



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

INVESTIGATIVE REPORT OF ALLEGATIONS OF CONFLICT OF INTEREST AT GETTYSBURG NATIONAL MILITARY PARK

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

SYNOPSIS

We initiated this investigation in September 2016 based on an anonymous complaint alleging that Superintendent Ed Clark of Gettysburg National Military Park (GETT) violated ethics rules by soliciting funds on behalf of the Gettysburg Foundation, a non-Government organization; accepting Foundation-funded travel to events sponsored by the Foundation and those sponsored by other non-Government entities; and hosting a Foundation-funded dinner for his employees.

We found that from February 2014 to October 2016, Clark traveled 27 times to attend events organized by the Foundation. We found that Clark committed criminal violations by submitting false travel vouchers and by accepting meals, lodging, and other in-kind gifts from non-Government organizations as compensation for his official services. In addition, he violated laws and regulations by failing to obtain required supervisory and ethics approval prior to taking trips paid for by the Foundation and by failing to report expenses accurately following his trips, to include more than \$23,000 in travel-related expenses paid for by the Foundation.

We also found that his travel authorizations for the 27 trips were signed by his subordinate staff, who did not know details of his travel agenda. Further, on seven occasions, Clark traveled outside the Gettysburg, PA, area without first submitting a travel authorization request. On other trips, Clark submitted travel authorizations and vouchers requesting full per diem reimbursement while failing to report that the Foundation paid for some of his meals during those trips.

We found that Clark functioned as GETT's liaison to the Foundation, without prior supervisory approval or consulting with ethics officials as recommended by National Park Service (NPS) policy. While, as the GETT superintendent, he is expected to work closely with the Foundation regarding fundraising and to attend and participate in fundraising events, such as speaking on behalf of GETT, he is not allowed to directly solicit funds. We did not find evidence that Clark did so, but we did find that Clark twice gave statements of support to the Foundation and the Civil War Trust that were included in solicitation letters addressed to members and potential donors.

We also found that in September 2015 Clark asked the Foundation to pay for a dinner that Clark and other NPS employees and Foundation guests attended, violating the ethics regulation that prohibits soliciting gifts from prohibited sources. The NPS employees who attended the dinner, some of whom were accompanied by their spouses, likewise accepted gifts from a prohibited source. In addition, we confirmed that Clark solicited reimbursements from the Foundation for dinners he purchased for foreign visitors to GETT.

DETAILS OF INVESTIGATION

We initiated this investigation in September 2016 following an anonymous complaint that Gettysburg National Military Park (GETT) Superintendent Ed Clark violated ethics rules by soliciting funds on behalf of the Gettysburg Foundation. The Foundation is a private, nonprofit 501(c)(3) organization that has been in partnership with National Park Service (NPS) since November 7, 2002. Through this partnership, the Foundation built and continues to operate the visitor center at GETT, and has constructed several projects in the park. The complainant further alleged that Clark traveled on Foundation business at the Government's expense, and that the Foundation reimbursed Clark for some of these travel expenses, which Clark allegedly failed to properly report. The complainant also reported that Clark violated ethics rules regarding the receipt of gifts by allowing the Foundation to pay for a dinner hosted by Clark.

Clark Failed To Report Receiving Travel-Related Benefits from a Non-Government Source

According to travel records we obtained from the U.S. Department of the Interior's (DOI) Concur travel system, Clark made 27 trips from February 2014 to October 2016 for meetings and events with potential donors to the Foundation. These included social gatherings, where Clark met with existing Foundation members; individual meetings with potential donors, where Clark met with representatives of organizations the Foundation was targeting for donations; and gala events, usually for fundraising. We found that during these trips, Clark accepted \$23,907.13 in travel-related benefits from the Foundation (\$9,745.13) and a construction company (\$14,162) that he failed to disclose to the NPS ethics counselor, as required by law and regulations. See Title 31 of United States Code (U.S.C.) Section 1353, Title 41 of Code of Federal Regulations (C.F.R.) Chapter 304, DOI Departmental Manual Part 374 Chapter 5, and DOI Temporary Duty Travel Policy 1.6 (which all discuss rules about accepting payment from non-Federal sources). The construction company has been an NPS contractor and has close ties to the chairman of the Foundation.

In addition, we found that for 13 of those trips Clark claimed full per diem, which is the daily allowance for meals, on his Government travel vouchers, and failed to report meals for which the Foundation paid. Filing such a claim and knowing it to be false violates Title 18 of U.S.C. Sections 1001 and 287 (the criminal statute that addresses false statements in the submission of claims for payment). Also, DOI Temporary Duty Travel Policy 1.6.2 required Clark to omit from his travel voucher "any costs covered in kind" by the non-Federal source to avoid double payment (see Figure 1 on page 4 for more detail on each trip).

