

OPR Quarterly Email April 2019, Volume 53

UNCLASSIFIED / FOUO

NOT FOR PUBLIC DISSEMINATION

(U//FOUO) OPR's Quarterly All Employee E-Mail – April 2019 Edition

(U//FOUO) Set forth below are examples of cases adjudicated by the Office of Professional Responsibility (OPR) during the last quarter. OPR sends these Quarterly E-Mails to educate employees about the Bureau's standards of conduct and to aid employees in steering clear of ethical pitfalls and other violations. We do not include cases in which OPR found that the employee did nothing wrong. Employees are reminded that they must follow U.S. law and FBI policies when posted overseas. To contact OPR, please email us at HQ_DIV00_OPR_QUESTIONS or go to our [website](#). Thank you.

Nancy McNamara

ADIC, WFO

(U//FOUO) Examples of Recent Adjudications:

1. (U//FOUO) **DUI:** Highway Patrol officers found Employee unresponsive behind the wheel of a car idling on an exit ramp. Employee was found to have a BAC well above the legal limit and was arrested for DUI. In mitigation, Employee had 10 years of FBI service and a positive performance history. In aggravation, this was Employee's second DUI while employed by the FBI. [FBI Penalty Guideline 4.4](#) specifically states that a second DUI results in dismissal.

PENALTY: Resigned after being proposed for dismissal

OFFENSE: DUI - Privately Owned Vehicle, [Offense Code 4.4](#)

2. (U//FOUO) **Bucar Misuse:** Employee transported Employee's children in a Bureau vehicle on multiple occasions and deviated from the route home on the occasions when picking up the children. The [Government Vehicle Use Policy Guide](#) (0947PG), § 4.5,

states that "only authorized passengers may ride in GOVs." Example 1 in the policy guide makes clear that "authorized passengers" do not include an employee's child. In mitigation, Employee has almost 15 years of FBI service, a successful performance record, and has received numerous awards. Employee was dealing with challenging child care issues. Employee expressed remorse and accepted responsibility. In aggravation, Employee has a prior administrative inquiry involving the misuse of a Bureau vehicle.

PENALTY: 35-day suspension

OFFENSE: Misuse of Government Vehicle, Non-Title 31, [Offense Code 3.9](#)

Misuse of Government Vehicle, Title 31, [Offense Code 3.10](#)

3. (U//FOUO) **DUI; Lack of Candor; Bucar Misuse; Misuse of Position:** Employee drove a Bucar, without authorization, to two strip clubs and a casino. According to the [Government Vehicle Use Policy Guide](#) (0947PG), Bucars "must not be used for activities or purposes that reflect adversely on the FBI, such as traveling to a strip club or a similar establishment absent an official purpose...." Employee consumed multiple alcoholic drinks at these locations, while carrying a weapon, and then continued to drive. While driving the Bucar under the influence of alcohol, Employee hit a cement truck. When approached by construction workers, Employee displayed FBI identification and discouraged them from calling the police to report the accident. When reporting the accident to a supervisor the next day, Employee lacked candor regarding the circumstances of the accident. Employee also lacked candor in his sworn statement regarding the accident. In mitigation, Employee had over 20 years of FBI service, strong PARs, and had received awards. Employee was dealing with personal stressors. In aggravation, Employee damaged a Bucar when Employee hit a cement truck and endangered the construction workers. Employee attempted to hide the DUI by utilizing FBI identification, leaving the scene of the accident without contacting the police, and failing to report the accident to a supervisor until the next day.

PENALTY: Retired after being proposed for dismissal

OFFENSE: Lack of Candor – No Oath, [Offense Code 2.5](#)

Lack of Candor – Under Oath, [Offense Code 2.6](#)

Misuse of Position, [Offense Code 2.8](#)

Misuse of Government Vehicle, Title 31, [Offense Code 3.10](#)

DUI – Government Vehicle, [Offense Code 4.3](#)

Misuse of Weapon/Safety Violation, [Offense Code 5.13](#)

4. (U//FOUO) **Database Misuse:** Employee performed an unauthorized self-query in another government agency's database. Employee was attempting to look up information about Employee's own passport in order to book a vacation. In mitigation, Employee has over 30 years of FBI service, numerous awards, and an excellent performance history. Employee accepted full responsibility for the misconduct. In aggravation, Employee harmed the FBI's reputation because Employee's unauthorized self-query resulted in an investigation by the other government agency. Employee has one prior administrative inquiry.

PENALTY: 1-day suspension

OFFENSE: Misuse of FBI Database, [Offense Code 3.5](#)

5. (U//FOUO) **Loss of Badge:** Employee lost a gold FBI badge twice in one year. In mitigation, Employee has four years of FBI service and a positive performance record. Employee has purchased new equipment and changed the manner in which Employee carries the badge in order to prevent any loss in the future. In aggravation, the misconduct occurred repeatedly in a short time frame.

