

**Integrity Committee**  
**Council of the Inspectors General on Integrity and Efficiency**  
935 Pennsylvania Avenue, N.W., Room 3973  
Washington, D.C. 20535  
IC\_Complaints@ic.fbi.gov

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**Personal and Confidential**

June 30, 2014

Re: IC 720 Closing

The Honorable Thomas Carper  
Chairman  
Committee on Homeland Security and Governmental Affairs  
340 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Tom Coburn  
Ranking Member  
Committee on Homeland Security and Governmental Affairs  
344 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Darrell Issa  
Chairman  
Committee on Government Oversight and Reform  
2157 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Elijah Cummings  
Ranking Member  
Committee on Government Oversight and Reform  
2471 Rayburn House Office Building  
Washington, D.C. 20515

Re: IC720 Closing

Dear Chairmen and Ranking Members:

The Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) is charged by statute to consider and investigate allegations of serious administrative misconduct made against an Inspector General (IG) or a designated official within an Office of Inspector General (OIG).

Pursuant to section 11(d)(8)(A) of the Inspector General Reform Act of 2008 (Public Law 110-409), the IC reports its findings, conclusions, and recommendations regarding allegations of wrongdoing against Paul Brachfeld, Inspector General (IG), National Archives and Records Administration (NARA), (b) (6), (b) (7)(C)

### Background

The IC serves as an independent review and investigative mechanism for allegations of wrongdoing brought against IGs, designated staff members of an OIG, and the Special Counsel and Deputy Special Counsel of the Office of Special Counsel. The allegation must substantially involve administrative misconduct (defined as a violation of law, rule or regulation, gross waste of funds, or abuse of authority in the exercise of official duties or while acting under color of office) or potentially involve conduct so serious that it may undermine the appearance of integrity reasonably expected from individuals holding these positions. If a complaint meets the threshold standard and appears to have merit, the IC may refer the matter for an investigation by an independent OIG.

### Basis of the Complaint and Ensuing Investigation

Numerous allegations against the three individuals were initially made in June 2012. The allegations concerned various statements that Mr. Brachfeld may have made concerning the race and/or ethnicity of individuals at NARA, comments about dating NARA employees and/or contractors (b) (6), (b) (7)(C), comments about the weight or personal appearance of NARA employees and/or contractors, (b) (6), (b) (7)(C)

In July 2012, the IC accepted the complaint as meeting its threshold standard for potential administrative misconduct, and sought responses to the allegations from each of the three subjects. These responses were reviewed at the IC's November 2012 meeting, and the IC decided to seek the assistance of an independent OIG to investigate the allegations on behalf of the IC and to report the results to the IC Chairperson.

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

In March 2014, the FDIC OIG completed its draft report of investigation. Pursuant to the IC's policies and procedures, the draft report was sent to each of the subjects who had an opportunity to provide comments and submit any additional evidence. All comments from the subjects were received by May 1, 2014. After reviewing these comments, the FDIC OIG submitted its final report of investigation, and the IC met on May 21, 2014 to consider the matter.

#### Results of the Investigation

The FDIC OIG substantiated certain allegations that Mr. Brachfeld made the statements attributed to him about a marriage between individuals of different races, engaged in discussions about dating various NARA employees and/or contractors, and made comments about the weight or personal appearance of NARA employees and/or contractors. The remaining allegations against Mr. Brachfeld were unsubstantiated (b) (6), (b) (7)(C)

#### Findings, Conclusions, and Recommendations of the Integrity Committee

The IC accepts and adopts the findings of the FDIC OIG as its own findings and conclusions concerning the conduct of IG Brachfeld, (b) (6), (b) (7)(C). The IC was particularly disturbed by the comments IG Brachfeld made concerning interracial marriage, comments concerning pregnant women, and comments indicating that IG Brachfeld was interested in dating NARA employees or contractors. While IG Brachfeld strongly denied making the comments about interracial marriage, and explained the context surrounding his comments concerning pregnant women and an interest in dating NARA employees or contractors, a number of witnesses substantiated these allegations. The IC concluded that these comments, both separately and taken as a whole, constitute administrative misconduct and undermine the integrity reasonably expected of an IG.

While the IC made no specific recommendations concerning possible disciplinary or administrative action against Mr. Brachfeld, the IC Members concluded that the FDIC OIG report depicted a portrait of an office culture that was unbecoming of an Office of Inspector General. The IG is supposed to set a tone and personal example of rectitude and propriety, and

should not himself be making comments or fail to stop behavior by his staff that he or she is aware of that belittles or demeans others. The IC noted this conduct and portrayal of the office culture at the NARA OIG to the Archivist of the United States for any action the Archivist deemed appropriate.

The IC considers this complaint closed.

Sincerely,

A black rectangular redaction box containing the text "(b) (6)" in red, indicating that the signature and name of the sender are withheld under FOIA exemption (b)(6).

Angela L. Beyers  
Acting Chairperson  
Integrity Committee

Enclosure: Report of Investigation Executive Summary

CC:

Beth Cobert, Executive Chair, Council of the Inspectors General on Integrity and Efficiency

**Integrity Committee**  
Council of the Inspectors General on Integrity and Efficiency  
935 Pennsylvania Avenue, N.W., Room 3973  
Washington, D.C. 20535  
IC\_Complaints@ic.fbi.gov

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**Personal and Confidential**

June 30, 2014

Paul Brachfeld

(b) (6), (b) (7)(C)

Re: IC720 Closing

Dear Inspector General Brachfeld:

The Integrity Committee (IC) has completed its review of the allegations that were initially made against you in June 2012, and that were resubmitted for the IC's consideration in June 2013. The complaint alleged that:

1. You made inappropriate comments based on the race and/or ethnicity of an individual, including:
  - a. inappropriate comments about marriages between individuals of different races,  
(b) (6), (b) (7)(C)
  
2. You made inappropriate comments about individuals' sex, gender, and/or personal appearance including:
  - (b) (6), (b) (7)(C)
  - (b) (6), (b) (7)(C)
  - (b) (6), (b) (7)(C)
  - (b) (6), (b) (7)(C)
  - (b) (6), (b) (7)(C)
  - discussions about dating OIG employees and NARA contractors,  
(b) (6), (b) (7)(C)
  - (b) (6), (b) (7)(C)
  - h. making inappropriate comments about the weight of certain women.

(b) (6), (b) (7)(C) [Redacted text block]

(b) (6), (b) (7)(C) [Redacted text block]

(b) (6), (b) (7)(C) [Redacted text block]

The IC accepted the complaint as meeting its threshold standard for potential administrative misconduct, and sought the assistance of an independent OIG to investigate the allegations on behalf of the IC. The Federal Deposit Insurance Corporation (FDIC) OIG conducted this investigation over a period of months.

The FDIC OIG substantiated the allegations concerning comments you made about interracial marriage, comments concerning pregnant women, and comments indicating that you

were interested in dating NARA employees or contractors. These comments were heard by a number of witnesses.

The FDIC OIG did not substantiate or indicated that it was not able to substantiate the remaining allegations against you.

The IC reviewed the FDIC OIG report of investigation as well as your response to the draft Report of Investigation (ROI). The IC accepts and adopts the findings of the FDIC OIG as its own findings and conclusions. The IC concluded that your statements, both separately and taken as a whole, constitute administrative misconduct and undermine the integrity reasonably expected of an IG.

The Inspector General Reform Act of 2008 requires the IC to forward the final ROI, together with the IC's findings, opinions, and recommendations, if any, to the Executive Chairperson of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) and to the Archivist of the United States. The Congressional oversight committees of NARA will also receive an executive summary of the final ROI as well as the IC's letter to the Executive Chairperson of CIGIE. A copy of the transmittal letters to the CIGIE Executive Chair and Congressional oversight committees is enclosed, (b) (6), (b) (7)(C)

Should you have any questions, please contact IC program manager (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) or by email at IC\_Complaints@ic.fbi.gov.

Sincerely,

(b) (6)

Angela L. Beyers  
Acting Chairperson  
Integrity Committee

Enclosures



Council of the  
**INSPECTORS GENERAL**  
on INTEGRITY and EFFICIENCY

**Integrity Committee**

935 Pennsylvania Avenue, N.W., Room 3973  
Washington, D.C. 20535

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May 30, 2014

The Honorable Beth Cobert  
Executive Chair  
Council of the Inspectors General on Integrity and Efficiency  
Eisenhower Executive Office Building, Room 216  
17<sup>th</sup> Street and Pennsylvania Avenue, N.W.  
Washington, D.C. 20503

The Honorable David S. Ferriero  
Archivist of the United States  
National Archives and Records Administration  
700 Pennsylvania Avenue, N.W.  
Washington, D.C. 20555

Re: Integrity Committee Investigation of Messrs. Brachfeld, (b) (6), (b) (7)(C)

Dear Ms. Cobert and Archivist Ferriero:

The Integrity Committee (IC) of the Council of Inspectors General on Integrity and Efficiency reports its findings, conclusions, and recommendations concerning various complaints of wrongdoing by National Archives and Records Administration (NARA) Inspector General Paul Brachfeld, (b) (6), (b) (7)(C)

. The report of investigation, conducted by the Federal Deposit Insurance Corporation (FDIC) Office of Inspector General (OIG) on behalf of the IC, is included with this letter.

Pursuant to section 11(d)(8) of the Inspector General Reform Act of 2008, 5 U.S.C. App. §3, the IC requests your review and determination for the final resolution of the allegations.

Background

The IC serves as an independent review and investigative mechanism for allegations of wrongdoing brought against Inspectors General (IGs) and designated staff members of an OIG. A threshold standard for IC consideration is whether the complaint is made against an individual subject to the IC's jurisdiction and substantially involves administrative misconduct (defined as a



violation of law, rule, or regulation, gross waste of funds or abuse of authority in the exercise of official duties or while acting under color of office) or potentially involves conduct so serious that it may undermine the independence or integrity reasonably expected of an IG or OIG senior staff member. If a complaint meets the threshold standard and appears to have potential merit, the IC may refer the matter to the IC Chairperson for an investigation.

#### Basis of the Complaint and Ensuing Investigation

In June 2012, a complainant alleged numerous allegations against IG Brachfeld concerning various statements Mr. Brachfeld may have made concerning the race and/or ethnicity of individuals at NARA, comments about dating NARA employees and/or contractors (b) (6), (b) (7)(C) [REDACTED], comments about the weight or personal appearance of NARA employees and/or contractors, (b) (6), (b) (7)(C) [REDACTED].

In July 2012, the IC accepted the complaint as meeting its threshold standard and, sought responses from each of the three subjects to the allegations. These responses were reviewed at the IC's November 2012 meeting, and the IC decided to seek the assistance of an independent OIG to investigate the allegations on behalf of the IC and to report the results to the IC Chairperson.

(b) (6), (b) (7)(C), (b) (5) [REDACTED]

In March 2014, the FDIC OIG completed its draft report of investigation. Pursuant to the IC's policies and procedures, the draft report was sent to each of the subjects who had an opportunity to provide comments and submit additional evidence. All comments from the subjects were received by May 1, 2014. After reviewing these comments, the FDIC OIG submitted its final report of investigation, and the IC met on May 21, 2104 to consider the matter.

## Results of the Investigation

The FDIC OIG substantiated certain allegations that Mr. Brachfeld made the statements attributed to him about a marriage between individuals of different races, engaged in discussions about dating various NARA employees and/or contractors, and made comments about the weight or personal appearance of NARA employees and/or contractors. The remaining allegations about Mr. Brachfeld were unsubstantiated (b) (6), (b) (7)(C)

[REDACTED]

The FDIC OIG's draft report of investigation was provided to IG Brachfeld, (b) (6), (b) (7)(C) [REDACTED] and each was provided an opportunity to comment on the draft report and provide any additional information. Those comments are included as an attachment to the FDIC OIG report.

## Findings, Conclusions, and Recommendations of the Integrity Committee

The IC accepts and adopts the findings of the FDIC OIG as its own findings regarding the conduct of IG Brachfeld, (b) (6), (b) (7)(C) [REDACTED]. The IC was particularly disturbed by the comments IG Brachfeld made concerning interracial marriage, comments concerning pregnant women, and comments indicating that IG Brachfeld was interested in dating NARA employees or contractors. While IG Brachfeld strongly denies making the comments about interracial marriage and explained the context surrounding his comments concerning pregnant women and an interest in dating NARA employees or contractors, a number of witnesses substantiated these allegations, which raises concerns about his credibility. The IC concludes that these statements, both separately and taken as a whole, constitute administrative misconduct and undermine the integrity reasonably expected of an IG.

While the IC makes no specific recommendations concerning possible disciplinary or administrative action against Mr. Brachfeld, the IC Members concluded that the FDIC OIG report depicts a portrait of an office culture that is unbecoming to an Office of Inspector General. The IG is supposed to set a tone and personal example of rectitude and propriety, and should not himself be making comments or fail to stop behavior by his staff that he or she is aware of that belittles or demeans others. The IC notes this conduct and portrayal of the office culture at the NARA OIG for any action you deem appropriate.

Further Action

Section 11(d)(8) of the Inspector General Act directs the IC to forward the report of investigation and the recommendations of the IC, including those concerning disciplinary action to the Executive Chair of the Council of Inspectors General on Integrity and Efficiency and the head of a designated Federal entity for resolution, “including what action was taken by the President or agency head.” The IC requests your coordination on a final disposition and a response from the Executive Chairperson to the IC with a statement of your determination.

The IG Act also requires the IC to provide an executive summary of the report of investigation and the IC’s recommendations to the Congressional oversight Committees for NARA, as well as the Senate Homeland Security Committee and House Government Reform and Oversight Committee within 30 days of the submission of the report and this letter to the CIGIE Executive Chair.

If you have any questions, please feel free to contact Unit Chief (b) (6), (b) (7)(C).

