

NATIONAL SCIENCE FOUNDATION  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

**ACTION MEMORANDUM**

**TO:**  
AIGI

**FILE NUMBER:**  
I-01050010

**DATE:**  
February 8, 2002

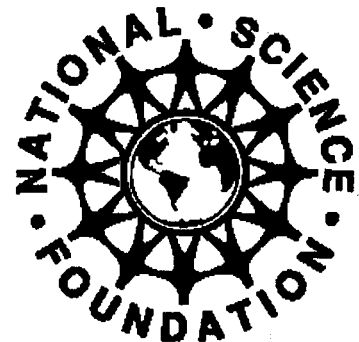
**Subject:** [REDACTED]

**Action:** Case Close

1. On April 24, 2001, NSF OIG received an allegation of theft/embezzlement of approximately \$2,000 by [REDACTED], Research Professor, [REDACTED].
2. The University's Disciplinary Advisory Committee investigated the allegation and issued a decision on May 21, 2001. On June 27, 2001 NSF OIG issued a subpoena for the Committee's investigation and decision on SUBJECT.
3. The committee found SUBJECT did misappropriate funds from NSF grant [REDACTED] by claiming \$2700 in personal attendant fees yet keeping \$1800 for personal use.
4. After meeting with the Dean during the investigation, SUBJECT wrote a check for \$1800 to his personal attendant, [REDACTED] to whom the grant money should have initially been disbursed to in order to compensate for his time.
5. The SUBJECT paid the \$1800 misappropriated funds back to his personal attendant. This payment is considered restitution in full. This investigation is closed and no further action is being taken by OIG at this time.

**COPIES MADE:**

	PREPARED BY:	CLEARED BY:		
	AGENT: [REDACTED]	ATTORNEY: [REDACTED]	SAC:	AIGI: [REDACTED]
INITIALS & DATE				





May 21, 2001

MEMORANDUM

To:

From: Disciplinary Advisory Committee:

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Subject: Committee Report on the Case of

In accordance with \_\_\_\_\_ of the \_\_\_\_\_ Agreement, is  
the Disciplinary Advisory Committee ("Committee") in the case of \_\_\_\_\_  
transmitting a report of its evaluation of the substance of the charges and allegations  
made by \_\_\_\_\_ ("Dean") leading to a recommendation of  
termination.

BACKGROUND

The Committee was convened on March 21, 2001; it initially included a fifth member, who had to withdraw for health reasons, under procedural agreement between the \_\_\_\_\_ and the \_\_\_\_\_  
(\_\_\_\_\_). The original deadline was extended, again by agreement between the parties, due to the faculty strike, committee travel schedules, and the request for additional preparation time by \_\_\_\_\_

The Committee received a briefing book (Attachment 1) of exhibits and general information, a copy of which was given to \_\_\_\_\_. The Dean's letter (Tab 1,

Attachment 1) of December 6, 2000, specified the following charges against [redacted]. The seriousness of the charges caused the Dean to recommend the disciplinary action of termination.

1. [redacted] misappropriated Federal grant funds for his personal use.
2. [redacted] caused to be falsified time sheets that resulted in payment of salaries from NSF [National Science Foundation] Grant [redacted] and [redacted] for periods in which they performed no work.
3. [redacted] hired a personal attendant, [redacted] as his personal employee. He subsequently hired [redacted] as a Student Assistant through the [redacted] to be paid out of [redacted] s research grants.
4. [redacted] authorized payroll expenditures for [redacted] and [redacted] on NSF Grant [redacted] when employees were actually performing work on NSF Grant [redacted].

The Committee received [redacted] 's appeal letter to President [redacted] dated January 3, 2001 (Tab 12, Attachment 1), and met with [redacted] on May 2, 2001.

The Committee reviewed documents provided by the [redacted] Administration (a list is included in the briefing book, Attachment 1), and interviewed a number of persons involved in the case during the period April 3 – May 2, 2001. Subsequent to and as a result of the review and interviews, further information and documents were acquired and read by the Committee (listed in Attachment 2).

