



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

August 17, 2009

William E. Reukauf, Esq.
Acting Special Counsel
Office of the Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036

Subject: Office of Special Counsel (OSC) File Nos. DI-08-2143 and DI-09-0033
OIG File No. HY-0801-0094

Dear Mr. Reukauf:

This will respond to your letter to Secretary of Agriculture Thomas J. Vilsack dated April 14, 2009, regarding the subject cases. The Inspector General of the Department of Agriculture (USDA) was asked to investigate these matters, and Secretary Vilsack has delegated to me the authority to respond. Enclosed is a copy of the Secretary's delegation of authority to me to take all necessary responsive actions regarding the subject case and to report the results directly to you pursuant to 5 U.S.C. 1213(d)(5) and (e)(1). At the request of the Office of Inspector General (OIG), a request was submitted by USDA's Office of the Executive Secretariat on May 28, 2009, for an extension of time within which to complete our investigation into this matter and make our report to you based thereon.

Also enclosed are copies of (1) a letter to Secretary Vilsack from Inspector General Phyllis K. Fong dated August 12, 2009; and (2) OIG's Report of Investigation dated August 10, 2009. The letter from Ms. Fong and the OIG report articulate the allegations on which the investigation was initiated, explain the manner in which the investigation was conducted, and summarize the evidence obtained in the investigation. It is clear that the allegations made regarding actions by a former official of the Forest Service including (a) falsification of his official duty station; (b) misuse of his government issued travel credit card; and (c) failure to pay his travel credit card account in a timely fashion, have all been substantiated. It is also clear that the former official's actions in these matters violated Federal and USDA regulations and policies.

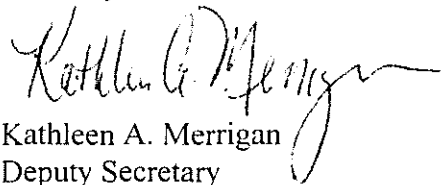
Allegations were also made that the former official involved, as well as other Forest Service and USDA officials, were guilty of gross mismanagement and abuse of authority with respect to the matters involved. Having reviewed the enclosed materials, I have concluded that there should have been much closer oversight by senior Forest Service officials of the former official's reporting, travel, and travel card use. I have also concluded that, as USDA's internal

investigation into these matters, performed by the Office of Human Capital Management (OHCM), had already been conducted and a report thereon submitted by early October 2008, almost simultaneously with the end of the 2008 rating year for Senior Executive Service (SES) employees including the former official involved here, no SES performance award should have been paid to the former official as was done in this case. As part of USDA's response to the allegations made and our investigations into them, we will instruct Forest Service and OHCM officials to assure that no such awards are paid in the future to the subjects of serious ongoing investigations without prior careful review by the Office of the Secretary.

As is clear from the foregoing, the former Forest Service official involved in this matter has retired from Federal service and is therefore not subject to any disciplinary action which might otherwise be appropriate. Having carefully reviewed both Ms. Fong's letter and the Report of Investigation, I have concluded that the allegations made have been fully addressed, that all necessary remedial actions have been taken and, as a result, that no further steps by USDA are required.

Thank you for the opportunity to provide a response in connection with this matter.

Sincerely,



Kathleen A. Merrigan
Deputy Secretary

Enclosures




United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

APR 20 2009

TO: Kathleen Merrigan
Deputy Secretary

FROM: Thomas J. Vilsack 
Secretary

SUBJECT: Office of Special Counsel (OSC) File Nos. DI-08-2143
and DI-09-0033

Pursuant to subsection (d), paragraph (5), of 5 U.S.C. 1213 (5 U.S.C. 1213(d)(5)), added by section 3(a)(13) of the Whistleblower Protection Act of 1989, you are hereby delegated authority to perform all functions of the Secretary of Agriculture thereunder respecting the subject matter. You are also delegated authority pursuant to subsection (e)(1) of the Act (5 U.S.C. 1213(e)(1)), to report the results thereof directly to the Special Counsel. I have delegated to the Inspector General responsibility respecting this case under 5 U.S.C. 1213(d)(1) - (4). I have also asked the Inspector General to forward the results of her inquiry both to the General Counsel whom I have asked to advise you regarding any remedial steps which may be necessary, and to you for inclusion in the report you make to the Special Counsel in connection with this matter.

cc:

Russ Ashworth, Acting Deputy Assistant Secretary for Administration
J. Michael Kelly, Acting General Counsel



UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF INSPECTOR GENERAL



Washington D.C. 20250

AUG 12 2009

The Honorable Tom Vilsack
Secretary
U. S. Department of Agriculture
1400 Independence Avenue SW.
Washington, D.C. 20250-0001

Dear Mr. Secretary:

Pursuant to the requirements of 5 U.S.C. Section 1213(d), the enclosed investigative report is in response to the Office of Special Counsel (OSC) referrals OSC-DI-08-2143 and DI-09-0033 (OIG Complaint Number PS-0801-0305). The referrals are whistleblower disclosures alleging that an employee at the Department of Agriculture (USDA), Forest Service (FS), violated Federal regulations and abused his position by falsifying his official duty station, misused his Government issued travel credit card, and failed to pay his travel credit card account in a timely fashion. It was also alleged that the employee and other FS and USDA officials were involved in gross mismanagement and abuse of authority concerning this matter.

Office of Inspector General (OIG), Investigations officials reviewed the allegations presented by the whistleblowers. The OIG review determined that the allegations involving the falsification of the duty station, misuse of the Government issued travel card, and failure to pay the credit card in a timely manner were substantiated. In addition, the employee, Mr. Jesse L. King, former Associate Deputy Chief, Office of the Chief Financial Officer, FS, deviated from his official travel without prior approval. The investigation further disclosed that even though the allegations against Mr. King were substantiated, he was approved for and received a \$13,000 Senior Executive Service (SES) performance award in December 2008 and a 3-percent salary increase in January 2009.

In May 2008, the USDA, Departmental Administration (DA), Office of Human Capital Management (OHCM) investigated allegations of misconduct and mismanagement on the part of Mr. King concerning his duty station travel and Government issued travel card. The results of the OHCM investigation were reported on October 7, 2008, and substantiated the allegations. In his interview to OHCM, Mr. King acknowledged that he was not authorized to use the Government issued travel card for personal use and admitted to utilizing the card for purchases at his duty station when he was not on official travel. Based on their findings, in November 2008, OHCM proceeded to draft a "Notice of Proposed Removal" letter and delegated the authority to take adverse action to Ms. Abigail Kimbell, former Chief, FS. On January 7, 2009, Ms. Kimbell issued the "Notice of Proposed Removal" to Mr. King, and he requested a 20-day extension to respond, which was granted by Ms. Kimbell. On January 28, 2009, Mr. King responded indicating his desire to retire and submitted a retirement application effective March 31, 2009. Mr. King retired effective February 3, 2009.

The Honorable Tom Vilsack
Page 2

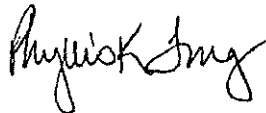
During the interview process, Ms. Donna Carmical, Chief Financial Officer (CFO), FS stated that during the time this issue was ongoing, there was no policy in place for reporting abuse of Government credit cards involving SES employees. She stated that the new policy is that Government credit card misuse, including delinquent payments, will be reported to the Associate Chief. The Associate Chief now reviews the Data Mining Report on Government credit cards.

In reference to the performance award and salary increase, according to OHCM records, Mr. King was recommended for the SES Ratings and Bonus Recommendation for Senior Executives award on September 26, 2008, by Ms. Kimbell and Ms. Sally Collins, former Associate Chief, FS. The FS is required to submit candidates for performance awards to the appropriate Performance Review Board (PRB). According to FS records, a PRB met on November 4, 2008, to review SES ratings and bonus recommendations for FS executives. The PRB recommended Mr. King receive a "Superior" rating, a 3-percent salary increase, and a \$13,000 cash award. Once the review is completed, the names are forwarded to OHCM to be sent to the Office of the Secretary for final approval. Although the award is based on performance, the agency should make the Department aware of misconduct issues that are raised during the evaluation period. Misconduct issues may be factored into consideration when determining the appropriateness of the performance award. The investigation disclosed that in addition to the Chief of FS, several individuals from DA, including Mr. Boyd Rutherford, former Assistant Secretary for Administration (ASA) and Mr. Gilbert Smith, Deputy ASA, and Mr. John Holladay, Deputy CFO, were all aware of the issues surrounding Mr. King while the performance award review was in process. However, no actions were taken to ensure that this information was considered by the Office of the Secretary during the approval process.

This matter was referred to the U.S. Attorney's Office for the District of Columbia, which declined prosecution on this investigation.

Based on the information above, we will not be conducting any additional investigation work on this referral. Should you desire additional information about this response, please call me at (202) 720-8001, or have a member of your staff contact Ms. Karen L. Ellis, Assistant Inspector General for Investigations at (202) 720-3306.

Sincerely,



Phyllis K. Fong
Inspector General

Enclosure



UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF INSPECTOR GENERAL-INVESTIGATIONS
Northeast Region
Beltsville, Maryland



REPORT OF INVESTIGATION

FILE NUMBER: HY-0801-0094 DATE: August 10, 2009

TITLE: JESSE L. KING

CASE TYPE: Mismanagement and False Statements

SPECIAL AGENT: HAROLD STANFORD
Beltsville, Maryland

APPROVED BY:

BRIAN L. HAASER
Special Agent-in-Charge

Distribution:

- 1 – Assistant Inspector General for Investigations, OIG
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Division (IL&SOD), OIG
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SYNOPSIS

This investigation was conducted to determine if JESSE L. KING (KING), former Associate Deputy Chief, Chief Financial Officer (CFO), Forest Service (FS), USDA knowingly misused his Government credit card for personal use, failed to pay his Government credit card in a timely manner, abused his official position, and violated Federal travel regulations by falsifying his official duty station and mismanagement by other FS employees. Also, concerns were raised that due to the delays in removing KING from his position, he was able to receive a \$13,000 SES performance award in December 2008 and a 3% salary increase in January 2009.

Investigation disclosed that KING used his Government credit card for personal use when he was not on official travel. He did not pay the Government credit card balance in full and was delinquent. The investigation further disclosed that KING deviated from his official travel without receiving prior approval. In regard to the performance award, based on information from OHCM and FS officials although the award is based on performance the agency should make the Department aware of misconduct issues that are raised during the evaluation period. BOYD RUTHERFORD, former Assistant Secretary for Administration (ASA), GILBERT SMITH, Deputy ASA, and JON HOLLADY, Deputy Chief Financial Officer, were all aware of the issues surrounding KING, while the performance award review was in process. ABIGAIL KIMBELL, former Chief, Forest Service, was also aware of KING's misconduct during the performance review period and process for KING.

BACKGROUND

In May 2008, the USDA Departmental Administration (DA), Office of Human Capital Management (OHCM), received a complaint alleging misconduct and mismanagement on the part of KING. It was alleged that KING repeatedly used his Government issued credit card for personal use. In addition, it was alleged KING often failed to obtain authorization to deviate from his official travel, used Government contract airline fares for personal travel (which resulted in additional expenses for the Government) and KING failed to repay the balance on his Government issued credit card. Based on the allegations, OHCM initiated an investigation into the allegations. The results of the investigation substantiated the allegations.

Based on the findings in the Report of Investigation, OHCM (Exhibit 1), proceeded to draft a proposed removal letter and a delegation of authority to take adverse action against KING to be forwarded to ABIGAIL KIMBELL (KIMBELL), former Chief, Forest Service. The authority to take actions against a Senior Executive Service (SES) employee is the responsibility of the Director of OHCM. The Director generally delegates that authority to the head of the agency but it can be delegated to the respective agency. On January 7, 2009, the "Notice of Proposed Removal" (Exhibit 2) was issued to KING and he immediately requested a 20 day extension to respond to the adverse action. On January 9, 2009, KIMBELL approved the request for an extension and sent KING a written response approving his request. On January 28, 2009, KING submitted a written response to the "Notice of Proposed Removal". In his response

KING indicated his desire to retire and submitted an optional retirement application, effective March 31, 2009. KING subsequently retired on February 3, 2009.

On April 14, 2009, the Office of Special Counsel referred similar allegations that were received from two whistleblowers regarding KING and other FS employees to the Office of the Secretary of Agriculture (OSEC) and requested that the matter be investigated. On April 20, 2009, OSEC delegated the authority to investigate and referred the allegations to the Office of Inspector General (OIG).

FALSE STATEMENTS
18 U.S.C. § 1001

A review of the Report of Investigation (Exhibit 1) submitted by DEBRA GILMORE (GILMORE), Senior Employee Relations Specialist, USDA Departmental Administration, OHCM, Washington, D.C., disclosed in part, the following:

On September 26, 2008, KING was interviewed and acknowledged that he was not authorized to use the Government travel charge card for personal use. He admitted to utilizing the card to charge food, meals, rent cars at his duty station in Albuquerque, New Mexico, and other transportation costs at or near his personal residence in Houston, Texas. KING admitted that all of the charges were when he was not on official travel.

KING was interviewed (Exhibit 2) and provided the following:

He advised that his personal and legal residence is in Houston, Texas, and his official duty station is in Albuquerque, New Mexico. He did not buy a house or rent an apartment in Albuquerque, New Mexico. He stated that when he is in Albuquerque he stays with TAMMY HANAN, former Director, ASC, Albuquerque, New Mexico. He further advised that he rents a vehicle when he is in Albuquerque, New Mexico, which is his official duty station (ODS).

KING admitted while working at his ODS, he used the Government credit card for personal transactions such as car rentals, meals, groceries and other items. He further stated that he was aware that the Government credit card is not for personal use, to be used when he is not in travel status, and should not be used for any charges at his ODS. KING stated this was "stupidity" on his part. KING acknowledged personal charges on his Government credit card at various locations. KING also stated that he utilized the Government contract fare to include personal travel to Houston on at least six occasions between October 2007 and April 2008, and that he did not request authorization to deviate his travel. He admitted not paying his Government credit card balance in full and being delinquent on several occasions.

AGENT'S NOTE: According to NFC records, KING's official residence address is
A review of Bank of America
records show KING's mailing address as

JEFFREY PARK (PARK) Senior Systems Accountant (GS-14), Financial Management Division, FS, Ft. Collins, Colorado was interviewed (Exhibit 3) and providing the following:

He was assigned to the ASC for about 4 years and held positions to include Supervisory Financial Analyst for the Budget and Finance, Claims, Payments and Travel Division, and Branch Chief for the Incident Finance Branch. He stated in December 2008, he was assigned to the Financial Management Division, Ft. Collins, Colorado. PARK advised from approximately February 2008 through the end of April 2008, he was temporarily promoted to the Acting Director for Claims, Payments and Travel Division.

PARK stated that while he was Acting Director that PAMELA SCALCO, Travel Branch Chief, Budget and Finance, Claims, Payments and Travel Division, Albuquerque, New Mexico came to PARK with a report that indicated KING had misused his Government credit card in Albuquerque, New Mexico and Houston, Texas. He stated that the report also revealed KING used his Government credit card about thirteen times for meals, rental cars and hotels at his ODS in Albuquerque, New Mexico, between January 23, 2008 and March 23, 2008. PARK stated the report also indicated that KING was continually delinquent on paying his account. PARK stated that he discussed the matter with MELVIN SHIBUYA (SHIBUYA), Branch Chief, Employee Relations Division, Forest Service. SHIBUYA apparently discussed the matter with DONNA CARMICAL (CARMICAL) and she advised that PARK was out of line for referring the matter to Employee Relations. PARK stated that SHIBUYA just wanted to do the right thing so SHIBUYA reported the matter up the chain of command in Human Capital Management (HCM), Forest Service. He stated that CARMICAL and MICHAEL CLONTS, Deputy Director, ASC, Albuquerque, New Mexico, stated PARK should have advised them of the matter prior to referring it to SHIBUYA. PARK stated the report indicated that KING's name had appeared on the Bank of America (BOA) delinquency list several times.

MELVIN SHIBUYA (SHIBUYA), Director, Branch Chief, Employee Relations Division, FS, Albuquerque, New Mexico, was interviewed (Exhibit 4) and provided the following information:

SHIBUYA stated that KING's permanent residence was in Houston, Texas, and his ODS was in Albuquerque, New Mexico, but KING used HANAN's home address as his official address. He stated that PARK first advised him of the issues related to KING's Government credit card. SHIBUYA advised that KING was allegedly utilizing the Government credit card to rent cars in Albuquerque, New Mexico, which is his ODS and in Houston, Texas, for other purchases. He stated that the misuse of the Government credit card was made after KING changed his ODS from Washington, D.C., to

Albuquerque, New Mexico, and his Transfer of Station (TOS) temporary quarters had ended. SHIBUYA stated the report also indicated that KING was continually delinquent on paying his Government credit card account and his name appeared on the Bank of America delinquency list on numerous occasions.