Sincerely,

(b) (6)

Angela L. Byers  
Acting Chair  
Integrity Committee

Enclosure



**Federal Deposit Insurance Corporation**

3501 Fairfax Drive, Arlington, Virginia 22226

Office of Inspector General

May 7, 2014

Joseph Campbell, Chairperson  
Integrity Committee  
Council of the Inspectors General on Integrity and Efficiency  
935 Pennsylvania Avenue, N.W., Room 3973  
Washington, DC 20535-0001

Re: Final Report of Administrative Investigation, IC 720

Dear Mr. Campbell:

Consistent with the Integrity Committee's practices, the Integrity Committee's staff provided us with copies of comment letters pertaining to our Report of Administrative Investigation, dated March 28, 2014, IC 720. These comments were submitted to the Integrity Committee by Paul Brachfeld (May 1, 2014) (b) (6), (b) (7)(C). Mr. Brachfeld provided one additional comment by email (May 1, 2014).

We have reviewed each set of comments and have determined that no change is required to our report. Accordingly, we consider our investigation of matter IC 720 closed, and our March 28, 2014, report is our final report. That report, together with the correspondence from Messrs. Brachfeld, (b) (6), (b) (7)(C), which we reviewed, accompany this letter.

We are prepared to meet with the Integrity Committee concerning our investigation and our report at the Committee's convenience, should you and other Committee members wish to do so.

Sincerely,

(b) (6)

Fred W. Gibson, Jr.  
Acting Inspector General

Enclosures



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Office of Inspector General

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## **Report of Administrative Investigation**

for the

Council of the Inspectors General  
on Integrity and Efficiency

Integrity Committee

March 28, 2014

**~Notice~  
This Report Contains Sensitive Information  
For Official Use Only**



## **Report of Administrative Investigation**

**for the  
Council of the Inspectors General on Integrity and Efficiency  
Integrity Committee**

March 28, 2014



# Executive Summary

## Report of Administrative Investigation

March 28, 2014

On July 30, 2013, the Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) requested that the Federal Deposit Insurance Corporation Office of Inspector General (OIG) conduct, on its behalf, an administrative investigation into allegations of misconduct on the part of the Inspector General and two senior executives of the National Archives and Records Administration (NARA) OIG. We initiated our investigation at that time and conducted our work in accordance with *Quality Standards for Investigations*.

### Background

On June 14, 2012, the Archivist of the United States made a referral to the CIGIE IC alleging a variety of complaints of inappropriate conduct by Paul Brachfeld, NARA Inspector General; (b) (6), (b) (7)(C)

The IC determined that the allegations substantially involved administrative misconduct or potentially involved conduct so serious that it might undermine the independence or integrity reasonably expected of an Inspector General or OIG senior staff member. Accordingly, the IC initiated an administrative investigation.

(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)

### Results of Investigation

The allegations against Brachfeld, (b) (6), (b) (7)(C) are numerous and cover an array of alleged activity that was said to have occurred as far back as 2006. (b) (6), (b) (7)(C)

Some of the allegations are very precise in their language or very specific to an event, or they raise questions as to whether certain remarks made or behaviors at NARA OIG were “appropriate,” or both. Determining whether an action or statement is appropriate involves subjective judgment. As such, our report makes a determination as to whether a statement was made or an event occurred as alleged and, to the extent possible, explains the context in which comments and conversations on a particular topic occurred. We do not address the appropriateness of the behavior or comment in our determination.

Our report examines each allegation and, as requested by the IC, contains our determination as to whether the allegation was “substantiated” or “unsubstantiated” based on our investigation. If we confirmed the activity occurred, we substantiate the allegation. If not, we consider the allegation unsubstantiated. In some instances, we were unable to make that determination based on available information or because of conflicting information and lack of a third-party witness to the activity.

**Brachfeld**

(b) (6), (b) (7)(C) [Redacted] . A full discussion of our investigation of each allegation begins on page 7 of this report.

- In the three allegations related to inappropriate comments about race and/or ethnicity, we substantiated that Brachfeld made comments about a marriage between individuals of different races but did not address the appropriateness of those comments. [Redacted] .
- In the eight allegations related to inappropriate comments related to sex, gender, and/or personal appearance, we substantiated that Brachfeld engaged in discussions about dating OIG employees and NARA contractors and commented on the weight of certain women, but we did not address the appropriateness of those comments. [Redacted] (b) (6), (b) (7)(C) [Redacted] [Redacted] [Redacted] .
- [Redacted] [Redacted] [Redacted] .
- (b) (6), (b) (7)(C) [Redacted] [Redacted] .
- (b) (6), (b) (7)(C) [Redacted] [Redacted] .



March 28, 2014

(b) (6), (b) (7)(C)



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# Abbreviations and Acronyms

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<b>Act</b>	Inspector General Act of 1978, as amended
<b>AIGA</b>	Assistant Inspector General for Audits
<b>AIGI</b>	Assistant Inspector General for Investigations
<b>AUSA</b>	Assistant United States Attorney
<b>CIGIE</b>	Council of the Inspectors General on Integrity and Efficiency
<b>DOJ</b>	Department of Justice
<b>EEOC</b>	Equal Employment Opportunity Commission
<b>FDIC</b>	Federal Deposit Insurance Corporation
<b>GAGAS or Yellow Book</b>	Generally Accepted Government Auditing Standards
<b>IC</b>	Integrity Committee
<b>IG</b>	Inspector General
<b>NARA</b>	National Archives and Records Administration
<b>OIG</b>	Office of Inspector General
<b>OSC</b>	U.S. Office of Special Counsel



On July 30, 2013, the Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) requested that the Federal Deposit Insurance Corporation (FDIC) Office of Inspector General (OIG) conduct, on its behalf, an administrative investigation into allegations of misconduct on the part of the Inspector General (IG) and two senior executives of the National Archives and Records Administration (NARA) OIG. The source of the allegations was the Archivist of the United States. The FDIC OIG agreed to undertake the investigation and conduct it in accordance with the *Quality Standards for Investigations*, issued by CIGIE on November 15, 2011.

This report presents the results of the FDIC OIG's investigation into the allegations. We begin with a brief chronology of the Archivist's referral, followed by a discussion of the nature of the allegations against the three senior NARA OIG officials. We then explain the scope of our investigation and the steps we took to address the allegations, (b) (6), (b) (7)(C), (b) (5)

[REDACTED]. In the interest of understanding the context in which the alleged activity took place, we discuss the working environment at the NARA OIG and our sense of the corporate culture of that office, as that picture emerges from our interviews and analysis of documents.

Our Results of Investigation section provides our determination, to the extent possible, as to whether specific allegations are substantiated or not with regard to the three subjects. The appendices include pertinent correspondence between the subjects and the IC.

### Chronology of Archivist's Referral

On June 14, 2012, the Archivist of the United States made a referral to the CIGIE IC alleging a variety of complaints of inappropriate conduct by Paul Brachfeld, NARA IG; (b) (6), (b) (7)(C) [REDACTED]. The IC determined that, pursuant to the IC's policies and procedures, the allegations substantially involved administrative misconduct (a violation of law, rule or regulation; gross mismanagement; gross waste of funds; or abuse of authority in the exercise of official duties or while acting under color of office), or potentially involved conduct so serious that it might undermine the independence or integrity reasonably expected of an IG or OIG senior staff member. As a result, the IC initiated an administrative investigation.

As called for in its policies and procedures, the IC sent a letter alleging wrongdoing, dated August 22, 2012, to each of the individuals named above and requested their response. Each of the subjects responded within one month. These letters and responses can be found in Appendix I, II, and III, respectively. On November 19, 2012, the IC approached an OIG to conduct the administrative investigation on its behalf.

(b) (6), (b) (7)(C), (b) (5) [Redacted text block]

(b) (6), (b) (7)(C), (b) (5) [Redacted text block]

(b) (6), (b) (7)(C), (b) (5) [Redacted text block]

(b) (6), (b) (7)(C), (b) (5) [Redacted text block]

### Nature of Allegations Against Senior NARA OIG Officials

The allegations against the NARA IG, (b) (6), (b) (7)(C) are numerous and cover an array of alleged activity that was said to have occurred as far back as 2006. (b) (6), (b) (7)(C) [Redacted text block]

In the discussion below, we provide biographical information on each of the three subjects and a high-level description of the allegations. (b) (6), (b) (7)(C) [Redacted text block]

**Brachfeld** was appointed NARA IG in January 2000. He joined the federal government in the summer of 1979 as an internal auditor with the U.S. Secret Service. He worked for the U.S. Customs Service and

<sup>1</sup> (b) (6), (b) (7)(C), (b) (5) [Redacted footnote text]

then for a year at the Department of the Treasury OIG. He was selected as the Assistant Inspector General for Audits (AIGA) at the Federal Election Commission and then moved on to be the AIGA for the Federal Communications Commission, where he stated that he ran the investigative operations of the office for part of the time. Brachfeld has an accounting degree and is an auditor by profession.

(b) (6), (b) (7)(C)  
[Redacted text block]

(b) (6), (b) (7)(C)  
[Large redacted area]

### Scope and Investigative Approach

Complaints within the IC’s purview are those complaints that allege any wrongdoing on the part of an IG that is a member of CIGIE, and include complaints involving designated OIG staff members when an internal investigation may not be objective. As noted above, we accepted the request from the IC to conduct this administrative investigation.

(b) (6), (b) (7)(C), (b) (5) [Redacted]

(b) (6), (b) (7)(C), (b) (5) [Redacted]

(b) (6), (b) (7)(C), (b) (5) [Redacted]

(b) (6), (b) (7)(C), (b) (5) [Redacted]

(b) (6), (b) (7)(C), (b) (5) [Redacted]. Specifically, we interviewed 15 individuals, including the 3 subjects of the investigation, and were assisted by the FDIC OIG Planning and Operations Manager, (b) (6), (b) (7)(C) [Redacted] and an FDIC Deputy Assistant IG, (b) (6), (b) (7)(C) [Redacted].

(b) (6), (b) (7)(C), (b) (5) [Redacted]



Some of the allegations are very precise in their language or very specific to an event, or they raise questions as to whether certain remarks made or behaviors at NARA OIG were “appropriate,” or both. Determining what constitutes appropriateness involves subjective judgment. As such, our report makes a determination as to whether a statement was made or an event occurred as alleged and, to the extent possible, explains the context in which comments and conversations on a particular topic occurred. We do not address the appropriateness of the behavior or comment in our determination.

We analyzed all pertinent interviews and documents to better understand the working environment in which the alleged activities occurred during the timeframes covered by our investigation. Before providing the results of our investigation, we present our observations on the NARA OIG workplace and the events that became the basis for the allegations, as a means of providing useful context and perspective.

## Observations on the NARA OIG Workplace

The NARA OIG was a small, close-knit office of no more than 20 people. A number of interviewees indicated that in addition to professional working relationships, many in the office (i.e., the IG, senior executives, employees, and their families) shared personal events and recognized special life events, such as weddings and births of children.

Over a period of many years, ongoing and almost daily banter, salty language, and comments made jokingly, such as, “you’re fired,” appeared to be accepted as part of the office culture, especially on the investigative side of the office, and particularly during the relaxed setting of lunchtime or time spent in the NARA fitness center. Interviews noted that some employees were more engaged than others in this type of office conversation and interaction, and other employees did not care for the office culture but tolerated it to get along. (b) (6), (b) (7)(C) acknowledged that the joking and off-color comments could be “just right on the line” and suggested that outside of a law enforcement office, such comments could have and probably would have been perceived differently. However, he continued that within the law enforcement office, the banter was “positive” and helped investigative staff deal with the stress and emotion involved in their work.

Audit staff members were separated from the investigative staff by a hallway, and their workdays and interactions seemed different from those of the investigative staff. (b) (6), (b) (7)(C) commented that apart from working on occasional joint audits or investigations, the auditors and investigators functioned independent of one another. He suggested that his group of auditors was generally not as social as the investigators were. For example, they did not routinely have lunch together or socialize after work. With respect to conversations and joking in the office, it appeared that an atmosphere involving banter and off-color comments was more prevalent on the investigative side than on the audit side.

(b) (6), (b) (7)(C)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

May 3, 2012 was a pivotal date for the NARA OIG as it relates to the allegations that subsequently surfaced. Earlier that day, (b) (6), (b) (7)(C) contacted (b) (6), (b) (7)(C) to make a formal report against Brachfeld. According to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) expressed concern about what (b) (6), (b) (7)(C) characterized as Brachfeld’s “increasingly erratic and unstable behavior.” (b) (6), (b) (7)(C) claimed to be voicing concerns held by other OIG employees as well. (b) (6), (b) (7)(C)<sup>3</sup> after listening to the details of (b) (6), (b) (7)(C) formal report, questioned why these allegations had not been reported before. (b) (6), (b) (7)(C) indicated the concerned agents feared retaliation. According to her interview, (b) (6), (b) (7)(C) concluded that OIG employees wanted the Archivist to make the complaint and then the employees would be asked and could tell the truth.

(b) (6), (b) (7)(C)

[Redacted]

[Redacted]

[Redacted] The Archivist and his staff, based on the accounts from (b) (6), (b) (7)(C) and follow-on documents sent to the Archivist from (b) (6), (b) (7)(C), subsequently began the process to file a complaint with CIGIE’s IC.

It appears that most of the allegations that the Archivist referred to the IC originated from (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). Several of the events alleged in the referral to the IC were recent (i.e., 2012) while, based on our analysis, others had occurred as far back as 2006. (b) (6), (b) (7)(C)

[Redacted]

[Redacted]

[Redacted]

Against this backdrop, the following sections of our report examine each allegation and, as requested by the IC, contain our determination as to whether the allegation, as precisely written, was “substantiated” or “unsubstantiated” based on our investigation. If we confirmed the activity occurred, we substantiate the allegation. If not, we consider the allegation unsubstantiated. In some instances, we were unable to make that determination based on available information or because of conflicting information and lack of a third-party witness to the activity.

