



REPORT OF INVESTIGATION



DATE OF REPORT
REPORT STATUS
CASE NUMBER
CASE TITLE
ALLEGATION(S)

Final
 2004-0121
Paul H. O'Neill – former Treasury Secretary
 18 USC 798 - Disclosure of Classified Information
 5 CFR - Use of Non-Public Information
 2635.703

SYNOPSIS

This investigation originated upon receipt of a referral from the Department of the Treasury's (Treasury) Chief of Staff, Chris Smith (Exhibits 1, 2), on January 12, 2004. The referral was predicated by Treasury's disclosure of records to former Secretary Paul H. O'Neill. On January 11, 2004, former Treasury Secretary O'Neill was interviewed on the news program *60 Minutes*. During the interview, an image of a Treasury Department memorandum written to the former Secretary was displayed on television. This memorandum contained the word "Secret" – an apparent reference to classified documents contained in the attachments of the memorandum (per O'Neill, at no time were any attachments or other documents shown during the interview).

The investigation revealed that the Office of International Affairs (OIA) authored the memorandum that was disclosed during O'Neill's interview on *60 Minutes*, and that the memorandum was not marked classified by OIA even though it contained classified information.

The investigation determined that on or about March 26, 2003, O'Neill made a verbal request to Treasury's General Counsel for official records during his tenure as Secretary. In or about April 2003, O'Neill received the records from Treasury, which had been produced on a single CD and two DVDs. The investigation revealed that the General Counsel and the Executive Secretary did not review the CD and DVDs prior to their release to O'Neill.

Distribution:

Samuel Bodman
 Deputy Secretary
 Department of the Treasury

Arnold Havens
 General Counsel
 Department of the Treasury

Reported By:

[Redacted]
 Special Agent
 Washington Office

(Signature)

Approved By:

[Redacted]
 Special Agent in Charge
 Washington Office

(Signature)

This report is the property of the Office of Inspector General, and is For Official Use Only. It contains sensitive law enforcement information, the use and dissemination of which is subject to the Privacy Act, 5 U.S.C. § 552a. This information may not be copied or disseminated without the written permission of the OIG, which will be granted only in accordance with the Privacy Act and the Freedom of Information Act, 5 U.S.C. § 552. Any unauthorized or unofficial use or dissemination of this information will be penalized.

The Principal Deputy Chief for Public Integrity, Department of Justice (Exhibit 3), was consulted regarding this investigation and determined that no criminal statutes were violated.

Additionally, the investigation revealed that among the materials Treasury released to O'Neill, were 140 documents not marked classified even though these documents contained National Security or Sensitive But Unclassified (SBU) information. Had these 140 documents been properly marked as classified, the documents would not have been entered into Treasury's unclassified computer system and O'Neill would not have received them.

DETAILS

1. Allegation: Disclosure of Classified Information

A. O'Neill's request for records.

Former Secretary O'Neill (Exhibit 4) stated that, in late February or early March (2003), he called David Aufhauser, then General Counsel, and requested records/documents that were available to him during his tenure as Secretary.

Aufhauser (Exhibit 5) recalled that O'Neill might have called him directly to request the records, but Aufhauser could not be certain as to who made the request or how the request was made. Aufhauser stated either Tim Adams (Exhibit 6), then Chief-of-Staff, or Jeff Kupfer, Deputy Chief of Staff and Executive Secretary, contacted him to determine if O'Neill was permitted to have these records.

During a review of selected Treasury employees' email accounts (Exhibit 7), a message was located from Ken Schmalzbach to George Wolfe with a carbon copy to David Aufhauser, dated December 20, 2002 (Exhibit 8). Schmalzbach advised Wolfe of various issues that should be considered regarding records removal for former Secretary O'Neill. Attached to this email message was a draft memorandum (Exhibit 9) from Schmalzbach to Aufhauser regarding "Records To Be Removed By Secretary O'Neill". The memorandum cited the National Archives and Records Administration's guidelines (Exhibit 10) for agencies to follow when a departing employee requests extra copies of records. The email further stated, "In the past, the Executive Secretary, in conjunction with the General Counsel, have acted as the approving officials with respect to determining what records may be provided to a departing Secretary."