The Foundation's chief financial officer (CFO) said that the Foundation paid for many of Clark's expenses during his trips, and the CFO provided us with copies of relevant invoices and receipts. Records from NPS ethics counselors revealed that, except for one occasion, Clark did not report those payments to his ethics counselor, the Departmental Ethics Office, or to his supervisor. The records further revealed that Clark consulted with an ethics counselor four times to request approval for free attendance to a widely attended gathering, but not about the travel expenses for which he knew the Foundation planned to pay. An NPS ethics employee told us that Clark's failure to consult with ethics officials and to seek prior approval for travel-related expenses paid by a non-Government source violated Title 31 of U.S.C. Section 1353 and Title 41 of C.F.R. Part

304-1. The ethics employee said that Clark may have also violated Title 18 of U.S.C. Section 209 by receiving compensation from the Foundation and the construction company. Section 209 prohibits Federal employees from receiving any contribution to their Federal salary from a non-Federal source as compensation for their official services.

Clark Traveled Using Corporate-Owned Private Plane

Clark admitted that he traveled four times via private aircraft owned by the construction company. Clark filled out and signed Form DI-2000 for one of those four trips, but the form was incomplete because it was only signed by the ethics counselor and not by Clark's supervisor. On the form, Clark disclosed that he received from the Foundation a private plane trip worth \$400 of in-kind benefit, an amount \$6,620 less than our calculations of the actual benefit he derived from the trip. We calculated that these four trips represented a total value of at least \$14,162, based on such factors as the type of aircraft and the number of passengers, of which Clark failed to report \$13,762 to his ethics counselor or his supervisor.

Furthermore, unless the aircraft and the pilot are properly "carded" (meaning that they meet applicable Federal Aviation Administration requirements) for DOI operations, DOI prohibits employees from flying on private aircraft while on duty (DOI Departmental Manual, Part 350, Chapter 1.8C). Clark did not seek or obtain prior approval from his supervisor or NPS' Office of Aviation Safety prior to any of his trips.

Dates*	Travel Authorization and Voucher	Government Paid	Foundation Paid	Ethics DI 2000
5/16/14	Yes	\$276.91	\$321.50	No
6/12/14	Yes	1,448.60	45.72	No
7/25/14	Yes	238.53	25.20	No
7/31/14	Yes	712.45	132.20	No
10/20/14	Yes	1,629.55	648.60	No
10/30/14	Yes	195.54	19.15	No
12/15/14	Yes	1,242.73	77.20	No
2014 Subtotal		5,744.31	1,269.57	
1/19/15	Yes	531.78		N/A
2/6/15	No		259.76	No
4/6/15	Yes	1,771.48	70.55	No
4/23/15	Yes	430.32	100.00	No
5/11/15	No		1,380.11	No
9/2/15	No		1,753.95	No
9/10/15	No		83.78	No
9/16/15	No		368.30	No
10/6/15	No		368.67	No
11/3/15	Yes	892.26	63.80	No
12/10/15	No		2,904.47	No
12/18/15	Event (not a trip)		200.00	No
2015 Subtotal		3,625.84	7,553.39	
4/4/16	Yes	1,660.39	727.67	No
			7,020	Yes
7/20/16	Yes	394.85	0.00	No
8/18/16	Yes	110.33	2,310	No
9/27/16	Yes	1,026.49	194.50	No
			2,522	No
10/4/16	Yes	108.07	2,310	No
2016 Subtotal		3,330.13	15,804.17	
Total		\$12,700.28	23,907.13	

*None of Clark's trips were approved by his supervisor.

Figure 1. Clark's Foundation-Related Trips, 2014–2016.

Clark Knew Ethics Rules and Received Ethics Training

In January 2014, Clark attended ethics training conducted by DOI's Departmental Ethics Office. At that training, he received specific instruction on ethics laws and regulations, including those that discuss how Federal employees may accept non-Federal travel-related payment.

We also reviewed documents for two trips, unrelated to the Foundation, for which Clark received payments from a non-Federal source. The documents showed that in November 2014 and in March 2016, Clark properly completed the required ethics form (Form DI-2000, "Report of Payments Accepted from Non-Federal Sources") for those trips. He listed all of the expenses paid by the outside source, signed the form, and obtained supervisory approval prior to those two trips, which demonstrated that he knew how to complete his travel documents properly and how to obtain prior approval for travel-related expenses paid for by non-Federal sources.

