

Klemstine, Evelyn R. (HQ-WBH10)

From: Klemstine, Evelyn R. (HQ-WBH10)
Sent: Monday, April 23, 2007 1:56 PM
To: Howard, Thomas J. (HQ-WAH10)
Cc: Payson, Dahnelle (HQ-WBH10)
Subject: Areas of Concern Expressed by the Staff Related to VITS

Tom,

During our April 11th Senior Staff Meeting I stated that several of the OA Program Directors, or their staff, expressed concern about some of the statements that the Administrator made during the April 10th VITS. You asked that I write you an email outlining those concerns. I asked that those Program Directors send me an email with the concerns so that I could provide you a single product. Below (almost verbatim with some editorial changes) are the concerns that were emailed to me. Evelyn

Concerns Related to Our Audits and Products

1. The perception that the Administrator will not consider (or take action on) any finding that will not result in savings of at least \$1 billion. This is a minimum level that almost no IG can ever achieve. It is even more disenheartening given that NASA's budget is only \$16 billion per year.
2. It appears the Administrator is not interested in operational audits where engineering decision may be challenged or questioned. What does that mean as it relates to the types of audit we may be doing in the upcoming year. What does that mean for our Space Ops Directorate.
3. The Administrator's assertion that the auditors do not have sufficient intelligence to audit in technical areas and that he will not consider recommendations resulting from audit work on technical issues.
4. The Administrator's implication that our audits should not be questioning NASA management decisions because NASA managers know better than the auditors.

Concerns Related to the Actual Execution of the VITS

1. There is a feeling it was not appropriate for Moose to be present, if the Administrator was really interested in hearing open and honest comments from the staff. One of the allegations against Moose was that he created a hostile work environment. Therefore, did Administrator really expect to get open and honest questions in that forum.
2. Staff members have express concerns that there is such a wide disparity between the Administrator's recommendation and the Integrity Committee's position that the disciplinary action by the Administrator is not adequate. As a result, there may be another investigation by Congress and this matter will continued to be played out in the media.
3. It appears the Administrator did not address the issue of a lack of independence. The fact the Administrator has decided to send Moose to training and to provide a mentor or coach could also raises independence questions. The public perception will be that the IG is beholdng to the Administrator for saving his job. In a situation like this, can the IG objectively audit and investigate programs and projects under the Administrator responsibility.

Areas of Concern Expressed by the Staff

It appears the Administrator is not interested in operational audits where engineering decision may be challenged or questioned. What does that mean as it relates to the types of audit we may be doing in the upcoming year. What does that mean for our Space Ops Directorate.

There is a feeling it was not appropriate for Moose to be present, if the Administrator was really interested in hearing open and honest comments from the staff. One of the allegations against Moose was that he created a hostile work environment. Therefore, did Administrator really expect to get open and honest questions in that forum.

There is also a feeling that executives are not being held to the same standards as lower level employees. In some cases, staff members have expressed a feeling apathy or low morale. What difference does any of this makes. The decision has been made and it appears things will remain the same.

Staff members have express concerns that there is such a wide disparity between the Administrator's recommendation and the Integrity Committee's position that the disciplinary action by the Administrator is not adequate. As a result, there may be another investigation by Congress and this matter will continued to be played out in the media.

It appears the Administrator did not address the issue of a lack of independence. The fact the Administrator has decided to send Moose to training and to provide a mentor or coach could also raise independence questions. The public perception will be that the IG is beholdng to the Administrator for saving his job. In a situation like this, can the IG objectively audit and investigate programs and projects under the Administrator responsibility.



All Hands Meeting 4/10/07 2:30
HQ VITS Room 2

M.G.