Agent Note: Reference is made to a statement made by Aufhauser (Exhibit 5) admitting that he did not review the contents of the discs.

This report is the property of the Office of Inspector General, and is For Official Use Only. It contains sensitive law enforcement information, the use and dissemination of which is subject to the Privacy Act, 5 U.S.C. § 552a. This information may not be copied or disseminated without the written permission of the OIG, which will be granted only in accordance with the Privacy Act and the Freedom of Information Act, 5 U.S.C. § 552. Any unauthorized or unofficial use or dissemination of this information will be penalized.

B. Treasury's fulfillment of O'Neill's request.

Jeff Kupfer (Exhibits 11, 32, 33) stated that since the previous two Treasury Secretaries requested records of their tenure in office, he believed O'Neill would initiate the same request. Upon O'Neill's resignation (December 6, 2002), Kupfer tasked [REDACTED], [REDACTED] the Executive Secretary, to work with the Information Technology (IT) department to gather O'Neill's documents. It was decided that, if possible, O'Neill's records would be copied to a CD/DVD.

Agent Note: Corroborating the assumption that O'Neill would request copies of records, was an email from [REDACTED] (Exhibit 12), [REDACTED], to [REDACTED] with a copy to Ken Schmalzbach, Robert Werner, [REDACTED], and [REDACTED], dated December 13, 2002. This email message stated, "In connection with the Secretary's departure, this document provides useful guidance regarding removing personal files and copies of records." The email continued with specific guidance on removing "personal files and extra copies of records" for a departing official.

[REDACTED] (Exhibits 13, 34, 35) stated that upon O'Neill's resignation, Kupfer tasked him to determine the best way to provide O'Neill with the records. [REDACTED] stated that these records would have been recorded and scanned into the Treasury Assignment and Correspondence Tracking (TACT) system. [REDACTED] discussed with [REDACTED], IT [REDACTED] (Treasury contractor), the most efficient way to research, obtain, and produce the records for O'Neill. [REDACTED] requested that two sets be produced: one set for O'Neill and one set for Executive Secretary's files/records.

Agent Note: Upon final production, a "set" consisted of a single CD and two DVDs. A total of four sets were produced: one set for O'Neill; one set retained by the Executive Secretary's office; one set retained by [REDACTED]'s supervisor - [REDACTED] and one set retained in IT's official file.

[REDACTED] (Exhibit 14), [REDACTED] VIP Correspondence, stated her office was responsible for entering and scanning into the TACT system all unclassified correspondence (internal and external) to or from the Secretary and Deputy Secretary. [REDACTED] advised that a correspondence number was automatically assigned by the TACT system; however, her department manually entered the author, addressee, date, and subject into the appropriate fields. [REDACTED] stated classified documents were indexed and assigned a correspondence number; however, were not scanned into the TACT system since Treasury had a separate computer system to handle classified documents.

[REDACTED] (Exhibit 15) stated that in December 2002, he was contacted by [REDACTED] who requested the unclassified records for former Secretary O'Neill. [REDACTED] stated he was told to use the same

This report is the property of the Office of Inspector General, and is For Official Use Only. It contains sensitive law enforcement information, the use and dissemination of which is subject to the Privacy Act, 5 U.S.C. § 552a. This information may not be copied or disseminated without the written permission of the OIG, which will be granted only in accordance with the Privacy Act and the Freedom of Information Act, 5 U.S.C. § 552. Any unauthorized or unofficial use or dissemination of this information will be penalized.

REPORT OF INVESTIGATION

search criteria/parameters that were used when the previous two Secretaries (Rubin and Summers) requested records of their tenure. ██████ stated that the basic search consisted of: 1) all correspondence addressed to or from "Paul H. O'Neill"; 2) document(s) entered into the TACT system by the Executive Secretary's office; and 3) no documents to or from the White House.