Clark acknowledged that he knew the ethics rules and admitted that an ethics employee had explained to him by email how to use Form DI-2000 to request approval for travel-related payments from non-Government sources. Clark acknowledged that receiving payments from the Foundation and not completing the appropriate documentation were his "error" and his responsibility. He said that his repeated disregard of regulations concerning the acceptance of travel-related expenses was an oversight and due to his own "sloppiness."

The ethics employee admitted that ethics counselors are assigned to that role as a collateral duty, and that the counselor twice failed to identify travel-related expenses the Foundation was paying for Clark, which Clark reported on form DI-1958. Although Clark used the wrong form for these requests, he did list some of the travel-related expenses he expected the Foundation would pay for his trips to New York, NY, on May 11, 2015, and Huntington Station, NY, on September 2, 2015 (Clark failed to submit travel authorization or travel vouchers for these trips, and failed to receive supervisory approval for the trips or for the Foundation-paid travel-related benefits). The ethics employee recognized that if the ethics counselor, who was responsible for reviewing the form and offering an ethics opinion on event attendance, had paid more attention to the DI-1958 forms that Clark submitted on 2 out of the 27 trips, the counselor would have identified the error and requested more information about Clark's plans to have the Foundation pay for his travel-related expenses.

Agent's Note: *DI-1958 is a form requesting approval to accept a waiver of all or part of a conference or other fee and/or the provision of food, refreshments, entertainment, instruction, and materials furnished to all attendees as an integral part of the event. The form states that the attendee "may not accept travel expenses, lodgings, entertainment collateral to the event, or meals taken other than in a group setting with all other attendees."*

The ethics employee also said that even though Clark listed some of his travel-related expenses on the incorrect form, DI-1958, it was Clark's responsibility to use the correct form, DI-2000, to request approval and complete it fully. Clark's submittal of form DI-1958 did not constitute a consultation with an ethics officer to request acceptance of travel-related expenses from a non-Government source.

Clark acknowledged that it was his responsibility to submit the correct forms—fully completed and signed—to his supervisor and to ethics, and to receive approval from them before taking these trips and accepting travel-related expenses from the Foundation. Clark placed some of the blame for his failure to do so on a subordinate administrative employee, indicating that she was not adequately performing her duties regarding some of his travel. He could not, however, provide any information regarding when he consulted with, or obtained approval from, his supervisor or the ethics counselor regarding any of the travel expenses that the Foundation paid on his behalf. Clark told us that he relied on the subordinate administrative employee to make sure that his ethics forms were completed and routed to the right places. Clark admitted that it was his personal responsibility, and that he should have obtained prior supervisory and ethics approval to accept the Foundation’s travel-related benefits.

The administrative employee told us that she and Clark discussed the trips for which the Foundation was paying his expenses, and they jointly decided that a travel authorization was not needed. She stated, however, that she was not trained in ethics and did not know which forms Clark was required to submit in this situation.

Clark Did Not Seek or Receive Supervisor Approval for Travel and Had Subordinates Approve His Often Inaccurate Travel Documents

DOI Temporary Duty Travel Policy 1.6.2, March 2014 edition, states, “when an employee is invited to travel on behalf of a non-Federal entity, the employee must obtain written approval from a supervisor that it is appropriate to consider the invitation.” Clark’s supervisor told us that he was not aware of any of the 27 trips Clark made for Foundation-related events, that he did not approve the travel, and that several of Clark’s trips were not necessary and he would not have approved them. He said that he had not been very involved with Clark’s day-to-day activities, including his trips, because he felt that Clark, as a senior GS-15 superintendent, did not need as much supervision as the supervisor’s other superintendents. The supervisor said that he did not know whether Clark had prepared the appropriate ethics documents reporting Foundation payments for his travel-related expenses, such as air travel, meals, and hotels. The supervisor said he was not aware that the Foundation paid for any of Clark’s travel-related expenses or that, on a few occasions, Clark made overnight trips, outside of the 50-mile radius from his permanent duty station at GETT, during official work hours, and did not complete a travel authorization for them. Clark admitted that he did not complete a travel voucher for seven of the trips he took when the Foundation reimbursed the entirety of his travel expenses.

Clark’s supervisor explained that had he been aware, his decision to approve Clark’s travel would have been based on whether the travel involved meeting with potential donors. If so, he said, he would have approved the trip. The supervisor acknowledged that Clark’s trips that involved flying in private airplanes, staying in expensive hotels, and eating expensive meals appeared to be improper because neither the supervisor nor the Ethics Office had approved them. The supervisor also said that emails exchanged between Clark and Foundation staff members, which we reviewed, led him to believe that Clark was encouraging the Foundation to pay for his trips. He blamed Clark, indicating that Clark should have kept him informed, but also accepted some of the responsibility for having a “flawed” travel and ethics approval process. We also learned from the ethics employee, as well as Acting NPS Deputy Director Michael Reynolds,

that the NPS ethics program is deficient in resources and training and that NPS is in the process of improving it.

