not believe that I have a role or should be involved in the grievance process. Therefore, I will not be responding to your request for appeal. The formal grievance process is available, as noted in [REDACTED] response to your informal grievance, if you feel that it is appropriate.

Thank you for your patience as I settled into my new position before I was more fully able to respond.

David F. Musel

Associate Director for Administration

202 [REDACTED] Direct

USMS-SJC-0000654

Exhibit 127

To: Smith, Harvey (USMS) [REDACTED]@usms.doj.gov]
From: [REDACTED] (USMS)
Sent: Fri 12/20/2013 7:53:07 PM
Subject: LGBT
[DD LGBT-Pride_06-13-13.pdf](#)
[Beal to \[REDACTED\] Jun 13 2013.pdf](#)

/O=USMS/OU=NORTH/CN=RECIPIENTS/CN= [REDACTED]

From: Beal, Kim (USMS)
Sent: Thursday, June 13, 2013 1:55 PM
To: [REDACTED] (USMS)
Subject: FW: 2013 National Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month
Attachments: DD_LGBT-Pride_06-13-13.pdf

I thought you might be interested in this-hahaha!!!!

BTW, I sent a thank you note to [REDACTED] for her work on the Wooley Swamp case.

Kimberly Beal
Assistant Director (A)
Asset Forfeiture Division
202- [REDACTED]

From: Administrative Notices (USMS)
Sent: Thursday, June 13, 2013 1:48 PM
To: USMS-ALL
Cc: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: 2013 National Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month
POC: [REDACTED] (EEO); 202- [REDACTED]

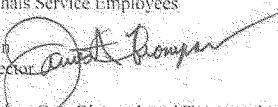
Memorandum dated June 13, 2013, from the Acting Deputy Director regarding LGBT Pride Month.



U.S. Department of Justice
United States Marshals Service
Office of the Director

Alexandria, VA 22301

June 13, 2013

MEMORANDUM TO: United States Marshals Service Employees
FROM: James A. Thompson
Acting Deputy Director 
SUBJECT: 2013 National Lesbian, Gay, Bisexual, and Transgender
Pride Month

The United States Marshals Service (USMS) proudly joins the nation in recognizing Lesbian, Gay, Bisexual, and Transgender (LGBT) Americans during National LGBT Pride Month. You may also read President Obama's proclamation for LGBT Pride Month at <http://www.whitehouse.gov/the-press-office/2013/05/31/presidential-proclamation-lgbt-pride-month>.

In observance of LGBT Pride Month, the Department of Justice (DOJ) will host a program on Tuesday, June 18, 2013, at 11:00 a.m., in the Great Hall, RFK Main Justice Building. The theme for this year's program is "Celebrating a Year of Firsts." Attorney General Eric H. Holder, Jr. and Melissa Etheridge, Singer, Songwriter, and Human Rights Activist will provide special remarks. The Honorable Tammy Baldwin, United States Senator for Wisconsin will be the keynote speaker. In addition, DOJ Pride will present its Gerald B. Roemer Community Service Award to recognize contributions to the LGBT Community and its James R. Douglass Award to recognize individuals whose efforts have contributed positively to the work-life environment for LGBT employees of the Department. I encourage all employees in the Washington metropolitan area to attend.

District offices and divisions are also encouraged to sponsor and/or participate in local area LGBT Pride Month events. Additionally, I ask that the LGBT Pride Month flyer, which can be found at <http://intranet.usms.doi.gov/sites/hqs/FFO/Documents/LGBT%20Pride%20Month%20tr.pdf>, be displayed in appropriate locations throughout the United States Marshals Service during June 2013. Should you need additional information, or if you have any questions, please contact [REDACTED] Office of Equal Employment Opportunity, at 202-[REDACTED] or [REDACTED]@usdoj.gov.

[REDACTED]

From: [REDACTED] (USMS)
Sent: Friday, March 28, 2014 2:12 PM
To: [REDACTED] (USMS)
Subject: RE: Congratulations!

Nothing was deliberately put back in. An e-mail is an individual's own writing style. I have never had my messages edited before and I do not understand why that is occurring now, other than for the reasons you and I have previously discussed.

For the first highlight, the sentence ended on what you sent me, "... and your District AF Unit personnel." I changed it to, "... along with your district administrative employees who are dedicated to the asset forfeiture mission," because those new to the Program would not necessarily understand what "AF" means (i.e., it was not earlier defined in the message).

The second highlight is a cut and paste only from the Asset Forfeiture Academy course description page and I did not even re-read to edit between the two versions. See Business of Forfeiture 1811 Edition description at [REDACTED]

[REDACTED] was copied. He is among the AF Financial Investigator Program Group, highlighted below. He remains an AFFI by HRD rules until an SF-50 is issued.

I will be taking [REDACTED] to the airport, leaving in 30 minutes if you can reach me before then to discuss.

Exhibit 130

From: [REDACTED] (USMS)
Sent: Friday, March 28, 2014 1:51 PM
To: [REDACTED] (USMS)
Subject: FW: Congratulations!

[REDACTED]

These additions go beyond what you represented to me on the phone a few minutes ago, as "a couple editorial changes" (see yellow highlights), they are substantive in nature and were specifically removed from the email I sent back to you. To have them deliberately put back in and passed as off as "editorial changes" is disheartening. I'm also disappointed that [REDACTED] was not "cc" on this email. I'll call you after I wrap one other thing up.

[REDACTED]

From: [REDACTED] (USMS)
Sent: Friday, March 28, 2014 2:00 PM
To: [REDACTED]

Subject: Congratulations!

Good Morning/Afternoon –

Exhibit 130

On behalf of Acting Assistant Director Kim Beal and the Asset Forfeiture Division, **CONGRATULATIONS** on your selection as an Asset Forfeiture Financial Investigator. You will be joining 43 other Deputy U.S. Marshals whose positions are dedicated exclusively to the USMS asset forfeiture mission conducting financial investigations. You will soon begin to report to the U.S. Attorney's Office as a representative of your district and the Asset Forfeiture Program.

You will be a district employee who reports through the district chain-of-command. Your focus will be on conducting financial investigations with an emphasis on uncovering, analyzing, and targeting assets for seizure and forfeiture. Collection on forfeiture money judgments will be an important collateral duty. As you work cooperatively with Assistant U.S. Attorneys, Investigative Agencies, and your district Asset Forfeiture Unit, we expect you will add a new level of value to the Department of Justice Asset Forfeiture Program. You are encouraged to soon introduce yourself and begin meeting with your Forfeiture Assistant U.S. Attorney(s) and their staff, along with your district administrative employees who are dedicated to the asset forfeiture mission.

We have divided the districts into five regions, each with a responsible Regional Program Manager. The primary role of your Regional Program Manager is to mentor and teach you financial investigative techniques in conjunction with asset forfeiture best practices. Additionally, he will also develop and implement program initiatives in cooperation with your district supervisor, schedule your training, as well as fund your requirements. He will soon be in touch with you to introduce himself and share information on the arrival of your issued GOV and other equipment, co-location and USMS network connectivity in the U.S. Attorney's Office, and other administrative issues (e.g., WebTA coding, E2 Project Code, wireless services, access to the secure portal, etc.).

Your on-boarding into the position will be gradual over the next two months. There are a number of important steps that you will need to follow to begin this process. Your official on-board date can be **no earlier than April 20, 2014 (pay period 8), or following notification of a top secret security clearance (or interim top secret clearance)**. You must also be physically located within the city of selection, have completed any required Permanent Change of Station (PCS) move, **and** be co-located within the U.S. Attorney's Office. I will soon begin to coordinate with the Tactical Operations Division (TOD) to initiate the top secret security clearance process. In the meantime, please inform your Regional Program Manager if you already maintain a top secret security clearance and the date obtained, as well as your need to for a PCS. For those who will require an upgraded security clearance, timely completion of the documentation will be

Exhibit 130

important to accelerate the steps TOD must take to adjudicate the background investigation. TOD will be communicating with you under separate cover. As clearances are granted it will be important to communicate with your Regional Program Manager on an actual report date that should coincide with the beginning of a pay period. As a point of reference and where applicable, you may not begin your PCS until your security clearance is adjudicated.

During the on-boarding process, there will be required AFD-funded informational sessions and training for you to attend where you will begin to fully understand your new roles and responsibilities. Note the save-the-date information that follows:

- **District Management Information Session; June 3 & 4 (exclusive of travel days), Houston, TX:** A seminar for the newly selected Asset Forfeiture Financial Investigator, district operational supervisor, and Assistant U.S. Attorney. The discussion will explain best business practices for successfully integrating the position into the district. Administrative matters (e.g., time and attendance, funding, performance management, etc.) will also be covered. Travel information will be forthcoming.
- **Business of Forfeiture – 1811 Edition; June 24 – 26 (exclusive of travel days), Houston, TX:** A course designed to share foundational knowledge and discuss the basic concepts of asset forfeiture within the U.S. Department of Justice’s Asset Forfeiture Program and the USMS. The course will explain the lifecycle of an asset and its key components in the USMS scope of responsibility, and effectively support District Asset Forfeiture Offices in processing personal property and real property asset types. Please notify your Regional Program Manager if you have already attended this course.
- **Asset Forfeiture Financial Investigator Orientation; July 8 – 10 (exclusive of travel days), Houston, TX:** Orientation session for the newly selected investigator that will include training on forfeiture-related issues and job roles and responsibilities. Official memorandum with travel and meeting logistics will be transmitted to you in early June.

To get a head start, I urge you to take time to review the training material, publications and other Asset Forfeiture resources at [AFMLS Online](#), specifically:

- Asset Forfeiture Fundamentals
- Guide to Forfeiture Money Judgments

As you can see, there will be a need for attention to detail over the next few months as you on-board into your new position. I look forward to meeting all of you in Houston and working with you as a contributing member of the Asset Forfeiture Program. Once again, congratulations!

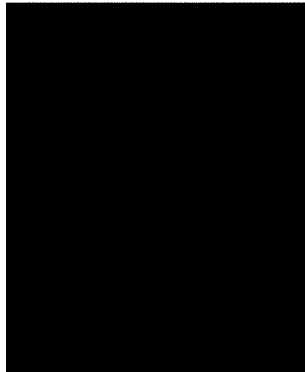


Exhibit 131

To: Internal Affairs (USMS) [REDACTED]@usms.doj.gov; WashingtonComplaints, DOJOIG (OIG) [REDACTED]@usdoj.gov
Cc: Fleoaattv [REDACTED]@aol.com; [REDACTED]@aol.com
From: [REDACTED] (USMS)
Sent: Tue 5/27/2014 12:01:06 AM
Subject: WPEA
Matter of concern
RE: Matter of concern
Table of Offenses and Penalties.pdf
RE: AFMS Detail
Potential Detail
Assistant Director AFD Position Description.pdf

To Whom It May Concern –

1. On December 13, 2013, I made a protected disclosure regarding abuse of authority to the USMS Office of General Counsel and Assistant Director of the USMS Human Resources Division during an alternative dispute resolution meeting in conjunction with a grievance dated October 16, 2013.
2. On February 20, 2014, I made the same disclosure to the USMS Associate Director for Administration (ADA) who responded to me on February 24 – see attachment with exhibits entitled “Matter of concern.”
3. Since early March 2014, I have made requests to [REDACTED] for an agreeable temporary detail outside of the Asset Forfeiture Division as a means of best dealing with the pattern of hostile behavior towards me by Acting Assistant Director Kim Beal. During the same time period I was also informed during a telephone call with [REDACTED] that Beal became aware of my disclosure to the ADA.
4. On March 19, 2014, the ADA responded to my disclosure suggesting I “contact the Office of EEO to file an informal complaint.”
5. On March 24, 2014, the Director issued an out-of-cycle Memo to all USMS employees entitled, “Harassment Prevention.”
6. On March 28, 2014, describing her conduct as aggressive, [REDACTED] informed me he “got his [expletive] ass chewed out” by Beal over an e-mail message I transmitted in the course of routine business. She then directed one of her subordinates to gather information about me outside the scope of the subordinate’s authority or responsibilities.

7. On April 11, 2014, or two weeks after my conversation with [REDACTED] the subordinate transmitted a written complaint to the USMS Office of Inspections – Internal Affairs (OI-IA) containing erroneous individual and personal conclusions. Her investigation of me was inconsistent with USMS Policy Directive 2.2, Misconduct Investigations. Beal was copied on the complaint.
8. On May 12, 2014, OI-IA took no action on the complaint. Thereafter, Beal directed [REDACTED] to propose disciplinary action (i.e., a Letter of Reprimand) that was served upon me on May 21, 2014. I intend to challenge the proposed action through counsel in each of a written and oral response to a Deciding Official.

At each step, my efforts have been to resolve issues at the lowest possible level. Had the matter stemming from the protected disclosure been investigated when reported on December 13, 2013, there would not have been a need for me to again report it to the ADA on February 20, 2014. The second report to the ADA was a result of Beal's continued hostile treatment of me, that more specifically compounded following the October 16, 2013 grievance for improperly disqualifying me from competing through a merit promotion announcement for the Acting Assistant Director position classified as an ES-1811. Instead, she has occupied the position with exclusive access to the professional career developmental experience for the past 28 months.

My disclosure reported an abuse of authority that disregards provisions of USMS Policy Directive 1.2 and its subparts to include Equal Employment Opportunity and Code of Professional Responsibility, as well as federal law. The reprisal is inconsistent with USMS Policy Directive 2.2, Misconduct Investigations, and federal law. The USMS Table of Disciplinary Offenses and Penalties, specifically Section IV, Harassment/Discrimination, provides sanctions for the behavior outlined in the disclosure.

In November 2012, the DOJ-OIG found a "reasonable basis to believe" Beal retaliated against a whistleblower in an unrelated matter. The timing of her becoming aware of my protected disclosure to the ADA and her subsequent conduct to initiate an adverse personnel action is of concern. My actions were

nothing more than wordsmithing the end of a sentence to provide clarity and style in an e-mail I authored and transmitted to my peers and subordinates as the senior law enforcement official (GS-1811-15) assigned to the USMS Asset Forfeiture Division. The information between [REDACTED] and me that clarified this fact was omitted from the written complaint to OI-IA.

I assert the proposed disciplinary action Beal has directed constitutes a prohibited personnel practice and retribution for my reporting her conduct and my competing through a merit promotion announcement for the Acting Assistant Director position she has occupied for the past 28 months. It is consistent with a similar fact pattern and findings as published by the OIG in 2012. Then, she used a subordinate – [REDACTED] – to further the retaliation. At the time she enlisted me, but I declined, instead prompting me to become a witness in the OIG investigation, versus a subject as occurred with [REDACTED]. In the present instance she is using another subordinate – [REDACTED] – to further the retaliation.

I have a discipline-free, nearly 18-year career. I am respectfully requesting this matter be examined by OI-IA and/or the OIG, the latter to determine any violations of the Whistleblower Protection Enhancement Act of 2012.

In an era when similar discriminatory conduct results in lifetime bans from professional athletics, terminations or resignations from management posts in corporate America, and/or extensive media coverage and attention, the Department of Justice cannot tolerate prejudicial behavior that compromises the important work we all do to provide justice and equality for all Americans. It is particularly disturbing the instant conduct and reprisal is by an Acting Assistant Director of the Senior Executive Service. The earlier conduct occurred when she was a Deputy Assistant Director. The USMS Director appropriately addresses a “zero tolerance” policy for any form of unlawful discrimination or harassment in a variety of correspondences to USMS employees, all published on the USMS Intranet:

- [\[REDACTED\] Memo dated March 24, 2014 on Harassment Prevention](#)

Exhibit 131

- [████████ Memo dated September 27, 2013 on Equal Employment Opportunity Policy Statement](#)
- [████████ Memo dated May 29, 2012 on Standards of Conduct and Code of Professional Responsibility](#)
- [████████ Memo dated May 3, 2012 on Equal Employment Opportunity Policy Statement](#)
- [████████ Memo dated February 10, 2011 on Fostering Workforce Diversity – Policy Statement](#)
- [████████ Memo dated February 10, 2011 on Equal Employment Opportunity Policy Statement](#)

Furthermore, every employee should have the opportunity to compete for career developmental opportunities consistent with merit principles and in a work environment free from hostility. In the case of the Assistant Director for the Asset Forfeiture Division, the position has been classified by OPM standards as an ES-1811 since February 19, 2010, because “The incumbent of this position must have prior experience in a primary law enforcement position and immediate prior experience in a position approved for coverage under 5 U.S.C. 8336 C(1) or (D) since this position includes responsibilities directly involving the investigation of criminal activities.” The requisite experience also includes, “Successful performance in this position requires progressively responsible experience in the management and administration of law enforcement programs. Previous experience in legal or investigative work, which provide a sound knowledge of judicial and criminal operations, is necessary. This position also requires a high level of managerial and administrative expertise. Other required managerial traits are awareness of social and political forces which impact on the law enforcement programs, knowledge of personal and physical security techniques, understanding of the missions of agencies with related functions, ability to represent the Marshals Service at the highest levels of government, and the ability to delegate authority and control activities through subordinate managers.” I meet these qualifications.

Respectfully,



Asset Forfeiture Division

U.S. Marshals Service



office

mobile

@usdoj.gov

From: [REDACTED] (USMS)
Sent: Thursday, October 23, 2014 10:34 AM
To: [REDACTED] (USMS)
Subject: FW: AFD Training Announcement: Business of Forfeiture - 1811 Edition

Good Morning [REDACTED] –

Below is an excerpt of what I included in my March 28, 2014, “Congratulations” e-mail that was later one of two points raised in your Proposal Notice for a LOR:

- **Business of Forfeiture – 1811 Edition; June 24 – 26 (exclusive of travel days), Houston, TX:** A course designed to share foundational knowledge and discuss the basic concepts of asset forfeiture within the U.S. Department of Justice’s Asset Forfeiture Program and the USMS. The course will explain the lifecycle of an asset and its key components in the USMS scope of responsibility, and effectively support District Asset Forfeiture Offices in processing personal property and real property asset types. Please notify your Regional Program Manager if you have already attended this course.

Below is what is included in the second paragraph of the attached Memo issued today to members of the same audience (i.e., all are Asset Forfeiture Financial Investigators):

**U.S. Department of Justice**

United States Marshals Service

*Asset Forfeiture Division**Alexandria, VA 22301-1025*

October 21, 2014

MEMORANDUM TO: Select United States Marshals
Select Chief Deputy United States Marshals

FROM: 
Kimberly Beal
Assistant Director

SUBJECT: Business of Forfeiture 1811 Edition Training at the
Asset Forfeiture Academy in Houston, TX

It is my pleasure to inform you that the Asset Forfeiture Division (AFD) will be providing the first Business of Forfeiture – 1811 Edition (BOF1811) training session of Fiscal Year 2015. Training is scheduled from Tuesday, December 9, through Thursday, December 11, 2014 at the Asset Forfeiture Academy in Houston, Texas, with travel dates scheduled December 8, and December 12.

The goal of this training is to provide operational employees assigned to asset forfeiture duties the foundational knowledge required to perform assigned tasks and to create more consistency across District Offices (DOs) nationwide. By the end of this three-day course, each attendee should be able to discuss the concepts of asset forfeiture in the U.S. Department of Justice (DOJ) Asset Forfeiture Program (AFP) and the U.S. Marshals Service (USMS), explain the lifecycle of an asset in the USMS scope of responsibility, and effectively support District Asset Forfeiture Offices in processing personal property and real property.

Our ultimate goal is to have all Deputy U.S. Marshals (DUSMs) regularly assigned to asset forfeiture duties complete BOF1811. Our highest priority in identifying attendees for the Fiscal Year 2015 sessions are DUSMs assigned to asset forfeiture collateral duties and Asset Forfeiture Financial Investigators (AFFIs) who have not previously attended the training. Attached you will find a list of individuals who were identified as attendees for this session. To confirm their attendance at the training, the individuals included on the attached roster should complete the response form below and return it to [REDACTED] via email at [REDACTED] by 5:00 EST, Monday, October 27, 2014. Upon receipt of the response form, travel information will be sent directly to participants. All travel related expenses will be covered by the AFD.

Exhibit 132

If you have any questions regarding the training logistics, please contact [REDACTED] at [REDACTED] or [REDACTED]. For questions regarding the training content or other Asset Forfeiture Academy courses, please contact [REDACTED] at [REDACTED] or [REDACTED]. Thank you for your continued support of the Asset Forfeiture Program.

Attachment: Roster for BOF1811 Session 15A
BOF1811 Session 15A Response Form

cc: Select Asset Forfeiture Financial Investigators

From: [REDACTED] (USMS)
Sent: Monday, March 16, 2015 5:31 PM
To: [REDACTED]
Subject: FW: MPA 15-109; 15-110; 15-111; 15-112

[REDACTED]

I'm assuming you've seen these GS-15 Chief's jobs. If any of these are attractive to you I'd strongly encourage you to apply. I would not make the assumption that these are "pre-slotted" (for lack of a better term) as you described to me when S/TX and N/IL opened up a few months back.

[REDACTED]

From: General Notices (USMS)
Sent: Monday, March 16, 2015 2:47 PM
To: USMS-ALL
Subject: MPA 15-109; 15-110; 15-111; 15-112

POC: [REDACTED]@usdoj.gov

An Interim Career Board will convene the week of April 27, 2015, to fill a few critical GS-1811-14/15 positions. Plans continue for a full Career Board to be held in August 2015.

In accordance with the new DOJ requirement, all USMS employees must complete and certify the required *Disclosure of Relatives Employed at the U.S. Department of Justice* form when applying for a competitive personnel action. The form may be accessed via the Merit Promotion site below:
<http://intranet.usms.doi.gov/sites/hqs/HRD/Merit%20Promotion%20Announcements/MP%20Disclosure%20of%20Relatives%20Employed%20at%20DOJ%20Form.pdf>.

MPA 15-109, CDUSM, GS-1811-15, N/GA (Atlanta)
 MPA 15-110, CDUSM, GS-1811-15, E/MI (Detroit)
 MPA 15-111, CDUSM, GS-1811-15, N/TX (Dallas)
 MPA 15-112, SUPV CI (Country Attaché), GS-1811-15, IOD-IIB (Mexico City, MX)

The Merit Promotion Announcements (MPAs) can be accessed via the Merit Promotion site below:
<http://intranet.usms.doi.gov/sites/hqs/HRD/Lists/2015%20Announcements/AllItems.aspx>

Exhibit 134

From: [REDACTED] (USMS)
To: [REDACTED]
Subject: RE: AFMS Detail
Date: Thursday, March 13, 2014 12:40:36 PM

Okay, I can see where that would be a problem. Let me see if I can find out how big an obstacle that would be to overcome. Out of curiosity, do you know what the USMS budgets for a 1 yr detail? We had a few while I was in the criminal division and if I recall correctly we spent around \$60k for yr long details. Those included not to exceed amounts for lodging (e.g., \$2,500 per month) and a reduced daily per diem (e.g., 75%), along with 1 trip home a month.

From: [REDACTED]
Sent: Thursday, March 13, 2014 12:33 PM
To: [REDACTED] (USMS)
Subject: RE: AFMS Detail

Dallas is of interest, although the bottom of page one says no TDY funding is available (see attachment). The agency often makes it available in other circumstances (e.g., Acting USM and Acting CDUSM in D/VI, Acting USM in D/PR, etc.) so it would mean convincing someone up the chain to extend it in this case.