█████ stated that after several test runs were done to insure all appropriate documents were included, the final production occurred on January 24, 2003. ██████ stated that the final release of O'Neill's records was produced on a single CD and two DVDs. The single CD consisted of speeches, statements, and testimony that were listed on Treasury's website. The two DVDs consisted of all unclassified correspondence to or from the Secretary for 2001 and 2002. ██████ stated that four (4) sets of the final product were made: two sets he hand-carried to the Executive Secretary's office delivering them to either ██████ or ██████ (Exhibit 16), ██████ (one of these two sets ultimately went to O'Neill); while the other two sets were retained by IT (see prior Agent Note).

David Aufhauser (Exhibit 5) stated he did not review the contents of the discs, and unless Ken Schmalzbach reviewed the discs prior to Aufhauser receiving them, no review occurred prior to releasing the discs to O'Neill. Aufhauser stated he assumed full responsibility for the lack of review.

Ken Schmalzbach (Exhibit 17), Assistant General Counsel, stated there was no defined process that vetted the release of the documents. Schmalzbach stated he did not review the CD/DVDs that O'Neill received, and was unaware of anyone in the General Counsel's office that reviewed the CD/DVDs.

Agent Note: Reference is made to the previously mentioned draft memorandum of Schmalzbach, dated December 20, 2002. Schmalzbach stated that a final version of the memorandum was never issued, thus the General Counsel's office had no defined process for reviewing the records to be removed.

During a review of selected Treasury employees' email accounts (Exhibit 7), a message was located from Ken Schmalzbach to George Wolfe, dated January 11, 2004. Schmalzbach notified Wolfe that he did not review the records prior to them being released to O'Neill.

C. O'Neill's receipt of the requested records

During the review of selected Treasury employees' emails (Exhibit 7), it was noted that David Aufhauser requested the CDs (containing the O'Neill records) from Jeff Kupfer on April 1, 2003. In this same email, Aufhauser stated that he would do a "sampling" of the CDs.

This report is the property of the Office of Inspector General, and is For Official Use Only. It contains sensitive law enforcement information, the use and dissemination of which is subject to the Privacy Act, 5 U.S.C. § 552a. This information may not be copied or disseminated without the written permission of the OIG, which will be granted only in accordance with the Privacy Act and the Freedom of Information Act, 5 U.S.C. § 552. Any unauthorized or unofficial use or dissemination of this information will be penalized.

REPORT OF INVESTIGATION

Agent Note: Reference is made to a previously cited statement made by Aufhauser (Exhibit 5) admitting that he did not review the contents of the discs.

In a response to this same email thread, [REDACTED] notified Kupfer that he provided the CDs (containing the requested records) to David Aufhauser (via [REDACTED]).

Agent Note: Per [REDACTED]'s attorney ([REDACTED]), she had no records or recollection of sending the CDs to O'Neill. [REDACTED] thought she might have provided the discs to [REDACTED] (O'Neill [REDACTED]).

[REDACTED] (Exhibit 18), O'Neill [REDACTED] (presently assisting the General Counsel's office), advised that she never received the CD/DVDs for O'Neill, and did not mail him anything. [REDACTED] did not know how the CD/DVDs were mailed/shipped to O'Neill. [REDACTED] advised that no records were kept of outgoing packages from the General Counsel's office.

Bill Fox (Exhibit 19), former Assistant Deputy Counsel, stated he was at a meeting with David Aufhauser (date unknown) and noticed a CD in Aufhauser's possession. Fox inquired as to the contents and Aufhauser responded by saying it contained the O'Neill documents. Fox further recalled Aufhauser stating that he had to get the CD to O'Neill.

Aufhauser (Exhibit 5) stated someone (uncertain as to who) from the Executive Secretary's office provided one set of discs (one CD and two DVDs) to him to give to O'Neill. Aufhauser stated he then shipped one set to O'Neill via Federal Express (FedEx) or regular mail. Aufhauser confirmed that only one set was sent to O'Neill.

