

November 20, 2009

The Honorable Charles E. Grassley
United States Senate
219 Dirksen Building
Washington, D.C. 20510

Dear Senator Grassley:

I am writing to respond to the requests made by your staff during our meeting on November 10, 2009 regarding the removal of Gerald Walpin as Inspector General of the Corporation for National and Community Service (“CNCS”). We appreciate your continued attention to this matter, and we are committed to resolving your remaining concerns.

First, your staff asked us to describe the search that CNCS conducted for responsive documents. As an initial matter, I want to confirm that we have conducted and completed a thorough and reasonable search for all materials responsive to your requests. On June 15, 2009, I sent a memorandum to Members of the CNCS Board of Directors, the Acting Chief Executive officer, the Acting Chief Financial Officer, and the Chief of Program Officers directing them to preserve, maintain, and collect any and all documents or other information responsive to the requests in your June 12, 2009 letter to then-CNCS Board Chair Alan Solomont. These three senior officials supervise all CNCS staff and agency operations (other than the Office of Inspector General). I directed the three officials to communicate the request to appropriate staff within their areas of responsibility, and my office followed up to ensure that staff provided documents in response to the request. This follow-up included contacting specific employees—such as grants and program officers—who had first-hand, personal knowledge of the St. HOPE Academy and CUNY grants. We directed all appropriate staff to provide responsive documents to the Office of General Counsel, and we confirmed that each relevant staff member complied with this request. Then, my office reviewed the documents for responsiveness and for any applicable legal privileges. Some of the collected documents involved government entities other than CNCS. Therefore, consistent with standard third-agency practice, we contacted the relevant agencies and requested their input.

We previously produced responsive, non-privileged materials to you in five different installments between June 22 and July 14. At the same time, we worked with the White House and the Department of Justice to review materials in which they had equities (*e.g.*, communications between CNCS and the White House). On October 8, we produced to you the relevant, non-privileged documents involving the Department of Justice. On October 9, we produced to you the relevant, non-privileged documents involving the White House. In total, we have previously produced over 680 responsive documents, comprising approximately 2,800 pages.

Second, your staff asked us to ensure that former CNCS Board Chair Alan Solomont had completed a search of his records—including his email account(s)—for responsive materials. At your request, Mr. Solomont conducted an additional search of his records, and he identified an additional three non-privileged, non-duplicate documents, totaling three pages. We have enclosed those documents with this letter. In addition, we have not produced one draft document, which Mr. Solomont identified, that concerns the June 17, 2009 letter from the CNCS Board to you (this document is part of a group described below). Mr. Solomont confirmed to me that he has complied fully with your request and, to the best of his knowledge, he has provided any and all responsive, non-privileged material.

Third, your staff asked us to ensure that all CNCS Board members, in addition to Mr. Solomont, had searched their email accounts for responsive materials. Immediately after our meeting, I asked all eight Board members to conduct this search. All eight Board members complied with this request. Several provided responsive documents; the remainder confirmed that they did not find any such material. We have enclosed with this letter the results of their searches—*i.e.*, approximately 35 documents, totaling approximately 66 pages. We have not enclosed documents that have been produced previously, such as copies of the Inspector General's Special Report. As with earlier productions, some of the enclosed documents bear redactions to protect individual privacy interests or Executive Branch communications that are subject to the deliberative process privilege. We did not withhold or redact *any* additional documents at the direction of the White House.

Separately, we also identified and have enclosed six documents—totaling approximately 24 pages—that we had not produced previously. The documents include one internal Office of General Counsel email describing a meeting with the Office of Inspector General regarding an OIG personnel matter as well as other communications between CNCS senior management, the Board's management committee, and the Inspector General.

Fourth, your staff asked us to describe with greater particularity any and all CNCS documents that have not been produced on the basis of privilege and that do *not* include or reflect communications with the White House. We have generally redacted non-Government email addresses and similar personal information and we do not reference those redactions in this letter.

CNCS has produced, but partially redacted, the following documents:

- A September 26, 2008 email and attached document from the CNCS Office of Inspector General to the Office of General Counsel, Notice of Proposed Removal dated September 25, 2008. The two documents have been redacted to protect the identities of several OIG employees. (These documents were produced previously on October 9, 2009.)

- An October 2, 2008 email between CNCS Office of General Counsel staff, which describes a meeting that day with the Office of Inspector General regarding the OIG's September 25 Notice of Proposed Removal. The document has been redacted to protect the identity of an individual OIG employee.
- A June 17, 2009 email exchange between CNCS Board members Steve Goldsmith and Eric Tanenblatt concerning an article published in the *Washington Times*. The document has been redacted to protect the identity of an individual OIG employee.

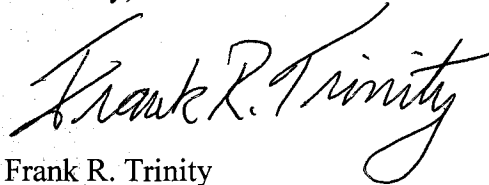
CNCS has not produced the following documents:

- An April 2009 draft settlement agreement in the St. HOPE Academy matter that reflecting comments and deliberations between attorneys in the CNCS Office of General Counsel and the United States Attorney's Office for the Eastern District of California. The document is subject to the attorney-client and work product privileges, and it has not been produced pursuant to discussions with the Department of Justice.
- Two emails—dated May 8 and May 11, 2009—between and among CNCS Board members and senior management regarding CNCS's response to the Inspector General's Special Report on the St. HOPE Academy matter. The documents are subject to the deliberative process, attorney-client, and work product privileges.
- Two emails dated June 15, 2009 between and among CNCS senior management regarding the settlement of the St. HOPE Academy matter. The documents are subject to the deliberative process and attorney-client privileges.
- Approximately ten email exchanges between June 15 and June 17, 2009 between and among CNCS Board members and senior management regarding the June 17 letter from the CNCS Board to you. The documents are subject to the deliberative process, attorney-client, and work product privileges.

Finally, your staff asked us to describe information that was redacted from an April 6, 2009 email between an Assistant United States Attorney for the Eastern District of California and private counsel for Kevin Johnson. In the exchange, the parties discussed one of the proposed terms for the settlement of the St. HOPE Academy matter, and Mr. Johnson's counsel explained his objection to the term. We have conferred with the Department of Justice and we have concluded that the redacted material should be withheld to protect personal privacy interests.

Thank you again for your continued attention to this matter. We now have completed our document search and, to the best of my knowledge, we have produced all responsive, non-privileged materials. We hope this information is helpful and that it resolves your remaining requests for information from CNCS. Throughout this process, we have tried to accommodate all of your requests, not only through the documents described above, but also through the briefings and interviews provided by each CNCS Board Member, the CNCS Chief Executive Officer, and myself. Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in cursive script that reads "Frank R. Trinity". The signature is written in black ink and is positioned above the printed name and title.

Frank R. Trinity
General Counsel

Enclosure

Trinity, Frank

From: Trinity, Frank
Sent: Thursday, June 18, 2009 9:22 AM
To: adsolomont@[REDACTED]; Steve Goldsmith; etanenblatt@[REDACTED]; Stan Soloway; ssolomont@[REDACTED]
Subject: Copy of agency supplemental response to IG's Special Report on St. HOPE Academy (Senate)
Attachments: Response to Seven Day Letter - Senate.pdf

I am attaching a PDF of our agency's supplemental response to our Inspector General's Special Report in the United States of America v. St. HOPE Academy matter. We transmitted the Special Report and our initial comments on May 12, 2009.

We sent the same letter to appropriate members of the House committees.

Frank

11/18/2009

Trinity, Frank

From: Goren, Nicola
Sent: Thursday, May 07, 2009 6:53 PM
To: Stan Soloway; Stephen (Steve) Goldsmith; Laysha Ward; Mark Gearan; Julie Fisher Cummings; Alan Solomont ; Hyepin Im; Eric Tanenblatt; James (Jim) Palmer
Cc: Trinity, Frank
Subject: IG Special Report to Congress

Attachments: IG Special Report.pdf



IG Special
Report.pdf (5 MB)

As you will recall, during the last Board call, General Counsel Frank Trinity described how the Corporation and the United States Attorney for the Eastern District of California had reached a settlement with three different parties regarding an AmeriCorps grant to St. HOPE Academy in Sacramento, California. During that call, the Inspector General stated that the Board would hear separately from him on this matter. The Management Audit and Governance Committee (Eric Tanenblatt, Alan Solomont, and Steve Goldsmith) is scheduled to discuss the matter at its meeting on Monday.

Yesterday, the Inspector General provided me a copy of a Special Report to the Congress in which he objects to the substance of the settlement and the process by which the settlement was negotiated. Today, the Inspector General confirmed that he considers his Special Report to be a so-called "Seven Day Letter" under section 5(d) of the Inspector General Act. (Because the Special Report does not refer to itself as a Seven Day Letter and nowhere references section 5(d) of the Inspector General Act, we were not certain that this requirement applied until today.) We also learned this afternoon that the Inspector General provided copies of this report to several offices within the Congress on Tuesday, May 5, 2009.

Under the Inspector General Act, I am required to take several actions at this point. First, I must provide the report to each of you. To meet this requirement, I am forwarding to you an electronic version of the 29-page body of the Special Report. At this time, we do not have electronic or hard copies of the exhibits to the report, which are substantial. We will provide you the exhibits as soon as practicable. Second, I will be forwarding this report to the appropriate committees and subcommittees of the Congress by May 14, 2009, along with a report containing any comments we deem appropriate.

A "Seven Day Letter" is highly unusual and we are concerned that the Inspector General has already provided the report to Members of Congress contrary to the process provided in the Inspector General Act. I am working closely with General Counsel and the Management Audit and Governance Committee in preparing our response. If you have any questions or concerns, please get in touch with any one of us.

We are confident that this settlement was in the best interest of the Government, and that it was negotiated appropriately. We look forward to answering any questions any Member of Congress might have about this matter.

Trinity, Frank

From: Schmelzer, Ranit
Sent: Thursday, June 18, 2009 11:24 AM
To: Stan Soloway; etanenblatt@ [REDACTED]; Trinity, Frank; Goren, Nicola; ads@ [REDACTED];
 [REDACTED]; Goldsmith, Steve; Laysha.Ward@ [REDACTED]; juliefcummings@ [REDACTED];
 jim.palmer@ [REDACTED]; hyepin@ [REDACTED]; gearan@ [REDACTED]
Subject: Re: Politico

Yes, I recommend staying on background – as a member of the Board. I wouldn't get into a lot of details about the 20th, but generally describe why 9 PAS members of a bipartisan board lost confidence in him. Also, I don't think its necessary for multiple board members to talk to the same reporter so maybe you should let the group know when you talked to someone.