From: [REDACTED] (USMS)
Sent: Thursday, March 13, 2014 11:21 AM
To: [REDACTED]
Subject: AFMS Detail

[REDACTED]

FYI, I reached out to Bob Marca to get more information on the detail they are running and he responded that the current detail runs until Nov. 14. I'll continue to explore options, but I understand N/Tx has a Chief Deputy posting, on a not to exceed 1 yr. Does that have any appeal? I believe it closes next week.

[REDACTED]
Deputy Assistant Director (A)
Asset Forfeiture Division
[REDACTED]

To: Dickinson, Lisa (USMS) [REDACTED]
From: Musel, David (USMS)
Sent: Fri 2/21/2014 9:21:08 AM
Subject: Fwd: Matter of concern
[Attachment 1 OGC.pdf](#)
[ATT00001.htm](#)
[FW 2013 National Lesbian, Gay, Bisexual, and Transgender \(LGBT\) Pride Month.eml](#)
[ATT00002.htm](#)
[Attachment 3 OIG Summary.pdf](#)
[ATT00003.htm](#)
[Attachment 4 Resume.pdf](#)
[ATT00004.htm](#)
[Attachments 5 - DOJ.PDF](#)
[ATT00005.htm](#)

Ok ... let the fun begin!

Apparently [REDACTED] contacted OGC back in December about this. It looks like he contacted Harvey Smith. Do you know anything about this? Harvey? Please let me know. I'll be back, off leave after today.

Dave

David F. Musel, J.D.
 Associate Director of Administration
 United States Marshals Service

Begin forwarded message:

From: [REDACTED]
To: "Musel, David (USMS)" [REDACTED]
Subject: Matter of concern

Good Afternoon Mr. Musel,

Please allow me to congratulate you on your selection as the Associate Director for Administration. As [REDACTED] of the Asset Forfeiture Division, I stand ready to share with you a deeper understanding of the asset forfeiture sanction as a law enforcement tool designed to dismantle the financial infrastructures of criminal organizations.

I am reaching out to you today because as the senior law enforcement officer in the Asset Forfeiture Division I wish to privately share with you a matter of concern. I brought this issue to light two months ago today (attachment 1) by providing the Office of General Counsel (OGC) a copy of an inappropriate and offensive message contained in an e-mail I received last year. Now sixty days later and I still have not been contacted by OGC to understand how the communication will be addressed, if at all. My general belief is the matter has been swept under the carpet because, regrettably, it could make some people

uncomfortable.

Last summer Acting Assistant Director Kim Beal forwarded me an e-mail (attachment 2) in response to a memo from then Acting Deputy Director [REDACTED]. The e-mail came after several separate occasions when she made public comments referring to my sexuality. These references were made in my presence, as well as the presence of peers.

Mockery on the topic of sexual orientation has no place in a professional setting, especially in a federal law enforcement agency. Regardless of my sexual preference, I believe in promoting and participating in an all-inclusive work environment and have done so for my entire career. I have always provided equal employment opportunities to anyone with whom I have associated or supervised. No one should be subjected to ridicule, harassment or bullying based on sexual orientation or other protected status. Moreover, the law does not allow for it.

At the time I received the e-mail I avoided filing a complaint with the Office of Equal Employment Opportunity primarily because I was concerned about retaliation by Acting Assistant Director Beal. In November 2012, the OIG found "a reasonable basis" that she previously retaliated against a whistleblower (attachment 3). Others within the Asset Forfeiture Division have privately shared with me their concerns of retaliation, stating they often stay silent on issues based on similar fears.

In September, I competed for the not-to-exceed one-year appointment as the Acting Assistant Director as a means of best addressing the matter (i.e., had I or anyone else been selected it would have taken her out of my chain of command). I applied, but was disqualified as the announcement was limited to those within the local commuting area. There were no 1811s in the Asset Forfeiture Division who met this narrow criteria, leaving Acting Assistant Director Beal as the sole applicant for a second not-to-exceed one-year time period.

Late last year I considered raising this concern with the Attorney General's Diversity Management Counsel. However, I have a tremendous amount of respect for Associate Director for Operations [REDACTED]. He and I worked together early in our careers while we were both assigned in Ohio. With our previous work relationship in mind, I first want to make every effort to address this in the proper forum internally before taking an issue like this outside the Agency. Hence, a second attempt to address it with you after my first attempt with OGC.

With a USMS workforce that is 73% operational, I have focused on bringing a law enforcement and criminal/financial investigation perspective into asset forfeiture and into what has traditionally been an administratively-driven division. To give you some background about me, I was a GS-1811-15 at age 40. I have never been married. I have no children. I have relocated eight times during my career, all by my own choice, but ultimately foregoing my personal life for my professional one. In a previous calendar year, for example, I worked 3,208 hours, including 1,128 hours of LEAP. I have dedicated my adult life to public service and the advancement of my career. A review of my résumé

(attachment 4), specifically page 6 at Job Knowledge, demonstrates my drive, ambition and hard work to excel within the Agency and among my thousands of peers. My work has been recognized at the Department level (attachment 5). Nonetheless, I have long practiced treating everyone with fairness while promoting diversity and acceptance in the workplace. My personal sacrifices are no reason for the manner by which Acting Assistant Director Beal treats me. Her poor judgment as exhibited by the attached e-mail is really quite inexcusable.

I share this matter with you today as I am quite concerned that an acting member of the Senior Executive Service would so publically display prejudicial views against a protected class by sending an inappropriate and offensive message with her signature and official title. More troubling is when the executive is representing an Agency with a long, storied, and distinguished history of protecting the civil rights of all Americans. Having taken the oath more than seventeen years ago to "in all things faithfully execute the duties of Deputy United States Marshal during my continuance in office," I believe sweeping this under the carpet puts the entire Agency at risk.

I am not certain how best to resolve this matter. I believe doing nothing, though, is really not an option. If Acting Assistant Director Beal treats me with disrespect as a GS-1811-15, I am concerned with the manner she may be treating others.

I would ask that should you choose to act on this matter you afford me an opportunity to first have a conversation with you before doing so. I need to reemphasize my uneasiness knowing Acting Assistant Director Beal may learn about my communication with you, prompting her to possibly retaliate. I am available by phone, e-mail, or Lync. Alternatively, I occasionally travel to HQ and I am always available to meet in person at a time and place most convenient for you.

I appreciate your time and look forward to hearing from you. I wish you much success in your new role as Associate Director for Administration.

Respectfully,

A large black rectangular redaction box covering the signature area.

To: Auerbach, Gerald (USMS) [REDACTED]
From: Dickinson, Lisa (USMS)
Sent: Thur 3/19/2015 6:24:14 PM
Subject: FW: Call
[Beal to \[REDACTED\] Sept 16 2011.pdf](#)
[Lenzie Resume September 2011.pdf](#)
[Beal to \[REDACTED\] Sept 20 2011.pdf](#)
[Beal to \[REDACTED\] Sept 20 2011.pdf](#)
[\[REDACTED\] to Beal Sept 29, 2011.pdf](#)
[Beal to \[REDACTED\] Oct 6 2011.pdf](#)
[\[REDACTED\] to \[REDACTED\] Jan 24 2012 \(1\).pdf](#)
[\[REDACTED\] to \[REDACTED\] Feb 13 12.pdf](#)
[BOD Meeting Notes 3 20 12.pdf](#)
[Beal to \[REDACTED\] Oct 25 2013.pdf](#)
[Ethics Balderdash 450 filers QGC 11-13 abbrev.pdf](#)

This is what I was recalling. You need to read all of this.

Lisa

Lisa M. Dickinson

Principal Deputy General Counsel

U.S. Marshals Service

[REDACTED]

From: Smith, Harvey (USMS)
Sent: Monday, February 24, 2014 11:36 AM
To: Dickinson, Lisa (USMS)
Subject: FW: Call

From: [REDACTED]
 Sent: Friday, December 20, 2013 2:52 PM
 To: Smith, Harvey (USMS)
 Subject: Call

Hello Harvey --

Can you offer me a good time to give you a call? If you can also review the attached e-mails and the notes below I won't expect you to address the text, but I am certainly willing to answer any questions you may have. I will share the other e-mail under separate cover. I would appreciate having a conversation with you on your next course of actions, understandably recognizing I must continue to work for Beal. You may have aware the OIG has previously held she has retaliated against a whistleblower. Thanks.

[REDACTED]

During preparation for the ADR Conference, the following e-mails were pieced together that are contrary to standards outlined in statute, regulation, and USMS policy, as well as summarized in the annual ethics training for OGE 450 filers completed by Agency employees (the attached pdf is an abbreviated version of the full 111 page slidedeck).

-

Beal to [REDACTED] Sept 16 2011 e-mail thread

1. On September 16, 2011, from her personal e-mail account the Director forwards the resume of Donald Lenzie to Beal for a vacant AFD contract position (bill rate is [REDACTED] following a call between the Director and Beal arranged by then [REDACTED] (Beal to [REDACTED] "Why would the Director be calling me?"). According to Beal, Lenzie is a friend of the Director;

2. Beal forwards the e-mail to [REDACTED] and [REDACTED];
3. [REDACTED] shares with Beal that Lenzie is not qualified for the contract position;
4. On September 19, 2011, Beal shares with [REDACTED] weekend telephone calls between she and the Director regarding hiring Lenzie.

Beal to [REDACTED] Sept 20 2011 e-mail thread

1. [REDACTED] shares proposed response to inform/protect the Director;
2. Beal directs [REDACTED] to remain silent until further notice.

Beal to [REDACTED] Sept 20 2011 e-mail thread

1. FSA contract human resources manager informs Beal that Lenzie is not qualified for the position;
2. Beal directs [REDACTED] to permit her to make the qualification determination.

[REDACTED] to Beal Sept 29 2011 e-mail thread

1. Beal personally involves herself in interview process by scheduling travel to Boston where a single contractor vacancy exists;
2. Lenzie is scheduled to be interviewed despite not qualifying for the position;
3. Beal travels to Boston for interviews held October 11 & 12, 2011;
4. [REDACTED] recommends [REDACTED] for the single Boston position. Beal reassigns a second contract position from the OFC to Boston despite there being no need to ensure Lenzie is selected for one of the two positions. [REDACTED] and Lenzie are hired by FSA, but instead Lenzie reports to the Connecticut USMO (versus Boston) where there was no infrastructure in Boston and complains to [REDACTED] when he is occasionally directed to report to Boston.

Beal to [REDACTED] Oct 6 2011 e-mail thread

1. Beal acknowledges Lenzie is not qualified for the contract position when [REDACTED] recommends downgrading a Seattle contract position that is later cancelled by Beal. She also cancelled positions in Columbus and Houston after interviews involving Assistant U.S. Attorneys.

[REDACTED] to [REDACTED] Jan 24 2012 e-mail thread

1. [REDACTED] questions Lenzie's qualification

[REDACTED] to [REDACTED] Feb 13 2012 e-mail thread

1. [REDACTED] responds to questions from [REDACTED]

BOD Meeting Notes 3 20 12

1. Despite contract start-up costs (e.g., background investigation, opening an office in the Connecticut USMO, purchasing and shipping equipment, etc.) and paying the contract bill rate for several months, Lenzie voluntarily resigns on March 20, 2012 (five weeks after [REDACTED] e-mail).

Beal to [REDACTED] Oct 25 2013 e-mail thread

1. Concerned with [REDACTED] access to wireless data as the architect of the USMS Wireless Program – specifically her weekend calls with the Director on the Lenzie matter that have been recently raised – Beal eventually has [REDACTED] removed from wireless project management responsibilities he held since 2008. Her attempts covered an extended period of time (more than one year) where removal was not expedient b/ [REDACTED] was assigned contractually as the project manager and COR.

Considerations: Beal's actions cause at the very least perception concerns summarized in slides 52 & 54 of 2013 annual ethics training for OGE 450 filers. The perception of quid pro quo may reasonably be conceived.

Smith, Harvey (USMS)

From: Smith, Harvey (USMS)
Sent: Monday, March 10, 2014 1:57 PM
To: Dickinson, Lisa (USMS)
Subject: FW: Matter of concern
Attachments: Attachment 1 OGC.pdf; FW: 2013 National Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month; Attachment 3 OIG Summary.pdf; Attachment 4 Resume.pdf; Attachments 5 - DOJ.PDF

Yes. We should discuss this.

██████ had sent me: the LGBT memo that is attached, information about a bowling party during work hours (12:00 – 3:30), and e-mails implying favoritism in hiring for a position in Boston, not the same documents as the documents that are attached.

From: Musel, David (USMS)
Sent: Monday, March 10, 2014 1:00 PM
To: Smith, Harvey (USMS)
Cc: Dickinson, Lisa (USMS)
Subject: FW: Matter of concern

Harvey:

I discussed this a few weeks ago with Lisa D and then just a few minutes ago. On Feb 24 I responded to ██████ with "██████ Thank you for the information. I will look into this."

Lisa and I reached consensus that it would be most appropriate for you to more fully respond. I'm looking to not open a venue for ██████ to me. Please send ██████ a more full response.

Thanks

David F. Musel
Associate Director for Administration
██████

From: ██████ (USMS)
Sent: Thursday, February 20, 2014 6:32 PM
To: Musel, David (USMS)
Subject: Matter of concern

Good Afternoon Mr. Musel,

Please allow me to congratulate you on your selection as the Associate Director for Administration. As ██████, I stand ready to share with you a deeper understanding of the asset forfeiture sanction as a law enforcement tool designed to dismantle the financial infrastructures of criminal organizations.

I am reaching out to you today because ██████
██████ I wish to privately share with you a matter of concern. I brought this

Exhibit 137

issue to light two months ago today (attachment 1) by providing the Office of General Counsel (OGC) a copy of an inappropriate and offensive message contained in an e-mail I received last year. Now sixty days later and I still have not been contacted by OGC to understand how the communication will be addressed, if at all. My general belief is the matter has been swept under the carpet because, regrettably, it could make some people uncomfortable.

Last summer Acting Assistant Director Kim Beal forwarded me an e-mail (attachment 2) in response to a memo from then Acting Deputy Director [REDACTED]. The e-mail came after several separate occasions when she made public comments referring to my sexuality. These references were made in my presence, as well as the presence of peers.

Mockery on the topic of sexual orientation has no place in a professional setting, especially in a federal law enforcement agency. Regardless of my sexual preference, I believe in promoting and participating in an all-inclusive work environment and have done so for my entire career. I have always provided equal employment opportunities to anyone with whom I have associated or supervised. No one should be subjected to ridicule, harassment or bullying based on sexual orientation or other protected status. Moreover, the law does not allow for it.

At the time I received the e-mail I avoided filing a complaint with the Office of Equal Employment Opportunity primarily because I was concerned about retaliation by Acting Assistant Director Beal. In November 2012, the OIG found "a reasonable basis" that she previously retaliated against a whistleblower (attachment 3). Others within the Asset Forfeiture Division have privately shared with me their concerns of retaliation, stating they often stay silent on issues based on similar fears.

In September, I competed for the not-to-exceed one-year appointment as the Acting Assistant Director as a means of best addressing the matter (i.e., had I or anyone else been selected it would have taken her out of my chain of command). I applied, but was disqualified as the announcement was limited to those within the local commuting area. There were no [REDACTED] in the Asset Forfeiture Division who met this narrow criteria, leaving Acting Assistant Director Beal as the sole applicant for a second not-to-exceed one-year time period.

Late last year I considered raising this concern with the Attorney General's Diversity Management Counsel. However, I have a tremendous amount of respect for Associate Director for Operations [REDACTED]. He and I worked together early in our careers while we were both assigned in Ohio. With our previous work relationship in mind, I first want to make every effort to address this in the proper forum internally before taking an issue like this outside the Agency. Hence, a second attempt to address it with you after my first attempt with OGC.

Exhibit 137

With a USMS workforce that is 73% operational, I have focused on bringing a law enforcement and criminal/financial investigation perspective into asset forfeiture and into what has traditionally been an administratively-driven division. To give you some background about me, I was a GS-1811-15 at age 40. I have never been married. I have no children. I have relocated eight times during my career, all by my own choice, but ultimately foregoing my personal life for my professional one. In a previous calendar year, for example, I worked 3,208 hours, including 1,128 hours of LEAP. I have dedicated my adult life to public service and the advancement of my career. A review of my résumé (attachment 4), specifically page 6 at *Job Knowledge*, demonstrates my drive, ambition and hard work to excel within the Agency and among my thousands of peers. My work has been recognized at the Department level (attachment 5). Nonetheless, I have long practiced treating everyone with fairness while promoting diversity and acceptance in the workplace. My personal sacrifices are no reason for the manner by which Acting Assistant Director Beal treats me. Her poor judgment as exhibited by the attached e-mail is really quite inexcusable.

I share this matter with you today as I am quite concerned that an acting member of the Senior Executive Service would so publically display prejudicial views against a protected class by sending an inappropriate and offensive message with her signature and official title. More troubling is when the executive is representing an Agency with a long, storied, and distinguished history of protecting the civil rights of all Americans. Having taken the oath more than seventeen years ago to "in all things faithfully execute the duties of Deputy United States Marshal during my continuance in office," I believe sweeping this under the carpet puts the entire Agency at risk.

I am not certain how best to resolve this matter. I believe doing nothing, though, is really not an option. If Acting Assistant Director Beal treats me with disrespect as a GS-1811-15, I am concerned with the manner she may be treating others.

I would ask that should you choose to act on this matter you afford me an opportunity to first have a conversation with you before doing so. I need to reemphasize my uneasiness knowing Acting Assistant Director Beal may learn about my communication with you, prompting her to possibly retaliate. I am available by phone, e-mail, or Lync. Alternatively, [REDACTED] and I am always available to meet in person at a time and place most convenient for you.

I appreciate your time and look forward to hearing from you. I wish you much success in your new role as Associate Director for Administration.

Respectfully,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

To: Auerbach, Gerald (USMS) [REDACTED]
From: Dickinson, Lisa (USMS)
Sent: Mon 3/10/2014 5:14:43 PM
Subject: More emails
[FW: LGBT](#)
[FW: 2013 AFD Holiday and Bowling Party](#)
[FW: Call](#)

The last email attached is the one that I recalled about the Boston position. This is in the information that Harvey shared after I told him about Musel getting an email. I thought everything that Musel received was in what Harvey had, but it was not. The issue about Boston was not raised with the ADA.

Exhibit 139

To: Smith, Harvey (USMS [REDACTED])
Cc: Dickinson, Lisa (USMS)/[O=USMS/OU=HQ/cn=Recipients/cn=LDickinson]
From: Musel, David (USMS)
Sent: Mon 3/10/2014 5:00:25 PM
Subject: FW: Matter of concern
[Attachment 1 OGC.pdf](#)
[FW: 2013 National Lesbian, Gay, Bisexual, and Transgender \(LGBT\) Pride Month](#)
[Attachment 3 OIG Summary.pdf](#)
[Attachment 4 Resume.pdf](#)
[Attachments 5 - DOJ.PDF](#)

Harvey:

I discussed this a few weeks ago with Lisa D and then just a few minutes ago. On Feb 24 I responded to [REDACTED] with "[REDACTED] Thank you for the information. I will look into this."

Lisa and I reached consensus that it would be most appropriate for you to more fully respond. I'm looking to not open a venue for [REDACTED] to me. Please send [REDACTED] a more full response.

Thanks

David F. Musel
 Associate Director for Administration
 [REDACTED]

From: [REDACTED]
Sent: Thursday, February 20, 2014 6:32 PM
To: Musel, David (USMS)
Subject: Matter of concern

Good Afternoon Mr. Musel,

Subject: FW: Compliance with Standards Against Nepotism and Conflicts of Interest

From: [REDACTED] (USMS)
Sent: Monday, February 13, 2012 7:05 PM
To: [REDACTED] (USMS)
Subject: Fw: Compliance with Standards Against Nepotism and Conflicts of Interest

From: [REDACTED] (USMS)
Sent: Monday, February 13, 2012 03:49 PM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS)
Subject: RE: Compliance with Standards Against Nepotism and Conflicts of Interest

[REDACTED]

I am sorry for the delay in getting back to you.

- 1) If your first paragraph refers to nepotism violations, we may or may not refer to OSC. OII investigates such matters and management may take action against an employee if the facts support the charge(s). Any employee may refer an allegation of misconduct within the scope of OSC, to OSC.
- 2) Nepotism, by definition, does not involve contract employees. The statute applies to federal employees being involved in the hiring of relatives (of a certain family relationship) into federal service. Aside from nepotism, it may not be appropriate for a federal employee to be involved with the hiring of a relative by a contract company to perform work in the USMS. The process is not supposed to work you describe it. A USMS employee should not be telling a contract company who to hire to fill a USMS need under the contract. A USMS employee may pass along the resume of anyone to the contract company to consider for hiring, but generally positions should not filled at the contract company with specific persons USMS employees "designate" or choose. Friends of USMS employees may apply for, and accept a position with the contract company as long as there is a need, and they qualify for the position. Once on board, such contract employees should fulfill functions that are contained in the SOW, etc. While I understand you are saying this may not always be the case, it is also true that oftentimes what USMS employees hear about a matter is not complete or accurate.
- 3) Finally, as you know, allegations of misconduct by USMS employees in contracts, hiring, etc., should be brought to the attention of supervisors, OII, OGC, or OIG.

Thanks,

From: [REDACTED] (USMS)
Sent: Wednesday, January 11, 2012 3:58 PM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS)
Subject: Re: Compliance with Standards Against Nepotism and Conflicts of Interest

Ok I will standby.

Can I least get one of you to answer my first question - basically a yes or no question.

Thanks.

Sent from Blackberry device

From: [REDACTED] (USMS)
Sent: Wednesday, January 11, 2012 01:15 PM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS)
Subject: RE: Compliance with Standards Against Nepotism and Conflicts of Interest

As soon as I can. I have a queue, and questions to answer in the order I receive them as soon as I am able....

Thanks,

[REDACTED]

From: [REDACTED] (USMS)
Sent: Tuesday, January 10, 2012 5:01 PM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS)
Subject: RE: Compliance with Standards Against Nepotism and Conflicts of Interest

[REDACTED]

Any idea on when you might be able to answer my questions?

[REDACTED]

From: [REDACTED] (USMS)
Sent: Friday, January 06, 2012 4:15 PM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS)
Subject: RE: Compliance with Standards Against Nepotism and Conflicts of Interest

[REDACTED]

Happy New Year to you also! Hope your holidays were great. I'm copying [REDACTED] on this so that he may weigh in. You raise interesting questions and I would prefer that you get the correct response from OGC.

Hope this finds you well.

[REDACTED]

From: [REDACTED] (USMS)
Sent: Friday, January 06, 2012 3:14 PM
To: [REDACTED] (USMS)
Subject: FW: Compliance with Standards Against Nepotism and Conflicts of Interest

Exhibit 140

Hi [REDACTED],

Happy New Year.

Reference the email and attachment can you tell me if the agency forwards violations of Title 5 to the Office of Special Counsel for further investigation when they are discovered or are the violations handled internally? As you know there have been several violations in the past few years and to the normal employee little to nothing is ever done to hold the public official/employee accountable.

Also, does Title 5 include contract employees? Example; a senior manager who has jurisdiction over another manager recommends a person/friend for a high level (well paid)contractor position. The manager who has the vacancy wants to stay in the good graces of the senior manager. The manager knows promotions will be coming up in the near future and does not want to do anything to hurt their chances so they hire the person that was recommended by the senior manager. There is no doubt that the only reason the person was hired for the contractor position was because of their relationship with the senior manager and the perceived notion that if the recommended person was not hired, the manager would not be considered for future promotions.