SHIBUYA stated he informed KATHY BURGER, former HR Director, FS, of the information provided by PARK relating to issues with KING's Government credit card. He was also informed by RON BANERGAS, Acting Director, HR, FS, that he (SHIBUYA) should report the misuse of the Government credit card by KING.

PAMELA SCALCO (SCALCO), Travel Branch Chief, ASC, FS, Albuquerque New Mexico, was interviewed (Exhibit 5) and provided the following information:

She first became aware of KING's delinquencies in the Fall of 2007, when the information appeared on the Data Mining Report for the Department. After reviewing the information she approached KING about the issues related to his Government credit card and KING advised that it was part of his TOS and he was still in temporary quarters. She felt that was a sufficient response and therefore it was no longer an issue. SCALCO advised in March 2008, she received additional information on issues with KING's Government credit card such as the address on his Government credit card is in Albuquerque, New Mexico, he was not making full payment to cover the entire balance and the account was consistently delinquent.

AGENT'S NOTE: A review of US Bank Government credit card records show KING's mailing address as

SCALCO stated CARMICAL advised that she wanted to see the Data Mining Reports on all Senior Executive Service (SES) employees but she does not know what CARMICAL did with the Data Mining Reports. She stated that other SES employees have been delinquent on the Government credit card and some have been suspended. She stated KING had an outstanding balance on his US Bank account of approximately \$2,858.00 from January to February 2009, and she had sent two notices (Exhibits 6 & 7) to KING regarding the outstanding balance to US Bank. She stated the AD-139, Final Salary Payment Report (Exhibit 8) states that Government credit card balances must be cleared prior to separation from the agency although she has seen balances left in limbo after the AD-139 is completed.

AGENT'S NOTE: On July 13, 2009, according to ASC, FS, KING paid the balance of \$2,858.00 in full on his US Bank Government issued credit card.

SCALCO stated that she went on sick leave starting April 18, 2008, and returned the second week of May. During her absence, PARK was the acting Assistant Director and SCALCO provided PARK a blue envelope which contained the information on KING's possible misuse of his Government credit card. PARK was very upset by KING's

possible misuse of the card and advised he was going to look into or take care of it while she was on leave. She was informed that during her absence PARK discussed the matter with SHIBUYA. In 2008, CARMICAL advised her that OIG or the Department was involved with the KING issue and she was later interviewed by a misconduct investigator from Headquarters on the KING matter.

She stated that the Official Travel Authorization for KING's TOS was from June 1, 2007 through September 4, 2008. KING's ODS was Albuquerque, New Mexico, and his official residence was in Houston, Texas. KING would spend about one week a month at the ASC when his ODS was Washington, D.C., and about the same once his ODS changed to Albuquerque, New Mexico.

AGENT'S NOTE: According to FS records, KING has not filed a Relocation Income Tax Allowance for 2007 or 2008. KING was entitled to a SES Separation of Travel benefit upon retirement. As of July 31, 2009, KING still has not submitted a claim for relocation from Albuquerque to Houston, Texas.

TIM DECOSTER (DECOSTER), Chief of Staff, Office of the Chief, FS, Washington, D.C., was interviewed (Exhibit 9) and provided the following information:

DECOSTER stated that as the Chief of Staff, he reviewed and approved travel vouchers for KING. He stated that he had concerns about the appropriateness and accuracy of some of the travel vouchers that were submitted by KING. Specifically he noticed disruption in KING's travel between Albuquerque, New Mexico and Washington, D.C. KING would make stops or have long layovers in Dallas or Houston, Texas. DECOSTER stated that KING had a home in one of those cities. He stated that he or the Chief of the FS should have approved any deviation in travel prior the trip.

DECOSTER stated that HANK KASHDAN, Associate Chief, FS, discussed the KING credit card issue with him and advised that KING was using the credit card in Albuquerque, New Mexico, which is KING's ODS. He stated that he was not aware of the proposed adverse action against KING until it was well under way in the process and he did not review any of the letters or documents related to the proposed adverse action. DECOSTER advised that KIMBELL or KASHDAN may have reviewed the documents related to the adverse action.

DONNA CARMICAL (CARMICAL), Chief Financial Officer, FS, Washington, D.C., was interviewed (Exhibit 10) and provided the following information:

She served as the Director, ASC since March 2007, and reported directly to KING while he was the CFO. On July 5, 2009, she started the position as the CFO, FS. In April 2008, she first became aware of the issues with KING being past due on his

Government issued credit card. She was informed the charges were personal and made for food and meals while KING was in Albuquerque, New Mexico, which was his ODS. She stated that PARK discussed the issue with SHIBUYA who elevated it up his chain of command.

AGENT'S NOTE: The CFO position was moved back to Washington, D.C., when CARMICAL assumed the position of CFO.

She stated that during one of her trips to Washington, D.C., she met with KASHDAN at his residence and showed him one of KING's travel vouchers because she knew that KASHDAN was very familiar with the Federal Travel Regulations. KASHDAN had some concerns regarding the travel voucher and requested that when she (CARMICAL) returned to the ASC that she forward him all the travel vouchers concerning KING since he relocated to Albuquerque, New Mexico.

She stated during the time this issue was ongoing there was no policy in place for reporting abuse of Government credit cards involving SES employees. She stated that there is a current policy that Government credit card misuse including delinquent payments will be reported to KASHDAN. She also advised that KASHDAN now reviews the Data Mining Report on Government credit cards.

HANK KASHDAN (KASHDAN), Associate Chief, Office of the Chief, FS, Washington, D.C., was interviewed (Exhibit 11) and provided the following information:

He stated that he was the Deputy Chief for Business Operation for 3 years and was KING's peer. In January 2009, KASHDAN was promoted to the Associate Chief of the FS. KING's travel vouchers were reviewed and approved by DECOSTER or KIMBELL. He was aware of the possible misuse of the credit card by KING. CARMICAL mentioned the issue to him and stopped by KASHDAN's residence over a weekend and showed him one of KING's travel vouchers and wanted to get advice from him. KASHDAN stated he noticed a few issues with the travel voucher one was that KING did not complete a USDA FS Form 6500-6, Constructive Travel Using Common Carrier Cost Comparative Statement (Exhibit 12). He requested that once CARMICAL returned to Albuquerque, New Mexico the following week, that she send him all KING's travel vouchers since he transferred to Albuquerque, New Mexico.

He reconstructed KING's travel and noticed that KING would take flights from New Mexico to Houston, Texas, and spend significant amounts of time in Texas and then travel back to Washington, D.C., and then return to New Mexico. Based on his analysis, he immediately contacted KATHLEEN BURGERS (BURGERS), former Director, Human Capital Management, FS, and advised her of the matter and requested that she contact the appropriate official in the Department to report this matter. BURGERS did

refer the matter to the Department. He instructed BURGERS to advise SHIBUYA that the KING matter had been referred to the Department to handle. KASHDEN stated he and KIMBELL implemented a new process and have now instructed ASC that the Data Mining Reports be sent directly to the Chief's office for review and they handle any issues with Government credit cards.

KASHDAN stated that CARMICAL told him KING was having issues with his Government credit card specifically that he was maintaining high balance and delinquent on paying on the account. He was not involved in the KING's TOS and stated that KIMBELL ultimately made the decision and was the approving official for KING moving from Washington, D.C. to Albuquerque, New Mexico. He did know that KING's official residence was in Houston, Texas.

KASHDAN was interviewed around May 2008, by a Misconduct Investigator in the Department regarding issues with KING. He stated KIMBELL did ask him to review a draft of the Report of Investigation from the Department. He was not involved in preparing any documents related to the disciplinary action against KING. Although, he stated that KIMBELL did show him the "Proposal for Removal Letter" only for information, KIMBELL did not request input from him.

KASHDAN stated that he contacted J. MICHAEL KELLEY (KELLEY), Acting General Counsel, Office of the General Counsel, Washington, D.C., to discuss the "Decision Letter" that OHCM wanted KIMBELL to issue to KING after his retirement date. He did not think it made good sense to issue the letter, so he wanted to consult with OGC. Based on the verbal response he received from KELLEY, it appeared that he did not think it made sense to issue the letter to KING. KASHDAN was concerned that OHCM would continue to insist that the letter be issued to KING, so he requested that KELLEY attend any meetings with OHCM related to this matter.

ABIGAIL KIMBELL (KIMBELL), former Chief, FS, was interviewed (Exhibit 13) and provided the following information:

She held the position as the Chief of the FS until July 5, 2009, at which time she was reassigned to a position as the Director, Research Development, FS, and will be retiring effective August 1, 2009. KIMBELL stated that during her tenure as the Chief of the FS, that she was KING's direct supervisor. KIMBELL stated the Chief of Staff reviewed and approved travel vouchers for KING and she did not recall ever reviewing or approving KING's travel vouchers but indicated that she may have. In the absence of the Chief of Staff, there was no one who acted in this capacity.

KIMBELL stated that she first became aware of KING's travel voucher discrepancies upon notice of an investigation being conducted by OHCM. At that time she received a credit card report that is run by the Department indicating employees' credit card usage, payments and delinquencies. She stated this report is run regularly by the Department but would go directly to ASC for review and appropriate action.

KIMBELL stated that once she was made aware of the investigation and KING's credit card delinquency, she immediately contacted him. KIMBELL stated that KING was in Washington, D.C., for a leadership conference so she was able to speak with him in person regarding this matter. KIMBELL stated that she informed KING to take care of this matter before he left Washington, D.C.

KIMBELL also stated at that time she had only received preliminary information regarding the investigation by OHCM, she had not yet received a copy of the final report. OHCM was waiting to finalize the report/investigation once KING provided his written statement.

KIMBELL stated she reviewed the Report of Investigation from OHCM. She was directly involved in the process for the proposed removal of KING. KIMBELL stated that she did not directly speak with J. MICHAEL KELLEY regarding this adverse action. KIMBELL stated that KELLEY discussed the matter with KASHDAN. She sent an e-mail to OHCM to arrange a meeting but never received a response. KIMBELL stated that she reviewed the decision letter/proposed removal prepared by OHCM. KIMBELL stated that she did not like the tone of the letter, made changes to it and it was returned to OHCM. She discussed this adverse action with MARK REY, former Under Secretary, Natural Resources and Environment, USDA, and later with ANN BARTUSKA, Acting Deputy Under Secretary, Natural Resources and Environment, USDA. OHCM continued to work on the Decision Letter on KING after her changes and comments regarding the tone. She stated KING decided to take an optional retirement and therefore, she made the decision not to issue the Decision Letter.

AGENT'S NOTE: KASHDAN and KIMBELL mentioned possible e-mails between FS and J. MICHAEL KELLEY, Acting General Counsel, Office of the General Counsel (OGC), Washington, D.C., on this matter. We reviewed a few e-mails regarding KING, however, due to time constraints it was not possible to conduct a thorough electronic search for any additional e-mails for review prior to the issuance of this report.

J. MICHAEL KELLEY (KELLEY), Acting General Counsel, Office of the General Counsel, Washington, D.C., was interviewed (Exhibit 14) and provided the following information:

He stated his knowledge and involvement with the issues surrounding KING was limited. He advised that sometime in February 2009, KASHDAN contacted him via telephone regarding the proposed adverse action and decision letter related to KING's termination from government service. KASHDAN advised KELLEY that officials from the Office of Human Capital Management (OHCM), specifically LESLIE VIOLETTE and JILL CRUMPACKER wanted KIMBELL to prepare a letter terminating KING from Government service. KELLEY advised KASHDAN he did not believe it was necessary to issue a proposed termination letter to King since he had retired.

According to FS records, a Performance Review Board (PRB) met November 4, 2008, consisting of the following panel members: MARK REY, Under Secretary for Natural Resources and Environment; DR. GERALD BANGE from the Office of the Chief Economist; CAROLYN COOKSIE from the Farm Services Agency; HUBERT HAMER from the National Agricultural Statistics Service; and JAMES SCHAUB from the Office of the Chief Economist. Performance Review Board (PRB) convened to review SES ratings and bonus recommendations for FS executives. They recommended KING receive a "Superior" rating, a 3% salary increase, and a \$13,000 cash award by the PRB (Exhibit 15).

According to OHCM records, KING was recommended for the "SES Ratings and Bonus Recommendation for Senior Executives" award by KIMBELL and SALLY COLLINS, former Associate Chief, FS, and they signed the Senior Executive Service (SES) on September 26, 2008.

AGENT'S NOTE: FS is required to submit the candidates for performance awards to the appropriate PRB. Once the review is completed the names are forwarded to OHCM to be sent to the Office of the Secretary for final approval. The award is based on performance but agencies officials should make the Department aware when allegations of misconduct are made during the process.

LESLIE VIOLETTE, Director, Departmental Human Resources Division, OHCM advised that the criteria for approving the performance awards is outlined in 5 Code of Federal Regulations (CFR) 534.405 which states that "to be eligible for an award, the individual must have been an SES career appointee as of the end of the performance appraisal period; and the individual's most recent performance rating for the appraisal period must have been "Fully Successful" or higher." While the CFR states only that the individual must have been a career appointee as of the end of the appraisal period with at least a "Fully Successful" rating it does not preclude consideration of misconduct during this process. The misconduct issues regarding KING should have been considered during this process to avoid potential embarrassment to the Secretary of Agriculture and the Department.

KASHDAN stated that process for determining performance awards for SES employees is "pre-set" after the USDA Executive Resources Board makes a recommendation to the Assistant Secretary for Administration (ASA), and the Secretary of Agriculture approves the process. The amount of the awards is based on the rating level, and is determined at agency discretion, with some guidelines regarding the amount being determined by the respective Under Secretary. KING's award amount was "predetermined" once his rating of "Superior" was recommended and approved. The amount KING received was commensurate with other Forest Service (FS) SES employees who received a superior rating. The rating was recommended by KIMBELL on approximately September 1, 2008. It was approved by the Secretary in approximately mid-December, 2008 after review by a USDA Performance Review Board and a review by the ASA.

KASHDAN believes that an award for SES employees can be withheld based on conduct (the aspect for which KING was being investigated) even though the award itself is based on performance. However, it should be noted that the award was determined and recommended by the Chief (KIMBELL) before she received the misconduct report and the award was processed by the Department before a final determination was made regarding disposition of the misconduct by KING.

KASHDAN stated the BOYD RUTHERFORD, former ASA, GILBERT SMITH, Deputy ASA, and JON HOLLADY, Deputy Chief Financial Officer, were all aware of the issues surrounding KING, while the performance award review was in process. He knew this for a fact, because he had conversations with all three about the investigation of KING during this timeframe. As the primary USDA official in charge of the SES bonus process, the ASA already had full knowledge of the allegations against KING. Thus there would have been no reason to raise the issue.

Exhibit 16 is a Timeline of Events regarding the allegations involving KING.

This investigation was discussed with an Assistant United States Attorney, District of Columbia, Washington, D.C., who declined prosecution on this investigation.