Agent Note: Reference is made to the previously mentioned email thread in which [REDACTED] stated that he provided the CD and DVDs to [REDACTED] (Aufhauser [REDACTED]).

O'Neill (Exhibit 4) stated that about three weeks after verbally requesting the records (late February or early March, 2003), Aufhauser notified him (O'Neill) that the records were available and would be sent to him. O'Neill stated he did not recall what shipping method (i.e. FedEx, postal service, UPS, etc.) was used to deliver the package to him or who actually sent the package.

[REDACTED] (Exhibit 20), Treasury Mailroom Operations, advised that Mailroom Operations records/logs all incoming packages, but that it was incumbent upon each individual or departmental office to maintain records of outgoing packages.

Agent Note: During the investigation, no logs or records were found in the General Counsel's or Executive Secretary's offices.

This report is the property of the Office of Inspector General, and is For Official Use Only. It contains sensitive law enforcement information, the use and dissemination of which is subject to the Privacy Act, 5 U.S.C. § 552a. This information may not be copied or disseminated without the written permission of the OIG, which will be granted only in accordance with the Privacy Act and the Freedom of Information Act, 5 U.S.C. § 552. Any unauthorized or unofficial use or dissemination of this information will be penalized.

Responding to an administrative subpoena for records (Exhibit 21), FedEx indicated that two packages were shipped from Treasury to Paul H. O'Neill during December 1, 2002 through April 21, 2003: 1) Airbill #792179768940 from [REDACTED] with a ship date of January 30, 2003; and 2) Airbill #816184073745 from [REDACTED] with a ship date of April 10, 2003.

[REDACTED] (Exhibit 22), General Counsel [REDACTED] (during O'Neill's tenure), stated she did not see or send the CD/DVDs containing the O'Neill records to him (O'Neill).

[REDACTED] (Exhibit 23), [REDACTED] stated the package he sent to O'Neill contained portraits from various artists for O'Neill to review.

Agent Note: Due to Treasury's lack of records, lack of information found on FedEx's airbills, and lack of information obtained during interviews, it could not be established who sent or if the CD/DVDs containing the O'Neill records were included in one of these two shipments or if they were delivered via another method.

D. O'Neill's release of records to author Ron Suskind and the subsequent publishing of The Price of Loyalty: George W. Bush, the White House, and the Education of Paul O'Neill

Upon receipt of the package containing the CD/DVDs, O'Neill (Exhibit 4) stated he called author Ron Suskind and subsequently provided the entire package to Suskind. O'Neill stated he never opened the package or reviewed its contents.

O'Neill stated that in early January (2003), he was the guest speaker at a dinner where Suskind was attending. O'Neill stated that after his speech, Suskind approached him about writing a book. O'Neill stated this was the first time he met Suskind. O'Neill further stated that over the course of the next several weeks, O'Neill and Suskind had numerous discussions about writing a book, and finally, O'Neill agreed to assist Suskind in this endeavor. O'Neill stated it was shortly after he agreed to assist Suskind that he (O'Neill) made the request of Aufhauser to obtain the records.

Continuing, O'Neill stated that after he agreed to assist Suskind, they spent a tremendous amount of time together. O'Neill stated that while traveling between Pittsburgh (O'Neill's primary residence) and Washington D.C. (O'Neill's apartment in D.C.), Suskind would usually sit in the back seat of O'Neill's car and they would discuss material for the book. O'Neill stated he provided no documents to Suskind except those documents contained on the discs from Treasury.

This report is the property of the Office of Inspector General, and is For Official Use Only. It contains sensitive law enforcement information, the use and dissemination of which is subject to the Privacy Act, 5 U.S.C. § 552a. This information may not be copied or disseminated without the written permission of the OIG, which will be granted only in accordance with the Privacy Act and the Freedom of Information Act, 5 U.S.C. § 552. Any unauthorized or unofficial use or dissemination of this information will be penalized.