Thanks for your help,

[REDACTED]

From: Administrative Notices (USMS)
Sent: Thursday, January 05, 2012 10:44 AM

To: USMS-ALL

Cc: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)

Subject: Compliance with Standards Against Nepotism and Conflicts of Interest

POC: [REDACTED] (HRD); 202-[REDACTED]

Memorandum dated January 5, 2012, from the Deputy Director regarding the requirement to comply with standards against nepotism and conflicts of interest.

Exhibit 141

From: Beal, Kim (USMS)
Sent: Monday, March 05, 2012 8:33 AM
To: [REDACTED] (USMS)
Subject: RE: Ethical Issue

You are definitely cited as the complainant-it may be because it was raised by you to OGC – I'm glad you weren't the one that referred it. If [REDACTED] FOIA the investigation it will show you as the complainant – I don't think he will, but just in case he reaches out to you.

From: [REDACTED] (USMS)
Sent: Monday, March 05, 2012 8:29 AM
To: Beal, Kim (USMS)
Subject: FW: Ethical Issue

Remember this e-mail? My original request for guidance from OGC was the "BB gun approach." See two highlights below on the referral to OII (i.e., OGC referred the matter, not me). If OII cited me as the original complainant in the final Report they got it wrong.

From: Morales, Eben (USMS)
Sent: Friday, September 24, 2010 6:32 PM
To: [REDACTED] (USMS); Beal, Kim (USMS)
Subject: Re: Ethical Issue

Ok. Hopefully this matter gets fully investigated and [REDACTED] has an explanation that allows us to move forward.

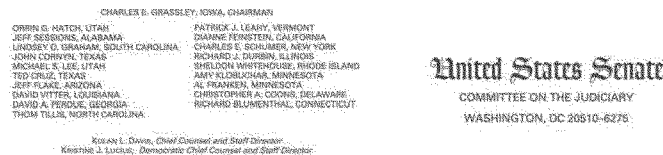
From: [REDACTED] (USMS)
To: Morales, Eben (USMS); Beal, Kim (USMS)
Sent: Fri Sep 24 18:11:06 2010
Subject: Ethical Issue

Today, [REDACTED] provided me guidance in relation to an ethics question I posed to him on Monday in relation to Giglio following a complaint I received from a deputy about [REDACTED] and a purported college degree he allegedly purchased from a diploma mill (my single question to him did not involve making a referral to OII). He said:

1. In the event [REDACTED] is scheduled to testify in a case, we should first contact Harvey Smith in OGC before proceeding, or permitting his testimony;
2. We should carefully consider whether or not we pay for additional classes for [REDACTED] at [REDACTED] until there is more information about the allegations;
3. Based on the information I provided from the complainant and [REDACTED] officials [REDACTED] said, "I conclude that the allegations against [REDACTED] are not frivolous and that we have no choice but to forward the matter to OII for investigation. I will do so." (meaning he will do so);
4. We should direct any further questions to him.

Exhibit 141

Unless you believe an alternative course of action is appropriate I would plan to inform [REDACTED] when he is served notification of the investigation, and without disclosing the nature or details as is standard practice, that in response to the allegations he should notify me of any request to testify in any legal proceeding, domestic or abroad. I will also inform him AFD does not intend to fund additional classes at [REDACTED] for him and in the event he wishes to seek the Certificate he is pursuing any additional cost will be borne by him should [REDACTED] officials deem his continued participation appropriate. I believe my proposed course of action will satisfy [REDACTED] requirements., but please let me know if there is any additional recommended action. I anticipate one of you may first receive a notification from OII, similar to the one received earlier this year on another AFD employee.



August 20, 2015

VIA ELECTRONIC TRANSMISSION

The Honorable Gene L. Dodaro
Comptroller General of the United States
U.S. Government Accountability Office
441 G Street, NW Washington, DC 20548

Dear Mr. Dodaro:

Over the past few months, multiple whistleblowers have brought to my attention allegations of improper hiring practices that appear to be widespread within the U.S. Marshals Service (USMS). Whistleblowers allege that hiring managers routinely pre-select favored candidates, offer candidates detail opportunities at the exclusion of others and to bypass time limits on acting appointments, discourage other candidates from applying for positions, and even cancel vacancy announcements when the preferred candidate does not appear on the eligibility list (or high enough on the eligibility list) certified by human resource officials only to later readvertise the vacancy with new ratings criteria that more closely match the skills and experience of the desired candidate and help exclude competing, well-qualified candidates.

These alleged hiring practices clearly violate Office of Personnel Management (OPM) guidelines, but they can also lead to a workplace culture that is susceptible to nepotism, *quid pro quo* exchange of favors, and the perception among employees that the U.S. Marshals Service seeks to promote those who are loyal or well connected instead of those who are best qualified for the job. I am concerned that these allegations may be just the tip of the iceberg and that these brave whistleblowers represent not the exception but the general rule for a deeply entrenched workplace culture that is comfortable with ignoring OPM policy and not interested in promoting modern federal hiring standards. It is notable that federal employee survey data analyzed by the Partnership for Public Service showed that the U.S. Marshals Service has for the past 7 years consistently scored lowest in the category of Performance-Based Rewards and Advancement, which measures "the extent to which employees feel they are rewarded and promoted in a fair and timely manner for their performance and innovative contributions to their workplaces."¹

I am interested in better understanding how such hiring practices impact the efficiency and effectiveness of the U.S. Marshals Service, and I am concerned with the quantifiable cost to

¹ <http://bestplacetowork.org/BPTW/rankings/detail/DJ08>.

Exhibit 142

Honorable Gene Dodaro
August 20, 2015
Page 2 of 2

the taxpayer incurred by these practices. Given the importance of hiring well-qualified personnel to carry out the many duties of the U.S. Marshals Service—such as protecting federal courthouses, transporting prisoners, and apprehending fugitives—I ask the Government Accountability Office to assess:

1. USMS's recruiting, hiring, and promotion strategies, processes, and policies, including those in place to ensure the selection of candidates based on merit;
2. The costs of any recruiting, hiring, and promotion efforts that may result in preselected favored candidates obtaining positions, such as:
 - a. The cancellation and readvertisement of the same position,
 - b. The use of selective placement factors,
 - c. The use of exclusive detail opportunities, and
 - d. Any other methods of preselecting candidates for positions.
3. The effects, if any, that USMS's current recruiting, hiring, and promotion efforts may have on employee morale.

If you have any questions, please contact DeLisa Lay of my Committee staff at (202) 224-5225. I appreciate your attention to this matter – thank you in advance for your cooperation.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

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

Exhibit 143
REPORT OF INVESTIGATION

SUBJECT		CASE NUMBER	
Noelle D. Douglas (***-**-****) Assistant Director Judicial Security Division Washington, D.C.		2015-003102	
OFFICE CONDUCTING INVESTIGATION		DOJ COMPONENT	
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<input checked="" type="checkbox"/> Component USMS	Date of Previous Report:		
<input type="checkbox"/> USA			
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SYNOPSIS

The Office of the Inspector General (OIG) initiated this investigation based on the receipt of information from the United States Marshals Service (USMS) Office of Internal Affairs (OIA) alleging that, in September 2014, USMS, Judicial Security Division (JSD) Assistant Director (AD) Noelle Douglas improperly influenced the hiring of contractor [REDACTED], with whom she had a previous personal relationship. Further, it was alleged that Douglas was not approved to establish [REDACTED] contract position, the contract cost was excessive, and [REDACTED] may not have been qualified for the position. [REDACTED] contract as a "Training and Operations Support Specialist" (TOSS) with [REDACTED] a USMS contractor, was reportedly funded by the USMS at a cost of \$297,900.

The OIG investigation substantiated that Douglas had a prior multi-year romantic relationship with [REDACTED] in the early 2000s, and in addition continued to have, at a minimum, a close personal relationship with [REDACTED] at the time he was hired as a contractor. In addition, the investigation substantiated that Douglas improperly influenced the procurement process by which [REDACTED] was hired by [REDACTED] as a USMS JSD contractor. The OIG found that Douglas's direct personal involvement in hiring [REDACTED] including collaborating with [REDACTED] to create the position description and providing [REDACTED] resume to a subordinate USMS contracting official, improperly influenced that official to represent to [REDACTED] that [REDACTED] was the USMS's recommended candidate for the contract, where upon no other candidates were vetted by [REDACTED] for the position. The OIG also substantiated that Douglas violated USMS policy by maintaining an improper personal relationship with [REDACTED] after he was hired as a subordinate contractor under her authority within JSD. Douglas did not report her prior relationship or ongoing personal communications with [REDACTED] to any USMS official in connection with the creation of the contract position or the hiring of [REDACTED] by the contractor, and she did not recuse herself from

DATE	June 22, 2015	SIGNATURE	[REDACTED]
PREPARED BY SENIOR SPECIAL AGENT			
DATE	June 22, 2015	SIGNATURE	Michael P. Tompkins
APPROVED BY SPECIAL AGENT IN CHARGE		Michael P. Tompkins	

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involvement in the contracting process. These failures were inconsistent with USMS policies relating to relationships with subordinates.

Witnesses within JSD and [REDACTED] independently described to the OIG a process wherein JSD submitted a Request for Proposal (RFP) along with a position description for the TOSS to [REDACTED] and nearly simultaneously put forth [REDACTED] resume as a candidate for the position. Witnesses said that although [REDACTED] contract price was within General Services Administration (GSA) guidelines for the labor category requested, it was among the highest priced contract for an individual contractor they had ever seen at the USMS. No witnesses were aware of Douglas's personal relationship with [REDACTED] at the time the TOSS position was created or when the contract was proposed, negotiated, or awarded. Although the OIG did not find [REDACTED] unqualified for the contract position, as defined in the position description and scope of work, the OIG found that Douglas acted inappropriately by tailoring the qualifications and requirements of the TOSS position to correspond to [REDACTED] resume.

An OIG review of text messages between Douglas and [REDACTED] revealed evidence of a past romantic relationship and, at a minimum, a continuing close personal relationship that coincided with the development and awarding of the contract, and continued after [REDACTED] was hired. The text messages show Douglas's efforts to prepare [REDACTED] for applying to the position, including drafting the position description to fit his resume, providing him with contacts within [REDACTED] and the JSD contracting office, and salary ranges for the position.

During her OIG interview under oath, Douglas admitted that she had a previous romantic relationship with [REDACTED] for several years in the early 2000s, and was currently working out "unresolved personal issues" with him, but denied that she played an improper role in his hiring as a JSD contractor. Douglas said she created the TOSS position that [REDACTED] ultimately filled because she needed to address previously identified gaps in JSD security preparations, training, and organization. Douglas asserted that, as the AD of JSD, she had the authority to create such a position and secure appropriate funding to do so. Douglas denied coaching [REDACTED] through the process or negotiating any special benefits or salary for him. Douglas asserted that her text messages with [REDACTED] during the procurement process and after [REDACTED] was hired -- which clearly evidence their personal relationship including engaging in personal, after hours visits, and cited her influence in customizing the TOSS position for [REDACTED] -- were taken out of context. Douglas admitted meeting at [REDACTED] residence one evening during the procurement process, and she also acknowledged going to dinner and brunch with [REDACTED] on occasion. However, she denied an ongoing romantic relationship with [REDACTED].

At the direction of [REDACTED], USMS [REDACTED], the USMS cancelled [REDACTED] contract on January 17, 2015.

The OIG investigation determined that Douglas violated government ethics regulations relating to use of public office for private gain, 5 CFR 2635.101 (b)(8) & (14) *Basic obligations of public service*, 5 CFR 2635.702 (a) *Inducement or coercion of benefits*, and USMS Policy Directive 1.2 (*personal relationships with subordinates*).

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

DETAILS OF INVESTIGATION

Predication

The Office of the Inspector General (OIG) initiated this investigation based on the receipt of information from the United States Marshals Service (USMS) Office of Internal Affairs (OIA) alleging that in September 2014, USMS, Judicial Security Division (JSD) Assistant Director (AD) Noelle Douglas improperly influenced the hiring of contractor [REDACTED], with whom she had a previous personal relationship. Further, it was alleged that Douglas was not approved to establish [REDACTED] contract position, the contract cost was excessive, and [REDACTED] may not have been qualified for the position. [REDACTED] contract as a "Training and Operations Support Specialist" (TOSS) with [REDACTED] a USMS contractor, was reportedly funded by the USMS at a cost of \$297,900.

During the course of the investigation, the OIG learned from text messages of information that Douglas maintained a personal and seemingly romantic relationship with [REDACTED] after he was hired as a contractor subordinate to her authority as AD, JSD.

Investigative Process

The OIG's investigative efforts consisted of the following actions:

Interviews of the following personnel:

- [REDACTED]
- Noelle Douglas, Assistant Director, JSD
- [REDACTED]

[REDACTED], a civilian, did not respond to OIG requests for an interview.

OIG reviews of the following:

- Douglas's USMS text messages with [REDACTED]
- Douglas's USMS ethics training records
- USMS Office of General Counsel ethics training modules
- USMS TOSS Position Description
- [REDACTED] Resume
- USMS e-mails between Douglas and [REDACTED]

Improper Influence in the Hiring of [REDACTED]

Predicating information provided to the OIG alleged that in September of 2014, [REDACTED] was hired by [REDACTED] to fill a contract TOSS position which had recently been established by Douglas. It was alleged that [REDACTED] hiring was improper in that he had a past personal relationship with Douglas, was excessive in cost, and [REDACTED] may not have been qualified.

5 CFR 2635.101 "Basic obligation of public service" states:

Subsection (b)(8): Employees shall act impartially and not give preferential treatment to any private organization or individual, and

Subsection (b)(14): Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

5 CFR 2635.702 "Use of public office for private gain" states in Subsection (a) Inducement or coercion of benefits: An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.

USMS Policy Directive 1.2, *Code of Professional Responsibility*, Section E-37, provides the following prohibitions regarding personal relationships with subordinates: "You may not through the official chain of command or by actual practice supervise a person with whom you are having an intimate, personal relationship or immediate family members of that person. Further, you may not make, influence, or have input into decisions about the pay, promotions, work assignments, or any other conditions of employment of that person or his or her immediate family members."

The Evolution of [REDACTED] Hiring

The OIG interviewed USMS [REDACTED], Douglas's immediate supervisor. [REDACTED] told the OIG that he became concerned about the circumstances surrounding Douglas's hiring of [REDACTED] as a JSD contractor and her subsequently taking [REDACTED] to Boston with her on a USMS business trip in preparation for the trial of Boston Marathon bombing suspect Tamerlan Tsarnaev. According to [REDACTED] his concerns stemmed from information that Douglas and [REDACTED] may have been involved in a personal relationship. [REDACTED] inquired with the USMS Chief Financial Officer (CFO) regarding JSD contract hires. The CFO reported to [REDACTED] that [REDACTED] had been hired at a cost to the USMS of "just under \$300,000." [REDACTED] described having "sticker shock" at the cost of the contract, which billed the USMS at \$147.95 per hour. For comparison purposes, [REDACTED] provided the OIG with procurement paperwork in which another former police officer employed by [REDACTED] was

billed at \$165,440, or \$82.72 per hour. [REDACTED] also questioned [REDACTED] qualifications to provide any training to the USMS that the USMS could not provide internally. [REDACTED] noted that he previously told Douglas not to try to create a separate "JSD Training Academy" during a reorganization of JSD, as it would be redundant to current USMS training.

[REDACTED] acknowledged that while Douglas had the authority as the JSD AD to create new project codes (for funding a contractor position) it would have been typical for someone in Douglas's position to consult with the [REDACTED] prior to doing so. According to [REDACTED] when he subsequently confronted Douglas about his concerns and [REDACTED] contract, Douglas admitted that she and [REDACTED] had a prior romantic relationship. Douglas defended [REDACTED] as qualified for the position that she created because of his extensive experience, including time with the [REDACTED]. [REDACTED] told the OIG that Douglas claimed to have notified him [REDACTED] about [REDACTED] contract via the USMS Business Integration Center system, wherein [REDACTED] was listed with business and operational plans from JSD. [REDACTED] said he rejected Douglas's assertion, and noted that had he, in fact, been notified, he would have disapproved of [REDACTED] contract. [REDACTED] said that [REDACTED] contract was subsequently cancelled at his direction.

The OIG interviewed [REDACTED], a subordinate of Douglas. [REDACTED] was the Contracting Officer who coordinated and negotiated directly with [REDACTED] regarding JSD contract positions. [REDACTED] told the OIG that sometime after Douglas became the AD of JSD, she discussed the concept of filling a JSD training gap with a full time USMS employee. Douglas later suggested the position be filled with a contractor. [REDACTED] assisted Douglas by explaining the process of creating a position description (PD) for the contract and the process necessary to hire a contractor. [REDACTED] believed that around the same time, Douglas mentioned a former law enforcement officer she knew who would be a good fit for the position. Shortly thereafter, on July 31, 2014, Douglas e-mailed [REDACTED] a copy of [REDACTED] resume and noted "this is the type of background I would like to target for the new contractor position." Eleven days later, on August 11, 2014, [REDACTED] received the PD for the TOSS position from Douglas via e-mail. [REDACTED] contacted [REDACTED] to submit the PD for an RFP to develop a contract.

[REDACTED] told the OIG that, as she moved forward with [REDACTED] to staff the position, she assumed that [REDACTED] was the person Douglas wanted to fill the contract position because [REDACTED] resume came directly from Douglas via the noted e-mail. Therefore, [REDACTED] provided [REDACTED] resume to [REDACTED] as a recommendation for who [REDACTED] should hire to fill the position prior to receiving a quote for the contract from [REDACTED].

According to [REDACTED] the PD fit within the GSA schedule in the "Trainer Level III" category. [REDACTED] and [REDACTED] negotiated a price which came in at approximately 8% below the GSA schedule. Although [REDACTED] was not contacted by [REDACTED] or Douglas regarding [REDACTED] salary negotiations, on September 4, 2014, Douglas informed [REDACTED] that JSD had secured funding for the position. [REDACTED] stated that, even with the 8% discount that she was able to negotiate with [REDACTED] which was less than the 10% discount [REDACTED] typically negotiated; [REDACTED] hourly rate was the highest USMS contract [REDACTED] had seen. [REDACTED]

also noted that, prior to Douglas, she had never had a USMS AD involved in a specific position requirement for a contractor, the position description, or submission of an individual's resume as a candidate. [REDACTED] was unaware until December 2014, after [REDACTED] began working at USMS as a contractor, of any information regarding Douglas's previous relationship with [REDACTED].

The OIG interviewed [REDACTED] Office of Financial Management, who recalled signing as the approver for the funding of the contracted TOSS position later filled by [REDACTED]. [REDACTED] stated that she had no contact with Douglas or [REDACTED] regarding [REDACTED] contract. She was not aware of any involvement by Douglas in the creation of or negotiating with [REDACTED] regarding [REDACTED] contract. [REDACTED] stated that she did not become aware of [REDACTED] name until after he was hired for the position. [REDACTED] said that she typically would not know a potential contractor's identity unless the contract had already been awarded and [REDACTED] had submitted several candidates to the USMS for consideration. She had never been involved in a scenario wherein a specific candidate's name or resume had been forwarded by the USMS to [REDACTED] for consideration as a prospective contractor.

After [REDACTED] began working for the USMS, [REDACTED] said she heard that [REDACTED] was a "friend" of Douglas, but added that, "[Douglas] is my boss. I don't want to get involved." When asked about the reasonableness of the USMS's cost of [REDACTED] contract, [REDACTED] provided qualified responses that the approximate \$300,000 cost seemed "high" and "a lot" relative to other USMS contracts for "experts," which she quantified at approximately \$150,000. [REDACTED] reasoned that [REDACTED] was different from the other contractors who just "did training." However, [REDACTED] could not explain why [REDACTED] position warranted a high-cost contract.

When interviewed by the OIG, [REDACTED] recalled that, in August 2014, he had a discussion with [REDACTED] regarding a possible contract for a new "Tactical Trainer." [REDACTED] mentioned that she "may have a resume for consideration" for the proposed position. During a subsequent meeting, [REDACTED] delivered the "scope of work" (PD) to [REDACTED] and subsequently provided him with [REDACTED] resume. [REDACTED] also e-mailed the documents to [REDACTED] who was not aware of how [REDACTED] had obtained [REDACTED] resume. [REDACTED] explained that no other candidates were "sourced" or developed by [REDACTED] recruiter, and [REDACTED] personally vetted [REDACTED] for the position. [REDACTED] described [REDACTED] identification, vetting, and selection for the position by [REDACTED] as "circular" because [REDACTED] resume was provided by the USMS. [REDACTED] told the OIG he thought [REDACTED] was the highest paid contractor under the particular task order, which JSD was using for the contract, but could not be certain. He qualified his assertion by noting that "without a doubt" it was within the highest 10% of contractor salaries he was aware of at JSD. According to [REDACTED] [REDACTED] was hired by [REDACTED] on September 20, 2014. [REDACTED] worked at USMS until January 17, 2015, when the contract was cancelled by USMS. [REDACTED] is not aware of why the USMS cancelled [REDACTED] contract, or of any relationship between Douglas and [REDACTED].

Text and E-mail Messages Corroborate the Relationship and Douglas's Role

The OIG reviewed text messages between Douglas's USMS-issued cellular telephone and [REDACTED] from

February 2014 to January 2015. The messages evidenced a prior romantic relationship between Douglas and [REDACTED] as well as a continuing personal relationship with romantic overtones. [REDACTED]

Two months later in their exchanges, Douglas began to discuss her creation of what would become [REDACTED] TOSS contractor position. The OIG found numerous messages wherein Douglas announced her creation of a position suited to [REDACTED] and appeared to assist, or coach, [REDACTED] through the application process. For example:

- On July 25, 2014, Douglas wrote, "Working on a new position which might lend to your background."
- On July 31, 2014, Douglas wrote, "Send me a copy of your resume and salary range. If I go the contractor route, it will need to happen quickly."

The OIG also noted that, also on July 31, 2014, the same day as the aforementioned text, Douglas sent [REDACTED] resume via e-mail.

- On August 3, 2014, [REDACTED] wrote to Douglas, "May need to write it more specific to my resume."
- On August 3, 2014, Douglas replied, "Let me know what I need to add to the position proposal."

The OIG noted that eight days later, on August 11, 2014, Douglas sent [REDACTED] the PD via e-mail.

- On August 8, 2014, Douglas wrote to [REDACTED] "You may get a call from [REDACTED] or [REDACTED]. They have your resume."

During the time frame that Douglas was creating and funding the TOSS position, and after [REDACTED] was hired as a subordinate to Douglas within JSD, Douglas sent [REDACTED] messages indicating a continuing close personal and potentially romantic relationship with [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- On November 23, 2014 at 5:07 PM, [REDACTED] wrote, "Are you meeting me at my house?" Douglas replied at 5:07 PM "Yes," and at 6:07 PM she replied "About 20 minutes."

- [REDACTED]

Douglas Denied Any Misconduct

During her compelled OIG interview under oath, Douglas explained that during her tenure in JSD, both as the Deputy Assistant Director and later as the AD, significant gaps had been identified in operational areas. Douglas referred to a 2012 internal audit that highlighted deficiencies in JSD's training and documentation, which had not been corrected when she became AD. Douglas also described several programmatic areas within JSD that she believed needed an expert from the outside to consult and organize, including active shooter response, explosive threats, K-9 operations, and international training standards. According to Douglas, the USMS Training Division (TD) was not capable of providing the needed training because they were not subject matter experts in the aforementioned areas. TD was teaching things from "ten years ago," at a "poor level of training", according to Douglas.

