



**Investigative Report of  
Ethical Violations and Misconduct  
by  
Bureau of Land Management Officials**

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

## SYNOPSIS

We initiated an investigation in October 2015, after receiving two anonymous complaints concerning a Supervisory Agent, Bureau of Land Management (BLM) Office of Law Enforcement and Security (OLES), Salt Lake City, UT.

The first complaint, received in September 2015, concerned the 2015 Burning Man event held annually in northwestern Nevada. The complaint alleged that—

- the Supervisory Agent used his official position to provide preferential treatment to his family members while attending the event;
- the Supervisory Agent directed five on-duty BLM law enforcement officers to escort his family and provide security for them at the event;
- the Supervisory Agent's family received unauthorized access to the Incident Command Post (ICP); and
- the Supervisory Agent's family received overnight lodging in BLM-leased facilities.

The second complaint, also received in September 2015, alleged that the Supervisory Agent improperly intervened in the April 2015 hiring process for a BLM special agent position after he learned that a friend did not make the initial list of candidates to be interviewed.

During our investigation, we received an additional complaint in September 2016, alleging that the Supervisory Agent drove around with his girlfriend in his BLM vehicle while working at the 2015 Burning Man event. The employees who provided details of the misuse stated that they had not fully disclosed this in prior interviews because they feared reprisal from the Supervisory Agent.

We substantiated all but one of the allegations associated with the 2015 Burning Man event.

We found that the Supervisory Agent violated Federal ethics rules when he used his influence with Burning Man officials to obtain three sold-out tickets and special passes for his father, girlfriend, and a family friend. In addition, we confirmed that he directed on-duty BLM law enforcement employees to drive and escort his family during the event with BLM-procured, all-terrain and utility type vehicles (ATVs/UTVs). Regarding the allegation of improper access to ICP by the Supervisory Agent's family, we found that was not against BLM policy. We confirmed that the Supervisory Agent's girlfriend stayed overnight with him in his BLM assigned trailer, contrary to restrictions in the operations plan for the event. The Supervisory Agent also violated Federal ethics regulations by having a subordinate employee make a hotel reservation for his guests. On at least one occasion, he misused his BLM official vehicle when he transported his girlfriend while at the event.

We interviewed BLM OLES Director Salvatore Lauro who stated that he took no action when he saw the Supervisory Agent use ATVs and BLM personnel to transport his (the Supervisory Agent's) family. In addition, Lauro knew the Supervisory Agent allowed his girlfriend to share his BLM overnight lodging accommodations during the event.

We also confirmed that the Supervisory Agent intervened in the hiring process by increasing the number of candidates that would be interviewed. As a result, the Supervisory Agent's friend, who had worked with the Supervisory Agent as a Federal air marshal received an interview and was ultimately hired as a BLM special agent.

During our investigation, the Supervisory Agent displayed a lack of candor when interviewed and tried to influence an employee's comments prior to an interview.

### **BACKGROUND**

Burning Man, an annual gathering attended by thousands of people on BLM-managed Black Rock Desert, is organized by the Burning Man Project, a nonprofit organization, and its for-profit subsidiary, Black Rock City LLC (BRC). The permit issued by BLM to BRC showed the event was held from August 30 to September 7, 2015, and was limited to 70,000 paid participants. Interviewees stated that event attendees actually totaled about 80,000 individuals when vendors and support personnel were also counted.

OLES Director Salvatore Lauro identified OLES' major concern at Burning Man as potential mass casualty from fire-related artwork. He also referred to past BLM enforcement actions that resulted in crowd behavior and the need for tasers. The BLM OLES Official said that Burning Man had a history of illegal drugs, assaults, violence, and other criminal activity, in spite of its largely peaceful reputation. As a result, approximately 70 BLM law enforcement officers were assigned to the event. The BLM OLES Official also said that the Supervisory Agent prepared the operational plan, then briefed the BLM OLES Official and Lauro. He also said that the Supervisory Agent remained in command of operations, although Lauro attended the event.

### **DETAILS OF INVESTIGATION**

On October 7, 2015, we initiated this investigation after receiving two anonymous complaints.

The first complaint, sent by email to BLM Director Neil Kornze on September 9, 2015, and copying the Office of Inspector General (OIG), came from the private email address of an unidentified BLM employee. The complaint stated that a Supervisory Agent had engaged in misconduct and ethical violations at the 2015 Burning Man event. Specifically, the Supervisory Agent used his influence to obtain tickets to the event for family members; he also permitted his family members to visit the ICP and receive overnight lodging at BLM-leased facilities. The complaint also alleged that he directed five BLM law enforcement personnel to provide his family members with an escort and tour through BRC, using BLM-procured all-terrain and utility type vehicles while the officers were on official duty at the event.

