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Inspector General
FOIA Request Service Center
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Washington, DC 20585
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[DOE Headquarters FOIA Request Form](#)

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Department of Energy
Washington, DC 20585

October 7, 2021

VIA EMAIL

Re: Freedom of Information Act Request, HQ-2021-00354-F.

This is a response from the Department of Energy (DOE) Office of Inspector General (OIG) to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your request sought copies of the following:

Final report, report of investigation, referral letter/memo and any other conclusory document describing the results of the investigation for each of these DOE OIG closed investigations:

15-0018-1, closed 10 Dec 2018
15-0048-1, closed 7 June 2019
15-0106-1, closed 15 Aug 2019
16-0115-1, closed 24 Oct 2019
16-0026-1, closed 07 Feb 2018
16-0065-1, closed 20 Aug 2018
16-0069-1, closed 20 Feb 2018

The OIG completed a search of its files and identified seven documents responsive to your request. A review of the documents and a determination concerning their release has been made pursuant to the FOIA. Based on this review, we determined that certain material should be withheld from these documents pursuant to 5 U.S.C. § 552(b)(6) and 5 U.S.C. § 552(b)(7)(C) of the FOIA, hereinafter referred to as Exemptions 6 and 7(C), respectively. Specifically, the OIG determined:

Documents 1-6 and 9-10 are being released to you with certain material withheld pursuant to Exemptions 6 and 7(C).

Documents 7 and 8 are being referred to DOE's Office of Management (MA) for a determination concerning their releasability. MA will respond to you directly concerning these documents. For questions, please contact Alexander Morris, FOIA Officer, at Alexander.Morris@hq.doe.gov.

Exemption 6 protects from disclosure "personnel and medical and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" Exemption 7(C) provides that "records or information compiled for law enforcement purposes" may be withheld from disclosure to the extent the production of such documents "could reasonably be expected to constitute an unwarranted invasion of personal privacy"

Names and information that would tend to disclose the identity of certain individuals have been withheld pursuant to Exemptions 6 and 7(C). Individuals involved in OIG enforcement matters, which in this case include subjects, witnesses, sources of information, and other individuals, are entitled to privacy protections so that they will be free from harassment, intimidation, and other personal intrusions.

In invoking Exemptions 6 and 7(C), we have determined that it is not in the public interest to release the withheld material. We have determined that the public interest in the identity of certain individuals who appear in these files does not outweigh these individuals' privacy interests. Those interests include being free from intrusions into their professional and private lives.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

To the extent permitted by other laws, DOE will make records available which it is authorized to withhold under 5 U.S.C. § 552 whenever it determines that such disclosure is in the public interest. *See* 10 C.F.R. § 1004.1.

As required, all releasable information has been segregated from the material that is withheld and is provided to you. *See* 10 C.F.R. § 1004.7(b)(3).

This decision may be appealed to the Office of Hearings and Appeals within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals must be in writing and addressed to the Director, Office of Hearings and Appeals, HG-1 /L'Enfant Plaza Building, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-1615. You may also submit your appeal by email to OHA.filings@hq.doe.gov. The appeal must be clearly marked "Freedom of Information Appeal" on the envelope and letter, and if submitted by email, in the subject line of the email. *See* 10 C.F.R. § 1004.8(b).

Once your administrative remedies are exhausted, judicial review will be available to you in the United States District Court in the district in which you reside, or have your principal place of business, in the district in which the records are situated, or the District of Columbia. *See* 10 C.F.R. § 1004.8(d)(3).

If you have any questions about the processing of your request, you may contact our FOIA Public Liaison, Mr. Alexander Morris. He may be contacted to discuss any aspect of your request by phone at (202) 586-3159 or by email at Alexander.Morris@hq.doe.gov. Please know that you also have the right to seek dispute resolution services from the FOIA Public Liaison or the Office of Government Information Services (<https://ogis.archives.gov>) at (202) 741-5770; (877) 684-6448 (toll free); by fax: (202) 741-5769, or by email at ogis@nara.gov.

Sincerely,
Lewe F.
Sessions
Lewe Sessions
Assistant Inspector General
for Investigations
Office of Inspector General

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Sessions
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Enclosures



U.S. Department of Energy
Office of Inspector General

November 21, 2018

FROM: Special Agent (b)(6) (b)(7)(C)

TO: (b)(6) (b)(7)(C)
Region 4 Investigations

SUBJECT: Closing Memorandum for OIG Investigation 15-0018-I

This memorandum serves to recommend closure of 15-0018-I, an investigation conducted by the U.S. Department of Energy (Department), Office of Inspector General (OIG), Office of Investigations (OI), Region 4 Investigations.

The OIG Hotline received an anonymous allegation that former Department Deputy Chief Information Officer (DCIO) (b)(6) (b)(7)(C) misused his position to hire an individual, with whom he had an alleged financial and personal relationship with, to a position within the Office of the Chief Information Officer (OCIO).

The investigation determined Mr. (b)(6) (b) while in his role as the DCIO, was the signatory of record in 2014 that created two new positions, (b)(6) (b)(7)(C) and later (b)(6) (b)(7)(C) within the OCIO. In 2014, Mr. (b)(6) (b) requested the lateral transfer of a specific individual from another federal agency to fill the OCIO (b)(6) (b)(7)(C) position. Later that same year, Mr. (b)(6) (b) replaced the GS-14 (b)(6) (b)(7)(C) position with a GS-15 (b)(6) (b)(7)(C) position and was the signatory of record that chose the individual in the (b)(6) (b)(7)(C) position to be promoted and fill the (b)(6) (b)(7)(C) position. Furthermore, the investigation determined that Mr. (b)(6) (b) and the individual he laterally transferred and later promoted had a personal relationship, a joint bank account, and jointly owned three real estate properties.

Additionally, during the investigation, other alleged violations of criminal statutes were discovered. These additional allegations included that Mr. (b)(6) (b) made false and misleading statements to investigators regarding the joint ownership of financial accounts and real estate. Also, during the review of Mr. (b)(6) (b)(7) financial records, mortgage documents indicated he made allegedly false statements to a mortgage company regarding his debts in applications and other documents he submitted for a mortgage loan.

In March 2015 Mr. (b)(6) (b) resigned his Department position as DCIO and left federal employment for the private sector. The investigative results were referred to the Department of Justice (DOJ) for criminal prosecution, but were declined by DOJ for prosecution.

This matter is being recommended for closure as all prudent investigative activities are complete, criminal prosecution was declined, Mr. (b)(6) (b) resigned from the Department, and further expenditure of investigative resources is not warranted.

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

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

Special Agent

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

Concur:



U.S. Department of Energy
Office of Inspector General

March 26, 2019

MEMORANDUM

FROM: Special Agent [redacted]
TO: [redacted]
[redacted]
Region 5 Investigations
SUBJECT: Closing Memorandum for OIG Investigation 15-0048-I

This memorandum serves to recommend closure of an investigation conducted by the U.S. Department of Energy (Department), Office of Inspector General (OIG), Office of Investigations, Region 5 Investigations.

As background, this investigation was predicated upon receipt of a January 29, 2015 referral from the Western Area Power Administration (Western). Western's Internal Audit Department conducted a review of Government Purchase Card (GPC) records and identified GPC irregularities and potential fraudulent transactions by multiple Western employees stationed in Phoenix, AZ.

The OIG investigation determined between March 2012 and January 2014, Mr. George Molina, a former Western employee knowingly used a GPC over a hundred times to purchase items for his own personal use. These purchases included upgrades for his personal vehicles, ammunition, rifle accessories, an all-terrain vehicle (ATV), and a John Deere Lawn Tractor.