<sup>2</sup> This authority was granted by the Attorney General in February 2012.

<sup>3</sup> (b) (6), (b) (7)(C)

[Redacted]

[Redacted] worked closely with the IG and, given her tenure, knew many of the OIG employees.

## Results of Investigation

### Allegations Against Brachfeld

This section of our report outlines each allegation against Brachfeld and indicates whether the allegation was substantiated or unsubstantiated based on our investigation. To the extent possible, we provide relevant context for each allegation we reviewed.

#### 1 Inappropriate Comments Based on Race and/or Ethnicity

We investigated the allegations related to inappropriate comments based on race and/or ethnicity as they applied to Brachfeld. (b) (6), (b) (7)(C), (b) (5)

Assessing the appropriateness of the alleged comments is a subjective exercise. What is considered funny by one reasonable individual could be considered offensive to another reasonable individual. As noted above, ongoing banter, jokes, and off-color language was the norm in the NARA OIG office, especially in the investigative side of the office, for many years. Given this environment, we determined whether the alleged comments were made and, if so, the context under which they were made and how OIG employees reacted to the comments.

#### Inappropriate Comments About Marriages Between Individuals of Different Races

The allegation that Brachfeld made comments regarding marriages between individuals of different races was substantiated. As noted earlier, we did not address the appropriateness or inappropriateness of the comments, given the office environment. This allegation related principally to the interracial marriage of a NARA OIG employee. We received no additional examples of race-related comments.

In the fall of 2010, Employee 13, who is white, married a Jamaican man. According to Employee 13, Brachfeld openly teased her, commented that she went “dark” and questioned whether she would become a pot smoker, sell marijuana, and listen to Reggae music. Employee 13 said that in 2011, Brachfeld had made a comment about her newborn son’s skin color.

Of the 15 interviews we reviewed that discussed this allegation, six of the employees interviewed (Employees 2, 11, 12, 14, 15, and 16) said that they had heard Brachfeld make comments related to Employee 13’s marriage to a Jamaican man. Employee 15 said he heard Brachfeld say to Employee 13, “Oh, you went dark.” The other five employees could not pinpoint a particular event or situation when these comments were made but viewed these remarks as jokes or “making fun.” Employee 16 described these comments as “engag[ing] in banter” about Employee 13’s dating life, which “was a regular topic of conversation at the lunch table and around the office because it was always interesting

and she was more than willing to share.” Employee 16 continued that he did not believe that at the time the conversations took place that Employee 13 found them “offensive in any way.” Employee 16 also offered that to his knowledge, no one was offended by the conversation and banter, and stated that nobody reported anything to him about being bothered by the conversations.

Nine of the individuals (Employees 1, 3, 4, 5, 6, 7, 10, and 17 and (b) (6), (b) (7)(C)) noted in their interviews that they had not heard Brachfeld make these comments. Three of these individuals (Employees 1, 7, and 17) noted that they had been told of the comments by Employee 13.

In his interview, Brachfeld said that he would never hurt or insult Employee 13, and denied making the “you went dark” comment and any comments related to marijuana. He continued that he was happy for Employee 13’s wedding, had given her a wedding present, and had received a small gift from Jamaica from Employee 13. In his written response, Brachfeld wrote, “I am unaware of any inappropriate comments that would call into question my views as it relates to marriage between *any* persons.”

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

2

**Inappropriate Comments About Individuals' Sex, Gender, and/or Personal Appearance**

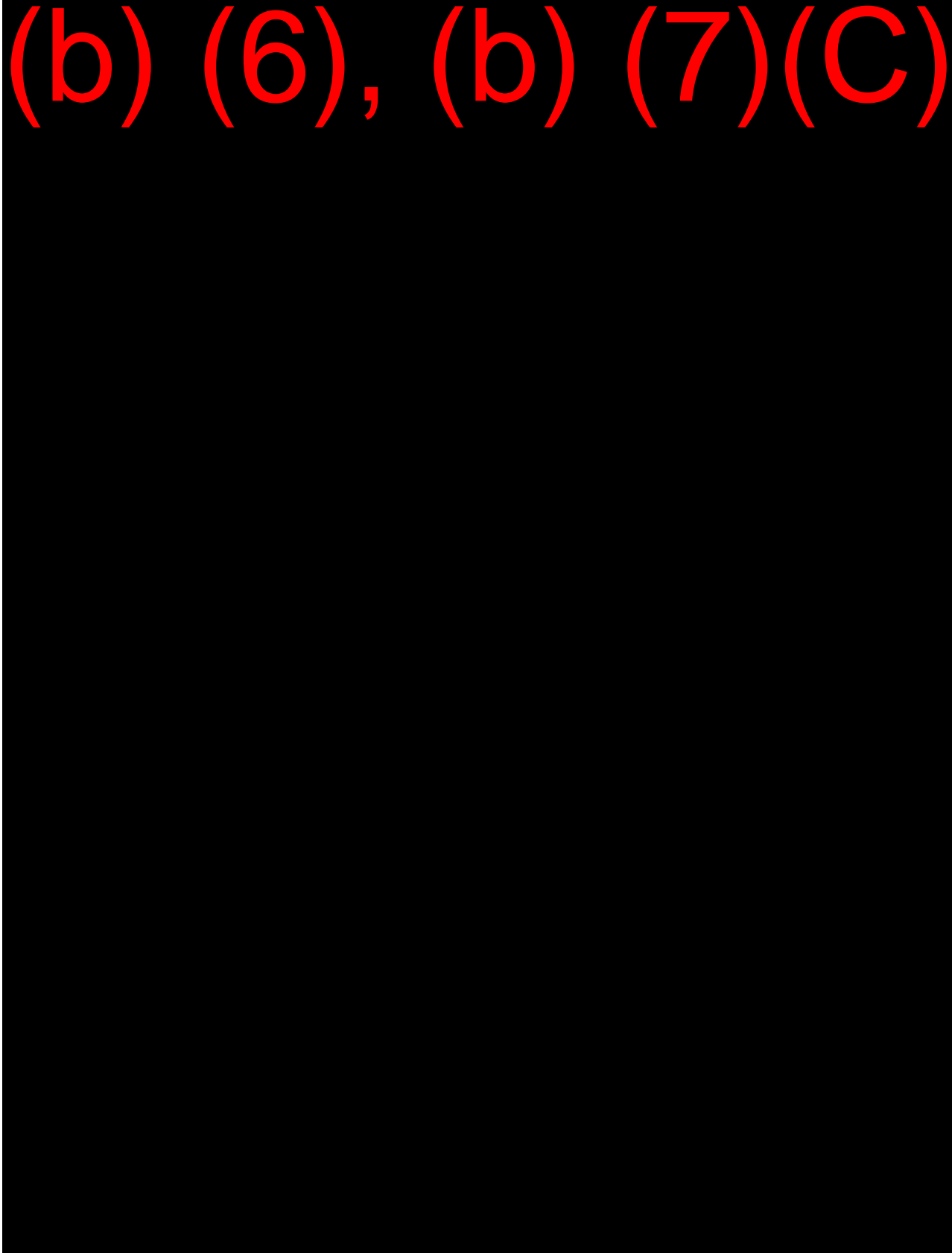
We investigated the allegations related to inappropriate comments about individuals' sex, gender, and/or personal appearance as they applied to Brachfeld. (b) (6), (b) (7)(C), (b) (5)

[Redacted]

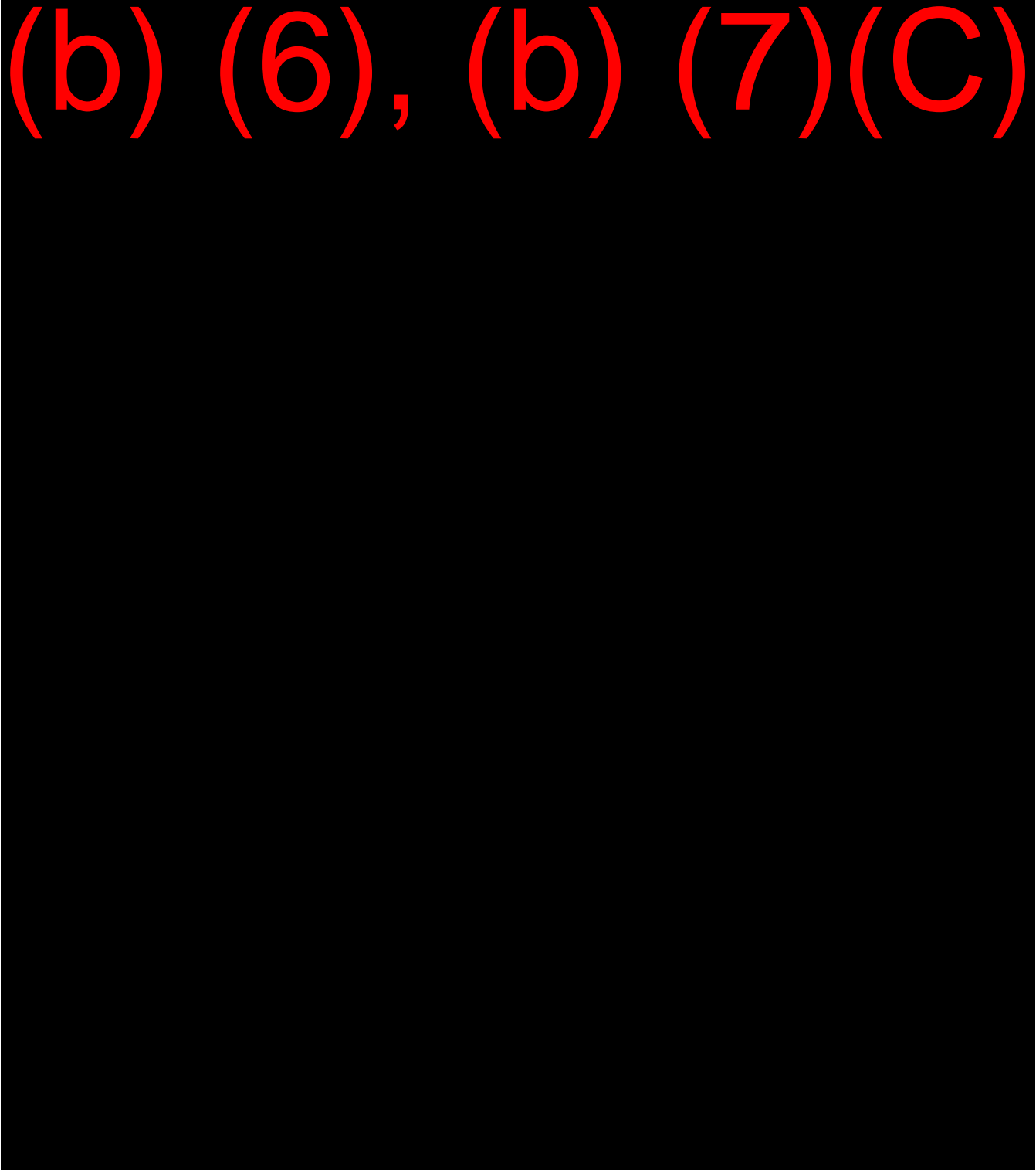
As discussed above, assessing the appropriateness of these comments is fairly subjective. What is considered funny by one individual could be considered offensive to another. Ongoing banter, jokes, and off-color language was the norm in the NARA OIG office, especially on the investigative side of the office, for many years. Given this environment, we determined whether the comments were made, and if so, the context under which they were made and how OIG employees reacted to the comments.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)





## Making Derisive Comments and Mocking an Employee (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), during our investigation, we found that Brachfeld made comments about a NARA employee or contractor whose gender appeared to be uncertain.

Twelve individuals provided information regarding this allegation. Seven employees either provided examples, as follows below, or concurred in general that Brachfeld made comments related to a NARA employee or contractor whose gender was uncertain.

Employee 13, who provided this allegation to the Archivist, stated that Brachfeld on several occasions discussed a NARA employee that Brachfeld believed had undergone a gender change operation. Employee 13 stated that Brachfeld “referred to the employee as ‘it,’ stating that he didn’t know ‘its’ name but he frequently saw ‘it’ walking down the hall, and despite hearing ‘it’ got a sex change was unable to determine ‘its sex.’” Employee 15 said that he remembered Brachfeld, at the investigators’ lunch table, referring to a NARA employee or contractor as an “it” because Brachfeld could not determine the person’s gender. Employee 16 said that he was present during one of the conversations about the gender of the person not being clear, so Employee 16 said that the reference “probably took place.”

(b) (6), (b) (7)(C) recalled an incident when an employee who appears to be transgender walked by while she and Brachfeld were conversing in front of Brachfeld’s office. (b) (6), (b) (7)(C) continued that after she said hello to the employee and the employee passed, Brachfeld said, “That ‘thing’ scares me.” (b) (6), (b) (7)(C) said she told Brachfeld that his comment was inappropriate, but Brachfeld dismissed her admonition with a laugh.

Employee 11 recalled a conversation in a hall where Brachfeld commented that he “wasn’t sure whether that’s a man or a woman.”

Employee 6 and Employee 10 mentioned conversations where Brachfeld would question which bathroom a person who may have had a gender change operation would use or “would jokingly talk about” the bathroom question. Employee 6 stated that Brachfeld never made remarks when in the hall or when the person passed by but did talk jokingly about a person of whom he [Brachfeld] did not know the gender.

Employee 3 stated that the conversations sounded familiar, but he could not recall any specifics. Employee 7, Employee 14, (b) (6), (b) (7)(C) stated that they did not hear and were not aware of Brachfeld making any comments about a NARA employee or contractor whose gender was uncertain.

