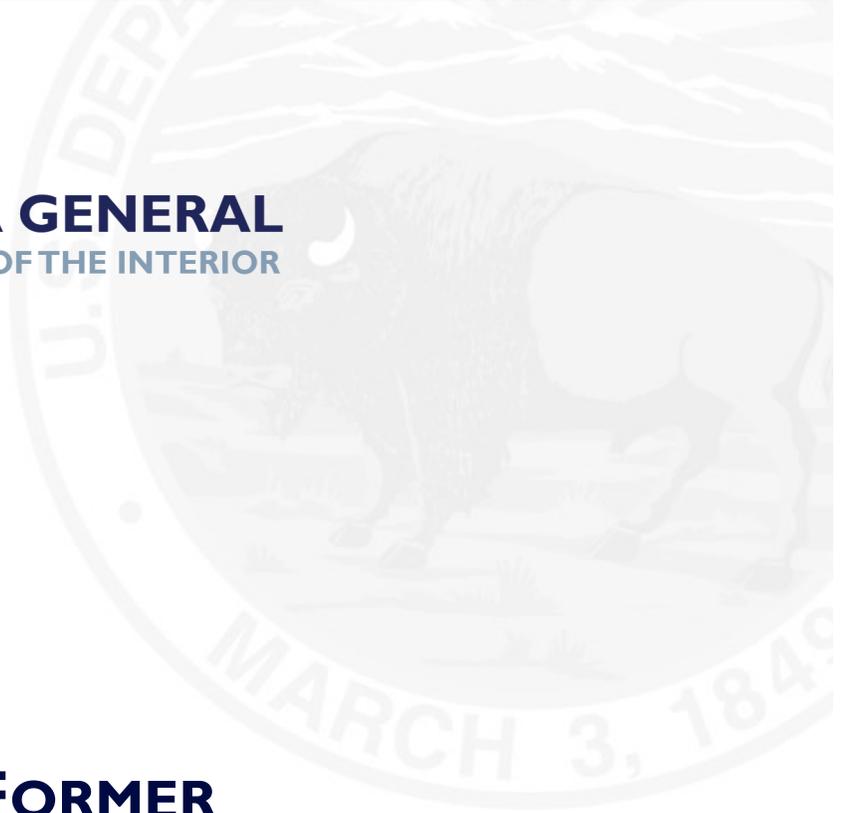




OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR



VIOLATIONS BY FORMER ACADIA NATIONAL PARK SENIOR OFFICIAL

This is a revised version of the report prepared for public release

SYNOPSIS

We investigated allegations that a former National Park Service (NPS) senior official at Acadia National Park (ACAD), Bar Harbor, ME, violated Federal criminal laws prior to his retirement and through his post-employment work with a nonprofit organization that receives Federal funds through a cooperative agreement with the park. We also investigated an allegation that the senior official participated in improper fundraising activities during a retirement dinner sponsored for him by the nonprofit organization.

We found that the subject of our investigation, while still an NPS senior official, illegally accepted \$14,771 in gifts from the nonprofit organization and its board members. We also found that he negotiated for employment with the organization while he was a Government employee and while participating in matters that affected the organization, a violation of Federal criminal law. He further violated Federal criminal law when he communicated with the Government on behalf of the organization following his retirement regarding particular matters that he had worked on while an NPS senior official.

We found that the former senior official's participation in the retirement dinner did not violate Federal fundraising rules. While at the dinner, however, he violated ethics regulations by accepting gifts from outside sources.

We presented our findings to the U.S. Attorney's Office for the District of Maine and the Department of Justice, Public Integrity Section, which declined prosecution.

We are providing this report to the NPS Deputy Director for any action deemed appropriate.

DETAILS OF INVESTIGATION

On August 8, 2016, we initiated an investigation after receiving allegations that a former NPS senior official at Acadia National Park (ACAD), Bar Harbor, ME, violated Federal criminal laws prior to his retirement and through his post-employment work with a nonprofit organization. We also investigated whether he, while a senior official, participated in improper fundraising activities during a retirement dinner sponsored for him by the organization.

The organization receives Federal funds through a cooperative agreement with the park; the subject of our investigation, while a senior official, helped establish that organization's subsidiary organization. Also while a senior official, he served as an ex officio board member of the organization, meaning actions he performed on behalf of the organization were taken in his official capacity as an NPS employee. According to NPS Director's Order No. 32, NPS employees are prohibited from serving on cooperating association boards, even in an ex officio capacity.

Subject Accepted Gifts and Money from Outside Entities for Government Service

During our investigation we found that, while he was a senior official, the subject accepted \$14,771 in gifts and money from the nonprofit organization and its board members for what they described as gratitude for his Government service, a violation of Federal law.

Nearly 2 months before the senior official's retirement, the organization and its board members held a \$125-per-person retirement dinner to honor him for his service as a senior official. The former president and chief executive officer of the organization said the board members decided to hold the event to celebrate the senior official's years of service and that he and his family were not charged for their tickets because he was the guest of honor. The former president further explained the event was also a fundraiser for the organization. The family's attendance at this event constituted the subject's acceptance of a gift worth \$625.