Additionally, during the course of this investigation, the OIG conducted a review of numerous other Western employees identified in the allegation and no additional fraudulent transactions were identified.

On January 18, 2017, Mr. Molina pleaded guilty in the U.S. District Court of Arizona to one count of *Theft of Government Property* in violation of 18 U.S.C. § 641. Additionally, on April 5, 2017, Mr. Molina was sentenced to 5 years of probation and agreed to pay \$168,417.86 in restitution to the Department.

On June 30, 2017, Mr. Molina was suspended and on February 7, 2018, he was subsequently debarred from performing work on any federal contracts until June 29, 2020.

As a result, this matter is being recommended for closure as all prudent investigative activities are complete and further expenditure of investigative resources is not warranted.

[redacted]

Concur: [redacted]

[redacted]
Special Agent



U.S. Department of Energy
Office of Inspector General

August 13, 2019

MEMORANDUM FOR THE CASE FILE

FROM:

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

Region I Investigations

TO:

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

Region I Investigations

SUBJECT: Closing Memorandum for OIG Investigation 15-0106-I

The purpose of this memorandum is to document closure of (OIG Case No. 15-0106-I).

ALLEGATION

On June 25, 2015, the U.S. Department of Energy (Department), Office of Inspector General (OIG) received a complaint alleging that (b)(6), (b)(7)(C) currently a Department employee serving as (b)(6), (b)(7)(C) Office of Enterprise Assessments (EA), was engaged in a potential conflict of interest. Specifically, the allegation stated (b)(6), (b)(7)(C) Federal Energy Regulatory Commission (FERC), non-competitively awarded a security contract to (b)(6), (b)(7)(C) a company (b)(6), (b)(7)(C) for Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) training at FERC. The complainant also alleged (b)(6), (b)(7)(C) misused his position as a senior official by using Government time and resources to conduct (b)(6), (b)(7)(C) business and that (b)(6), (b)(7)(C) created and saved documentation related to (b)(6), (b)(7)(C) contracts on FERC network drives as well as coerced FERC employees to conduct (b)(6), (b)(7)(C) work during the duty day. Additionally, it was reported (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) misused Government equipment to circulate pornographic or offensive material via their official FERC e-mail accounts.

POTENTIAL STATUTORY OR REGULATORY VIOLATIONS

The investigation focused on potential violations of Title 18, United States Code (U.S.C.), Section 208 (Acts Affecting a Personal Financial Interest); Chapter 5, Code of Federal Regulations (CFR) Part 2635 (Standards of Ethical Conduct for Employees of the Executive Branch); and DOE Order 203.1 (Limited Personal Use of Government Office Equipment Including Information Technology).

INVESTIGATIVE FINDINGS

First, the complainant alleged (b)(6), (b)(7)(C) misused Government equipment in a manner unbecoming of a senior official, to transmit inappropriate e-mails depicting pornographic or sexual material, racially offensive commentary or a combination of the two. A review of

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(b)(6), (b)(7) FERC e-mail account determined (b)(6), (b) did send inappropriate e-mails from his @ferc.gov account to various individuals containing either racially or sexually offensive images, language or a combination of the two substantiating the complaint.

Second, the complainant alleged (b)(6), (b) misused his position as a senior executive branch employee to direct his subordinates to perform work in pursuit of personal projects related to (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) which (b)(6), (b)(7)(C) This work, as purported in the allegation, was executed by (b)(6), (b)(7) and his subordinates, under (b)(6), (b)(7) direction, utilizing Government resources and equipment, while on official duty with FERC, in pursuit of benefiting (b)(6), (b)(7)(C) business activities. The allegation denoted (b)(6), (b)(7) subordinates did not perform the work voluntarily nor were they compensated accordingly. The Department, OIG, utilized several investigative techniques which yielded inconclusive results.

Finally, the complainant alleged (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) was non-competitively awarded a contract to provide CPR and AED training to FERC, agency wide, benefiting (b)(6), (b)(7) personal financial interests. The Department, OIG, received exculpatory information from FERC exonerating (b)(6), (b) of this allegation.

INVESTIGATIVE OUTCOMES

The Department, OIG, provided an investigative report to the Department's EA concerning the investigation of (b)(6), (b)(7)(C) alleged activity recommending they review the Department, OIG, findings to determine if administrative action against (b)(6), (b)(7) was warranted.

On July 15, 2019, the (b)(6), (b)(7)(C) (b)(6), (b)(7) within the Department's Office of Enterprise Assessments provided a written response advising how they determined to resolve the matter.

RECOMMENDATION

This case is being recommended for closure as many prudent investigative steps have been taken throughout the entirety of this investigation and no further expenditure of Department, OIG resources is necessary.

Should you have any questions, please do not hesitate to call me on 202-586 (b)(6), (b)(7)(C)

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

Region 1 Investigations
Eastern Field Operations
Office of Inspector General

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

Region 1 Investigations
Eastern Field Operations
Office of Inspector General



Department of Energy
Washington, DC 20585

November 17, 2017

MEMORANDUM

FROM: SA [REDACTED]

TO: [REDACTED]
Technology Crimes Section

SUBJECT: Closing Memorandum for OIG Investigation 16-0026-I

This memorandum serves to recommend closure of an investigation conducted by the U.S. Department of Energy (DOE), Office of Inspector General (OIG), Office of Investigations, Technology Crimes Section.

As background, analysis of network records indicated the browsing of Internet pornography was likely being performed by [REDACTED], a Mission Support Alliance (MSA) contract employee. [REDACTED] worked at the Hanford Site as an Electrical Utilities employee. Mission Support Alliance is a contractor to the Department of Energy Hanford Site in Richland, Washington. Several images located in the browsing history appear to contain possible child pornography.

On November 24, 2015, SAs [REDACTED] and [REDACTED], DOE OIG, met with [REDACTED] ([REDACTED] [REDACTED]) and [REDACTED] (Cyber Analyst), at their office space to discuss allegations involving misuse of a Government computer. Specifically, [REDACTED] advised that in the scope of their duties monitoring the Hanford network, they observed [REDACTED], an MSA Electrical Utilities employee, misusing the Government computer to view pornography during work hours. [REDACTED] also reported that he believed the material [REDACTED] accessed was potentially pornography involving a minor.

[REDACTED] advised that [REDACTED] has been misusing the computer to view pornography since July 2015, but they no longer have information prior to July 2015. [REDACTED] added that [REDACTED] has continued the misuse as recently as November 19, 2015. Between the period of July 7, 2015 and November 17, 2015, [REDACTED] has misused the computer for approximately 300 hours, according to the WEBSense software used by MSA to perform their duties. According to [REDACTED] they have found approximately 2300 pornographic media that [REDACTED] has accessed during his misuse. [REDACTED] showed SAs [REDACTED] and [REDACTED] numerous documents containing a list of websites [REDACTED] had accessed since July 2015. [REDACTED] also advised it appears the computer used was assigned to [REDACTED].

On December 22, 2015, SA [REDACTED] was contacted by MSA Cyber Analyst [REDACTED] who advised that she discovered additional data indicating significant apparent computer misuse by [REDACTED] on additional days. She also advised that she has observed additional images that she suspects to be child pornography.

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On December 28, 2015, SA (b)(6) (b) reviewed the images collected by the Hanford site office from the network traffic attributed to employee (b)(6) (b)(6) (b)(7)(C). The images contained pornographic pictures, some of which are suspected child pornography. Hash values were generated for the images by SA (b)(6) (b)(7). The hash values were then uploaded to the National Center for Missing and Exploited Children (NCMEC) Law Enforcement Services Portal (LESP) for analysis. The analysis concluded that the images had not previously been submitted to NCMEC.

