

29 January 1998

Memorandum

To: File
E 98010003

From: [REDACTED]
Investigative Attorney

Through: Paul J. Coleman
Special Agent-in-Charge

Subject: Case Resolution

NSF OIG investigated to determine whether [REDACTED], who served as a Senior Staff Associate in NSF [REDACTED], had a conflict of interests based on his NSF work on creating the [REDACTED] and [REDACTED] and his subsequent retirement from NSF to become a [REDACTED] employee.

We determined that on 12 September 1995, Dr. [REDACTED] was approached by [REDACTED], who suggested that [REDACTED] might be offered the Assistant Director position at [REDACTED]. [REDACTED] refused to discuss it further, and sought guidance from [REDACTED] in the Office of General Counsel regarding any conflicts issues created by the discussion. [REDACTED] advised Dr. [REDACTED] that the discussion did not present any conflict issues.

On 3 October 1995, [REDACTED] was approached again by [REDACTED] who offered him a position with the [REDACTED]. [REDACTED] recused himself from further participation in CRDF matters in his NSF capacity, and sought further guidance from [REDACTED]. [REDACTED] replied that his earlier advice to [REDACTED] had been based on his conclusion that [REDACTED] had unequivocally rejected the [REDACTED] position, but said that [REDACTED] was free to reconsider the offer. [REDACTED] reply memo concluded that "The facts, as I understand them to be, would not support a contention of misuse of office for private gain." He also concluded that "I do not believe your continued employment discussions with the [REDACTED] would establish an appearance of impropriety on your part." We did not identify any evidence that [REDACTED] participated in [REDACTED] matters in his NSF capacity after this point. [REDACTED] subsequently retired from NSF to accept a position as [REDACTED] Associate Director.

Because [REDACTED] raised the conflicts issue promptly with OGC and sought its guidance on the matter, and because he acted in accordance with that guidance, we do not believe that he has violated any conflicts laws or regulations. For this reason, this case is closed.