#### FINDINGS ON SPECIFIC CHARGES

Based on these reviews and interviews, the Committee reached the following conclusions regarding the fact-finding investigation conducted by Dean [redacted]:

**1. We concur with the substance, findings and conclusions related to charge #1.**

The Dean's findings and conclusions are correct. [redacted] misappropriated federal grant funds from NSF Grant [redacted] by claiming \$2700 in personal attendant fees (to be paid to the attendant, [redacted] yet keeping \$1800 out of the \$2700 for his personal use. A false receipt was created for the \$2700, with the apparent intent to defraud. After meeting with the Dean during the investigation, [redacted] wrote a personal check for \$1800 to [redacted] implicitly admitting that he had improperly retained those funds.

has not opposed the specific findings by the Dean.

**2. We concur with the substance, findings and conclusions related to charge #2.**

has not opposed the substance of this charge of falsification, and the paper trail is explicit. Such violations of fiscal policy for federal grants as were initiated by must be addressed and repaired by the university.

**3. We concur with the substance, findings and conclusions related to charge #3.**

There is a well-documented history throughout the 1990's of similar instances in s laboratory. supervisors and administrators progressively warned of consequences for this behavior, at least from 1992 when agreement was explicitly required (see reference to letter, Attachment 1, Tab 1) and culminating in 1998 when the Senior Vice President for Research informed him that continued violation of policy "will be grounds for discharge" (see reference in Attachment 1, Tab 1). 's memorandum of November 2, 2000, to l admitted to a recent violation.

**4. Charge #4 is technically valid, but there is an unresolved difference of opinion on whether issued instructions to correct the NSF policy violations.**

maintained that he issued verbal instructions for appropriate (i.e., corrected) payroll expenditures to subordinates. In the investigation, support staff did not recall any request to make said corrections. Regardless of the disagreement, this charge appears to be a relatively minor infraction that is easily correctable by standard fiscal and administrative procedures.

**OTHER FINDINGS AND CONCLUSIONS**

The Committee has determined that the has been very careful in documenting both the violations and the progressive attempts to correct the fiscal and performance deficiencies over the years. While understanding that has performed research under conditions of extraordinary challenge due to his disability, it is particularly concerned with the record of chronic and repeated abuse of subordinates, as well as fiscal and administrative mismanagement over many years.

The Committee finds it necessary to report an instance of attempted intimidation of a potential witness, subsequent to the December 2000 letter and January 2001 response. It learned that the published a report (Attachment

3) on February 16, 2001, of a lawsuit (Attachment 4) filed by [redacted] against a former laboratory employee [redacted] in relation to his resignation from employment.

informed us that this lawsuit had not actually been served as of May 2, 2001. NSF Regulation 689.1a(2) [Tab 5 of Attachment 1] states:

"[Misconduct means] retaliation of any kind against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith."

Accordingly, the Committee concludes that [redacted] attempted to intimidate a former employee in violation of NSF regulations.

The Committee concludes that

- 1) The fiscal and administrative regulations of the [redacted] and the National Science Foundation were well-established, reasonable, fairly applied, and known by [redacted];
- 2) [redacted] committed the offenses alleged under charges 1, 2, and 3;
- 3) Charge #4 is valid but [redacted] may have attempted to correct the errors;
- 4) [redacted] was previously and sufficiently warned of disciplinary consequences of misconduct;
- 5) Dean [redacted] and his staff conducted a fair and objective investigation of alleged misconduct;
- 6) [redacted] had ample opportunity to defend his conduct before the Dean and before this Committee;
- 7) Dear [redacted] has proper cause for the proposed disciplinary action, based on a fair investigation;
- 8) In addition, [redacted] attempted to intimidate a potential witness by filing a lawsuit against him.

Cc: [redacted]

[redacted]