The second complaint, also submitted on September 9, 2015, alleged that the Supervisory Agent committed an unfair hiring practice in April 2015 when he intervened on behalf of a friend applying for a BLM special agent position.

A third complaint, received in September 2016 near the end of our investigation, alleged that the Supervisory Agent misused his Government vehicle when he used it to drive around with his girlfriend during the 2015 Burning Man event.

## **Supervisory Agent's Misconduct at Burning Man**

### *Supervisory Agent Seeks Favor from Prohibited Source*

During our investigation, we found that the Supervisory Agent obtained three full-event Burning Man tickets for "family" members identified as his father, a family friend, and the Supervisory Agent's girlfriend. At the time he bought the tickets, those available to the public had been sold out. The Supervisory Agent used his contacts and relationships with Burning Man officials to obtain the tickets. Federal ethics regulations prohibit soliciting gifts from a prohibited source. See 5 C.F.R. § 2635.202(a). Ethics regulations also prohibit Federal employees from using any authority associated with their public position for the private gain of friends and relatives. See 5 C.F.R. § 2635.702.

As part of our email review, we found that, as early as February 27, 2015, the Supervisory Agent told a BRC Attorney that he was considering bringing his parents to the 2015 event to honor a relative's passing at the Burning Man temple ceremony. He wrote that he might bring his parents with the BRC Attorney's help and approval.

We also found that the Supervisory Agent had discussed obtaining tickets with a former BLM Special Agent serving as a current reemployed annuitant hired as a special project manager for the event. The former BLM Special Agent reported three conversations with the Supervisory Agent:

- The Supervisory Agent asked if he could purchase tickets for \$50 each through a program offered to locals, but the former BLM Special Agent informed him that his family members did not qualify.
- The Supervisory Agent then informed him that he intended to purchase the tickets from BRC officials at a discount; the former BLM Special Agent urged him not to do this because of the Supervisory Agent's bad publicity concerning demands for expensive items purchased by BRC for BLM's use at the event.

*Agent's Note: In 2015, a newspaper published an article stating that a letter [went] to Secretary Jewell, expressing concerns with "providing outlandishly unnecessary facilities for BLM and its guests" at the 2015 event. The article also stated that the Supervisory Agent had been cited multiple times as the person behind many of the BLM requests, and further stated that BLM wanted Burning Man to provide a \$1 million luxury compound.*

- During his third conversation with the Supervisory Agent, the Supervisory Agent informed the former BLM Special Agent that he had purchased full price tickets from the BRC Attorney, with whom the Supervisory Agent had a good relationship.

A September 3, 2015 email from the BRC Attorney to the Supervisory Agent at the time of the event cited the BRC Attorney's willingness to offer four regularly priced tickets as a courtesy to the Supervisory Agent's family. The BRC Attorney further stated that BRC held tickets at the Box Office for unique situations that arose after tickets were sold out and that he was happy to offer the tickets to the Supervisory Agent.

During his interview, the BRC Attorney said that the Supervisory Agent had either telephoned or sent him a text message asking for three tickets for his family members just before he sent the Supervisory Agent the September 3, 2015 email. The Supervisory Agent knew that regular tickets for the event were sold out but that BRC also held back about 100 tickets for special requests and needs. The Supervisory Agent approached the BRC Attorney to purchase tickets for his family, but wanted the tickets at the regular price because of scrutiny surrounding his role in BLM's request for the luxury compound. The BRC Attorney forwarded OIG investigators an email dated September 5, 2015, showing three tickets charged to the Supervisory Agent's personal credit card at \$390 each, with a processing fee of \$19 each, for a total of \$1,227.

Lauro also reported that the Supervisory Agent showed him a receipt for approximately \$1,200 paid on his personal credit card so that his family could attend the event. Lauro told the Supervisory Agent it was "probably the best \$1,200 you've ever spent because it's going to turn, we know it's going to turn into a complaint." He said the Supervisory Agent was upfront with him regarding his family's attendance, having tried to make sure he did not violate any policies. Lauro knew that the Supervisory Agent had purchased tickets at full price with personal funds, and said that the Supervisory Agent "knows people are looking." We also found that the Supervisory Agent had discussed the ticket purchase with several BLM law enforcement personnel, who each felt that the Supervisory Agent wanted to make them aware that he had paid full price for the tickets.

Lauro and a BLM OLES Official both indicated that no policy prohibited OLES personnel from having family members attend the event. Lauro said that he attended the event and knew that the Supervisory Agent's family also attended. The family specifically visited the temple, which the Supervisory Agent helped to construct. He said that the Supervisory Agent was allowed to cut a piece of wood and place it in the temple in memory of a family member. The BLM OLES Official confirmed that two of the Supervisory Agent's family members, as well as his girlfriend, had attended a portion of the event for which the Supervisory Agent had placed a board in the temple in his family member's memory.