Douglas acknowledged to the OIG that she developed the concept of a training coordinator (TOSS) position that would work across several areas of JSD to address the training needs and operational deficiencies that she described. Douglas described the position as separate from the JSD academy that she previously discussed with [REDACTED] during a reorganization proposal. Douglas noted the JSD academy idea was no longer being pursued, and was "off the table" at the time. Douglas disputed [REDACTED] claim that he did not know about or approve the TOSS position in advance, recalling a meeting wherein [REDACTED] was discussed by name. Contesting the notion that [REDACTED] had not approved the position, Douglas asserted her general authority to hire a contractor to fulfil a JSD need. Douglas told the OIG that she had never been told she could not hire contractors, and that no other ADs reporting to [REDACTED] were required to check with him prior to hiring a contractor. Douglas told the OIG she "operated under the belief as all other ADs are, that I could hire to fill my workforce needs."

Douglas described her relationship with [REDACTED] as "intimate" during the time frame of the early 2000s, for four or five years. Douglas said that, thereafter, including while she was creating the TOSS position, the contract was being negotiated, and after [REDACTED] was hired, that her relationship with [REDACTED] was not intimate. Douglas told the OIG that she was personally "comfortable" with [REDACTED] as a close friend, and respectful of his professional background. Douglas admitted that she and [REDACTED] were still working on "resolving issues" from their past romantic relationship. Regarding text messages she sent to [REDACTED] immediately before, during, and after he was hired, which were suggestive of an ongoing romantic interest, Douglas told the OIG they were being "taken out of context." Specifically, Douglas's stated that invitations for [REDACTED] were also extended to other USMS employees and their spouses. Douglas explained that her text messages asking [REDACTED]

_____ were typical behavior that she engaged in with many of her friends. Douglas claimed _____ Douglas told the OIG that she had been to _____ residence, as text messages suggested (after he had been hired as a subordinate), but described the visit as platonic in nature, asserting that they only went to dinner. Douglas added that they sometimes go to brunch. Douglas was steadfast in her assertion that despite text messages suggesting otherwise, she was not involved in an intimate relationship with _____ immediately before, during, or after he was hired.

Douglas characterized her assistance to _____ during his hiring process as proper. According to Douglas, it consisted of announcing the potential position, directing _____ towards the _____ website or possibly giving him a telephone number for _____ and discussing the contracting process and hiring schedules. Douglas denied providing _____ with suggestions as to what salary or benefits he should negotiate for, despite her text message to him, "Send me a copy of your resume and salary range. If I go the contractor route, it will need to happen quickly." Douglas also told the OIG that _____ "absolutely has the skill set and background to address the large number of things I desired for that position."

Douglas asserted that the text messages appearing to implicate her in crafting the position description to match _____ resume were taken out of proper context. Instead, Douglas offered that _____ text message to her, "May need to write it more specific to my resume," and her subsequent response "Let me know what I need to add to the position proposal," were taken out of context. Instead, Douglas said the messages actually referred to a separate USMS "white paper" that she had shared with _____ who had been assisting her with drafting it. According to Douglas, she provided _____ with several of her working documents regarding USMS policy proposals for his review. Douglas told the OIG that the position was going to be filled, regardless of who ultimately filled it.

Although Douglas acknowledged receiving annual USMS ethics training, as well as other training on hiring practices, she did not specifically recall the 2013 USMS Office of General Counsel (OGC) training that addressed ethical concerns in hiring, which the OIG had confirmed that she certified as completing. When questioned further the appropriateness of her actions, Douglas stated, "if the perception of favoritism exists, certainly it's not prohibited in procurement," emphasizing that it happened all of the time at USMS.

Douglas expressed no ethical concerns regarding her past intimate relationship with _____ in light of her involvement in his hiring or communications with him afterwards. Douglas acknowledged that she did not consult with USMS OGC regarding any ethics issues relevant to this matter, including her relationship and communications with _____ relative to her creation of the TOSS position, her internal USMS involvement in his hiring process, or serving as his AD in JSD. Douglas also did not disclose her personal relationship with _____ until questioned directly by _____ after _____ was hired. Douglas also acknowledged that _____ could have perceived Douglas's advocacy of _____ for the position in light of having sent _____ resume in the manner she did. Nonetheless,

Douglas reasoned that her relationship with [REDACTED] and involvement in his hiring for the position was not improper. While denying any wrongdoing, Douglas told the OIG that the facts as they are known in context could create the appearance of a conflict.

OIG's Conclusion

While Douglas had authority, as an AD, to create a position to staff her division, the OIG substantiated the allegation that Douglas exercised improper influence in assisting [REDACTED] with whom she had a prior romantic and ongoing personal relationship, in gaining contract employment with the USMS, more notably within her divisional chain of command. By failing to report her relationship with [REDACTED] to the USMS and seek full recusal from all matters related to [REDACTED] employment with the USMS, Douglas violated government ethics regulations by using her public office for the private gain of [REDACTED] 5 CFR 2635.101 (b)(8) & (14) *Basic obligations of public service*, 5 CFR 2635.702 (a) *Inducement or coercion of benefits*, and USMS Policy Directive 1.2, Code of Professional Responsibility, Section E-37, *Prohibitions regarding personal relationships*.

Douglas admitted to having a past romantic and current close personal relationship with [REDACTED]. By virtue of her position of authority and influence as the AD of JSD, Douglas gave preferential treatment to [REDACTED] during the creation and awarding of the TOSS contract position. The OIG found that Douglas drafted the PD to give [REDACTED] an advantage to qualify for the position and forwarded [REDACTED] resume to [REDACTED] which was reasonably construed as an endorsement of [REDACTED]. Acting in concert with what she reasonably perceived as Douglas's preference as the JSD AD, [REDACTED] passed [REDACTED] resume to [REDACTED] at [REDACTED] who reasonably perceived [REDACTED] as the USMS's desired candidate. [REDACTED] confirmed to the OIG that no other candidate was vetted for the position because [REDACTED] was considered to be the USMS preference. Thus, while the OIG did not find that [REDACTED] was unqualified to fill the TOSS position that he was hired for, the OIG determined that Douglas collaboratively created the TOSS position to suit [REDACTED] resume and qualifications.

In addition, although [REDACTED] negotiated salary range was consistent with GSA pay schedules at his determined skill level and the OIG found no evidence that Douglas played a part in actually determining internally or negotiating with [REDACTED] for [REDACTED] salary or the cost of the contract to the USMS, the OIG found that Douglas's perceived advocacy of [REDACTED] impeded [REDACTED] ability to negotiate a greater discount from [REDACTED] for the task order. [REDACTED] told the OIG that she typically negotiates at 10% discount versus the 8% agreed upon for [REDACTED] contract. Having conveyed [REDACTED] to [REDACTED] as the preferred candidate, JSD effectively pre-empted any competitive process for the position and provided [REDACTED] with negotiating leverage, which likely resulted in what witnesses characterized as one of the most expensive USMS contracts they could recall.

The OIG found that Douglas's explanations in relation to the creation of the position and the hiring of [REDACTED] as well as the nature of her relationship with [REDACTED] lacked credibility. Her reasoning in failing to recognize or acknowledge the impropriety of her actions in the matter was self-serving, notably when she characterized the evidentiary text and e-mail messages regarding her relationship with

██████ involvement in collaboratively creating his position, and advancing of his resume as “taken out of context.” In an action that █████ described as unusual, Douglas, █████ AD, forwarded █████ resume to her in an e-mail endorsing █████ qualifications. Thus, the OIG determined that Douglas not only failed to act impartially or seek recusal, but deliberately gave preferential treatment to █████ in violation of 5 CFR 2635.101 (b)(8).

Despite Douglas’s authority to staff her division, Douglas’s direct and substantial involvement in █████ employment while concealing her previous romantic and ongoing close personal relationship with █████ created the appearance of a conflict of interest within the USMS, as evidenced by witness testimony to the OIG. The OIG therefore determined that Douglas violated 5 CFR 2635.101 (b)(14), which requires Executive branch employees to avoid any actions that create a reasonable appearance that they are violating the law or ethical standards, in this case, 5 CFR 2635.702 (a) which prohibits an Executive branch employee from using their official position or title to coerce or induce a subordinate to provide any benefit, financial or otherwise, to himself, friends, relatives, or any persons with whom the employee is affiliated in a nongovernmental capacity.

After █████ was hired as a JSD contractor subordinate to Douglas on September 20, 2014, Douglas continued to maintain an improper personal, even if not romantic, relationship and rapport with █████ as evidenced by the tone of Douglas’s continued text messages to him. Consistent with the text messages, Douglas admittedly invited █████ and went to his home on the evening of November 23, 2014, where upon Douglas said they went to dinner. Douglas also stated that she and █████ have gone to brunch on occasion. The OIG found Douglas’s assertion that it was proper to invite █████ a subordinate, █████ because she had also supposedly invited other USMS employees to be indicative of Douglas’s failure to recognize or acknowledge the improper nature of her personal interactions with a subordinate. The OIG considers Douglas’s personal communications with █████ during his tenure as her subordinate within JSD to be inherently improper and undermining to her obligations as an executive leader within the USMS. Thus, the OIG found that Douglas violated USMS Policy Directive 1.2, Section E-37, which prohibits intimate and personal relationships with subordinates within one’s official chain of command or supervision. Douglas was also prohibited from influencing any decisions regarding █████ work assignments or any other conditions of his contract employment, for which she was never recused as the JSD AD.

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

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

April 23, 2015

VIA ELECTRONIC TRANSMISSION

The Honorable Sally Quillian Yates
Acting Deputy Attorney General
United States Department of Justice

Dear Acting Deputy Attorney General Yates:

On March 18th and 19th I sent two letters, one to you and one to U.S. Marshals Service Director Hylton regarding whistleblower allegations of (1) quid pro quo hiring practices and (2) waste and misuse of asset forfeiture funds by the U.S. Marshals Service. Although the Department's review of these matters continues, more than a half dozen whistleblowers have contacted the Committee to make additional, troubling allegations since March 18.

First, multiple whistleblowers have now corroborated various aspects of the initial reports. These whistleblowers have confirmed that Assistant Director of the Asset Forfeiture Division Kimberly Beal went to unusual lengths to ensure that Donald Lenzie was hired by AFD contractor Forfeiture Support Associates, allegedly in order to curry favor with Director Hylton, who knew Mr. Lenzie in college. As I wrote in my April 7, 2015, follow-up letter regarding the Lenzie matter, Director Hylton placed Ms. Beal in the position of Acting Assistant Director of the AFD shortly after Mr. Lenzie was hired. The position was allegedly reclassified from 1811 (criminal investigator) to 0301 (administrator) for the purpose of accommodating Ms. Beal's lack of law enforcement training. Ms. Beal also retained her position as Acting Assistant Director for over two years, including while under investigation by the Department of Justice Office of Inspector General for retaliating against a whistleblower. Her acting position granted her access to experience that could later support her application for the permanent position and help exclude other well-qualified candidates.

I appreciate the Department's initial response to my April 7 follow-up letter acknowledging that its earlier explanation was inaccurate and providing evidence that, in the Department's words, "appears to be inconsistent with representations in our March 26, 2015 letter." I agree with the Department's assessment.

Exhibit 144

Acting Deputy Attorney General Yates
April 23, 2015
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In its initial March 26 letter, the Department stated: “Mr. Lenzie’s hiring was not unduly influenced by the Director. After Mr. Lenzie applied for the SFFS position in September 2011, he e-mailed his resume to the Director, which she forwarded to Ms. Beal for her awareness. The Director did not recommend Mr. Lenzie for any position” On April 17, the Department provided the Committee with an e-mail chain indicating that AD Beal, at the time Deputy Assistant Director of AFD, received Mr. Lenzie’s resume from Director Hylton’s personal e-mail address. Ms. Beal then forwarded that resume to then-Assistant Director Eben Morales, stating: “Director called and has forwarded the resume of a Customs agent that she highly recommends for the jump team FFS in Boston.” This evidence directly contradicts the Department’s previous statements and corroborates the whistleblowers’ allegations of a *quid pro quo*.

The Department’s efforts to correct its earlier inaccurate statements to the Committee are commendable. However, allowing the USMS to lead a review of itself in this matter seems unwise. Not only was the Department’s initial response inconsistent with the evidence, but information obtained by the Committee also clearly shows that this matter was reported to the USMS Office of General Counsel (OGC) as early as December 2013. Yet, the OGC apparently failed to take the allegation seriously or take any steps to address it. Moreover, USMS officials informed my staff that they consulted with OGC about the allegations before the Department’s initial response was submitted to my office. These facts raise serious questions about whether and to what extent the USMS OGC reviewed the Department’s initial reply to this Committee without correcting its inaccuracies.

The more than half dozen whistleblowers who have come forward in the last month have provided information suggesting that the Lenzie hiring is not an isolated incident. Rather, those whistleblowers have alleged that improper hiring practices were used in multiple instances to reward or benefit relatives and friends of senior leadership. The allegations present a troubling and longstanding pattern of nepotism and *quid pro quos* in the selection of contractor and USMS staff positions.

For example, multiple whistleblowers allege that Assistant Director of the Judicial Security Division, Noelle Douglas, is currently under investigation by the Department of Justice Office of Inspector General for directing subordinates to offer a lucrative contract position to a certain individual with whom she allegedly had a personal relationship.

Multiple whistleblowers also have disclosed that as far back as 2009-2010, senior leadership in other divisions at USMS agreed to “hire each other’s wives.” As a result of this *quid pro quo* hiring, the wife of now Associate Director of Operations William Snelson was allegedly hired by then-Judiciary Security Division Chief Inspector David Sligh, while Mr. Sligh’s wife was hired by then-Tactical Operations Division Assistant Director Snelson. It is further alleged that USMS may have violated basic internal controls standards by allowing Mr. Snelson’s wife, while working in the Justice Security Division, to nevertheless manage the budget for a TOD program operating under Mr. Snelson at the time. Whistleblowers also allege that, following Mr. Snelson’s promotion to Associate Director, his wife was hired within the

Asset Forfeiture Division, although she allegedly has no experience in asset forfeiture. Information obtained by the Committee confirms that Mrs. Snelson currently works in AFD.

Whistleblowers also allege that improper hiring practices extend to interns and other lower-level positions. For example, Ms. Beal allegedly secured an intern position for a relative and used Department resources to pay for the intern to travel multiple times across the country to attend trainings and conferences intended for criminal investigators.

These examples are the tip of the iceberg. According to one whistleblower, they represent the “day-to-day business” of the U.S. Marshals Service.

Multiple whistleblowers also have alleged widespread and systemic waste, misuse, and abuse of the Assets Forfeiture Fund. These allegations corroborate the lavish spending by individuals in the Asset Forfeiture Division discussed in the Committee’s March 18, 2015, letter and again point to a pattern of cavalier use of asset forfeiture money by USMS.

The Committee is continuing to review the USMS response to the March 18 letter on this topic. However, like the Department’s response to the March 19 letter regarding *quid pro quo* allegations, this response is troubling and appears incomplete. For example, the USMS claims in its response that it cannot provide an exact estimate for the granite installed in the Asset Forfeiture Academy in Houston, Texas, although it does disclose that the granite covers “five small surfaces” totaling 57 square feet. The letter also states that the senior officials who approved the expenditures at issue “retired years ago.” However, information obtained by the committee indicates that expenditures such as the 57 square feet of granite were approved by and upon the insistence of Assistant Director Beal, who has not retired. It is further alleged that this granite was custom cut, “very special,” “top of the line,” and “the most expensive on the market,” and that when the granite company salesperson suggested cheaper alternatives Ms. Beal replied that “cost is not a factor.” It is unclear how the USMS does not know, or cannot otherwise locate, how much it paid for such an expensive and unnecessary luxury.

AD Beal’s alleged insistence on securing the granite for the Asset Forfeiture Academy is consistent with many whistleblower accounts of a longstanding attitude of AFD leadership that the fund exists not to support law enforcement but to buy the “best of the best” for that division. The Committee has received multiple reports, for example, that former AFD AD Eben Morales frequently traveled to Miami using AFF resources ostensibly for official government business but spent his time on personal matters. Senior managers, including AD Beal, reportedly justify lavish spending simply because the Assets Forfeiture Fund is “not appropriated money.”

Unfortunately, like the allegations of improper nepotism and *quid pro quos* in hiring, these allegations of waste and abuse of the fund are but a few examples of reports the Committee has received.

The use of the Assets Forfeiture Fund for purposes Congress certainly did not intend—along with what appears to be a systemic abuse of power to reward favored insiders and friends—is unacceptable. The many whistleblowers who have come forward in the last month

Exhibit 144

Acting Deputy Attorney General Yates
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report that they live in fear of retaliation from USMS senior management for upholding their *duty* to report wrongdoing.¹ Multiple whistleblowers have alleged not only that they have experienced reprisal for speaking out, but also that senior leaders submit FOIA requests to seek information on employees who may have made protected disclosures with the purpose of using that information to retaliate against them.

The Committee's investigation into these allegations is ongoing. As an initial matter, please provide the Committee with the following information by Thursday, May 7, 2015:

1. All USMS e-mail communications regarding the hiring of any individual with whom AD Douglas allegedly had a personal relationship for a contract position with the USMS.
2. All USMS e-mail communications regarding the hiring and transfers of the wives of William Snelson and David Sligh. Please also provide:
 - a. The current titles, divisions, locations, and resumes of each;
 - b. A list of all programs in which each has participated or managed in any way since Mr. Sligh's wife was hired within the Tactical Operations Division, and Mr. Snelson's wife was hired within the Judicial Security Division.
3. All USMS e-mail communications regarding the hiring of any relatives of AD Beal as interns, as well as all documentation concerning any government-funded travel or trainings in which those interns participated while employed with the USMS. Please include:
 - a. Any budget or funding requests related to the hiring, travel, and training of those interns, including whether the funds derived from the AFF,
 - b. The dates and locations of the interns' employment, travel, and training,
 - c. The purpose of any travel or training in which the interns participated (for example, was the training offered for career criminal investigators?),
 - d. A list of all other interns who participated in government-funded travel and training from 2010 to the present.
4. A copy of all FOIA requests submitted by Kimberly Beal, or anyone on her behalf, to DOJ or any component thereof from 2011 to the present.

¹ Executive Order 12731 (Oct. 17, 1990) ("Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.").

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Should you have any questions, please contact DeLisa Lay of my Committee staff at (202) 224-5225. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Grassley".

Charles E. Grassley
Chairman
Committee on the Judiciary

Cc: The Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary

The Honorable Michael E. Horowitz
Inspector General
Office of the Inspector General

From: Snelson, Mitzi (USMS)
Sent: Thursday, October 08, 2009 1:56 PM
To: Sligh, David (USMS)
Cc: [REDACTED]
Subject: Judicial Duress Alarm Response Program

Exhibit 145

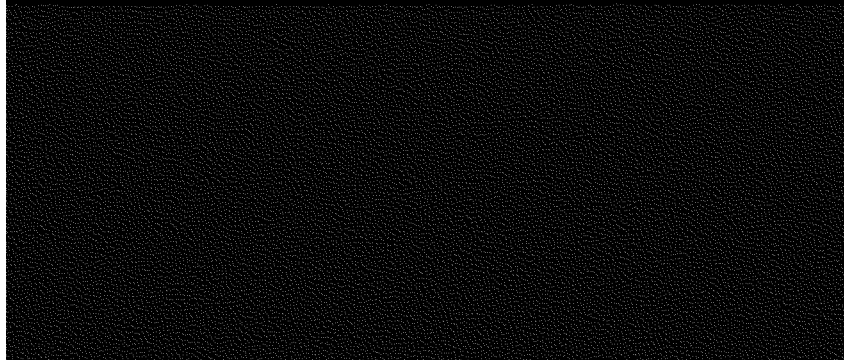
Chief Sligh,

As directed by Assistant Director [REDACTED] with support from the Director and Deputy Director, JSD is moving forward to implement the Judicial Duress Alarm Response (JDAR) Program. This program is scheduled for full implementation January, 2010. JSD, IOD (TOG) and TOD (Communications Center) have been diligently working to develop P&P, SOP, equipment, software development, etc., to fulfill this tasking. We acknowledge how important the support of the Information Technology Division (ITD) will be and are very willing to comply with the standards and protocols necessary.

However, the urgency of this tasking has precipitated the need to request extraordinary assistance from ITD. [REDACTED]

Urgent

* TOG-TSB has successfully implemented a new [REDACTED] and [REDACTED] for the [REDACTED] pilot (JDAR.) A [REDACTED] was installed and is operational in the USMS Communications Center.



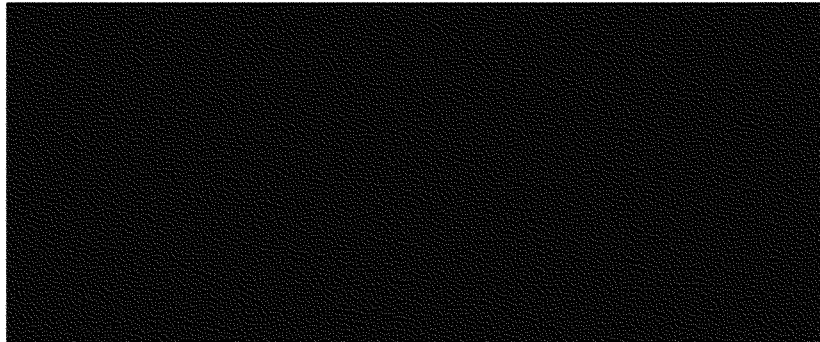
Short Term / Immediate:



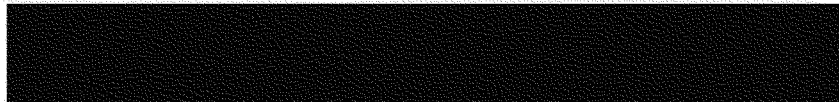
2. Procurement/installation of computers for the monitoring station(s) at the Communications Center and for the JDAR Program Manager. Deadline: January 2010

3. Procurement of display monitors (i.e. video wall) for the Communications Center and the JDAR Program Manager to [REDACTED]
Deadline: January 2010

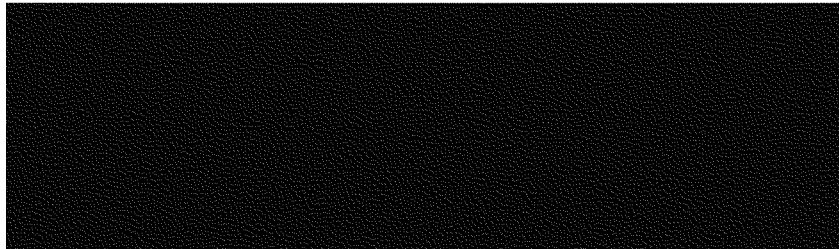




(A) Creation of a database for storage/retrieval of [REDACTED] to be accessed by the Communications Center to assist in executing the SOP.



Long Term:



3. Interoperability of [REDACTED] and the Communications Center to better streamline communicator operations. Deadline: To Be Determined

[REDACTED]

This list is intended to be technology based and does not include the hiring of JDAR contract personnel, IT Administrators, etc. for staffing requirements. We are certainly receptive to input from IT in regards to the SOW for the procurement of an IT Administrator.

Thank you for your support and assistance in moving this request forward to the ITD.