On December 29, 2015, SA (b)(6) (b) reviewed additional images collected by the Hanford site office from the network traffic attributed to employee (b)(6) (b)(6) (b)(7)(C). The images contained pornographic pictures, some of which are suspected child pornography. Hash values were generated for the images by SA (b)(6) (b)(7). The hash values were then uploaded to the NCMEC LESP for analysis. The analysis concluded the images had not previously been submitted to NCMEC.

Continuing on January 6, 2016, SA (b)(6) (b) and SA (b)(6) (b)(7)(C) met with MSA Cyber Analyst (b)(6) (b)(6) (b)(7)(C) to discuss the network traffic analyzed for the case. (b)(6) (b)(7)(C) stated that the proxy logs pull the assigned Hanford ID (HID), which is a unique identifier assigned to each employee. The traffic analysis indicated a large amount of browsing to the website (b)(7)(E). The traffic to (b)(7)(E) was further analyzed to extract all images accessed during the browsing session. Approximately 2700 images were recovered, the vast majority of which contained pornography. When asked if USB drives or portable media have been blocked from the computers on site, (b)(6) (b)(7)(C) responded they are not.

Further on January 6, 2016, SA (b)(6) (b) and SA (b)(6) (b)(7)(C) conducted a plain view search of the office assigned to (b)(6) (b)(7)(C). Additionally, the computer assigned to (b)(6) (b)(7)(C) was forensically imaged by SA (b)(6) (b)(7).

On January 7, 2016, a cursory review of the forensic image was conducted using Internet Evidence Finder. The review showed several images which contained scantily clad females in compromising positions. It should be noted that the cursory review only identifies content on the computer at the time the forensic image was taken. In addition, the additional images provided by (b)(6) (b)(7)(C) on January 6th were reviewed and uploaded to the NCMEC LESP for analysis. Among the images were several which contained suspected child pornography.

On May 17, 2016, SA (b)(6) (b)(7)(C) spoke with (b)(6) (b)(7)(C), DOE-EM network security, who had identified additional possible recent child pornography browsing by (b)(6) (b)(7)(C).

On June 7, 2016, SA (b)(6) (b) and SA (b)(6) (b)(7)(C) interviewed (b)(6) (b)(7)(C) at the DOE Hanford site. During the interview, (b)(6) (b)(7)(C) confessed to searching for child pornography on multiple DOE systems, as well as on personal devices at his residence. At the conclusion of the interview, (b)(6) (b)(7)(C) gave a written statement.

Continuing on June 7, 2016, SA (b)(6) (b) contacted AUSA Holland to advise her of the developments. A search warrant was requested for (b)(6) (b)(7)(C) residence. The search warrant was signed by US Magistrate Judge (b)(6) (b)(7)(C), Eastern District of Washington.

Further on June 7, 2016, SA (b)(6) (b)(7), SA (b)(6) (b)(7) and agents of the DOE OIG Richland office

conducted a search of (b)(6) (b)(7)(C) residence, located in Richland Washington. As a result of the search, four computers, a tablet and multiple pieces of electronic media were seized. The devices were sent to TCS for further analysis.

Analysis of the devices seized from the Hanford Site and residence identified several images of adult pornography. No images of child pornography were located.

On 12/22/16, a Report of Investigation was provided to AUSA (b)(6) (b)(7) who declined prosecution due to the lack of prosecutorial merit. Subsequent to this, DOE OIG personnel obtained Ms. (b)(6) (b)(7)(C) concurrence to refer this matter to state and/or local authorities for possible prosecution at that level. She concurred. Local prosecutors were initially receptive to the case, but later communication with them resulted in the case moving no further at the state/local level.

The DOE OIG case is requested to be closed, as there are no further investigative or administrative steps needed to be taken by the DOE OIG, and further expenditure of DOE OIG resources does not appear warranted. Should additional information regarding this matter become available at a later date, it will be evaluated accordingly.

SA (b)(6) (b)(7)(C)

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

Special Agent

(b)(6) (b)(7)(C) Digitally signed by (b)(6) (b)(7)(C)

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

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



U.S. Department of Energy
Office of Inspector General

December 19, 2017

MEMORANDUM FOR THE CASE FILE

FROM: [REDACTED] (b)(6), (b)(7)(C)

TO: [REDACTED] (b)(6), (b)(7)(C)
Region 1 Investigations

SUBJECT: Closing Memorandum for OIG Investigation 16-0065-I

The purpose of this memorandum is to document closure of (OIG Case No. 16-0065-I).

ALLEGATION

On March 30, 2016, [REDACTED] (b)(6), (b)(7)(C) Federal Bureau of Investigation (FBI), Joint Terrorism Task Force (JTTF) Beaumont, TX, contacted this office and requested assistance in obtaining information and electronic communication from a Federal Energy Regulatory Commission (FERC) employee [REDACTED] (b)(6), (b)(7)(C) [REDACTED] (b)(6), (b)(7)(C) who had been communicating with and forwarding emails from her nephew, [REDACTED] (b)(6), (b)(7)(C) a Federal Bureau of Prisons (BOP) inmate, to other inmates, including an inmate incarcerated for terrorism related offenses. Information provided to this office revealed the communications from [REDACTED] (b)(6), (b)(7)(C) were made through the use of her U.S. Government email account ending in "ferc.gov." This was discovered during the course of the JTTF investigation related to the inmate incarcerated for terrorism related offenses.

POTENTIAL STATUTORY OR REGULATORY VIOLATIONS

This investigation focused on alleged violations of 18 U.S. Code § 1791 - Providing or possessing contraband; 18 U.S. Code § 4 - Misprison of a Felony; 18 USC 2339 - Material Support to Terrorist Organization; 21 U.S. Code § 841 - Possession with intent to distribute; 21 U.S. Code § 841 - Possession with intent to distribute; and 18 U.S. Code § 1349 - Attempts and Conspiracy.

INVESTIGATIVE FINDINGS

A review of [REDACTED] (b)(6), (b)(7)(C) message traffic on her ferc.gov email address revealed a high volume of message notifications from a third-party electronic mail service provider for Federal Bureau of Prisons (BOP) facilities, called CorrLinks. These notifications were sent to [REDACTED] (b)(6), (b)(7)(C) Department account to notify her that an inmate had sent her a message that she could retrieve from the CorrLinks site. Additionally, her FERC electronic mail account revealed contact requests from inmates who wanted to communicate with her.

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This office also obtained (b)(6), (b)(7)(C) office desk telephone activity log, which indicated she called numerous outside lines throughout the course of her business day. Law enforcement database searches revealed several telephone numbers were listed under her name, registered to her, or associated with her in one form or another. A comparison of those phone numbers associated with her revealed she called them often based on phone log activity from her desk phone. The telephone log activity was forwarded to BOP Intelligence, who queried their systems using the numbers found on (b)(6), (b)(7)(C) phone activity log, and discovered many were associated with numerous additional inmates not previously identified, in various other facilities.

Though these reviews showed that (b)(6), (b)(7)(C) was communicating frequently with various inmates during her duty hours and with Department resources, they did not disclose evidence of (b)(6), (b)(7)(C) engaging in criminal activity.