In his interview, Brachfeld advised the he noticed a NARA employee that he did not know, who regularly came to work at approximately 6:00 a.m., and that he did not know if the employee was male or female. According to Brachfeld, he asked Employee 3 if he knew the employee. Brachfeld added he does not know if the employee is transgender and he did not refer to the employee as “it.”

(b) (6), (b) (7)(C) [Redacted]  
[Redacted] **Discussions About Dating OIG Employees  
and NARA Contractors**

(b) (6), (b) (7)(C) [Redacted]  
[Redacted] The allegation that Brachfeld made comments about dating OIG employees and NARA contractors was substantiated.

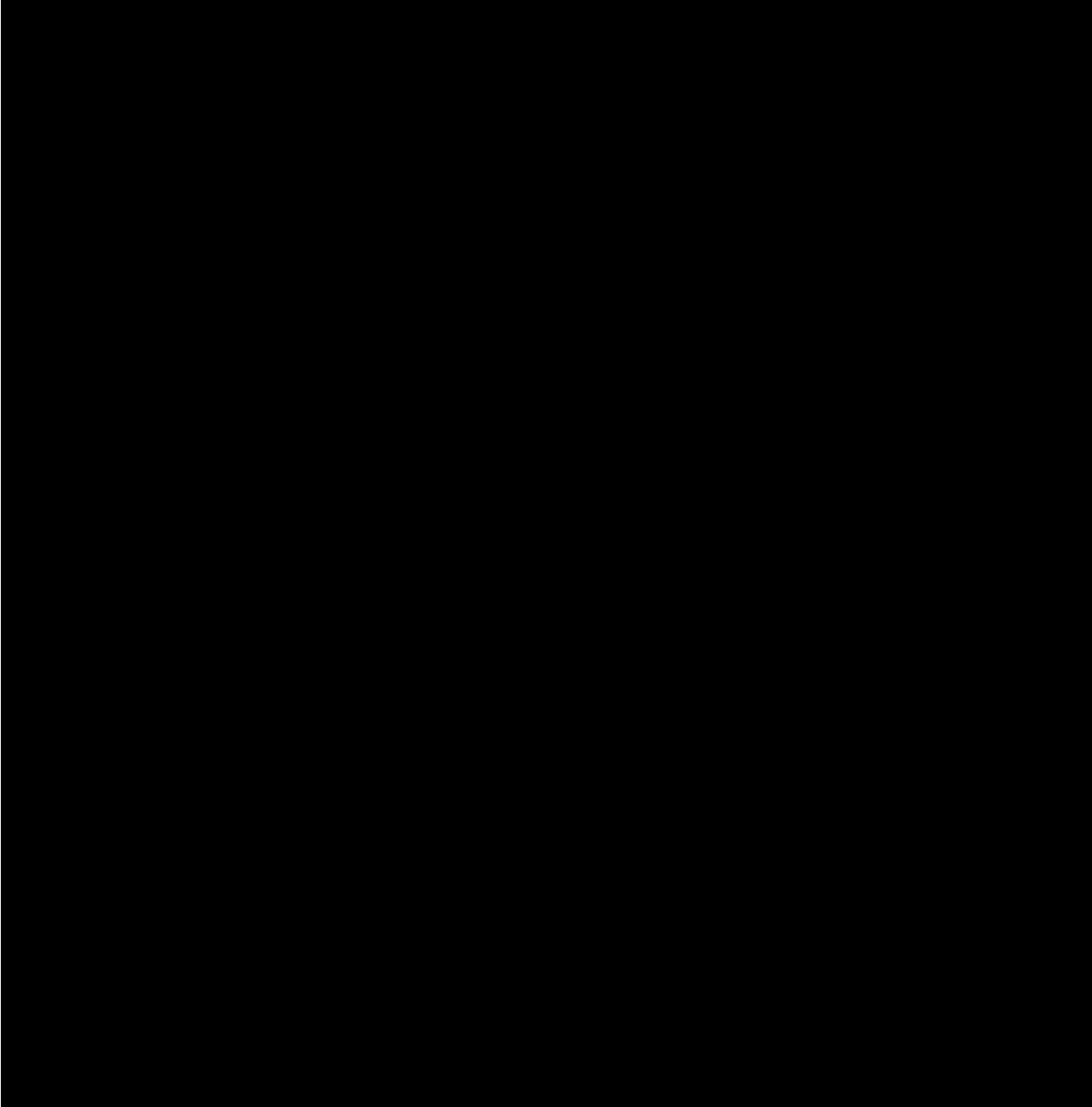
(b) (6), (b) (7)(C) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted].

(b) (6), (b) (7)(C) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

(b) (6), (b) (7)(C) [Redacted], 13 individuals offered information as to whether Brachfeld discussed dating of female OIG employees or NARA contractors. Six of the 13 individuals noted that Brachfeld had made comments that were “off-handed” about dating or were sexual in nature. Employee 1, Employee 3, Employee 4, and Employee 9 stated that Brachfeld would make such comments in the fitness center toward fitness center staff. All four employees viewed the comments as a part of a running joke or friendly banter, while Employee 9 noted that some of the comments resulted in “uncomfortable” or “awkward” moments. Employee 12 said that he heard from more than one coworker, but did not hear directly, that Brachfeld expressed that he would not mind dating a female OIG staff member. Employee 12 continued that in general, Brachfeld’s “off-handed comments ... would be sexual in nature” and Brachfeld “didn’t have boundaries.” Employee 13 reported to the Archivist that Brachfeld approached female OIG staff and NARA contractors and advised them that he had thought about what it would be like if they “dated.” The remaining seven individuals (Employees 5, 6, 7, 11, 12, 14, and 16) stated that they had never heard Brachfeld discuss dating female OIG employees or NARA contractors.

Brachfeld was asked whether he ever talked to his female colleagues about what it would be like to date them. Brachfeld responded, "No, I've never talked to my female colleagues about anything like that."

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

### **Making Inappropriate Comments About the Weight of Certain Women**

The allegation that Brachfeld made comments about the weight of certain women was substantiated. Our investigation established that Brachfeld appeared interested in weight and fitness and made comments consistent with this apparent interest. As previously noted, we did not address the appropriateness or inappropriateness of the comments, given the office environment.

Based on our investigation, the weight-related comments fell into two categories: general weight and fitness comments and weight gain associated with pregnancy. Overall, 12 individuals provided information or perspective as it relates to such comments.

Seven employees (Employees 2, 3, 6, 11, 12, 15, and 16) commented that weight, fitness, food choices, and appearance were topics of conversation within the office and that Brachfeld participated in the conversations and would often make comments. Our investigation found that these comments were general in nature, some joking or in jest, and were not necessarily directed at women. Employee 3 offered that Brachfeld, when he mentioned weight, would often be critical of his own weight. Employee

11 offered that the OIG was known for being physically fit and that Brachfeld would make sure that the employees had time to go to the gym.

Three employees recalled specific weight-related comments that Brachfeld made about individuals outside of the OIG. Employee 14 recalled a female applicant for an auditor position who came in for an interview and Brachfeld commented to Employee 14 that the applicant was “fat” and Brachfeld “wasn’t sure how she would fit into the environment.” Employee 6 advised that he recalled someone who was overweight coming in for an interview, and Brachfeld referred to the person as “overweight and slovenly.” We were unable to determine if these examples involved the same or different applicants. Employee 12 stated that Brachfeld would refer to some NARA managers who oversee the programs that the OIG investigates as “fat,” but in a joking manner, and usually during the lunch table conversations.


In his interview, Brachfeld stated that he had no recollection of calling anybody fat. He continued that he encourages his staff to go to the gym and to work out and eat healthy, and he tries to be a model for such behavior. He noted that he may make playful comments and kid someone by saying something like “The wife’s feeding you too well.”

Regarding weight gain associated with pregnancy, six employees provided information. During the interview, Employee 13 stated that in the May 2011 time period, Brachfeld started making comments about her being fat while she was pregnant. She cited an example, where at a group lunch, Brachfeld said to Employee 13, “[W]ow, you’re huge. Can you fit through that door?” While no one specifically confirmed that statement, Employee 7, Employee 11, and Employee 12 stated that Employee 13’s weight and/or weight gain during her pregnancy was joked about. Employee 7 sensed that the jokes were delivered and taken in jest. In his interview, Brachfeld said he cannot remember, but that he was “kidding her” and said “I’m gonna have trouble gettin’ through” the door. He continued that they were “kidding around” and that he would never “do anything malicious.”

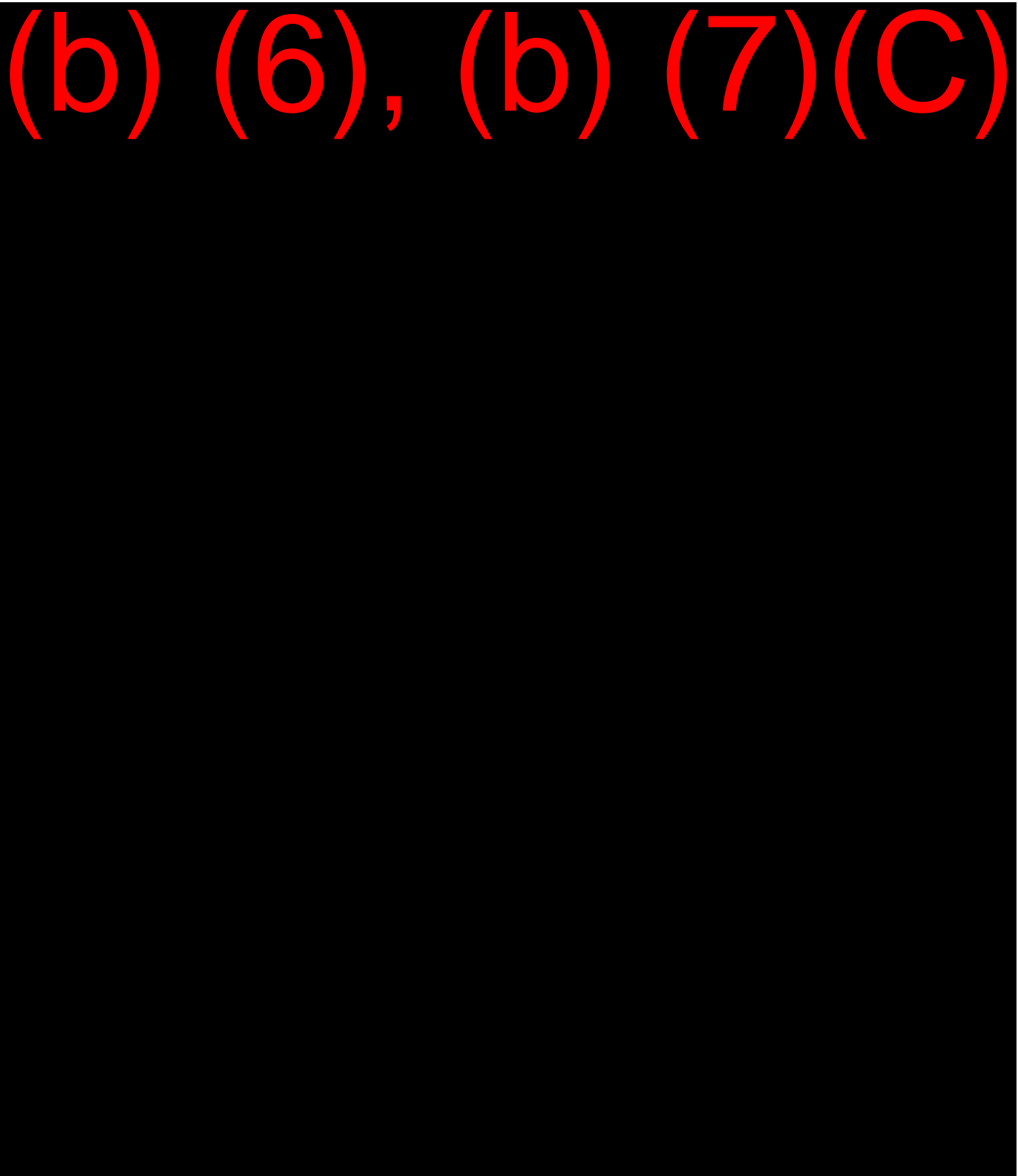
During our investigation, we understood that Brachfeld allegedly said that he was taking bets on an employee’s pregnancy weight gain. Employee 1, who was the employee that this allegation was about, considered Brachfeld’s comment that he was taking bets on how much weight she was going to gain or something similar to that as a joke. Brachfeld said in his interview that he never told a pregnant employee that he was taking weight-gain bets. During another interview, Employee 9 recalled that Brachfeld commented that one of the auditors had put on a little weight and questioned whether she was pregnant.