Mitzi Snelson

Judicial Security Division

Office of Protective Operations

Policy and Operations Coordination Branch

[REDACTED]

Exhibit 146

From: [REDACTED]
To: Snelson, Mitzi (USMS)
Cc: [REDACTED]
Subject: FW: JSD Funding Status
Date: Thursday, August 30, 2012 2:58:55 PM
Attachments: [OST-JSD Remaining Funding.xls](#)

Mitzi,

I hope you are doing well. Please see the attachment and e-mail below regarding some funds you made available to OST that we are unable to use this fiscal year. [REDACTED] be returning the excess funding tomorrow. Based upon our existing spend plan and some obligations that have already been paid, we are unable to use these funds. Please let me know if you have any questions or concerns.

[REDACTED]

From: [REDACTED]
Sent: Thursday, August 30, 2012 1:36 PM
To: [REDACTED]
Subject: JSD Funding Status

[REDACTED]

We will be returning JSD provided funding in the amount of \$46,817.37. I have attached a spreadsheet detailing OST's use of JSD funding this FY. The reason we are returning such a large amount is as follows:

JSD provided OST with \$18,000.00 for [REDACTED]. It has since been determined that the [REDACTED] are not necessary.

JSD provided an additional \$25,000.00 for contractor expense in July. The contract vehicle to which the funds would have been applied is in limbo. The two contracting officers from Procurement associated with the contract have left the agency and Procurement has sent the contract to OGC for review. While it is in review, we are unable to make any modifications in funding source.

JSD provided OST with \$15,000.00 as reimbursement for [REDACTED] in July. We were only able to apply \$6,869.34 of this funding to the contract since that was the current unpaid balance.

Please let me know if you require any additional information regarding this e-mail. I will be requesting the remaining funding be returned to JSD Friday, August 31, 2012. Thanks.

[REDACTED]

From: [REDACTED] (USMS)
To: [REDACTED]
Subject: FW: JSD Funding Status
Date: Thursday, August 30, 2012 6:04:10 PM

Just as a reminder

[REDACTED]
*Deputy Assistant Director
Tactical Operations Division
U.S. Marshals Service*
[REDACTED]

From: [REDACTED] (USMS)
Sent: Thursday, August 30, 2012 6:04 PM
To: Snelson, Mitzi (USMS)
Cc: Snelson, William (USMS) [REDACTED]
Subject: RE: JSD Funding Status

We're good to go on this Mitzi, spoke [REDACTED] and we have a plan to use this money within OST.

Thanks

[REDACTED]
*Deputy Assistant Director
Tactical Operations Division
U.S. Marshals Service*
[REDACTED]

From: Snelson, Mitzi (USMS)
Sent: Thursday, August 30, 2012 5:19 PM
To: [REDACTED] (USMS)
Subject: Fw: JSD Funding Status

Per AD Snelson, please see the email below.
Mitzi Snelson
Assistant Chief
JSD, OPO, JDAR
[REDACTED]
[REDACTED]

Exhibit 147

From: [REDACTED]
Sent: Thursday, August 30, 2012 02:58 PM
To: Snelson, Mitzi (USMS)
Cc: [REDACTED]
Subject: FW: JSD Funding Status

Mitzi,

I hope you are doing well. Please see the attachment and e-mail below regarding some funds you made available to OST that we are unable to use this fiscal year [REDACTED] will be returning the excess funding tomorrow. Based upon our existing spend plan and some obligations that have already been paid, we are unable to use these funds. Please let me know if you have any questions or concerns.

[REDACTED]

From: [REDACTED]
Sent: Thursday, August 30, 2012 1:36 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: JSD Funding Status

[REDACTED]

We will be returning JSD provided funding in the amount of \$46,817.37. I have attached a spreadsheet detailing OST's use of JSD funding this FY. The reason we are returning such a large amount is as follows:

JSD provided OST with \$18,000.00 for [REDACTED]. It has since been determined that the [REDACTED] are not necessary.

JSD provided an additional \$25,000.00 for contractor expense in July. The contract vehicle to which the funds would have been applied is in limbo. The two contracting officers from Procurement associated with the contract have left the agency and Procurement has sent the contract to OGC for review. While it is in review, we are unable to make any modifications in funding source.

JSD provided OST with \$15,000.00 as reimbursement for [REDACTED] in July. We were only able to apply \$6,869.34 of this funding to the contract since that was the current unpaid balance.

Please let me know if you require any additional information regarding this e-mail. I will be requesting the remaining funding be returned to JSD Friday, August 31, 2012. Thanks.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Friday, August 31, 2012 11:02 AM
To: [REDACTED]
Subject: Approval for expending remaining funding

Importance: High

[REDACTED] s per DAD [REDACTED] we are to expend the remainder of [REDACTED] and [REDACTED]. As we discussed, I understand this is outside of our original spend plan but the DAD has approved the following.

Expend [REDACTED] for the OEM [REDACTED] UPS

Expend [REDACTED] on a replacement vehicle for SI [REDACTED]

I will provide additional guidance on any remaining funding. I will also provide necessary documentation for the vehicle today.



**Judicial Duress Alarm Response Program (JDAR)
Projected Annual Base Funding Requirements
FY 2012**

Background

In the summer of 2009, Federal Judges who preside in the [REDACTED] districts approached Director John Clark with concerns about personal safety. The increase in violence [REDACTED] was creating consternation among the judges and other members of the court family. These judges requested additional security measures be provided and Director Clark provided his assurance the USMS would respond to these concerns. The Director tasked JSD with developing an immediate response to this priority. One primary consideration was developing additional security measures that did not task an already overburdened district staff. The use of technology was emphasized to provide a robust counter-measure without the need for personal protection by deputies.

The Judicial Security Division (JSD) formed a working group comprised of representatives from the Investigative Operations Division (IOD), the Information Technology Division (ITD), the Tactical Operations Division (TOD), the Southern District of Texas and the Western District of Texas. Through the sharing of existing technology, currently utilized by multiple USMS divisions, a concealable duress device was identified that would provide an additional protective measure to the districts with minimal impact on district resources. The Judicial Duress Alarm Response (JDAR) Program was created in response to Director Clark's directive to respond to the security concerns of the judiciary.

The JDAR program [REDACTED]

The FY 2009 Supplemental Appropriations Act (Public Law 111-32) provided \$10 million for the United States Marshals Service. Of that amount, \$4,000,000 was for enhanced judicial security in districts [REDACTED]. A portion of these funds were directed to the Judicial Security Division to support the development of the JDAR Program.

In October, 2009, the initial deployment of devices was provided to judges in [REDACTED]. The deployment was successful and the judges have been supportive of this effort. In November, 2009 [REDACTED] the JDAR Program was formally

introduced. Director Clark was at this conference and pledged his support to this program and to further enhancing judicial security.

Program Support

The Judicial Security Division, Office of Protective Operations, provides program management and oversight, training of the federal judiciary and district personnel in the protocols of JDAR and the collection and secure storage of protectee data. The Tactical Operations Division (TOD), Office of Strategic Technology (OST), provides technical support and [REDACTED] TOD, Office of Emergency Management (Communications Center), provides 24/7 monitoring and the initial response and notifications when a JDD is activated. The Information Technology Division (ITD) is providing [REDACTED]

Multiple USMS information programs [REDACTED] support the JDAR Program and other program components in the supporting divisions. For example, [REDACTED] is the emergency notification system used by the Communications Center [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Resource Requirements for Program Monitoring

The possibility for competing priorities, in day-to-day USMS operations, was the catalyst for the procurement of contract personnel to monitor the JDAR Program.

When the staffing requirements were identified for monitoring the JDAR Program, the Assistant Directors of TOD and JSD met to discuss the new requirements associated with monitoring JDAR devices. TOD had already prepared a request (for submission to the PBAC) for additional contract personnel to supplement an already understaffed Communications Center.

It was agreed upon by the Assistant Directors from JSD and TOD to submit a combined or shared request for contract personnel, because the same contractors could work both "regular" communications duties along with monitoring of the duress devices. This was determined to be the most cost efficient solution to meet an immediate need.

The contract personnel have been trained to function as Communication Center personnel with full responsibilities in support of the entire USMS day-to-day operations.

[REDACTED]

[REDACTED]

Program Expansion

When the supporting JDAR infrastructure was created, it was designed with projected program expansion to accommodate [REDACTED] duress devices.

[REDACTED]

Currently the JDAR Program has planned for deployment of [REDACTED] devices with existing resources. Expansion of the program beyond [REDACTED] would require additional technical support personnel and operating expenses.

[REDACTED]

[REDACTED]

**Funding History**

During the 2010 PBAC meetings, a solution was discussed whereby JSD would provide \$1.4M in supplemental funds to be used at the discretion of the PBAC in return for the establishment of a base workplan in FY 2010 of \$1.4M for the JDAR program. This was done for one reason only: JSD knew that the government would most likely be funded (at least initially) by a continuing resolution as we entered FY 2011. As such, JSD wanted to ensure that the JDAR program could continue to move forward with the scheduled distribution of duress devices throughout the fall and into the winter months of the FY 2011 first quarter. If some type of agreement had not been reached regarding funding for the program, then ostensibly the program should have been shut down in October 2010 as there was no funding for the program.

Since those PBAC meetings and beginning on October 1, 2010, JSD met with FSD on numerous occasions and at different levels in order to discuss the fact that no baseline funding had been provided to JSD for the JDAR program.

In the second quarter of FY 2011, JSD was provided \$600K in order to keep the program afloat. After being placed on the "Fact of Life" list in May 2011, JSD then received \$ 506,368 in order to fund the program through the remainder of the fiscal year. JSD has identified one-time internal offsets to provide some additional funding to the program. The program has also not expended its full anticipated base due to the fact that not all nine contractors have been hired.

The JDAR program requires the establishment of a workplan base in order to continue to provide service to the judiciary.

Resource Requirements for FY 2012

FY 2011 provided the first full year of recordable data to analyze resource requirements for the JDAR Program. The initial cost estimates were approximate to the resources that will have actually been expended at the close of FY 2011. Based on those initial projections, and actual expenditures, resource requirements for FY 2012 have been identified.

Projected Annual Base Funding Requirements for JDAR FY 2012

Recurring Costs	QTY	Annual Costs		
Overtime		\$10,000.00		
Travel		\$48,000.00		
Training, Research & Development		\$5,000.00		
Contractor Support for TOD/Comm Ctr	9	\$914,000.00	(A)	\$1,134,000.00 (B)
Contractor Support for ITD/OST	1	\$250,000.00		
Duress Beacon Airtime	300	\$30,000.00		
Internet Connectivity at current bandwidth		\$75,000.00		
Annual Systems Maintenance (license renewal costs, repair, etc.)		\$100,000.00		
Equipment Maintenance (phones, batteries, etc.)		\$25,000.00		
Supplies		\$5,000.00		
		<u>\$1,462,000.00</u>		\$1,682,000.00
ANNUAL JDAR PROGRAM COST (Projected)		\$1,462,000.00		\$1,682,000.00

Justification/Description

Contractor Support for TOD/Communication Center - These contract positions share dual responsibilities along with FTE Communications Center personnel with the duties of monitoring the JDAR Program. This shared resource between JSD and TOD has benefited the USMS in its entirety. The loss of this resource would disable the JDAR Program and have a negative impact on the day-to-day operations in the Communications Center.

(A) The projected FY 2012 cost of \$914,000.00 is based on the contractual annual wage adjustment and the current operating level of a 32-hour work week, per contractor.

(B) Due to the deficiency in the staffing levels of FTE Communications Center personnel, a request has been received by Communications Center management to increase the work week to a 40-hour work week, per contractor. The cost and man hours dedicated to hiring and training contract personnel to staff these positions is substantial. Increasing the current scheduling level to a 40 hour week would provide expanded shift coverage,


greater flexibility in scheduling personnel and provide a more competitive wage structure for like kind employment.

The estimated cost to establish a 40-hour work week for the nine contractors is \$1,134,000.00. This creates a base increase of \$220,000.00.

Contractor Support for ITD/OST – this contract position serves to provide technical support as a Systems Administrator/Network Administrator/Analyst to support the technical aspect of the JDAR Program. Program Certification and Accreditation (C&A) is a requirement mandated by DOJ. These positions support that effort.

Duress Beacon Airtime – is a variable cost based on geographical and environmental factors not controlled by JSD or TOD. Judicial travel will affect the monthly airtime usage.

Internet Connectivity – was an unexpected annual expense for the JDAR program and other Protective Operations supported by TOD/OST.



Annual Systems Maintenance – is necessary for hardware and software maintenance (replacement, license renewal costs, repairs, etc.)

Summary

Every resource utilized in the JDAR Program has been reviewed and analyzed for efficiency. Technological enhancements are in development to increase the productivity of the program while possibly reducing costs. Program/technological enhancements have been identified that will benefit not only JSD/JDAR, but multiple divisions and districts.

For example, an enhancement is in development that will allow for greater monitoring capabilities for personnel at the Communications Center. This same enhancement will provide improved reporting options for the Communications Center and provide the ability to assist district personnel in preparing security surveys for judicial personnel.

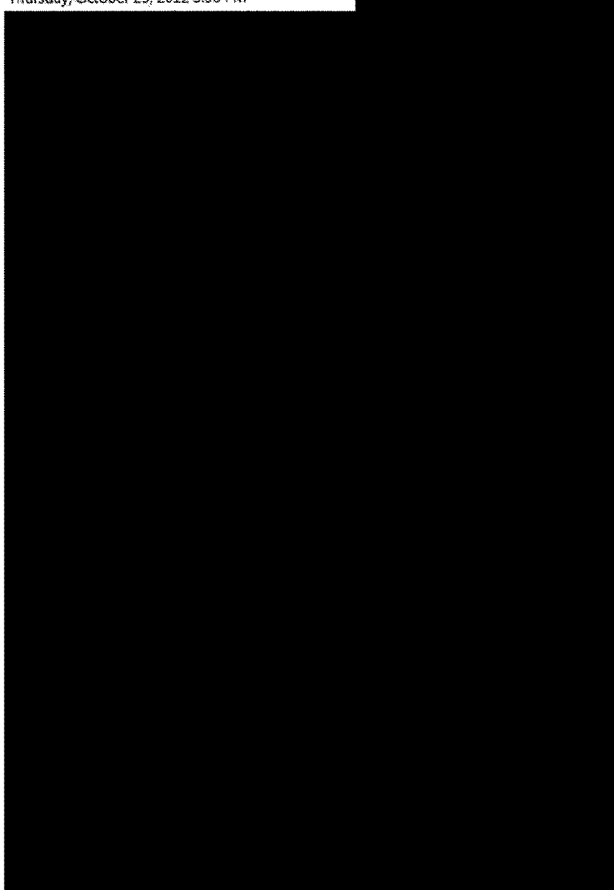
The JDAR Program is a response to a recent concern expressed by the judiciary to provide additional security measures. On-going communication with participating judges has provided valuable input on ways to improve and fortify the JDAR Program. Acknowledging and responding to the concerns of the judiciary is paramount to our responsibility as a division and an agency.

503

From:
Sent:
To:

Snelson, William (USMS)
Thursday, October 25, 2012 3:36 PM

Exhibit 150




Subject:

Departure from TOD

Good Afternoon Everyone,

It is with a lot of reservation that I notify you of my departure from TOD. Director Hylton has asked me to assume the position of Assistant Director of the Investigative Operations Division. This move is scheduled to take effect next Monday, October 29, 2012.

I could never express how deeply I have enjoyed working alongside each of you. The



DAD [REDACTED] will assume the position of Acting Assistant Director. I am confident, under his excellent leadership, you and the division will continue to see remarkable progress. I wish all of you the very best and look forward to watching your achievements.

I realize the recipient list does not include many of our contract employees. Regrettably, a complete list was unavailable before this email needed to be sent. I would ask that you please share this message with anyone not listed and I hope no offense is taken by the omission of their name.

Take care and stay safe.

[REDACTED]

From: [REDACTED] (USMS)
Sent: Thursday, March 14, 2013 3:39 PM
To: [REDACTED] (USMS)
Subject: FW: \$178K in JDAR funds transferred from JSD to TOD

FYI

[REDACTED]

Office of Strategic Technology

United States Marshals Service

[REDACTED]

From: [REDACTED] (USMS)
Sent: Thursday, March 14, 2013 3:29 PM
To: [REDACTED] (USMS); [REDACTED] (USMS)
Subject: Fw: \$178K in JDAR funds transferred from JSD to TOD

Fyi in case you didn't already know.

From: [REDACTED] (USMS)
Sent: Thursday, March 14, 2013 03:21 PM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: \$178K in JDAR funds transferred from JSD to TOD

[REDACTED]

For your situational awareness (if you are not already aware), \$178K was transferred today from JSD to TOD for the JDAR effort under [REDACTED]

Specifically, funds were moved from [REDACTED] to [REDACTED].

[REDACTED]

[REDACTED]

U.S. Marshals Service

FSD/Budget Execution

[REDACTED]

[REDACTED]

From: Snelson, Mitzi (USMS)
Sent: Thursday, January 05, 2012 9:15 AM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: RE: Funds Transfer for JDAR Support

Good Morning,

Thanks for the information; I will prepare the request to have the funds transferred. Can you, please, provide a copy of a funding document for this?

Thanks [REDACTED]

Mitzi

From: [REDACTED] (USMS)
Sent: Thursday, January 05, 2012 9:05 AM
To: Snelson, Mitzi (USMS)
Cc: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: RE: Funds Transfer for JDAR Support

Mitzi,

Exhibit 152

Please transfer all of the funding under [REDACTED]. The funding should be transferred under your project code to OST org code [REDACTED]. Let me know if you have any questions or concerns. Thanks.

[REDACTED]

Office of Strategic Technology

United States Marshals Service

[REDACTED]

From: Snelson, Mitzi (USMS)
Sent: Wednesday, December 28, 2011 2:37 PM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Subject: Funds Transfer for JDAR Support

Hello [REDACTED]

I hope your holiday was good and you were able to enjoy the time away from the office.

Exhibit 152

Last week, I discussed the transfer of funds (From JDAR to OST) with [REDACTED]. We agreed that I would provide ample funding to support the cost of airtime with [REDACTED] so that you would have funds available to commit/obligate for the monthly costs for JDAR support. We also agreed that I would provide funding (\$125,000) for "contract support." The designation would be at the discretion of OST.

Can you, please provide me with the SOC where you want the funding. Until I receive the 2nd quarter funding, I will be sending \$100,000 for contractor support and \$10,000 for [REDACTED] costs. I will provide the balance of \$25,000 for contractor support when the 2nd quarter funds are available.

Also, [REDACTED] had provided copies of the [REDACTED] invoices for the 4th quarter of FY 2011. Can you please forward copies of the invoices we have received to date for FY 2012? And, can you provide a copy of the funding document for the contractor support so that I have supporting documentation for my files.

Thank you for assisting with this request.

Have a good day!

Mitzi

[REDACTED]

From: Snelson, William (USMS)
Sent: Monday, May 14, 2012 12:02 PM
To: [REDACTED] Snelson, Mitzi (USMS)
Cc: [REDACTED]
Subject: JDAR Outage

Good Morning all,

As you know, this past weekend, a scheduled maintenance caused JDAR to be taken off-line. With most programs, that would not be an issue. However, I am very concerned about taking a program off-line that multiple judges use to call for immediate assistance. Since there is limited ability to notify judges when an outage occurs, they are under the false assumption the system is working and they will receive help when they activate the duress device.

What compounded my concerns this weekend was that I learned the primary system in [REDACTED] does not automatically fail-over to the redundant system in [REDACTED]. That seems to me to be a huge deficit in the current design! It makes no sense to me to have dual systems that are not prepared to immediately take over if (when) an outage occurs.

Bottom line for me...the USMS cannot afford to have a judge attempt to activate a device only to find out later the system was down. We spent a lot of money building and upgrading the system and I believe we need to take whatever steps are necessary to guarantee immediate/redundant capability and coverage.

I would like to meet with the three of you on Wednesday (05/16) at 0930 in my office if you are available. This message (and the proposed meeting) is not blaming anyone for where we are. This is merely getting the players together to define how we will now move forward. I would ask each of you to please be prepared to discuss what is required to get us to the end game and have any associated costs/levels of effort analyzed prior to our meeting.

Thanks for your help and I look forward to seeing you then.

Bill



U.S. Department
United States Mar

Attachment 18

Office of the Director

Alexandria, VA 22301

March 19, 2014

MEMORANDUM TO: United States Marshals Service Employees

FROM: *Stacia A. Hyton*
Director

SUBJECT: Personnel Selections

I am pleased to announce the following personnel selections:

- Assistant Director William D. Snelson, Investigative Operations Division (IOD), has been selected for the position of Associate Director for Operations effective immediately. Deputy Assistant Director [REDACTED] IOD, will serve as Acting Assistant Director.
- Assistant Director [REDACTED] Office of Inspection (OI), is reassigned as the Assistant Director for the Witness Security Division effective immediately. Deputy Assistant Director [REDACTED] will serve as the Acting Assistant Director for OI until June 15, 2014.
- Assistant Director [REDACTED] Judicial Security Division, will be reassigned as the Assistant Director for OI effective June 16, 2014.

The Assistant Director positions for the Judicial Security and Investigative Operations Divisions and the Justice Prisoner and Alien Transportation System will be announced in the near future.

Please join me in congratulating Associate Director for Operations Snelson and Assistant Directors [REDACTED] and [REDACTED] on their new positions.



U.S. Department of Justice

United States Marshals Service

Office of the Director

Alexandria, VA 22304-1025

January 13, 2012

MEMORANDUM TO: United States Marshals Service Employees

FROM: 
Stacia A. Hylton
Director

SUBJECT: Proposing and Deciding Official Appointments

I am pleased to announce the appointments of the new United States Marshals Service (USMS) Discipline Proposing and Deciding Officials.

Chief Inspector David Sligh, Judicial Security Division, will assume the position of USMS Discipline Proposing Official, effective January 29, 2012. Chief Inspector Sligh will join Chief Inspector [REDACTED] in sharing the full-time responsibilities of that role.

United States Marshal [REDACTED] Southern District of Ohio (S/OH), will assume full responsibility as the USMS Discipline Deciding Official, effective January 15, 2012. USMS Deciding Official [REDACTED] will be retiring this month. Chief Deputy United States Marshal [REDACTED] will serve as the Acting United States Marshal for S/OH.



U.S. Department of Justice
Justice Management Division
Asset Forfeiture Management Staff
[Redacted]
Washington, D.C. 20530

[Redacted]
OCT 18 2016

MEMORANDUM FOR [Redacted]

Assistant Director
Financial Services Division
United States Marshals Service

FROM:

Kenneth A. Arnold
Director

SUBJECT:

Initial Full-Year Assets Forfeiture Fund Allocation for FY 2017

I am writing to transmit the USMS' initial full-year Assets Forfeiture Fund (AFF) allocation for FY 2017 as approved by Deputy Attorney General Yates. Your initial allocation is \$700,535,000, which includes \$700,249,000 for Program Operations Expenses and \$286,000 for Investigative Expenses. Attached is a summary listing the allocation levels for specific programs and activities along with any conditions on their use, and a Suballotment Advice reflecting these resources.

