



OFFICE OF INSPECTOR GENERAL

U.S. Department of Energy

INSPECTION REPORT

DOE-OIG-23-21

May 2023

**ALLEGATION REGARDING THE
SECRETARY OF ENERGY'S
PROTECTIVE DETAIL**



Department of Energy
Washington, DC 20585

May 5, 2023

MEMORANDUM FOR THE DIRECTOR, OFFICE OF ENVIRONMENT, HEALTH,
SAFETY AND SECURITY

SUBJECT: Inspection Report on Allegation Regarding the Secretary of Energy's Protective
Detail

The attached report discusses our review of the allegation regarding the misuse of positions by members of Secretary of Energy Granholm's protective detail. This report contains three recommendations that, if fully implemented, should help ensure that the issues identified are corrected. Management fully concurred with our recommendations.

We conducted this inspection from April 2022 through March 2023 in accordance with the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Inspection and Evaluation*. We appreciate the cooperation and assistance received during this evaluation.

A handwritten signature in black ink, appearing to read "Anthony Cruz".

Anthony Cruz
Assistant Inspector General
for Inspections, Intelligence Oversight,
and Special Projects
Office of Inspector General

cc: Deputy Secretary
Chief of Staff



Department of Energy Office of Inspector General

Allegation Regarding the Secretary of Energy's Protective Detail (DOE-OIG-23-21)

WHY THE OIG PERFORMED THIS REVIEW

The Office of Inspector General received an allegation that members of Secretary of Energy Granholm's (Secretary) protective detail, agents in the Office of Special Operations (OSO), misused their positions. Specifically, the complainant alleged that protective detail agents upgraded airline flights to first and business class while the Secretary sat in economy class, used tobacco products in Government-owned vehicles (GOVs), and operated GOVs for personal use.

We initiated this inspection to determine the facts and circumstances surrounding the allegation concerning the misuse of position within the Secretary's protective detail.

What Did the OIG Find?

We did not substantiate the allegation that members of the Secretary's protective detail misused their positions. While we substantiated that members of the Secretary's detail did not follow procedures pertaining to two of the three examples in the allegation, we do not believe that it was a misuse of their position. Specifically, we found that OSO protective detail agents upgraded airline seats to first or business class while the Secretary, the principal whom they were protecting, sat in economy class on 2 of 10 trips reviewed. We also found that protective detail agents used tobacco products in GOVs. However, we did not substantiate the allegation regarding the agents' personal use of GOVs.

We also identified a potential ethics violation. Specifically, it appeared that the OSO Director accepted a ticket or tickets to an athletic event from a private industry official. Although the Director stated that he did not use the tickets, it appeared to us, and likely to the official, that the Director did accept the gift, thereby creating the appearance of violating 5 Code of Federal Regulations 2635.202, *General prohibition on solicitation or acceptance of gifts*.

What Is the Impact?

Agents may not be able to mitigate threats and restrict public access if they are not near or in sight of the Secretary. Also, use of tobacco products in GOVs is prohibited and may result in unnecessary charges to the Department of Energy. Finally, the appearance of accepting a gift may cause concerns regarding the integrity and impartiality of the apparent receiver.

What Is the Path Forward?

To address the issues identified in this report, we have made three recommendations that, if fully implemented, should help ensure that the issues identified are corrected.

BACKGROUND

The Office of Special Operations (OSO), part of the Office of Environment, Health, Safety and Security, is authorized to provide protective measures for the Secretary of Energy (Secretary) through its executive protection mission. On September 29, 2021, the Office of Inspector General Hotline received an allegation that members of the Secretary's protective detail, OSO agents, misused their positions. Specifically, the complainant alleged that protective detail agents upgraded airline flights to first and business class while the Secretary sat in economy class, used tobacco products in Government-owned vehicles (GOVs), and operated GOVs for personal use. We initiated this inspection to determine the facts and circumstances surrounding the allegation concerning the misuse of position within the Secretary's protective detail.