The chairman of the organization's board said, and we confirmed, that he had paid for the dinner, which the chairman also told us was a combination tribute and fundraiser, and that any money collected from ticket sales was donated to the organization. During the dinner, the chairman announced that he was giving the subject and his family a week's all-expenses-paid vacation on his yacht in the U.S. Virgin Islands. This announcement was confirmed by a fellow dinner attendee, a former ACAD acting deputy superintendent. The chairman told us he gave the subject and his family the vacation because he was grateful for what he did as a senior official. The chairman provided documentation confirming that the subject and his family took the vacation after the subject retired; he estimated the value of the vacation to be \$9,256.

We reviewed the subject's Government emails and found two messages from him to the chairman regarding the vacation on the chairman's yacht, both sent more than a month before the subject's retirement: the first thanked the chairman for the vacation; the second stated that the cost for the subject and his family to fly from their home to the U.S. Virgin Islands was \$4,890.

We reviewed the subject's financial records and found that, while he was still a senior official, he received and deposited a check for \$4,890 from the personal account of one of the organization's board members. The board member told us she gave the subject the money for his family's airfare to the U.S. Virgin Islands to show her appreciation for his participation at the nonprofit organization and for "being a good board member, keeping us informed, working with us, trying to help us out, trying to make suggestions." Figure 1 shows the gifts offered and accepted.

Gift	By Whom	Gift Value
Meals	Nonprofit Organization	\$625
Yacht Vacation	Organization Chairman	\$9,256
Money for Airfare	Organization Board Member	\$4,890

Figure 1. Gifts offered by the nonprofit organization and accepted by the subject.

Two NPS ethics counselors said that they had neither been consulted about nor were aware of any gifts the subject had received from the organization or its board members.

Several ACAD staff members and managers said they had been invited but did not attend the retirement dinner. They said they felt uncomfortable with the event and believed it was not appropriate to attend.

In a letter to the OIG, the subject admitted accepting the trip to the U.S. Virgin Islands and explained that, at the time, he did not know it was inappropriate. He later sent an email to the OIG declining to be interviewed.

Under Federal law, Government employees may not receive any contribution to or supplementation of their salary for their services as Government employees from any source other than the Government (18 U.S.C. § 209). This criminal statute also prohibits the giving of such contributions by non-Government sources. Federal ethics regulations also prohibit Government employees from soliciting or accepting gifts given because of their official position, or gifts from entities that do business or seek to do business with the employee's agency (5 C.F.R. § 2635.202). The subject's acceptance of the meals, yacht trip, and money all violated this law and regulation.

Subject Violated Federal Law When He Participated in Nonprofit Organization Matters as a Senior Official While Also Negotiating and Having an Arrangement for Future Employment with the Organization

As an NPS senior official, the subject negotiated for employment and had an arrangement for future employment with the nonprofit organization; he was participating in matters affecting his own financial interests and the financial interests of the organization.

While serving as an ex officio board member as a senior official, he had an arrangement for a future position as a full voting board member. We found that the chairman emailed the subject more than 6 months before the subject's retirement, confirming that he would become a full board member once he retired from the Federal Government. Federal ethics regulations clarify that even uncompensated service on a nonprofit board can constitute employment (5 C.F.R. § 2635, Subpart F).

We found that, following the chairman's email, the subject took several instrumental actions in helping the board create the subsidiary to serve as a transportation and visitor hub near the park. His work emails showed that he proposed budgeting figures for the subsidiary; specifically, more than 3 months before his retirement, he proposed that the subsidiary budget \$100,000 over 4 years for the services of a part-time executive director. Later, about 1 month before his retirement, he emailed the board with revised subsidiary budget numbers that included \$200,000 over 4 years for a part-time executive director.

The next day, he emailed a board member, offering to serve part time for 1 year without a salary if his travel expenses were reimbursed. The subject wrote that the subsidiary should be a separate entity and he would not report to the organization's then-president.

Following the commencement of these negotiations for the position at the subsidiary, the subject continued to participate in matters in his official capacity as an NPS senior official that would affect the financial interests of the organization and its subsidiary. For example, he solicited other NPS employees for ideas to make the subsidiary successful, worked on fundraising proposals regarding the organization and the subsidiary to provide to potential donors, and requested a feasibility study on the subsidiary from a landscape architecture firm to use in subsidiary fundraising materials.

The organization's former president told us that he first became aware that the subject would take a position with the subsidiary prior to the subject's retirement. The former president said the position the subject filled as a volunteer was not the part-time director position with an annual salary that had been proposed in the subsidiary's budget. He also told us that he never discussed a salary for the subject with anyone. We did, however, find an email from the subject to the organization's chairman and then-president itemizing the subject's subsidiary-related travel expenses—\$1,726.11. The chairman told us that the subject was not considered for a paid position with the subsidiary because he only lived in Maine for 6 months of the year.