Clark told us that his supervisor should have known about the private plane travel because of “general” conversations he had with him, but he could not provide specific dates or the circumstances around those conversations. Clark stated that he informed his supervisor about some of his trips, but could only point to 1 trip out of the 27 for which he actually told his supervisor he would be traveling that day, October 4, 2016, for a Foundation-related event. Clark’s supervisor said that he learned from Clark that day about his three prior trips via private airplane, and that he did not approve the October 4 request—though Clark did take that trip—nor any of the other private plane trips.

Clark’s Trips Were Approved by Subordinates

We learned that NPS had never inspected or audited Clark’s trips, and that it was a common practice at NPS to allow subordinate administrative staff or division chiefs to approve travel authorizations and vouchers for park superintendents. DOI Temporary Duty Travel Policy 1.4.2 requires that approving officials have full knowledge of the traveler’s activities during the trip and must verify that the expenses incurred in the submitted voucher are authorized and allowable. The approving official is ultimately responsible for the validity of the travel voucher and must ensure compliance with DOI and bureau policy.

Clark admitted that his subordinates approved his travel authorizations and vouchers, which violated Title 41 of C.F.R. Sections 301-71.104 (“Who Must Sign a Travel Authorization?”) and 301-71.200 (“Who Must Review and Sign Travel Claims?”). Two of Clark’s subordinates stated that they approved some of Clark’s travel documents, and admitted that they did not know the specific agenda for the trips they approved. They both said they thought that Clark had obtained prior supervisory approval for his Foundation-related travel, and that his trips had been previously and properly vetted through ethics.

Clark explained that the approving roles for his travel documents in the Concur travel system were established by the region without his input. Clark’s supervisor said that this process was the existing practice in the Northeast Region at the time these trips took place, that the region was changing the approval process, and that he now would be required to approve all of Clark’s trips.

The records from Concur showed that all the employees who approved Clark’s travel documents were his subordinates.

Figure 1 on page 4 provides detail on each of Clark’s 27 trips, the corresponding expenses incurred by the Government and the Foundation, and whether travel and ethics documents were completed.

Clark Used Privately Owned Vehicle When Government Vehicles Were Available

Clark claimed \$814.02 in mileage expenses on seven of his trips because he used his own vehicle for business travel despite having a Government vehicle available. DOI Temporary Duty Travel

Policy 4.7 states that using a Government vehicle is more advantageous than using a privately owned vehicle for temporary duty travel. It also says that travelers must obtain preauthorization to use their own vehicles, which Clark did not request.

Clark Functioned as Foundation Liaison and Participated in Fundraising Activities

According to Clark's position description, the GETT superintendent is expected to work with the Foundation to plan and execute fundraising strategies; although, it does not specify that the superintendent must serve as an official liaison, or primary point of contact, to the Foundation. The Foundation's interim president confirmed that the group considered Clark a liaison to its board of directors because of his position as GETT's superintendent. Clark admitted that he knew the Foundation listed him on its website as its NPS liaison, and that he had not sought approval from the Ethics Office or his supervisor to be listed as such. NPS Directors Order 21 states NPS employees acting as liaisons "should consult with bureau ethics officials in order to ensure compliance with ethics requirements."

According to NPS policy, Clark was allowed to attend and participate in fundraising events, but he was not allowed to solicit donations to GETT or the Foundation. We interviewed five potential Foundation donors with whom Clark met in the last 2 years, and all five said that Clark did not solicit funds during these meetings.

Clark admitted that he allowed the Foundation and the Civil War Trust, a non-Government entity, to use his name, title, and quotes on letters sent to potential donors to solicit funds without first consulting with ethics officials to ensure that he would not violate any ethics prohibitions. We also found an email between Clark and the Foundation's Chief Development Officer in which Clark approved a quote for use on one of the letters. After reviewing details about the Trust's letter and Clark's admission, the ethics employee said that Clark's knowledge of how his quote would be used violated Title 5 of C.F.R. Section 2635.808 ("Fundraising Activities").

Clark and NPS Employees Failed To Report Foundation-Funded Dinner

On September 18, 2015, Clark asked the Foundation to pay for a dinner for NPS employees, which his subordinate coordinated. Clark and 15 other NPS employees attended the event, and 10 of these employees each brought a guest.

