

CLOSEOUT FOR M92010002

This case was brought to the attention of OIG on January 2, 1992, by NSF's Office of the General Counsel. [REDACTED] a lawyer for [REDACTED] the complainant, had written a letter to the General Counsel which formed the basis for an allegation of intellectual theft against the subject, [REDACTED]. In her letter, the lawyer stated that the subject might have submitted or might be about to submit a proposal to NSF; the content of that proposal would be based on work that was the copyrighted property of her client, the complainant. The subject did not have authorization from the complainant to use that material. Both the complainant and the subject are currently employed by the [REDACTED]. The subject is a [REDACTED] and the complainant is a research associate in his laboratory.

OIG found that proposal [REDACTED] corresponded to the proposal identified in the lawyer's letter. This declined proposal named the subject and the complainant as co-PIs; it did not name the subject as the sole PI. When contacted by OIG, the complainant said that she was aware of and in agreement with both the submission and the content of the proposal to NSF. She said that the proposal was the material that was the focus of her lawyer's letter. A misunderstanding between the subject and the complainant had resulted in the letter from the complainant's lawyer to NSF. The letter was not in response to an event which had actually occurred, but was an attempt to avert the possibility of the subject submitting a proposal that excluded the complainant. After that letter had been received by NSF, the complainant and the subject submitted the proposal as a collaborative effort. Neither the complainant nor her lawyer informed NSF of the complainant's and subject's joint submission.

Since the proposal was jointly submitted, there is no basis for an allegation of intellectual theft. We are closing the inquiry in this case without a finding of misconduct.

[REDACTED]

Concurrence:

Donald E. Buzzelli 1/19/93
Donald E. Buzzelli
Senior Scientist, Office of Oversight

James J. Zwolenik 1/22/93
James J. Zwolenik
Assistant Inspector General for Oversight

Montgomery K. Fisher 21 JAN 93
Montgomery K. Fisher
Deputy Counsel to the Inspector General

cc: Assistant Inspector General for Oversight
Inspector General