The OIG interviewed (b)(6), (b)(7)(C) who admitted she made calls and sent or received emails from approximately 40 inmates, but denied any nefarious intentions in doing so. She stated she had approximately five to six family members incarcerated in various federal facilities and admitted she communicated with other inmates who were not relatives, but were friends or acquaintances of her nephew. (b)(6), (b)(7)(C) stated she was unaware that facilitating communication between inmates was unauthorized. (b)(6), (b)(7)(C) also stated she was unaware she could not use her official U.S. Government “ferc.gov” email address to facilitate communications between inmates. She stated she had not seen a stipulation or advisory in the CorrLinks-operated system, the system through which inmates email to and from people with whom they are connected, which precluded that practice. However, during the course of the interview, (b)(6), (b)(7)(C) stated she realized the negative implications associated with using an official U.S. Government email address to communicate through the CorrLinks system. (b)(6), (b)(7)(C) admitted to using her U.S. Government issued computer during duty hours to communicate with these inmates, but stated she would cease the practice immediately. (b)(6), (b)(7)(C) also stated she would remove her official email address from the CorrLinks registration, and use her personal “gmail” email address instead. (b)(6), (b)(7)(C) stated she would also limit her communications to those who were family members, and cease communications with others.

(b)(6), (b)(7)(C) apologized repeatedly, insisting she had no nefarious intent whatsoever, and that she would immediately cease communicating with inmates other than her nephews and family members, and that she would cease doing so during duty hours with Department resources.

INVESTIGATIVE OUTCOMES

This matter was coordinated with the District of Washington, DC’s Criminal Division Fraud and Public Corruption section, and the Narcotics and Violent Crime section. Both declined for lack of criminal violation.

RECOMMENDATION

This case is being recommended for closure as all prudent investigative steps have been taken, all investigative activities are complete, and further expenditures of resources are not warranted.

Should you have any questions, please do not hesitate to call me on 202-586-(b)(6), (b)(7)(C)

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

Region 1 Investigations
National Capital Field Office
Office of Inspector General

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

National Capital Field Office
Office of Inspector General



**U.S. Department of Energy
Office of Inspector General
Office of Investigations**

Investigative Report to Management

16-0069-I

July 20, 2017



U.S. Department of Energy
Office of Inspector General
Office of Investigations

July 20, 2017

MEMORANDUM FOR THE DIRECTOR, OFFICE OF POLICY, OFFICE OF ACQUISITION
MANAGEMENT

FROM:

for

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

Western Field Office

SUBJECT: Proposal for Suspension and Debarment Action against Scott Fletcher
Conley, former CH2M Hill Plateau Remediation Company Supervisor
(OIG Case No. 16-0069-I)

This report serves to inform you of the results of a joint investigation conducted by the U.S. Department of Energy (Department), Office of Inspector General (OIG), U.S. Department of Homeland Security's Internet Crimes Against Children Task Force (HSI ICAC Task Force), and Kennewick Police Department (KPD). The investigation was predicated based on allegations that Scott Fletcher Conley, a former supervisor for CH2M Hill Plateau Remediation Company (CHPRC), a subsidiary of CH2M Hill (CH2M), made multiple attempts to communicate with an individual he believed to be a minor for immoral purposes.

The investigation substantiated the allegations. Specifically, from November 2015 through January 2016, during business hours, Mr. Conley engaged in multiple communications with a person he believed to be a thirteen year old female for immoral purposes. During this time period, Mr. Conley requested sexually explicit photographs and request to meet for sexual activities. On April 6, 2016, CHPRC officials placed Mr. Conley on "Unpaid Suspension Pending Legal Outcome." On October 20, 2016, CHPRC officials terminated Mr. Conley's employment.

On April 3, 2016, an information was filed by the Benton County Prosecutor's Office in the Benton County Superior Court, and Mr. Conley was formally charged with Revised Code of Washington (RCW) 9.68A.090, "Communication with a Minor for Immoral Purposes." Subsequently, on April 6, 2017, Mr. Conley was arrested pursuant to a warrant issued by the Benton County Superior Court.

On June 27, 2017, Mr. Conley pleaded guilty to "Gross Misdemeanor Communication with a Minor for Immoral Purposes," in the Benton County Superior Court. As a result of his plea, Mr. Conley received a 364 day suspended sentence and two years' probation. Additionally, Mr. Conley is required to register as a sex offender.

OIG Case No. 16-0069-I

Attached for your review are copies of the following judicial/administrative documents:

- April 3, 2015, Information charging Mr. Conley with Communication with a Minor for Immoral Purposes [Attachment A];
- April 6, 2016, CH2M Interoffice Memorandum, Unpaid Suspension Pending Legal Outcome [Attachment B];
- October 20, 2016, CH2M Letter, Termination of Employment [Attachment C];
- June 27, 2017, Statement of Defendant on Plea of Guilty to Sex Offense (Misdemeanor) [Attachment D];
- June 27, 2017, Judgment and Sentence [Attachment E]; and,
- June 27, 2017, Warrant of Commitment to County Jail [Attachment F].

Based on the facts contained in this report and other information which may be available to you, the OIG recommends that the Department's Office of Acquisition Management, Office of Policy determine whether suspension and/or debarment action against Mr. Conley is warranted.

For your assistance, additional identifying information is listed below:

Scott Fletcher Conley
DOB: August XX, 19XX
SSN: XXX-XX-[REDACTED] (information can be sent at a later time through encrypted email)

Primary Address:
915 Spring Street SE
Pullman, WA 99163

Alternate Address:
310 NW Larry Street
Pullman, WA 99163

This matter has been coordinated with [REDACTED] of your staff, to advise that the OIG would provide your office with a report. Please provide the OIG with a written response within 30 days concerning any anticipated action(s) taken in response to this report.

Should you have any questions regarding this matter, please contact me at 925-[REDACTED] or [REDACTED] at 509-[REDACTED]

cc: Office of General Counsel

JOSIE DELVIN
BENTON COUNTY CLERK

APR 05 2016 *JD*

FILED

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF BENTON

STATE OF WASHINGTON,

vs.

SCOTT FLETCHER CONLEY ,
DOB: 08/19/1988 ,
SID: ,
FBI: ,
DL: ,

Plaintiff,

Defendant.

NO.

16-1-00301-3

INFORMATION

COMES NOW, ANDY MILLER, Prosecuting Attorney for Benton County, State of Washington, and by this his Information accuses

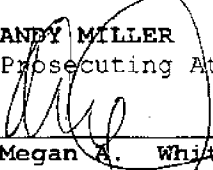
SCOTT FLETCHER CONLEY

of the crime(s) of: COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES, RCW 9.68A.090(2), committed as follows, to-wit:

COUNT I

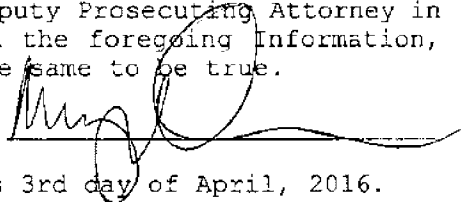
That the said SCOTT FLETCHER CONLEY in the County of Benton, State of Washington, during the time intervening between the 20th day of November, 2015, and the 16th day of January, 2016, in violation of RCW 9.68A.090(2), did communicate with someone the defendant believed to be a minor, to wit: thirteen year old "Steph," for immoral purposes of a sexual nature, and such communication was through the sending of an electronic communication, contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State of Washington.

DATED at Kennewick, Washington on April 03, 2016.

ANDY MILLER
Prosecuting Attorney

Megan A. Whittemire, #29933
Deputy Prosecuting Attorney
OFC ID 91004

STATE OF WASHINGTON)
 ss
County Of Benton)

MEGAN A. WHITMIRE, being first duly sworn on oath, says (s)he is the duly appointed, acting and qualified Deputy Prosecuting Attorney in and for Benton County, that (s)he has read the foregoing Information, knows the contents thereof, and believes the same to be true.



SUBSCRIBED AND SWORN to before me this 3rd day of April, 2016.