With the ever-present public scrutiny of our Asset Forfeiture Program, it is imperative that all expenditures of this allocation not only withstand potential criticism, but also demonstrate our careful stewardship over these non-appropriated funds. While additional allocations might be possible later in the year depending upon the health of the AFF, we cannot fully commit to providing your agency any additional funds with the fiscal uncertainties we currently face. Therefore, you should first look within your agency's available appropriations for support of any unfunded needs that exceed this initial AFF allocation. The policy guidance contained in the Attorney General's Guidelines on Seized and Forfeited Property, supplemental policy memoranda, and guidance found in previous allocation letters continue to apply until superseded.

AFF monies for Investigative Expenses are subject to statutory funding limitations and the amount initially provided is the maximum that can be apportioned under the Continuing Resolution for FY 2017 (H.R. 5325), which covers the period October 1, 2016 to December 9, 2016. Additional funds will be made available when the enacted appropriation or another continuing resolution provides added authority for these expenses.

Attachments

Holley O'Brien

Page 2

cc: Jolene A. Lauria
Deputy Assistant Attorney General, Controller
Justice Management Division

[REDACTED] Chief
Asset Forfeiture and Money Laundering Section
Criminal Division

[REDACTED] Assistant Director
Asset Forfeiture Division
United States Marshals Service

**United States Marshals Service
FY 2017 Initial Allocation Summary**

Program Operations Expenses (permanent, indefinite authority)	Amount Requested	Amount Approved
Asset Management and Disposal	\$40,389,000	\$40,389,000
Third-Party Interests	\$425,000,000	\$240,000,000
Equitable Sharing	\$385,000,000	\$325,000,000
Joint Law Enforcement Operations	\$37,500,000	\$32,775,000
Special Contract Services	\$14,450,000	\$13,742,000
Information Systems	\$6,091,000	\$5,447,000
Training and Printing	\$1,466,000	\$1,466,000
<u>Other Program Management</u>	<u>\$43,253,000</u>	<u>\$41,430,000</u>
Total, Program Operations Expenses	\$953,149,000	\$700,249,000
Investigative Expenses (appropriated, definite authority)	Amount Requested	Planning* Estimate
Equipping of Conveyances	\$750,000	\$183,000
<u>Awards for Information</u>	<u>\$515,000</u>	<u>\$103,000</u>
Total, Investigative Expenses	\$1,265,000	\$286,000
Grand Total	\$954,414,000	\$700,535,000

** The Planning Estimate is for planning purposes only. Congressional action and other events may result in changes to estimates.*

Program Operations Expenses (permanent, indefinite authority)

ASSET MANAGEMENT AND DISPOSAL

Amount Requested	Amount Approved
\$40,389,000	\$40,389,000

\$40,389,000 are provided for Asset Management and Disposal expenses to include the following programs and activities:

- \$20,713,000 for the personal property contracts, including the management of vehicles, vessels, and aircraft;

**United States Marshals Service
FY 2017 Initial Allocation Summary**

- \$14,739,000 for the national real property management contracts;
- \$3,287,000 for the national jewelry, art, antiques, and collectibles program;
- \$1,000,000 for unique asset management in major cases;
- \$500,000 for international asset management; and
- \$150,000 for travel directly associated with the disposition and management of seized assets.

This amount fully funds the USMS's request for Asset Management Disposal expenses in order to cover contract minimum requirements. However, CATS data shows a significant decline in overall asset management workload for the USMS. For example, the AFP seized 42 percent fewer vehicles in FY 2015 than we seized in FY 2012 and currently-available data for FY 2016 indicates further declines. Therefore, AFMS will closely monitor these expenditures throughout FY 2017 and will adjust allocated funding levels as necessary via the suballotment process.

We also strongly encourage USMS to begin exploring the possibility of aligning and/or consolidating aspects of the USMS real property program with the real property program of the Treasury Executive Office on Asset Forfeiture (TEOAF). Initial data and anecdotal evidence indicates TEOAF maintains the same level of inventory with far fewer complaints from the Assistant U.S. Attorneys who must judicially seize and forfeit all real property the Government takes.

THIRD-PARTY INTERESTS

<u>Amount Requested</u>	<u>Amount Approved</u>
\$425,000,000	\$240,000,000

\$240,000,000 are provided for the payment of third party interests. This amount is based on recent trends that point to a smaller funding requirement in FY 2017. The allocation will be continually monitored throughout the fiscal year and additional allocations will be provided, if necessary.

EQUITABLE SHARING

<u>Amount Requested</u>	<u>Amount Approved</u>
\$385,000,000	\$325,000,000

\$325,000,000 are provided for equitable sharing payments to state and local agencies based on the degree of participation in federal investigations resulting in the seizure and forfeiture of assets. This amount is based on recent trends that point to a smaller funding requirement in FY 2017. As

**United States Marshals Service
FY 2017 Initial Allocation Summary**

with the Third-Party Interests allocation, this allocation will be continually monitored throughout the fiscal year and additional allocations will be provided, if necessary.

JOINT LAW ENFORCEMENT OPERATIONS

<u>Amount Requested</u>	<u>Amount Approved</u>
\$37,500,000	\$32,775,000

\$32,775,000 are provided for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State or Local law enforcement officers that are incurred in a joint law enforcement operation with the USMS. Based on your budget estimates and supporting justifications, this initial allocation includes specific non-fungible funding levels in the following programs and activities. However, if unforeseen operational circumstances support realigning funds between these programs or activities during FY 2017, AFMS stands ready to assist in making any necessary adjustments between these cost areas:

- \$23,525,000 for State or local law enforcement officer overtime incurred in a joint law enforcement operation with the USMS;
- \$4,160,000 for Technical Operations/Circuit Costs that are subject to judicial authorization. No more than one-fourth (\$1,040,000) of this allocation may be obligated or expended until the USMS and AFMS can agree on a set of internal controls and procedures necessary to firmly establish that these expenses are "costs of State or Local law enforcement officers" pursuant to 28 USC 524(c)(1)(I). AFMS will engage with the USMS Investigative Operations Division during the first quarter of FY 2017 to develop improved internal controls and a Standard Operating Procedure for documenting these expenses going forward. The USMS is reminded that funds authorized under 28 USC 524(c)(1)(I) are not available for Federal agency expenses, regardless of whether those expenses support a State or local investigation;
- \$1,890,000 for commercial database access for State or local law enforcement officers participating in a joint law enforcement operation with the USMS. This amount provides 42 percent of the USMS's \$4.5 million total requirement for commercial database access and is based on the proportion of task force officers with access to this system. USMS stated that approximately 2,100 (42 percent) of the 4,926 active database users were task force officers and that the remaining 2,800 users are USMS employees. The USMS is reminded that funds authorized under 28 USC 524(c)(1)(I) are not available for Federal agency expenses, regardless of whether those expenses support a State or local investigation;

**United States Marshals Service
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- \$1,400,000 for the annual lease or rent of 190 vehicles for State or local law enforcement officers participating in a joint law enforcement operation with the USMS. No funds from this allocation may be used to purchase vehicles. Not only is this approach consistent with other DOJ JLEO programs, but we believe that leasing or renting vehicles will enhance officer safety by removing older, high-mileage vehicles from service and by also allowing TFOs to more easily change-out vehicles as necessary during sensitive operations. AFMS will engage with the USMS Investigative Operations Division during the first quarter of FY 2017 to establish future year lease requirements for all task force officer vehicles;
- \$950,000 for the retrofitting or equipping of vehicles used by State or local law enforcement officers participating in a joint law enforcement operation with the USMS. This amount provides funding for equipping 190 leased/rented vehicles and is based on similar rates incurred by ATF for installing equipment in leased/rented TFO vehicles;
- \$600,000 for High Risk Fugitive Apprehension Training (HRFA) and Adam Walsh Training for State or local law enforcement officers participating in a joint law enforcement operation with the USMS; and
- \$250,000 for background investigations of State or local law enforcement officers participating in a joint law enforcement operation with the USMS.

All expenses under this cost category must conform with 28 USC § 524(c)(1)(I) and the policy directive contained in the memo known as the "Colgate Memo," i.e., Stephen R. Colgate, Assistant Attorney General for Administration, Subject: Guidance on Use of the Assets Forfeiture Fund (AFF) to Pay State and Local Law Enforcement Officer Overtime and Other Costs In Joint Law Enforcement Operations, dated July 1, 1997.

Please note that reimbursement for state or local task force salary expenses with AFF monies is available for state or local officer overtime salary expenses and shall not include any costs for benefits, such as retirement, FICA, or other expenses.

As a condition of funding, the USMS is required to submit the amount of JLEO funds paid to each state and local law enforcement agency for FY 2016 (by agency and NCIC number), and the amount allocated to each agency in FY 2017, to AFMLS and AFMS within 60 days of the FY 2017 allocation. We note that this requirement has not been complied with in the past. AFMS will closely monitor compliance during FY 2017.

A recent JLEO program review by AFMS and AFMLS revealed inconsistencies and likely redundancies in expenditures among the AFF's investigative agencies. Therefore, AFMS will explore whether there are better ways to allocate JLEO resources across the Asset Forfeiture Program in FY 2017.

Agencies are reminded about the limitations on using either **JLEO or equitable sharing** funds to purchase certain military-style equipment for use by state and local agencies. On January 16,

**United States Marshals Service
FY 2017 Initial Allocation Summary**

2015, President Barack Obama issued Executive Order 13688, "Federal Support for Local Law Enforcement Equipment Acquisition," that identified and implemented actions to improve federal support for the appropriate use, acquisition, and transfer of equipment by state, local, and tribal law enforcement agencies. This Executive Order prohibits Law Enforcement Agencies (LEAs) from using federal funds to purchase certain military-style equipment. The order also requires LEAs to obtain pre-approval from the funding federal agency and follow new guidelines when purchasing equipment found on the Controlled Equipment List. Effective October 1, 2016, the following equipment is on the Controlled Equipment List and is subject to these requirements when using federal funds:

- Manned Aircraft, Fixed Wing and Rotary Wing;
- Unmanned Aerial Vehicles;
- Armored Vehicles, Wheeled;
- Tactical Vehicles, Wheeled;
- Command and Control Vehicles;
- Breaching Apparatus; and
- Riot/Crowd Control Batons and Shields.

If an LEA intends to use Department of Justice or Department of the Treasury JLEO or equitable sharing funds to purchase any Controlled Equipment, the agency must submit a request to the funding federal agency for approval. LEAs shall not obligate or spend any federal JLEO or equitable sharing funds for a Controlled Equipment purchase until approval has been granted by the funding federal agency. For the Department of Justice, the Asset Forfeiture and Money Laundering Section (AFMLS) will review requests and notify agencies when the request has been approved or denied.

SPECIAL CONTRACT SERVICES

<u>Amount Requested</u>	<u>Amount Approved</u>
\$14,450,000	\$13,742,000

\$13,742,000 are provided for special contract services costs to include the following programs and activities:

- \$13,403,000 for 147 authorized full-time equivalents (FTEs) for Forfeiture Support Associates (FSA) contractor support. We note that these 147 FTEs matches the same number of FTEs the USMS ordered against the FSA contract for FY 2016, irrespective of subsequent hiring freezes and vacancy rates that occurred after the first quarter of

**United States Marshals Service
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FY 2016. While the USMS asserts this is more than a 10 percent reduction to its current authorized position count of 165 FTEs, this FY 2017 initial allocation for FSA support is only 4.9 percent below the USMS requested level of funding. AFMS believes this slightly reduced level of support should be easily absorbed because workload data shows a significant decline in asset seizure activity over the last several fiscal years. Nearly complete data for FY 2016 shows that trend is accelerating. AFMS anticipates the possibility of making further adjustments to this amount in FY 2018 and FY 2019 as part of a phased plan to right-size contractor position requirements. Rather than managing reductions solely via attritions, the USMS is strongly encouraged to begin actively managing these contractor positions to meet changing workload dynamics of its forfeiture program. This may involve transferring on-board contractor positions from locations with declining workload to locations where the resource may be more effectively utilized;

- \$314,000 for FSA contractor case-related travel; and
- \$25,000 for FSA contractor overtime.

INFORMATION SYSTEMS

<u>Amount Requested</u>	<u>Amount Approved</u>
\$6,091,000	\$5,447,000

\$5,447,000 are provided for Information Systems expenses to include the following programs and activities:

- \$2,197,000 as a planning estimate for Unified Financial Management System (UFMS) operational support. This amount includes \$1,547,000 for the AFF portion of JMD's billing for operations and maintenance expenses and \$650,000 for the Asset Forfeiture Division UFMS Help Desk. We understand that this amount is based on the proportion of transactional workload attributable to the AFF;
- \$1,683,000 for ADP Cost Sharing for the cost of information technology and telecommunication services for Asset Forfeiture Division personnel, including software and services used by AFF-funded personnel and a proportional amount of the USMS's IT infrastructure services used by the Asset Forfeiture Division;
- \$225,000 for the purchase of computers, IT peripherals, and cellular services and related equipment;
- \$750,000 for asset forfeiture data reporting, analysis, and dashboard management tools associated with the CRAD. This amount was requested in the Exhibit 1a but was not included in the USMS's narrative AFF budget submission for FY 2017. Please provide a narrative justification for this expense in future AFF budget requests;

**United States Marshals Service
FY 2017 Initial Allocation Summary**

- \$92,000 for software purchases and license renewals. This amount was requested in the Exhibit 1a but was not included in the USMS's narrative AFF budget submission for FY 2017. Please provide a narrative justification for this expense in future AFF budget requests; and
- \$500,000 for Business Objects for in-house reporting and analysis needs related to implementation of the UFMS 2.2 upgrade. We understand this represents 50 percent of the USMS's total cost for this requirement.

No funds are provided for the USMS Property Asset and Control Enterprise System (PACES) due to concerns that the USMS no longer plans to implement the system's Radio Frequency Identification Technology that served as the original basis for AFF funding. Because the asset tracking functionality of PACES is now essentially redundant with the Consolidated Asset Tracking System (CATS), this project was not considered among the highest priority activities that are "core" to the overall Asset Forfeiture Program (AFP), which utilizes CATS for all asset management and disposal functions across the AFP.

TRAINING AND PRINTING

<u>Amount Requested</u>	<u>Amount Approved</u>
\$1,466,000	\$1,466,000

\$1,466,000 are provided for forfeiture training activities based on a recommendation provided by the Criminal Division, Asset Forfeiture and Money Laundering Section, with AFMS concurrence. A list of courses or events specifically approved will be provided by AFMLS.

OTHER PROGRAM MANAGEMENT

<u>Amount Requested</u>	<u>Amount Approved</u>
\$43,253,000	\$41,430,000

\$41,430,000 are provided for other program management. Based on your budget estimates and supporting justifications, this initial allocation includes specific non-fungible funding levels in the following programs and activities. However, if unforeseen operational circumstances support realigning funds between these programs or activities during FY 2017, AFMS stands ready to assist in making any necessary adjustments between these cost areas:

\$22,076,000 for the salaries and \$10,370,000 for the benefits of 225 authorized FTEs for government positions across four program categories, including:

**United States Marshals Service
FY 2017 Initial Allocation Summary**

- 67 Deputy U.S. Marshals. Currently, the USMS has allocated 58 Deputy U.S. Marshals based in the United States Attorney's Offices for the Asset Forfeiture Financial Investigator (AFFI) program and 9 Deputy U.S. Marshals based in the Asset Forfeiture Division (AFD). However, the USMS has discretion to change this ratio to optimize operations;
- 148 administrative positions based in the USMS districts and in AFD. Currently, the USMS has 55 positions allocated to AFD and 103 positions allocated to districts; however, the USMS has the discretion to change this ratio when implementing the reduction; and
- 10 administrative positions based in non-AFD divisions of the USMS.

This amount provides for a reduction of 10 FTEs from the requested level of 235 authorized FTEs in accordance with workload data showing a significant decline in asset seizure activity over the last several fiscal years. Consistent with the FY 2016 allocation, no funding is provided in FY 2017 for the salary and benefits of USMS personnel performing non-forfeiture related work. Because this 4.3 percent reduction is well below the significant declines in asset seizure activity, AFMS anticipates the possibility of making further adjustments to this amount in FY 2018 and FY 2019 as part of a phased plan to right-size government employee position requirements;

- \$7,815,000 for rent associated with AFF-funded government FTE positions. This amount provides rent for District Office personnel (\$6,575,000), Non-AFD Headquarters personnel (\$95,000), and AFD Headquarters personnel (\$1,145,000). Rent funding for AFD Headquarters personnel of \$1,145,000 includes space occupied by AFD at the USMS headquarters in Arlington, VA (\$678,000) and at the Asset Forfeiture Academy in Houston, TX (\$467,000). This cost category causes a significant concern. The USMS's original request of \$8,605,000 for rent was subsequently lowered to \$7,815,000 based on AFMS's requested explanation of the rent calculation methodology. However, this amount still appears excessively high for 167 funded government positions in USMS space. AFMS will therefore conduct an independent review of the data and make any necessary adjustments to this total in FY 2017;
- \$335,000 for non-salary Asset Forfeiture Division operational expenses;
- \$208,000 for background investigations for AFF-funded USMS government employees;
- \$336,000 for JMD Reimbursable requirements. This amount was requested in the Exhibit 1a but was not included in the USMS's narrative AFF budget submission for FY 2017. Please provide a narrative justification for this expense in future AFF budget requests;
- \$200,000 for the on-site reviews of district asset forfeiture units in association with the USMS Office of Compliance Review;

**United States Marshals Service
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- \$75,000 for the operating costs of the Asset Forfeiture Academy in Houston, TX; and
- \$15,000 for printing and publications.

AFMS will conduct a review of the 2010 Memorandum of Understanding between AFMS and the USMS regarding the funding of Other Program Management expenses, including rent, non-AFD USMS government positions, and other requirements. As part of this initiative, AFMS will also evaluate the propriety of the AFF's support for the 10 administrative personnel based outside of AFD, especially because the current signed MOU provided for only 8 of these positions.

Investigative Expenses (annual, definite authority)

These monies are limited by an annual obligation cap enacted into law in the appropriations process. These caps have remained at about the \$21 million level for more than a decade. There is essentially no flexibility to exceed that overall cap, and therefore, agency allocation for the expenses below are the same as the previous year. The Planning Estimates below reflect that reality.

Because the Congress has not yet enacted the full-year Appropriations Act for the Department of Justice, we are unable to provide funding for those categories of investigative expense that are subject to appropriations limitations; namely, awards for information, purchase of evidence, and equipping of conveyances. When the enacted appropriation provides authority for these expenses, an allocation will be made.

EQUIPPING OF CONVEYANCES

FY 2016	Amount	Amount	Planning
<u>Allocation</u>	<u>Requested</u>	<u>Approved</u>	<u>Estimate</u>
\$183,000	\$750,000	\$0	\$183,000

The use of AFF monies under this cost category is described in the Attorney General's Guidelines and is governed as follows:

- Payments to Equip Conveyances
 - o Decisions to equip a government-owned or leased conveyance (vehicle, vessel, or aircraft) for drug law enforcement functions shall be made by the organizational component within the agency which is responsible for management of the conveyance.
 - o Reimbursable payments may be made to equip conveyances which are used the majority of the time for activity relating to the investigation or apprehension of violators of the federal laws and the seizure and forfeiture of their assets.

**United States Marshals Service
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- Monies from the Fund may not be used for recurring expenses such as fuel, spare or replacement parts, maintenance, or replacement of equipment due to wear and tear by the agency using the conveyance.
- Equipping should generally occur before the conveyance is placed into official use and only if it is intended to be in service for at least two years.

AWARDS FOR INFORMATION

<u>FY 2016</u> <u>Allocation</u>	<u>Amount</u> <u>Requested</u>	<u>Amount</u> <u>Approved</u>	<u>Planning</u> <u>Estimate</u>
\$515,000	\$515,000	\$0	\$103,000

AFMS conducted a program wide review of agency payments made under the AFF's Awards for Information authority and found that 80 percent of all USMS awards were unrelated to any of the federal violations enumerated in 28 U.S.C. § 524(c)(1)(B). Therefore, this planning estimate reflects an 80 percent reduction to amounts allocated in prior years.

In accordance with the provisions of 28 U.S.C. § 524(c)(1)(B), USMS is reminded that these funds are available exclusively for the payment of awards for information or assistance directly relating to violations of the criminal drug laws of the United States or of chapter 77 of title 18, sections 1956 and 1957 of title 18, sections 5313 and 5324 of title 31, and section 60501 of the Internal Revenue Code of 1986.

**Review of the United States Marshals Service Human Resources Environment
by the Justice Management Division Human Resources
Human Capital Management and Accountability Staff**



January 5, 2016

LIMITED OFFICIAL USE

**HUMAN CAPITAL ACCOUNTABILITY REVIEW
OBSERVATIONS, REQUIRED ACTIONS, AND RECOMMENDATIONS**

On June 19, 2015, the Deputy Attorney General requested a review of the policies and procedures of the United States Marshals Service (USMS) as they relate specifically to employee grievances, hiring, promotions, and training efforts directed at assuring that all employees, managers, and supervisors are aware of their rights and responsibilities under Federal laws and regulations protecting whistleblowers.

The Justice Management Division (JMD) Human Resources (HR) Human Capital Management and Accountability (HCMA) staff led a document and records review of 43 employee grievance case files, 4 Senior Executive Service staffing cases, 63 merit promotion staffing cases, and USMS training records. HCMA was assisted by the JMD HR Labor and Employment Law (LEL) staff, the Executive and Political Personnel (EPP) staff, and the Learning and Workforce Development (LWD) staff. The review was to determine whether or not employee grievances, hires, promotions, and training were conducted in a manner consistent with applicable statutes, regulations, Department of Justice and USMS policies, and Merit System Principles.

This report provides six observations with associated recommendations and actions required to bring USMS into compliance with applicable statutes, regulations, or policies. If the recommendation is based on best practices, USMS should make the recommended change to ensure program improvement and/or policy compliance.

The review identified the following, generally:

Senior Executive Service – The JMD HR EPP staff found that some USMS SES case files contained significant errors while others did not contain sufficient documentation to fully reconstruct and validate the selection.

Employee Grievances – The JMD HR LEL staff found that USMS's Employee Relations Program generally adheres to applicable statutes, regulations, and policies. A review of case files identified several without appropriate documentation to fully reconstruct cases. While most cases resulted in actions that conform to agency guidance, there were some in which USMS declined to provide a remedy after acknowledging administrative error, and one in which USMS dismissed the grievance when it should have been decided on its merits.

Merit Promotion – The JMD HR HCMA staff found that USMS displayed a consistent lack of documentation in case files, making full reconstruction and validation of merit promotion decisions impossible.

HCMA also found that the process by which USMS promotes Criminal Investigators includes a scoring rubric providing an inappropriate preference to candidates who USMS has non-competitively placed in higher level positions in an acting capacity on a temporary basis.

Whistleblower Training – The JMD HR LWD staff found that the USMS Training Division

**HUMAN CAPITAL ACCOUNTABILITY REVIEW
OBSERVATIONS, REQUIRED ACTIONS, AND RECOMMENDATIONS**

developed specific Whistleblower training in partnership with the Office of Special Counsel and the USMS Office of General Counsel. USMS delivered the training online via assignment to 5,386 USMS employees on September 17, 2015 with a deadline for completion by October 22, 2015. As of the date of this report, approximately 5,006 employees have completed the course and 308 employees have not yet completed the course.

Specific observations follow:

General Case File Documentation

Observation 1: The majority of staffing case files for both Merit Promotion and the Senior Executive Service did not contain key documentation sufficient to fully reconstruct the hiring decision. Omissions included the job analysis, documentation of assessment tool development, justification for the use of selective placement factors, scoring and rating documentation, and documentation of priority placement program clearance. Failure to maintain sufficient documentation leaves USMS and the DOJ vulnerable to challenges concerning the validity of hiring decisions.