From: Stan Soloway <soloway@ [REDACTED]>
To: Schmelzer, Ranit; etanenblatt@ [REDACTED]; <etanenblatt@ [REDACTED]>; Trinity, Frank; Goren, Nicola; ads@ [REDACTED]; <ads@ [REDACTED]>; Goldsmith, Steve; Laysha.Ward@ [REDACTED]; <Laysha.Ward@ [REDACTED]>; juliefcummings@ [REDACTED]; <juliefcummings@ [REDACTED]>; jim.palmer@ [REDACTED]; <jim.palmer@ [REDACTED]>; hyepin@ [REDACTED]; <hyepin@ [REDACTED]>; gearan@ [REDACTED]; <gearan@ [REDACTED]>
Sent: Thu Jun 18 11:18:46 2009
Subject: RE: Politico

Ranit:

How much do you want us to say? And should we stay on background? Since these calls are coming in, your guidance will be important.

S

Stan Z. Soloway
 President & CEO
 Professional Services Council
 4401 Wilson Blvd. Suite 1110 Arlington, VA 22203
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From: Schmelzer, Ranit [mailto:RSchmelzer@cns.gov]
Sent: Thursday, June 18, 2009 11:18 AM
To: etanenblatt@ [REDACTED]; Stan Soloway; Trinity, Frank; Goren, Nicola; ads@ [REDACTED];
 Goldsmith, Steve; Laysha.Ward@ [REDACTED]; juliefcummings@ [REDACTED]; jim.palmer@ [REDACTED];
 hyepin@ [REDACTED]; gearan@ [REDACTED]
Subject: Re: Politico

11/18/2009

Hi All,

Yesterday, Steve and Eric agreed to do a few press calls on background in order to help get our side of the story out. The WH, as well as Frank and Nicky, were on board with the plan. While I don't think we need to do a lot of interviews on this today, I also think its okay if you respond to requests. Please let me know if you have any questions. Thanks.

From: Tanenblatt, Eric <etanenblatt@[REDACTED]>
To: Stan Soloway <soloway@[REDACTED]>; Trinity, Frank; Goren, Nicola; ads@[REDACTED]<ads@[REDACTED]>; Goldsmith, Steve; Laysha.Ward <Laysha.Ward@[REDACTED]>; Julie Fisher Cummings <juliefcummings@[REDACTED]>; jim.palmer@[REDACTED]<jim.palmer@[REDACTED]>; Hyepin@[REDACTED]<Hyepin@[REDACTED]>; Gearan@[REDACTED]<Gearan@[REDACTED]>; Schmelzer, Ranit
Sent: Thu Jun 18 11:06:00 2009
Subject: RE: Politico

I also received a message from the reporter at Politico but have not returned the call.

Eric J. Tanenblatt | Senior Managing Director
McKenna Long & Aldridge LLP
303 Peachtree Street | Suite 5300 Atlanta, GA 30308
Tel: 404.527.8114 | Fax: 404.527.4198 | etanenblatt@[REDACTED]

From: Stan Soloway [mailto:soloway@[REDACTED]]
Sent: Thursday, June 18, 2009 11:06 AM
To: Trinity, Frank; Goren, Nicola; ads@[REDACTED]; Goldsmith, Steve; Tanenblatt, Eric; Laysha.Ward; Julie Fisher Cummings; jim.palmer@[REDACTED]; Hyepin@[REDACTED]; Gearan@[REDACTED]; Schmelzer, Ranit
Subject: Politico

I received a call from Politico this morning asking for further comment and details regarding the May 20 BoD meeting. I told the reporter that I would not comment and that I didn't think it appropriate to do so beyond that which has already been said in CNCS and/or WH communications with the Congress. He appeared to have seen or be aware of the letters and asked no further questions. He did ask if the May 20 mtg was a public session and I informed him that, as is appropriate and the norm, the meeting with the IG was conducted in Executive Session. To his credit, he didn't push or fish much beyond that, but it does seem clear they are looking to do something more with the story.

I am assuming that this is the posture we want to continue to take—and think it the right one. Do you have any further guidance? Also, I assume the letters from the WH and from CNCS are public?

Thanks
SS

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Trinity, Frank

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To: etanenblatt@ [REDACTED]; Stan Soloway; Trinity, Frank; Goren, Nicola; ads@ [REDACTED];
 [REDACTED]; Goldsmith, Steve; Laysha.Ward@ [REDACTED]; juliefcumings@ [REDACTED];
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To: Stan Soloway <soloway@ [REDACTED]>; Trinity, Frank; Goren, Nicola; ads@ [REDACTED] <ads@ [REDACTED]>;
 [REDACTED]; Goldsmith, Steve; Laysha.Ward <Laysha.Ward@ [REDACTED]>; Julie Fisher Cummings
 <juliefcumings@ [REDACTED]>; jim.palmer@ [REDACTED] <jim.palmer@ [REDACTED]>;
 Hyepin@ [REDACTED] <Hyepin@ [REDACTED]>; Gearan@ [REDACTED] <Gearan@ [REDACTED]>; Schmelzer, Ranit
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McKenna Long & Aldridge LLP
 303 Peachtree Street | Suite 5300 Atlanta, GA 30308
 Tel: 404.527.8114 | Fax: 404.527.4198 | etanenblatt@ [REDACTED]

From: Stan Soloway [mailto:soloway@ [REDACTED]]
Sent: Thursday, June 18, 2009 11:06 AM
To: Trinity, Frank; Goren, Nicola; ads@ [REDACTED]; Goldsmith, Steve; Tanenblatt, Eric; Laysha.Ward; Julie
 Fisher Cummings; jim.palmer@ [REDACTED]; Hyepin@ [REDACTED]; Gearan@ [REDACTED]; Schmelzer, Ranit
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Trinity, Frank

From: Trinity, Frank
Sent: Wednesday, June 17, 2009 6:49 PM
To: Laysha.Ward; Steve Goldsmith; adsolomont@[REDACTED]; ads@[REDACTED]; Stan Soloway; etanenblatt@[REDACTED]; Hyepin@[REDACTED]; jim.palmer@[REDACTED]; juliefcumngs@[REDACTED]; ssolomont@[REDACTED]; ACasella@[REDACTED]
Cc: Goren, Nicola
Subject: RE: Time-sensitive: FINAL draft of Letter to Senator Grassley re IG [REDACTED]
Attachments: image001.png

I will send all Board members executed copies of this letter and also Nicky's response to the IG's "seven-day" letter on St. HOPE Academy after we transmit them.

From: Laysha.Ward [mailto:Laysha.Ward@[REDACTED]]
Sent: Wednesday, June 17, 2009 6:47 PM
To: Steve Goldsmith; Trinity, Frank; adsolomont@[REDACTED]; ads@[REDACTED]; Soloway@[REDACTED]; etanenblatt@[REDACTED]; Hyepin@[REDACTED]; jim.palmer@[REDACTED]; juliefcumngs@[REDACTED]; ssolomont@[REDACTED]; ACasella@[REDACTED]
Cc: Goren, Nicola
Subject: RE: Time-sensitive: FINAL draft of Letter to Senator Grassley re IG [REDACTED]

I approve this version . Thanks to Frank for being available via phone to talk through several of my questions and comments about the letter, process, governance etc. I would like to know who from the board ultimately signs off and is represented on the letter being sent.

From: Steve Goldsmith [mailto:goldsmith@[REDACTED]]
Sent: Wednesday, June 17, 2009 5:42 PM
To: Trinity, Frank; adsolomont@[REDACTED]; ads@[REDACTED]; Laysha.Ward; Soloway@[REDACTED]; etanenblatt@[REDACTED]; Hyepin@[REDACTED]; jim.palmer@[REDACTED]; juliefcumngs@[REDACTED]; ssolomont@[REDACTED]; ACasella@[REDACTED]
Cc: Goren, Nicola
Subject: RE: Time-sensitive: FINAL draft of Letter to Senator Grassley re IG [REDACTED]

Better tone; thank you; ok with me

From: Trinity, Frank [mailto:FTRINITY@cns.gov]
Sent: Wednesday, June 17, 2009 6:39 PM
To: adsolomont@[REDACTED]; ads@[REDACTED]; Laysha.Ward@[REDACTED]; Steve Goldsmith; Soloway@[REDACTED]; etanenblatt@[REDACTED]; Hyepin@[REDACTED]; jim.palmer@[REDACTED]; juliefcumngs@[REDACTED]; ssolomont@[REDACTED]; ACasella@[REDACTED]
Cc: Goren, Nicola
Subject: Time-sensitive: FINAL draft of Letter to Senator Grassley re IG [REDACTED]

Please email me now if you are OK signing onto this final draft. We'd like to send out today, so we appreciate your attention to this.

Thank you for your interest in ensuring that the Corporation for National and Community Service properly fulfills its mission of supporting service and volunteering while maintaining appropriate accountability and oversight as a Federal agency. We are Members of the Corporation's Board of Directors, a bi-partisan group of Presidential appointees appointed by President Bush and confirmed by the Senate. Our Board has an oversight role for the agency and we owe an obligation to the

11/18/2009

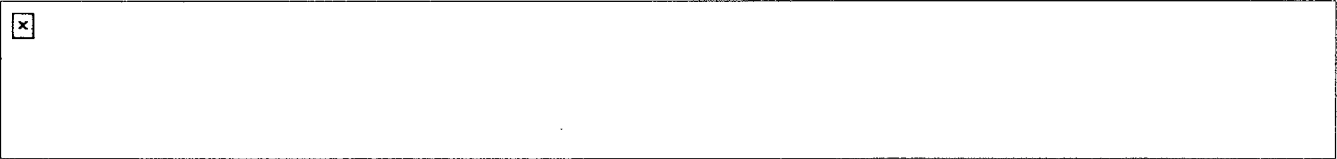
President, Congress and taxpayers to make sure that the organization performs effectively.