(b) (6), (b) (7)(C)

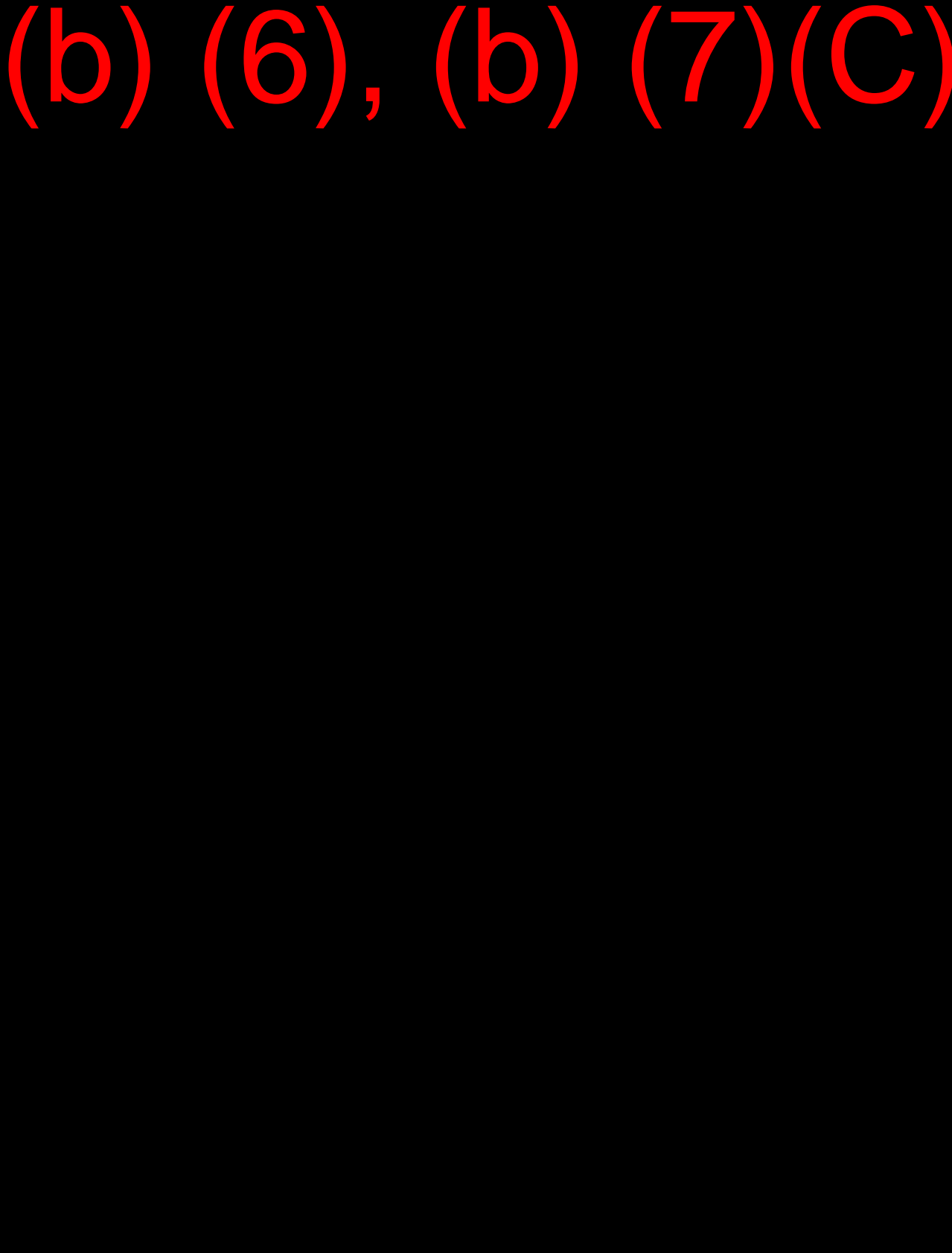
(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

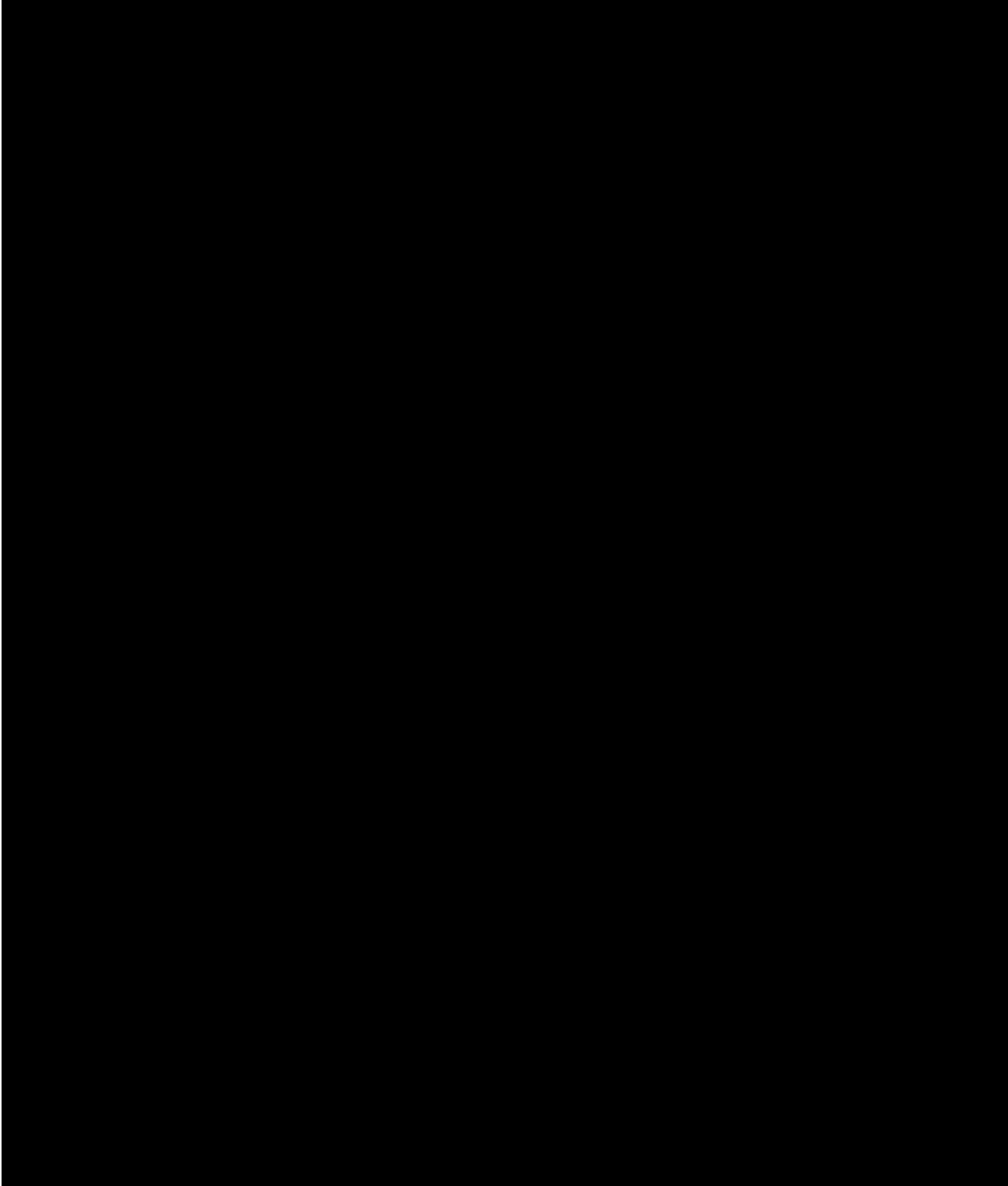


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(b) (6), (b) (7)(C)



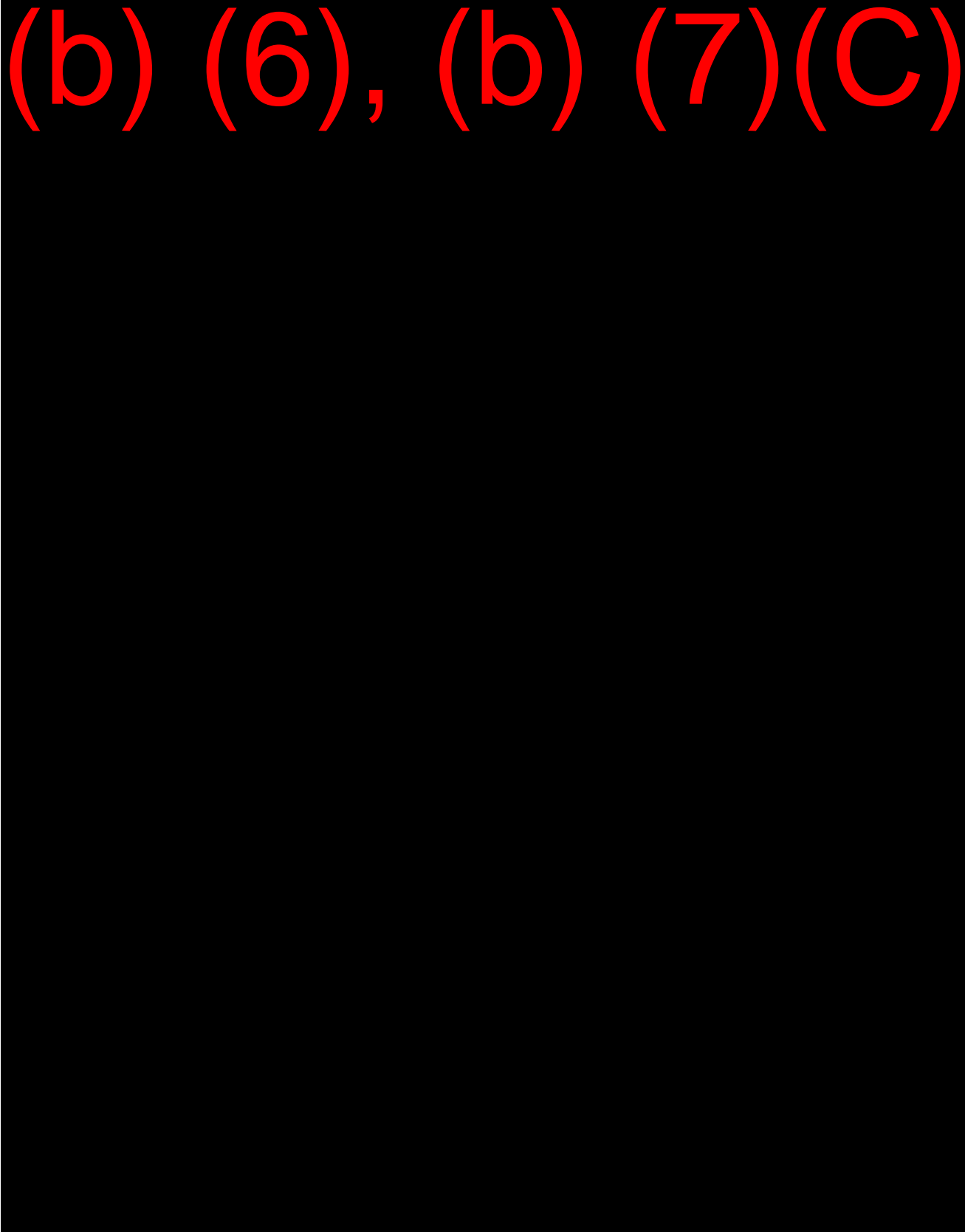
(b) (6), (b) (7)(C)



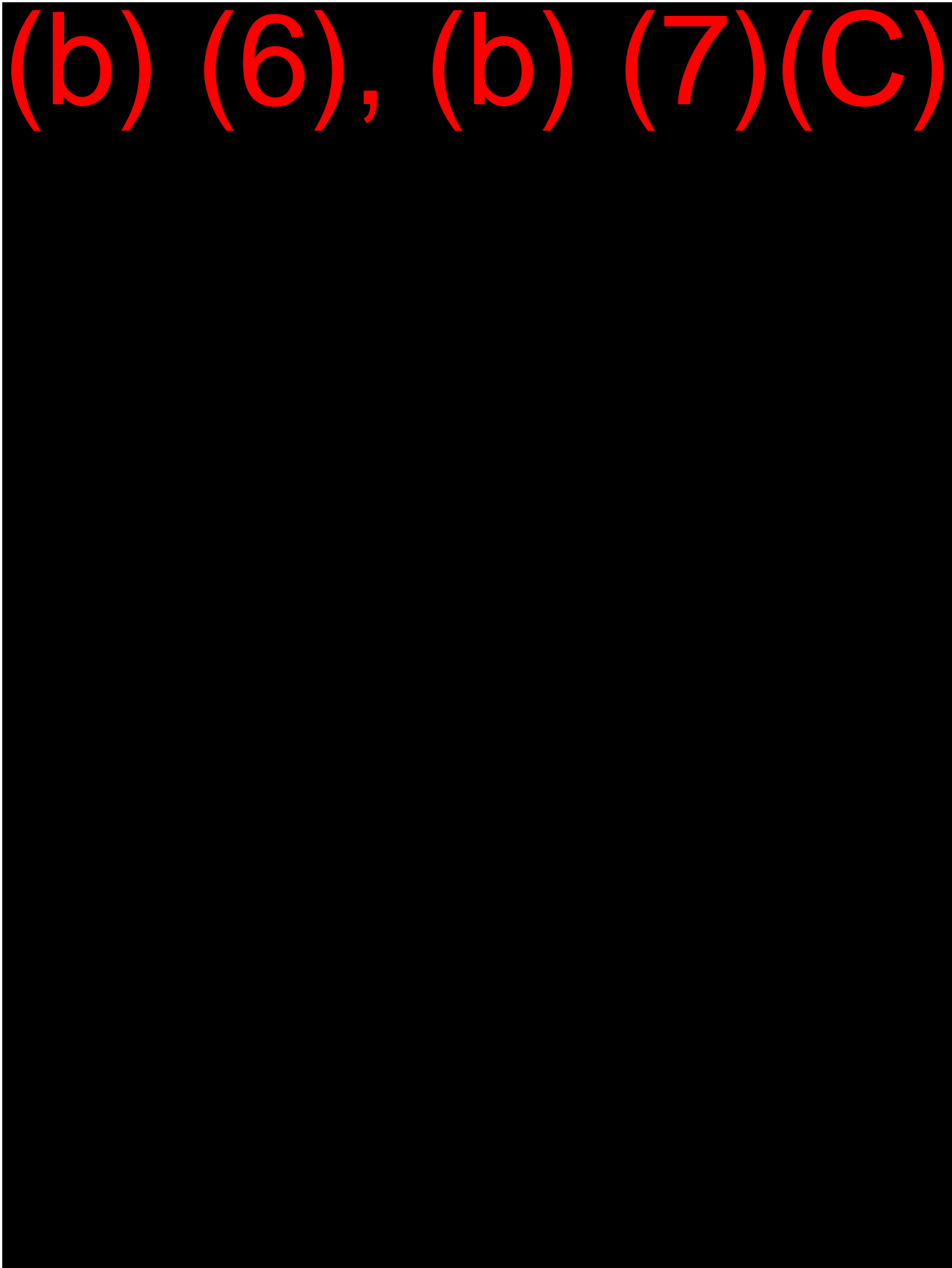
(b) (6), (b) (7)(C)