The Supervisory Agent also sent an earlier email to the BRC Attorney on August 26, 2015, in which he attached photographs depicting his significant temple construction efforts. In the photo, the Supervisory Agent wears his law enforcement equipment and firearm, and a shirt identifying him as a Federal agent.

The Supervisory Agent's account of his conversations with the former BLM Special Agent and the BRC Attorney differed from their accounts, however. He said the former Special Agent told him he was an "idiot" to pay full price. The Supervisory Agent said that when he went to the BRC Attorney to find a ticket option that would bring less scrutiny, he generally knew that tickets available for public attendance had been sold out, but he did not know that the BRC Attorney had extra tickets. He said that he told the BRC Attorney he did not want special treatment because of his position.

#### *Supervisory Agent Seeks Favor from BRC for Special Passes to Man Burn*

During our investigation, we learned that the Supervisory Agent had asked a BRC Official for three special passes so that his family could watch the Man Burn, the high point of the Burning

Man event when an effigy is burned at the temple. The passes, which have no face value but which are not available to the public, gave access to the inner perimeter on the night of September 5, 2015. Our interviews of BRC officials revealed that the inner perimeter was considered a privileged location, reserved primarily for BRC, pyrotechnics, and emergency services staff. The BRC Attorney told us that a BRC Official controlled the special passes and that they had never before been provided to a BLM employee's family members.

When interviewed, the BRC Official said that the Supervisory Agent had asked on Saturday afternoon, September 5, for three passes so that his family could attend the 10:00 p.m. Man Burn that night. The BRC Official confirmed that access to the inner perimeter was a special privilege and never previously requested by or given to a BLM official or law enforcement official. When asked if the Supervisory Agent's position had influenced the availability of the passes, the BRC Official said that there had been apprehension at first because it seemed "a little strange." The BRC Official still gave the Supervisory Agent the passes because being gracious was part of the Burning Man culture. Federal ethics regulations prohibit soliciting gifts from a prohibited source. See 5 C.F.R. § 2635.202(a). Ethics regulations also prohibit Federal employees from using any authority associated with their public position for the private gain of friends and relatives. See 5 C.F.R. § 2635.702.

The Supervisory Agent said that the BRC Official had given him special laminated passes so that his family could watch from the inner perimeter, but he did not necessarily consider it a special privilege.

During the interview, the BRC Official indicated that the Supervisory Agent was on official duty while in the inner perimeter with his family, as were all law enforcement officers who were on official business while present at the event. A review of the Supervisory Agent's time and attendance records showed that he was on official duty while at the Man Burn during the night of September 5, 2015. The review showed that he claimed 24 hours of official work time for Saturday, September 5, the day of the Man Burn. He also claimed 24 hours of official work time for Sunday, September 6, and again on Monday, September 7.

#### *Supervisory Agent's Misuse of OLES Personnel and BLM-Procured, All-Terrain and Utility Type Vehicles*

OLES personnel confirmed that the Supervisory Agent directed five on duty BLM law enforcement officials to drive, escort, and provide security for his family at the 2015 Burning Man event. A BLM Subordinate Supervisory Agent said the Supervisory Agent asked him to take the Supervisory Agent's family with him on his daily route around the event's playa. He transported the Supervisory Agent's father, family friend, and girlfriend on a BLM-procured Kubota utility vehicle while also performing his official duties. BLM Special Agents confirmed that they saw a BLM Subordinate Supervisory Agent transporting the Supervisory Agent's family in a utility vehicle at the event.

A BLM OLES Contracting Officer confirmed seeing the Supervisory Agent's father, girlfriend, and another man getting out of a Kubota utility vehicle, which she had procured for OLES to use during the event. A BLM OLES Contracting Officer provided a copy of a

“Solicitation/Contract/Order for Commercial Items,” dated August 8, 2015, confirming the Federal procurement. Federal law prohibits the use of Government owned or leased passenger vehicles for unofficial purposes. See 31 U.S.C. §§ 1344(a) and 1349(b).

A BLM Special Agent further stated that the Supervisory Agent had directed him and another BLM Special Agent, as well as two BLM law enforcement officers to accompany his family around the event. They drove in separate all-terrain vehicles known as Razors. At one point, they all met up with the Supervisory Agent, BLM OLES Director Lauro, and former Department of the Interior OLES Director Harry Humbert.

A BLM Supervisory Law Enforcement Ranger also stated that at about 2:00 p.m. on September 5, 2015, the Supervisory Agent asked him to accompany Lauro, Humbert, and himself on a tour of the event. The four of them met up with another BLM Subordinate Supervisory Agent, who drove a Kubota utility vehicle with the Supervisory Agent’s father, family friend, and girlfriend as passengers. A BLM Supervisory Law Enforcement Ranger said that the vehicles stopped at the temple, then drove around the playa looking at the art. They also went to an area known as the District, where several thousand people gathered to listen to and provide music. He said that the tour lasted 3 to 4 hours.