As Special Government Employees, we volunteer our services on a part-time, intermittent basis, but we can assure you we are fully committed to a high-functioning agency that strives for responsible stewardship over the valuable Federal funds appropriated by Congress to support national and community service. To do this, we rely heavily on the Office of Inspector General to provide leadership, expertise, and resources in making sure the Corporation is managed properly. We have benefitted from the good work of the Office of Inspector General over the years and through several changes in Inspectors General.

Over an extended period of time, we observed how Gerald Walpin's effectiveness as Inspector General significantly diminished. Without an IG who can focus time and energy on areas of greatest risk, we are hampered in effectively discharging our responsibilities to you and your colleagues. Our concerns became paramount after an event in May involving the full Board of Directors that caused us collectively to question Mr. Walpin's ongoing ability to carry out his duties. As a result, the entire Board unanimously asked our Chair to convey our concerns to the White House. We support the President's decision to remove Mr. Walpin.

We need a strong, credible, and respected Inspector General who will help give the Congress and the American people confidence that their taxpayer dollars are being used properly to support national and community service, and we look forward to reestablishing an effective working relationship with a new Inspector General.

We are sending this to you in your capacity as Senator. The committees with oversight are the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs, and we are sending copies to the attention of the Chairs and ranking members of those committees because this is a matter of interest to them.



Trinity, Frank

From: Stan Soloway [soloway@██████████]
Sent: Thursday, June 25, 2009 1:15 AM
To: Steve Goldsmith
Subject: RE: Wash Post

Well... I didn't blame it on the republican members of the board!

Actually... all on background of course... I said... in addition to our general message about separating the process issues vis a vis the IG Act and the debate between WH and Congress (which I would not get into), and stressing the unanimity of the BoD in asking the WH to address the issue, I also stressed that there was never any disagreement on the BoD w/the IG's findings re: Mt Hope... no one questioned the validity of the findings or the decision to suspend Johnson et al... but I also said that in my personal view, his actions during and after the settlement—including his comments to the Board—struck me as “retaliatory pique” driven solely by the fact that the AUSA and our Counsel disagreed with him... he is independent and entitled to his view, but his reaction—and his accusations since—really feel like those of someone who is just royally ticked that he didn't get his way.. I also told him that many of us were concerned about his less than factual statements since—that the appropriate Board officials HAD raised concerns with him re: his telecommuting, that the settlement was robust and protected the government's interests, and that the WH never got involved until asked by us..

Stan Z. Soloway
President & CEO
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From: Steve Goldsmith [mailto:goldsmith@██████████]
Sent: Wednesday, June 24, 2009 10:30 PM
To: Stan Soloway
Subject: RE: Wash Post

So did I ; same conversation I hope

From: Stan Soloway [mailto:soloway@██████████]
Sent: Wednesday, June 24, 2009 9:51 PM
To: Schmelzer, Ranit; adsolomont@██████████; etanenblatt@██████████; Steve Goldsmith; Goren, Nicola; Trinity, Frank
Subject: Wash Post

11/18/2009

I just had a lengthy conversation w/Ed Okeefe at the Wash Post...he is doing a blog on Walpin and a larger story on the role of IGs, which will prominently include the walpin case (the story will likely appear early next week; online/blog sooner). It was all on background...he seemed to get it...and frankly, seemed sympathetic to the Corp's portion of the issue....i.e., merits, problems (maybe less so re: White House process)....

SS

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Trinity, Frank

From: Schmelzer, Ranit
Sent: Thursday, June 25, 2009 1:14 AM
To: Stan Soloway
Subject: Re: Wash Post

Thanks for talking to him -- and letting me know!

From: Stan Soloway <soloway@[REDACTED]>
To: Schmelzer, Ranit; adsolomont@[REDACTED] <adsolomont@[REDACTED]>;
etanenblatt@[REDACTED] <etanenblatt@[REDACTED]>; goldsmith@[REDACTED]
<goldsmith@[REDACTED]>; Goren, Nicola; Trinity, Frank
Sent: Wed Jun 24 21:50:55 2009
Subject: Wash Post

I just had a lengthy conversation w/Ed Okeefe at the Wash Post...he is doing a blog on Walpin and a larger story on the role of IGs, which will prominently include the walpin case (the story will likely appear early next week; online/blog sooner). It was all on background...he seemed to get it...and frankly, seemed sympathetic to the Corp's portion of the issue...i.e., merits, problems (maybe less so re: White House process)....

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Trinity, Frank

From: Trinity, Frank
Sent: Thursday, June 18, 2009 1:07 PM
To: adsolomont@ [REDACTED]; ads@ [REDACTED]; Laysha.Ward@ [REDACTED]; goldsmith@ [REDACTED]; Stan Soloway; etanenblatt@ [REDACTED]; Hyepin@ [REDACTED]; jim.palmer@ [REDACTED]; juliefcumngs@ [REDACTED]; ssolomont@ [REDACTED]; ACasella@ [REDACTED]
Cc: Goren, Nicola; Bryant, Tom
Subject: Request for notes from May 20 IG briefing
Attachments: image001.png

Senator Grassley's office has indicated that they would like us to prioritize disclosure of any notes taken by those attending the IG's briefing on May 20.

If you took notes or made notes afterwards, please send a copy of them to Tom Bryant in my office (he is copied here) at tbryant@cns.gov (tel, 202-60-6678, fax 202-606-3467).

We will review any notes we receive, in consultation with Privacy and Freedom of Information Act subject-matter experts in the executive branch, in determining whether, or the extent to which, to release outside the agency.

If you have any questions about this, please let me or Tom know.

Thank you for your attention to this matter.

Frank R. Trinity
General Counsel
Corporation for National and Community Service
202-606-6677 (direct)
202-355-2209 (cell)



Trinity, Frank

From: Tanenblatt, Eric [etanenblatt@██████████]
Sent: Tuesday, November 17, 2009 6:50 PM
To: Trinity, Frank
Subject: FW: Follow up

From: Stan Soloway [mailto:soloway@██████████]
Sent: Saturday, June 20, 2009 1:51 PM
To: Glickman, Rhoda; ssolomont@██████████; Tanenblatt, Eric; SGoldsmith
Subject: RE: Follow up

Rhoda:
Thanks...a couple of thoughts...correct POC for Collins really is Brandon Milhorn, the minority Staff Dir... Steve is in Maine most of the time. For Lieberman, it's either Holly Idelson or Mike Alexander (mostly Holly)...and for Ed Towns, its Ron Stroman (Staff Dir on the cte; I have not reached him directly yet but did speak with one of his guys... am still trying to close that loop)...

SS

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From: Glickman, Rhoda [mailto:RGlickman@cns.gov]
Sent: Friday, June 19, 2009 6:53 PM
To: ssolomont@██████████; Stan Soloway; etanenblatt@██████████; goldsmith@██████████
Subject: Follow up

Per your request, attached is a list of Members/contacts/phone numbers and some brief talking points. Following a conversation with Stan and Lieberman's staff, Frank will now be briefing staff at the committee next week. Therefore, we are holding contacting other Committee members.

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Trinity, Frank

From: Tanenblatt, Eric [etanenblatt@██████████]
Sent: Tuesday, November 17, 2009 6:50 PM
To: Trinity, Frank
Subject: FW: Politico

From: Stan Soloway [mailto:soloway@██████████]
Sent: Thursday, June 18, 2009 11:19 AM
To: Schmelzer, Ranit; Tanenblatt, Eric; Trinity, Frank; Goren, Nicola; ads@██████████; Goldsmith, Steve; Laysha.Ward@██████████; juliefcummings@██████████; jim.palmer@██████████; hyepin@██████████; gearan@██████████
Subject: RE: Politico

Ranit:
How much do you want us to say? And should we stay on background? Since these calls are coming in, your guidance will be important.
S

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From: Schmelzer, Ranit [mailto:RSchmelzer@cns.gov]
Sent: Thursday, June 18, 2009 11:18 AM
To: etanenblatt@██████████; Stan Soloway; Trinity, Frank; Goren, Nicola; ads@██████████; Goldsmith, Steve; Laysha.Ward@██████████; juliefcummings@██████████; jim.palmer@██████████; hyepin@██████████; gearan@██████████
Subject: Re: Politico

Hi All,
Yesterday, Steve and Eric agreed to do a few press calls on background in order to help get our side of the story out. The WH, as well as Frank and Nicky, were on board with the plan. While I don't think we need to do a lot of interviews on this today, I also think its okay if you respond to requests. Please let me know if you have any questions. Thanks.

11/18/2009

From: Tanenblatt, Eric <etanenblatt@[REDACTED]>
To: Stan Soloway <soloway@[REDACTED]> Trinity, Frank; Goren, Nicola; ads@[REDACTED] <ads@[REDACTED]> Goldsmith, Steve; Laysha.Ward <Laysha.Ward@[REDACTED]>; Julie Fisher Cummings <juliefcummings@[REDACTED]>; jim.palmer@[REDACTED] <jim.palmer@[REDACTED]> Hyepin@[REDACTED] <Hyepin@[REDACTED]>; Gearan@[REDACTED] <Gearan@[REDACTED]>; Schmelzer, Ranit
Sent: Thu Jun 18 11:06:00 2009
Subject: RE: Politico

I also received a message from the reporter at Politico but have not returned the call.

Eric J. Tanenblatt | Senior Managing Director
McKenna Long & Aldridge LLP
303 Peachtree Street | Suite 5300 Atlanta, GA 30308
Tel: 404.527.8114 | Fax: 404.527.4198 | etanenblatt@[REDACTED]

From: Stan Soloway [mailto:soloway@[REDACTED]]
Sent: Thursday, June 18, 2009 11:06 AM
To: Trinity, Frank; Goren, Nicola; ads@[REDACTED]; Goldsmith, Steve; Tanenblatt, Eric; Laysha.Ward; Julie Fisher Cummings; jim.palmer@[REDACTED] Hyepin@[REDACTED] Gearan@[REDACTED] Schmelzer, Ranit
Subject: Politico

I received a call from Politico this morning asking for further comment and details regarding the May 20 BoD meeting. I told the reporter that I would not comment and that I didn't think it appropriate to do so beyond that which has already been said in CNCS and/or WH communications with the Congress. He appeared to have seen or be aware of the letters and asked no further questions. He did ask if the May 20 mtg was a public session and I informed him that, as is appropriate and the norm, the meeting with the IG was conducted in Executive Session. To his credit, he didn't push or fish much beyond that, but it does seem clear they are looking to do something more with the story.