* * * * *

LIST OF EXHIBITS

<u>Exhibit Number</u>	<u>Description</u>	<u>Page Introduced</u>
1	Report of Investigation, USDA Departmental Administration, Office of Human Capital Management, dated October 7, 2008.	1
2	Declaration of Jesse L. King, dated October 2, 2008.	2
3	Memorandum of Interview, Jeffrey Park, dated June 3, 2009.	3
4	Memorandum of Interview, Melvin Shibuya, dated June 8, 2009.	3
5	Memorandum of Interview, Pamela Scalco, dated June 9, 2009.	4
6	Letter from Albuquerque Service Center, Forest Service, dated April 22, 2009.	4
7	Letter from Albuquerque Service Center, Forest Service, dated June 1, 2009.	4
8	Form AD 139, WO Final Salary Payment Report.	4
9	Memorandum of Interview, Tim Decoster, dated July 9, 2009.	5
10	Memorandum of Interview, Donna Carmical, dated July 10, 2009.	5
11	Memorandum of Interview, Hank Kashdan, dated July 9, 2009.	6
12	Forest Service Form 6500-6, Constructive Travel Using Common Carrier Cost Comparative Statement.	6
13	Memorandum of Interview, Abigail Kimbell, dated July 29, 2009.	7

<u>Exhibit Number</u>	<u>Description</u>	<u>Page Introduced</u>
14	Memorandum of Interview, J. Michael Kelley, dated August 3, 2009.	9
15	Performance Appraisal for Jesse L. King, dated September 26, 2008.	9
16	Timeline of Events Regarding Jesse L. King	10

REPORT OF INVESTIGATION

October 7, 2008

Report No. FS-SES-2008-01-2

Subject: Jesse L. King, Associate Deputy Chief
Chief Financial Officer

Agency: USDA Forest Service
Albuquerque Service Center
Albuquerque, New Mexico

Investigation Dates: May 6, 2008 to October 3, 2008

Investigator: Debra Gilmore
Senior Employee Relations Specialist
USDA Departmental Administration
Office of Human Capital Management
(202) 720-6891

Witnesses Interviewed:

Forest Service:

1. Hank Kashdan, Deputy Chief, Business Operations
2. Tim DeCoster, Chief of Staff
3. Donna Carmical, ASC Director
4. Pam Scalco, Supervisory Financial Analyst
5. Jeff Park, Supervisory Financial Analyst
6. Dennis Gemzer, Supervisory Financial Analyst
7. Elena Deigado, Supervisory Financial Analyst
8. Vicki Medlin, Financial Analyst
9. Debbie Baldanado, Financial Analyst
10. Joni Cook, Staff Assistant
11. Kathleen Clemens, Special Assistant to Chief of Staff
12. Marchelle Roberts, Office Automation Clerk

USDA:
Aaron Prose, USDA Travel Card Program Manager

BASIS FOR INVESTIGATION

The employee's name appeared on a "data mining report" (DMR) prepared by the Department's Office of Chief Financial Officer (OCFO). In March 2008, Jesse L. King's name was listed as being 60+ days delinquent and on April 24, 2008 was on the pre-suspension report because payment was past due by 47 days. The DMR lists delinquent government travel charge accounts and suspicious transactions.

ALLEGATIONS
1. KING repeatedly used his government travel charge card for personal use.
2. KING failed to obtain authorization to deviate official travel.
3. KING used government contract fares for personal travel which resulted in additional expense to the government.
4. KING failed to timely pay his government travel charge in full and has repeatedly allowed his account to become delinquent.

BACKGROUND INFORMATION

Jesse L. King is the Chief Financial Officer (CFO) for the Forest Service, a senior executive service (SES). Forest Service policy, 6509.33-2007-2, approved by KING on April 20, 2007 states "It is the responsibility of the Forest Service Chief Financial Officer to prescribe policy and procedures that establish financial control over the Forest Service's travel process."

KING was appointed as the CFO on July 25, 2004. After the establishment of the Forest Service's Albuquerque Service Center (ASC) which has Human Resources and Budget and Finance operations, KING made a request of the Abigail Kimbell, Chief, Forest Service to work out of the ASC. The Chief approved the request and effective September 30, 2007 (FY 08) KING was reassigned from Washington DC to Albuquerque. The Forest Service authorized and paid his transfer of station (TOS) costs. KING'S TOS temporary quarters expenses ended December 19, 2007. KING elected not to move to Albuquerque and instead purchased a home in Houston TX where he and his wife have family and plan to retire. As part of his

TOS, the Agency paid for a "one-way" move to Houston after a cost comparison was calculated and it was determined there would be no increased cost to the Forest Service. KING does not have a residence in Albuquerque. KING stays at his friends' (Jim and Tammy Hannon) home at 9250 Glendale Ave NE when he is in Albuquerque. Ms. Hannon is the former ASC director. KING does not have a car in Albuquerque.

SUMMARY OF FINDINGS

The facts support the allegations. During an interview on September 26, 2008, KING acknowledged he is aware he is not "supposed to" use the government travel charge card for personal use, but he ADMITTED he had done so. He acknowledged charging food, meals, and rental cars at his duty station location (Albuquerque NM) and charged transportation (car service and rental cars) at/near his personal residence (Houston TX) and that all of the charges were when he was not on official travel. KING stated it was "stupidity" on his part. (Exhibit 2)

KING ADMITTED he did not request authorization to take an indirect route through Houston TX when traveling official business. KING ADMITTED his used the government contract fares to travel for personal reasons to Houston. KING claimed travel to Houston did not cost the government more than if he had not travelled Houston and stated that sometimes the air fare was less. Documentary evidence from Fed Traveler and GSA Airline City Pair Program information reveals the YCA contract fare from Albuquerque to Washington DC and Albuquerque to Portland OR is significantly less than the fares KING elected and the government was charged. (Exhibit 6-A and 6-B)

KING ADMITTED he has not paid the government travel charge card balance in full and he has been delinquent on several occasions. KING acknowledged he knows the requirement to pay in full and to pay when the balance is due. KING acknowledged that as of September 26, 2008 his account is past due in the amount of \$3,909.24 (Exhibit 2 and 3-B)

The "High Level Analysis Report" provided to the Department by Bank of America reveals that since receiving the government travel charge card, KING has had 52 "total delinquency occurrences." In a 10-month evaluation period (December 2007 – September 2008) KING was delinquent every month. (Exhibit 2-E and 3-D).

The investigation revealed KING knew his actions were in violation of government travel regulations; KING himself has approved Forest Service policy and issued direction to Forest Service officials on these travel-related matters (Exhibits 5-C, 5-D, 6-C, 6-D, and 6-E).

NOTE: KING was informed that a declaration for his signature would be prepared and sent to him to review and sign and return to the investigator. Since forwarding the declaration to KING he has not responded to the investigator's e-mails or telephone calls. A draft copy of the declaration sent to KING is attached at Exhibit 2.

DETAILS OF INVESTIGATION

Allegation No. 1 - KING repeatedly used his government travel charge card for personal reasons.

Relevant regulations

Federal Travel Regulations, Sections 301-304 (Exhibit 5-A); Departmental Regulation (DR) 2300-001 (Exhibit 5-B-1, Section 5); Forest Service Handbook, 6509.33 (Exhibit 5-C). The USDA's "Travel Card Do's and Don'ts for Employees" (Exhibit 6-F) also detail the prohibition of personal use.

DR 2300-001 states in pertinent part, the "USDA Zero Tolerance Policy" strictly prohibits unauthorized charges and charges not associated with official travel; and charges while not in an official travel status. Personal use of the card and use of the card in the vicinity of the official duty station or residence is "forbidden." (Exhibit 5-B-2, Section 5 – Policy).

ELENA DELGADO, Supervisory Financial Analyst in the Travel and Payments, Special Accounts Section declared that KING'S name appeared on the Department's "data mining report" (DMR) on at least two occasions when KING'S government travel charge card was past due by 47 days and because he also had suspicious transactions. BofA's High Level Analysis Report reveals that KING's account was not suspended and he was never identified as being "mission critical." (Exhibit 3-D).

DELGADO stated KING'S charges were "suspicious" as they were for food, restaurants, rental cars, and hotels in KING'S duty location (Albuquerque NM) and residence city area (Houston TX) and the transaction dates were outside his TOS travel temporary quarters period and the transaction dates were not part of any TDY vouchers submitted by KING. (Exhibit 2-H)

DELGADO said she shared the DMR information with her supervisor, PAM SCALCO, Supervisory Financial Analyst. DELGADO AND SCALCO both stated that SCALCO told DELGADO she would address the matter with KING. (Exhibit 2-F and 2-H). SCALCO also said this to JEFF PARK (Exhibit 2-G). SCALCO said she spoke to KING and he told her the charges for food in Albuquerque were related to his TOS. SCALCO accepted this response without further inquiry. (Exhibit 2-F, 2-H and Exhibit 2-I). KING remembers SCALCO talked to him about his name appearing on the data mining report, but does not recall what was discussed. (Exhibit 2)

JEFF PARK, former Acting Director of the Claims and Payment Section stated that he discussed KING'S name on the DMR with SCALCO and after he thought about SCALCO only talking to KING about the matter, he did not feel that was sufficient or appropriate action. PARK believed the issue needed to be elevated. In accordance with FSH travel policy, 6509.33, PARK informed Melvin Shibuya, Human Resources Management staff of the allegation. (Exhibit 2-6)

DELGADO indicated that after SCALCO discussed this matter with KING he continued to use the government travel card for personal use when not in travel status. (Exhibit 2-H) The BofA EAGLS report reveals the most recent "personal charge" was September 8, 2008 at Dollar Rent A Car in Albuquerque in the amount of \$141.57. (Exhibit 3-B)

DELGADO said that as the CFO KING is well aware of government travel regulations and agency policy as he approved policy and issued letters on these subjects (Exhibit 6-C, 6-D, and 6-E) and he signed a Bank of America charge card application form in 2003. In agreeing to the terms of the use of the government card, KING agreed to use the card for official travel and official travel related expenses away his duty station. (Exhibit C-3) DELGADO also indicated that KING issued a letter to Regional Foresters dated July 5, 2006 reiterating the Department's "Zero Tolerance Policy" on travel card misuse. Attached to KING'S letter was a copy of the USDA Chief Financial Officer's June 15, 2006 letter indicating the "Zero Tolerance Policy" (which is also cited in DR 2300-001, Exhibit B-2) strictly prohibits misuses of the travel charge card and identifies misuse as "Unauthorized charges and charges not associated with official travel" and "Charges while not in an official travel status..." (Exhibit 6-D Also see Exhibit 5-B-2, pages 3 and 4)

DENNIS GEMZER, former Supervisory Financial Analyst at the ASC stated that the government travel card is not to be used for personal charges and KING'S use is a blatant misuse in violation of the Federal Travel Regulations (FTR), Departmental Regulation and Forest Service policy. (Exhibit 2-I) GEMZER stated that prior to this investigation ASC employees became aware of KING'S misuse, as a normal course of their duties, and it appeared Center management was protecting him.

An analysis of KING'S TOS and TDY vouchers from 8/30/07 to 4/04/08 (Exhibits 4-B to 4-O) and a review of the Bank of America account inquiry report of 4/24/08 (Exhibit 3-A) reveal the thirteen (13) transactions listed below in **Table 1** were not claimed on any travel voucher nor did the charges occur during a time when KING was in an official travel status.

TABLE 1			
Transaction Date	Merchant	City State	Amount
1. 1-23-08	Thrifty Rental Car*	Albuquerque NM	\$ 215.69
2. 1-28-08	Residence Inn	Albuquerque NM	\$ 84.66
3. 1-30-08	Thrifty Rental Car*	Albuquerque NM	\$ 106.33
4. 2-11-08	City of Albuquerque	Albuquerque NM	\$ 21.00
5. 2-12-08	Intlap	Albuquerque NM	\$ 15.08
6. 2-16-08	Thrifty Rental Car*	Albuquerque NM	\$ 381.62
7. 3-01-08	Thrifty Rental Car	Albuquerque NM	\$ 222.14
8. 3-08-08	Pappadeaux Seafood	Albuquerque NM	\$ 46.96
9. 3-10-08	Thrifty Rental Car	Albuquerque NM	\$ 89.06
10. 3-18-08	Thrifty Rental Car	Dallas TX	\$ 134.01
11. 4-14-08	Pop-A-Lock	Rio Rancho NM	\$ 50.00
12. 4-15-08	Smith Grocery	Albuquerque NM	\$ 28.83
13. 4-16-08	Smith Grocery	Albuquerque NM	\$ 12.48
TOTAL			\$1407.86

A subsequent analysis of KING'S TDY vouchers covering the period 5/08/08 to 8/28/08 (Exhibit 4-P) and Bank of America account inquiry report dated 9/24/2008 (Exhibit 3-B) reveals twenty three (23) additional personal charges.

Table 2 on the following page shows the charges on KING'S government travel card that were not claimed on any travel voucher and which did not occur during a time when KING was in an official travel status.

TABLE 2

<i>Transaction Date</i>	<i>Merchant</i>	<i>City State</i>	<i>Amount</i>
1. 5-08-08	I Wireless	Houston TX	\$ 37.83
2. 5-19-08	Thrifty Car Rental	Albuquerque NM	\$ 340.40
3. 5-21-08	Dollar Rent A Car	Albuquerque NM	\$ 111.28
4. 5-22-08	Thrifty Car Rental	Albuquerque NM	\$ 76.51
5. 5-28-08	Dollar Rent A Car	Albuquerque NM	\$ 173.91
6. 6-02-08	Thrifty Car Rental	Albuquerque NM	\$ 111.46
7. 6-20-08	C&S Exec. Transportation	TX, 77380	\$ 110.00
8. 6-20-08	Bravo Uptown	Albuquerque NM	\$ 23.53
9. 6-21-08	Smith's Food	Albuquerque NM	\$ 23.73
10. 6-21-08	Starbucks	Albuquerque NM	\$ 3.98
11. 6-22-08	Chevron	Albuquerque NM	\$ 30.62
12. 6-23-08	Thrifty Car Rental	Albuquerque NM	\$ 118.91
13. 7-04-08	Thrifty Car Rental	Houston TX	\$ 167.60
14. 7-09-08	Red Brick Pizza	Albuquerque NM	\$ 10.36
15. 7-09-08	Chevron	Albuquerque NM	\$ 38.31
16. 7-10-08	Trader Joe's	Albuquerque NM	\$ 10.44
17. 7-10-08	Smith's Food	Albuquerque NM	\$ 59.08
18. 7-11-08	Café Voila	Albuquerque NM	\$ 18.92
19. 7-14-08	Thrifty Car Rental	Albuquerque NM	\$ 125.38
20. 7-21-08	Dollar Rent A Car	Albuquerque NM	\$ 69.43
21. 7-28-08	Thrifty Car Rental	Albuquerque NM	\$ 104.05
22. 8-18-08	Thrifty Car Rental	Albuquerque NM	\$ 259.02
23. 9-08-08	Dollar Rent A Car	Albuquerque NM	\$ 141.57
TOTAL			\$2,167.32

Tables 1 and 2 above reveal a total of thirty-six (36) personal transactions KING made using the government travel charge card between January 23, 2008 and September 8, 2008 and the transactions total **\$3,575.18**.

When interviewed on September 26, 2008, KING admitted he used the government travel charge card for personal purchases for food, meals and car rental companies at several merchants including Pappadeaux Seafood, Smith's Food, Trader Joe's, Dollar Rent A Car, Thrifty Car Rental and he admitted he was not in a travel status when he used the card at his duty station. (Exhibit 2-A) KING admitted he knew he was not supposed to use the card, that it was his "stupidity" and "poor judgment" on his part. (Exhibit 2-A)

The investigation reveals that on three occasions (noted in Table 1 with an asterisk), KING'S government travel card was used to rent cars at Thrifty Car Rental in Albuquerque (Exhibit 3-A, pages 5, 8 and 11) and the transaction dates are when KING was in a travel status and not in Albuquerque. (Exhibits 4-E, 4-F, and 4-G). KING stated he does not know how this happened and this must be "wrong." KING indicated he never rented a car for another person, never lost his card or had it stolen and normally didn't rent a car and leave it at the airport while he traveled. KING said he did do that once because it was cheaper than turning the car in when he flew out of Albuquerque and renting a new car when he flew back to Albuquerque.

Allegation Nos. 2 and 3 – KING failed to obtain authorization to deviate his official travel and KING used government contract fares for personal travel which resulted in a cost to the government.

Relevant Regulations:

FTR 301-1.105 2 (b) (Exhibit 5-A) states "Trips that combine official and personal travel are considered 'constructive travel' under the Federal Travel Regulations which could involve (1) a combination of business and personal travel, (2) annual leave taken during an official trip, and (3) deviations for personal convenience from the normal mode of transportation or itinerary." The FTR requires constructive travel to have "written approval from the employee's supervisor" by completing Form FS-6500-6, "Constructive Travel Using Common Carrier." (Exhibit 5-E)

FTR 301-1.105 2 (c) (Exhibit 5-A) states employees' supervisors must complete FS-6500-6 section B to approve annual leave taken in conjunction with official travel.

GEMZER stated the Forest Services uses "blanket" travel authorizations for TDY travel for each employee, each year so employees can travel during the year without obtaining an individual authorization number each time the employee travels. GEMZER stated a "blanket" travel authorization number however does not mean travel is approved. Employees must obtain authorization for each trip before expenses are incurred. (Exhibit 2-I) GEMZER also stated if an employee wants to include personal travel with their government travel, the Forest Service requires a "cost comparison," FS-6500-6 (Exhibit 5-E) to be prepared and approved prior to travel; not at the time the voucher is submitted for payment.

