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Counsel's Office, White House

Fielding, Fred - General Files

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W	19	23	3	2	11294	24157	10383	10821

Folder Title:

Office of Special Counsel Reports & Scott Bloch Issues [15]

Withdrawn/Redacted Material

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Report	Analysis of Disclosures, Agency Investigation and Reports...	4	N.D.	P6/b6; b7c;
002	Report	Complainant's Comment on Report and Synopsis of Investigation	25	03/09/2007	P6/b6; b7c;
003	Memorandum	[Conflict of Interest Investigation] - To: Under Secretary for Natural Resources.. - From: James Mendenhall	4	12/22/2006	P6/b6; b7c;
004	Report	Report of Investigation [with attachments]	129	12/22/2006	P6/b6; b7c;

COLLECTION TITLE:

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11294

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

The Special Counsel

April 23, 2007



The Honorable Fred F. Fielding
Counsel to the President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-05-2703

Dear Mr. Fielding:

Pursuant to 5 U.S.C. § 1213(e)(3), I am transmitting the enclosed letter, report, and comments to the President. If I may provide more information concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott J. Bloch".

Scott J. Bloch

Enclosures



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

The Special Counsel

April 23, 2007

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-05-2703

Dear Mr. President:

I received disclosures from Daniel Uresk, Ph.D., a whistleblower at the Department of Agriculture, Forest Service, Rocky Mountain Region, Rocky Mountain Research Station (RMRS), Rapid City, South Dakota. Dr. Uresk alleged that his colleague Jack Butler, Ph.D., improperly shifted RMRS funds to a small mammal research project on which his wife worked.

I required the Secretary, Department of Agriculture, to conduct an investigation into these disclosures pursuant to 5 U.S.C. § 1213(c) and (d). The Secretary, Department of Agriculture, tasked the Office of the Inspector General with conducting the investigation.

As discussed in the attached Analysis of Disclosures, the agency investigation did not substantiate the allegation that Dr. Butler shifted money to his wife's research project. The investigation concluded that Dr. Butler took adequate measures to distance himself from the project. In addition, Dr. Butler neither requested nor approved the RMRS funds that were used on the project.

Dr. Uresk provided comments on the report. As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting to you the report and the whistleblower's comments.

I have reviewed the original disclosures, the report and Dr. Uresk's comments. Based on that review, I have determined that the agency's report contains all of the information required by statute and that its findings appear to be reasonable.

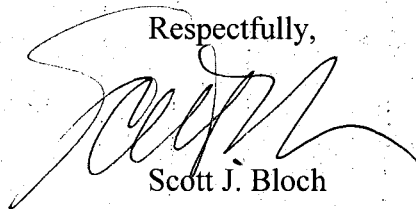
The Special Counsel

The President

Page 2 of 2

As required by law, 5 U.S.C. § 1213(e)(3), I have sent a copy of the report and Dr. Uresk's comments to the Chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, and to the Chairman of the House Committee on Agriculture. I have also filed copies of the agency report and Dr. Uresk's comments in our public file and closed the matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'S. Bloch', written in a cursive style.

Scott J. Bloch

Enclosures

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FOIA IDs and Segments:

2014-0210-F

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United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

JAN 12 2007

Scott J. Bloch, Esq.
Special Counsel
Office of the Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036

Subject: Office of Special Counsel (OSC) Case No. DI-05-2703
OIG File No. KC-0801-0149

Dear Mr. Bloch:

This will respond to your letter to Secretary of Agriculture Mike Johanns dated November 22, 2006, regarding the subject case. The Secretary has asked the Inspector General of the Department of Agriculture (USDA) to investigate this matter, and has delegated to me the responsibility to respond. Enclosed are copies of the Secretary's delegations of authority to the Inspector General to investigate this matter pursuant to 5 U.S.C. 1213(d)(1) - (4), and to me to take all necessary responsive actions regarding the subject case and to report the results directly to you pursuant to 5 U.S.C. 1213(d)(5) and (e)(1).

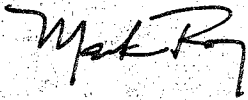
Also enclosed are copies of (1) a Report of Investigation dated December 22, 2006, prepared by USDA's Office of Inspector General (OIG); and (2) a transmittal memorandum to me, from James L. Mendenhall, Special Agent-in-Charge, Office of Inspector General - Investigations, Kansas City, Missouri, also dated December 22, 2006. The memorandum from Mr. Mendenhall and the OIG report articulate the allegations on which the investigation was initiated, explain the manner in which the investigation was conducted, and summarize the evidence obtained in the investigation. Both the memorandum and the investigation report also state that this matter has been discussed with an Assistant United States Attorney for the District of South Dakota, who declined the case for prosecution.

Scott J. Bloch, Esq.
Page 2

Having carefully reviewed both Mr. Mendenhall's memorandum and the Report of Investigation, I have concluded that the evidence demonstrates no violations of any law, rule, or regulation, that no remedial actions need be taken and, as a result, that no further steps by USDA are required.

Thank you for the opportunity to respond further with respect to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Rey". The signature is stylized with a large, sweeping "M" and a cursive "R".

Mark Rey
Under Secretary for Natural Resources and Environment

Enclosures



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

DEC 6 2006

MEMORANDUM FOR PHYLLIS K. FONG
INSPECTOR GENERAL

FROM:

Mike Johanns
Secretary

A handwritten signature in black ink, appearing to read "Mike Johanns", written over the typed name and title.

SUBJECT:

Office of Special Counsel (OSC) Case No. DI-05-2703
Hotline Complaint No. PS-0801-0100

Pursuant to subsection (d), paragraphs (1) through (4), of 5 U.S.C. 1213 (5 U.S.C. 1213(d)(1) - (4)), added by section 3(a)(13) of the Whistleblower Protection Act of 1989, you are hereby delegated authority to perform all functions of the Secretary of Agriculture thereunder respecting the subject case. Please report the results of your inquiry to the Under Secretary for Natural Resources and Environment, to whom I am delegating responsibility regarding this case for remedial functions described in 5 U.S.C. 1213(d)(5) and for reporting to the Office of Special Counsel under 5 U.S.C. 1213(e)(1).



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

DEC 6 2006

MEMORANDUM FOR MARK REY
UNDER SECRETARY
NATURAL RESOURCES AND ENVIRONMENT

FROM:

Mike Johanns
Secretary

A handwritten signature in black ink, appearing to read "Mike Johanns", written over the typed name.

SUBJECT:

Office of Special Counsel (OSC) Case No. DI-05-2703
Hotline Complaint No. PS-0801-0100

Pursuant to subsection (d), paragraph (5), of 5 U.S.C. 1213 (5 U.S.C. 1213(d)(5)), added by section 3(a)(13) of the Whistleblower Protection Act of 1989, you are hereby delegated authority to perform all functions of the Secretary of Agriculture thereunder respecting the subject case. You are also delegated authority pursuant to subsection (e)(1) of the Act (5 U.S.C. 1213(e)(1)), to report the results thereof directly to the Special Counsel. I have delegated to the Inspector General responsibility respecting this case under 5 U.S.C. 1213(d)(1) - (4), and have asked that she forward the results of her inquiry to you for inclusion in the report you make to the Special Counsel in this matter.

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