I am assuming that this is the posture we want to continue to take---and think it the right one. Do you have any further guidance? Also, I assume the letters from the WH and from CNCS are public?

Thanks
SS

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Trinity, Frank

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Sent: Tuesday, November 17, 2009 6:49 PM
To: Trinity, Frank
Subject: FW: Time-sensitive: FINAL draft of Letter to Senator Grassley re IG
Attachments: image001.png

From: Stan Soloway [mailto:soloway@
Sent: Wednesday, June 17, 2009 7:13 PM
To: Trinity, Frank; Laysha.Ward; SGoldsmith; adsolomont@; ads@; Tanenblatt, Eric; Hyepin@; jim.palmer@; juliefcummngs@; ssolomont@; ACasella@
Cc: Goren, Nicola
Subject: RE: Time-sensitive: FINAL draft of Letter to Senator Grassley re IG

I am good w/the letter....thanks Frank. Let me know if you need me to do any rudder checks....
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Cc: Goren, Nicola
Subject: RE: Time-sensitive: FINAL draft of Letter to Senator Grassley re IG

I will send all Board members executed copies of this letter and also Nicky's response to the IG's "seven-day" letter on St. HOPE Academy after we transmit them.

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Sent: Wednesday, June 17, 2009 6:47 PM
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I approve this version . Thanks to Frank for being available via phone to talk through several of my questions and comments about the letter, process, governance

11/18/2009

etc. I would like to know who from the board ultimately signs off and is represented on the letter being sent.

From: Steve Goldsmith [mailto:goldsmith@██████████]
Sent: Wednesday, June 17, 2009 5:42 PM
To: Trinity, Frank; adsolomont@██████████; ads@██████████ Laysha.Ward; Soloway@██████████; etanenblatt@██████████ Hyepin@██████████ jim.palmer@██████████ juliefcumngs@██████████ ssolomont@██████████ ACasella@██████████
Cc: Goren, Nicola
Subject: RE: Time-sensitive: FINAL draft of Letter to Senator Grassley re IG ██████████

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To: adsolomont@██████████; ads@██████████ Laysha.Ward@██████████ Steve Goldsmith; Soloway@██████████ etanenblatt@██████████ Hyepin@██████████ jim.palmer@██████████ juliefcumngs@██████████ ssolomont@██████████ ACasella@██████████
Cc: Goren, Nicola
Subject: Time-sensitive: FINAL draft of Letter to Senator Grassley re IG ██████████

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Thank you for your interest in ensuring that the Corporation for National and Community Service properly fulfills its mission of supporting service and volunteering while maintaining appropriate accountability and oversight as a Federal agency. We are Members of the Corporation's Board of Directors, a bi-partisan group of Presidential appointees appointed by President Bush and confirmed by the Senate. Our Board has an oversight role for the agency and we owe an obligation to the President, Congress and taxpayers to make sure that the organization performs effectively.

As Special Government Employees, we volunteer our services on a part-time, intermittent basis, but we can assure you we are fully committed to a high-functioning agency that strives for responsible stewardship over the valuable Federal funds appropriated by Congress to support national and community service. To do this, we rely heavily on the Office of Inspector General to provide leadership, expertise, and resources in making sure the Corporation is managed properly. We have benefitted from the good work of the Office of Inspector General over the years and through several changes in Inspectors General.

Over an extended period of time, we observed how Gerald Walpin's effectiveness as Inspector General significantly diminished. Without an IG who can focus time and energy on areas of greatest risk, we are hampered in effectively discharging our responsibilities to you and your colleagues. Our concerns became paramount after an event in May involving the full Board of Directors that caused us collectively to question Mr. Walpin's ongoing ability to carry out his duties. As a result, the entire Board unanimously asked our Chair to convey our concerns to the White House. We support the President's decision to remove Mr. Walpin.

We need a strong, credible, and respected Inspector General who will help give the Congress and the American people confidence that their taxpayer dollars are being used properly to support national and community service, and we look forward to establishing an effective working relationship with a new Inspector General.

11/18/2009

We are sending this to you in your capacity as Senator. The committees with oversight are the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs, and we are sending copies to the attention of the Chairs and ranking members of those committees because this is a matter of interest to them.

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Cc: Goren, Nicola
Subject: RE: Time-sensitive: FINAL draft of Letter to Senator Grassley re IG [redacted]

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Trinity, Frank

From: Tanenblatt, Eric [etanenblatt@████████████████████]
Date: Tuesday, November 17, 2009 6:45 PM
Subject: FW: Request for notes from May 20 IG briefing

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

From: Laysha.Ward [mailto:Laysha.Ward@████████████████████]
Sent: Thursday, June 18, 2009 7:39 PM
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Cc: adsolomont@████████████████████; ads@████████████████████; SGoldsmith; Soloway@████████████████████
Tanenblatt, Eric; Hyepin@████████████████████; jim.palmer@████████████████████
juliefcummngs@████████████████████; ssolomont@████████████████████; ACasella@████████████████████ Goren,
Nicola; Bryant, Tom
Subject: Re: Request for notes from May 20 IG briefing

Fyi just saw this issue is about to be discussed on CNN's Lou Dobbs show

Sent from my iPhone

On Jun 18, 2009, at 12:06 PM, "Trinity, Frank" <FTRINITY@cns.gov> wrote:

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> rioritize disclosure of any notes taken by those attending the IG's
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> Frank R. Trinity
> General Counsel
> Corporation for National and Community Service
> 202-606-6677 (direct)
> 202-355-2209 (cell) [cid:image002.jpg@01C9F015.99148C90]

> <image001.png>
> <image002.jpg>

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 ads@
 SGoldsmith; Soloway@
 Tanenblatt, Eric; Hyepin@
 jim.palmer@
 juliefcumngs@
 ssolomont@
 ACasella@
Cc: Goren, Nicola; Bryant, Tom
Subject: RE: Request for notes from May 20 IG briefing

Per my statement at the board meeting, I didn't take any notes during the IG briefing portion of the meeting.

Laysha

From: Trinity, Frank [mailto:FTRINITY@cns.gov]
Sent: Thursday, June 18, 2009 12:07 PM
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From: Laysha.Ward [mailto:Laysha.Ward@██████████]
Sent: Wednesday, June 17, 2009 6:47 PM
To: SGoldsmith; Trinity, Frank; adsolomont@██████████; ads@██████████; Soloway@██████████; Tanenblatt, Eric; Hyepin@██████████; jim.palmer@██████████; juliefcummngs@██████████; ssolomont@██████████; ACasella@██████████
Cc: Goren, Nicola
Subject: RE: Time-sensitive: FINAL draft of Letter to Senator Grassley re IG ██████████

I approve this version . Thanks to Frank for being available via phone to talk through several of my questions and comments about the letter, process, governance etc. I would like to know who from the board ultimately signs off and is represented on the letter being sent.

From: Steve Goldsmith [mailto:goldsmith@██████████]
Sent: Wednesday, June 17, 2009 5:42 PM
To: Trinity, Frank; adsolomont@██████████; ads@██████████; Laysha.Ward@██████████; Soloway@██████████; etanenblatt@██████████; Hyepin@██████████; jim.palmer@██████████; juliefcummngs@██████████; ssolomont@██████████; ACasella@██████████
Cc: Goren, Nicola
Subject: RE: Time-sensitive: FINAL draft of Letter to Senator Grassley re IG ██████████

Better tone; thank you; ok with me

From: Trinity, Frank [mailto:FTRINITY@cns.gov]
Sent: Wednesday, June 17, 2009 6:39 PM
To: adsolomont@██████████; ads@██████████; Laysha.Ward@██████████; Steve Goldsmith; Soloway@██████████; etanenblatt@██████████; Hyepin@██████████; jim.palmer@██████████; juliefcummngs@██████████; ssolomont@██████████; ACasella@██████████
Cc: Goren, Nicola
Subject: Time-sensitive: FINAL draft of Letter to Senator Grassley re IG ██████████

Please email me now if you are OK signing onto this final draft. We'd like to send out today, so we appreciate your attention to this.

Thank you for your interest in ensuring that the Corporation for National and Community Service properly fulfills its mission of supporting service and volunteering while maintaining appropriate accountability and oversight as a Federal agency. We are Members of the Corporation's Board of Directors, a bi-partisan group of Presidential appointees appointed by President Bush and confirmed by the Senate. Our Board has an oversight role for the agency and we owe an obligation to the President, Congress and taxpayers to make sure that the organization performs effectively.

As Special Government Employees, we volunteer our services on a part-time, intermittent basis, but we can assure you we are fully committed to a high-functioning agency that strives for responsible stewardship over the valuable Federal funds appropriated by Congress to support national and community service. To do this, we rely heavily on the Office of Inspector General to provide leadership, expertise, and resources in making sure the Corporation is managed properly. We have benefitted from the good work of the Office of Inspector General over the years and through several changes in Inspectors General.

Over an extended period of time, we observed how Gerald Walpin's effectiveness as Inspector General significantly diminished. Without an IG who can focus time and energy on areas of greatest risk, we are hampered in effectively discharging our responsibilities to you and your colleagues. Our concerns became paramount after an event in May involving

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the full Board of Directors that caused us collectively to question Mr. Walpin's ongoing ability to carry out his duties. As a result, the entire Board unanimously asked our Chair to convey our concerns to the White House. We support the President's decision to remove Mr. Walpin.

We need a strong, credible, and respected Inspector General who will help give the Congress and the American people confidence that their taxpayer dollars are being used properly to support national and community service, and we look forward to reestablishing an effective working relationship with a new Inspector General.

We are sending this to you in your capacity as Senator. The committees with oversight are the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs, and we are sending copies to the attention of the Chairs and ranking members of those committees because this is a matter of interest to them.

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Trinity, Frank

From: Tanenblatt, Eric [etanenblatt@
Sent: Tuesday, November 17, 2009 6:44 PM
To: Trinity, Frank
Subject: FW: Time-sensitive: FINAL draft of Letter to Senator Grassley re IG

From: Hyepin Im [mailto:hyepin@
Sent: Wednesday, June 17, 2009 7:06 PM
To: Trinity, Frank
Cc: adsolomont@; ads@; Laysha.Ward@; SGoldsmith; Soloway@; Tanenblatt, Eric; jim.palmer@; juliefcummgns@; ssolomont@; ACasella@; Goren, Nicola
Subject: Re: Time-sensitive: FINAL draft of Letter to Senator Grassley re IG

Ok...thanks Frank.