Date Printed: 3/17/04
OI Form-08 (10/01)

Office of Inspector General - Investigations
Department of the Treasury

REPORT OF INVESTIGATION

O'Neill advised he did not know if Aufhauser or anyone else conducted a "review" of the discs prior to their release, but was convinced that the discs contained only unclassified material since he knew classified information would not and should not be released to him. O'Neill stated that based on this premise, he had no reservations about releasing the discs to Suskind.

O'Neill further advised that upon his resignation from Treasury, he had not removed any documents (classified or unclassified) or received any additional documents (except those on the discs) pertaining to his time as Secretary.

[REDACTED], attorney-at-law, stated that Ron Suskind (Exhibit 24) and his assistant [REDACTED] (Exhibit 25), declined the Office of Inspector General's (OIG) request for an interview.

E. O'Neill's interview on *60 Minutes* and possible disclosure of a classified document on national television

[REDACTED] (Exhibit 15), Computer Specialist – Applications, advised that the memorandum shown on *60 Minutes* was located on the TACT system under profile #2001-SE-00132. The memorandum was located in a folder titled "Daybook for February 1, 2001 – Secretary O'Neill." [REDACTED] further advised the memorandum was part of a twenty-two (22) page folder and that no attachments listed on the memorandum were included on the TACT system.

An Office of Inspector General's (OIG) review (Exhibit 26) of a duplicate copy of the CD/DVDs provided to former Secretary O'Neill, confirmed the profile number and the document's existence on the DVD for the year 2001.

[REDACTED] (Exhibit 27) [REDACTED] - Office of Middle East and South Asian Nations, stated he was [REDACTED] for the Office of Middle East and South Asian Nations during O'Neill's tenure in office. [REDACTED] stated that while serving in this capacity, he was [REDACTED] responsible for producing various documents and ultimately authored the memorandum displayed on *60 Minutes*. [REDACTED] was shown the original memorandum with the attachments (recovered from the Federal Records Center) and was asked to review the classification. [REDACTED] stated that the memorandum was classified improperly due to specific classified language included on the memorandum that was transcribed from one of the attachments. [REDACTED] stated that he and/or [REDACTED], Reviewing Official, should have caught the mistake at the time it was created.

This report is the property of the Office of Inspector General, and is For Official Use Only. It contains sensitive law enforcement information, the use and dissemination of which is subject to the Privacy Act, 5 U.S.C. § 552a. This information may not be copied or disseminated without the written permission of the OIG, which will be granted only in accordance with the Privacy Act and the Freedom of Information Act, 5 U.S.C. § 552. Any unauthorized or unofficial use or dissemination of this information will be penalized.

REPORT OF INVESTIGATION

Agent Note: [REDACTED] on a year-long sabbatical from Treasury and is out of the country for an indefinite period of time. As a result, attempts to locate and interview [REDACTED] were unsuccessful.

[REDACTED] (Exhibit 14) advised that all unclassified correspondence, both internal and external, was scanned into the TACT system. [REDACTED] stated that the procedures followed at that time (2001) dictated that classified documents were indexed and assigned a correspondence number; however, were not scanned into the TACT system since Treasury had a separate computer system to handle classified documents.

Former Secretary O'Neill (Exhibit 4) stated that no classified information or material was disclosed during the *60 Minutes* interview. O'Neill stated he believed that the memorandum displayed on television was unclassified.

The Principal Deputy Chief for Public Integrity, Department of Justice (Exhibit 3), was consulted regarding this investigation and determined that no criminal statutes were violated.

F. Other Significant Information

Treasury's Records and Information Management Program is detailed in Treasury Directive 80-05 (Exhibit 28), dated June 26, 2002. Treasury Directive 80-05e(3) required departing officials to obtain appropriate written authorization prior to removing documentary materials. Further, Treasury Directive 80-05e(4) required that nonrecord material being removed by a departing official be examined by a bureau-reviewing official prior to its release.

Additionally, Treasury Directive 80-05e(5) required O'Neill to sign Treasury Department Form (TD F) 80-05.6 ("Removal of Documentary Materials by Presidential Appointees with Senate Confirmation") (Exhibit 29); however, he signed TD F 80-05.5 (Documentary Materials Removal/Nonremoval Certification") (Exhibit 30) on December 20, 2002. [REDACTED] Reviewing Official, reviewed the signed TD F 80-05.5 on January 6, 2003.