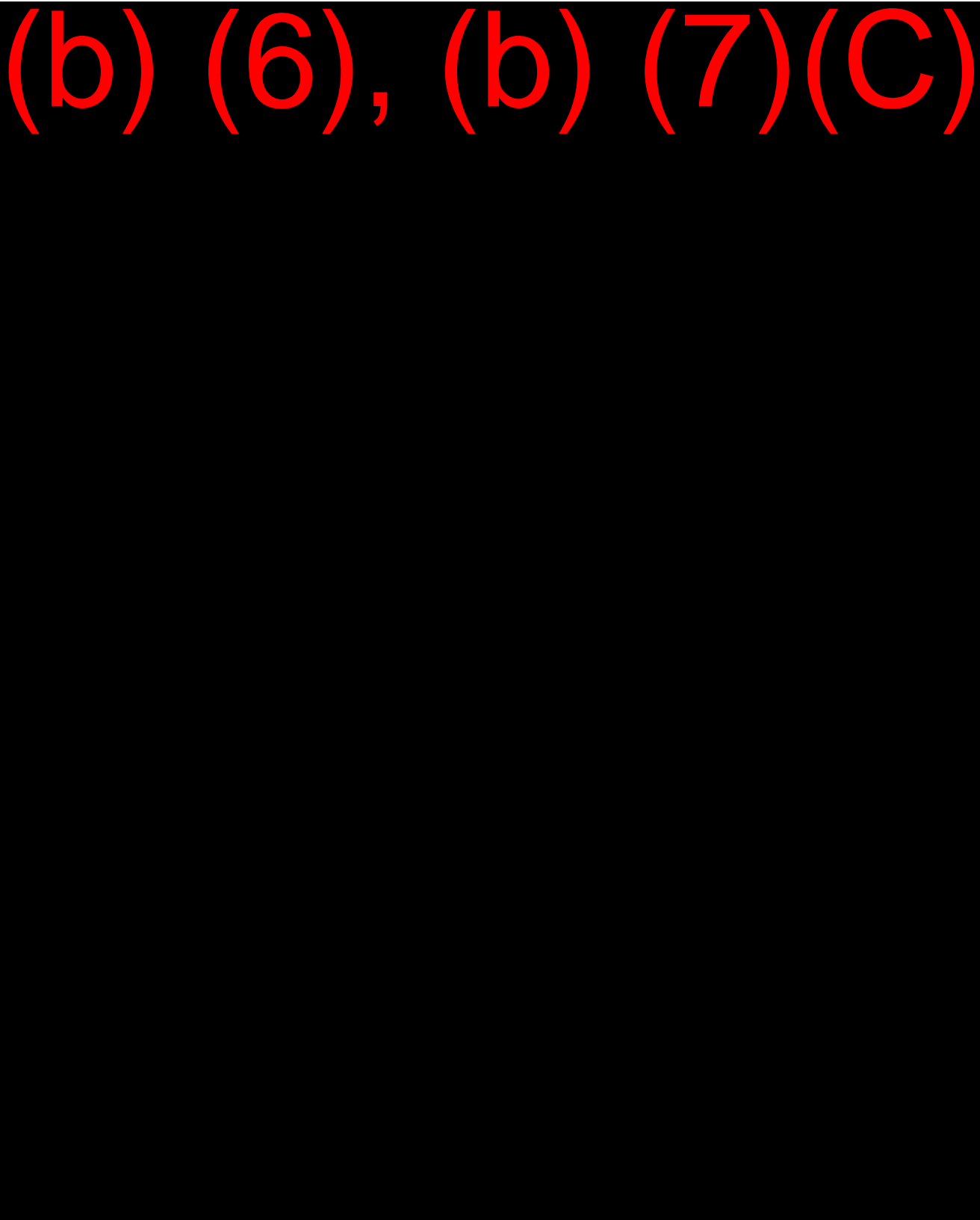
(b) (6), (b) (7)(C)



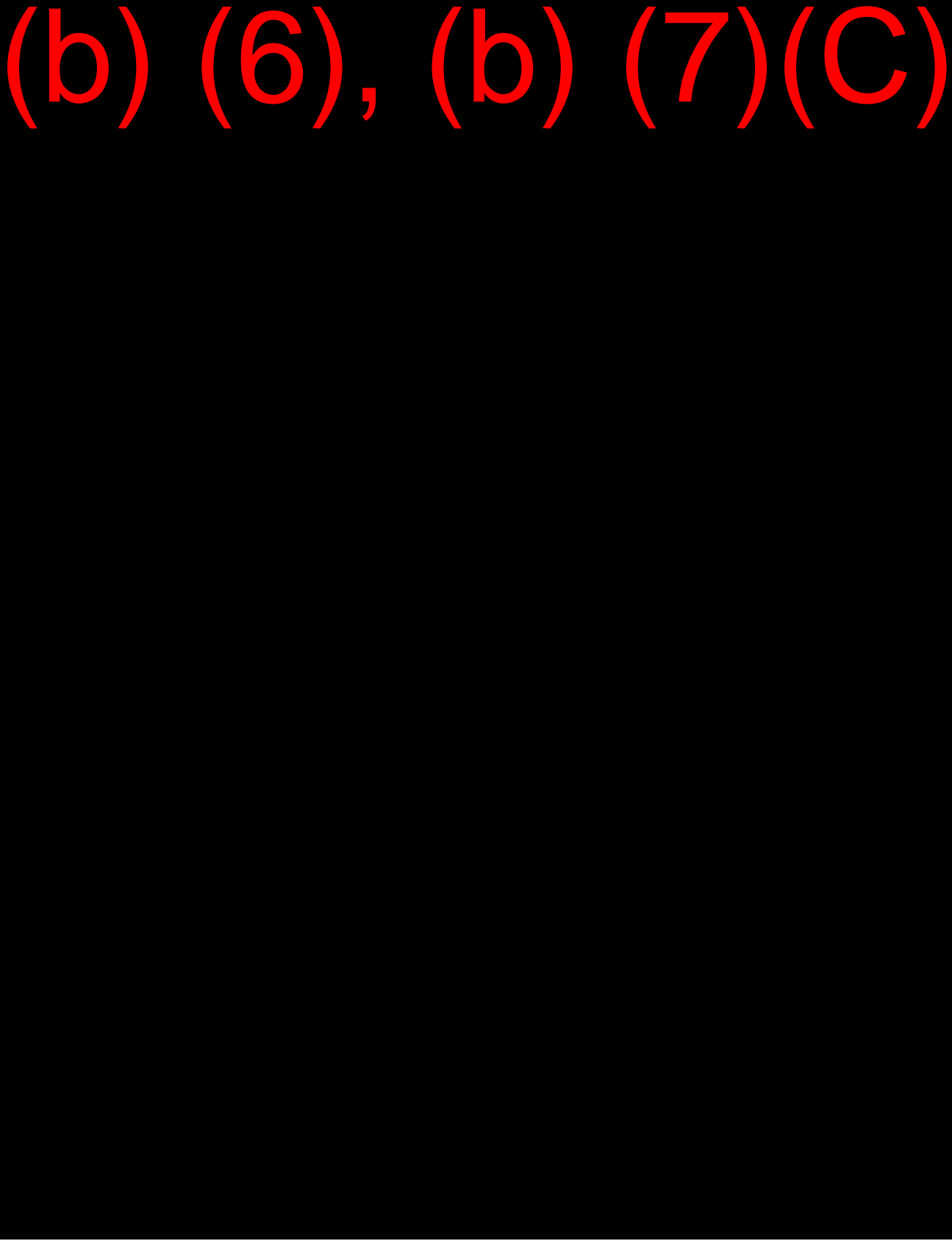
(b) (6), (b) (7)(C)



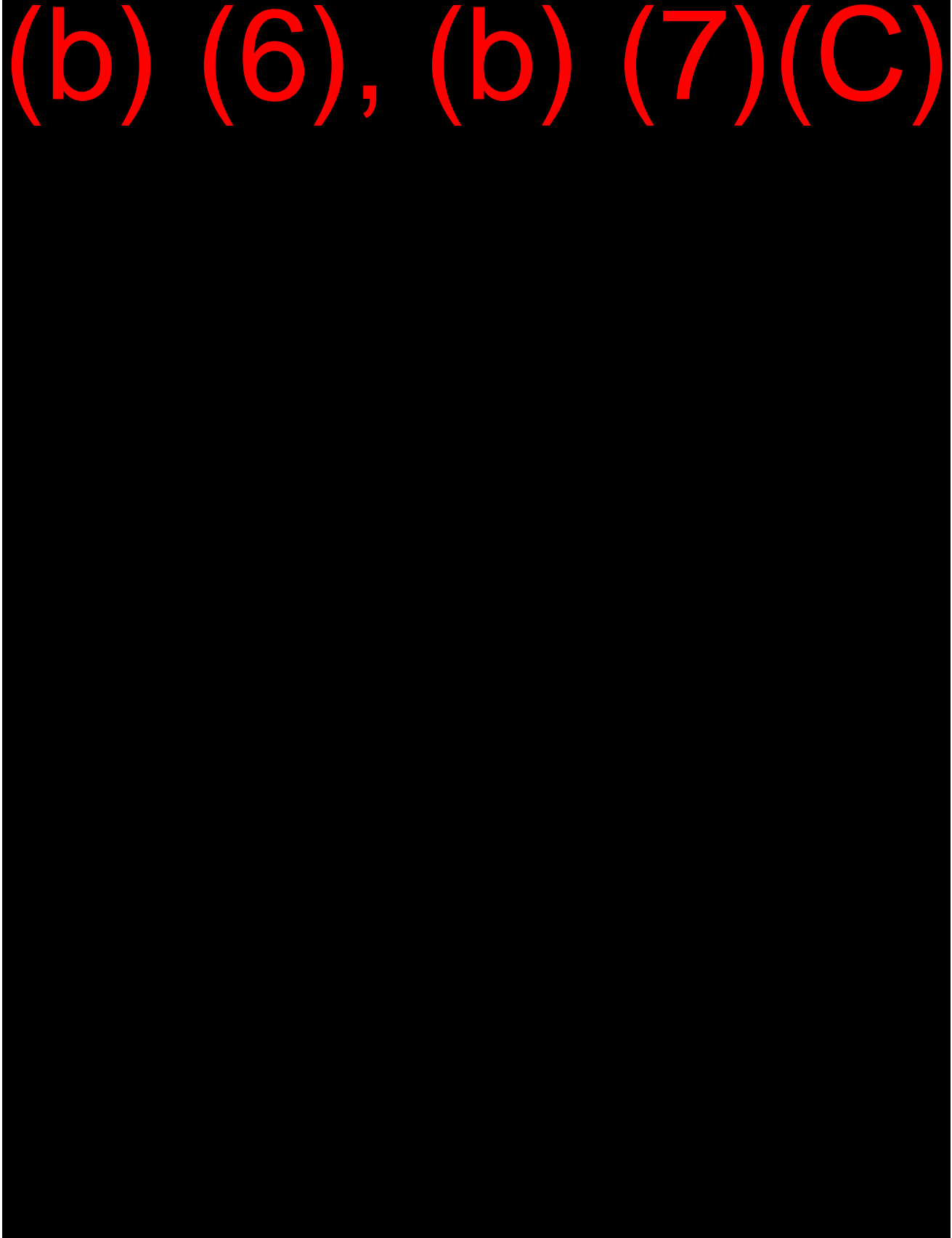
(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

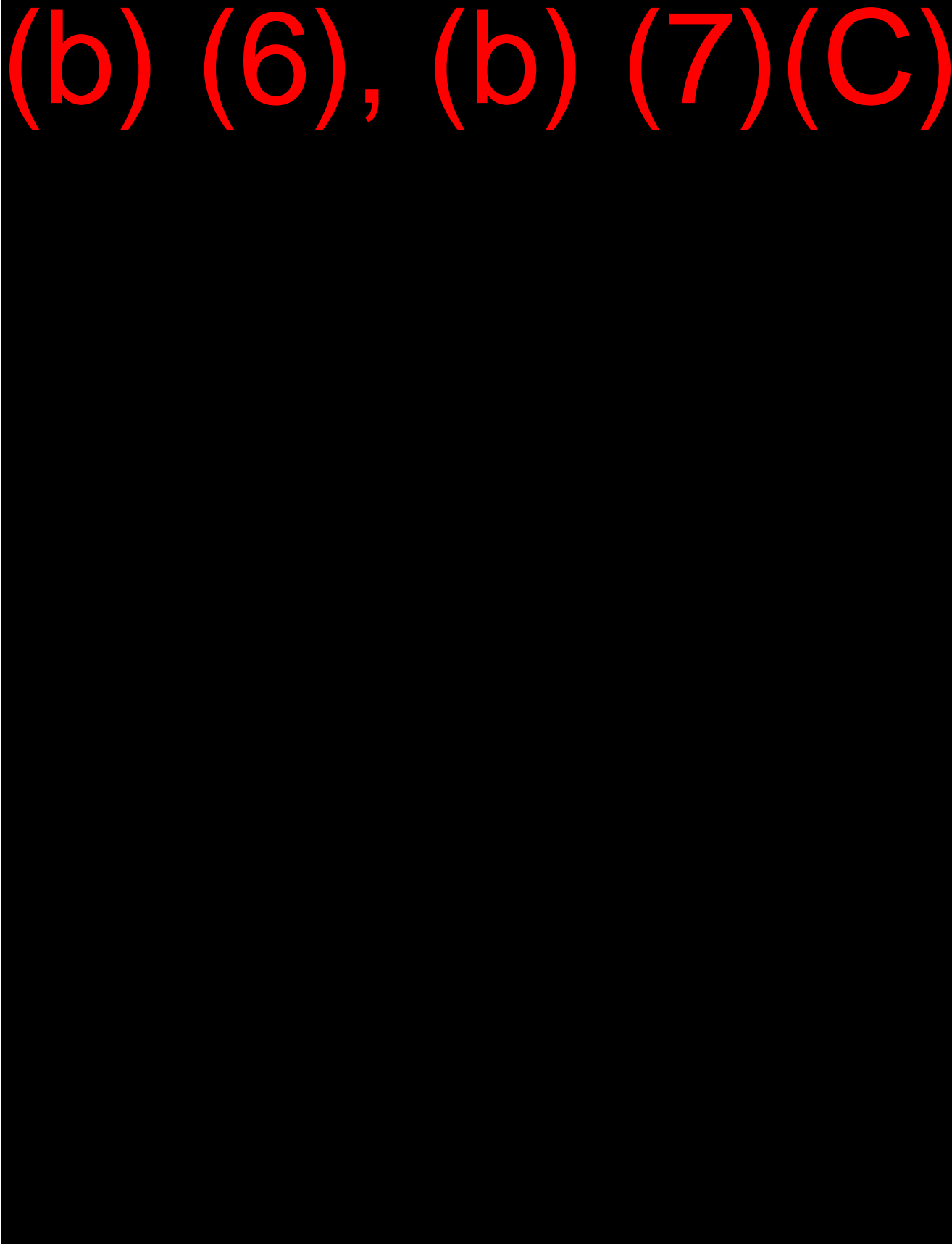




(b) (6), (b) (7)(C)