JOSIE DELVIN
County Clerk/Clerk of Benton Co. Superior Court

By _____

OIG ATTACHMENT 'D'

JOSIE DELVIN
BENTON COUNTY CLERK

JUN 27 2017

FILED

Superior Court of Washington For Benton County	
<u>State of Washington</u>	Plaintiff
v.	
<u>Scott Conley</u>	Defendant

No. 16-1-00301-3

**Statement of Defendant on Plea of
Guilty to Sex Offense
(GROSS MISDEMEANOR)
(STTDFG)**

1. My true name is: **SCOTT CONLEY**.
2. My age is: **54**.
3. The last level of education I completed was: **AA**.
4. **I Have Been Informed and Fully Understand That**
 - (a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
 - (b) I am charged with: **GROSS MISDEMEANOR COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSE**
The elements are: **The defendant communicated with another person for immoral purposes of a sexual nature believing the person was a minor in Washington State on the dates charged.**
5. **I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:**
 - (a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;
 - (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

6. **In Considering the Consequences of My Guilty Plea, I Understand That:**

- (a) My right to appeal is limited.
- (b) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	COMMUNITY CUSTODY	MAXIMUM TERM AND FINE
1	N/A	0-364 days		N/A	364 days 5000.00
2					
3					

*The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (SM) Sexual Motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (P16) Passenger(s) under age 16.

- (c) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (d) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (e) If I committed the above crime(s) while under age 18 and am sentenced to more than 20 years of confinement:
 - (i) As long as my conviction is not for aggravated first degree murder or certain sex crimes, and I have not been convicted of any crime committed after I turned 18 or committed a major disqualifying serious infraction as defined by DOC in the 12 months before the petition is filed, I may petition the Indeterminate Sentence Review Board (Board) for early release after I have served 20 years.

- (ii) If I am released early because my petition was granted or by other action of the Board, I will be subject to community custody under the supervision of the DOC for a period of time determined by the Board, up to the length of the court-imposed term of incarceration. I will be required to comply with any conditions imposed by the Board.
 - (iii) If I violate the conditions of community custody, the Board may return me to confinement for up to the remainder of the court-imposed term of incarceration.
- (f) If I committed aggravated murder in the first degree and I was under the age of 18 at the time of the offense:
 - (i) If I was under the age of 16 at the time of the offense, the judge will impose a maximum term of life and impose a minimum term of total confinement of 25 years for that crime.
 - (ii) If I was at least 16 but less than 18 years old at the time of the offense, the judge will impose a maximum term of life and will impose a minimum term of total confinement that is at least 25 years and may be as long as life without the possibility of parole or early release for that crime.
 - (iii) During the minimum term, I will not be eligible for earned early release time, home detention, partial confinement, work release, or any form of early release.
 - (iv) After the minimum term, if I am released by the Sentence Review Board (Board), I will be subject to community custody under the supervision of the DOC for a period of time determined by the board, and must comply with conditions imposed.
 - (v) If I violate the conditions of community custody, the Board may return me to confinement.
- (g) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (h) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment and any mandatory fines, fees, assessments, or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees, and the costs of incarceration.
- (i) For sex offenses committed prior to September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for 36

months. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after September 1, 2001: (i) Sentencing under RCW 9.94A.507: If this offense is any of the offenses listed in subsections (aa) or (bb), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me, which may include electronic monitoring, and I may be required to participate in rehabilitative programs.

(aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old	Rape of a child in the second degree committed when I was at least 18 years old
Child molestation in the first degree committed when I was at least 18 years old	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Assault of a child in the second degree	Burglary in the first degree

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Assault of a child in the second degree	Burglary in the first degree

(ii) If this offense is a sex offense that is not listed in paragraph 6(i)(i), then in addition to sentencing me to a term of confinement, the judge may order me to serve up to one year of

community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, or if my crime is failure to register as a sex offender, and this is my second or subsequent conviction of that crime, the judge will sentence me to community custody for 36 months. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, which may include electronic monitoring.

For sex offenses committed on or after March 20, 2006: For the following offenses and special allegations, the minimum term shall be either the maximum of the standard sentence range for the offense or 25 years, whichever is greater:

1) If the offense is rape of a child in the first degree, rape of a child in the second degree or child molestation in the first degree and the offense includes a special allegation that the offense was predatory.

2) If the offense is rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation and the offense includes a special allegation that the victim of the offense was under 15 years of age at the time of the offense.

3) If the offense is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation and this offense includes a special allegation that the victim of the offense was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult.

Community Custody Violation: If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days' confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

(j) The prosecuting attorney will make the following recommendation to the judge: **Credit time served, sex offender registration, fines, fees, and costs.**

The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(k) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so (except as provided in paragraph 6(i)). I understand the following regarding exceptional sentences:

(i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.

(ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.

(iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an

exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.

- (iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence.

- (l) If I am not a citizen of the United States, ~~a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.~~
- (m) I may not possess, own, or have under my control any firearm, ~~and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.~~
- (n) I will be ~~ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3; RCW 29A.04.079; RCW 29A.08.520.~~
- (o) ~~Government assistance may be suspended during any period of confinement.~~
- (p) I will be ~~required to register where I reside, study, or work. The specific registration requirements are described in the "Offender Registration" Attachment.~~
- (q) I will be ~~required to have a biological sample collected for purposes of DNA identification analysis, unless it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense. I will be required to pay a \$100.00 DNA collection fee.~~
- (r) I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

Notification Relating to Specific Crimes: If any of the following paragraphs DO NOT APPLY, counsel and the defendant shall strike them out. The defendant and the judge shall initial all paragraphs that DO APPLY.

- _____ (s) This offense is a most serious offense or "strike" as defined by RCW 9A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (i) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree; or (ii) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree,

assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree, with a finding of sexual motivation; or (iii) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

- _____ (t) **Special sex offender sentencing alternative:** In addition to other eligibility requirements under RCW 9.94A.670, to be eligible for the special sex offender sentencing alternative, I understand that I must voluntarily and affirmatively admit that I committed all of the elements of the crime(s) to which I am pleading guilty. I make my voluntary and affirmative admission in my statement in paragraph 11.

~~For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(h). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.~~

~~For offenses committed on or after September 1, 2001: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6(i)(i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of the minimum term of confinement for a sex offense listed in paragraph 6(i)(i), I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to 180 days of total confinement if I committed the crime prior to July 1, 2005, or up to 12 months with no early release if I committed the crime on or after July 1, 2005; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me, which may include electronic monitoring; and I will be subject to all of the conditions described in paragraph 6(h). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.~~

- _____ (u) If this is a crime of domestic violence, the court may order me to pay a domestic violence assessment of up to \$115.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150. If I am convicted under RCW 26.50.110 for a violation of a domestic violence protection order issued under chapter 26.50 RCW, the court shall impose a mandatory fine of \$15.00.