Requirement: To comply with 5 CFR Parts 317 and 335, USMS must maintain Merit Promotion and SES case files with sufficient documentation (as stated above) to allow for third-party reconstruction of the hiring action.

Senior Executive Service

Observation 2: Several SES case files under review omitted key documentation pertaining to the rating process. Specifically, scoring determinations were not adequately validated by each of the panel members, leaving gaps and inconsistencies in the documentation of the rating process, which invalidates the referral of best qualified candidates for selection and constitutes a significant error.

Requirement: To comply with 5 CFR Part 317, USMS must maintain Merit Promotion and SES case files with sufficient documentation to allow for third-party reconstruction of the hiring action.

Observation 3: The evidence contained in one SES case file identified that the selecting official for the position served as the Chairman for the Executive Resources Board (ERB). Because DOJ policy prohibits members of the supervisory chain of command from serving on an ERB for a position under their supervision, this situation constitutes a significant error.

Requirement: USMS must adhere to the requirements in DOJ Order 1202 pertaining to ERB membership responsibilities.

**HUMAN CAPITAL ACCOUNTABILITY REVIEW
OBSERVATIONS, REQUIRED ACTIONS, AND RECOMMENDATIONS**

Observation 4: USMS did not seek JMD HR concurrence on SES qualification standards, which is a common practice for DOJ Components.

Recommendation: While this practice is not yet codified, the Department's draft policy statement on Executive Resources Management does include it as a required action in the SES recruitment process. As a best practice, USMS should provide JMD HR with all SES qualification standards developed for use in SES selections along with the associated position description prior to posting SES Job Opportunity Announcements.

Employee Grievances

Observation 5: The evidence contained in some cases indicated that USMS, after identifying administrative errors that resulted in delayed career ladder promotions, did not correct those errors. While promotions are not an employee entitlement, this outcome seems contrary to the spirit of the grievance process. In another case, USMS administratively dismissed a grievance that should have been decided on its merits.

Criminal Investigator Hiring Program

Observation 6: Under its Criminal Investigator promotion procedures, USMS rates candidates for promotion based on numerical scoring. Based on a review of case files, it appears that service in a higher level position in an acting capacity (i.e., a temporary promotion) was a criterion for which candidates received points toward their promotion rating. USMS non-competitively selected certain Criminal Investigators to serve in temporary promotions prior to advertising to fill those positions on a permanent basis as authorized under 5 CFR § 335.102(f). However, because USMS used this service as a scoring criterion for promotions, and did not provide all promotion eligible candidates the same opportunity to serve in a temporary promotion, this practice conferred an unfair advantage to select candidates in the rating process for promotions.

Requirement: USMS must revise the Criminal Investigator scoring process to remove scoring criteria related to service in an acting capacity. JMD HR recommends that USMS create a Criminal Investigator promotion policy separate from its regular merit promotion plan. To ensure that the Criminal Investigator procedures are appropriately aligned with applicable regulations, USMS should submit its policy to JMD HR Policy and Advisory Services (HRPAS) requesting approval of the Criminal Investigator promotion program. Since selections under this program may be referred to third parties for review and decision, we strongly recommend that USMS prepare the package for submission within 30 days of receipt of this report.

**HUMAN CAPITAL ACCOUNTABILITY REVIEW
OBSERVATIONS, REQUIRED ACTIONS, AND RECOMMENDATIONS**

Disposition

On December 16, 2015, the office of the Assistant Attorney General for Administration hosted a meeting during which USMS Leadership met with JMD representatives to hear findings from the review and associated required and recommended actions. USMS acknowledged the findings and agreed to collaborate with JMD to address each recommended and required action contained in the report.

From: Director Sends (USMS)
Sent: Tuesday, October 04, 2016 12:53 PM
To: USMS-ALL
Subject: Message from Deputy Director Harlow -- Re: Update to Promotion Points While Acting

United States Marshals Service (USMS) employees are often called upon or volunteer to perform in "acting" leadership positions in various capacities throughout the Agency to assist when and where needed. These assignments provide opportunities to employees to enhance their managerial abilities, broaden their knowledge base, strengthen their skill sets, and increase their professional development. The USMS has historically recognized these employees by adding points to their promotional package as they seek to obtain higher levels within the Agency through the merit promotion process.

Recently, the Justice Management Division (JMD), Department of Justice, conducted a Special Focus Review on the policies and procedures of the USMS human resources program as they relate specifically to employee grievances, hiring, and promotions. As a result of this review, JMD determined that the USMS could no longer provide additional points for employees who served in an "acting" capacity (either through non-competitive appointment or not to exceed 1-year temporary promotion).

In the review, JMD determined that because the USMS allowed these points as a scoring criterion for promotions, but did not provide all promotion eligible candidates the same opportunity to serve in a temporary promotion, this conveyed an unfair advantage to candidates in the promotion rating process. Accordingly, we implemented this directive in the most recent career board merit promotion process.

Throughout my career, I have had the opportunity to perform in many acting positions and can personally attest to the value these positions provide to employees. I want to

Exhibit 159

encourage you to reach beyond your current position whenever possible for personal and professional enrichment and development.

As always, thank you for helping us continue to achieve our standards of excellence as we press forward in compliance with JMD's review findings.

David L. Harlow

Deputy Director

534

From:
Sent:
To:

[REDACTED] (USMS)
Thursday, September 05, 2013 12:36 PM

[REDACTED]

Exhibit 160

To: [REDACTED] (USMS) [REDACTED] (USMS)
Cc: [REDACTED] (USMS); [REDACTED] (USMS)
Subject: TOD Acting Mgt. Assignments
Categories: Red Category

All

I apologize for the late notice, but as with most things this took a few days to come together. On Monday, September 9th I will be temporarily assigned to DC/SC to assist with filling their District Chief vacancy. While I'm away, [REDACTED] will assume the position of Acting Assistant Director for TOD. [REDACTED]

Thank You
[REDACTED]

[REDACTED]
Deputy Assistant Director
Tactical Operations Division
United States Marshals Service
[REDACTED]

Exhibit 161

From: [REDACTED] (USMS)
Sent: Monday, April 28, 2014 4:59 PM
To: [REDACTED]

To: [REDACTED] Exhibit 161
 Subject: Acting DAD [REDACTED]

All:

I wanted to take a moment to let all of you know that Acting DAD [REDACTED] first official day in TOD is today. We are extremely fortunate to have [REDACTED] join TOD in this capacity as she's not only an exceptional leader, but an innovative thinker and someone who will aggressively push the TOD agenda.

[REDACTED]

Thanks

[REDACTED]

[REDACTED]

*Deputy Assistant Director
 Tactical Operations Division
 United States Marshals Service*

[REDACTED]



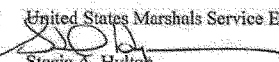
U.S. Department of Justice
Attachment 24

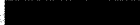

United States Marshals Service

Office of the Director

Alexandria, VA 22301-1025

November 12, 2014

MEMORANDUM TO: United States Marshals Service Employees
FROM: 
Stacia A. Hylton
Director
SUBJECT: Investigative Operations Division

I am pleased to announce that Deputy Assistant Director (DAD)  Tactical Operations Division, will serve as Acting Assistant Director, Investigative Operations Division, from November 9, 2014 to November 15, 2014. Effective November 16, 2014, Deputy Assistant Director  will officially assume the role of Assistant Director (AD), Investigative Operations Division.

Please join me in congratulating AD  on his new position and Senior Executive Service appointment.

**U.S. Department of Justice**

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 26, 2015

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This responds to your letter to Acting Deputy Attorney General Sally Quillian Yates, dated March 19, 2015, regarding allegations of inappropriate hiring practices at the U.S. Marshals Service (USMS). We appreciate the opportunity to address your concerns.

Upon receipt of your letter, the Director of the USMS (the Director) instructed the Associate Director for Administration to work with the USMS Office of General Counsel to review the allegations in your letter. We appreciate the opportunity to clarify the circumstances surrounding Mr. Lenzie's hiring. Mr. Lenzie applied in September 2011 for a Senior Forfeiture Financial Specialist (SFFS) position with Forfeiture Support Associates (FSA), a contractor that supports the Department. He was not hired for that position, however, because he did not possess the requisite qualifications. A four-member interview panel consisting of personnel from the USMS, the U.S. Attorney's Office for the District of Boston, and FSA unanimously recommended another individual for the SFFS position, and that individual accepted the position.

Mr. Lenzie was highly qualified for a different position, however, and the same four-member panel unanimously recommended him for a Forfeiture Financial Specialist (FFS) position. Following the interview process, FSA offered Mr. Lenzie the FFS position, which he accepted. USMS did not waive any contract qualification requirements in making this hiring decision and proceeded in the usual course in hiring Mr. Lenzie.

Mr. Lenzie's hiring was not unduly influenced by the Director. After Mr. Lenzie applied for the SFFS position in September 2011, he emailed his resume to the Director, which she forwarded to Ms. Beal for her awareness. The Director did not recommend Mr. Lenzie for any position, nor did she instruct Ms. Beal, or anyone else at the USMS or within the Department, to take any action, officially or otherwise, on behalf of Mr. Lenzie. Mr. Lenzie was an experienced federal employee with ample qualifications. Furthermore, these noted events had no bearing on the unanimous recommendation by a three-member senior executive interview panel for Ms. Beal's selection as Assistant Director of the Asset Forfeiture Division in August 2014, nearly three years later.

The Honorable Charles E. Grassley
Page Two

As to the materials requested in your letter, we have enclosed the labor category qualification requirements used to hire SFFS and FFS contractors from 2010 to the present. We have also enclosed the resumes of all individuals who have filled the SFFS and FFS contractor positions for FSA from 2010 to the present. In order to protect their privacy, we have redacted the names, phone numbers, email addresses, and home addresses of these employees.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Peter J. Kadzik
Assistant Attorney General

Enclosures

cc: The Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary

The Honorable Michael E. Horowitz
Inspector General
Department of Justice
Office of the Inspector General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 17, 2015

The Honorable Charles E. Grassley
Chairman
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This responds to your letters of March 19, 2015, and April 7, 2015, to the Department of Justice (the Department) regarding allegations of inappropriate hiring practices at the U.S. Marshals Service (USMS). As you know, we replied to your March letter on the stated deadline of March 26, 2015, but in light of concerns raised by your staff, the USMS has continued its review of the issues raised in your letter. As part of that ongoing review, the USMS provided us with the enclosed email chain, which we bring to your attention because it appears to be inconsistent with representations in our March 26, 2015 letter.

We are extremely concerned that we may have provided you with inaccurate information in our previous response. The Department takes the issues raised in your letters very seriously and the USMS continues to collect and review information so we may provide a complete and thorough response to your initial letter, as well as your subsequent letter dated April 7, 2015. While we strive to respond by the deadlines set in your letters, we certainly do not want to sacrifice accuracy for timeliness. We appreciate that you have called these matters to our attention and will continue to keep an open line of communication with your staff as we work toward a complete and accurate response to your questions.

Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter J. Kadzik".

Peter J. Kadzik
Assistant Attorney General

Enclosure

Beal, Kim (USMS)

From: Beal, Kim (USMS)
Sent: Friday, September 16, 2011 6:24 PM
To: Morales, Eben (USMS)
Subject: Fw: Fwd: resume

See below - Director called and has forwarded the resume of a Customs agent that she highly recommends for the jump team FFS in Boston.

We should have the resumes by Monday.

From: Beal, Kim (USMS)
Sent: Friday, September 16, 2011 06:06 PM
To: [REDACTED] <[REDACTED]>
Subject: Re: Fwd: resume

Absolutely - I will keep you posted as we go through the process.

From: Staciahyton [mailto:[REDACTED]]
Sent: Friday, September 16, 2011 05:52 PM
To: Beal, Kim (USMS)
Subject: Fwd: resume

Thx Kim

Sent from my iPhone
 Stacia

Begin forwarded message:

From: "Lenzie, Donald A" <donald.lenzie@dhs.gov>
Date: September 16, 2011 8:26:49 AM EDT
To: [REDACTED]
Subject: resume

Hi Stacie

Attached is my resume that I submitted with the application to FSA (Forfeiture Support Associates) who are recruiting for a financial investigators position with the USMS in Boston. I was told by the FSA recruiter that they are looking for someone to do financial investigations and asset identification. Not so much the forfeiture end. That is right down my alley as I have been doing that most of my career. I was told it will be working with the USMS asset forfeiture unit in Boston. Interviews are expected to be scheduled in the next few weeks.

In my application I listed a federal judge from NH, a civil AUSA and my RAC as references. It also reflects my assignments in NH - last 8 years, Boston - 18 years, San Francisco - 3 years, Galveston, TX - almost 2 and of course my Co-Op days. Please call me anytime if you have any questions at 617 [REDACTED] or can email and I will get on my blackberry. I am going out of town (FL)

Exhibit 164

middle of next for a week 9/21 and will be back on 9/29. Thanks Kirk! Have a quiet day and pace yourself.

CHARLES E. GRASSLEY, IOWA, CHAIRMAN
 ORRIN G. HATCH, UTAH
 JEFF SESSIONS, ALABAMA
 LINDSEY O. GRAHAM, SOUTH CAROLINA
 JOHN CORNYN, TEXAS
 MICHAEL S. LEE, UTAH
 TED CRUZ, TEXAS
 JEFF FLAKE, ARIZONA
 DAVID VITTER, LOUISIANA
 DAVID A. PERDUE, GEORGIA
 THOM TILLIS, NORTH CAROLINA
 PATRICK J. LEAHY, VERMONT
 DIANNE FEINSTEIN, CALIFORNIA
 CHARLES E. SCHUMER, NEW YORK
 RICHARD J. DURBIN, ILLINOIS
 SHELDON WHITEHOUSE, RHODE ISLAND
 AMY KLOBUCHAR, MINNESOTA
 AL FRANKEN, MINNESOTA
 CHRISTOPHER A. COONS, DELAWARE
 RICHARD BLUMENTHAL, CONNECTICUT

United States Senate
 COMMITTEE ON THE JUDICIARY
 WASHINGTON, DC 20510-6275

KELAN L. DAVIS, Chief Counsel and Staff Director
 KRISTINE J. LUCAS, Democratic Chief Counsel and Staff Director

June 3, 2015

VIA ELECTRONIC TRANSMISSION

The Honorable Sally Quillian Yates
 Deputy Attorney General
 United States Department of Justice

Dear Deputy Attorney General Yates:

To date, I have sent five letters to you and to the U.S. Marshals Service inquiring about improper hiring practices and questionable spending of the Assets Forfeiture Fund (AFF). In response, I have received four letters—three from your office, and one from the Marshals Service. Half of these letters reported incorrect and misleading information to Congress.¹

The Marshals Service's poor track record in providing accurate information to the Department and to this Committee raises significant concerns about that agency's ability to investigate itself. So, it is a good sign that the Department now supports an independent investigation from within the Executive Branch. However, given the separate Legislative Branch interests implicated, this Committee must continue its own parallel inquiry.

Documents obtained by the Committee show that as early as December 2013, an employee reported the *quid pro quo* hiring allegation involving Director Stacia Hylton and Assistant Director of the Asset Forfeiture Division (AFD) Kimberly Beal to the USMS Office of General Counsel. It is also clear that the General Counsel's Office was consulted about the reply to the Committee's inquiry *before* the Department sent its letter denying any wrongdoing. Marshals Service officials admitted that the Office of

¹ Letter from Peter J. Kadzik, Assistant Attorney General to Charles E. Grassley, Chairman, U.S. Senate Committee on the Judiciary (Mar. 26, 2015); Letter from William Delaney, Chief of Congressional and Public Affairs, U.S. Marshals Service to Charles E. Grassley, Chairman, U.S. Senate Committee on the Judiciary (Apr. 3, 2015).

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Deputy Attorney General Yates
 June 3, 2015
 Page 2 of 4

General Counsel had “e-mail traffic” that was “tied to a grievance” related to the Committee’s inquiry. Thus it appears that the General Counsel’s office failed to ensure that the Department’s reply was accurate and complete, despite possessing the information necessary to do so.

I appreciate that your staff has acknowledged the Committee’s interest in understanding more specifically why the Department initially provided inaccurate information and is working with my staff to schedule interviews of Office of General Counsel attorneys Lisa Dickinson and Harvey Smith. Documents obtained by the Committee show that Mr. Smith received the December 2013 employee allegations and supporting documentation of a *quid pro quo* between Director Hylton and Assistant Director Beal. Ms. Dickinson is the Principal Deputy General Counsel for the Marshals Service, the second most senior position within the Office of General Counsel, responsible for “overseeing operations” of that office and “respond[ing] to inquiries from other federal agencies and members of the public.”² Documents obtained by the Committee show that Ms. Dickinson also had previously received information that appears to corroborate whistleblower allegations of the *quid pro quo*. Please ensure that these interviews are scheduled as soon as possible.

It is also critical that the Committee receive documents responsive to its requests related to these interviews prior to the interviews occurring. Your good faith cooperation with the Committee’s inquiry will be essential to a timely and orderly review of the underlying allegations as well as our review of the circumstances that led to the initial inaccurate reply. Your staff has indicated that document production will begin on a rolling basis in parallel to the Inspector General’s inquiry and in consultation with my staff about priorities, custodians, and search terms. I would appreciate your assistance in ensuring that the document productions are timely, thorough, and complete.

Unfortunately, the Marshals Service’s reaction to previous incidents of serious misconduct suggests it is unwilling to hold officials accountable even when presented with findings from the Department of Justice Office of the Inspector General (OIG).

For example, in July 2012, the OIG found that individuals within the Justice Management Division (JMD), including former JMD FASS Deputy Director Michael Clay, violated ethics standards by engaging in improper hiring practices and nepotism.³ The OIG found that Clay had induced another Justice Department employee to hire his

² Main Justice, 62nd Annual Attorney General’s Awards (Oct. 16, 2014), available at: <http://www.mainjustice.com/2014/10/16/62nd-annual-attorney-generals-awards-complete-list-of-winners/>.

³ U.S. Department of Justice, Office of the Inspector General, Report Regarding Investigation of Improper Hiring Practices in the Justice Management Division (July 2012)[Hereinafter Justice Management Division OIG Report].

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Deputy Attorney General Yates
 June 3, 2015
 Page 3 of 4

daughter, and in return “instructed a subordinate to attempt to find a job” for that individual’s brother.⁴ The OIG referred the Deputy Director to JMD for disciplinary action. He is now the Deputy Assistant Director for the Management Support Division at the U.S. Marshals Service.

In February 2015, the OIG found⁵ that several individuals, including Blair Deem (at the time a Marshals Service detailee working as the Chief of Staff for INTERPOL Washington), violated Section 702 of the Standards of Ethical Conduct⁶ by using their positions of authority “to benefit their acquaintances by placing them . . . in unpaid intern positions at INTERPOL Washington.” The OIG referred the Marshals Service detailee and another individual to the Office of the Deputy Attorney General for review and disciplinary action.

Ironically, according to documents obtained by the Committee, as of April 16, 2015, Deem was listed as the Deputy Assistant Director for the U.S. Marshals Service *Office of Professional Responsibility*, the very office charged with ensuring the integrity of the agency. Multiple whistleblowers have asserted that the USMS OPR is not an appropriate position for an individual found to have violated ethics rules.

The Committee also previously noted that multiple whistleblowers reported that the OIG currently is investigating Judicial Security Division Assistant Director Noelle Douglas for her efforts to ensure a USMS contractor hired an individual with whom she allegedly has a personal relationship. Whistleblowers now assert that the U.S. Marshals Service intends to simply relocate Ms. Douglas to the Justice Department’s Asset Forfeiture Management Staff, where she will retain her current grade as a Senior Executive Service employee. It is hardly a deterrent to engage in waste, fraud, and abuse if the only discipline meted out for such behavior is a game of agency musical chairs.

Moreover, it is unacceptable that the U.S. Marshals Service reportedly continues to try to track down the whistleblowers who have made protected disclosures to Congress. In the last two months, multiple whistleblowers have alleged that USMS managers 1) use Freedom of Information Act requests to identify employees who have made protected disclosures and to use that information to retaliate against them; 2) maintain lists of employees suspected of being whistleblowers and assess who is most likely responsible for the various allegations; and 3) openly threaten employees with

⁴ *Id.* at 6.

⁵ U.S. Department of Justice, Office of the Inspector General, Investigation of Allegations of Improper Hiring Practices at INTERPOL Washington (Feb. 2015) [Hereinafter “INTERPOL Washington OIG Report”].

⁶ See 5 C.F.R. § 2635.702 (“An employee shall not use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity”)

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Deputy Attorney General Yates
June 3, 2015
Page 4 of 4

retaliation for speaking to independent investigators. These actions, if true, would clearly chill further protected disclosures and obstruct the Committee's investigation.

As the Committee continues its investigation, please provide written responses to the following questions:

1. For each instance of OIG findings of ethics violations in hiring discussed above, please describe all efforts taken by the Department and the U.S. Marshals Service to discipline employees and the outcome of those efforts.
2. Please list the names of the proposing and deciding officials in each case, the date of any proposed discipline, and the final disposition, including a description of any punishment imposed.

For any case where no disciplinary proceedings were initiated or no punishment was imposed, please explain why not.

Please provide your written reply no later than June 17, 2015. If you have any questions about this request, please have your staff call DeLisa Lay at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice

The Honorable Carolyn N. Lerner
Special Counsel
U.S. Office of Special Counsel

From: [REDACTED] (USMS)
Sent: Wednesday, March 25, 2015 5:09 PM
To: Beal, Kim (USMS); [REDACTED]
Cc: [REDACTED] (USMS)
Subject: Urgent Document Call

In order to respond to a Congressional inquiry, I need each of you to do a document search for any/all communications and/or records you have on Donald Lenzie. Mr. Lenzie is a former FSA employee that worked in the Division from approximately 1/1/12 thru 3/31/12. This has a short fuse, I need whatever records you have no later than noon on Friday, March 27th. If you have nothing, please provide a negative response. Thanks.

[REDACTED]

From: [REDACTED] (USMS)
Sent: Friday, March 27, 2015 12:01 PM
To: Virtue, Timothy (USMS)
Cc: [REDACTED] (USMS)
Subject: RE: Complex Assets Unit Jump Team

??? I think the emails I found all point to him being an SFFS that is why I identified that way. Either way, those were all the docs/emails I found for contractor Lenzie.

[REDACTED]

From: Virtue, Timothy (USMS)
Sent: Friday, March 27, 2015 11:51 AM
To: [REDACTED] (USMS)
Cc: [REDACTED] (USMS)
Subject: RE: Complex Assets Unit Jump Team

Thanks. One point of clarification, I did not state that Mr. Lenzie was an SFFS.

From: [REDACTED] (USMS)
Sent: Friday, March 27, 2015 12:03 PM
To: Virtue, Timothy (USMS)
Cc: [REDACTED] (USMS)
Subject: FW: Complex Assets Unit Jump Team

DAD Virtue,

The below email thread as well as the attached emails are a result of the document search you requested involving SFFS Donald Lenzie. Please note, there are a couple that discuss Lenzie's lack of qualifications. His hiring was a standing joke within the Division and the AFFI Program. If called upon, I (as well as a few others) can provide details of group conversations amongst the RPMs and others where [REDACTED] candidly opened up to why Lenzie was hired. Let me know if you need anything else from me.