- Response was his & his alone
- Saw no violations, no lack of integrity or conflict of interest
- Lacking such evidence this issue falls under category of mgmt supervision
- There were no legal or ethical issues

M.G. identified shortcomings in mgmt style & approach
Example was missing ring

- noting there, no possible way of removing ring and not pull OFF a Finger
- Pages & pages written but noting there - J (M.G.) would have made the same decision as Moose

Evangelina Klemmstein:

- We need to move forward, "When is it going to stop"

E.K.: "This is not fair to Moose" "Moose has been there a lot"
"We need to move on"

M.G. - Findings less than a billion are a waste of time

- Transition audit was of no use to me
- STG should stick with trained, inspect funds

Moose: - Concentrate on your assignments

ViTS – April 10, 2007

Notes from Karen VanSant regarding Videotape

I attended the OIG Staff Meeting ViTS on April 10, 2007 at 1:30 p.m. central in the Marshall ViTS room. building 4200 room 106.

When we (members of the OIG staff and I) arrived at the ViTS room, there was a large notice on the screen that participants should be aware that a ViTS location was taping the meeting. I inquired about taping since we had 3 auditors (Gene Lindley, Gary Clark, and Barbara Deluca) out of the office. Mike McDonald (MSFC ViTS room operator), said he was surprised that it was being taped and he called NASA Headquarters to confirm (his end of the call was witnessed by me, Susan Aggen, Susan Ruhlman, and other attendees) – from what we got from Mike's end of the conversation, he was given the ok to tape the ViTS. Mike provided me with the tape immediately following the ViTS.

On Wednesday morning (April 11) around 8:00 a.m. Mike called me and said that HQ decided it should not have been taped and that all copies should be retrieved and destroyed. I mentioned that our auditors (Lindley, Clark and Deluca) were just about to review it. He said that should not be a problem and asked that I return it after they had seen it. They viewed the tape immediately after my discussion with Mike, on the TV/VCR in the MSFC OIG office. After they viewed the tape, I personally handcarried it to Mike McDonald in the ViTS room in building 4200, room 106. While I was in his office, adjacent to the ViTS room, I witnessed Mike smashing the tape cartridge with a wooden board (shelf board). The tape was destroyed at approximately 8:50 a.m.

If anyone needs information from the MSFC ViTS room operator – his name is Michael McDonald and his number is (256) 544-7726.

Howard, Thomas J. (HQ-WAH10)

From: Howard, Thomas J. (HQ-WAH10)
Sent: Tuesday, April 17, 2007 3:56 PM
To: Wyatt, Rhodesia (HQ-WAH10)
Subject: Re: VITS

Dee, thanks. I just talked with Madeline about how to proceed on this. Tom

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Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Wyatt, Rhodesia (HQ-WAH10)
To: Howard, Thomas J. (HQ-WAH10)
Sent: Tue Apr 17 14:15:29 2007
Subject: FW: VITS

FYI

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-----Original Message-----

From: Campbell, Michael (HQ-WRH10)
Sent: Tuesday, April 17, 2007 3:07 PM
To: Rogers, Karen L. (GSFC-190.0) [NASHQ]
Cc: Wyatt, Rhodesia (HQ-WAH10); Thomas, Joel (HQ-WAH10)
Subject: RE: VITS

Karen, sorry, I mentioned it to Joel Thomas and Dee Wyatt, who are checking with IG/DIG to see if it is necessary for the missing OIG member to view it ... Will let you know when I do ... thks Mike

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-----Original Message-----

From: Karen Rogers [mailto:Karen.L.Rogers@nasa.gov]
Sent: Tuesday, April 17, 2007 2:08 PM
To: Campbell, Michael (HQ-WRH10)
Subject: FW: VITS

Hi Mike - I left you two voice mails but wanted to follow up with an email also. Is there a VITS tape from last week?
Thanks.

Karen Rogers
Program Assistant
NASA, Office of Inspector General
Office of Investigations
Greenbelt, MD 20771
301.286.9316/301.286.0355 fax

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-----Original Message-----

From: Schopper, Joseph A. (GSFC-190.0) [NASHQ] [mailto:Joseph.A.Schopper@nasa.gov]
Sent: Friday, April 13, 2007 9:57 AM
To: Rogers, Karen L. (GSFC-190.0) [NASHQ]
Subject: RE: VITS

No, just as soon as possible.