A review of five of the six travel vouchers and Fed Traveler receipts obtained during this investigation for the period of October 17, 2007 to February 22, 2008 (Exhibits 4E - 4K) reveals KING traveled from Albuquerque to Washington DC through Houston TX on four occasions and from Albuquerque to Portland on one occasion and did not complete the required constructive travel/cost comparison form. (Exhibit 2-A and 2-D)

KING admitted not completing a FS-6500-6 form prior to travelling. KING stated he used the contract fare for travel that included Houston, but he always did a cost comparison to confirm the fare he was purchasing was not more expensive than another route. KING said he repeatedly checked fares online through Fed Traveler's Quik Quote. KING did not include copies of these comparisons or quotes with his travel vouchers or print and retain copies of the comparative information. KING stated he submitted at least one 6500-6 form after travelling and submitting his voucher to TIM DECOSTER. KING stated the form was requested by DECOSTER'S assistant KATHLEEN CLEMMONS' was being "nit picky." (Exhibit 2-A) Chief of Staff DECOSTER stated that he did not know KING lived in Houston or that he deviated his official travel until after CLEMMONS' requested the 6500 form a few months ago. (Exhibit 2-D and 2-J)

KING stated that the trips he made to/through Houston never cost the government more than the fare he would have purchased had he taken a more direct route (e.g. Albuquerque (through Dallas/Forth Worth) to Washington DC). KING stated that on at least one occasion a trip to Houston saved the government money. (Exhibit 2-A)

The investigation revealed that as part of the General Services Administration (GSA) Airline City Pair Program, government employees are required to use the contract carrier and obtain a contract fare (with few exceptions) and that use of the contract fare is limited to official travel only. Employees are not allowed to use a contract fare for personal travel, even if in conjunction with official government travel. GSA indicates contract fares are identifiable by the fare designator "YCA" and the "YCA" fare is a "guaranteed GSA economy class Airline City Pair fare." (Exhibit 6-A)

Table 3 below details information from KING'S travel vouchers (Exhibits 4E – 4K) for the period of 10/17/07 and 4/04/08 in which KING traveled to Houston and used contract fares while mixing personal and official travel on six occasions.

TABLE 3				
<i>Dates of Travel</i>	<i>Travel from</i>	<i>Travel To</i>	<i>Deviation City & Dates</i>	<i>Fare Paid</i>
3/31/08 - 4/04/08	Albuquerque	DC	Houston	
2/15/08 -2/22/08	Albuquerque	DC	Houston, 2/15/08-2/18/08	\$757.00
12/20/07-1/16/08	Albuquerque	DC	Houston, 12/20/07-1/06/08 (AL)	\$681.30
12/10/07-12/16/08	Albuquerque	DC	Houston, 12/14/06-12/16/07	\$471.40
11/17/07-12/04/08	Albuquerque	DC	Houston, 11/17/07-11/25/07 (AL)	\$752.50
10/17/07-10/22/07	Albuquerque	Portland	Houston, 10/19/07-10/22/07	\$746.50

Contact was made with Fed Traveler to obtain the contract fares from Albuquerque to Washington National and Albuquerque to Portland, OR for the above dates of travel. A supplemental report will be issued upon receipt of this information.

The General Services Administration (GSA) Airfares City Pair Program indicates for FY 08, the YCA unrestricted government contract fare from Albuquerque to Washington DC ("DCA") is \$310. The FY 08 YCA unrestricted contract fare from Albuquerque to Portland is \$279. The Quik Quote obtained on 4/29/08 and provided by HANK KASDAN, Deputy Chief, Business Operations indicates the Federal Government non-restrictive YCA contract fare on American Airlines from Albuquerque to Washington DC (Regan National "DCA") through Dallas TX was \$354.50 (sample date of 5/9/08 leaving at 7 a.m.) (Exhibit 6-B)

As of May 1, 2008, Agricultural Travel Regulations, DM 2300-001 provide specific procedures when employees want to "mix" official and personal (leisure) travel. (Exhibit 5-B-1, page 10)

Allegation No. 4 - KING failed to timely pay his government travel charge in full and has repeatedly allowed his account to become delinquent.

Relevant Regulations:

Employees are required to submit travel vouchers within five (5) days of the completion of travel; Federal Travel Regulation (FTR) 301-52.7 (Exhibit 5-A) and FSH 6509.33 301-52.7 (Exhibit 5-C). Employees are required to timely pay their government travel card in full, regardless of whether reimbursement has been received. FTR 301-52.24 (Exhibit 5-A); FSH 6509.33 301-51.84h (Exhibit 5-C); and Bank of America cardholder agreement (Exhibit 3-C). Government Travel Card Regulation, Departmental Regulation (DR) 2300-001 and "USDA "Zero Tolerance Policy" (Exhibit 6-D) prohibits employees from allowing their account to become delinquent. (Exhibit 5-B-2 Section 5 d)

Travel card delinquency is also addressed by KING in his letter dated February 14, 2005 (Exhibit 6-E) and the "Travel Card Do's and Don'ts for Employees" (Exhibit 6-F). The Do's and Don'ts states "Don't allow your travel card account to become delinquent. Delinquency occurs on the **first** day after the due date."

When interviewed DELGADO (Exhibit 2-H) stated that KING'S name appeared on the DMR for being past due by 44 days (Exhibit 3-B) and for being in pre-suspense (Exhibit 3-A).

The use of the data mining report is referenced in the CFO's letter attached to KING'S letter to Forest Service officials relative to USDA's travel card "Zero Tolerance" policy (Exhibit 6-D). A review of the Bank of America account inquiry report dated April 24, 2008 (Exhibit 3-A) reveals that as of April 23, 2008, KING'S account was past due (page 2). KING had a balance of \$11,910.25 and was past due in the amount of \$3,281.44. Payment of less than the full amounts due were made on January 23, 2008 (page 4); January 28, 2008 (page 7); February 5, 2008 (page 9); and February 8, 2008 (page 9).

A review of the Bank of America account inquiry report dated September 24, 2008 (Exhibit 3-B) reveals KING currently has an outstanding travel card balance of \$10,391.14 and of that amount \$3,909.24 is 30 days past due. (Exhibit 3-B, page 2) DELGADO also stated instead of paying the balance in full each month as required, in June 2008, KING made seven small payments (Exhibit 3-B, page 8).

DELGADO indicated that after SCALCO discussed this matter with KING he continued to use the government travel card for personal purchases and continues to pay less than the full payment due on his account. DELGADO indicated in the month of June 2008, KING made seven small payments between June 2, 2008 and June 4, 2008 (Exhibit 3-A, page 8) and his account continues to be past due. (Exhibit 2-H) DELGADO stated that the Bank of America EGLS report shows that as of September 24, 2008, KING has a balance of \$10,391.14 and \$3,909.24 is past due. (Exhibit 3-A). BofA's High Level Analysis Report dated 10/3/2008 reveals KING made no payment in July 2008; that between December 2007 and September 2008 (10 month period), his account was delinquent every month; and that his account has been delinquent 52 times in the 68 months he has had a card. This indicates KING has been delinquent 75% of the time. (Exhibit 3-D)

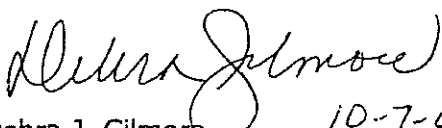
CONCLUSION

The documentary evidence included in this report indicate KING used his government travel charge card for personal use (meals, food, car rentals, transportation) on thirty-six occasions between January 23, 2008 and September 8, 2008, totaling \$3,575.18 in unauthorized personal charges. KING admitted he knew he was not allowed to use the card for personal reasons and it was "stupid" and "poor judgment" on his part.

The facts support KING deviated official travel without obtaining authorization; he used government contract fares for personal travel he mixed with official travel; and the flights and fares obtained resulted in an additional expense to the government than if KING had not booked his personal travel with his official travel and/or stopped in Houston.

KING repeatedly failed to pay his account in full by the due date and repeatedly allowed his travel card account to become and delinquent. KING's account was in a delinquent status more than it was current.

USDA Government Travel Regulations, Departmental Regulation 2300-001 (Exhibit 5-B-2), states "**Travel card delinquency and misuse are examples of serious employee misconduct.**" Accordingly, included in this report of investigation are government regulations; Standards of Conduct, Agency policy on employee responsibilities and conduct and addressing misconduct and disciplinary/adverse actions. (Exhibits 6-H, 6-I, 6-J, 6-K, and 6-L)


Debra J. Gilmore 10-7-08
Senior Employee Relations Specialist
USDA Departmental Administration
Office of Human Capital Management
(202) 720-6891

DECLARATION OF JESSE L. KING

I, Jesse L. King, make the following declaration freely and voluntarily to Ms. Debra Gilmore. On September 26, 2008, I spoke with Ms. Gilmore by phone for approximately one-hour. She identified herself as a Senior Employee Relations Specialist conducting an investigation for the Department of Agriculture (USDA), and made me aware that the information I provided in the interview and this declaration would be used as evidence and included in a report investigation that will be provided to Forest Service officials.

I began working for the Department of Agriculture in October 2001. On July 25, 2004 I was converted from the Confidential Assistant position I held to the SES position of Associate Deputy Chief, Chief Financial Officer (CFO) for the Forest Service. Prior to joining USDA I worked for the private sector. On September 30, 2007, my duty station changed from Washington DC to Albuquerque so I could work out of the new Albuquerque Service Center (ASC) where the Budget & Finance (B&F) operations were now located. The Chief of the Forest Service approved a transfer of station (TOS) for this reassignment. The TOS period for my temporary quarters (TQ) ended December 19, 2007. During my TOS TQ period, I was in and out of TOS status as I also had TDY travel. Debbie Baldonado, at the ASC was my TOS travel counselor and she helped me with the TOS vouchers to ensure the correct TOS claims were made (e.g. house hunting, TQ, and one-way move).

As part of my TOS, my wife and I took a house hunting trip to Albuquerque. After looking at homes in the area, we decided it would be too expensive to invest in a house in Albuquerque for a short period of time. Since we have a married son and grandchildren in Houston, TX we decided to buy in Houston where we will eventually retire. My personal and legal residence is

Houston TX and my duty station is Albuquerque. I did not buy a house or rent an apartment in Albuquerque. When I am in Albuquerque I stay with Tammy Hannon (former ASC manager) and her husband Jim. Their house is vacant most of the time so when I am there I house-sit. As I do not have a car in New Mexico, I rent cars when I am there.

I admit that while working at my duty station of Albuquerque, I used my government travel charge card for personal transactions (car rentals, meals, groceries, etc.). I was aware at that time that I was not supposed to use the travel card for personal use, when I am not in a travel status or for charges at my duty location. This was "stupidity" on my part.

I acknowledge that the charges on my government travel card at locations like Garduno's, Pappadeaux, Scott's Foods, Trader Joes and Thrifty Car Rental and Dollar Rent a Car at my duty location city of Albuquerque were personal charges and they were made when I was not in official travel status. I also admit that I used the government travel charge card for personal transportation expenses (car service, car rental) when I deviated official travel and traveled to Houston for personal reasons. I knew at the time I made these charges that the use of the travel card for these types of transactions was inappropriate. It was poor judgment on my part. I never claimed these personal charges on any travel vouchers and did not receive reimbursement from the government. As a result of this inquiry and because I realized I should not be doing it, I stopped using the government travel card for personal use in August 2008.

During my interview with Ms. Gilmore, she asked me about 3 instances in which a car was rented at Thrifty Car Rental in Albuquerque and charged on my government travel card. I understand the dates in which the cars were rented

were when I was on official travel and not in Albuquerque where the rental occurred. Ms. Gilmore indicated the dates and charges were 1-23-08 for \$215.69; 1-30-08 for \$106.33; and on 2-16-08 for \$381.62. For the period of January 23, 2008, I was in San Jose visiting Oracle, so I don't know how this could be. I don't know about the other two charges. They don't sound right. There was only one time where I rented a car in Albuquerque and left it at the airport so it was there when I returned from travel as it was cheaper to do that then turn the car in and rent another one when I came back. One of these charges may have been that occasion. I never rented a car for another person; I never loaned my travel card to anyone else and it has never been lost or stolen.

I acknowledge that I used the government contract fare to include personal travel (airfare) to Houston on six occasions between October 2007 and April 2008. I did not request authorization to deviate my official travel to include Houston on any of these occasions. I claimed and was reimbursed the full contract fare for the trips that included Houston as a stop or layover on my travel vouchers. I did not make any deductions for travel in which I laid over Houston as there was never an additional cost to the government. I did not think what I did was improper, as many times the government paid less for my airfare. I never booked through Houston when it was a higher cost. I constantly searched Fed Traveler by putting in the routing and the dates to look for the lowest fare at the time I needed to travel. I did not submit copies of the Fed Traveler quick quotes or searches with my travel voucher nor did I retain copies of this comparison information. I did not complete a FS Form 6500-6 in advance to include the indirect travel or for periods of annual leave I took when in Houston.

I also acknowledge that I allowed my government travel card to become delinquent. I have not paid the balance in full when due on several occasions. In April 2008 and June 2008, I did not pay the balance in full by the due date and

instead made several small payments. I understand that as of September 26, 2008, I was currently \$3,909.24 past due.

The procedure for submitting and approving travel vouchers in our office has change. I used to send the original travel vouchers to Hank Kashdan, Deputy Chief, Business Operations for approval. This changed about the time the new Chief of Staff, Tim DeCoster came on board. I know send my original vouchers and receipts to Mr. DeCoster to review and approve, but I don't send him the electronic copy. I was instructed to send that to Marchelle Roberts, GS-6 clerk in the Chief's Office. I understand that after Mr. DeCoster's Assistant, Kathleen Clemens reviews the hard copy voucher and receipts, she gives it to Mr. DeCoster to sign and then a message is relayed back to Ms. Roberts to approve the voucher on Mr. DeCoster's behalf and forward the voucher electronically to NFC for payment. After the original voucher is approved, it is returned to me by Mr. DeCoster's office. I then forward it to the ASC (Donna Carmical's assistant) to file. I don't believe any copies are maintained by Mr. DeCoster or Ms. Clemens.

On several occasions, the approval of my travel vouchers has been delayed (thus my reimbursement delayed) as a result of Ms. Clemens being "nit picky." It seems she cannot apply information learned with a prior voucher to the same circumstances when the issue comes up again. Ms. Clemens has never discussed a deficient voucher with me but I know she has spoken to my assistant in DC, Joni Cook. Ms. Cook relayed to me that Ms. Clemens demanded that I submit a 6500-6 cost comparison form after I had traveled to Houston and was on annual leave. I completed a form after the fact, which showed there was no cost to the government; in fact it was less expensive. Ms. Clemens did not seem to understand why I was flying through Dallas TX when flying to DC. I tried to explain that the contract carrier out of Albuquerque is American Airlines (AA) and

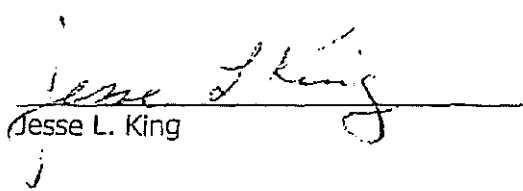
there are no direct or non-stop flights from Albuquerque to Washington DC.
Dallas/Forth Worth is one of the city-pair connections for AA's contract route/fare.

The only other time I recall there being a question on a travel voucher was when Mr. Kashdan found a mechanical mistake and asked that I make a correction. I had claimed $\frac{3}{4}$ per diem one day while in Houston and I was not entitled to it as Houston is not my duty station.

I also remember a few months ago, Pam Scalco, a supervisory financial analyst in the travel section at the ASC mentioned to me that my name was on the data mining report and may have asked me about charges made in Albuquerque and being late on my payments. I do not recall what she said. I remember we were in my office but she did not show me the report and I did not ask to see it. If she told me I had done something wrong, my response to her would have been to tell her that I wouldn't do it again.

I declare that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 2nd day of October 2008.



Jesse L. King

MEMORANDUM OF INTERVIEW

Name: Jeffrey Park

Case Number: HY-0801-0094

Address: USDA Forest Service
Ft. Collins, Colorado

Date: June 3, 2009

Phone: (970) 295-5830 - office

SA(s): SA Maria Crann
SA Harold Stanford

On Tuesday, June 3, 2009, Special Agent (SA) Maria Crann and Special Agent (SA) Harold Stanford interviewed Jeffrey Park (PARK) at the Virginian Suites Hotel, 1500 Arlington Blvd., Rosslyn, Virginia, in regards to an on-going investigation of subject, JESSE KING. PARK is a Senior System Accountant, Financial Management Division for the USDA Forest Service located in Ft. Collins, Colorado.

According to PARK:

- PARK currently resides at _____ home phone number is _____
- PARK is currently a Senior Systems Accountant (GS-14), Financial Management Division, USDA Forest Service, Ft. Collins, Colorado.
- PARK stated that he was assigned to the Albuquerque Service Center (ASC) for about 4 years.
- PARK stated that his last position at ASC was a Supervisory Financial Analyst, GS-501-14 in the Budget and Finance, Claims, Payments and Travel Division and was the Branch Chief of the Incident Finance Branch.
- PARK stated in December 2008, he was assigned to the Financial Management Division in Ft. Collins, Colorado.
- PARK stated that he has 30 years of government service all with the Forest Service.
- PARK stated that his 1st line supervisor is Debra Bush Butler, Rosslyn, Virginia.
- PARK stated that his second line supervisor is Karen Alexander, Director of Financial Management, Rosslyn, Virginia.