Another NPS senior official said that park staff expressed concerns that the retired senior official's role at the subsidiary was an ethical issue. The subject emailed park staff members a few days after his retirement to inform them he was volunteering at the subsidiary. The other senior official told us that he did not know the subject worked at the subsidiary until 3 or 4 months after the subject's retirement.

Federal criminal law prohibits a Government employee from participating personally and substantially in particular matters that will affect his own financial interests or the financial interests of an organization with which he is negotiating for employment or with which he has an arrangement for future employment (18 U.S.C. § 208). In addition, NPS policy as set forth in Director's Order No. 32 prohibits employees from serving on cooperating association boards, even in an ex officio capacity. We found that the subject violated the criminal law when, as an NPS senior official, he took official actions to affect his own financial interests, as well as the financial interests of the nonprofit organization and the subsidiary. We also found that he violated NPS policy by merely serving on the board.

Figure 2 on page 5 details the timeline of events before and after the subject's retirement.

Pre-Retirement
Organization chairman emailed subject, stating subject will become a full board member “as soon as you retire.”
Subject emailed board members with a budget proposal for the subsidiary, including a paid executive director position (\$25,000/year).
Organization hosted a dinner honoring subject, proceeds from which were donated to the organization. The dinner, provided free to subject and his family, was valued at \$625.
Organization chairman presented subject a vacation gift (yacht trip) at the tribute dinner valued at \$9,256.
Subject emailed chairman acknowledging the vacation gift.
Subject emailed chairman regarding the vacation gift, stating airfare for himself and his family would cost \$4,890.
Subject emailed board members with an organizational composition and budget proposal for the subsidiary, which included a paid executive director position (\$50,000/year).
Subject emailed a board member, offering to serve for a year with no salary if his travel expenses would be reimbursed.
Subject emailed chairman, again volunteering to serve if his travel expenses would be reimbursed.
Subject deposited a \$4,890 personal check from a board member for flight expenses related to the vacation gift.
Subject communicated with park staff seeking to modify a cooperative agreement to add funding for bus service.
Subject retired from Federal service.
Post-Retirement
Subject emailed park staff regarding his new position at the subsidiary.
Subject communicated with park staff again to request additional funding for the bus service.
Subject and his family flew to the U.S. Virgin Islands and vacationed on chairman’s yacht.

Figure 2. Timeline of events before and after the subject’s retirement.

Subject Violated Federal Law When, After Retirement, He Communicated to Government Employees About Matters on which He Had Worked

The subject communicated to the Government following his retirement on behalf of the subsidiary regarding matters on which he had worked while he was an NPS senior official.

Federal law prohibits a former Government employee from communicating, with the intent to influence, back to the Government on behalf of someone else regarding any particular matter in which the former employee participated while he was a Government employee (18 U.S.C. § 207).

Communications with the Park Regarding Bus Service

While still an NPS senior official, the subject emailed park managers soliciting support of a \$61,000 increase to the park's cooperative agreement funding with the transportation company that managed shuttle bus service in and around the park. Because managers opposed that \$61,000 increase, it was not implemented. After his park retirement and while working for the subsidiary, the subject emailed park managers a second time, requesting this time a \$15,000 increase to the cooperative agreement with the bus service.

Agents Note: The subsidiary stood to benefit from the proposed increase to the transportation company's cooperative agreement, which would provide increased bus service and potentially more visitors and customers to the subsidiary.

One of the transportation company's managers told us that prior to the subject retiring, the two held multiple conversations concerning the bus service. He said a few conversations occurred after the subject retired, but he could not remember the details.

A park management employee told us that the subject, while an NPS senior official, had focused on developing one of the park's campgrounds. The management employee said the subject wanted the bus service, which initially ran from June 23 through Columbus Day, to be extended to run from Memorial Day through Columbus Day. The management employee said that he was involved with some of the discussions about extending the service, but the concept of the extension was between the subject and the transportation company. The management employee acknowledged that the subject had talked to him at least once after retiring concerning the bus operations and its funding.

Other Communications with the Park and U.S. Fish and Wildlife Service

A park facility manager said the subject had emailed him after retiring to request that the park give picnic tables to the nonprofit organization to be placed at the subsidiary's location. The manager said that he was not comfortable with the request and told the subject that he could not provide the subsidiary with the picnic tables. We found email correspondence between the two in which the subject acknowledged that his request for picnic tables had been "off base."

We also found that both before and after his retirement, the subject engaged in numerous email communications with a refuge manager for the U.S. Fish and Wildlife Service (FWS), concerning FWS providing exhibits at the subsidiary.

Subject's Actions Regarding the Retirement Dinner Did Not Violate Fundraising Rules

We found that the subject's retirement dinner was a fundraising event for the organization. Our investigation did not find any evidence that he violated the ethics regulations restricting fundraising activities or NPS policies relating to fundraising. As discussed in this report, however, his acceptance of the dinner for himself and his family members constituted an unethical acceptance of gifts.

SUBJECT

Former senior official, Acadia National Park, NPS

DISPOSITION

The U.S. Attorney's Office for the District of Maine and the Department of Justice Public Integrity Section declined prosecution. We are providing this report to the NPS Deputy Director for any action deemed appropriate.