On Wed, Jun 17, 2009 at 3:39 PM, Trinity, Frank <FTRINITY@cns.gov> wrote:

Please email me now if you are OK signing onto this final draft. We'd like to send out today, so we appreciate your attention to this.

Thank you for your interest in ensuring that the Corporation for National and Community Service properly fulfills its mission of supporting service and volunteering while maintaining appropriate accountability and oversight as a Federal agency. We are Members of the Corporation's Board of Directors, a bi-partisan group of Presidential appointees appointed by President Bush and confirmed by the Senate. Our Board has an oversight role for the agency and we owe an obligation to the President, Congress and taxpayers to make sure that the organization performs effectively.

As Special Government Employees, we volunteer our services on a part-time, intermittent basis, but we can assure you we are fully committed to a high-functioning agency that strives for responsible stewardship over the valuable Federal funds appropriated by Congress to support national and community service. To do this, we rely heavily on the Office of Inspector General to provide leadership, expertise, and resources in making sure the Corporation is managed properly. We have benefitted from the good work of the Office of Inspector General over the years and through several changes in Inspectors General.

Over an extended period of time, we observed how Gerald Walpin's effectiveness as Inspector General significantly diminished. Without an IG who can focus time and energy on areas of greatest risk, we are hampered in effectively discharging our responsibilities to you and your colleagues. Our concerns became paramount after an event in May involving the full Board of Directors that caused us collectively to question Mr. Walpin's ongoing ability to carry out his duties. As a result, the entire Board unanimously asked our Chair to convey our concerns to the White House. We support the President's decision to remove Mr. Walpin.

We need a strong, credible, and respected Inspector General who will help give the Congress and the American people confidence that their taxpayer dollars are being used properly to support national and community service, and we look forward to reestablishing an effective working relationship with a new Inspector General.

We are sending this to you in your capacity as Senator. The committees with oversight are the Committee on Health, Education, Labor, and Pensions, and the Committee on Homeland Security and Governmental Affairs, and we are sending

11/18/2009

copies to the attention of the Chairs and ranking members of those committees because this is a matter of interest to them.

<input type="checkbox"/>

--
Hyepin C. Im, MBA, MDIV, CPA

hyepin@

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11/18/2009

Trinity, Frank

From: Tanenblatt, Eric [etanenblatt@redacted]
Sent: Tuesday, November 17, 2009 6:44 PM
To: Trinity, Frank
Subject: FW: Request for notes from May 20 IG briefing

From: Hyepin Im [mailto:hyepin@redacted]
Sent: Thursday, June 18, 2009 1:30 PM
To: Laysha.Ward
Cc: Trinity, Frank; adsolomont@redacted; ads@redacted; SGoldsmith; Soloway@redacted; Tanenblatt, Eric; jim.palmer@redacted; juliefcummgns@redacted; ssolomont@redacted; ACasella@redacted; Goren, Nicola; Bryant, Tom
Subject: Re: Request for notes from May 20 IG briefing

I did not take any notes.

On Thu, Jun 18, 2009 at 10:16 AM, Laysha.Ward <Laysha.Ward@redacted> wrote:

Per my statement at the board meeting, I didn't take any notes during the IG briefing portion of the meeting.

Laysha

From: Trinity, Frank [mailto:FTRINITY@cns.gov]
Sent: Thursday, June 18, 2009 12:07 PM
To: adsolomont@redacted; ads@redacted; Laysha.Ward; goldsmith@redacted; Soloway@redacted; etanenblatt@redacted; Hyepin@redacted; jim.palmer@redacted; juliefcummgns@redacted; ssolomont@redacted; ACasella@redacted
Cc: Goren, Nicola; Bryant, Tom
Subject: Request for notes from May 20 IG briefing

Senator Grassley's office has indicated that they would like us to prioritize disclosure of any notes taken by those attending the IG's briefing on May 20.

If you took notes or made notes afterwards, please send a copy of them to Tom Bryant in my office (he is copied here) at tbryant@cns.gov (tel, 202-60-6678, fax 202-606-3467).

We will review any notes we receive, in consultation with Privacy and Freedom of Information Act subject-matter experts in the executive branch, in determining whether, or the extent to which, to release outside the agency.

If you have any questions about this, please let me or Tom know.

Thank you for your attention to this matter.

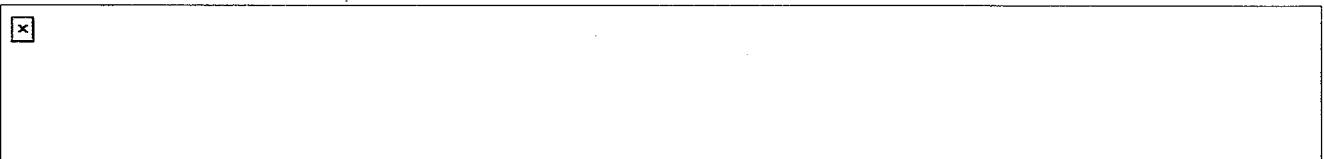
Frank R. Trinity

General Counsel

Corporation for National and Community Service

202-606-6677 (direct)

202-355-2209 (cell)



--
Hyepin C. Im, MBA, MDIV, CPA

[REDACTED]
hyepin@[REDACTED]

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Trinity, Frank

From: Tanenblatt, Eric [etanenblatt@████████████████████]
: Tuesday, November 17, 2009 6:37 PM
Trinity, Frank
Subject: FW: Jim Palmer has indicated he will sign Board letter re IG

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

From: Trinity, Frank [mailto:FTRINITY@cns.gov]
Sent: Wednesday, June 17, 2009 6:39 AM
To: ads@████████████████████; Goldsmith, Steve; Tanenblatt, Eric
Cc: Goren, Nicola
Subject: Jim Palmer has indicated he will sign Board letter re IG

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Trinity, Frank

From: Tanenblatt, Eric [etanenblatt@██████████]
Sent: Tuesday, November 17, 2009 6:39 PM
To: Trinity, Frank
Subject: FW: Background information

From: Trinity, Frank [mailto:FTRINITY@cns.gov]
Sent: Wednesday, June 17, 2009 6:05 PM
To: Tanenblatt, Eric
Subject: RE: Background information

Steve's about to call you.

From: Tanenblatt, Eric [mailto:etanenblatt@██████████]
Sent: Wednesday, June 17, 2009 5:59 PM
To: Trinity, Frank
Subject: RE: Background information

This is good Frank. Do you know if Steve has agreed to talk with the reporter? Did you happen to see the Glenn Beck show?

Eric J. Tanenblatt | Senior Managing Director
McKenna Long & Aldridge LLP
303 Peachtree Street | Suite 5300 Atlanta, GA 30308
Tel: 404.527.8114 | Fax: 404.527.4198 | etanenblatt@██████████

From: Trinity, Frank [mailto:FTRINITY@cns.gov]
Sent: Wednesday, June 17, 2009 5:56 PM
To: Tanenblatt, Eric
Subject: Background information

On May 20, 2009 meeting. All nine Board members were present, along with IG, Jack Park, Nicky, and Frank. Many of the participants have memorialized their recollections of the meeting. Afterwards, a Board member contacted Jack Park to express concern about the IG's wellness. Jack Park said that everything was fine. The Board as a whole asked Alan to convey their concerns about the IG's fitness to the White House.

IG's absence from HQ. Approximately one month before the end of the last Administration, Mr. Walpin had discussions with then-Chair Steve Goldsmith about the viability of his working from his home in New York. Steve indicated that he did not think such an arrangement was workable. Mr. Walpin thereafter announced that he would step down as IG at the end of January. In mid January, Mr. Walpin indicated that he had re-considered his decision and that he wished to telecommute from his

11/19/2009

home in New York. The Board, through the Chair of the MAG Committee, opposed this. A meeting was held in which Mr. Walpin explained his rationale (his staff had asked him to stay under such an arrangement). The Board again registered its objections, but in the end the IG indicated that he would use such an arrangement at least until June and that the Board had no authority over the decision.

IG lack of candor.

(1) The acting U.S. Attorney in Sacramento has expressed his concerns to the IG Integrity Committee over the OIG's failure to provide certain materials to the U.S. Attorney's office in connection with the St. HOPE Academy matter. The Integrity Committee process is pending.

(2) Separately, in connection with management's consideration of a settlement proposal in the St. HOPE matter, the OIG provided management with documents in support of the OIG view of the matter while not providing management a letter submitted by Kevin Johnson's attorney proffering a contrary view of the matter. When the General Counsel expressed concern about this, the Inspector General expressed uncertainty about whether he had the attorney letter and then said even if he had the attorney letter he wouldn't have provided it to management. (The IG subsequently acknowledged that he had the letter at the time of the meeting with management). This lack of candor (along with the IG's repeated public commentary on the St. HOPE Academy matter) resulted in the General Counsel declining to involve the Inspector General in management's consideration of settlement proposals in the week before the agreement was reached. The IG reacted to this by sending a formal complaint to Congress.

Other troubling and inappropriate conduct, disruptions to agency operations

Over a two-month period in December 2008- January 2009, the IG regularly complained to the Board, acting CEO, and General Counsel about the procedures used by the Corporation's EO office to process EO complaints. The IG's only basis for complaining was his involvement in an investigation of the OIG, which was and remains pending. In the face of the IG's repeated complaints, the EO Director indicated that she felt intimidated.

In a speech to hundreds of Senior Corps program staff, the IG made reference to the fact that his investigatory agents were authorized to carry sidearms. Program staff reported that this caused consternation and fear.

The IG had increasingly taken an approach of disparaging the motives of long-serving Corporation staff and belittling those who do not agree with his positions. This has alienated Corporation staff and impaired the relationship between management and OIG.

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Trinity, Frank

From: Tanenblatt, Eric [etanenblatt@████████████████████]
Sent: Tuesday, November 17, 2009 6:38 PM
To: Trinity, Frank
Subject: FW: Background information

From: Trinity, Frank [mailto:FTRINITY@cns.gov]
Sent: Wednesday, June 17, 2009 5:56 PM
To: Tanenblatt, Eric
Subject: Background information

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Trinity, Frank

From: Tanenblatt, Eric [etanenblatt@██████████]
Sent: Tuesday, November 17, 2009 6:38 PM
To: Trinity, Frank
Subject: FW: Washington Times and IG

From: Trinity, Frank [mailto:FTRINITY@cns.gov]
Sent: Wednesday, June 17, 2009 4:46 PM
To: SGoldsmith; Alan D. Solomont
Cc: Tanenblatt, Eric
Subject: RE: Washington Times and IG

Acting IG Ken Bach has dismissed ██████████, placing him on administrative leave until September.