In reference to his current complaint with the Office of Special Counsel (OSC), PARK advised the following:

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PAGE 1 OF 3

- PARK stated that he reported issued related to Jessie King, reprisal and prohibited personnel practices to OSC in (date).....
- PARK stated that OSC sent him a letter advising they had referred the matters related to the Secretary of Agriculture and that OSC would be investigating the reprisal and prohibited personnel practices.
- PARK stated that OSC recently advised him it would be at least 3 months or so before they will start the investigation.

In reference to Jesse King and the government credit card issue, PARK advised the following:

- PARK advised from February 2008 until the end of April 2008, he was temporarily promoted to Acting Director of the Claims, Payment and Travel Division and reported directly to Donna Carmical, former Director, ASC and Michael Clonts, Deputy Director, ASC.
- PARK indicated that while he was Acting Director of Claims, Payment and Travel Division, one of the staff, Pam Scalco came to PARK with a report that indicated Jesse King had misused his government travel card in Albuquerque, New Mexico and Houston, Texas.
- PARK stated that the report also revealed King used his government travel card about thirteen times for meals, rental cars and hotels at his official duty station in Albuquerque, New Mexico, between January 23, 2008 and March 23, 2008.
- PARK stated he knew that King residence was in Houston, Texas, but he was using Tammy Hanan's (former Director, ASC) home address as his official address.
- PARK stated the report also indicated that King was continually delinquent on paying his account.
- PARK stated that Pam Scalco advised him that she was going to counsel King on the issues related to his government credit card.
- PARK stated that he discussed the matter with Melvin Shibuya, Branch Chief, Employee Relations, Forest Service.
- PARK stated that Shibuya apparently discussed the matter with Carmical and she advised that Park was out of line for taking the matter to Employee Relations.
- PARK stated that Shibuya just wanted to do the right thing so Shibuya reported the matter up the chain of command in Human Capital Management.

- PARK stated that Donna Carmical and Michael Clonts stated PARK should have advised them of the matter prior to taking it to Shibuya.
 - PARK stated that Carmical created a very hostile work environment.
 - PARK stated that the misuse of the government credit card was made after King changed his official duty station from Washington, D.C. to Albuquerque, New Mexico, and his Transfer of Station temporary quarters had ended.
 - PARK stated the report indicated that King's name had appeared on the Bank of America (BOA) delinquency list several times.
-

MEMORANDUM OF INTERVIEW

Name: Melvin Shibuya

Case Number: HY-0801-0094

Address:

Date: June 8, 2009

Phone:

SA(s): SA Marites del Carmen
SA Harold Stanford

On Monday, June 8, 2009, Special Agent (SA) Marites del Carmen and Special Agent (SA) Harold Stanford interviewed Melvin Shibuya (SHIBUYA) at the Marriott Pyramid North, 5151 San Francisco Road, NE, Albuquerque, in reference to an on-going investigation of subject, JESSE KING. Shibuya is the Branch Chief, Employee Relations Division, Forest Service, Albuquerque Service Center, Albuquerque, New Mexico. SHIBUYA was advised the Office of Special Counsel received allegations regarding JESSE KING and referred the allegations to the Secretary of Agriculture, who in turn delegated the authority to the Office of Inspector General to conduct an investigation.

According to SHIBUYA:

- SHIBUYA currently resides at provided the following contact telephone number:
- SHIBUYA is the Chief, Employee Relations Division (GS-14), Forest Service (FS), Albuquerque, New Mexico.
- SHIBUYA stated that he was assigned to the Albuquerque Service Center (ASC) since January or March 2006.
- SHIBUYA stated that he has been employed with USDA for about 12 years.
- Shibuya stated prior to that he was employed by the Office of the Comptroller of Currency.
- SHIBUYA stated he was first informed about the list sometime in 2006.
- SHIBUYA stated that multiple FS employees were on the list including Jesse King.
- SHIBUYA stated Kathy Burgers, Director of Human Resources (retired), wanted to report King and others, to the agency.
- SHIBUYA stated Park became aware of King's credit card misuse in December 2007.

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PAGE 1 OF 3

- SHIBUYA stated in December 2008, he was informed by Roy Roosevelt, Assistant Director for Customer Relations, that SHIBUYA should not return to the office because he was under investigation for destroying government property.

In reference to his current complaint with the Office of Special Counsel (OSC), SHIBUYA advised the following:

- SHIBUYA stated that he reported issues related to Jesse King and issues of retaliation to OSC in April or May 2008.
- SHIBUYA stated OSC advised him they were not acting on the retaliation acts against him and the rationale was since he was under investigation it was safer to remove him out of the position.
- SHIBUYA stated the investigation on him was based on the fact he recommended the removal of an employee for giving out an unapproved grant in mid 2007.
- SHIBUYA stated that Employee Relations lost the case because the Douglas factors were ignored.
- SHIBUYA stated he is being accused of destroying government documents because he recommended the destruction of the 1st draft of recommendations against the employee.
- SHIBUYA stated that the employee passed away and his wife continued the case against the Forest Service.
- SHIBUYA stated that in May 2008, he reported the Jesse King issues to OSC and in December 2008, he was accused of destruction of government property.

In reference to Jesse King and the government credit card issue SHIBUYA advised the following:

- SHIBUYA stated he knew that King's residence was in Houston, Texas, but he was using Tammy Hanan's (former Director, ASC) home address as his official address.
- SHIBUYA advised that King utilized the government credit card to rent a car in Albuquerque, New Mexico, his official Duty Station, and in Houston, Texas, for other purchases.
- SHIBUYA stated that King changed his official duty station from Washington, D.C., to Albuquerque, New Mexico, about December 2007.
- SHIBUYA stated the report also indicated that King was continually delinquent on paying his government credit card account.
- SHIBUYA stated he informed Kathy Burger's, former HR Director, Forest Service, of the information provided by Jeff Park.
- SHIBUYA stated that Ron Banergas, Acting Director, HR, Forest Service, advised that SHIBUYA should report the misuse of the government credit card by King.

- SHIBUYA stated that the misuse of the government credit card was made after King changed his official duty station from Washington, D.C., to Albuquerque, New Mexico, and his Transfer of Station temporary quarters had ended.
- SHIBUYA stated the report indicated that King's name had appeared on the Bank of America (BOA) delinquency list several times.

MEMORANDUM OF INTERVIEW

Name: Pam Scalco

Case Number: HY-0801-0094

Address: USDA Forest Service
101B Sun Avenue
Albuquerque, NM

Date: June 09, 2009

Phone:

SA(s): SA Marites del Carmen
SA Harold Stanford

On Tuesday, June 09, 2009, at approximately 10:47 a.m., Special Agent (SA) Marites del Carmen and Special Agent (SA) Harold Stanford interviewed DEBBIE BALDANADO at the USDA Forest Service, 101B Sun Ave. Albuquerque, New Mexico, in regards to an on-going investigation of subject, JESSE KING. BALDANADO is a Financial Analyst for the USDA Forest Service located in Albuquerque, New Mexico.

According to SCALCO:

- SCALCO currently resides at

- SCALCO is currently the Travel Branch Chief (GS-14), USDA Forest Service, Albuquerque Service Center since October 2006, and has been with the Department for 21 years.

- SCALCO stated that she oversees the Travel Operations Branch to include transfers of duty stations and temporary duty assignments.

- SCALCO stated that Peter Gilmour, Assistant Director for Claims and Travel, is her first line supervisor and Michael Clonts, Acting Director, ASC, is her second line supervisor.

In reference to Jesse King and the travel card issues, SCALCO advised the following:

- SCALCO advised that she first became aware of King's delinquencies in the Fall of 2007, when King's information appeared on the Data Mining Report for the Department.

- Elena Delgado first discovered the issues relating to Jesse King's account and discussed it with SCALCO.

- SCALCO approached King about the issues related to his government travel card and he advised that it was part of his Transfer of Station and he was still in temporary quarters.

- SCALCO felt that was a sufficient response and therefore, it was no longer an issue.

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PAGE 1 OF 3

- SCALCO advised in March 2008, she received additional information on King and his issues with his government credit card.
- KING's address on his government travel card is in Albuquerque, New Mexico.
- SCALCO stated that the Forest Service would receive 60 day delinquency reports electronically.
- SCALCO stated she does not recall KING being on the 60 day delinquent report.
- SCALCO stated she discussed the issues relating to KING's credit card with DONNA CARMICAL (CARMICAL).
- SCALCO stated CARMICAL advised that she wanted to see the Data Mining Reports on all SES employees.
- SCALCO does not know what CARMICAL did with the Data Mining Report on all the SES employees.
- SCALCO stated that other SES employees have been delinquent on credit card accounts and some have been suspended.
- SCALCO stated KING has an outstanding balance on his US Bank account of approximately \$2,858.00 from January to February 2009.
- SCALCO stated that she has sent two notices on the outstanding balance to US Bank.
- SCALCO stated the AD139 states that government credit card balances must be cleared prior to separation from the agency.
- SCALCO stated she has seen the balance left in limbo after the AD139 is completed.
- SCALCO stated that she went on sick leave starting April 18, 2008, and returned the second week of May.
- SCALCO stated during her absence, Jeff Park was the acting Assistant Director and SCALCO provided Park a blue envelope which contained the information on KING's possible misuse of his government credit card.
- SACLCO stated that PARK was very upset by KING's possible misuse of the card.
- SCALCO stated that PARK advised that he was going to look into or take care of it while she was on leave.
- SCALCO stated she never discussed the information contained in the blue envelope with KING.

- SCALCO stated that in 2008, Donna Carmical advised her that OIG or the Department was involved with the KING issue.
- SCALCO stated that she spoke with a Misconduct Investigator from Headquarters, sometime during 2008.
- SCALCO advised that her staff would review the data mining reports and travel transactions.
- Since 2006, travel card issues are reported to HCM (was this new policy put in writing, if so request a copy)

SCALCO provided the following information about KING's relocation to ASC:

- The Official Travel Authorization covers the period of June 1, 2007 through September 4, 2009 for KING's Transfer to Station (TOS).
- Since KING's TOS to ASC, he did not spend a lot of time in Albuquerque, New Mexico.
- SCALCO stated that KING spent about 1 week a month at the ASC, prior to moving to Albuquerque and about the same after the relocation.
- SCALCO stated that the CFO position could require a lot of travel.
- KING's official residence is in Houston, Texas, and his official duty station is in Albuquerque, New Mexico.
- When KING is in Albuquerque, New Mexico, he stays with Tammy Hanan, former ASC Director.



File Code: 6540-8

Date: April 22, 2009

Dear Jesse:

We are reviewing our transfer of station files to determine if monies can be made available for other Forest Service priorities. During our review of your transfer of station to Albuquerque and your separation travel we have discovered a few outstanding items:

1. You have not filed a Relocation Income Tax (RIT) claim for calendar year 2007 for your transfer to Albuquerque, NM. In March 2009, the National Finance Center (NFC) collected \$1,324.64 from you for the 2007 RIT. You may still file a 2007 RIT claim in which the NFC will determine if monies should be refunded.
2. We have not received paperwork from you for your separation travel reimbursement in February of this year. In order to process a travel voucher, please submit your lodging receipts; a written travel itinerary, detailing the daily mileage driven; and any tolls for your travel from Albuquerque to your residence in Texas. We will prepare a voucher and forward to you for signature.
3. We are accepting the 2008 RIT claims now for processing by the NFC.

I have attached the 2007 and 2008 RIT claim forms to this letter for you to complete and return to the Travel Branch for processing. Instructions and information regarding RIT is also included.

I recently learned that you have a credit balance of \$133.39 on your old Bank of America travel card and have requested the Travel Branch to contact the Bank and request a check be issued to you at your Houston address. You should receive this check shortly.

If you have any questions regarding your RIT claims, separation travel, or your Bank of American refund, please contact me or Pam Scalco, Travel Branch Chief. Pam can be reached on 505-563-7164.

Sincerely,

/s/ Donna Carmical,
DONNA CARMICAL
Director Budget and Finance
Albuquerque Service Center

cc: Pamela C Scalco

EXHIBIT 6
PAGE 1 OF 1





File Code: 6540-8

Date: JUN 01 2009

Dear Jesse:

We are asking your assistance to complete paperwork on a couple of items related to your FY 2007 TOS from Washington, DC to Albuquerque, your separation travel in February and travel bank card issues. We feel that you probably have monies due from your FY 2007 TOS and of course from your separation travel and would like to help you get these resolved as soon as possible. I have outlined the information we need below.

FY2007 TOS

- 2007 RIT - In March 2009, the National Finance Center (NFC) collected \$1,324.64 from you for the 2007 RIT because you did not file a 2007 RIT claim. You may still file a 2007 RIT claim in which the NFC will determine if monies should be refunded, it is highly likely that you have a refund due.
- 2008 RIT - We are accepting the 2008 RIT claims now for processing by the NFC. If you were reimbursed transfer of station expenses in 2008, you must file a RIT claim for that period. **Failure to file a RIT claim will result in a bill from the NFC.** Claim forms were included in our letter of April 22, 2009. If you did not receive these forms or need us to send them to you again, please let us know.

SEPARATION TRAVEL

- You are entitled to reimbursement for your separation travel reimbursement in February of this year. In order to process a travel voucher, please submit your lodging receipts; a written travel itinerary, detailing the daily mileage driven; and any tolls for your travel from Albuquerque to your residence in Texas. We will prepare a voucher and forward to you for signature.

GOVERNMENT TRAVEL CARDS

- Bank of America - With regard to your *government travel card accounts*, we requested that the Bank of America issue you a check for the credit balance on your old government travel card. You should have received this check by now.
- US Bank Card - The new US Bank travel card, issued to you in November, is now 90 days past due in the amount of \$2,858.26. Our records show you received reimbursement for these travel expenses. Payment for this amount is due and should be sent to US Bank, at U.S. Bank Government Services; P.O. Box 790428; St. Louis, MO 63179-0428. Please include your account number with your payment.

EXHIBIT 7
PAGE 1 OF 2



If you have any questions regarding your RIT claims, separation travel, or your Bank of American refund, please feel free to contact me at 505-563-7103 or on my cell at 505-366-1270. You may also contact Pam Scalco on 505-563-7164 and she will be more than happy to assist you in completing paperwork necessary to resolve these issues.

Hope that you and your family are doing well. Please know that you are in our thoughts. Take care.

Sincerely,

Donna M. Carmical

DONNA M. CARMICAL
Director, Budget & Finance
Albuquerque Service Center

cc: Michael Clonts, Pamela C Scalco, Peter Gilmour

EXHIBIT 7
PAGE 2 OF 2

Routing Slip AD-139 WO Final Salary Payment Report

EMPLOYEE'S NAME: <u>Jesse L. King</u>	SS#:
SEPARATION DATE: <u>2/5/09</u>	STAFF: <u>CFO</u>

By your last working day have each person/staff listed below sign and date this form. You need the signature or e-mail notification even if the item does not apply to you. Retirees: your lump sum payment for annual leave will not be processed until this form is completed and returned to your contact the Albuquerque Service Center. Employees who are separating - return to ASC/HCM Benefits MS-111.