Thanks

Joseph A. Schopper
Resident Agent in Charge
NASA Office of Inspector General
Office of Investigations
Goddard Space Flight Center
Greenbelt, MD 21546
(301) 286-7776 ofc
(301) 286-0355 fax

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-----Original Message-----

From: Karen Rogers [mailto:Karen.L.Rogers@nasa.gov]
Sent: Friday, April 13, 2007 9:52 AM
To: Schopper, Joseph A. (GSFC-190.0) [NASHQ]
Subject: Re: VITS

I put a call into Mike Campbell - he is out today on leave. Do you need to know before Monday?

At 08:46 AM 4/13/2007, you wrote:

>Karen, please check with HQs and find out if the Administrator's VITS
>was recorded. We have two people who were unable to attend. At least
>one of them would like to view the tape. Let me know as soon as you
>can.

>Thanks, Joe

>-----
>Joseph A. Schopper
>Resident Agent in Charge
>NASA Office of Inspector General
>Office of Investigations
>Goddard Space Flight Center
>Greenbelt, MD 21546
>(301) 286-7776 ofc
>(301) 286-0355 fax

>!
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Howard, Thomas J. (HQ-WAH10)

From: Howard, Thomas J. (HQ-WAH10)
Sent: Tuesday, April 17, 2007 3:54 PM
To: Winters, Kevin H. (HQ-WIH10); Chulumovich, Madeline (HQ-WAH10)
Subject: FW: VITS

Kevin,

See below. I just talked with Madeline about my thoughts on this. Tom

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Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Wyatt, Rhodesia (HQ-WAH10)
To: Howard, Thomas J. (HQ-WAH10)
Sent: Tue Apr 17 14:15:29 2007
Subject: FW: VITS

FYI

Wholley, Michael C. (HQ-MA000)

From: Wholley, Michael C. (HQ-MA000)
Sent: Wednesday, March 14, 2007 8:11 AM
To: Morrell, Paul (HQ-AA000)
Subject: Decision

Paul,

I wasn't very articulate in our discussion last night and I apologize. Truth is, I am really troubled by the proffered "addition" to the letter. Let me try to set out my reasons. First, I don't see the value or utility of adopting the "suggestion" and I see a lot of "downside" for Mike.

Who will be invited to this "meeting?" Only the HQ IG staff? The entire 200 staff from across the Agency?

Will Moose be there? Will Mike's words look/sound like he has taken Moose to the woodshed, thereby lending more credibility to both the complaints and the complainers, as well as the ROI than they deserve? If Mike, on the other hand, goes too far (and this is an "eye of the beholder" issue) in his comments in support of Moose, then he has opened himself up to criticism and has become the focus of the controversy.

From my perspective, Mike should stick with the original plan. He will have more than adequate opportunities over the next few weeks to tell the ENTIRE NASA community how he has resolved this while, appropriately, not going into the "detail" of a personnel matter.

I also believe there is great value in being able to answer "No" if asked whether any external input(s) were incorporated into his selected course of corrective action. Mike will have the chance to answer questions on this matter at Hearings, at the next

"Administrator's Update" and at other times, and we should have a set of suggested answers that are responsive and carefully crafted. To call a "special meeting" of the IG staff and not be prepared to back Moose in a strong way will undercut Moose, grant more credibility to the complaints and the investigation than warranted, and be, I believe, counterproductive. On the other hand, to call a special meeting and praise Moose in front

of the selected "group" will risk Mike becoming the center of the controversy. As I said last night, I see no "upside" for Mike in the proposed COA, and I do see a downside. Mike will have plenty of opportunities over the next several weeks to demonstrate that he has taken appropriate steps, that he recognizes the importance of a solid, independent, OIG and that he considers the matter closed.

I would hate for the focus of the "firestorm" to shift from the "report" and the lengthy process that it consumed to Mike! If the proposed course is being suggested in order to show support for Moose, I believe there are better, and less potentially dangerous ways, to do that.

I am up; call me on 202 465 6954 if you want. I know this is not a "legal" matter, but I am concerned about how this will play out if the suggested COA is adopted.