The BLM Supervisory Law Enforcement Ranger noted that the utility vehicles had been used to transport Government officials (e.g., a U.S. attorney, a BLM Official, and a DOI Solicitor Official), but that the vehicles had never been used to transport BLM OLES family members on a tour with a law enforcement escort. He said a tie to the Government always occurred when the utility vehicles were used for transportation. A BLM Subordinate Supervisory Agent informed us, however, that the former BLM Special Agent’s wife had routinely attended the event and received a tour on a utility vehicle.

A BLM OLES Budget Analyst said the Supervisory Agent’s father, family friend, and girlfriend toured the Burning Man event with Lauro and Humbert. She also said that other law enforcement personnel had their family members visit the event and that it was a common practice; however, the Supervisory Agent’s family were the only non-law enforcement personnel provided a tour that day.

During his interview, the Supervisory Agent confirmed that he oversaw all BLM law enforcement personnel assigned to the event, while also confirming that another BLM Supervisory Agent, a BLM Supervisory Law Enforcement Ranger, a BLM Law Enforcement Officer and BLM Special Agents had been his subordinates during that time. The Supervisory Agent confirmed that he had asked a BLM Subordinate Supervisory Agent and other BLM law enforcement personnel to accompany his family on a tour of the event and that all OLES law enforcement officers were on official duty and in uniform when this occurred. The Supervisory Agent also said that the Kubota utility vehicle had been used routinely to transport the public because it had been rented, rather than owned by BLM.

Contrary to the Supervisory Agent, a BLM Subordinate Supervisory Agent did say that law enforcement officers typically did not escort or transport the public in the utility vehicles. He said that the Supervisory Agent’s family received transportation, as well as preferential

treatment, because of the Supervisory Agent.

*Lauro's Knowledge of the Supervisory Agent's Actions*

We questioned Lauro about the Supervisory Agent's use of BLM's law enforcement officials and Government procured vehicles to transport the Supervisory Agent's family and give them a tour of the Burning Man event. Lauro acknowledged that he saw a BLM Subordinate Supervisory Agent driving the Supervisory Agent's family members during the event and stated that the Supervisory Agent told him his family was coming and that his girlfriend was staying in the trailer. He denied knowing that the BLM law enforcement officers riding nearby were a security escort, as well as whether the vehicle that a BLM Subordinate Supervisory Agent drove was a leased BLM ATV or belonged to the Sheriff's department. He said the use of ATVs and BLM personnel to transport the Supervisory Agent's family, in addition to the use of BLM lodging might be considered "technical" violations, especially since, as the Supervisory Agent's second level supervisor, he did not see anything that led him to tell the Supervisory Agent to stop. He explained the "reality" is we "regularly" drive non-government people. He stated he did not feel that the Supervisory Agent's family received preferential treatment. He also said he would not have let a BLM law enforcement officer's family who had lost a loved one travel around the event on their own. Lauro added, however, that he and the Supervisory Agent had discussed the potential for an IG complaint, saying "in fact we probably could have written it before it happened because he's had like eight anonymous complaints in the last two years."

When interviewed, Humbert said he did not know that the utility vehicles used to transport the Supervisory Agent's family belonged to the Government. He added that, if they did, then Government vehicle use policies applied. When asked if he felt the Supervisory Agent's family members had received preferential treatment because of the Supervisory Agent's position, Humbert said, "I don't think there is any other way you can look at it."

*Supervisory Agent's Disregard for the Accommodations Directive and Allegations of Meals at BLM's Expense*

The "Law Enforcement Operations Plan - Duties, Procedures, Protocols, and Rules Specific to the 2015 Burning Man Event, dated August 11, 2015," signed and approved by the Supervisory Agent, stated: "Since many law enforcement officers will be sharing a room with another officer during the Burning Man event, rooms are only for those persons assigned to the event."

*Agent's Note: The operations plan is not provided as an attachment due to its sensitivity.*

A BLM Subordinate Supervisory Agent had been assigned to a BLM lodging trailer with the Supervisory Agent. He confirmed that the Supervisory Agent's girlfriend stayed 1 or 2 nights with the Supervisory Agent in the trailer. She also shared meals prepared with food he and the Supervisory Agent had purchased for the trailer. The BLM Subordinate Supervisory Agent did not know if the Supervisory Agent's girlfriend received meals from the dining facility provided for BLM employees.

When interviewed, the Supervisory Agent stated that his girlfriend stayed overnight with him in

his assigned lodging trailer, and that his father stayed the first night at a Marriott in Reno. He said that on the second night his father stayed with his family's friend. Regarding the lodging rules cited in the Law Enforcement Operations Plan, the Supervisory Agent said ". . . it's to keep people from jumping rooms or moving rooms or trading rooms."