From: Steve Goldsmith [mailto:goldsmith@██████████]
Sent: Wednesday, June 17, 2009 4:44 PM
To: Trinity, Frank; Alan D. Solomont
Cc: Tanenblatt, Eric
Subject: RE: Washington Times and IG

Now we have an even more substantial problem; If the Times accurately reported what they heard, and obviously ██████████ was the only other one in the room, then the veracity of the IGs office itself is now an issue. How could the board ever trust any investigation from ██████████ in the future.

From: Tanenblatt, Eric [mailto:etanenblatt@██████████]
Sent: Wednesday, June 17, 2009 3:59 PM
To: Steve Goldsmith
Subject: RE: Washington Times

I think someone needs to get on the phone with the reporter on background and lay out the facts. If necessary, we can then either talk with the reporter on the record or on background. This feels like amateur hour and we as board members are now starting to look like tools.

Eric J. Tanenblatt | Senior Managing Director
McKenna Long & Aldridge LLP
303 Peachtree Street | Suite 5300 Atlanta, GA 30308
Tel: 404.527.8114 | Fax: 404.527.4198 | etanenblatt@██████████

From: Steve Goldsmith [mailto:goldsmith@██████████]
Sent: Wednesday, June 17, 2009 3:53 PM
To: Tanenblatt, Eric
Subject: RE: Washington Times

How do you set the record straight when they are just not telling the truth at all; Lightly questioned the arrangement????? what

From: Tanenblatt, Eric [mailto:etanenblatt@██████████]
Sent: Wednesday, June 17, 2009 3:21 PM
To: Goren, Nicola; Trinity, Frank; ads@██████████; Steve Goldsmith
Subject: Washington Times

My guess is the anonymous source is ██████████ We need to set the record straight.

IG witness Blows Up White House Excuse

Washington Times - Washington,DC,USA

... Chairman Steven Goldsmith, and board member **Eric Tanenblatt** – lightly questioned the arrangement at one meeting, but agreed to “let’s see how it works. ...

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Trinity, Frank

From: Alan D. Solomont [ads@[REDACTED]]
Sent: Monday, June 01, 2009 1:38 PM
To: Stan Soloway
Subject: RE: IG

Stan-

I believe that is correct and consistent with Frank's advice.

Alan

Alan D. Solomont, Chairman/CEO
SolomontBailis Ventures, LLC
One Gateway Center
Suite 902
Newton, Massachusetts 02458
Phone 617.630.8081 Fax 617.630.8463
ads@[REDACTED]

From: Stan Soloway [mailto:soloway@[REDACTED]]
Sent: Friday, May 29, 2009 6:00 PM
To: Alan D. Solomont; Steve Goldsmith
Subject: IG

I trust there is no need for any of us to respond in any way to the Walpin letter? I will just put it in my CNCS file...
SS

Stan Z. Soloway
President & CEO
Professional Services Council
4401 Wilson Blvd. Suite 1110 Arlington, VA 22203
P: 703-875-8059 F: 703-875-8922
www.pscouncil.org

The Unified Voice of the Government Services Industry

SAVE THE DATE!
PSC ANNUAL CONFERENCE - October 4-6
Nemacolin Woodlands Resort, Farmington, PA
Contact the hotel directly to reserve your room today! 1-800-422-2736

Trinity, Frank

From: Alan D. Solomont [ads@██████████]

Sent: Thursday, June 18, 2009 11:25 AM

To: Tanenblatt, Eric

Eric-

I understand how much work you are doing to prevent and control damage from the IG matter. I want you to know how much I personally appreciate all your efforts as we all do.

Thanks,

Alan

Alan D. Solomont, *Chairman/CEO*

SolomontBailis Ventures, LLC

One Gateway Center

Suite 902

Newton, Massachusetts 02458

Phone 617.630.8081 Fax 617.630.8463

ads@██████████

11/19/2009

Trinity, Frank

From: Trinity, Frank
Sent: Tuesday, June 16, 2009 9:53 PM
To: Stan Soloway
Subject: Re: Status

You are doing a great job on rudder check/validation; Norm was very appreciative as I conveyed your feedback.
Talk to you tomorrow.

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

From: Stan Soloway <soloway@████████████████████>
To: Trinity, Frank
Sent: Tue Jun 16 21:50:35 2009
Subject: RE: Status

Thanks...If you/they want, I can circle back w/my folks tomorrow or thurs and make sure all are satisfied...other than that, I will sit tight...

Stan Z. Soloway
President & CEO
Professional Services Council
4401 Wilson Blvd. Suite 1110 Arlington, VA 22203
P: 703-875-8059 F: 703-875-8922
www.pscouncil.org

The Unified Voice of the Government Services Industry

Mark your calendars now for the PSC Annual Conference; Oct.4-6, 2009 Nemaquin Woodlands, Farmington, PA

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

From: Trinity, Frank [mailto:FTRINITY@cns.gov]
Sent: Tuesday, June 16, 2009 9:33 PM
To: Stan Soloway
Subject: Status

WH is preparing its own communication with more specific information, including May 20 IG presentation that prompted Board request for WH review.

Trinity, Frank

m: Trinity, Frank
: Saturday, June 13, 2009 3:27 PM
: Stan Soloway
Subject: Re: Time-sensitive request from White House Counsel re IG matter

Thanks Stan. I let Elana know.

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

From: Stan Soloway <soloway@ [REDACTED]>
To: Trinity, Frank
Sent: Sat Jun 13 15:16:51 2009
Subject: RE: Time-sensitive request from White House Counsel re IG matter

Frank
FYI...no word from Elana yet. I am available today until about 430...
SS

Stan Z. Soloway
President & CEO
Professional Services Council
4401 Wilson Blvd. Suite 1110 Arlington, VA 22203
P: 703-875-8059 F: 703-875-8922
www.pscouncil.org

The Unified Voice of the Government Services Industry

Mark your calendars now for the PSC Annual Conference; Oct.4-6, 2009 Nemaocolin
Woodlands, Farmington, PA

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

From: Trinity, Frank [mailto:FTRINITY@cns.gov]
Sent: Saturday, June 13, 2009 10:25 AM
To: Stan Soloway; Alan Solomont; Eric Tanenblatt; Hyepin Im; Jim Palmer; Julie Fisher
Cummings; Laysha Ward; Mark Gearan; Steve Goldsmith
Cc: Goren, Nicola; Samose, Emily
Subject: Time-sensitive request from White House Counsel re IG matter

I was just contacted by Elana Tyrangiel, Associate Counsel to the President, seeking your assistance in responding to questions from Members of Congress about President Obama's removal of Gerald Walpin as Inspector General. Specifically, the White House Counsel's office would like to compile statements from Board members and CNCS staff who were present at the Inspector General's presentation to the Board immediately before the public board meeting last month.

Please confirm that you have received this message and let me know the best way for Elana to get in touch with you today. The plan is for Elana to call each of you. She will prepare statements for your review for accuracy.

Thank you for your time on this important matter. You can reach me at 202-355-2209.

Frank

Trinity, Frank

m: Trinity, Frank
l: Wednesday, June 17, 2009 9:15 AM
ads@██████████ Goldsmith, Steve; etanenblatt@██████████; Stan Soloway
Subject: Eisen 6/16 letter to Congress re IG

Attachments: lieberman_collins_061609.pdf



lieberman_collins_0
61609.pdf (...)

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

From: Eisen, Norman L. [mailto:Norman_L._Eisen@██████████]
Sent: Wed 6/17/2009 9:09 AM
To: Tyrangiel, Elana J.; Trinity, Frank; Schmelzer, Ranit; Goren, Nicola
Cc:
Subject: RE:

Here is the letter we provided to Lieberman/Collins/McCaskill. It is identical to the one that went to the House. Elana, will you please share the House letter. Don't have Rhoda's email, counting on CNAS folks to share with Rhoda too. Thanks, Norm

Trinity, Frank

From: Trinity, Frank
Thursday, June 18, 2009 4:46 PM
To: ads@██████████; goldsmith@██████████; etanenblatt@██████████; Stan Soloway
Cc: Goren, Nicola
Subject: Enzi/Hatch letter

Senators Enzi and Hatch sent a letter today to WH Counsel and CNCS CEO, mostly on the basis for the IG removal and the notice given -- the same issues raised by Homeland Security/ Govt Ops.

The letter asks several questions about our supplemental response to the IG's 7 day letter on St. HOPE Academy.

We will coordinate our response with WH Counsel.

I expect there will be outreach from WH also.

Trinity, Frank

From: Trinity, Frank
Sent: Wednesday, July 08, 2009 6:15 PM
To: Steve Goldsmith; adsolomont@[REDACTED]; Stan Soloway
Cc: Glickman, Rhoda
Subject: FW: TC with Robin Juliano of Kennedy's staff re IG matter

From: Trinity, Frank
Sent: Wednesday, July 08, 2009 5:49 PM
To: 'lterrell@[REDACTED]'; Glickman, Rhoda
Cc: 'Weideman, Christian'
Subject: TC with Robin Juliano of Kennedy's staff re IG matter

Robin said that based on discussion with Enzi's staff, the committee will likely request to hear from CNCS Board member Eric Tanenblatt, who is a Republican appointee. They also plan to hear from Mr. Walpin and Jack Park his Special Assistant. (Robin noted that there is still a request for a hearing pending from Senator Enzi.)

Frank R. Trinity
General Counsel
Corporation for National and Community Service
202-606-6677 (direct)

Trinity, Frank

From: Trinity, Frank
Sent: Thursday, June 18, 2009 4:32 PM
To: ads@██████████; goldsmith@██████████; etanenblatt@██████████; Stan Soloway
Cc: Goren, Nicola
Subject: Letter to WH Counsel and CNCS from Senators Enzi and Hatch

Senator Enzi, Ranking Member of the HELP Senate Committee on Health, Education, Labor, and Pensions and Senator Hatch sent a joint letter to the White House Counsel and Nicky Goren, the Corporation's Acting CEO, inquiring further into the President's decision to remove Mr. Walpin as the Corporation's IG. The letter expressed the Senators' concerns that the removal did not comply with the Inspector General Reform Act, and requests the answers to several questions from the WH Counsel, including whether the June 11 letter, which stated that "the IG no longer had the President's confidence", complied with the Act, or whether the subsequent letter, dated June 16, was intended to meet the requirements of the Act - and whether Mr. Walpin will be terminated 30 days from the 1st or 2nd letter.