Mike

Michael C. Wholley
NASA General Counsel
300 E Street, SW
Washington, D.C. 20546-0001

TEL: 202-358-2450

FAX: 202-358-2741

Wholley, Michael C. (HQ-MA000)

From: Donovan, Catherine (HQ-MA000)
Sent: Friday, March 23, 2007 11:09 AM
To: Wholley, Michael C. (HQ-MA000)
Subject: RE: Edits

Understand. I will make the changes.

-----Original Message-----

From: Wholley, Michael C. (HQ-MA000)
Sent: Friday, March 23, 2007 5:30 AM
To: Donovan, Catherine (HQ-MA000); Sefton, Keith Thomas (HQ-MA000)
Subject: Edits

Cathy

I will try to interleave my comments. I want to steer clear of any implication that the IC has made a "recommendation." Rather, they have made some "assertions" about what they believe should be done, but only in the most general way "discipline up to removal COULD (again, not "would") be appropriate." This is far short of a "recommendation; it is merely a restatement of the range of options. Likewise the use of the word "could" I also want to get in the memo the distinction between "abuse of authority" as we believe is contemplated by the EO (that is, the authority inherent in the office) versus how the IC appears to have misconstrued it. Mention also our advice/allusion to the "abusive supervisor" allegation as being more appropriately handled in an EEO complaint. Sorry to drone on so long, but there's a lot here and I want to ensure that the MFR covers the advice we provided to the Administrator so that if it hits the fan, I am. In the crosshairs, not him!
I am expendable; he aint!! (-:

Mike

Michael C. Wholley
NASA General Counsel
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FAX: 202-358-2741

Donovan, Catherine (HQ-MA000)

From: Wholley, Michael C. (HQ-MA000)
Sent: Wednesday, April 04, 2007 5:04 PM
To: jrosen@omb.eop.gov
Subject: Hearings ??

Jeff,

As this entire issue continues to spin up to "escape velocity" (if not already there) and we see the selective release of "documents" on a daily basis from Senator Nelson's office (and others on the House subcommittee on I&O), I cannot but wonder where the adult leadership is located for these staffers.

Without putting too fine a point on it, I truly believe that they have now consumed so much of the kool aid that they are intoxicated. There is an analogy about trying to make "chicken salad" out of "chicken something-or-other" that seems increasingly germane.

That said, the reason for this e-mail is to arrange a meeting between the two of us, and anyone else you care to bring from your staff who has been involved in vetting this investigation, BEFORE there is any "hearing" so that we can soberly consider the approach to be taken. As I have indicated to you in the past, I have some quite serious concerns about both the substantive and the procedural parts of the "investigation" and the forensic rigor that the IC brought (and/or failed to bring) to their evaluation of what was put in front of them by the HUD OIG report.

I am sure that you can appreciate that I am not particularly keen on seeing two entities of the Executive Branch at odds in a hearing before the Legislative Branch. Let me know your availability this week and next if you are interested in meeting.

Here to serve,

Mike

Michael C. Wholley

NASA General Counsel

300 E Street, SW

Washington, DC 20546

202.358.2450; FAX: 202.358.2741

Michael.C.Wholley@nasa.gov

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Donovan, Catherine (HQ-MA000)

From: Howard, Thomas J. (HQ-WAH10)
Sent: Saturday, April 28, 2007 7:27 PM
To: Wholley, Michael C. (HQ-MA000); Sefton, Keith Thomas (HQ-MA000)
Subject: Re: Copy of IG meeting

Mike,

We have put our request for all records related to the VITS, which I believe covers all medium, but on Monday will reconsider with our Counsel, and modify our request as appropriate. Thanks for the suggestion. Have a good weekend, Tom

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----- Original Message -----

From: Wholley, Michael C. (HQ-MA000)
To: Howard, Thomas J. (HQ-WAH10); Sefton, Keith Thomas (HQ-MA000)
Sent: Sat Apr 28 17:52:10 2007
Subject: Copy of IG meeting