During Lauro's interview, he stated that the Supervisory Agent informed him his (the Supervisory Agent's) girlfriend would stay the night with him in the trailer. The Supervisory Agent told him that he had checked with contracting and travel personnel and that there was no violation since it was the same as staying in a hotel room together.

#### *The Supervisory Agent's Misuse of a Government-owned Vehicle*

A BLM OLES Budget Analyst and a BLM OLES Contracting Officer contacted OIG near the completion of our investigation to request additional interviews regarding information they had not provided due to fear of retaliation.

Both provided details regarding the Supervisory Agent's misuse of his assigned Government vehicle, a silver Chevrolet Tahoe, while at the 2015 Burning Man event. According to an OLES Budget Analyst, she and a Contracting Officer learned from the Supervisory Agent that his girlfriend needed directions to the event. The Supervisory Agent told them that he might meet her in his Government vehicle at a nearby community, then transport her to the event. The OLES Budget Analyst and the OLES Contracting Officer warned the Supervisory Agent against his plan, but the Supervisory Agent only appeared frustrated when he left.

Later that night, according to the OLES Budget Analyst and the OLES Contracting Officer, the Supervisory Agent drove up to them in the Government Tahoe when they were near a mobile substation. They observed the Supervisory Agent's girlfriend in the Tahoe's front passenger seat, when the Supervisory Agent told them to get into his vehicle. They refused. The Supervisory Agent drove away when he saw someone approaching and became concerned that he would be seen.

The next day, the Contracting Officer asked the Supervisory Agent why he had driven his girlfriend in his Government vehicle. He responded to her, "You will forget that you saw that."

During our investigation, we learned that a retired police officer and paramedic assigned to the event had transported the Supervisory Agent's family from the nearby community, although we could not confirm the date or time. The retired police officer told us that, based upon a request from the Supervisory Agent, he had met the Supervisory Agent's family, then transported them in his personal vehicle. He took them through the main entrance where he thought their tickets were scanned, then dropped them off at the ICP where the Supervisory Agent waited for them.

During his interview on May 24, 2016, we asked the Supervisory Agent if he had transported his girlfriend or other family members in his Government vehicle while at the event. He said he had not, and that he had given orders not to transport his family in a Government vehicle.

### *Additional Statements by OLES Employees Regarding Lodging for the Supervisory Agent's Family*

The BLM OLES Budget Analyst and the BLM OLES Contracting Officer provided additional details about the Supervisory Agent's intent to secure BLM lodging for his family. The BLM OLES Budget Analyst stated that she had observed a phone conversation in which the Supervisory Agent asked the former BLM Special Agent to reserve a travel trailer for overnight use by his father and family friend. The conversation occurred while she, the Supervisory Agent, and the BLM OLES Contracting Officer were outside the BLM State Office before they left for Burning Man. The BLM OLES Budget Analyst did not know if the Supervisory Agent's father and family friend stayed overnight in the trailer, but the BLM OLES Contracting Officer said that she used the Supervisory Agent's Marriott rewards number to reserve a hotel room for his father and family friend. The BLM OLES Contracting Officer did not know if they stayed overnight in one of the lodging trailers. Federal ethics regulations prohibit supervisors from encouraging or requesting subordinates to use their official time to perform unofficial duties such as personal errands. See 5 C.F.R. § 2635.705(b).

### **Supervisory Agent's Improper Influence in a Hiring Process**

According to the second complaint, the Supervisory Agent increased the number of candidates interviewed for a hiring action, which enabled a friend to be interviewed and later selected for the job instead of other more qualified candidates. The complaint further stated that the interviews were short, that the Supervisory Agent's friend who had applied for the position apparently received the questions in advance, and that he was hired immediately after the interviews concluded.

We found that the BLM OLES vacancy announcement resulted in two applicants being hired: a BLM Special Agent, formerly employed as a special agent for the U.S. Secret Service, and the Supervisory Agent's friend, formerly employed as an air marshal for the Supervisory Agent's previous employer, the Federal Air Marshals Service (FAMS).

#### *Hiring for a BLM Special Agent Position*

The BLM OLES Official said he had little involvement in the hiring process for the BLM special agent position. He said the Supervisory Agent would have handled the hiring locally from a single announcement that filled two positions in the Supervisory Agent's office. He subsequently discussed the hiring with the Supervisory Agent, who identified a "natural break" of 5 percent in the resume scores at the 32<sup>nd</sup> candidate, which meant that a gap greater than one or two percentage points between the scores occurred at this point. He said he was not concerned if a friend of the Supervisory Agent applied for the position, as long as the Supervisory Agent followed the human resources process.