The Senators also seek WH Counsel's opinion concerning whether it thinks that the personnel actions taken by CNCS in regard to Mr. Walpin on June 11 complies with the 30 day requirement. Finally, they ask for more detailed information concerning the WH Counsel's request that Mr. Walpin resign, and whether such a request was appropriate in light of the requirements of the Act.

Senators also request the production of all relevant documents relating to the decision to terminate Mr. Walpin, including any legal analyses of the IG Act by CNCS, DOJ, or the WH. They also want contemporaneous documentation of all alleged misconduct and a list of those individuals or offices consulted in reaching the conclusion that he should be terminated.

The Senators also express their concern that CNCS did not act appropriately when it failed to attach its own report to the OIG's Special Report, stating that the Corporation was "constrained from commenting substantively on the Inspector General's Special Report because of the Acting United States Attorney for the Eastern District of California's allegations concerning Mr. Walpin to the Chair of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency". Senators Enzi and Hatch even attached a Congressional Research Service (CRS) opinion that the Corporation was not legally constrained from forwarding a report under the circumstances expressed above. As an aside, it should be noted that the opinion also concludes that "the agency head does have the discretion to determine what comments are and are not appropriate".

The Senators also express their concern with the timing of the Acting CFO's memorandum, pointing out that its June 16 date is five days after the decision was made to terminate Mr. Walpin. They ask for all documents, including e-mail and internal documents, supporting the settlement in the St. HOPE Academy matter, and any legal analyses that were conducted prior to June 11. The Senators conclude by urging the WH and the Corporation to waive any privileges (to withhold matters) it may have in the interest of transparency and accountability in responding to their requests.

They seek our response by COB, June 24, 2009.

Trinity, Frank

From: Laysha.Ward [Laysha.Ward@██████████]
Int: Friday, June 12, 2009 11:47 PM
To: Stan Soloway
Subject: Re: Follow-up to Board's Discussion of IG

Yes response needed. Grassely issue expected & managable I hope. Best

Sent from my iPhone

On Jun 12, 2009, at 6:17 PM, "Stan Soloway" <soloway@██████████>
wrote:

> Thanks Emily/Ranit....given Senator Grassley's letter this afternoon,
> I gather a fuller response will now need to be prepared?
> SS
>
> Stan Z. Soloway
> President & CEO
> Professional Services Council
> 4401 Wilson Blvd. Suite 1110 Arlington, VA 22203
> P: 703-875-8059 F: 703-875-8922
> www.pscouncil.org
>
> The Unified Voice of the Government Services Industry
>
> Mark your calendars now for the PSC Annual Conference; Oct.4-6,
> 2009 Nemascolin Woodlands, Farmington, PA
>
>

> -----Original Message-----

> From: Samose, Emily [mailto:ESamose@cns.gov]
> Sent: Friday, June 12, 2009 3:00 PM
> To: Samose, Emily; Alan Solomont; Eric Tanenblatt; Hyepin Im; Jim
> Palmer; Julie Fisher Cummings; Laysha Ward; Mark Gearan; Stan
> Soloway; Steve Goldsmith
> Cc: Alexis Broske (Jim Palmer); Allison Casella (Alan Solomont);
> Elyssa Larranaga (Steve Goldsmith); Kathryn Montgomery (Eric T);
> Kimberly Turner; LuJean Larson (Laysha Ward); Sue Moutsatson (Julie
> F C); Valerie Vistocco (Mark Gearan); Zaheer, Myra; Goren, Nicola;
> Zakai, Marlene; Proulx, Julie; Schmelzer, Ranit; Trinity, Frank
> Subject: Follow-up to Board's Discussion of IG

> The message below is from Ranit Schmelzer

> Dear Board,

> As a follow up to yesterday's call, below is suggested guidance in
> the event you get press calls on IG Walpin.

> - Indicate that you support the President's decision to remove IG
> Walpin.

> All follow up questions should be done on background, i.e. as a CNCS
> Board Member.

> - If asked why he was removed, indicate that the President lost
> confidence in Mr. Walpin.

> - If the reporter continues to press, say that you can't get into

> details on a personnel matter, but you understand there were some
> performance-based issues.
>
> - If asked whether this was connected to Walpin's action in the CUNY
> case, say no. The decision was made before Walpin's reports on CUNY
> were issued.
>
> Note: I do not recommend getting into any specifics about IG
> Walpin's performance-based issues. The WH has stayed away from this
> and has counseled us to do the same.
>
> Please let me know if you have any questions. FYI: Below is the
> most recent AP story.
>
> Thanks,
> Ranit
>
> Associated Press, June 12, 2009, 5:00 AM PDT,
> <http://www.google.com/hostednews/ap/article/ALeqM5iUZkMBylmNzbML2mfypZpWfj0wdwD98P0F000>
> Obama removes AmeriCorps's IG in spat with friend
> By ANN SANNER and PETE YOST - 4 hours ago
>
> WASHINGTON (AP) - President Barack Obama says he has lost confidence
> in the inspector general who investigates AmeriCorps and other
> national service programs and has told Congress he is removing him
> from the position.
>
> Obama's move follows an investigation by IG Gerald Walpin of
> Sacramento Mayor Kevin Johnson, who is an Obama supporter and former
> NBA basketball star, into the misuse of federal grants by a
> nonprofit education group that Johnson headed.
>
> Walpin was criticized by the acting U.S. attorney in Sacramento for
> the way he handled an investigation of Johnson and St. HOPE Academy,
> a nonprofit group that received hundreds of thousands of dollars in
> federal grants from the Corporation for National Community Service.
> The corporation runs the AmeriCorps program.
>
> "It is vital that I have the fullest confidence in the appointees
> serving as Inspectors General," Obama said in a letter Thursday to
> House Speaker Nancy Pelosi and Vice President Joe Biden, who also
> serves as president of the Senate. "That is no longer the case with
> regard to this Inspector General."
>
> The president didn't offer any more explanation, but White House
> Counsel Gregory Craig, in a letter to Sen. Charles Grassley, R-Iowa,
> cited the U.S. attorney's criticism of Walpin to an integrity
> committee for inspectors general.
>
> "We are aware of the circumstances leading to that referral and of
> Mr. Walpin's conduct throughout his tenure and can assure you that
> the president's decision was carefully considered," Craig wrote.
>
> Grassley had written Obama a letter pointing to a law requiring that
> Congress be given the reasons an IG is fired. He cited a Senate
> report saying the requirement is designed to ensure that inspectors
> general are not removed for political reasons.
>
> Grassley said Walpin had identified millions of dollars in
> AmeriCorps funds that were wasted or misspent and "it appears he has
> been doing a good job."
>
> Messages left for Walpin seeking comment were not immediately
> returned.
>
> The IG found that Johnson, a former all-star point guard for the
> Phoenix Suns, had used AmeriCorps grants to pay volunteers to engage

> in school-board political activities, run personal errands for
> Johnson and even wash his car.
>
> In August 2008, Walpin referred the matter to the local U.S.
> attorney's office, which said the IG's conclusions seemed overstated
> and did not accurately reflect all the information gathered in the
> investigation.
>
> "We also highlighted numerous questions and further investigation
> they needed to conduct, including the fact that they had not done an
> audit to establish how much AmeriCorps money was actually misspent,"
> Acting U.S. Attorney Lawrence Brown said in an April 29 letter to
> the federal counsel of inspectors general.
>
> Walpin's office made repeated public comments just before the
> Sacramento mayoral election, prompting the U.S. attorney's office to
> inform the media that it did not intend to file any criminal charges.
>
> The U.S. attorney's office reached a settlement in the matter. Brown
> cited press accounts that said Johnson and the nonprofit would repay
> half of nearly \$850,000 in grants it received.
>
> Kevin Heistand, chairman of the board of St. HOPE Academy, said in a
> statement it was "about time" Walpin was removed. "Mr. Walpin's
> allegations were meritless and clearly motivated by matters beyond
> an honest assessment of our program."
>
> Ken Bach, who works in the inspector general's office at the
> corporation, will be acting inspector general until Obama appoints
> someone to the position.
>
> Walpin, a New York attorney, was appointed by then-President George
> W. Bush and sworn into office in January 2007 after being confirmed
> by the Senate, according to a news release on AmeriCorps' Web site.
> Walpin graduated from College of the City of New York in 1952 and
> received a law degree in 1955 from Yale Law School. He was a partner
> with the New York City law firm Katten Muchin and Rosenman LLP for
> more than 40 years.
>
> Alan Solomont, a Democrat and the board chairman of the government-
> run corporation, and Stephen Goldsmith, a Republican and the board's
> vice chair, said they strongly endorsed Obama's decision.
>
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>

Trinity, Frank

From: Tanenblatt, Eric [etanenblatt@████████████████████]
Tuesday, November 17, 2009 6:50 PM
Trinity, Frank
Subject: FW: reaching out to the hill tomorrow

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

From: Stan Soloway [mailto:soloway@████████████████████]
Sent: Friday, June 19, 2009 6:22 AM
To: Goren, Nicola; SGoldsmith; ads@████████████████████; Tanenblatt, Eric
Cc: Elana J. Tyrangiel@████████████████████; Samose, Emily; Glickman, Rhoda; Trinity, Frank; Schmelzer, Ranit
Subject: RE: reaching out to the hill tomorrow

I will be on cell...not in office until 2

Stan Z. Soloway
President & CEO
Professional Services Council
4401 Wilson Blvd. Suite 1110 Arlington, VA 22203
P: 703-875-8059 F: 703-875-8922
www.pscouncil.org

The Unified Voice of the Government Services Industry

Mark your calendars now for the PSC Annual Conference; Oct.4-6, 2009 Nemaocolin Woodlands, Farmington, PA

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

From: Goren, Nicola [mailto:NGoren@cns.gov]
Sent: Thursday, June 18, 2009 11:16 PM
To: goldsmith@████████████████████; ads@████████████████████; etanenblatt@████████████████████; Stan Soloway
Cc: Elana J. Tyrangiel@████████████████████; Samose, Emily; Glickman, Rhoda; Trinity, Frank; Schmelzer, Ranit
Subject: reaching out to the hill tomorrow

We may want you to reach out to some of your hill contacts tomorrow. I will ask Rhoda to follow up with you in the morning.