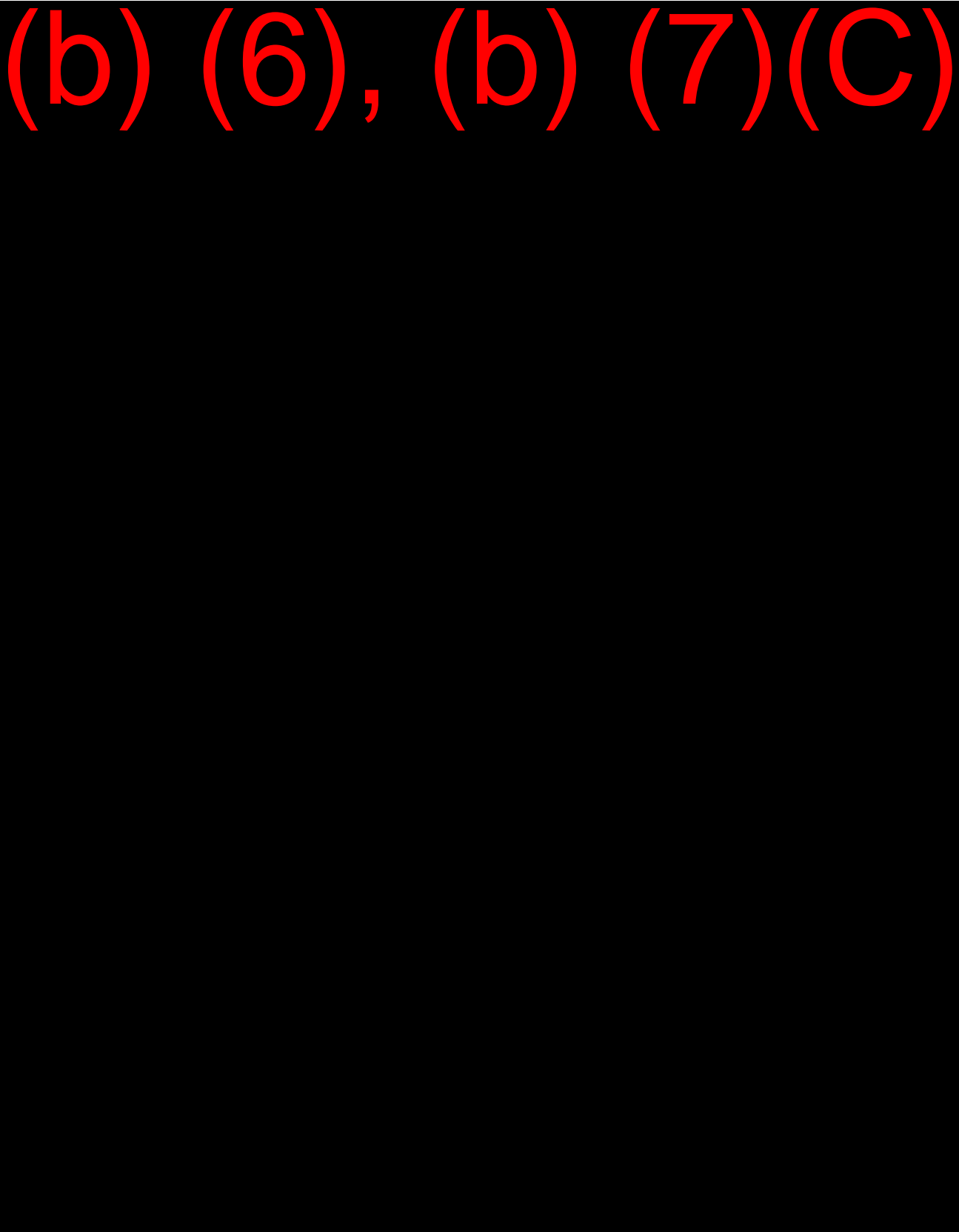
(b) (6), (b) (7)(C)



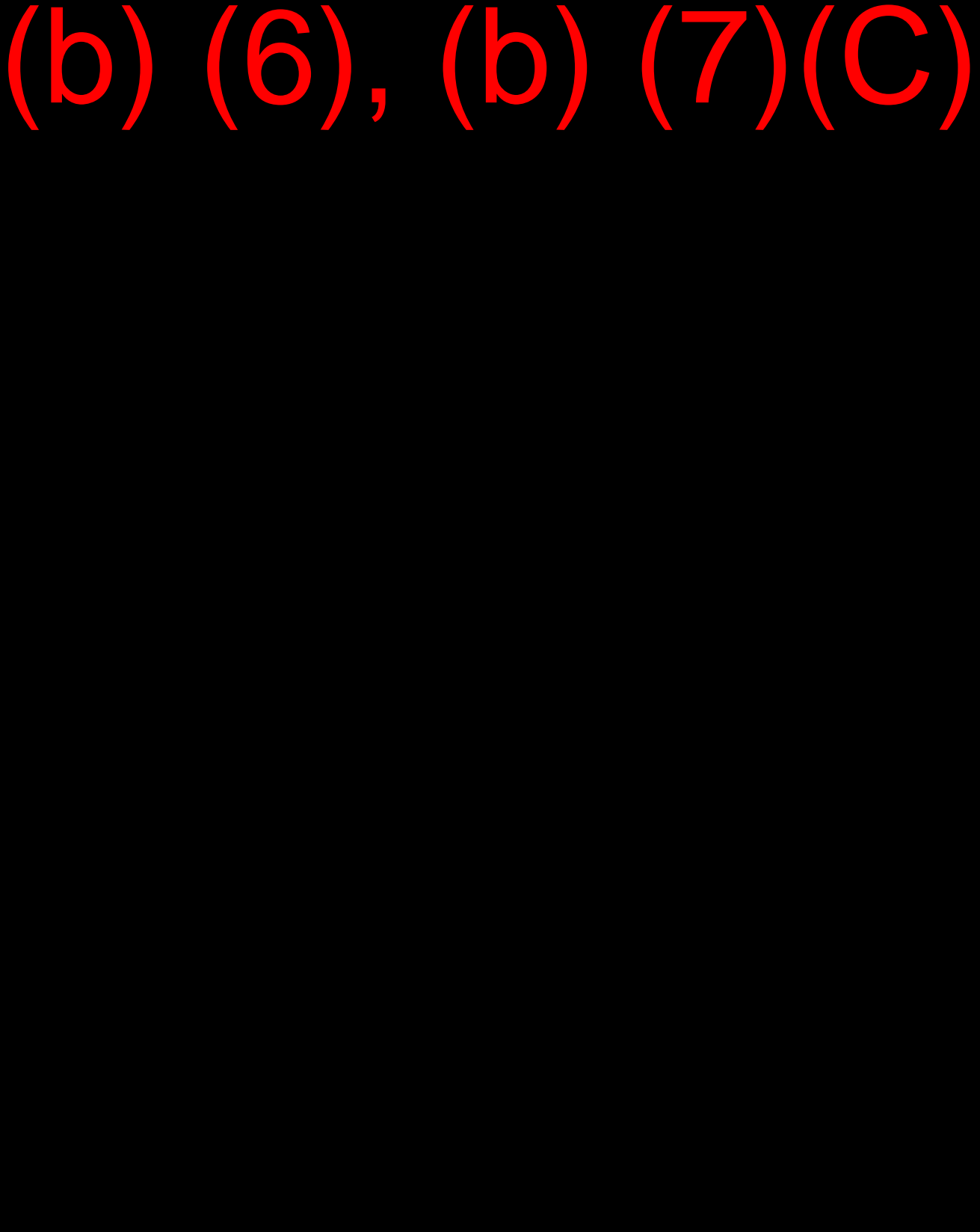
(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Paul Brachfeld- Inspector General NARA

Thank you for the opportunity to provide my response to CIGIE IC710. As a Federal employee I have served with utmost integrity and fidelity. I have never been tainted by scandal, accused of violating and rules, regulations or laws and never associated with any vile or inappropriate behavior. But, nothing lasts forever and as life begins with a drop of water, the destruction of my reputation began based upon the motivations and resulting actions of a sole employee.

Employee 15 as identified in the draft report came on board in 2010 and immediately began to want things. (b) (6), (b) (7)(C)

[REDACTED]

When he didn't get the things he wanted from me he made it quite clear that I was his target and he would be going to the agency head, the Archivist of the United States which he did. (b) (6), (b) (7)(C)

[REDACTED]

(b) (6), (b) (7)(C)

[REDACTED]

(b) (6), (b) (7)(C)

[REDACTED]. In my case, he planted, nurtured and harvested the defamatory allegations and/or sowed the seeds which grew into allegations made by others which make no sense and are false and unsupportable. (b) (6), (b) (7)(C)

[REDACTED] Notwithstanding, my career has already been destroyed.

In May 2012 the Archivist met with my staff (who had never come to me with one complaint) and took the offensive and contrived allegations (b) (6), (b) (7)(C) [REDACTED]. Working with taxpayer funds, and utilizing (b) (6), (b) (7)(C) knowledge of CIGIE IC's deliberative processes, he seized upon a strategy. He placed me on Administrative Leave without offering me any opportunity to address allegations I had not even been aware of much less could respond to. The seed initially sown by one disgruntled (b) (6), (b) (7)(C) [REDACTED] resulted in a strong IG who had done his job with distinction and the respect of his peers being led out the door by security. I have now languished awaiting my full exoneration for nearly two years.

Each and every allegation against me is false or completely taken out of context, altered, massaged and reconstituted into a defamatory assertion. I would ask the FDIC investigators and you, the CIGIE IC members, if there is one empirical fact, piece of data, record or any evidentiary matter that could be substantiated? I would venture the answer to be no. (b) (6), (b) (7)(C)

[REDACTED]

[REDACTED] I never discriminated against anyone and five of my eight senior staff was women or minorities. I never sought any benefit for any member of my family or myself. I never insulted anyone based upon their race, creed, nationality, appearance, religion, sexual preference or any other criteria. And, I never ever sought to or would even think of dating another woman since I first met (b) (6), (b) (7)(C) my wife of 34 years on a blind date in 1975.

So, what is left now that I have been cleared after nearly two long years of arguably all substantive allegations and having being subjected to dishonor and shame by the media and having my professional life destroyed...the answer is the remaining morsels on your plate.

1.To Employee 13 who I hired, developed and promoted (b) (6), (b) (7)(C) **after** she was engaged to (b) (6), (b) (7)(C), who ate at my table, visited my family, praised me on Facebook etc. I supposedly made a heinous statement to the effect that she "went dark" in reference to her husband being Jamaican. It just so happened, that Employee 15 (her "life partner") was the one and only human being on a planet of billions who could reportedly corroborated this defamatory accusation. I could care less about who Employee 13 married other than that I wished happiness for her, went to the wedding dinner, the baby shower and gave her nice gifts.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

3. I was a friendly, approachable and caring manager who encouraged all of my staff to take advantage of health and fitness programs offered at the workplace and tried to serve as a model by running, eating healthy and maintaining a clean and healthy work environment. I supported the needs of each employee and when staff became pregnant and after they had delivered offered and supported all opportunities and options available to me to meet their individual needs. I never insulted anyone and no instances in which I acted in a malicious, callous or hostile manner have ever up until this day been presented to me.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

These allegations were first offered to CIGIE IC nearly two years ago. After being placed on Administrative Leave (A/L) by the Archivist of the United States (AUS) I anxiously anticipated the opportunity to respond to these allegations. Approximately two months ago Special Agents (SA's) from the FDIC OIG came to my house to interview me on a narrow range of allegations. I was not placed under oath and no sworn statement was drafted by the SA's to memorialize the interview that lasted under an hour. During this interview, other than one Baltimore Sun newspaper article, I was provided no documentation to review much less provide content and

context. (b) (6), (b) (7)(C)

[Redacted]

(b) (6), (b) (7)(C)

[Redacted]

Before going further I wish to note that I have served as the IG at NARA and to my knowledge, (b) (6), (b) (7)(C), I was never the subject of any allegation of violating and rule, regulation, or law. In the anonymous Employee View Point Survey for 2011 (which covers the period most allegations fall within), I was rated the Number One NARA manager to include a 85.3% rating for working with “employees of different backgrounds” and being “committed to a workforce representative of all segments of society.” 92.7% of OIG employees provided me the highest rating for metrics to include, treating them with respect, having in confidence my supervision and supportive of their needs for balance between work and other life issues. The residual allegations made by one NARA OIG employee stand in stark contrast to the type of manager I have been and the person I aspire to be.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



SUBSTANTIATED ALLEGATIONS

There were four allegations that were categorized as “substantiated” without a shred of physical or empirical evidence. Specific to each of these allegations I was offered no opportunity to provide context that would refute that any actions or statements attributed to me were inappropriate.