The BLM OLES Official further stated that, while gathering documents for OIG's investigation, he learned from the Supervisory Agent that the Supervisory Agent's friend had worked previously with him as a Federal air marshal. The Supervisory Agent told him that their working relationship had occurred years earlier, that he had not had contact with his friend (and special agent job applicant) since they worked together, and that the two of them were not friends.

Our review of documents gathered by the BLM OLES Official revealed a schedule titled “Resume Summary,” signed by the Supervisory Agent and dated April 16, 2015, showing the combined scores of 121 unnamed applicants. This schedule also contained a handwritten notation, citing a 5-percent break at the 32<sup>nd</sup> applicant. A separate schedule, also titled “Resume Summary” but containing the names of the 121 applicants and their combined scores and ranking, showed that the Supervisory Agent’s friend ranked 23<sup>rd</sup> out of 121 applicants.

Lauro stated that he did not know if the Supervisory Agent and the individual hired as a BLM Special Agent were friends when the man was hired, but he assumed that the Supervisory Agent probably knew the applicant since both worked for FAMS. He also did not know if the Supervisory Agent halted the hiring process so that the individual would receive an interview. When shown the Resume Summary and the various other hiring documents that the BLM OLES Official provided, Lauro said that he would never interview 30 people for a position and hoped that the Supervisory Agent had a good reason for his decision.

### *The Supervisory Agent’s Influence On the Hiring Process*

A BLM Subordinate Supervisory Agent said that he was designated as the selecting official for the two BLM special agent positions, for which more than 200 applicants applied. The Supervisory Agent had told him that an identified applicant’s skills, as well as his personality, would fit well with the team and that he would like to give him a chance at the job. The BLM Subordinate Supervisory Agent said that the applicant should not have been hired because he was not as qualified as the top candidates.

A BLM Special Agent who was on both the resume review and interview panels said the Supervisory Agent tasked him to oversee the hiring process for the BLM special agent positions. He also said that the identified applicant had been discussed long before the applicant resumes had been ranked. The Supervisory Agent previously asked him to speak with the identified applicant on the telephone to discuss the hiring process, and the Supervisory Agent brought him into the office to meet with the BLM Special Agent to discuss the job.

The BLM Special Agent said that when he and a BLM State Ranger scored the applicant resumes, the identified applicant had ranked low, somewhere “in the forties” or lower. He further stated that, although the BLM Subordinate Supervisory Agent had intended to include only the top 10 to 15 candidates in the interview cut-off, the Supervisory Agent intervened, moving the cut-off to about the 30<sup>th</sup> applicant, which gave his friend, the identified applicant, an interview and made it clear to the BLM Special Agent that the Supervisory Agent had moved the cut-off for that purpose. He had concerns about the identified applicant’s law enforcement qualifications, which did not match those of most criminal investigators.

The BLM State Ranger said that, while on assignment with other OLES employees, he and the BLM Special Agent scored and ranked the applicant resumes, finding a natural break at a 3- to 5-percent difference in the scoring after about the 13<sup>th</sup> applicant. He said that the identified applicant ranked at about 30 among approximately 120 resumes. Since he and other OLES employees had discussed the identified applicant, he knew the Supervisory Agent would not be happy if the identified applicant did not receive an interview. He said the BLM Subordinate

Supervisory Agent later told him that the Supervisory Agent had interfered with and suspended the process to ensure interviews for the top 30 candidates.

We also found that a BLM OLES Budget Analyst was assigned to handle certain administrative tasks pertaining to the hiring process. These included preparing spreadsheets to reflect applicant scores and rankings, and contacting applicants to arrange interviews. The BLM OLES Budget Analyst confirmed that the Supervisory Agent had discussed his friend, the identified applicant, with her and the other OLES employees many times to sell his qualifications. The Supervisory Agent's friend had visited the OLES office on several occasions, and the Supervisory Agent required her and other OLES employees to accompany them to lunch. The Supervisory Agent also told employees that everyone would like his friend, mentioning common interests his friend shared with OLES employees. The BLM OLES Contracting Officer reported that, in March 2015, the Supervisory Agent sent a text saying that his friend would be visiting the office that day. The Supervisory Agent wanted them all to go to lunch together. The BLM OLES Contracting Officer complied because the Supervisory Agent was her immediate supervisor and she feared he might retaliate if she refused.

The BLM Subordinate Supervisory Agent felt that a definitive interview cut-off occurred about the 12<sup>th</sup> or 13<sup>th</sup> applicant. He had several conversations with the Supervisory Agent about his friend, the identified applicant; he said the Supervisory Agent knew that his friend did not rank among the top 13. The BLM Subordinate Supervisory Agent told the Supervisory Agent that his friend was not the best candidate, but the Supervisory Agent disagreed. Eventually, the Supervisory Agent suspended the hiring process because, the BLM Subordinate Supervisory Agent believed, the Supervisory Agent wanted his friend hired. The BLM Subordinate Supervisory Agent provided a series of emails, dated April 13, 2015, in which the Supervisory Agent said he was going to suspend the hiring process until he could conduct a review. BLM's Subordinate Supervisory Agent said the Supervisory Agent suspended the process because he wanted to hire his friend.