Respectfully,

[REDACTED]

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From: [REDACTED] (USMS)
Sent: Thursday, January 12, 2012 4:44 PM
To: [REDACTED] (USMS)
Subject: FW: Complex Assets Unit Jump Team

First I have seen the attachment. I am concerned none of the members listed in 4. (Jump Team Program Structure), nor what we have been recruiting, have the skill set outlined in a. – h. on page 6.

From: [REDACTED] (USMS)
Sent: Wednesday, January 11, 2012 7:57 AM
To: [REDACTED] (USMS); Lenzie, Donald (USMS); [REDACTED] (USMS); [REDACTED] (USMS)
Cc: [REDACTED] (USMS); Beal, Kim (USMS); [REDACTED] (USMS); Morales, Eben (USMS)
Subject: Complex Assets Unit Jump Team

Good morning all:

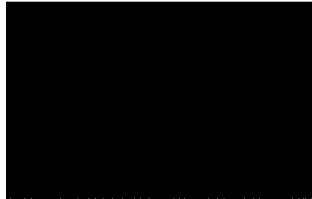
The concept of the Complex Assets Unit Jump Team is taking shape and I have been designated to be the Team Coordinator here at HQ. As you may know, the idea of a Complex Assets Jump Team has been in the conceptual stage for some time and now I have been tasked to create a Jump Team project plan to make the Jump Team a functioning AFD entity that the USMS District Offices in the field can call on when faced with the potential seizure of a complex asset. It is envisioned that the CAU Jump Team will report to the CAU case managers and will ultimately be staffed by 8 or 9 contract SFFS personnel based upon skill sets and relevant business experience. The Jump Team is fully supported by AD Morales and DAD Beal and they have indicated that the Jump Team will become operational in very near future.

[REDACTED] prepared a draft white paper that discusses the Jump Team concept in more detail and I have attached this draft for your review. This white paper is still in the draft stages and will change and be fine-tuned somewhat in the next several weeks but the basic concepts should be the same.

As you can see, [REDACTED] and Don have been designated as Jump Team members with 4 other vacancies to be filled.

Both AD Morales and DAD Beal would like to have the on board jump team members travel to HQ in the next few weeks for a 2 day "brainstorming session" amongst ourselves and to be addressed by both the AD and DAD, to begin working on the goals, objectives and operational details of the Jump Team.

I know that [REDACTED] and Don will be in [REDACTED] assisting [REDACTED] on the [REDACTED] case starting on [REDACTED]. Trying to coordinate a 2 day window that all team members, AD and DAD would be available to meet at HQ is a challenge. Please review your respective calendars for a 2 day window in early February that would permit you all to travel to HQ to discuss the Jump Team and advise me of your availability. I will coordinate the dates with those of us at HQ to establish a time that is acceptable to all participants.



DRAFT PREDECISIONAL/DELIBERATIVE DOCUMENT

March 26, 2015

The Honorable Charles Grassley
Chairman
Senate Committee on the Judiciary
Washington D.C. 20510
Dear Senator Grassley,

I am responding on behalf of the Department to your letter of March 19, 2015 to the Acting Deputy Attorney General regarding allegations of inappropriate hiring practices at the U.S. Marshals Service (USMS). I appreciate your concerns and the opportunity to answer your questions.

As the Director of the USMS, America's oldest law enforcement agency, I assure you that integrity and ethical behavior are foundational values that are sacred to us, and even the perception of impropriety is deeply concerning to me.

I directed the Associate Director for Administration, David Musel, working with the Office of General Counsel, to review the allegations in your letter and have included, as you requested, the resumes of all individuals who have filled the contractor positions of Senior Forfeiture Financial Specialist (SFFS) and Forfeiture Financial Specialist (FSS) hired by Forfeiture Support Associates (FSA), a contractor working for the Marshals' Asset Forfeiture Division (AFD). I have also included the contract qualification requirements used to hire SFFS and FSS contractors from 2010 to the present.

Mr. Musel has identified the circumstances surrounding the hiring of Mr. Donald Lenzie by FSA and I welcome the opportunity to share those with you. Mr. Lenzie applied for the SFFS position with FSA in September 2011, but contrary to the assertion in your letter, he was not hired in that position because he did not possess the requisite qualifications for it. A four member interview panel consisting of personnel from the USMS, the US Attorney's office, and FSA unanimously recommended another individual for the SFFS position, which FSA offered and was accepted. Accordingly, no contract requirements were waived to hire Mr. Lenzie. He was, however, highly qualified for a lesser position and was unanimously recommended by the same four member interview panel. FSA offered him the lower position, which he accepted, and worked for three months until he resigned for personal reasons.

With regard to the allegation that Mr. Lenzie's hire was somehow unduly influenced by me, you should know that while I met Mr. Lenzie many years ago when we went to college together, I only know him as a casual acquaintance whose paths have crossed a few times in the 34 years since college. Quite on his own, Mr. Lenzie was an experienced federal employee with ample experience. After Mr. Lenzie applied for this SFFS job, he reached out to me by email and included his resume, and I forwarded the email and resume to Ms. Beal for her awareness. I also recall mentioning Mr. Lenzie to Ms. Beal in a very brief telephone conversation. Most

DRAFT PREDECISIONAL/DELIBERATIVE DOCUMENT

importantly, I never instructed or implied to Ms. Beal or anyone else to take any action, officially or otherwise, on behalf of Mr. Lenzie's application to FSA.

In summary, I did forward Mr. Lenzie's resume to Ms. Beal in September of 2011, but I did not recommend Mr. Lenzie for any position, no contract requirements were waived, and these events had no bearing whatsoever on a unanimous recommendation by a three-member senior executive interview panel for Ms. Beal's selection as Assistant Director of the Asset Forfeiture Division in August 2014, nearly three years after these events.

I am satisfied with the results of the inquiry led by Mr. Musel, but I have directed him to be available to discuss his review with your staff if you have any further questions about the actions surrounding Mr. Lenzie's brief employment with FSA. We welcome continued dialogue if there are any unresolved aspects to discuss.

I hope this information is useful to you. Thank you for all that you do to support the Marshals Service and law enforcement in general. If you have further questions, please contact Bill Delaney, USMS Chief of Congressional and Public Affairs, at 202-616-0940.

Sincerely,

Stacia A. Hylton
Director
United States Marshals Service

Cc Horowitz

DRAFT PREDECISIONAL/DELIBERATIVE DOCUMENT

March 26, 2015

The Honorable Charles Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This responds to your letter to the Acting Deputy Attorney General dated March 19, 2015, regarding allegations of inappropriate hiring practices at the U.S. Marshals Service (USMS). At the USMS, America's oldest law enforcement agency, and throughout the Department of Justice (the Department), integrity and ethical behavior are foundational values that are sacred and even the perception of impropriety is deeply concerning.

Upon receipt of your letter, the Director of the USMS (the Director) immediately instructed the Associate Director for Administration to work with the Office of General Counsel to review the allegations in your letter and we appreciate the opportunity to clarify the circumstances surrounding Mr. Lenzie's hiring. Mr. Lenzie applied in September 2011 for a Senior Forfeiture Financial Specialist (SFFS) position through Forfeiture Support Associates (FSA), a contractor that supports the Department. He was not hired for that position, however, because he did not possess the requisite qualifications. A four-member interview panel consisting of personnel from the USMS, the U.S. Attorney's Office, and FSA unanimously recommended another individual for the SFFS position, and that individual accepted the position.

Mr. Lenzie was highly qualified for a different position, however, and the same four-member panel unanimously recommended him for a Forfeiture Financial Specialist (FFS) position. Following the noted review process, FSA offered Mr. Lenzie the FFS position, which he accepted. USMS did not waive any contract requirements in making this hiring decision and as noted above, proceeded in the usual course in hiring Mr. Lenzie.

Any suggestion that Mr. Lenzie's hire was unduly influenced by the Director is simply inaccurate. After Mr. Lenzie applied for the SFFS position in September 2011, he emailed his resume to the Director, which she forwarded to Ms. Beal for her awareness. The Director did not recommend Mr. Lenzie for any position, nor did she instruct Ms. Beal, or anyone else at the USMS or within the Department, to take any action, officially or otherwise, on behalf of Mr. Lenzie. Quite on his own, Mr. Lenzie was an experienced federal employee with ample qualifications. Furthermore, the noted events had no bearing whatsoever on the unanimous recommendation by a three-member senior executive interview panel for Ms. Beal's selection as Assistant Director of the Asset Forfeiture Division in August 2014, nearly three years after these events.

As to the materials requested in your letter, we have enclosed the contract qualification requirements used to hire SFFS and FFS contractors from 2010 to the present, marked with effective date of each. Due to [REDACTED], we are unable to provide the resumes of all individuals

Commented [D031]: Accurate?

Commented [D032]: DC? Which one?

Commented [D033]: Accurate

Commented [D034]: Accurate?

Commented [D035]: USMS OGC: Need to insert the legal basis. Privacy Act, individual privacy interests etc. OLA does not believe we can or should send resumes to the Hill. If we do so, at the very least they would need redactions to protect personal privacy interests (names, phone numbers, emails etc.).

DRAFT PREDECISIONAL/DELIBERATIVE DOCUMENT

who filled the contractor positions for SFFS and FSS positions. Please note, however, that

We hope this information is helpful. If you have any further questions about the actions surrounding Mr. Lenzie's employment with FSA, we would be pleased to discuss with your staff at their convenience. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

[David Musel OR Peter J. Kadzik]

cc: The Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary

Commented [D036]: Anything affirmative/forward-leaning we can say here to provide the Committee with more information (without providing resumes).

MERIT PROMOTION EXAM STUDY MATERIAL
Current as of 6/1/2014

Exhibit 170



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.3 CAREER PROMOTIONS

- A. **General:** This section establishes a career-promotion program for employees in the USMS and sets forth policy and procedures for promotion up to and including the full-performance (journeyman) level.
- B. **Policy:**
1. Career promotions will be authorized as exceptions to the Merit Promotion program only when all employees in the same series and work unit are given grade-building experience to prepare them for the full-performance level and there is sufficient work at that level for all unit employees in the career ladder.
 2. Persons eligible for career ladder promotions will be advanced to the next higher grade in the career ladder, upon meeting eligibility requirements, provided they are not presently serving on a Performance Improvement Plan, the subject of an internal investigation, the subject of discipline, or serving a reckoning period as defined in this directive.
 3. A promotion for an employee against whom an investigation and or disciplinary action is pending or has been taken, that has or may result in greater than a letter of reprimand, will not take effect until one year after the offense was committed or the date headquarters became aware of it. The Director may extend this period to two years based on the severity of the offense. Actions against employees that are past one year but within two years will be referred to the Director through the Assistant Director for Human Resources.
 4. Managers and supervisors must submit requests for career promotions on an SF-52 to the Human Resources Division 60 days before the requested effective date.



October 14, 2016

VIA ELECTRONIC TRANSMISSION

The Honorable Michael E. Horowitz
Inspector General
United States Department of Justice
Washington, DC. 20530

Dear Inspector General Horowitz:

As you know, over the last two years, my office has received numerous whistleblower allegations regarding the U.S. Marshals Service. Of those reports, a significant number allege they have experienced reprisal in return for engaging in protected activity, including for making protected disclosures of waste, fraud, and abuse. The alleged reprisal takes many forms, including retaliatory and pre-textual internal affairs investigations and discipline.

Suspensions and removals reportedly have been proposed and imposed following internal investigations against employees who have disclosed public safety concerns, questioned the treatment of prisoners within Marshals Service custody, disclosed wrongdoing to or participated in government investigations conducted by the Inspector General, the Department of Justice (including the FBI), the Office of Special Counsel, or even the Marshals Service's own OPR,¹ and simply testified on behalf of their colleagues in any forum—be it during Equal Employment Opportunity (EEO) investigations or in federal court.²

These employees have informed my office that in return for their efforts to disclose wrongdoing and protect themselves, they have been subjected to, among other things, explicit and implicit threats, hostile and unsafe working environments, warnings to disengage from protected activities, and frivolous or vindictive misconduct investigations for actions that never took place, occurred a year or more in the past, are not subject to the same level of scrutiny for other employees, or were already counseled.

¹ Policy requires USMS managers and supervisors to "immediately report all misconduct complaints to IA." USMS Operations Policy, Misconduct Investigations 2.2(F)(1)(f).

² Retaliation for making protected disclosures or otherwise engaging in protected activity is unlawful. 5 U.S.C. §§ 2302(b)(8),(9).

More than 20 percent of individuals who have made a protected disclosure to this Committee since this inquiry began in March 2015 have reported instances like these.

In at least one case, the USMS Office of Professional Responsibility (USMS OPR) seized private, non-government property with no effort to demonstrate its behavior would not pierce employees' privileged and protected communications with counsel and with Congress.³ In another case, a Deputy U.S. Marshal in California has been proposed for removal following *years* of engaging in protected activity, including testifying in fellow employees' EEO cases, reporting threats to public safety created by his superiors and others in the transportation of dangerous fugitives, reporting a hostile work environment, including fear for his own safety, filing his own EEO complaints, sharing concerns with management in management meetings, and disclosing concerns about public safety, abuse of authority, and reprisal to my office.

The Deputy U.S. Marshal says, among other things, he was specifically threatened by his management to avoid associating with other employees who had raised concerns; treated as a criminal suspect by his management in meetings; ordered to sign resignation forms; inappropriately questioned by management about his family life; questioned by a supervisor during an internal investigation about the substance of an EEO complaint; charged with AWOL while on sick leave to care for an ill child and despite providing proper documentation; harassed and threatened with discipline after requesting FMLA to care for his terminally ill mother; and physically threatened for sending an e-mail to a superior stating he felt he was experiencing retaliation.

The Deputy U.S. Marshal attempted to report ongoing reprisal and other misconduct by management to the OIG on June 7, 2016, and the OIG declined to investigate, asserting that it did not have jurisdiction. The OIG, however, does have jurisdiction in retaliation cases, even if the OSC more routinely handles them. Further, OIG has the right of first refusal for law enforcement misconduct allegations, and likely received the myriad of prior internal, allegedly retaliatory allegations against the deputy, before it received his own complaint. It is unclear whether the OIG had the ability to cross reference the deputy's complaint against its own records of USMS misconduct notices. With that more complete picture, the OIG could have more thoroughly evaluated the deputy's allegations of a history of retaliatory investigations, which, if true, could point to a larger problem within the USMS regarding the use of internal affairs investigations in cases where employees have engaged in protected activity.

To assist the Committee in better understanding the role of the OIG in reports of retaliatory investigations, please respond to the follow questions by October 28, 2016.

1. Did the OIG receive notice and opportunity to exercise its right of first refusal from the U.S. Marshals Service OPR regarding allegations against Deputy U.S.

³ Letter from Charles E. Grassley and Patrick J. Leahy, Chairman and Ranking Member, U.S. Sen. Comm. on the Judiciary to Loretta Lynch, Attorney General, U.S. Dep't of Justice (July 31, 2015); Office of Management and Budget, Memorandum for Chief Information Officers and General Counsels, "Office of Special Counsel Memorandum on Agency Monitoring Policies and Confidential Whistleblower Disclosures" (June 20, 2012).

Exhibit 171

Marshal Tom Dorkin? If so, when? Please describe each allegation and when it was received.

2. Upon receipt of DUSM Dorkin's June 7, 2016 complaint of reprisal and misconduct by USMS officials, did the OIG seek to verify his claims of prior internal affairs investigations?
3. Please describe any and all limitations which prevent or hinder OIG from determining whether misconduct cases received from Department of Justice components may be retaliatory in nature.
4. Does the OIG have any available tools to monitor how components handle internal misconduct complaints that follow protected activity, to ensure those complaints do not have a retaliatory effect?
5. In your view, does the OIG have jurisdiction over claims such as those filed by DUSM Dorkin? Why or why not?

Please contact DeLisa Lay of my committee staff at (202) 224-5225 with any questions.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: Patrick J. Leahy
Ranking Member
Committee on the Judiciary

The Honorable Sally Quillian Yates
Deputy Attorney General
U.S. Department of Justice

David Harlow
Deputy Director
U.S. Marshals Service

From: LearnUSMS [mailto:]
Sent: Thursday, September 17, 2015 10:20 AM
To: [redacted]
Subject: Whistleblower Your Rights and Protection Training

As a USMS employee, you have been assigned Whistleblower Your Rights and Protection training to be completed by Thursday, October 22, 2015.

This training is required for all USMS employees due to the continued commitment of the Department of Justice (DOJ) to educate DOJ employees on their rights and protections under the Whistleblower Protection Enhancement Act of 2012. It is not anticipated that this training will become an annual requirement, but the training will be available as a refresher on LearnUSMS.

The training will provide you with various sources that you can learn more about Whistleblower Rights and Protections including the Office of Inspector General Website:
<https://oig.justice.gov/hotline/whistleblower-protection.htm>

You may access LearnUSMS at <https://www.learnusms.usmarshals.gov/plateau/user/login.do>

If you need assistance with LearnUSMS or encounter recording issues please contact [redacted]

You can request your login ID or password information on the left side of the login page.

Thank you,
LearnUSMS



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 8, 2016

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This letter responds further to your letters to the Department of Justice (the Department) regarding hiring and spending practices at the U.S. Marshals Service (USMS). As described in our June 24, 2015, letter, the Deputy Attorney General directed the Assistant Attorney General for Administration to conduct a thorough review of the policies and procedures of the USMS human resources program. Specifically, the review related to employee grievances, hiring, promotions, and training efforts directed at assuring that all employees, managers, and supervisors are aware of their rights and responsibilities under Federal laws and regulations protecting whistleblowers. This review has now been concluded, and we enclose a copy of its summary findings.

As described in the summary, personnel within the Justice Management Division (JMD) Human Resources staff led an intensive document and records review of a sample of employee grievance case files, Senior Executive Service staffing cases, merit promotion staffing cases, and USMS training records. The review observed that the USMS Training Division had developed specific whistleblower training in partnership with the Office of Special Counsel and the USMS Office of General Counsel, which was delivered to USMS employees on September 17, 2015. However, in other areas involving hiring and promotion, the review identified instances of insufficient documentation, administrative or other errors, and an issue with the scoring criteria used for the Criminal Investigator promotion process. The report sets forth six specific observations with associated recommendations and actions, including recommended changes to ensure adherence to best practices. As described in the summary, USMS leadership, including the then-Acting Director, met with the JMD staff who conducted the investigation and the Deputy Assistant Attorney General for Human Resources and Administration to discuss the findings of this review. USMS leadership is in the process of addressing the recommendations and action items in the report, and we will continue to keep the Committee updated.

The Department, including USMS, recognizes the importance of the statutes, regulations, and policies that apply to human resource matters and continually works to ensure compliance. The Department will also continue to seek to identify ways to improve its programs and establish best practices in these areas. For example, the Department is working with USMS to develop an ombudsman program in order to provide employees with an additional venue through which they

The Honorable Charles E. Grassley
Page 2


can raise concerns about management decisions, receive information about their rights, and ensure that any allegations of unlawful reprisal are handled appropriately. The USMS has now selected an appropriate person to serve in this important role, and is in the process of identifying additional staff and developing policies and procedures for the new office.

In addition, JMD staff is reviewing the FY 2015 Assets Forfeiture Fund (AFF) allocations to USMS, as well as supporting documentation for AFF transactions, to ensure consistency with funding requests, identify tools to increase transparency and improve oversight, and make recommendations for future program efficiencies. Further, the Assets Forfeiture Management Staff (AFMS) within JMD currently is conducting a broader review of reimbursable payments made to participants in the Asset Forfeiture Program (AFP), including USMS. AFMS is also engaged in a collaborative effort with the Department's AFP participating components to standardize the tracking and reporting of program-related expense data. These reviews are expected to improve internal controls and program oversight by increasing visibility into the use of AFF resources and will help to ensure that AFF disbursements comply with relevant laws, regulations, and Department policies. The results of these reviews will be used to enhance AFP training, policies, and oversight at all the Department's components, including USMS. Additionally, the Department anticipates conducting regular reviews of AFF allocations in the future.

Finally, the Department is awaiting the completion of an Office of the Inspector General (OIG) review regarding various matters at USMS and will take action as appropriate when that review is complete. We appreciate the Committee's role in raising these issues, and are committed to taking the necessary steps to ensure that our programs and the actions of our employees are in compliance with all applicable laws and regulations.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Peter J. Kadzik
Assistant Attorney General

Enclosure

cc: The Honorable Patrick J. Leahy
Ranking Member

The Honorable Michael E. Horowitz
Inspector General, U.S. Department of Justice



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 14, 2016

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This responds to your letters dated October 23, 2015, and November 23, 2015, to the Attorney General regarding whistleblower communications with Congress at the United States Marshals Service (USMS). We apologize for our delay in responding to your letters.

As we have stated in previous correspondence to the Committee and in discussions with your staff, the Department of Justice (the Department), including USMS, takes whistleblower allegations seriously, and we share your view that whistleblowers play an important role in reporting waste, fraud, and abuse. As explained in prior correspondence, all Department employees are required to complete bi-annual training regarding the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) (Pub. L. 107-174), and the Department's webpage informs employees of their rights under the Whistleblower Protection Enhancement Act of 2012 (Pub. L. 112-199). USMS also has dedicated links on its intranet pages informing employees about both the No Fear Act and the Whistleblower Protection Enhancement Act. In addition, the USMS Code of Professional Responsibility includes language exempting whistleblowers from official information disclosure restrictions. See USMS Code of Professional Responsibility Policy 1.2(E), ¶ 16, available at http://www.usmarshals.gov/foia/directives/general_management.pdf. USMS requires all its employees to acknowledge, read, and abide by the Code as a part of its Annual Ethics Acknowledgment Requirement. Through these mandatory trainings and written materials for employees, as well as public notifications available on the internet, the Department seeks to ensure that all Department employees understand their rights and the avenues available to them for reporting waste, fraud, abuse and misconduct, as well as the Department's policies related to protected disclosures.

Accordingly, we appreciate the opportunity to address the concerns raised in your November 23, 2015 letter about USMS Policy Directive 1.3, regarding Congressional communications, which is publicly available at http://www.usmarshals.gov/foia/directives/general_management.pdf. While we believe the existing policy is clear in that it explicitly and broadly states that employees are allowed to contact Congress for "personal assistance on issues of concern," USMS is in the process of revising the policy to further emphasize that it should be read and applied consistent with federal law, including applicable whistleblower protections.

The Honorable Charles E. Grassley
Page Two

We also appreciate the opportunity to address the questions raised in your October 23, 2015, letter, which enclosed a partial email communication between two employees, Mr. Jeffrey Foster and Ms. Sharon Duncan, which referenced the Office of the Inspector General (OIG). USMS treats OIG matters with a high level of confidentiality and sensitivity in order to protect the integrity of OIG's process. In the course of USMS's examination of the issues raised in your letter, Ms. Duncan has expressed to USMS that her email was intended to convey that concept, and she did not intend to discourage any protected communications.

Nevertheless, to ensure that USMS's policies on disclosures to Congress are conveyed clearly and consistently, supervisors within the USMS Office of Professional Responsibility have counseled Ms. Duncan to use greater precision in communications with complainants going forward. We also reiterate here that the Department supports the rights of all individuals to communicate with Congress consistent with federal law.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Peter J. Kadzik
Assistant Attorney General

cc: The Honorable Patrick J. Leahy
Ranking Member

The Honorable Michael E. Horowitz
Inspector General, U.S. Department of Justice