SECRETARY'S PROTECTIVE DETAIL SUMMARY

We did not substantiate the allegation that members of the Secretary's protective detail misused their positions. While we substantiated that members of the Secretary's protective detail did not follow procedures pertaining to two of the three examples in the allegation, we do not believe that it was a misuse of their position. Specifically, we found that OSO protective detail agents upgraded airline seats to first or business class while the Secretary, the principal whom they were protecting, sat in economy class. We also found that protective detail agents used tobacco products in GOVs. However, we did not substantiate the allegation regarding the agents' personal use of GOVs. Also, during our inspection, we identified a potential ethics violation.

Flight Upgrades

We substantiated the allegation that protective detail agents reserved upgraded seats to first class while the Secretary was seated in economy class. Specifically, we reviewed 10 trips taken during 2021 and identified 2 instances in which agents did not comply with the OSO's *Executive Protection Guide* regarding seating requirements. The agents sat in a different class than the Secretary whom they were protecting. While these upgraded seats were at no cost to the Department of Energy, the OSO's *Executive Protection Guide* states that on commercial flights at least one agent should be seated in the same class service as the principal (i.e., the Secretary) and have direct line of sight of the principal. In both cases, only one agent accompanied the Secretary on the flight; therefore, no agent was seated in the same class or had direct line of sight of the Secretary, as required.

Management officials in the Office of Environment, Health, Safety and Security and the OSO told us that the Secretary's travel practices made it difficult to ensure that an agent was in the same class as the Secretary. Specifically, the Secretary often arranged travel with little lead time and unexpectedly requested economy class seating just before boarding the aircraft. Finally, they stated that they had worked to improve coordination with the Secretary so that these instances did not continue to occur.

Tobacco Use in GOVs

We also substantiated the allegation that OSO protective detail agents used tobacco products in GOVs. Specifically, email communications between OSO agents and supervisors discussed the presence of homemade spittoons inside the vehicles on at least two occasions, indicating that smokeless tobacco products had been used in GOVs. The email communications also discussed smokeless tobacco that had been discarded in the parking lot around the GOV rather than being thrown away. Further, multiple agents acknowledged during interviews that they had seen homemade spittoons and had smelled tobacco smoke in a GOV. Finally, one agent also acknowledged using tobacco inside a GOV within the past year.

Forty-one Code of Federal Regulations 101-39.300, *Interagency Fleet Management Systems*, prohibits use of tobacco products in General Services Administration Interagency Fleet Management System motor vehicles, which are the vehicles used by the OSO. Additionally, an OSO supervisor explicitly directed agents to cease tobacco use in GOVs via email, but 8 months later, it continued to occur. According to the OSO supervisor's email, tobacco use in GOVs continued because agents did not take his initial direction seriously. As such, in a subsequent email the supervisor stated that any agent found using tobacco products in GOVs would receive a letter of reprimand. OSO management and agents told us there had been no use of tobacco products in GOVs since the issuance of the subsequent email in October 2019.

Personal Use of GOVs

We did not substantiate the allegation regarding agents' or management's personal use of GOVs. During our review of relevant documentation and interviews, we learned that agents and management are allowed to take GOVs home under certain circumstances, but we identified no instances of misuse. Specifically, the OSO's *Standard Operating Procedure* states that GOVs may be used for official business in accordance with guidance. Additionally, the Secretary determined that agency employees' ability to use GOVs between home and work locations promotes the efficiency of the Federal service and facilitates the successful accomplishment of Department operational activities. As such, OSO agents who were assigned to taskforces were appropriately assigned GOVs to take home. Also, other agents were authorized to take GOVs home for specific purposes such as scheduled vehicle maintenance.

OTHER MATTERS

We also identified a potential ethics violation not related to the allegation. Specifically, we reviewed documentation indicating that the OSO Director accepted a ticket or tickets to an athletic event from a private industry official. The official emailed the Director from an address indicating he worked at a private industry, and his email stated that it was great to meet the Secretary and offered the Director a ticket or tickets to a professional basketball game through a Flash Seats account. The Director responded that the Secretary enjoyed the official's presentation, asked to keep in touch, and confirmed receipt of the ticket or tickets.