During our second interview with the BLM OLES Budget Analyst, she denied she told the Supervisory Agent his friend's rank in the resume scoring. She told us during her final interview, however, that she met with the Supervisory Agent after returning from the Las Vegas assignment, and he looked at the rankings list without any names attached. The Supervisory Agent marked and signed the list, establishing the interview cut-off. He then told the BLM OLES Budget Analyst to let him know before proceeding with the interviews if the cut-off was not low enough. The BLM OLES Budget Analyst said she understood that he wanted to know if his friend did not make the cut-off because the Supervisory Agent had previously told her that he wanted his friend to be interviewed.

The Supervisory Agent acknowledged his role as the approving official for the hiring process. He said he stopped the process so that he could evaluate the rationale for selecting interview candidates. He expressed concern because only 12 applicants had been selected out of a pool of 130, using only their scored resumes as justification.

The Supervisory Agent further stated that he increased the number of candidates because the 32<sup>nd</sup> candidate marked the first 5-percent difference in scores and was the first natural break in the

list. He denied knowing where his friend ranked and that increasing the number of candidates meant his friend received an interview.

### *Interviews of Applicants*

The documents that the BLM OLES Official provided included one titled “First Round Interview Schedule – Monday, April 20.” It showed that 28 applicants had been scheduled for interviews at 20-minute intervals. The document also included each applicant’s scores in response to four questions asked during interviews with the BLM Special Agent and the Special Agent Panel Member for Interviews. An interview rating summary showed that the Supervisory Agent’s friend ranked fourth.

The BLM Subordinate Supervisory Agent said that the Supervisory Agent had wanted short applicant interviews with a definitive number of questions asked of all the candidates so that they could demonstrate their verbal skills.

The BLM Special Agent and the Special Agent Panel Member for Interviews conducted the interviews by telephone. Both indicated that the Supervisory Agent’s friend appeared to know the questions in advance. When interviewed, the BLM Special Agent said that he, the Supervisory Agent, and the Special Agent Panel Member for Interviews had developed the questions, but that he no longer had them. The Special Agent Panel Member for Interviews said the same.

The Special Agent Panel Member for Interviews further stated that the Supervisory Agent’s friend interviewed well and correctly answered the “zinger” question, which asked what percentage of the state was public land. She sensed that the Supervisory Agent’s friend had been given the questions ahead of time, based on the way he responded. She also said that everyone knew the Supervisory Agent and the applicant he had identified for the position previously had worked together.

The Supervisory Agent said that 10 questions had always been asked during previous interviews. He did not know why only 4 questions were asked or if they were sufficient to consider hiring an applicant. He denied that he provided the questions to his friend for his interview. When interviewed, the Supervisory Agent’s friend said he had not received interview questions beforehand.

### *Reference Checks for the Supervisory Agent’s Friend*

The BLM Subordinate Supervisory Agent said that he had contacted two individuals not listed as references on the resume of the Supervisory Agent’s friend, both of whom had worked with the friend on a Joint Terrorism Task Force (JTTF) assignment. After speaking with them, the BLM Subordinate Supervisory Agent reported to the Supervisory Agent that he had received unfavorable feedback. The Supervisory Agent then contacted a FAM supervisor, who gave his friend a favorable recommendation.

An intelligence analyst who had worked with the Supervisory Agent's friend at JTTF told the BLM Subordinate Supervisory Agent that the Supervisory Agent's friend did not respond to requests for assistance or carry through with assigned tasks. A Federal Bureau of Investigation special agent also assigned to JTTF did not recall being contacted by the BLM Subordinate Supervisory Agent, but had talked with the Supervisory Agent's friend about the Supervisory Agent, whom she had known at JTTF. She also had seen both of them together. She said that they appeared to be good friends.

A FAMS Special Agent reported that the Supervisory Agent had contacted him during his friend's reference check. He gave the Supervisory Agent's friend a favorable recommendation. He also said that the Supervisory Agent's friend was a good employee with great character. He said being a good employee had been required for the Supervisory Agent's friend to be considered for the JTTF assignment.

When interviewed, the Supervisory Agent's friend said that he had known the Supervisory Agent since April or May 2002 and that they had worked together at FAMS. At that time, he and the Supervisory Agent also socialized periodically after business hours and on weekends with a group of friends. This continued until the Supervisory Agent transferred to JTTF. He said that the Supervisory Agent eventually transferred to BLM OLES in 2005 or 2006 and that they had no further contact until the Supervisory Agent's friend transferred to JTTF in 2012.

