



## OFFICE OF INSPECTOR GENERAL

### *2022-0007-INVI-P – Allegation of Architect of the Capitol Employee Conducting Outside Employment Without Prior Approval and Submitting a False Leave Request*

**Suspected Violations of the AOC Order 752-2, “Standards of Conduct” Policy; AOC Order 38-1, “Government Ethics” Policy; AOC Order 8-5, “AOC Information Technology (IT) Resources and De Minimis Use”; “ITD System Rules of Behavior”; AOC Order 40-1, “Cooperation of AOC Employees”; and Title 18 U.S.C. §1001 “False Statements” – **Substantiated.****

**Suspected Violations of AOC Order 630-1, “Absence and Leave” Policy, Section 7-2, “Uses of Sick Leave” – **Not Substantiated.****

On April 18, 2022, the Architect of the Capitol (AOC) Office of Inspector General (OIG), received a referral from the Office of Diversity, Inclusion and Dispute Resolution (DI/DR) alleging that during the course of a DI/DR investigation regarding an Equal Employment Opportunity complaint, it was discovered that an AOC employee had engaged in outside employment without following proper protocol. Additionally, DI/DR alleged that the same employee had potentially falsified a leave request on or about December 8, 2021, to engage in this business. Further, the final report from the Art of Resolution, the DI/DR-contracted investigator, provided the OIG information that the employee potentially misused AOC-issued Information Technology Division resources and equipment as well as improperly obtained AOC recycling materials to produce personal business cards.

The OIG determined through open-source information that the employee in fact operated an art business via their Instagram account as well as through a separate website where they sold their artwork for monetary profit. Additionally, the OIG confirmed through subpoena requests to the employee’s art website and PayPal account that they sold art items for a net profit of \$1,408.67 in 2021. Further, through the employee’s own testimonial evidence, it was discovered that they did not complete a “Notice of Outside Employment or Self-Employment Form” with the AOC, as required by AOC Order 38-1, Government Ethics (November 1, 2018). Additionally, the employee provided false statements to the OIG by adamantly denying owning an art business, specifically denying having received any monetary value for the sale of the art items. When confronted with evidence refuting the claims, the employee continued to deny selling the art items and claimed to not know why their website appeared to allow a person to put items from their website into a virtual shopping cart for purchase.

Additionally, the OIG also confronted the employee with evidence of them sending an email to their supervisor on December 7, 2021, requesting Family and Medical Leave Act for December 8, 2021, to January 16, 2022, stating they needed to care for a sick family member. However, on December 14, 2021, the employee had posted a photo of themselves on their personal Instagram account, which showed them attending what appeared to be an art show called, ‘ThriftCon’. This photo also displayed a geotag of the employee’s location as Los Angeles, California. The OIG on two separate occasions asked the employee where and when the photograph was taken, and each



# Investigative Summary

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time received a different story. However, a review of the employee's WebTA revealed that on December 14, 2021, they were in fact at work and not in Los Angeles. Further review of the employee's WebTA determined that they were approved Annual Leave for December 10, 2021, and used Sick Leave for December 11, 2021, that coincided with their scheduled days off. Further investigation confirmed that the "ThriftCon" event was held on December 11, 2021, in Los Angeles, California. The OIG reviewed the employee's personal Instagram account and did not uncover photographic evidence of the employee attending the event on December 11, 2021. The OIG, on two separate occasions, contacted the organizer of the "ThriftCon" event as well as Eventbrite, a third-party organization handling the ticket sales for the event, and requested a copy of the vendor list for the December 11 event that was met with no response. The OIG thoroughly reviewed the ThriftCon' Instagram account as well as other Patreon sites to include the 'ThriftCon' YouTube page and did not uncover information that would have suggested the employee attended the event. Although it was possible for the employee to have attended the art show in California on December 11, 2021, while using Sick Leave in conjunction with their scheduled days off, the OIG was unable to secure physical evidence pertaining to the employee's physical presence during this time.

Lastly, the employee admittedly took paper materials from the Senate Recycling Center without proper authorization from a supervisor and knowingly created personal business cards pertaining to their art business that displayed their AOC-issued cell phone number. Therefore, the employee violated both the AOC Standards of Conduct Policy by knowingly taking the recycling materials from the Senate Recycling Center without prior approval from a supervisor in addition to violating the Information Technology Division System Rules of Behavior when she knowingly used computing resources for unauthorized profit.

**Final Management Action:** The OIG substantiated that the AOC employee violated AOC policies when they knowingly engaged in outside employment without properly obtaining advanced permission from the Agency Designee by submitting a completed "Notice of Outside Employment or Self-Employment Form." The AOC employee also violated multiple AOC policies by knowingly displaying their AOC-issued cell phone number on a personal business card in addition to using AOC materials for personal use without prior approval from a supervisor. The administrative violations were submitted to the jurisdiction for action deemed appropriate, if any. The OIG referred the substantiated false statements charge under Title 18, United States Code §1001 to the Department of Justice for prosecutorial consideration, however, it was declined due to limited resources. On April 17, 2023, the AOC provided a Management Response advising that the employee received a one-day suspension for the violations identified in the report. The case is closed.