During our interview with the Director, he stated that he had never taken a gift from anyone. Specifically, he said that he did not take tickets to a professional basketball game. He further stated that he met the official on an airplane flight, and that while he was nice in his email

response, he never took the tickets. Although the Director may not have used the ticket or tickets, it appeared to us when we reviewed the emails, and likely to the official who offered them, that the Director did accept the gift.

Given that both the Director and the official mentioned the Secretary, and the Director appeared to accept a gift of a ticket or tickets to an athletic event from the official, it appeared that the Director, a management official, violated 5 Code of Federal Regulations 2635.202, *General prohibition on solicitation or acceptance of gifts*, which states that an employee may not, directly or indirectly, accept a gift given because of the employee's official position. A gift includes services as well as gifts of training, transportation, local travel, lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. Finally, according to 5 Code of Federal Regulations 2635.204, *Exceptions to the prohibition for acceptance of certain gifts*, although acceptance of a gift may be permitted by an exception, it is never inappropriate and frequently prudent for an employee to decline a gift if acceptance would cause a reasonable person to question the employee's integrity or impartiality. While the gift may have been permissible or may not have been used, we believe that the appearance of accepting the ticket or tickets could cause a reasonable person to question the Director's integrity or impartiality.

RECOMMENDATIONS

We recommend that the Director, Office of Environment, Health, Safety and Security, direct the OSO to:

1. Coordinate travel with the Secretary in accordance with guidelines in the OSO's *Executive Protection Guide*;
2. Ensure that agents comply with Federal regulations regarding the use of tobacco products in GOVs; and
3. Ensure that OSO officials are aware of ethical standards and avoid the appearance of ethical violations.

MANAGEMENT RESPONSE

Management fully concurred with our recommendations. Management stated that the OSO currently meets with the Secretary's schedulers weekly to coordinate upcoming travel. Management also stated that the OSO Assistant Special Agent-in-Charge sent an email to all OSO personnel referencing the Federal regulation on non-use of tobacco products in GOVs, which indicated disciplinary action would be incurred for violations. Further, management stated that OSO personnel will be required to annually review the standard operating procedures for GOVs, and new employees will complete an initial review during in-processing. Finally, management stated that the OSO Special Agent-in-Charge will coordinate with the Department's Office of General Counsel to ensure that all OSO personnel receive an ethics briefing.

Management's comments are included in Appendix 3.

INSPECTOR COMMENTS

Management's corrective actions, taken and planned, are responsive to our recommendations.

Appendix 1: Objective, Scope, and Methodology

OBJECTIVE

We initiated this inspection to determine the facts and circumstances surrounding the allegation concerning the misuse of position within the Secretary of Energy's protective detail.

SCOPE

The inspection was performed from April 2022 through March 2023. The parties in the allegation were located at Department of Energy Headquarters in Washington, DC. The scope was limited to the facts and circumstances surrounding the allegation concerning the misuse of position by the Secretary of Energy's security detail from December 2016 through December 2021. The inspection was conducted under Office of Inspector General project number S22OR008.

METHODOLOGY

To accomplish our inspection objective, we:

- Reviewed Federal and Department regulations, policies, procedures, and guidance;
- Held discussions with Department personnel with knowledge and experience in the inspection areas;
- Analyzed email correspondence and associated documentation related to the inspection areas; and
- Held discussions with those named in the allegation along with their team members.

We conducted our inspection in accordance with the *Quality Standards for Inspection and Evaluation* (December 2020) as put forth by the Council of the Inspectors General on Integrity and Efficiency. We believe that the work performed provides a reasonable basis for our conclusions.

Management officials waived an exit conference on May 1, 2023.