While with JTTF, the Supervisory Agent's friend reached out to the Supervisory Agent to discuss schools and homes in the area. He later pursued the BLM special agent position as his JTTF assignment neared an end and as his wife chose to remain in the area with their son. The Supervisory Agent contacted him 3 ½ weeks after his BLM interview to inform him that he had been selected for the position.

In a May 5, 2015, email, the BLM Subordinate Supervisory Agent notified the BLM OLES Official that he and the Supervisory Agent had selected the Supervisory Agent's friend for the position. The email reflected that the BLM OLES Official subsequently notified OLES Director Lauro of the selection.

The Supervisory Agent said that the BLM Subordinate Supervisory Agent never told him that his friend should not be hired or that he had concerns about his friend. The BLM Subordinate Supervisory Agent also never told him why his friend was not the best person for the job. He said the BLM Subordinate Supervisory Agent also had every opportunity to tell the BLM OLES Official if he thought hiring his friend was inappropriate.

The BLM Subordinate Supervisory Agent said that although he disagreed with the Supervisory Agent over hiring his friend, he ultimately selected the Supervisory Agent's friend for the position because "that's how life is and... it's his program."

*The Supervisory Agent's Attempts to Influence Employee Testimony and Employee Concerns of Retaliation*

Several employees informed us that the Supervisory Agent had contacted them prior to and after their interviews with OIG to influence them and to learn interview details. These employees feared the Supervisory Agent would retaliate because of information they had provided.

A BLM State Ranger and a BLM Subordinate Supervisory Agent both stated that the Supervisory Agent contacted them before their interviews with OIG. The BLM State Ranger said that the Supervisory Agent told him that saying "I don't recall" was a valid answer when responding to OIG's questions. The BLM State Ranger said that the Supervisory Agent contacted him after his interview. The Supervisory Agent asked him, "So do I still have a job or did you get me fired?" He said the Supervisory Agent's comments made him uncomfortable and were an attempt to influence his testimony.

The BLM Subordinate Supervisory Agent said that the Supervisory Agent gave him "stuff" to say. For instance, he said that the Supervisory Agent told him to tell OIG investigators that wives of sheriff's department officers had also attended the Burning Man event and eaten at the commissary, and that they had entered the event without paying. He further said that the Supervisory Agent told him to tell OIG about ticket types that could be purchased and that the former BLM Special Agent's wife attended the event.

Following his interview, the Supervisory Agent sent the BLM Subordinate Supervisory Agent a text message concerning a news article about a local sheriff transporting his wife and son by helicopter to the Burning Man event. In his text, the Supervisory Agent wrote, "Email that [article] to [OIG]! . . . Jesus! I look like a choir boy!"

When interviewed, the Supervisory Agent acknowledged that he had conversations with the BLM State Ranger, the former BLM Special Agent, the BLM Subordinate Supervisory Agent, and another BLM State Ranger about OIG's interview, but he denied that he attempted to influence anyone's testimony.

During her final interview, the BLM OLES Contracting Officer said that when she returned from the Burning Man event, the Supervisory Agent informed her that two complaints had been filed with OIG against him. She said the Supervisory Agent blamed her for the complaints and told her that she needed to do damage control. She said he threatened to ruin her career if she did anything against him.

The BLM OLES Contracting Officer also stated that during the return trip from Burning Man, the Supervisory Agent had a copy of a complaint sent to OIG. She said that he accused another BLM State Ranger of filing the complaint, and threatened to retaliate against the BLM Supervisory Law Enforcement Ranger, as well as an additional BLM State Ranger for providing OIG with information. She also stated that the Supervisory Agent later told her, "If you're not on my ship, you're going to sink . . . So I suggest you get on my ship." As a result, she feared the Supervisory Agent and kept her office door locked.

The BLM OLES Budget Analyst said the Supervisory Agent told her that he was going to ruin the BLM Law Enforcement Ranger's career. He bragged about ruining a BLM State Ranger's reputation with BLM State Directors and other managers. She said that shortly after the Supervisory Agent changed positions, he had bragged to her that "he owned" Lauro and the BLM OLES Official and that, as a result, no action could be taken against him.

The BLM OLES Budget Analyst further stated that a few weeks after the Supervisory Agent's removal from his position in the office, he sensed that she no longer wanted to interact with him. She said he had called her into his office. The Supervisory Agent said, "You know, if you don't side with me, grenades are going to go off and you'll get hit."

#### **SUBJECT(S)**

1. Supervisory Agent, BLM OLES
2. Salvatore Lauro, Director, BLM OLES

#### **DISPOSITION**

We are forwarding our report of investigation to the Assistant Secretary for Land and Minerals Management for any action deemed appropriate.