Who Should Sign	Why	Signature/Date
Your Staff's Accountable Property Officer	Turn in Staff Property: Private Office Keys & desk keys, Beepers, Laptops, Cell Phones	<u>Anna Carnial</u> 2/10/09
Send e-mail to: asc boa; Subject: 'Attn: Travel Card Coordinator'; In the message area, type your name and last 8 digits of travel card number	Explain that you are leaving (retiring, quitting, etc.) and the date. Wait for confirmation and then destroy card.	Attach copy of e-mail confirmation from ASC
Sarah Resnicov; 1st Yates SW; 205-0801 (Alternative is Kim Gibson 260-7399 for keys, fobs, etc.)	Supply Cards, Rosslyn Key Fobs, Gov't ID, Metro Checks and Transit Program cancellation and link to site with Form AD-1147	<u>Not applicable</u> /s/ <u>Kim Gibson</u> Albuquerque
Log onto <u>this website</u> , select Federal Calling Card Request Form and follow instructions.	Cancel MCI Calling Card and/or home modem line and Notify ONLY that you have turned in a cellular phone to your staff	Attach a copy of email and EUISC ticket: # <u>N/A</u> <u>no card</u>
Sandy Farber email: sfarber@fs.fed.us	Official Passport needs to be cancelled	Attach copy of e-mail
Mike Edwards <u>Filed at DC Washington DC</u> email: Mike.Edwards@usda.gov <u>2/10/09</u>	For SES and STs only: Final Public Confidential Disclosure Report: SF-278	Attach copy of e-mail
Nicole Scott; RPE 7th Floor, AQM	Government Purchase Credit Card	/s/ <u>N/A</u> <u>AK</u>
Immanuel West email: iwest@fs.fed.us	Security Clearance. NOTE: If you have a clearance -- contact USDA's Security Office to be debriefed.	<u>N/A</u> <u>AK</u> Attach copy of eny

HCM will do after you turn in this form:

Who Should Sign	Why	Signature and Date
HCM representative for	E-mail IRM Information Security (infosec@fs.fed.us) that employee has	

IRM security	separated so IRM will remove their access to information systems and networks	
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Last Updated 2/28/07

MEMORANDUM OF INTERVIEW

Name: Tim Decoster

Case Number: HY-0801-0094

Address: USDA - OIG

Date: July 9, 2009

Phone:

SA(s): Harold Stanford and Francis Riddick

On Thursday, July 9, 2009, Senior Special Agents (SSA) Harold Stanford and Francis Riddick interviewed Tim Decoster (DECOSTER) at Office of the Chief, Forest Service Headquarters, Yates Building, Washington, D.C., in regards to an on-going investigation of subject, JESSE KING, former Chief Financial Officer, Forest Service.

Interview statements from DECOSTER:

- DECOSTER currently resides at
- He is currently the Chief of Staff to the Chief of the Forest Service and has held that position for about 2 years.
- He has been with USDA for about 14 years.
- As Chief of State he did review and approve travel vouchers for KING
- He stated that he had concerns about the appropriateness and accuracy of some of the travel vouchers that were submitted by KING. Specifically he noticed disruption in KING's travel between Albuquerque, New Mexico and Washington, D.C.
- KING would make stops or have long layovers in Dallas or Houston, Texas, and he stated that KING had a home in one of those cities.
- He stated that he or the Chief of the Forest Service should have approved any deviation in travel prior the trip.

In reference to Jesse King and the travel card issues, DECOSTER stated the following:

- He stated that HANK KASHDAN, Associate Chief, Forest Service, discussed the KING travel card issue with him.
- KASHDAN advised him that KING was using the travel card in Albuquerque, New Mexico, which is KING's official duty station.
- He stated that he mentioned the government credit card issues to KIMBELL and KASHDAN.

In reference to Jesse King's request for Transfer of Station (TOS), DECOSTER stated the following:

- DECOSTER stated that he was not involved in KING's request to move from Washington, D.C. to Albuquerque, New Mexico.
- He did not review any paperwork associated with KING's Transfer to Station.
- The approving official on KING's TOS would have been the Chief of the Forest Service.
- He stated that ultimately the Chief of the Forest Service approved the TOS for KING.

EXHIBIT 9
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In reference to the Adverse Action against KING, DECOSTER stated the following:

- He stated that he was not aware of the proposed adverse action against KING until it was almost through the process and he did not review any of the letters or documents related to the proposed adverse action against KING.
- DECOSTER advised that KIMBELL or KASHDAN may have reviewed the documents related to the adverse action.

MEMORANDUM OF INTERVIEW

Name: Donna Carmical

Case Number: HY-0801-0094

Address: USDA - OIG
Forest Service Headquarter
Office of the Chief
Yates Building
Washington, DC

Date: July 10, 2009

Phone: ————— SA(s): Harold Stanford and Francis Riddick

On Wednesday, July 10, 2009, Special Agent (SSAs) Harold Stanford and Francis Riddick interviewed Donna Carmical (CARMICAL) at the Forest Service Headquarters, Yates Building, Washington, DC in regards to an on-going investigation of subject, JESSE KING.

Interview statements from CARMICAL:

- CARMICAL stated that she was promoted to the Chief Financial Officer, Forest Service, on July 5, 2009, and was acting CFO since March 2009.
- Prior to being promoted she was the Director, ASC, Albuquerque, New Mexico, from March 2007 until about March 2009, when she started acting as CFO.
- She recently relocated to the Washington, D.C. area and is temporary living with family at
- She stated in April 2008, she first became aware of the issues with KING being past due on his government issued credit card.
- She was informed of the charges were personal and made for food and meal while KING was in Albuquerque, New Mexico, which was his official duty station.
- She stated that PARK discussed the issue with SHIBUYA who elevated it up his chain of command
- She stated that he was interviewed in around May 2008, by a Misconduct Investigator in the Department regarding issue with KING.

In reference to Jesse King and the travel card issues, KASHDAN stated the following:

- She stated around April 2008, Michael Clonts, Deputy Director, ASC, Albuquerque, New Mexico, advised her of the allegations of possible misuse of the government credit card to include delinquent payments on the account by KING.
- She stated during the time ,this issue was on-going, there was no policy in place for reporting abuse of government credit cards involving the SES employees.
- She stated that there is a current policy that government credit card use including delinquent payments, will be reported to KASHDAN.
- She also advised that KASHDAN now reviews the Data Mining Report on government credit cards.

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- She stated that Jeff Park decided to take the issue directly to Melvin Shibuya, Chief, Employee Relations, Forest Service, and did the discuss it with his chain of command.

In reference to KING's request for Transfer of Station (TOS), KASHDAN stated the following:

- She did know that KING's official residence was in Houston, Texas.
- He was not involved in the KING's TOS directly but knows that it was processed through ASC.
- She stated that KIMBELL ultimately made the decision and was the approving official for KING moving from Washington, D.C. to Albuquerque, New Mexico.

~~-----In reference to the Adverse Action against Jesse King, KIMBELL stated the following:-----~~

- She was not involved in any aspects of the adverse action taken against KING.

MEMORANDUM OF INTERVIEW

Name: Hank Kashdan

Case Number: HY-0801-0094

Address: USDA - OIG
5601 Sunnyside Avenue
Suite 2-2230
Beltsville, MD 20705

Date: July 9, 2009

SSAs: Harold Stanford and Francis Riddick

Phone:

On Wednesday, July 29, 2009, Senior Special Agent (SSAs) Harold Stanford and Francis Riddick interviewed Hank Kashdan (KASHDAN) at the Office of the Chief, Forest Service, Yates Building, USDA, Washington, D.C., in regards to an on-going investigation of subject, JESSE KING.

Interview statements from KASHDAN:

- KASHDAN currently resides at
- KASHDAN has been employed with the Forest Service for about 36 years.
- He was promoted to the Associate Chief on January 5, 2009, prior to that he was the Deputy Chief for Business Operations and reported directly to the Chief in both positions.

In reference to KING's and the travel card issues, KASHDAN stated the following:

- KING's travel vouchers were reviewed and approved by DECOSTER or KIMBELL.
- He was aware of the possible misuse of the credit card by KING.
- He stated that CARMICAL first discussed the issues with KING's possible misuse of the government travel card with him.
- KASHDAN stated CARMICAL mentioned the issue to him and stopped by KASHDAN residence over a weekend and showed him one of KING's travel vouchers and wanted to get advice from him.
- He stated that Carmical specifically mentioned King maintaining high balance and delinquent on paying on the account.
- KASHDAN stated he noticed a few issues with the travel voucher one was that KING did not complete a USDA FS Form 6500-6, Constructive Travel Using Common Carrier Cost Comparative Statement.
- He requested that once CARMICAL returned to Albuquerque, New Mexico, the following week that she send him all KING's travel vouchers since he transferred to Albuquerque, New Mexico.
- He reconstructed KING's travel and noticed that KING would take flights from New Mexico to Houston, Texas.
- Based on his analysis, he immediately contacted KATHLEEN BURGERS, former Director, Human Capital Management, Forest Service, and advised her of the matter and requested that she contact the appropriate official in the Department to report this matter.

- BURGERS did refer the matter to the Department. He instructed BURGERS to advise SHIBUYA that the KING matter had been referred to the Department to handle.
- He instructed BURGERS to advise SHIBUYA that the KING matter had been referred to the Department to handle.
- He stated that he was interviewed in around May 2008, by a Misconduct Investigator in the Department regarding issue with KING.

In reference to Jesse King's request for Transfer of Station (TOS), KASHDAN stated the following:

- He did know that KING's official residence was in Houston, Texas.
- He was not involved in the KING's TOS and stated that KIMBELL ultimately made the decision and was the approving official for KING moving from Washington, D.C., to Albuquerque, New Mexico.

In reference to the Adverse Action against Jesse King, KIMBELL stated the following:

- KASHDAN stated KIMBELL did have him review the draft Report of Investigation from OHCM.
- He was not involved in preparing the disciplinary action against KING. Although, he stated that the KIMBELL did show him the "Proposal for Removal Letter" only for information and did not request input from him.

**CONSTRUCTIVE TRAVEL USING COMMON CARRIER
COST COMPARATIVE STATEMENT**
(Ref. FSH 6509.33, Sec. 1-2.5b)

A. COSTS OF TRAVEL BY COMMON CARRIER:

	<u>I</u> <u>Direct Travel</u>	<u>II</u> <u>Indirect Travel</u>
1a. Common Carrier fares:	\$ <u>666.30</u>	\$ <u>525.30</u>
1b. <input type="checkbox"/> Check here if Indirect fare (Column II) is a penalty fare rate.		
2a. Taxi and/or limousine fares to/from terminal; or	\$ <u>50</u>	\$ _____
2b. POV mileage in lieu of taxi to and from terminal: _____ miles @ _____ cents	\$ _____	\$ _____
2c. Rental Car fees for <u>1</u> days	\$ _____	\$ <u>89.10</u>
3. Per diem/actual subsistence claim for _____		
a. _____ days @ \$ _____ a day + \$ _____ lodging		\$ _____
b. _____ days @ \$ _____ a day + \$ _____ lodging	\$ _____	
4. Excess baggage costs:	\$ _____	\$ _____
5. Total Costs (1 + 2a or 2b + 2c + 3 + 4)	\$ <u>716.30</u>	\$ <u>614.40</u>

Traveler may claim the lesser of A.5.I Direct Travel or A.5.II Indirect Travel.

B. SCHEDULES USED TO DETERMINE TOTALS SHOWN IN SECTION A

Travel occurred October 24 through October 27.

	<u>Direct Travel</u>		<u>Indirect Travel</u>	
	Date	Time	Date	Time
1. Leave home/office for CC terminal				
2. CC scheduled departure from official station				
3. CC scheduled arrival at official station				
4. Arrive residence or office				

C. EXCESS TRAVEL TIME DURING WORKING HOURS AND/OR ANNUAL LEAVE TAKEN:

Annual Leave	_____	_____	_____	_____	_____	_____	_____	_____	_____
	Date	From	To	No. Hours	Date	From	To	No. Hours	
		(Clock Hours)				(Clock Hours)			

T&A Clerk Initials _____

MEMORANDUM OF INTERVIEW

Name: Abigail Kimbell

Case Number: HY-0801-0094

Address: USDA - OIG
5601 Sunnyside Avenue
Suite 2-2230
Beltsville, MD 20705

Date: July 29, 2009

Phone: (202) 821-8708

SSA Harold Stanford
IPC Vivian Warner

On Wednesday, July 29, 2009, Senior Special Agent (SSA) Harold Stanford and Investigative Program Coordinator, (IPC) Vivian Warner, conducted a telephone interview with Abigail Kimbell (KIMBELL) from the office of Office of Inspector General, USDA, Northeast Region, Beltsville, Maryland, in regards to an on-going investigation of subject, JESSE KING. KIMBELL is currently the Director, Research Development, for the USDA Forest Service.

Interview statements from KIMBELL:

- KIMBELL currently resides at
Government Issued Cell #: (202) 821-8708.
- KIMBELL will be retiring from the USDA Forest Service effective Monday, August 1, 2009. Her future residence address is:
- KIMBELL is currently the Director of Research Development for the USDA Forest Service, Office of the Chief. KIMBELL has held this position since July 5, 2009. Prior to this position, KIMBELL was the Chief of the USDA Forest Service and was the direct supervisor for Mr. King. KIMBELL has worked with the Department for 35 years.

In reference to Jesse King and the travel card issues, KIMBELL stated the following:

- KIMBELL stated that the Chief of Staff reviewed and approved travel vouchers for Jesse King. KIMBELL did not recall ever reviewing or approving King's travel vouchers but indicated that she may have. In the absence of the Chief of Staff, there was no one who acted in this capacity. The review and approval would wait for the Chief of Staff to return. The Chief of Staff was the final approving official for King's travel voucher. Once the travel voucher was reviewed and approved by the Chief of Staff, it would go directly to NFC for processing.
- KIMBELL stated that she first became aware of King's travel voucher discrepancies upon notice of an investigation being conducted by OHCM. At that time she received a travel card report that is run by the Department indicating employees travel card usage,

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payments and delinquencies. KIMBELL stated this report is run regularly by the Department but would go directly to Albuquerque Service Center for handling.

- KIMBELL stated that once she was made aware of the investigation and King's travel card delinquency, she immediately contacted him. KIMBELL stated that King was in Washington, D.C., for a leadership conference so she was able to speak with him in person regarding this matter. KIMBELL stated that she informed King to take care of this matter before he left Washington, D.C.
- KIMBELL also stated that at this time she had only received preliminary information regarding the investigation by OHCM, she had not yet received a copy of the final report. OHCM was waiting to finalize the report/investigation once King provided his written statement.
- KIMBELL indicated that prior to this investigation; Hank Kashden had not brought the travel card issues regarding King to her attention.

In reference to Jesse King's request for Transfer of Station (TOS), KIMBELL stated the following:

- KIMBELL stated she approved the CFO position (TOS) for King to move from Washington, D.C. to Albuquerque, New Mexico. KIMBELL stated that she did not review any paperwork regarding this move. KIMBELL stated that the only paperwork she reviewed/approved was an application for travel authorization. There was no other paperwork associated with this TOS. KIMBELL stated that this TOS was discussed with J. Michael Kelly and Chuck. KIMBELL stated that she received approval for this TOS from both J. Michael Kelly and Chuck.

In reference to the Adverse Action against Jesse King, KIMBELL stated the following:

- KIMBELL stated she reviewed the Report of Investigation from OHCM. KIMBELL stated that she was directly involved in the process for the proposed removal of King. KIMBELL stated that she did not directly speak with J. Michael Kelly regarding this adverse action. KIMBELL stated that J. Michael Kelly discussed this decision with Hank Kashden, she did not. KIMBELL stated she had sent an e-mail to arrange a meeting but never received a response. KIMBELL stated that she reviewed the decision letter/proposed removal prepared by OHCM's Leslie Violet for King. KIMBELL stated that she did not like the tone of the letter and made changes to it and it was returned to Leslie Violet.
- KIMBELL stated she discussed this adverse action/matter with the Under Secretary.
- KIMBELL stated Leslie Violet continued to work on the Decision Letter/Proposed Removal of King after her changes/comments regarding the tone. During this time King decided to take an optional retirement so the Decision Letter/Proposed Removal became mute.

- KIMBELL stated King decided to retire with the retirement being effective February 3, 2009.
- KIMBELL stated the Proposed Removal Letter was given to King sometime in December, was not sure of the exact date. KIMBELL did recall that due to the holiday season that was the reason for the delay in King receiving the letter.
- KIMBELL stated King requested a 20 day extension to respond to the Notice, which she approved. KIMBELL stated King did respond to the Notice. The response was given to both Leslie Violet and herself. The response is currently in Leslie Violet's file.
- KIMBELL stated that she did not keep any e-mails, documents or files related to this matter.
- KIMBELL stated that in order to avoid a situation like this again, the routine reports run by the Department is directly submitted to the Office of the Chief for review.

Telephone interview began @ 10 a.m., ended @ approximately 10:50 a.m.

MEMORANDUM OF INTERVIEW

Name: J. Michael Kelley

Case Number: HY-0801-0094

Title: Associate General Counsel
Office of General Counsel
U.S. Department of Agriculture
Washington, D.C.

Date: August 3, 2009
SSA Francis Riddick
IPC Vivian Warner

Mr. Kelley's duties and responsibilities include but not limited to providing legal advice and services to the Secretary of Agriculture and to all other officials and agencies of the Department with respect to all USDA programs and activities.

Mr. Kelley was questioned regarding his knowledge the proposed adverse action recommended against Mr. Jesse King, former Chief Financial Officer, Forest Service (FS), USDA.

