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October 5, 2007

The Honorable Clay Johnson III  
Deputy Director for Management, Office of Management and Budget  
and Chairman, President's Council on Integrity and Efficiency  
Executive Office of the President  
725 17<sup>th</sup> Street, NW  
Washington D.C. 20503

Re: PCIE Complaint against GSA Inspector General Brian Miller and  
Acting Deputy Inspector General Robert Samuels

Dear Mr. Johnson:

I am Counsel to the Inspector General of the General Services Administration (GSA), and it is with great reluctance that I am filing this complaint against Brian Miller, GSA's Inspector General, as well as against Acting Deputy Inspector General (DIG) Robert Samuels. The concerns I am raising are threefold: (1) Acting DIG Samuels, with the apparent approval or at least knowledgeable acquiescence of Inspector General Miller, has recklessly violated the law in connection with a non-reimbursable detail of an OIG employee; (2) it appears Inspector General Miller and Acting DIG Samuels have misused the resources of the Office of Inspector General by transforming a principally open, audit-driven Office of Internal Evaluation into a secretive tool for, among other things, inaccurate and improper personnel actions; and (3) after forcefully bringing the first two matters again to the attention of Inspector General Miller, Acting DIG Samuels engaged in a prohibited personnel practice by filing a GSA Office of Inspector General (OIG) hotline complaint against his subordinates, Deputy Counsel Virginia Grebasch and me, with Inspector General Miller's assent or at least reckless disregard for the likelihood of Acting DIG Samuel's actions. In view of these concerns, and for the reasons set forth below, I am asking for the President's Council on Integrity and Efficiency (PCIE) to investigate the actions of both Acting DIG Samuels and Inspector General Miller in connection with these matters.

Two and a Half weeks ago, on Monday, September 17, 2007, I initiated an unusual process for Counsel of an Office of Inspector General, by filing, together with Deputy Counsel Grebasch, a hotline complaint against GSA's Acting Deputy Inspector General Robert Samuels. One of the unusual aspects of this filing was that we purposefully disclosed it to Inspector General Brian Miller, in hopes that the filing would finally get his attention and lead to a full and open review, and a prompt, legally acceptable resolution of the matter. This hotline filing raised concerns about three items, including what appeared to be, based on the limited facts the Office of Counsel had been allowed to see, a reportable Anti-Deficiency Act

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violation that Acting DIG Samuels had created, and continued to extend, despite our repeated attempts to have the situation rectified.<sup>1</sup>

Unfortunately, our hoped-for internal resolution of this matter did not occur. In fact, following a series of meetings with the Inspector General, my Deputy Counsel and I took an even closer review of our files relating to this situation, and we reluctantly concluded that our hotline filing had to be supplemented to include Inspector General Miller for at least knowingly approving the actions of Acting DIG Samuels. We filed our supplemental hotline action on Wednesday, September 26, 2007.

Regrettably, after Inspector General Miller learned of the supplemental filing, and for reasons that he later justified as "fairness" to Acting DIG Samuels, he informed Acting DIG Samuels that he (Samuels) was personally named by us in a hotline complaint. Inspector General Miller did so despite his earlier statement to me that he (Miller) would not tell Acting DIG Samuels because he was very concerned Acting DIG Samuels would take some action against me, which we both agreed would needlessly complicate the situation. As predicted, the very next morning, September 27, 2007, Acting DIG Samuels took action, filing a hotline complaint against Deputy Counsel Grebasch and me, reportedly for Misuse of the Office of Counsel in connection with our hotline complaint and other undisclosed concerns. I say reportedly because I have not seen this complaint.

While we have only been informed of the general nature of Acting DIG Samuel's complaint, what we have been told and observed makes it clear that this action in filing his complaint against us is a violation of 5 U.S.C. §2302(b)(3), because it is a prohibited action against two of his subordinates who were attempting to bring a good faith resolution to a situation that appears to involve several violations of law. Inspector General Miller participated in this process by informing Acting DIG Samuels of the hotline complaint. Whatever his motivations, it is clear to us that he did so improperly—the target of a still-sealed complaint should not have been informed of the complaint—and with knowledge that Acting DIG Samuels would likely take some retaliatory action against us.

Predictably, Acting DIG Samuels' actions have hopelessly complicated any chance for internal resolution, and we understand both hotline complaints are being forwarded to the PCIE by GSA's Assistant Inspector General for Investigations. Since I had hoped the original hotline filing could be resolved inside GSA OIG, it was filed as a brief memorandum without backup documentation. In order to make this hotline complaint more understandable to the PCIE, I am also enclosing a consolidated version of the original and supplemental memoranda, along with several key reference documents.

Additionally, I am asking the PCIE to investigate what appears to me to be a growing misuse of resources and abuse of office in connection with the executive office of the Inspector General, including the Office of Internal Evaluation. Our September 17, 2007, hotline complaint highlighted one particularly troubling example. Slightly over a year ago a female employee of GSA OIG made five relatively narrow allegations against OIG management,

<sup>1</sup> This detail ended on or about September 30, 2007, but the rest of the concerns remain.