Treasury's Office of General Counsel, in consultation with other senior officials (Review Panel), conducted a review of the material (CD and DVDS) released to O'Neill. The Review Panel, lead by Tom McGivern (Exhibit 31), Assistant General Counsel for Legislation, Litigation, and Financial Enforcement, initially identified three documents included on the CD/DVDs released to O'Neill that contained classified information, which were not marked classified. These documents were not properly classified by their author (or author's supervisor) causing them to be entered into the TACT system, and ultimately released to O'Neill. Upon a more comprehensive review of the CD/DVDs released to O'Neill, the Review Panel discovered approximately 140 documents containing classified information, which were ultimately released to O'Neill (via the CD/DVDs).

This report is the property of the Office of Inspector General, and is For Official Use Only. It contains sensitive law enforcement information, the use and dissemination of which is subject to the Privacy Act, 5 U.S.C. § 552a. This information may not be copied or disseminated without the written permission of the OIG, which will be granted only in accordance with the Privacy Act and the Freedom of Information Act, 5 U.S.C. § 552. Any unauthorized or unofficial use or dissemination of this information will be penalized.

REPORT OF INVESTIGATION

Agent Note: The Review Panel also conducted a review of the TACT system for the purpose of identifying and removing any classified information.

On January 14, 2004, January 16, 2004, and January 20, 2004 the Office of Investigations obtained possession (Exhibit 36) of three of the four sets of discs produced by IT, which contained the records released to O'Neill.

This report is the property of the Office of Inspector General, and is For Official Use Only. It contains sensitive law enforcement information, the use and dissemination of which is subject to the Privacy Act, 5 U.S.C. § 552a. This information may not be copied or disseminated without the written permission of the OIG, which will be granted only in accordance with the Privacy Act and the Freedom of Information Act, 5 U.S.C. § 552. Any unauthorized or unofficial use or dissemination of this information will be penalized.

Date Printed: 3/18/04
OI Form-08 (10/01)

Office of Inspector General – Investigations
Department of the Treasury

EXHIBITS

- | <u>Number</u> | <u>Description</u> |
|---------------|---|
| 1. | Referral Memorandum from Chris Smith, Chief of Staff, dated January 12, 2004 |
| 2. | Memorandum of Activity for Chris Smith, dated January 13, 2004 |
| 3. | Memorandum of Activity for Stuart Goldberg, dated January 30, 2004 |
| 4. | Memorandum of Activity for Paul H. O'Neill, dated January 30, 2004 |
| 5. | Memorandum of Activity for David Aufhauser, dated January 14, 2004 |
| 6. | Memorandum of Activity for Tim Adams, dated January 14, 2004 |
| 7. | Memorandum of Activity for OIG's review of selected employees' email accounts, dated February 25, 2004 |
| 8. | Email message from Kenneth Schmalzbach to George Wolfe with a carbon copy to David Aufhauser, dated December 20, 2002 |
| 9. | Draft Memorandum from Ken Schmalzbach to David Aufhauser, dated December 20, 2002 |
| 10. | 2000 Web Edition of Documenting Your Public Service, National Archives and Records Administration Management Guide Series |
| 11. | Memorandum of Activity for Jeff Kupfer, dated January 13, 2004 |
| 12. | Memorandum of Activity for [REDACTED], dated January 13, 2004 |
| 13. | Memorandum of Activity for [REDACTED], dated January 13, 2004 |
| 14. | Memorandum of Activity for [REDACTED], dated January 15, 2004 |
| 15. | Memorandum of Activity for [REDACTED] and [REDACTED], dated January 14, 2004 |

This report is the property of the Office of Inspector General, and is For Official Use Only. It contains sensitive law enforcement information, the use and dissemination of which is subject to the Privacy Act, 5 U.S.C. § 552a. This information may not be copied or disseminated without the written permission of the OIG, which will be granted only in accordance with the Privacy Act and the Freedom of Information Act, 5 U.S.C. § 552. Any unauthorized or unofficial use or dissemination of this information will be penalized.