Appendix 2: Prior Report

Inspection Report on [*Review of Allegations Concerning Improper Use of Fleet Vehicles*](#) (DOE-OIG-20-41, May 2020). The report did not substantiate the allegation that Government-owned vehicles were being used for personal use. However, the report substantiated the allegation that General Services Administration fleet passenger vehicles leased by the Department of Energy had been parked at the Regional Transportation Center, where Government-owned vehicles had been stolen and/or vandalized. In response to the thefts and/or vandalism, a management official directed personnel not to park Government-owned vehicles at the parking lot and took a number of corrective actions.

Appendix 3: Management Comments



Department of Energy

Washington, DC 20585

April 28, 2023

MEMORANDUM FOR THE INSPECTOR GENERAL

FROM: TODD N. LAPOINTE
DIRECTOR
OFFICE OF ENVIRONMENT, HEALTH, SAFETY AND
SECURITY

SUBJECT: DRAFT REPORT COMMENTS: Allegation Regarding the Secretary
of Energy's Protective Detail (Project Number: S22OR008)

The Department of Energy (DOE or Department) appreciates the opportunity to comment on the Office of Inspector General's (OIG) draft report titled "Allegation Regarding the Secretary of Energy's Protective Detail." The Office of Environment, Health, Safety and Security is providing the following comments:

Recommendation 1: Coordinate travel with the Secretary in accordance with guidelines in Office of Special Operations (OSO) *Executive Protection Guide*.

Management Response: Concur

Action Plan: Currently the OSO meets with the Secretary's Schedulers on a weekly basis to coordinate the Secretary's upcoming travel.

Estimated Completion Date: Started January 10, 2023, and will continue indefinitely.

Recommendation 2: Ensure that agents comply with Federal regulations regarding the use of tobacco products in Government owned Vehicles (GOV).

Management Response: Concur

Action Plan: The OSO Assistant Special Agent in Charge has sent an email to all OSO personnel outlining/referencing the Federal regulation on the non-use of tobacco products in government vehicles, which indicated disciplinary action would be incurred for violations. Also, OSO personnel will be required to review annually the standard operating procedures for GOVs, and new employees will complete an initial review during in-processing.

Estimated Completion Date: Initially addressed in October 2019 and will continue indefinitely.

Recommendation 3: Ensure that OSO officials are aware of ethical standards and avoid the appearance of ethical violations.

Appendix 3: Management Comments

Management Response: Concur

Action Plan: OSO's Special Agent in Charge will coordinate with DOE Office of General Counsel to ensure all OSO personnel receive an Ethics briefing.

Estimated Completion Date: The training for current employees will be completed by July 31, 2023, and will become an annual requirement, outlined in an office SOP.

If you have any questions regarding this response, please contact Fitzgerald Bobo, SAIC, Office of Environmental, Health, Safety and Security, Office of Special Operations, (202).586.5459.

Appendix 3: Management Comments

Factual Comments
Allegation Regarding the Secretary of Energy's Protective Detail"
IG Project Number: S22OR008

Appendix 2: Prior Report: Inspection Report on *Review of Allegations Concerning Improper Use of Fleet Vehicles* (DOE-OIG-20-41, May 2020). The report did not substantiate the allegation that Government-owned vehicles were being used for personal use. The report substantiated the allegation that General Services Administration fleet passenger vehicles leased by the Department of Energy had been parked at the Regional Transportation Center, where Government-owned vehicles had been stolen and/or vandalized. In response to the thefts and/or vandalism, a management official directed personnel not to park Government-owned vehicles at the parking lot and took a number of corrective actions.

Response to Appendix 2 Prior Report: DOE-OIG-20-41, May 2020, has no relevance to the DOE OIG report on "Allegation Regarding the Secretary of Energy Protective Detail" dated April 2023.

Also, the May 2020 report has no bearing on EHSS or OSO: Any misuse of the vehicles in question occurred at the Nevada Field Office in Las Vegas, Nevada and the Nevada National Security Site in Mercury, Nevada.

FEEDBACK

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Office of Inspector General (IG-12)
Department of Energy
Washington, DC 20585

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