Mr. Kelley stated his knowledge/involvement with the issues surrounding Mr. King was limited. Sometime in February 2009, Hank Kashdan, former Deputy Chief for Business Operations, FS, contacted him via telephone regarding the proposed adverse action and decision letter related to Mr. King's termination from Government service. Mr. Kashdan informed Mr. Kelley that officials from the Office of Human Capital Management (OHCM) specifically Leslie Violette and Jill Crumpacker wanted Ms. Abigail Kimbell, former Chief, of FS to prepare a letter terminating Mr. King from Government service. Mr. Kelley told Mr. Kashdan he did not believe it was necessary to issue a proposed termination letter to Mr. King since he had retired.

Mr. Kelley did not discuss this issue with anyone except Mr. Kashdan. The only documents or files relating to this issue were a couple e-mails and a letter from the Office of Special Counsel, requesting an investigation into the matter.

FY 2008 Performance Accomplishments
Jesse L. King
Chief Financial Officer, Forest Service

Element 1 – Leadership/Management

Mr. King's participation in the agency's Executive Leadership Team contributed to the successful management of the agency through a difficult fiscal and fire season.

Mr. King's leadership has sustained the agency's clean audit opinion on its Financial Statements for Fiscal Year (FY) 2007 for a sixth consecutive year. His leadership will result in the seventh clean audit opinion on the agency's financial statements for FY 2008. His leadership has resulted in the agency successfully mitigating the one remaining material weakness (Information Technology) by working jointly with the Chief Information Officer to downgrade the IT material weakness to a significant deficiency. The agency is in full compliance, for the third year in a row, with OMB Circular A-123 Appendix A. All FY07 audit recommendations were closed and all FY02 IT Security Findings were closed during this fiscal year.

The current Lean Six Sigma Transaction Processing (LSTP) initiative was started by the Forest Service Chief Financial Officer (CFO) in Fiscal Year 2007 and is now being leveraged by the USDA as a departmental solution. Mr. King led the project for the USDA OCFO and the Forest Service will serve as the pilot agency. This fiscal year, the initiative received approval by USDA officials for the functional requirements and resulted in the stand up of a new project management office. He led the negotiation of an agreement between the U.S. Treasury and USDA, to use its Internet Payment Platform (IPP) as its vendor web portal for submission of electronic invoices and invoice status information. LSTP was instrumental in the success of the USDA COOP for Hurricane Gustav, as invoices were processed on the first day of operations at the alternative worksite, which would have been impossible without LSTP.

Mr. King provided the necessary support and leadership to the agency Acquisition Management Director for the inter-Deputy Chief effort in the development of the Virtual Incident Procurement (VIPR) system as a tool to facilitate nationally consistent incident procurement policies and to relieve burdensome requirements through automation. Internal processes for improving the CIO IT property program to improve accountability of IT property were developed and implemented. Initiated mechanisms to correct personal property inventory shortcomings identified in the OMB A-123 internal control milestones. Collaborated with ASC Property to develop and finalize a Capital vs. Operating Lease Determination scoring model. This included extensive research of FASB No. 13 and OMB-A-11, Appendix B, and included collaboration with the Financial Accounting Standards Board and the General Services Administration.

Element 2 – Mission Results

Throughout FY2008, Internal Quality Assurance staff under Mr. King's direction provided exceptional advisory and assessment services. IQA saw significant increases in its responsibility as it has for the past three years since its creation with the Albuquerque Service Center. IQA strives to achieve three fundamental strategic objectives: (1) Support the USDA Assessment and Assurance functions for A123, (2) Provide FS Management with advisory services to improve efficiency and effectiveness of business processes, and (3) Conduct operations so that third parties can rely on results. Assisted in Department of Homeland Security and Office of Inspector General Hurricane Katrina Audit and other small reviews, as well as conducting our agency's conformance assessment with the Office of Management & Budget Circular A-123 Appendix A, *Internal Control over Financial Reporting*; Appendix B, *Purchase Card Management*; and Appendix C, *Improper Payments Improvement Act of 2002*. These circulars implement the requirements of the Federal Manager's Financial Integrity Act of 1982 (FMFIA).

Mr. King continues to emphasize performance measures to achieve or sustain levels required by the Office of Management and Budget and the USDA OCFO. To that end, Mr. King's leadership resulted in a significantly decreased backlog of claims cases migrated from the field to the ASC resulting in closure of approximately 768 affirmative tort and trespass claims. This resulted in the collection of \$120 million

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back to the Forest Service to support fire suppression and/or reforestation projects. Supported USDA's initiative for protection of PII information by having 23,000 square feet of files centralized which created a more secure filing process, efficiencies in filing and retrieving files and improved use of facilities space. Improved OMB Scorecard metrics in FY 2008: moved IPAC into green, sustained green for entire year; moved Treasury 224 reporting from red to Green; improved Prompt Payment Statistics from red to green; improved Property Inventory measurements from red to green; consistently reduced interest paid for late payments and maintained Green; and maintained green on EFT requirements

In FY 2008, reduced and/or eliminated 20 open audits over one year old with 137 outstanding audit recommendations: Under Mr. King's leadership, over 30 major actions involving Forest Service staffs, Office of the Chief Financial Officer, Department of Interior, Office of Inspector General (OIG), Government Accounting Office (GAO), Office of General Counsel, and other USDA agencies were processed. The major actions included processing Statement of Actions for the Under Secretary's concurrence and the Secretary's signature, obtaining management decision with OIG, and responding officially to OIG and GAO audit reports and requests for data. Under his leadership the oldest audits from 2000 and 2001 were closed, the IT audit recommendations that represented the IT material weakness were closed, and 75% of the outstanding financial statement recommendations were closed. Overall, over 70 OIG audit recommendations were closed and six audits were submitted for closure.

Element 3 - Civil Rights

Mr. King continues to demonstrate his support of the agency's diversity goals by his efforts during the staffing of three program areas within the Forest Service under his direct supervision. He also works with the Civil Rights staff to resolve issues brought to his attention keeping the rights of employees in the forefront and actively seeks solutions amiable to management. The Albuquerque Service Center has achieved a highly diverse workforce, which exceeds the Forest Service percentages in five of six represented groups.

For the second year, the Forest Service met/exceeded the Small, Disadvantaged, Veterans, and Women Owned, Business (SDVOB) goals. Two Forest Service employees won USDA's 2008 Small Business and Ability One awards. Effort continued to hire high skilled diverse employees for positions within the Albuquerque Service Center, Acquisition Management, and Financial Management staff.

Element 4 - Personal/Organizational Emphases

Mr. King continues to be a key management official in the operations of the Budget and Finance and the Acquisition Management organizations both at the Albuquerque Service Center and throughout the agency. With the agency's Chief Information Officer, provides organization emphasis to the resolution of the remaining IT material weakness.

Continue Improvement of Financial Management: Mr. King coordinated the activities of and provided counsel to the USDA Chief Financial Officer, Charles Christopherson and Associate CFO Jon Holliday, in the Lean Six Sigma Transaction Processing initiative. This major improvement effort was led by Mr. King for the FS and subsequently for U.S. Department of Agriculture to eliminate paper by the implementation of an electronic process to improve efficiency and effectiveness in the payment process. The project is in a developmental stage and is scheduled for implementation in the FS in FY 2009.

Element 5 - Safety, Health, and/or Homeland Security

Mr. King supports the agencies policies and the Chief's high priority on safety. Members of his staff are assigned active roles in providing information to keep the Continuity of Operations Plan updated and serve as emergency evacuation wardens/monitors. Safety concerns voiced by employees are dealt with promptly. On site safety reviews are conducted, phone trees and Occupant Emergency Plans are kept current.

USDA Senior Executive Service
Performance Agreement

Executives in the Department of Agriculture are accountable for supporting the Department's mission to provide leadership on food, agriculture, natural resources, and related issues based on sound public policy, the best available science, and efficient management. The Department's strategic goals are:

- Enhance international competitiveness of American agriculture
- Enhance the competitiveness and sustainability of rural and farm economies
- Support increased economic opportunities and improved quality of life in rural America
- Enhance protection and safety of the nation's agriculture and food supply
- Improve the nation's nutrition and health
- Protect and enhance the nation's natural resource base and environment

Appraisal Period: 10/01/07—9/30/08	
Employee Name: JESSE L. KING	SSN:
Position Title: Chief Financial Officer	Series and Salary: ES-0510-00 \$162,411
Organization: USDA Forest Service	

Certification of development and receipt of Performance Agreement Signatures certify discussion with employee and receipt of Performance Agreement which reflects current position description.	
Employee Signature: <i>Jesse L. King</i>	Date: 9/28/07
Supervisor's Signature: <i>[Signature]</i>	Date: 9/28/07
Reviewing Official's Signature: <i>[Signature]</i>	Date: 9/30/07

PROGRESS REVIEWS

Employee's Initials & Date <i>JLK 9/28/07</i>	Employee's Initials & Date <i>JLK 4/11/08</i>	Employee's Initials & Date <i>JLK 10/9/08</i>
Supervisor's Initials & Date <i>[Signature] 9/28/07</i>	Supervisor's Initials & Date <i>[Signature] 4/11/08</i>	Supervisor's Initials & Date <i>[Signature] 10/9/08</i>

Part I: USDA Mandatory Elements and Performance Requirements

ELEMENT 1: Leadership/Management (critical):

Lead organizational change, motivating managers to incorporate vision, strategic planning and results-driven management into full range of the organization's activities. Address programmatic and organizational requirements as necessary to motivate and lead organization. Design and implement strategies to maximize employee potential in meeting organization's mission and goals. Acquires and administers human, financial, material, and information resources in a manner which instills public trust and accomplishes the organization's mission and uses new technology to enhance decision making.

Provides leadership to develop and implement strategic plans for civil rights. Enforce all civil rights laws, rules, regulations, and executive orders in leading and managing organization.

Provide leadership in the accomplishment of agency programs or service functions, incorporating the Forest Service Goals and Objectives in the Strategic Plan for FY 2004-2008 into program administration. Support the President's priorities as well as those established by the Secretary.

Fully Successful Performance Requirement - Element 1:

Human, financial and property resources were effectively managed to achieve performance goals. Current and future needs assessments were based on organizational goals and budget realities, and opportunities to reduce program and administrative costs were sought.

Management control systems were established or maintained to monitor activities, identify problem areas, and initiate timely corrective action.

Uses agency performance plans, corporate priorities, and other management systems to ensure subordinate employee's performance plans are linked to outcomes and to overall organizational performance objectives. Ensure that during the rating period at least one formal discussion occurs for all subordinates, and that all employees are appraised realistically against clear, measurable standards of performance and within established time frames. Data from employee feedback indicates improvement in or general satisfaction with the planning, developing, monitoring, rating and rewarding of performance.

President's Management Agenda: Achieves results prescribed by the Secretary, Deputy Secretary, senior management, and oversight agencies pertaining to the President's government-wide management initiatives intended to improve agency and organizational effectiveness and effectiveness and efficiency in assigned program areas. Establish appropriate strategic plans, including goals and implementation activities necessary to effect program changes targeted at achieving desired results. Ensures goals and activities are reflected in performance plans of subordinate managers and are cascaded throughout their organization. Submit quality progress reports and work products to superiors, including the Departmental officials as required. Effectively manages resources toward the attainment of the program initiative goals and meets prescribed objectives and goals imposed by regulatory/oversight agencies (e.g. OMB, OPM), the Department, or agency.

Employee performance plans are aligned with organizational goals and focus on results achieved. Data from employee feedback indicates improvement in or general satisfaction with the planning, developing, monitoring, rating and rewarding of performance.

Agency Civil Rights Plan and Strategic Plan were implemented timely. All applicable goals and objectives related to accountability, program delivery, outreach, workforce diversity, employment practices, resources and structure, performance, procurement activities, and communications were met in accordance with Department and agency policy.

A results-oriented annual performance plan that included performance measures consistent with GPRA requirements was implemented. Program goals were accomplished within specified timeframes. Interests were balanced and priorities were adjusted in response to changing demands. Customer feedback was analyzed and needs/concerns identified

ALIGNMENT:

USDA Strategic Plan Goal 6 – Protect and Enhance the Nation’s Natural Resource Base and Environment

Objective 6.1 – Protect Watershed Health to Ensure Clean and Abundant Water

Objective 6.3 – Protect Forests and Grasslands

Objective 6.4 – Protect and Enhance Wildlife Habitat to Benefit Desired, At-Risk and Declining Species

Forest Service Business Operations Strategic Plan Goal 1: Streamline Systems and Processes
Improve the efficiency and effectiveness of service delivery internally and externally.

Forest Service Business Operations Strategic Plan Goal 2: Enhance workforce management
Enhance the workforce to reflect diversity, appropriate skill mix, and a high rate of retention, all of which helps the agency become an employer of choice.

Forest Service Business Operations Strategic Plan Goal 3: Exceed customer expectation in providing business services and products.

Objective 1.4 Implement reengineered structure that will facilitate the effective, efficient and economic delivery of business operations services.

Performance Measures/Action Strategies:

Continuous Improvement of the centralized Budget & Financial Management Organization:

- Implement LSTP Phase II by June FY08 for Forest Service and USDA. *Delayed until FY09 due to cost*
- Meet performance measures and expected outcomes as described in the Service Level Agreements between the ASC and the Customer Service Operations Board.
- Lead the development and publication of the Performance Accountability report for the agency for an on time delivery as outlined in the President’s Management Agenda.

Forest Service Business Operations Strategic Plan Goal 2:

Objective 2.1 - Make decisions about workforce management (i.e., recruitment, retention, and diversity) that reflect the strategies of the Workforce Management Plan.

Objective 2.3 – Develop the leadership and supervision skills of current and future managers.

Performance Measures/Action Strategies:

- Annual external hiring and Student Career Experience Program conversions reflect Workforce Plan goals 80 percent of the time. *yes*

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- Ten percent of all supervisors and managers complete performance or developmental training annually. *yes*

Forest Service Business Operations Strategic Plan Goal 3:

Objective 3.1 - Satisfy customers (internal and external), not only the first time but every time.

Performance Measures/Action Strategies:

- Procurement preference accomplishments meet or exceed USDA specified goals. *yes*
- End User support center satisfaction rating exceeds 80 percent.
- Service Level Agreements are met.

Rating:

- Exceeds Fully Successful
- Meets Fully Successful
- Does Not Meet Fully Successful

ELEMENT 2: Mission Results (Critical)

Demonstrates support for business strategic goals and initiatives within own organization and contributes to the achievement of overall USDA initiatives. Stresses accountability and continuous improvement to managers, makes timely and effective decisions, and produces results through strategic planning and the implementation and evaluation of programs and policies.

Ensure a high degree of responsiveness to organizational leadership, the public, and internal and external customers. Continually reviews, monitors, and strives to improve organizational performance to achieve USDA mission results.

Enforces all civil rights laws, rules, regulations, and executive orders in accomplishing the agency's mission

Fully Successful Performance Requirement – Element 2:

Addresses identified business priorities through activities that produced measurable results. New insights and innovative solutions were developed, where needed, which resulted in progress to resolve difficult issues, improve management or capitalize on emerging opportunities.

Recommendations and contributions were generally accepted because they were based on and demonstrated sound judgment, cost effectiveness, and sensitivity to the effects on overall policy, and were supported by sound analysis and rationale.

The mission area and agency's mission, core values, strategic goals and priorities were effectively communicated to employees, customers and other critical stakeholders who were involved in the development of objectives to accomplish those goals.

Administration and Department policies were supported and promoted in an affirmative manner. Policy issues were analyzed and strategic plans were developed from a long-term perspective. Strategies were developed and implemented that were consistent with the economic and political climate and agency goals.

Superiors were informed of sensitive and controversial emerging issues as well as problems and challenges that arose in the implementation and administration of Department programs.

Customer needs and expectations are identified and are considered when making decisions, identifying solutions, and resolving conflicts. Internal and external customers have their requirements and expectations met for high quality products or results with almost no exceptions.

Established schedules and deadlines for development of programs and policies were met and adaptations to changing priorities were made.

ALIGNMENT:

USDA Strategic Plan Goal 6 – Protect and Enhance the Nation's Natural Resource Base and Environment

Objective 6.1 – Protect Watershed Health to Ensure Clean and Abundant Water

Objective 6.3 – Protect Forests and Grasslands

Objective 6.4 – Protect and Enhance Wildlife Habitat to Benefit Desired, At-Risk and Declining Species

Forest Service Business Operations Strategic Plan Goal 1: Streamline Systems and Processes
Forest Service Business Operations Strategic Plan Goal 2: Enhance workforce management
Enhance the workforce to reflect diversity, appropriate skill mix, and a high rate of retention, all of which helps the agency become an employer of choice
Forest Service Business Operations Strategic Plan Goal 3 – Improve Customer Service

Objective 1.1 – Provide timely, affordable, accurate, and easy access to management information.
Objective 1.3 – Identify and implement opportunities for streamlining business processes and systems.