We interviewed each employee in attendance, and all said that Clark's subordinate had planned the event and invited them to attend. Several employees indicated that Clark had also invited them. Some said that a supervisor told them that they were expected to attend.

Clark admitted that he approved the event and all plans made prior to it. He also submitted purchase requests to the Foundation that it pay for some event expenses, such as the catered meal and party favors, and he knew that it ended up paying for the whole event—\$6,086.93, which included food, alcohol, entertainment, and party favors.

The dinner was held at Beech Springs Farm in Orrtana, PA, a social events venue that usually charges a rental fee of approximately \$1,000 per event, but, due to a personal relationship

between Clark's subordinate who planned the dinner and the venue's owner, the Farm did not charge the Foundation the fee, which in itself is considered a gift in-kind. The Foundation reported that 40 guests attended the event: the 16 NPS employees and their 10 guests, plus several Foundation employees and their guests.

We derived the value of the dinner for each NPS employee in attendance by adding the total cost of the event to the regular venue-rental rate (for a total of \$7,086.93) and dividing that amount by the number of guests (40). This gave us a per-guest value of \$177.17. Therefore, the NPS employees who brought a guest received a gift of \$354.34 ($\177.17×2) for themselves and their guest.

No employee who attended the dinner reported the gifts to an ethics official or reported the dinner on any ethics forms. Of the 15 NPS employees who attended the dinner besides Clark:

- six thought that supervisors had already coordinated with ethics;
- two thought it was a park event;
- one thought it was a park event, but knew the Foundation paid for it;
- one thought it was a park event, but did not know the cost;
- two did not know the rules;
- two first declined because they did not want to attend, but were told their absence would "look bad;" and
- one helped plan it.

A similar event scheduled for October 2016 was canceled after we interviewed Clark and some of his staff. The ethics employee told us that the Foundation was a prohibited source and that this dinner violated Title 5 of C.F.R. Sections 2635.202-205.

Clark said he felt responsible for the event and acknowledged that it was not proper for him to request that the Foundation pay for it. Clark's supervisor said that Clark and his subordinate who planned the event were responsible for any ethical violations incurred by their subordinates for their attendance at this event.

We interviewed each dinner participant and all the employees said they had been specifically invited by Clark or a supervisor. Most either thought it was a park event with no requirement for ethics reporting or that their leadership had coordinated with ethics as needed.

Clark Requested Other Payments from the Foundation

Clark received a \$784.34 reimbursement from the Foundation for two group dinners he bought for a delegation of Japanese GETT visitors in 2016. The Foundation CFO said that the Foundation reimbursed Clark \$394.66 on February 10 and \$389.68 on September 5.

The Foundation provided us a copy of an email from the administrative employee to a GETT employee to request a purchase order for the Foundation to reimburse Clark \$394.66 for "the dinner at Dobbin House for the Japanese folks." The email explained that Borough of Gettysburg officials had agreed initially to pay for their own dinners plus part of the cost of the visitors' bill. Clark told us, however, that when the bill came, the borough officials only paid their portion of

the dinner expense and not their part of the Japanese delegation's expense. Clark said he did not think it was appropriate that he should have to pay for the Japanese delegation's dinners out of his own pocket or that the delegation should pay, so he paid the restaurant that day, and the Foundation later reimbursed him after his subordinate submitted the purchase order.

Clark's supervisor and the ethics employee told us that it was improper for Clark to ask the Foundation to reimburse him for this expense. The ethics employee told us that reimbursement that compensated Clark for expenses he incurred while representing the Government would violate criminal law.

After our second and last interview with Clark, we learned that he had not been accurate in his previous statements that he had disclosed all goods or services that could be considered questionable or that were for his benefit or the benefit of GETT personnel. We learned that the Foundation purchased GETT challenge coins costing \$2,574 in October 2015; \$368 in coffee for GETT staff in January 2016; a \$247 breakfast for GETT personnel in April 2016; and medallions of Pickett's Charge costing \$3,283 in July 2016. We learned during our investigation that Clark had unrestricted ability to request that the Foundation pay for goods or services, and the Foundation honored all requests from Clark and some of his staff for those items, which, Clark admitted, would not have been allowed to be paid with Government funds.

SUBJECTS

1. Ed Clark, Superintendent, GS-15, Gettysburg National Military Park, NPS.
2. NPS employees who attended the dinner in addition to Clark.

DISPOSITION

We coordinated this investigation with the U.S. Attorney's Office for the Middle District of Pennsylvania and on October 17, 2018, we were informed that office had declined prosecution.

We provided a copy of this report to the NPS Acting Deputy Director for any action deemed appropriate.

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