PENALTY: Letter of Censure

OFFENSE: Loss of Badge, [Offense Code 3.2](#)

6. (U//FOUO) **Voucher Fraud; Obstruction; Unprofessional Conduct:** Employee fraudulently claimed reimbursement on a travel voucher for meals which Employee was not entitled. After being notified of an investigation into the voucher fraud, and warned not to contact witnesses, Employee obstructed the administrative inquiry by contacting a witness and discussing the matter under inquiry. Employee also engaged in unprofessional conduct when Employee caused a disturbance in a local market while on TDY by distributing Christian religious materials in a majority-Muslim country. Proselytizing is against U.S. Embassy policy and if Employee had not been scheduled to depart the next day, Embassy staff would have acted to remove Employee. Additionally, importing religious materials into the country is a felony and Employee could have been arrested while flying into or out of the country had Employee been caught with the religious materials in Employee's possession. In aggravation, Employee had a serious prior administrative matter and had signed a Last Chance Agreement wherein Employee agreed not to engage in any other serious misconduct and agreed that if Employee did engage in serious misconduct, the appropriate sanction would be summary dismissal. Employee was on a Performance Improvement Plan. Employee's actions placed the Bureau's and U.S. Embassy's relationship with the country at risk. As a subject matter expert, Employee knew, or should have known, that Employee's actions could have caused an international incident. The Division could no longer trust the

Employee to satisfactorily complete TDYs.

PENALTY: Summary Dismissal

OFFENSE: False/Misleading Information – Fiscal Matter(s), [Offense Code 2.2](#)

Obstruction – [Offense Code 2.11](#)

Unprofessional Conduct – On Duty, [Offense Code 5.22](#)

7. (U//FOUO) **GCC Misuse:** Employee used travel voucher reimbursements to pay personal expenses rather than the Government Charge Card (GCC) bill. Employee's failure to pay the GCC bill caused the account to be closed. In mitigation, Employee has over 15 years of FBI service, numerous awards, and a positive performance record. Employee took responsibility for failing to pay the GCC in a timely manner. In aggravation, Employee is a supervisor and held to a higher standard. The suspension of Employee's GCC has restricted Employee's ability to travel for work.

PENALTY: 1-day suspension

OFFENSE: Misuse of GCC, [Offense Code 3.8](#)

8. (U//FOUO) **Bucar DUI, Weapons Safety:** Employee attended a retirement party and then attempted to drive home in a Bucar while impaired by alcohol. Employee was in a car accident and arrested for DUI. Employee was carrying a Bureau-issued weapon throughout the evening and while Employee was drinking. According to the [FBI Alcohol Policy Guide](#) (0358PG), Section 1.1.1, "FBI employees may not...[c]arry a firearm when impaired by the consumption of alcohol." In mitigation, Employee has 20 years of FBI service, a strong performance record, and multiple awards from both inside and outside the Bureau. Employee expressed remorse. In aggravation, Employee caused an accident with another vehicle and damaged the Bucar. Employee's actions likely diminished the Bureau's reputation with the local police. Finally, Employee is a supervisor and held to a higher standard.

PENALTY: 60-day suspension

OFFENSE: DUI/DWI – Government Vehicle, [Offense Code 4.3](#)

Misuse of Weapon/Safety Violation, [Offense Code 5.13](#)

9. (U//FOUO) **Sexual Harassment:** Employee repeatedly asked out a coworker and openly expressed readiness to have an affair with the coworker. The coworker expressed disinterest on several occasions and took steps to avoid working with Employee. Several

other coworkers complained about the way Employee stared at them or spoke to them, making them uncomfortable to be alone with Employee. Employee's actions constituted unwelcome sexual advances and as such have no place in the Bureau. In mitigation, Employee has over 20 years of FBI service and an excellent performance record. Employee was experiencing significant personal stressors and expressed sincere remorse and apologized. In aggravation, Employee's conduct impacted the morale and productivity of other employees in the workplace.

PENALTY: 14-day suspension

OFFENSE: Unwanted Sexual Conduct, [Offense Code 5.20](#)

10. (U//FOUO) **Lost Weapon:** Employee left a Bureau-approved personally-owned weapon in a bag on the passenger side floor of a vehicle, in plain sight, while Employee went into a store to run an errand. In addition to the weapon, the bag contained an extra magazine; FBI credentials; a gold FBI SA badge; a SACS badge; a blue U.S. Intelligence Community (IC) badge; and a GCC. The car was broken into and the bag was stolen. Although a homeless man turned in Employee's credentials, the rest of the items remain missing. In mitigation, Employee has over 15 years of FBI service, a positive performance record, and has received multiple awards. At the time of the incident, Employee was distracted due to personal stressors. In aggravation, Employee is a supervisor and held to a higher standard. The theft encompassed a significant number of FBI and OGA-issued items.

PENALTY: 3-day suspension

OFFENSE: Loss of Weapon, [Offense Code 3.4](#)

For further information, please refer to the complete [Offense Codes and Penalty Guidelines Governing the FBI's Internal Disciplinary Process](#). Also, all FBI policies are available to employees at the Internal Policy Office's [Policy Portal](#).

UNCLASSIFIED / FOUO