Performance Measures/Action Strategies:

- With the Department, implement LSGP by end of Fiscal Year '08. *Delayed by USDA*
- Implement Phase II of LSTP by June FY08 (includes department implementation). *Delayed until FY09 due to cost.*
- Implement GOVT Trip by September 30, 2008, (replaces Fed Traveler)
- Implement SMARTPAY2 by September 30, 2008. (replaces PCMS, travel card, BOA) *on target for implementation 11/30/2008 per USA Contract with US Bank*

Forest Service Business Operations Strategic Plan Goal 2:

Objective 2.1 - Make decisions about workforce management (i.e., recruitment, retention, and diversity) that reflect the strategies of the Workforce Management Plan

Performance Measures/Action Strategies:

- Annual external hiring and Student Career Experience Program conversions reflect Workforce Plan goals 80 percent of the time. *yes*

Forest Service Business Operations Strategic Plan Goal 3 – Improve Customer Service

Objective 3.3 – Support Forest Service Programs needs as requested by customers.

Performance Measures/Action Strategies:

- Customer requests in acquisition management meet service-standard baselines for requested support. *yes*
- Customer requests in ASC-B&F meet service – standard baselines for requested support.

Rating:

- Exceeds Fully Successful
- Meets Fully Successful
- Does Not Meet Fully Successful

ELEMENT 3. Civil Rights (Critical)

Provides leadership to develop and implement strategic plans for civil rights. Enforce all civil rights laws, rules, regulations, and executive orders. Ensure that sufficient resources are available to provide for an effective civil rights program. Hold all managers and supervisors accountable for achieving measurable civil rights goals and objectives in all employment, program delivery, and procurement activities.

Fully Successful Performance Requirement – Element 3:

Incorporates the Civil Rights Performance Plan into the agency or staff office strategic and annual performance plans developed in compliance with the Government Performance and Results Act.

Implements and enforces all applicable policies, regulations, rules, memoranda, and other USDA guidance.

ALIGNMENT:

Forest Service Business Operations Strategic Plan Goal 2: Enhance workforce management
Enhance the workforce to reflect diversity, appropriate skill mix, and a high rate of retention, all of which helps the agency become an employer of choice.

Forest Service Business Operations Strategic Plan Goal 5: Promote Civil Rights

Objective 2.1 - Make decisions about workforce management (i.e., recruitment, retention, and diversity) that reflect the strategies of the Workforce Management Plan

Performance Measures/Action Strategies:

- Annual external hiring and Student Career Experience Program conversions reflect Workforce Plan goals 80 percent of the time.

Forest Service Business Operations Strategic Plan Goal 5:

Objective 5.2- Ensure an environment where employees, cooperators and the public can learn about and exercise their civil rights, and where programs and services are delivered to comply with Civil Rights Law.

Performance Measures/Action Strategies:

- Conduct periodic employee surveys, educations and information, and awareness efforts to foster pro-active prevention following EEOC MD715, EEOC 29 CFR 1614 and CTA CR Business Plan. *yes*
- Identify and eliminate policies, procedures, and practices that are obstacles to achieving diversity. *yes*
- Identify barriers to a positive work environment through analysis of complaints, exit interviews, employee surveys, and program reviews. *yes*
- Refer to 6140-3 WO Letter, for performance measures and allocated targets identified in the Forest Service Program Director.

Rating:

- Exceeds Fully Successful
- Meets Fully Successful
- Does Not Meet Fully Successful

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ELEMENT 4: Personal/Organizational Emphases (Non-Critical)

Effectively accomplishes components of the agency's efforts to improve and maintain financial accountability and integrity as demonstrated through an unqualified audit opinion (clean opinion). Provides leadership to ensure the Forest Service has model business systems that provide integrity, accuracy, and timeliness of business transactions, accounting functions, and integration of related systems.

Fully Successful Performance Requirement - Element 4:

Forest Service receives a clean audit opinion on its FY 2008 financial statements.

Reports to internal and external business partners, e.g., OMB and the Department of the Treasury, are timely and accurate.

Continuous monitoring of the Albuquerque Service Center/Budget and Finance functions per the business plan and service level agreements is performed.

Begin the implementation phase II of the LSTP and monitor agency and department issues.

Meets requirements and reporting dates associated with internal controls as indicated in OMB Circular A-123, Management's Responsibility for Internal Control.

Develop and initiate implementation of a new AQM organization in concert with the transformation effort.

Resolve immediate Rosslyn space and long-term Headquarter space needs.

ALIGNMENT:

USDA Strategic Plan Goal 6 - Protect and Enhance the Nation's Natural Resource Base and Environment

Objective 6.1 - Protect Watershed Health to Ensure Clean and Abundant Water

Objective 6.3 - Protect Forests and Grasslands

Objective 6.4 - Protect and Enhance Wildlife Habitat to Benefit Desired, At-Risk and Declining Species

Business Operations Strategic Plan Goal 6, Objective 6.1 - Sustain financial management improvements and maintain an unqualified audit opinion (clean audit) through excellence in resource and capital asset management

Performance Measures/Action Strategies:

- Eliminate the remaining material weakness (IT) and no new weaknesses are identified in FY08 are identified in the financial statement audit. *yes*
- Reduce the number of accounts receivable over 180 days old.
- Reduce the number of SUSF rejects over 30 days old.
- Reduce the number of open obligations over 365 days old.
- Amount of interest penalty charges paid reduced from previous year's baseline.
- All SLA's identified by the Customer Service Board and President's Management Agenda improve to achieve "green" score.

ALIGNMENT;

Business Operations Strategic Plan Goal 6, Objective 6.2 – Provide accurate reports to internal and external business partners, e.g. OMB and the Department of the Treasury.

Performance Measures/Action Strategies:

- Submit quarterly FACTS II accurately and timely without any abnormal conditions.
- Submit annual FACTS I and the Treasury Report of Receivables (TROR) accurately and timely.
- Ensure all subsidiary systems are reconciled with the FFIS accounting systems monthly

Rating:

- Exceeds Fully Successful
- Meets Fully Successful
- Does Not Meet Fully Successful

ELEMENT 5: Safety/Health and Homeland Security (Critical)

Incorporate safety, health, and homeland security considerations into work projects, activities, and program policies, resulting in a workplace that is free from recognized hazards.

Fully Successful Performance Requirement – Element 5:

Identified safety action plan items are accomplished at the ASC-B&F.
Ensure that safety data are entered into the safety and health reporting system in a timely and accurate manner.

ALIGNMENT:

Forest Service Business Operations Strategic Plan Goal 4: Incorporate Safety, Health, and Homeland Security
Objective 4.1 - Identify and correct deficiencies in safety programming.

Performance Measures/Action Strategies:

- 100% of annual health and safety action plan items are accomplished.

Objective 4.2 - Improve reporting and tracking of accidents and incidents.

Performance Measures/Action Strategies:

- All ASC-B&F, AQM, and FIN employees' complete required safety and health training. *yes*
- Safety drills are performed at all locations *yes*
- All employees within the CFO organization complete required security awareness training within specific timeframes. *yes*
- Safety "tailgate" sessions are performed at employee group functions. *yes*

Rating:

- Exceeds Fully Successful
- Meets Fully Successful
- Does Not Meet Fully Successful



FY 2008 Performance Contract
Jesse L King, Chief Financial Officer
October 1, 2007 – September 30, 2008

1. Sustain the Unqualified (Clean) Financial Statement Audit Opinion

Goal: Improve and maintain financial accountability and integrity as demonstrated through an unqualified audit opinion.

- a. Fully successful – Forest Service receives a clean audit opinion on its FY2008 financial statements
- b. Superior – Forest Service receives a clean audit opinion on its FY2008 financial statements and receives no new material weaknesses or reportable conditions
- c. Outstanding – Forest Service receives a clean audit opinion on its FY2008 financial statements and makes substantial progress in resolving material weaknesses, reportable conditions and compliance issues with laws and regulations.

2. Continuous Improvement of Financial Management

Goal: Continuous monitoring of Financial functions at the Albuquerque Service Center (ASC).

- a. Fully successful – Service Level Agreements achieve 80% of desired levels.
- b. Superior – Service Level Agreements are exceeded by met.
- c. Outstanding – Service Level agreements are exceeded by 2% and remaining finance functions are identified to move to the ASC as a result of the transformation efforts.

3. Eliminate Business Operations Open Outstanding Audit Findings Over One Year

Goal: Reduce and/or eliminate the remaining open Business Operations Audit Findings Over One Year Old

- a. Fully successful – Close 50% of the Open Audit Findings Over One Year Old
- b. Superior – Close 60% of the Open Audit Findings Over One Year Old
- c. Outstanding – Close 70% of the Open Audit Findings Over One Year Old

4. Develop and implement new AQM organization.

Goal: Achieve meaningful improvements in the effectiveness and efficiency of AQM as it relates to program delivery.

- a. Fully Successful – New organization is designed for implementation in concert with the transformation effort.
- b. Superior – New organization is designed for implementation and initial stage is completed by September 30, 2008.
- c. Outstanding – Superior measure and in addition facility issues for headquarter is decided and initiated.

TIMELINE OF EVENTS ON JESSE KING

In May 2008, the USDA Departmental Administration (DA), Office of Human Capital Management (OHCM) received a complaint alleging misconduct and mismanagement on the part of King. It is alleged King repeatedly used his Government issued travel card for personal use, failed to obtain authorization to deviate from his official travel, use Government contract airline fares for personal travel that resulted in additional expenses for the Government and failed to repay the balance on his Government issued travel card. OHCM imitated an investigation into these allegations (FS-SES-2008-01).

The results of the investigation substantiated the allegations. On September 26, 2008, KING was interviewed and acknowledged that he is not authorized to use the government travel charge card for personal use, but admitted to utilizing the card to charge food, meals and rental cars at his duty station (Albuquerque, NM) and charging transportation (car service and rental cars) at or near his personal residence in Houston, Texas. King admitted that all of the charges were when he was not on official travel. The following is a timeline of the events related to this matter:

April 2008 – Two Forest Service (FS) employees reported to Melvin Shibuya, Chief, FS Employee Relations, Albuquerque, NM, that Jesse King, Chief Financial Officer, FS, was past due on his government issued travel card and is using the travel card and made personal charges on the card.

April 2008 – Shibuya began to pursue the matter through his supervisor and up the chain of command. The issue comes to the attention of Donna Carmical, Director, Albuquerque Service Center, FS.

April 2008 - Carmical reports the matter to her supervisor, Hank Kashdan, Deputy Chief for Business Operations, FS. Kashdan advises that he will have "someone else" investigate the matter. Carmical calls Roy Roosevelt at the Albuquerque Service Center and directs him to tell Melvin Shibuya "to turn the matter over to the Department" and "put a lid on it."

May 6, 2008 to September 26, 2008 – Debra Gilmore, Senior Employee Relations Specialist, Departmental Human Resources Division, Labor/Employee Relations and Litigation Branch, Office of Human Capital Management (OHCM), Departmental Administration, was assigned to investigate the misconduct allegations by King. Ms. Gilmore obtained both documentary evidence and sworn testimony substantiating the allegations.

September 30, 2008 – Performance rating period ends for Senior Executives.

November 4, 2008 – Lynn Alexander, Attorney, Disclosure Unit, Office of Special Counsel (OSC) contacted Jill Crumpacker, former Director, OHCM, USDA and requested a copy of the Report of Investigation (ROI) on King.

November 4, 2008 – Performance Review Board (PRB) convened to review SES ratings and bonus recommendations for FS executives. King is recommended to receive a “Superior” rating, a 3% salary increase, and a \$13,000 cash award by the PRB. The PRB members include: Mark Rey, Under Secretary for Natural Resources and Environment; Dr. Gerald Bange from the Office of the Chief Economist; Carolyn Cooksie from the Farm Services Agency; Hubert Hamer from the National Agricultural Statistics Service; and James Schaub from the Office of the Chief Economist.

November 6, 2008 – Crumpacker sent Alexander an e-mail advising her that OHCM staff drafted a proposed removal letter and the delegation of authority to take adverse action against the SES (KING) was forwarded to the Chief of the FS. Note: The authority to take actions against an SES official is the responsibility of the Director of OHCM. The Director generally delegates that authority to the head of the agency but can be delegated to the respective agency.

November 24, 2008 – Roberta Purcell, former Director, OHCM, sent an e-mail to Abigail Kimbell, former Chief of the FS and attached a copy of the Letter of Delegation and a draft of the Notice of Proposed Removal for King

December 15, 2008 – Notice of Proposed Removal is prepared and signed by Abigail Kimbell.

December 15, 2008 (approximate) – King is issued a performance award of \$13,000.

January 7, 2009 – King receives Notice of Proposed Removal, requests 20 additional days to respond to notice. Request is approved by Abigail Kimbell, in writing the same day.

January 9, 2009 – Kimbell sends an e-mail to King advising his request for a 20 day extension was approved and the approval letter was attached to the e-mail.

January 28, 2009 – King submits written reply; reply indicates his desire to retire. He submits an optional retirement application with an effective date of March 31, 2009.

January 29, 2009 – Departmental Human Resources Division (DHRD), OHCM was assigned to process the King optional retirement. OHCM requests OPF and necessary documents to prepare the application before it is forwarded to Office of Personnel Management (OPM).

January 30, 2009 – Kimbell spoke with Violette telephonically and informed her that KING advised he was prepared to retire. Kimbell advised she would accept the retirement application and make it effective March 31, 2009. Violette asked why it would take until March 31. Kimbell advised it would take that long for FS to process the paperwork. Violette strongly encouraged Kimbell to let her office process the retirement paperwork for King.

January 30, 2009 – DHCM received the completed retirement application.

February 2, 2009 – Violette forwarded “Decision Letter” on King to Crumpacker.

February 4-6, 2009 – Director, DHRD, follows up with Forest Service Benefits Officer, Sue Lawrence, regarding the retirement date of March 31, 2009, for King. As it was an “immediate retirement,” DHRD was questioning the date of the retirement. DHRD learned that King was on leave through Friday, February 6, but would be returning to work on Monday, February 9. DHRD assumed King was on administrative leave during the notice period of the adverse action.

February 6, 2009 – Violette sent e-mail to Bonnie Stewart, DHRD staff advising the retirement date for King should be February 3, 2009.

February 9, 2009 – DHRD Director contacted Mr. King regarding his retirement date of March 31, 2009. Mr. King stated that was the date he had chosen. DHRD Director reminded him that the adverse action was still pending a decision, and as long as he was on the rolls, a decision would be forthcoming. He asked the DHRD Director what date he should retire. The DHRD Director told him that the decision was his, it was completely voluntary on his part, and he could make whatever choice he wanted. He just needed to be informed of the situation. King said he would retire effective February 3, 2009 and fax DHRD Director his revised application immediately.

February 9, 2009 – DHRD prepared a notice of decision effecting the removal of Mr. King on Friday, February 13; holding in abeyance the decision, only if he was retired prior to the effective date of the removal.

February 9, 2009 – Kimbell contacted Crumpacker via e-mail and requested that Violette contact her (Kimbell) directly if she had questions and not call the FS HR staff directly.

February 9, 2009 – Crumpacker e-mailed Kimbell and advised that she would receive the letter today and the effective date of the retirement is not negotiable and should be immediate. Crumpacker also advised Kimbell that King should be placed on administrative leave status during the period of the adverse action.

February 9, 2009 – Violette advised via e-mail that the retirement package was complete but King wants to make a deposit for his military service prior to retirement. This makes that retirement more complicated to process and the package cannot be completed today.

February 11, 2009 – Gail Kimbell, Deciding Official, declined to issue the decision, citing the reason that King had already retired.

February 11, 2009 – Violette sent an e-mail to Kimbell to determine if the decision letter was mailed Federal Express or faxed to King that day. Violette advised that King must receive the letter before or by the effective date which was Friday, February 13, 2009.

February 12, 2009 – Kimbell sends e-mail to Violette, Crumpacker and Hank Kashdan advising she does not intend to issue the letter since Mr. King has retired. Kimbell states that she would be happy to discuss it further in person but will want to have J. Michael Kelly, Acting General Counsel, Office of General Counsel, USDA attend the meeting.

February 12, 2009 – Violette advises that Kimbell's statement that King has retired is incorrect. Until King's retirement is approved he has not retired and he has stated only his intent to retire. The statement of intent could change at any time until the date of the approval of the retirement.

February 12, 2009 – DHRD Benefits Officer continued to work with the Forest Service to obtain necessary documentation to complete King's retirement package. DHRD still awaits SF-2809's, "Health Benefits Forms," and SF-2817's, "Life Insurance Election Forms," in King's OPF, which they claim they do not have.