- | <u>Number</u> | <u>Description</u> |
|---------------|---|
| 16. | Memorandum of Activity for [REDACTED] dated January 13, 2004 |
| 17. | Memorandum of Activity for Ken Schmalzbach, dated January 13, 2004 |
| 18. | Memorandum of Activity for [REDACTED] dated January 13, 2004 |
| 19. | Memorandum of Activity for Bill Fox, dated January 13, 2004 |
| 20. | Memorandum of Activity for [REDACTED] dated January 20, 2004 |
| 21. | Memorandum of Activity for FedEx subpoena information, dated March 16, 2004 |
| 22. | Memorandum of Activity for [REDACTED] dated February 2, 2004 |
| 23. | Memorandum of Activity for [REDACTED] dated March 17, 2004 |
| 24. | Memorandum of Activity for Ron Suskind, dated February 24, 2004 |
| 25. | Memorandum of Activity for [REDACTED] dated February 25, 2004. |
| 26. | Memorandum of Activity for Review of Discs, dated March 1, 2004 |
| 27. | Memorandum of Activity for [REDACTED] dated January 21, 2004 |
| 28. | Treasury Directive 80-05 – Records and Information Management Program, dated June 26, 2002 |
| 29. | Treasury Directive Form 80-05.6, dated October, 1999 |
| 30. | Treasury Directive Form 80-05.5 – signed by former Secretary O’Neill, dated December 20, 2002 |
| 31. | Memorandum of Activity for Tom McGivern, dated March 17, 2004 |
| 32. | Memorandum of Activity for Jeff Kupfer, dated January 20, 2004 |
| 33. | Sworn statement of Jeff Kupfer, dated January 28, 2004 |

This report is the property of the Office of Inspector General, and is For Official Use Only. It contains sensitive law enforcement information, the use and dissemination of which is subject to the Privacy Act, 5 U.S.C. § 552a. This information may not be copied or disseminated without the written permission of the OIG, which will be granted only in accordance with the Privacy Act and the Freedom of Information Act, 5 U.S.C. § 552. Any unauthorized or unofficial use or dissemination of this information will be penalized.

REPORT OF INVESTIGATION

- | <u>Number</u> | <u>Description</u> |
|---------------|--|
| 34. | Memorandum of Activity for [REDACTED] dated January 22, 2004 |
| 35. | Sworn statement of [REDACTED] dated January 22, 2004 |
| 36. | Memorandum of Activity for Recovery of Discs, dated March 17, 2004 |

This report is the property of the Office of Inspector General, and is For Official Use Only. It contains sensitive law enforcement information, the use and dissemination of which is subject to the Privacy Act, 5 U.S.C. § 552a. This information may not be copied or disseminated without the written permission of the OIG, which will be granted only in accordance with the Privacy Act and the Freedom of Information Act, 5 U.S.C. § 552. Any unauthorized or unofficial use or dissemination of this information will be penalized.



DEPARTMENT OF **THE TREASURY**
WASHINGTON

GENERAL COUNSEL

MAR 31 2004

MEMORANDUM FOR NICK D. SWANSTROM
ASSISTANT INSPECTOR GENERAL FOR
INVESTIGATIONS

FROM: ARNOLD I. HAVENS

SUBJECT: Case Number: 2004-0012

Thank you for the opportunity to review the Report of Investigation (ROI) on the above referenced matter. After carefully reviewing the report and discussing the matter with Assistant Secretary Wayne A. Abernathy, we do not believe that further action is warranted based on the ROI.

Accordingly, as instructed in your memorandum to me dated March 18, 2004, I am returning the original ROI and the Investigative Record Review/Copy Log to your office. We did not make any copies of the original ROI.

If you have any questions regarding this matter, please feel free to contact me at (202) 622-0283 or Roberta McInerney at (202)622-1988.

Enclosure.

Cc: Wayne A. Abernathy