- _____ (v) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty. Rehabilitative programs may include an order to obtain an evaluation for alcohol or controlled substance chemical dependency treatment. The court may also prohibit me from possessing or consuming alcohol or controlled substances without a valid prescription.
- _____ (w) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds I used a motor vehicle in the commission of this felony.
- _____ (x) I understand that RCW 46.20.265 requires that my driver's license be revoked if (a) the current offense is a violation under RCW chapter 69.41 [Legend drug], 69.50 [VUCSA], or 69.52 [Imitation drugs], and I was under the age of 21 at the time of the offense OR (b) the current offense is a violation under RCW 9A.04.040 (unlawful possession of firearm), and I was under the age of 18 at the time of the offense OR (c) the current offense is a violation under RCW chapter 66.44 [Alcohol], and I was under the age of 18 at the time of the offense, AND if (a), (b), or (c) applies, the court finds that I previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.
- _____ (y) If I am pleading guilty to felony driving under the influence of intoxicating liquor, or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor, or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked, or denied. Following the period of suspension, revocation, or denial, I must comply with the Department of Licensing ignition interlock device requirements. In addition to any other costs of the ignition interlock device, I will be required to pay an additional fee of \$20 per month.
- _____ (z) For the crimes of vehicular homicide committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)), or felony physical control under the influence (RCW 46.61.504(6)), the court shall add 12 months to the standard sentence range for each child passenger under the age of 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.
- _____ (aa) I am pleading guilty to the crime of driving without a required ignition interlock device (RCW 46.20.740), or the crime of circumventing or tampering with a required ignition interlock device (RCW 46.20.750(1)), and the offense occurred on or after September 26, 2015. The sentence for that offense must be served consecutively with any other sentence imposed for violations of either of those statutes and with any sentence imposed under RCW 46.61.502 (DUI), RCW 46.61.504 (physical control under the influence), or RCW 46.61.5055. The sentence for violation of RCW 46.20.750(1) also must be served consecutively with any sentence imposed under RCW 46.61.520(1)(a) or 46.61.522(1)(b) (vehicular homicide/assault while under the influence of alcohol/drugs).

- _____ (bb) ~~For the crimes of felony driving under the influence of intoxicating liquor, or any drug, for vehicular homicide while under the influence of intoxicating liquor, or any drug, or vehicular assault while under the influence of intoxicating liquor, or any drug, the court may order me to reimburse reasonable emergency response costs up to \$2,500 per incident.~~
- _____ (cc) ~~The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005, by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6(c).~~
- _____ (dd) ~~I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.~~
- _____ (ee) ~~If I am pleading guilty to a felony firearm offense as defined in RCW 9A.010, I may be required to register as a felony firearm offender under RCW 9A.330. I will be required to register as a felony firearm offender if I committed the felony firearm offense in conjunction with an offense committed against a person under age 18, or a serious violent offense or offense involving sexual motivation as defined in RCW 9A.030. The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.~~
- _____ (ff) ~~The offense(s) I am pleading guilty to include a deadly weapon, firearm, or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.~~
- _____ (gg) ~~For crimes committed on or after July 22, 2007: If I am pleading guilty to rape of a child in the first, second, or third degree or child molestation in the first, second, or third degree, and I engaged, agreed, or offered to engage the victim in sexual intercourse or sexual contact for a fee, or if I attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in sexual intercourse or sexual contact for a fee, then a one-year enhancement shall be added to the standard sentence range. If I am pleading guilty to more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement.~~
- _____ (hh) ~~If I am pleading guilty to patronizing a prostitute or commercial sexual abuse of a minor, a condition of my sentence will be that I not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a minor. The court will impose crime-related geographical restrictions on me, unless the court finds they are not feasible. If this is my first offense, the court will order me to attend a program designed to educate me about the negative costs of prostitution.~~

_____ (ii) ~~If I am pleading guilty to possession of depictions of a minor engaged in sexually explicit conduct in the first or second degree, the court will impose a fee of \$1,000 for each depiction or image that is a separate conviction.~~

7. I plead guilty to:

count **Gross Misdemeanor Communication With A Minor For Immoral Purposes**

count _____

count _____

count _____

in the 1st Amended Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

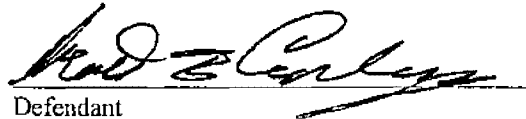
9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.


11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: **I communicated with a person I believed to be a minor. That communication was of an immoral sexual nature. The events took place on the dates charged in Washington State.**

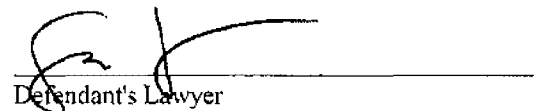
[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.


Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.


Prosecuting Attorney
Diana Ruff 41702
Print Name WSBA No.


Defendant's Lawyer
Scott W. Johnson 21539
Print Name WSBA No.

The defendant signed the foregoing statement in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

(a) The defendant had previously read the entire statement above and that the defendant understood it

- in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

Interpreter's Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands. I have interpreted this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: 6/27/17



Judge

JOSIE DELVIN
BENTON COUNTY CLERK

JUN 27 2017 *pp*

FILED

JUDGMENT DOCKET
NO *17-9-0155-2*

SUPERIOR COURT OF WASHINGTON
COUNTY OF BENTON

STATE OF WASHINGTON,

Plaintiff, NO. 16-1-00301-3

vs.

JUDGMENT AND SENTENCE

SCOTT FLETCHER CONLEY,

(MISDEMEANOR SEX OFFENSE)

Defendant. CLERK'S ACTION REQUIRED:
 RESTRAINING ORDER

SID:
DOB: 08/23/1962

ICAC 16-11

ORIGINAL

I. HEARING

A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the Court FINDS:

CURRENT OFFENSE(S): The defendant was found guilty on June 27, 2017
by plea jury-verdict bench trial of: _____

The court made a special finding with regard to the following:

For the crime(s) charged in Count(s) _____, domestic violence was pled and proved. RCW 10.99.020.

COUNT	CRIME	RCW	DATE OF CRIME
1	COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES (GROSS MISDEMEANOR)	RCW 9.68A.090(1)	11/20/2015

(x) as charged in the Amended Information.

JUDGMENT AND SENTENCE

The Court having determined that no legal cause exists to show why judgment should not be pronounced, it is therefore ORDERED, ADJUDGED and DECREED as follows:

1. The defendant shall be sentenced to a term of:

(x) 364 days

() 90 days

2. 364 days are suspended on the condition that defendant abide by the following conditions:

- The defendant may be required to obtain a full sexual history polygraph at his/her expense.
- Have no contact with minors under the age of 18 without prior approval from his supervising Community Corrections Officer.
- The defendant shall undergo an evaluation for and fully comply with all recommended treatment for Sex Offender Treatment.
- Shall not use or possess any pornographic materials, to include magazines, internet sites, and videos.
- May be required to submit to polygraphs upon the request of his/her supervising Community Corrections Officer and/or sex offender treatment provider at his/her expense.
- Have no contact with the victim unless otherwise directed by supervising Community Corrections Officer and/or by the sex offender treatment provider;
- Shall not use, possess, consume, or deliver any controlled substances, except with a lawfully issued prescription submit to random urinalysis testing at the request of the Community Corrections Officer.
- The defendant may be required to comply with GPS (Global Position Satellite) Monitoring or Electronic Home Monitoring as directed by supervising Community Corrections Officer.
- The defendant shall obey all municipal, state, tribal, and federal laws.
- Submit to random urinalysis testing at the request of the Community Corrections Officer.
- The defendant will participate in alcohol/drug treatment, at the discretion of his/her Community Corrections Officer.
- Devote time to a specific employment or occupation.
- Remain within prescribed geographical boundaries and notify the Court or the Community Corrections Officer prior to any change in the offender's address or employment.
- Report as directed to the Court and to Department of Corrections.
- Pay all court-ordered legal financial obligations.
- Abide by curfew rules as directed by Department of Corrections.
- Do not enter the property of public or private parks, playgrounds, schools, or other areas frequented by minors without prior authorization from his/her Community Corrections Officer and/or Sex Offender Treatment Provider.
- Have no direct or indirect contact with any victim.
- Do not enter sex related businesses to include X-rated movies.
- The defendant must consent to Department of Corrections Home Visits to monitor compliance with supervision. Home visits include access for the purposes of visual inspection of all areas of residence in which the offender lives or has exclusive/joint control/access.
- Submit to search of his/her person, residence, automobile, or other personal property if there is reasonable cause on the part of the Department of Corrections to believe that he/she has violated the conditions or requirements of supervision.