Tom/keith

I am beating myself up over this issue. I really regret that in trying to keep it a "closed" meeting and not thinking through the political ramifications of my destroying the discs, I have now put the Agency to a hirculean task. My bad.... Pure heart, empty head! In any event, as I was thinking over my appearance yesterday on the hill, it occurs to me that MAYBE and HOPEFULLY somebody at one of the centers had one of those little microcassette recorders and may have the audio portion. I cannot recall whether the notice to the field about trying to find a copy, but if we haven't tasked foir an audio recording, we should. I hope, Tom, that one or more of the IG attendees may have recorded it and would be willing to step up to the request. (As an added bonus I would fly at my own expense to wherever they are and fully detail their cap which I could "unring" that bell. Huge "sigh" !!

Mike

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202 358 2450

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Donovan, Catherine (HQ-MA000)

From: Berger, Fred (HQ-LD070)[InDyne, Inc]
Sent: Monday, April 30, 2007 4:58 PM
To: Sefton, Keith Thomas (HQ-MA000)
Cc: Stewart, Harold E. (HQ-LG020); 'Sefton, Keith (ksefton@hq.nasa.gov)'; Japngie, Len A. (HQ-LD070)[InDyne, Inc]; Newell, Les (HQ-LD070)
Subject: RE: April 10th Recordings

Keith,
Per your request here is an explanation of what happened regarding the recordings at the Centers:

At about 8:15 a.m. on Wednesday, April 11, 2007, I received a call from Paul Morrell. During that phone conversation Paul asked me to contact my counterparts at the Centers to find out if those who recorded the meeting still had their recordings, or if they could retrieve them. Paul wanted me to ask them to erase videotapes or shred DVDs of their recordings.

I contacted all the video teleconferencing coordinators and operators at the participating sites and I found out that only a few sites had recorded the meeting. Those who did record the meeting eventually told me they either still had the recording, in which case they erased the videotapes or shredded the DVD recordings without having given them to their Customers, or that they retrieved the recordings and then erased the tapes or shredded the DVDs.

Fred Berger

From: Sefton, Keith Thomas (HQ-MA000)
Sent: Monday, April 30, 2007 6:56 AM
To: Berger, Fred (HQ-LD070)[InDyne, Inc]
Cc: Stewart, Harold E. (HQ-LG020); Sefton, Keith (ksefton@hq.nasa.gov)
Subject: RE: April 10th Recordings

Mr. Berger

(With, of course, the concurrence of your COTR, and hopefully not as an unreasonably long tasking) Would you mind setting forth in your own words the exact chain of events concerning the recall and destruction of recordings made at NASA Centers of the April 10th VITS?

It would be helpful to receive this recap today, if that is all possible.

Thank you,

Keith Sefton

From: Berger, Fred (HQ-LD070)[InDyne, Inc]
Sent: Thursday, April 26, 2007 2:42 PM
To: Stewart, Harold E. (HQ-LG020)
Cc: Sefton, Keith Thomas (HQ-MA000)
Subject: April 10th Recordings

Harold,
The NASA Headquarters Video Teleconferencing Service (VITS) uses two means to record conferences on Customer request.

We use a COTS Samsung DVD recorder, model DVD-R130. This machine uses DVD-R or DVD-RW video disks only. This machine has no resident storage capability (no internal hard drive or other memory device) and it cannot retain audio or video program content.

We also use a standard JVC model SR-S365U VHS video tape recorder for back-up recordings in case a DVD recording is faulty. This machine also lacks an internal memory capability to store program content.

Our procedure with the recordings is as follows: After a meeting has been recorded, the DVD recording is checked and, if it is not faulty, it is provided to the person who requested the recording. Then the videotape is returned to stock for erasure and reuse. That is what was done on April 10th with the videotape used for the conference in which Mike Griffin talked to the IG staff.

Please contact me if you need further information. Fred

The NASA Headquarters Video Teleconferencing Service is in room CD-61.

The HQ1 Room seats up to 15 people

The HQ2 Room seats up to 60 people

For tours or other services, contact us at:

Office Phone.....202-358-0146

VITS Scheduling.....202-358-0073

Office E-Mail.....vits@hq.nasa.gov

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