

NATIONAL SCIENCE FOUNDATION

1800 G STREET, N.W.  
WASHINGTON, D.C. 20550



OFFICE OF  
INSPECTOR GENERAL

MEMORANDUM

DATE: December 2, 1992

REPLY TO: [REDACTED]

ATTN OF: [REDACTED], Special Agent, Investigations Unit (IU)

THRU: [REDACTED], Special-Agent-In-Charge, IU

TO: File

SUBJECT: Close-out Memorandum I 91090021

We received allegations stating that [REDACTED], former [REDACTED] employee, violated conflicts of interest rules in regards to his work on an [REDACTED] contract during the spring and summer of 1990. Under the authority of the Inspector General Act of 1978, as amended, we investigated the allegations to determine whether [REDACTED] violated 18 U.S.C. § 208 and 209, and NSF regulation 45 C.F.R. § 683.31.

[REDACTED] was employed as an [REDACTED] in the [REDACTED], [REDACTED] from June 1, 1984 through June 1, 1987. On June 1, 1987, [REDACTED] accepted a permanent position as [REDACTED]. On July 1, 1988, [REDACTED] was converted to an excepted appointment as [REDACTED] which he held until he was detailed to the position of [REDACTED] in the summer of 1990. [REDACTED] terminated his employment with [REDACTED] on February 2, 1991 to accept an appointment at the [REDACTED] (Urban Development). In October of 1992, [REDACTED] resigned from his employment with [REDACTED] and accepted a position in the private sector. [REDACTED] OIG had no investigative files that referred to [REDACTED].

The allegations we received relate to [REDACTED] work on an [REDACTED] contract from May 21, 1990 through July 20, 1990, for which he received \$2700 in compensation. Under the contract, [REDACTED] agreed to analyze questions from two surveys conducted by [REDACTED] in 1986 and 1988. The 1986 [REDACTED] survey was funded under the 1985 NSF grant, "A New Agenda for Science". [REDACTED] worked on

that grant while employed as an [REDACTED]. The 1988 [REDACTED] survey was not funded by NSF. [REDACTED] participated substantively in conducting the 1988 survey for [REDACTED] on his own time.

In response to the allegations, we interviewed [REDACTED] on October 19, 1992, and again on October 29, 1992. In the October 19, 1992 interview, [REDACTED] stated that he sought advice from [REDACTED] and [REDACTED] of the Office of General Counsel (OGC) about entering into a similar contract six months prior to entering into the OTA contract in the spring of 1990. [REDACTED] and [REDACTED] told [REDACTED] that he could perform outside contract work as long as he did so on his own time without using NSF resources. [REDACTED] stated that he performed all work on the [REDACTED] contract on his own time without the use of NSF resources. [REDACTED] also sought advice from an [REDACTED] contracts officer about the matter, and was told that it was alright for him to perform the outside contract work for [REDACTED].

On November 24, 1992, we met with [REDACTED] of OGC and discussed possible violations of 18 U.S.C. § 208 and 209, and 45 C.F.R. § 683.31. [REDACTED] stated that in order for there to be a violation of 18 U.S.C. § 208, there must be a direct and predictable link between [REDACTED]'s participation in the NSF 1985 grant, "A New Agenda for Science", and his work on the 1990 [REDACTED] contract. We found no direct or predictable link between the two, and thus determined there was no violation. [REDACTED] further stated that in order for there to be a violation of 18 U.S.C. § 209 or 45 C.F.R. § 683.31, [REDACTED] work on the [REDACTED] contract in the 1990 would have to have been directly related to his work at NSF at that time. We found no direct relation between the two, and thus determined there was no violation.

Lastly, we addressed the issue of whether [REDACTED], through his actions, created the appearance of a conflict of interest. In a December 1, 1992 conversation with him, [REDACTED] stated that he separated the work on the [REDACTED] surveys from his work at NSF and did not consider an appearance problem. We advised him that in any future employment with the federal government, he should seek specific advice regarding any outside contract work to avoid even the appearance of wrongdoing.

Overall, we found no evidence indicating that [REDACTED] violated any of the conflicts statutes or regulations, although we acknowledge that an appearance of conflict of interest may have existed. We have counseled [REDACTED] about avoiding conflicts problems in the future and have determined that no further investigative action is necessary. This case is accordingly closed.

Case No: I91100022  
Subject : Close-out Memo

October 30, 1991

Our investigation found only three individuals who recently received chain letters at NSF. Two of the three individuals had received the chain letters through the inter-office mail system. There did not appear to be a widespread circulation of chain letters at NSF or any extensive abuse of the inter-office mail system to circulate chain letters. There are no further identifiable leads at this time. This case is accordingly closed.