3. The defendant shall receive credit for ALL days previously served.

4. **PARTIAL CONFINEMENT** _____ days are converted to partial confinement, if eligible and approved, in the following programs, subject to the following conditions:

- work crew RCW 9.94A.725 home detention RCW 9.94A.731, .190
- work release RCW 9.94A.731

Defendant shall report to the jail for work crew/work release by: _____.

5. The defendant shall be on supervision for two (2) year(s).

Supervision shall be monitored by:

() The Benton County Prosecuting Attorney's Office, 7122 West Okanogan Place, 2nd Floor, Kennewick, WA 99336, (509) 735-3591.

| The Department of Corrections. The defendant shall report to the Department of Corrections, 500 North Morain, Suite 1101, Kennewick, WA 99336, within FIVE (5) days of this date or following release from jail or work release whichever occurs sooner. The defendant is required to obtain permission from the supervising CCO prior to visiting or staying overnight at an address other than the offender's registered residence.

~~The~~ Benton County Clerk's Office, 7122 West Okanogan Place, 1st Floor, Kennewick WA 99336, (509) 783-1310.

6. DNA TESTING: The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754

7. That the defendant shall pay to the Clerk of this Court:

JASS CODE

RTN/RJN Restitution to:

TOTAL ORDERED:..... \$0

(Name and Address--address may be withheld and provided confidentially to Clerk's Office).

PCV \$ 500 Victim assessment RCW 7.68.035

CRC \$ ~~SSE ATTACHED~~ Court costs

FRC COST BILL

\$ 200

Clerk cost for FTA Warrants in this case will be assessed at no more than \$100 for each of defendant's failure to appear.

Transportation costs on FTA Warrants in this case will be assessed at the current legal rate.

Other costs as assessed by the Clerk and set forth in the Cost Bill to be attached upon filing of this Judgment and Sentence.

(If FTA costs and fees are contested, a hearing must be requested at the time of sentencing).

WFR \$ Court appointed defense expert and other defense costs RCW 9.94A.030

FCM/MTH \$ 500.00 Fine RCW 9A.20.021; VUCSA additional fine deferred due to indigency RCW 69.50.430

CDF/LDI/FCDS Drug enforcement fund of RCW 9.94A.030

CLF \$ Crime lab fee deferred due to indigency RCW 43.43.690

EXT \$ Extradition costs RCW 9.94A.120

\$ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum) RCW 38.52.430

\$ Other costs for:

\$ DV penalty assessment RCW 10.99.080

\$ 700.00 TOTAL RCW 9.94A.145

The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.142. A restitution hearing:

shall be set by the prosecutor

is scheduled for _____

RESTITUTION. Schedule attached, Appendix 4.1.

Restitution ordered above shall be paid jointly and severally with:

NAME CAUSE NUMBER

RJN

The financial obligations imposed in this judgment shall bear interest from the date of the Judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

Legal financial obligations, including restitution, for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the defendant's release from total confinement or entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. Legal financial obligations, including restitution, for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender until the obligation is completely satisfied, regardless of the statutory maximum for the crime.

All payments shall be made by money order or cashier's check payable to the Benton County clerk, located at 7122 W. Okanogan, Bldg. A, Kennewick, WA 99336.

The defendant is required to provide a current address to the Benton County Clerk's Office. If the defendant moves before all outstanding legal financial obligations are paid in full, the defendant shall provide the new address to the Benton County Clerk.

The defendant shall pay the costs of services to collect unpaid legal financial obligations. RCW 36.18.190 and RCW 9.94A.780(5).

The financial obligations imposed in this judgment shall bear interest from the date of the Judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160

7. That the Court retains jurisdiction over the defendant for a period of two (2) years.

8. **FORFEITURE OF ELECTRONIC DEVICE.** The Court finds that a _____ (specify computer, cell phone, etc., and law enforcement agency) was used in the facilitation of the crime. That device is forfeited to the investigating law enforcement agency. However, the law enforcement agency shall make a copy of non-criminal personal information, including family photos and financial information, and provide such copy to non-offending family members, if: a) the non-offending family members have provided to the law enforcement agency a hard drive or other device suitable to copy such items, b) the non-offending family members have provided to law enforcement agency a specific list of the files where such items are located and c) the non-offending family members have requested the copy and complied with a) and b) within 90 days of the Judgment and Sentence.

9. **FORFEITURE OF FIREARMS.** (Specify firearm and law enforcement): _____

Sex and Kidnapping Offender Registration. RCW 9A.44.128, 9A.44.130, 10.01.200.

1. General Applicability and Requirements: Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.128, you are required to register.

If you are a resident of Washington, you must register with the sheriff of the county of the state of Washington where you reside. You must register within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the county of the state of Washington where you will be residing.

If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the

county of your school, where you are employed, or where you carry on a vocation.

2. Offenders Who are New Residents or Returning Washington Residents: If you move to Washington or if you leave this state following your sentencing or release from custody but later move back to Washington, you must register within three business days after moving to this state. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after starting school in this state or becoming employed or carrying out a vocation in this state

3. Change of Residence Within State: If you change your residence within a county, you must provide, by certified mail, with return receipt requested or in person, signed written notice of your change of residence to the sheriff within three business days of moving. If you change your residence to a new county within this state, you must register with the sheriff of the new county within three business days of moving. Also within three business days, you must provide, by certified mail, with return receipt requested or in person, signed written notice of your change of address to the sheriff of the county where you last registered.

4. Leaving the State or Moving to Another State: If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If you move out of the state, you must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

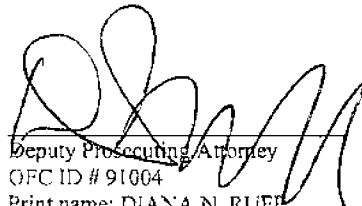
5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): You must give notice to the sheriff of the county where you are registered within three business days:

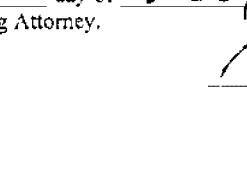
- i) before arriving at a school or institution of higher education to attend classes;
- ii) before starting work at an institution of higher education; or
- iii) after any termination of enrollment or employment at a school or institution of higher education.


6. Registration by a Person Who Does Not Have a Fixed Residence: Even if you do not have a fixed residence, you are required to register. Registration must occur within three business days of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within three business days after losing your fixed residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register with the sheriff of the new county not more than three business days after entering the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You must keep an accurate accounting of where you stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

7. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.130(7).

DONE IN OPEN COURT this 27 day of June, 2017 in the presence of the defendant, his/her attorney and the (Deputy) Prosecuting Attorney.


Deputy Prosecuting Attorney
OFC ID # 91004
Print name: DIANA N. RUFF
WSBA # 41702


Attorney for Defendant
WSBA # _____
Print name: S. JOHNSON
WSBA # _____


JUDGE
Defendant
Print name: SCOTT FLETCHER
CONLEY

Translator signature/Print name: _____

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the _____ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.