*Inappropriate Comments about Marriages Between individuals of Different Races-*

I never made any comments that were ascribed to me about an employee to the effect that “she went dark”. As (b) (6), (b) (7)(C) (identified as Employee 16) stated, the complainant (Employee 13) regularly discussed and described her dating life in the presence of others and this “was a regular topic of conversation at the lunch table and around the office because it was always interesting and she was more than willing to share.” Employee 13 brought me gifts from Jamaica including a Bob Marley guitar magnet and talked incessantly about her fiancé and then husband’s family and the Jamaican culture, certainly in that environment I was not immune from being present. However I never made the disgusting statement or any other offensive statements about marriages between races. I was invited and attended the wedding dinner, baby shower and have and can produce numerous Facebook postings from Employee 13 which reflect that she invited my wife and I over to her house, wanted us to see her baby etc. after she met (b) (6), (b) (7)(C) Had I said the terrible thing I am now accused of saying, would I have subsequently been treated as not just a boss but as a friend and mentor?

In summary, I cannot refute that I was present when Employee 13 talked about her boyfriend and later husband (b) (6), (b) (7)(C) who is a Jamaican man. It was part and parcel of office banter invariably as (b) (6), (b) (7)(C) stated, initiated by Employee 13. I cannot recall ever making any negative statements about anyone’s marriage or relationships period.

I provided the FDIC investigators with a Facebook posting from Employee 13 to my wife where she writes “Thank you so much for the face cream from Clinique it has already made a difference and my skin feels great! And, I have to tell Paul thank you as well because he was very thoughtful in asking you to help me. Enjoy your weekend, (b) (6), (b) (7)(C)” This posting was made on July 29, 2011 **after** Employee 13 was married and I believe had her son (b) (6), (b) (7)(C) Had I made the offensive statement now ascribed to me I doubt (b) (6), (b) (7)(C) and I would have received such a kind message from Employee 13 as well as many later positive Facebook messages.

During the CIGIE IC interview I was never presented with any evidence or statements specific to marriages between races. The complainant has made an allegation that only her self-identified “life partner” (Employee 15 who authored multiple allegations in this complaint all which were found to be unsubstantiated) heard and corroborated. No other person could confirm this heinous statement ascribed to me because it was never ever uttered from my lips. I was happy Employee 13 met (b) (6), (b) (7)(C) for *she certainly discussed* her travails and dating failures to the extreme to everyone in the office day in and day out. I was simply glad that she had found someone.

(b) (6), (b) (7)(C)  
[Redacted text block]

(b) (6), (b) (7)(C) I never made adverse statements about interracial marriages and certainly never made specific remarks about Employee 13's relationship or marriage to her husband. I believe that this allegation represents part and parcel an effort to smear me (in collusion and under the direct influence of Employee 15) and marks a stark contrast to my actions and conduct within the office and my core beliefs.

Again I reiterate, in the last anonymous Employee View Point Survey for 2011, which falls during the time frame these alleged actions occurred, I was rated the Number One NARA manager to include a 85.3% rating for working with "employees of different backgrounds" and being "committed to a workforce representative of all segments of society." 92.7% of OIG employees provided me the highest rating for metrics to include, treating them with respect, having in confidence my supervision and supportive of their needs for balance between work and other life issues.

I'm uncertain what else I can do to refute this offensive and outrageous allegation addressed in this section of the draft report. I have not and would not make inappropriate comments about marriages of persons of different races. I cannot fathom the basis that would allow for the FDIC investigators to categorize such a defamatory allegation as "substantiated".

(b) (6), (b) (7)(C)  
*Discussions About Dating OIG Employees and Contractors.*

(b) (6), (b) (7)(C) First of all, I met my wife (b) (6), (b) (7)(C) in 1975 and was married as soon as I got a job in 1980. My marriage is based upon total fidelity and respect period. (b) (6), (b) (7)(C)

I never discussed dating anyone in my office and never would have because I never thought about it for one second. The FDIC investigators presented me with no evidence or names of anyone I sought to "date" since 1975 or any specific allegations in this regard. Had I been asked about a NARA contractor in the gym I would have shared this simple vignette with them. There was running "gym banter" with a married fitness contractor in the gym who was half my age, from Jersey like me and who also loved Bruce Springsteen. WE would joke about going to a concert together but that was it, and my wife would have been pretty surprised to see the contract employee (b) (6), (b) (7)(C) with me when (b) (6), (b) (7)(C) and I went to Springsteen concerts together. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

There cannot be a name offered as someone that I approached to date in my office, in the gym or on this planet since I met my wife in 1975 and that is the simple truth. How this offensive allegation could be categorized or classified as “substantiated” escapes me and is belied by the very content of this section of the draft report. I assume this classification was an inadvertent error on the part of the FDIC investigators..

### *Making Inappropriate Comments About the Weight of Certain Women*

NARA as an agency encourages good health and fitness and I certainly endorse this initiative. We are active participants in safety and health programs and I encourage my staff to take advantage of all opportunities offered. There are a number of unfocused comments and innuendo in this section of the report and I was never asked about this topic or presented any evidence when interviewed by the FDIC investigators. This appears to me akin to a mix of the game of telephone which has gone sadly awry.

Apparently, one employee recounts that I once referred to a female applicant for an auditor position as fat. I did not make such a statement. Another employee defines a “recollection” of a person coming in for an interview that I described as not fat but “overweight and slovenly” but no sex is specified (male or female). What is being “substantiated” here? My one recollection is a gentleman who came in for an interview some years ago and emphasized his IT audit skills, IT training etc. on his resume. I did not interview him but as he left the suite my staff remarked how he had lied about his knowledge and work experience on his resume and had in their view apparently falsely represented that he competed in triathlons. One employee laughed and said something to the effect that they had never seen a triathlete that looked like him and I said that I had not either. That is my total recollection specific to the appearance of any job applicant.

Employee 13 then states that in May 2011 “Brachfeld started making comments about her being fat while she was pregnant” and that I said “Wow you’re huge can you fit through the door.” The FDIC investigators stated that “no one could specifically confirm that statement.” I do not recall discussing with the FDIC investigators Employee 13’s pregnancy or weight during the conduct of my brief interview. I recall that I told the FDIC Investigators that once I was walking by a group of employees and they were ribbing either (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) about their size. In passing them in the hallway, hearing the tone and content of the banter I said something like excuse me, I’m having trouble getting past you. To repeat, to the best of my recollection during my interview, I was NOT discussing Employee 13 with the FDIC investigators as related to her weight/pregnancy as I don’t even think it came up in our brief

interview which again was not taped, transcribed nor documented in the form of a sworn statement.

I have no idea what was “substantiated”, what comment was deemed inappropriate and what evidence exists as a basis to validate that I did anything inappropriate or acted in an insensitive manner to anyone. I encouraged fitness, healthy eating and continuous education and training...healthy body healthy mind. Nobody ever told me or was I ever counseled about making any offensive statements in my entire career much less my 14 years at NARA.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)





ERRORS OR OMISSIONS

It should be emphasized that after CIGIE IC accepted this matter I was not offered the opportunity to be interviewed nor provide documentation to refute the content of allegations for approximately 16 months until February 2014. The interview lasted under an hour, no documentation other than one short newspaper article was presented for me to evaluate or comment upon. No statement was taken under oath and no write-up of the interview was captured for me to review and affirm as a sworn statement. Thus, much of the content of this draft report is material that I was not asked about nor provided opportunity to respond. (b) (6), (b) (7)(C)

[Redacted]

(b) (6), (b) (7)(C)

Page 7- The FDIC investigators “substantiate” the allegation that I made “comments regarding marriages between individuals of different races”. Yet the only alleged comment/comments involve one marriage not marriages and involve a person of Jamaican heritage not a race and indeed no definition or information is provided as to his race, white, black, Hispanic etc. I never made the offensive comment about Employee 13’s boyfriend/fiancé/husband and even that comment, which I did not make, would not address my “feelings”, if I had them about someone marrying someone else.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)  
[Redacted]

Page 13- Employee 13 is defined as making comments to the effect that I “on several occasions discussed a NARA employee that Brachfeld believed had undergone a gender change operation.” (b) (6), (b) (7)(C) recalled an incident “when an employee who appears to be a transgender walked by...” Who is this fantasy employee that I never met or talked with and could or could not in this case verify I said anything to them or even acknowledged them in any way? I would assume that the FDIC investigators would have sought a name and attempted to corroborate testimony given them by a senior OIG investigator and (b) (6), (b) (7)(C).

Page 14- The FDIC investigators confuse me and I assume you. They “substantiate the allegation that I “made comments about dating OIG employees and NARA contractors.” Yet they refute this in their own narrative. FDIC investigators interviewed 14 OIG employees and “no one stated that Brachfeld made a sexual advance towards any particular employee or contractor”. The only “corroborative” evidence presented in this section is that while most employees “stated that they had never heard Brachfeld discuss dating female OIG employees or NARA contractors” some employees recall off-handed comments about “dating or were sexual in nature” but apparently almost all of these employees ascribe it to fitness center banter and part of a running joke. (b) (6), (b) (7)(C)

[Redacted]

So, what exactly did the FDIC investigators “substantiate”? Who were the “OIG employees” I sought to date and were they interviewed? Who were the “NARA contractors” and beyond running banter about going with one to a Springsteen concert what did I say or suggest with specificity please that would validate and “substantiate” that I sought to or commented about dating anyone?

When the FDIC investigators made a brief appearance at my house I asked them to give me a name and any specific content of the allegation and smear so that I might refute it. They offered none of either.

(b) (6), (b) (7)(C)  
[Redacted]



(b) (6), (b) (7)(C)

[Redacted text block]

Page 17- The FDIC investigators align Employee 13's comment that I said to her "Wow you're huge. Can you fit through the door?" with a statement I made during my brief interview which was not reduced to a signed sworn statement. Per the investigators Brachfeld said "he cannot remember, but that he was kidding her and said I'm gonna have trouble getting through the door." This statement was NOT offered with regard to Employee 13. I told the investigators that I recall that once on the audit side of the suite I overheard a number of employees kidding either (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) about the state of their pregnancy and in passing made a comment in that regard. The FDIC investigators have erred and if I was provided a written statement I would have addressed this error then and there.

(b) (6), (b) (7)(C)

[Redacted text block]

(b) (6), (b) (7)(C)

[Redacted text block]

(b) (6), (b) (7)(C)

[Redacted text block]

(b) (6), (b) (7)(C)

## SUMMARY

On September 13, 2012 I was a proud member of the IG community. I remember well just a few months earlier a Congressional staffer introducing me to Senator Grassley by stating “this is Paul Brachfeld, the IG at NARA and perhaps the finest IG there is.” I had taken a small failing office and crafted it into a highly effective, well respected office overseeing a program of national renown. The work of the Archival Recovery Team (ART) had been featured in the Smithsonian Magazine, the Washington Post, L.A. Times, Fox News and Federal Radio to name but a few and of course “60 Minutes”. I had enjoyed and I believe earned Outstanding Ratings throughout my career, had outstanding evaluations from my staff on Employee Viewpoint Surveys and was active on numerous CIGIE committees. I loved my job and was proud to have risen to the position of IG at NARA from very humble beginnings. On September 14, 2012 I was escorted out of the building, my Blackberry and computer seized my email and phone cut-off and my name smeared on the Hill by NARA’s Congressional Liaison officer under the direction of the Archivist. I never had the chance to address the allegations much less face my accusers and have “my day in court”.

The Archivist submitted untested, defamatory allegations to CIGIE IC. (b) (6), (b) (7)(C)

I cannot get my reputation back and I have been damaged beyond repair. The Archivist used the deliberative CIGIE IC as a vehicle and justification to get me out of the door and he has fully succeeded. Even after it dawns upon CIGIE IC that all substantive allegations have been refuted and that the residual allegations offered by these very same people lack any empirical and factually based evidentiary matter I believe the Archivist will not restore me to my position but will rather take additional actions he has held in reserve. Lessons will be learned, new legislation will be crafted, CIGIE IC policy and procedures will be revised but I know what I am, an innocent man that has had his career taken away from him.

(b) (6)

Paul Brachfeld  
Inspector General NARA

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**From:** Paul Brachfeld (b) (6), (b) (7)(C) ]  
**Sent:** Thursday, May 01, 2014 11:22 AM  
**To:** IC\_Complaints  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** One small adjustment

Please add this communication to that which was transmitted this am as I inadvertently omitted it. I have an email from OIG (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) dated January 2, 2013 specific to my plans to come to NARA to obtain documents responsive to OSC/CIGIE IC.

OIG (b) (6), (b) (7)(C) states: "You said that there are no security concerns with Paul coming in, but you wanted to give NASS a head's up to make sure there was no issues with the guards not knowing what to do."

(b) (6), (b) (7)(C) responded as follows: "Thanks for summing up our conversation. will let Security know that Paul will be here and that there is no restriction on his entry".

Thank you for incorporating this with the formal response I submitted this morning...Paul Brachfeld

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)