



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

Alleged Ethics Violations by a National Park Service Superintendent

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



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I. EXECUTIVE SUMMARY

We investigated allegations that a Superintendent with the National Park Service (NPS) promoted a personal real estate business when performing official duties as a park superintendent.

We found that the Superintendent violated relevant standards of conduct and the Code of Federal Regulations (C.F.R.) by misusing public office for private gain (C.F.R. § 2635.702(a)) and by creating an appearance that the Government endorsed the Superintendent's real estate business (5 C.F.R. § 2635.702(b)). We determined that the Superintendent attended a board of directors meeting of an NPS partner group while in the official capacity as an NPS superintendent. According to a board member who attended the meeting, the Superintendent, wearing an official NPS uniform, gave a member and other attendees his personal business card. The business card listed the Superintendent as a real estate agent. The Superintendent also used the NPS superintendent title on a personal Twitter account that promoted his real estate business.

On April 24, 2020, we provided our interim investigative findings to the NPS regional director and the supporting solicitor. The Superintendent left the Department before being compelled to provide a statement regarding these allegations.

II. FACTS

A. The Superintendent Obtained Approval From the NPS To Conduct A Real Estate Business Outside of Official Duties

We initiated this investigation after receiving an anonymous complaint that alleged the NPS Superintendent promoted a personal real estate business to park partners while in an official NPS capacity and during official hours.

To assess these claims, we reviewed the Superintendent's *Request for Ethics Approval to Engage in Outside Work or Activity* form related to the Superintendent's real estate business. The Superintendent and an NPS official both had signed the form. By signing this form, the Superintendent agreed to:

- Be in a non-duty or authorized leave status when performing the outside work or activity
- Not use any Government facilities, equipment, or supplies in furtherance of the outside employment or activity when promoting a commercial activity, such as a real estate business. See U.S. Department of the Interior (DOI) Limited Personal Use policies

B. The Superintendent Gave a Personal Business Card to a Park Partner and Subordinate NPS Employee During Official Meetings and Work Hours

A park partner employee told us that the Superintendent gave his business card to her at an official park partner meeting during which the Superintendent wore an official NPS uniform. The park partner employee said this was understood to be a solicitation for the Superintendent's real estate business. The park partner employee provided the Superintendent's real estate business card that he had given her during that meeting and said she believed the Superintendent may have given his business card to others at the meeting. The park partner employee also showed us a photograph taken at the meeting, confirming that the Superintendent had worn an official NPS uniform.

A former NPS employee told us that the Superintendent solicited him during official work hours and that the Superintendent gave him his real estate business card while wearing an official NPS uniform. The former NPS employee was not able to locate the business card and noted that he did not use the Superintendent's real estate services. The former employee also recalled that the Superintendent provided the park partner employee with his real estate business card.

Other park partners and NPS staff members stated that the Superintendent had not provided them with his real estate business card or otherwise solicited them during the official park partner meeting.

An open-source search did not reveal any real estate transactions that involved the Superintendent and current or former NPS employees or park partners. A search of the Superintendent's official Government email account did not identify any solicitation of real estate business. We determined, however, that the Superintendent sent an email from his Government account to respond to a question during the application process for a real estate position.

During our investigation, we discovered a tweet posted to the Superintendent's personal Twitter account that included the superintendent title.

III. ANALYSIS

The Superintendent's actions in this matter implicate the prohibition on misuse of public office for private gain articulated in 5 C.F.R. § 2635.702(a) and (b) of the Standards of Ethical Conduct for Employees of the Executive Branch.¹ The Superintendent declined a voluntary interview regarding these allegations and left the Department before being compelled to provide a statement.

¹ Section 702(a) states in relevant part, "An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself . . ." Section 702(b) states in relevant part, ". . . an employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that could reasonably be construed to imply that his agency or the Government sanctions or endorses his personal activities . . ."

A. The Superintendent Used His Position for Private Gain

When the Superintendent distributed his personal real estate business card while on official time at a park partner meeting when wearing a uniform, the Superintendent used his public office to promote his real estate business for his own benefit. This was a misuse of an official position and a violation of 5 C.F.R. § 2635.702, “Use of Public Office for Private Gain” regardless of whether the Superintendent successfully retained real estate clients.

B. The Superintendent’s Actions Gave the Appearance of Government Sanction

The Superintendent’s actions gave the appearance of Government sanction for his real estate business in violation of 5 C.F.R. § 2635.702(b), “Appearance of Governmental Sanction,” which prohibits the use of a “Government position or title or any authority associated with his public office in a manner that could reasonably be construed to imply that his agency or the Government sanctions or endorses his personal activities.” The Superintendent provided his real estate business card to park partners and an NPS subordinate in an official NPS capacity as superintendent while on duty, and in uniform. This created an appearance that the Superintendent’s activities were sanctioned by the NPS because the Superintendent did not indicate by word or action that the NPS had not approved soliciting his personal business during duty hours. Moreover, the Superintendent did not state he was passing out his business card in his personal capacity. Under the circumstances, this could reasonably be construed to imply that the NPS endorsed his real estate business.

C. The Superintendent Misused His Position on Social Media

We also concluded that the Superintendent misused his position on social media with respect to the tweet posted to his personal Twitter account. Using the same analysis as above, we determined that the Superintendent misused his public office for private gain and gave the appearance that the NPS endorsed his real estate business by combining his personal real estate business with his superintendent position on a social media post.

IV. SUBJECT

NPS Superintendent.

V. DISPOSITION

On April 24, 2020, we provided our interim investigative findings to the NPS regional director and the supporting solicitor. The Superintendent left the Department in 2020.