CAUSE NUMBER of this case: _____

I, _____, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: _____
Clerk of said County and State, by: _____, Deputy Clerk

IDENTIFICATION OF DEFENDANT

SID No: _____ Date of Birth: 08/23/1962
FBI No: _____ Local ID No: _____
PCN No: _____ SS No: _____
Alias names, SSN, DOB: _____ Other: _____
Race: _____ Ethnicity: _____ Sex: _____
 Asian/Pacific Islander Black/African-American Caucasian Hispanic Male
 Native American Other: _____ Non-Hispanic Female

FINGERPRINTS I attest that I saw the same defendant who appeared in Court on this document affix his or her fingerprints

And signature thereto. Clerk of the Court: _____, Deputy Clerk/Bailiff. Dated: _____

DEFENDANT'S SIGNATURE: _____

Left four fingers taken simultaneously	Left Thumb	Right Thumb	Right four fingers taken simultaneously

SUPERIOR COURT OF WASHINGTON FOR BENTON COUNTY

STATE OF WASHINGTON,)	
)	
Plaintiff,)	NO. 16-1-00301-3
)	
vs.)	COST BILL
)	
SCOTT FLETCHER CONLEY,)	
)	
Defendant.)	

The following court costs have been incurred by the county in the above-entitled matter and are owing:

		<u>ORD</u>	<u>ASS'D</u>
FILING FEE	\$ <u>200.00</u>	_____	_____
CLERK'S FEE FOR FTA WARRANTS	\$ _____	_____	_____
_____ \$ _____	\$ _____		
_____ \$ _____	\$ _____		
SHERIFF'S SERVICE FEE	\$ <u>600.00</u>	_____	_____
<u>4-6-16</u> \$ <u>600</u>	\$ _____		
_____ \$ _____	\$ _____		
JURY DEMAND FEE	\$ _____	_____	_____
WITNESS FEES	\$ _____	_____	_____
ATTORNEY'S FEES	\$ _____	_____	_____
SPECIAL COSTS REIMBURSEMENT	\$ _____	_____	_____
EXTRADITION COSTS	\$ _____	_____	_____
TOTAL ORDERED AND/OR ASSESSED	\$ 2000 <u>2000</u>	_____	_____

(only \$2000 assessed by court)

DATED: June 27, 2017

JOSIE DELVIN
SUPERIOR COURT CLERK

By: *[Signature]*
Deputy

JOSIE DELVIN
BENTON COUNTY CLERK

JUN 27 2017 *JD*

FILED

IN THE SUPERIOR COURT OF WASHINGTON FOR BENTON COUNTY

STATE OF WASHINGTON,)
)
 Plaintiff,)
)
 VS)
)
 SCOTT FLETCHER CONLEY)
 DOB: 08/23/1962)
)
 Defendant.)

NO. 16-1-00301-3

**WARRANT OF COMMITMENT
TO COUNTY JAIL
(MISDEMEANOR)**

THE STATE OF WASHINGTON TO: Benton County Sheriff

The Defendant has been convicted in the Superior Court of the State of Washington, County of Benton, of the crime(s) as stated in the transcript of Judgment as follows:

COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES
(GROSS MISDEMEANOR), RCW 9.68A.090(1)

Further, the Court has ordered the Defendant be punished by serving the following sentence as stated in the transcript of Sentence:

364 DAYS, 364 DAYS SUSPENDED, 2 YEARS SUPERVISION

I, **JOSIE DELVIN**, Clerk of this Court, do hereby certify that the foregoing is a true and correct transcript of the Judgment and Sentence entered in this action on JUNE 27, 2017 and filed in my office.

DATED: JUNE 27, 2017

JOSIE DELVIN, Benton County Clerk

By *YASAR RANERO*
Deputy





U.S. Department of Energy
Office of Inspector General

September 9, 2019

MEMORANDUM FOR THE CASE FILE

FROM:

[REDACTED]

Special Agent
Region 1 Investigations

TO:

[REDACTED]

Region 1 Investigations

SUBJECT: Closing Memorandum for OIG Investigation 16-0115-1

This memorandum serves to recommend closure of an investigation conducted by the U.S. Department of Energy (Department), Office of Inspector General (OIG), Office of Investigations, Region 1 Investigations.

ALLEGATION

This investigation was initiated on February 29, 2016, after receipt of an allegation that Actoprobe, Inc. (Actoprobe) had received duplicative funding for similar work related to Small Business Innovative Research (SBIR) grants from the Army, National Science Foundation (NSF) and the Department. Specifically, Actoprobe applied for a Phase I SBIR grant from the Army on January 16, 2013, and was awarded a grant for a project from August 9, 2013 to February 24, 2014. It then applied for a Phase I award from the NSF on December 2, 2013 and was awarded a grant for a project from July 1, 2014 to June 30, 2015. Meanwhile, Actoprobe applied for a Phase II Army award on April 2, 2014, and was awarded the Phase II grant for work from September 28, 2014 to January 15, 2017. On July 31, 2015, Actoprobe applied for a Phase II NSF award, which was declined on November 21, 2015. Actoprobe applied for a Department Phase I award on October 19, 2015, and was awarded a grant for a project from February 22, 2016 to August 21, 2016. Actoprobe was subsequently awarded Phase II and Phase IIA awards from the Department. On multiple occasions throughout the award proposal processes, Actoprobe certified that no similar work had been proposed or funded by other Federal agencies. This was a joint investigation with the NSF OIG and Army Criminal Investigations Division (CID).

POTENTIAL STATUTORY OR REGULATORY VIOLATIONS

The investigation focused on potential violations of Title 18, United States Code, Sections 287 (False Claims) and 1001 (False Statements).

INVESTIGATIVE FINDINGS

In interviews with agency program officials, the Army [REDACTED] could not definitively say whether he thought the awards were duplicative or not, the NSF [REDACTED] stated that

~~FOR OFFICIAL USE ONLY~~

he thought there was significant overlap in the awards, and the Department program managers had differing opinions. Specifically, the Department (b)(6); (b)(7)(C) who made the initial award, and who since retired from the Department, stated he thought there was significant overlap and had he known about the previous Army and NSF awards, he would not have made the initial award. The Department (b)(6); (b)(7)(C) who took over the award, and who made the subsequent Phase II and IIA awards, did not believe the overlap was significant enough to warrant not funding the awards, and stated that Actoprobe had merely "leveraged existing capabilities."

OIG investigators also obtained company and bank records through IG subpoenas, which were then analyzed by Defense Contract Audit Agency (DCAA) auditors. The DCAA analysis of the Actoprobe documents identified labor and materials charges that were inconsistent with the Department Phase I award approved budget. Those aggregate charges amounted to \$17,258 overage in labor charges and \$9,272 in material costs not used as budgeted. It was a total of \$23,530 in re-budgeted funds, or approximately 15 percent of the total budget. The General Terms and Conditions for Department SBIR awards allow for the movement of funding between direct costs categories without Grants Officer's approval, as long as the total amount does not exceed 10 percent of the total budget. However, this requirement does not apply to Phase I awards made on a fixed obligation basis, which includes all Phase I awards below \$250,000. The DCAA analysis did not identify any other anomalies in the Actoprobe records with regard to the Department Phase I award. As the records obtained in response to the IG subpoena covered a time period through August 2017, and the Department Phase II award began in April 2017, for work through April 2019, no meaningful analysis of Phase II award costs could be conducted without obtaining additional records.

This case was not coordinated with the U.S. Department of Justice, because no evidence of criminal or civil violations relating to Department interests was discovered.

RECOMMENDATION

This case is being recommended for closure as many prudent investigative steps have been taken and were unable to substantiate the allegations based on conflicting expert opinions.

Should you have any questions, please do not hesitate to call me on 202-586 (b)(6); (b)(7)(C).

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

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

Special Agent
Region I Investigations
Eastern Field Operations
Office of Inspector General

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

Concur:

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

Region I Investigations
Eastern Field Operations
Office of Inspector Genera