Thanks
Nicky

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Trinity, Frank

From: Tanenblatt, Eric [etanenblatt@████████████████████]
Sent: Tuesday, November 17, 2009 6:37 PM
Subject: FW: Eisen 6/16 letter to Congress re IG

Attachments: lieberman_collins_061609.pdf



lieberman_collins_061609.pdf (...)

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

From: Trinity, Frank [mailto:FTRINITY@cns.gov]
Sent: Wednesday, June 17, 2009 9:15 AM
To: ads@████████████████████; Goldsmith, Steve; Tanenblatt, Eric; Soloway@████████████████████
Subject: Eisen 6/16 letter to Congress re IG

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

From: Eisen, Norman L. [mailto:Norman_L._Eisen@████████████████████]
Sent: Wed 6/17/2009 9:09 AM
To: Tyrangiel, Elana J.; Trinity, Frank; Schmelzer, Ranit; Goren, Nicola
Cc:
Subject: RE:

Here is the letter we provided to Lieberman/Collins/McCaskill. It is identical to the one that went to the House. Elana, will you please share the House letter. Don't have Rhoda's email, counting on CNAS folks to share with Rhoda too. Thanks, Norm

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Trinity, Frank

From: Tanenblatt, Eric [etanenblatt@████████████████████]
: Tuesday, November 17, 2009 6:36 PM
Trinity, Frank
Subject: FW: Status

-----Original Message-----
From: Trinity, Frank [mailto:FTRINITY@cns.gov]
Sent: Tuesday, June 16, 2009 9:51 PM
To: Tanenblatt, Eric
Subject: Re: Status

I think that is still the plan.

----- Original Message -----
From: Tanenblatt, Eric <etanenblatt@████████████████████>
To: Trinity, Frank
Sent: Tue Jun 16 21:48:17 2009
Subject: Re: Status

Are we still going to send ours when you get others?

Glad WH is responded because the media swirl is not subsiding much.

----- Original Message -----
From: Trinity, Frank <FTRINITY@cns.gov>
To: Tanenblatt, Eric
Sent: Tue Jun 16 21:45:30 2009
Subject: Re: Status

Yes -- we haven't been able to get more Bd members on the letter in the timeframe desired.

----- Original Message -----
From: Tanenblatt, Eric <etanenblatt@████████████████████>
To: Trinity, Frank
Sent: Tue Jun 16 21:37:29 2009
Subject: Re: Status

Is this separate from our letter?

----- Original Message -----
From: Trinity, Frank <FTRINITY@cns.gov>
To: Tanenblatt, Eric
Sent: Tue Jun 16 21:32:17 2009
Subject: Status

WH is preparing its own communication with more specific information, including May 20 IG presentation that prompted Board request for WH review.

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Subject: Status

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Trinity, Frank

From: Tanenblatt, Eric [etanenblatt@████████████████████]
Tuesday, November 17, 2009 6:34 PM
Trinity, Frank
Subject: FW: Time-sensitive request from White House Counsel re IG matter

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

From: Trinity, Frank [mailto:FTRINITY@cns.gov]
Sent: Saturday, June 13, 2009 10:25 AM
To: Stan Soloway; Alan Solomont; Tanenblatt, Eric; Hyepin Im; Jim Palmer; Julie Fisher Cummings; Laysha Ward; Mark Gearan; SGoldsmith
Cc: Goren, Nicola; Samose, Emily
Subject: Time-sensitive request from White House Counsel re IG matter

I was just contacted by Elana Tyrangiel, Associate Counsel to the President, seeking your assistance in responding to questions from Members of Congress about President Obama's removal of Gerald Walpin as Inspector General. Specifically, the White House Counsel's office would like to compile statements from Board members and CNCS staff who were present at the Inspector General's presentation to the Board immediately before the public board meeting last month.

Please confirm that you have received this message and let me know the best way for Elana to get in touch with you today. The plan is for Elana to call each of you. She will prepare statements for your review for accuracy.

Thank you for your time on this important matter. You can reach me at 202-355-2209.

Frank

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Trinity, Frank

From: Julie F. Cummings [juliefcumings@████████████████████]
Sent: Wednesday, November 18, 2009 5:49 PM
To: Trinity, Frank
Subject: FW: Follow-up to Board's Discussion of IG

----- Forwarded Message

From: Stan Soloway <soloway@████████████████████>
Date: Fri, 12 Jun 2009 19:17:06 -0400
To: Emily Samose <ESamose@cns.gov>, Alan Solomont <ads@████████████████████>, Eric Tanenblatt <etanenblatt@████████████████████>, Hyepin Im <hyepin@████████████████████>, Jim Palmer <jim.palmer@████████████████████>, Julie Cummings <juliefcumings@████████████████████>, Laysha Ward <Laysha.ward@████████████████████>, Mark Gearan <gearan@████████████████████>, Stephen Goldsmith <goldsmith@████████████████████>
Cc: "Alexis Broske (Jim Palmer)" <alexis.broske@████████████████████>, Alan Solomont <acasella@████████████████████>, "Elyssa Larranaga (Steve Goldsmith)" <elarranaga@████████████████████>, "Kathryn Montgomery (Eric T)" <kmontgomery@████████████████████>, Kimberly Turner <KimberlyT@████████████████████>, "LuJean Larson (Laysha Ward)" <lujean.larson@████████████████████>, Sue Moutsatson <sueschnue@████████████████████>, "Valerie Vistocco (Mark Gearan)" <Vistocco@████████████████████>, "Zaheer, Myra" <mzaheer@████████████████████>, Nicole Goren <NGoren@cns.gov>, Marlene Zakai <MZAKAI@cns.gov>, "Proulx, Julie" <jproulx@cns.gov>, Ranit Schmelzer <RSchmelzer@cns.gov>, "Trinity, Frank" <FTRINITY@cns.gov>
Subject: RE: Follow-up to Board's Discussion of IG

Thanks Emily/Ranit....given Senator Grassley's letter this afternoon, I gather a fuller response will now need to be prepared?
 SS

Stan Z. Soloway
 President & CEO
 Professional Services Council
 4401 Wilson Blvd. Suite 1110 Arlington, VA 22203
 P: 703-875-8059 F: 703-875-8922
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Cc: Alexis Broske (Jim Palmer); Allison Casella (Alan Solomont); Elyssa Larranaga (Steve Goldsmith); Kathryn Montgomery (Eric T); Kimberly Turner; LuJean Larson (Laysha Ward); Sue Moutsatson (Julie F C); Valerie Vistocco

11/18/2009

(Mark Gearan); Zaheer, Myra; Goren, Nicola; Zakai, Marlene; Proulx, Julie; Schmelzer, Ranit; Trinity, Frank
Subject: Follow-up to Board's Discussion of IG

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Note: I do not recommend getting into any specifics about IG Walpin's performance-based issues. The WH has stayed away from this and has counseled us to do the same.

Please let me know if you have any questions. FYI: Below is the most recent AP story.

Thanks,
Ranit

Associated Press, June 12, 2009, 5:00 AM PDT,
<http://www.google.com/hostednews/ap/article/ALeqM5iUZkMBy1mNzbML2mfyPzPWfjOwdwD98P0F000>
Obama removes AmeriCorps's IG in spat with friend
By ANN SANNER and PETE YOST - 4 hours ago

WASHINGTON (AP) - President Barack Obama says he has lost confidence in the inspector general who investigates AmeriCorps and other national service programs and has told Congress he is removing him from the position.

Obama's move follows an investigation by IG Gerald Walpin of Sacramento Mayor Kevin Johnson, who is an Obama supporter and former NBA basketball star, into the misuse of federal grants by a nonprofit education group that Johnson headed.

Walpin was criticized by the acting U.S. attorney in Sacramento for the way he handled an investigation of Johnson and St. HOPE Academy, a nonprofit group that received hundreds of thousands of dollars in federal grants from the Corporation for National Community Service. The corporation runs the AmeriCorps program.

"It is vital that I have the fullest confidence in the appointees serving as Inspectors General," Obama said in a letter Thursday to House Speaker Nancy Pelosi and Vice President Joe Biden, who also serves as president of the Senate. "That is no longer the case with regard to this Inspector General."

11/18/2009

The president didn't offer any more explanation, but White House Counsel Gregory Craig, in a letter to Sen. Charles Grassley, R-Iowa, cited the U.S. attorney's criticism of Walpin to an integrity committee for inspectors general.

"We are aware of the circumstances leading to that referral and of Mr. Walpin's conduct throughout his tenure and can assure you that the president's decision was carefully considered," Craig wrote.

Grassley had written Obama a letter pointing to a law requiring that Congress be given the reasons an IG is fired. He cited a Senate report saying the requirement is designed to ensure that inspectors general are not removed for political reasons.

Grassley said Walpin had identified millions of dollars in AmeriCorps funds that were wasted or misspent and "it appears he has been doing a good job."

Messages left for Walpin seeking comment were not immediately returned.

The IG found that Johnson, a former all-star point guard for the Phoenix Suns, had used AmeriCorps grants to pay volunteers to engage in school-board political activities, run personal errands for Johnson and even wash his car.

In August 2008, Walpin referred the matter to the local U.S. attorney's office, which said the IG's conclusions seemed overstated and did not accurately reflect all the information gathered in the investigation.

"We also highlighted numerous questions and further investigation they needed to conduct, including the fact that they had not done an audit to establish how much AmeriCorps money was actually misspent," Acting U.S. Attorney Lawrence Brown said in an April 29 letter to the federal counsel of inspectors general.

Walpin's office made repeated public comments just before the Sacramento mayoral election, prompting the U.S. attorney's office to inform the media that it did not intend to file any criminal charges.

The U.S. attorney's office reached a settlement in the matter. Brown cited press accounts that said Johnson and the nonprofit would repay half of nearly \$850,000 in grants it received.

Kevin Heistand, chairman of the board of St. HOPE Academy, said in a statement it was "about time" Walpin was removed. "Mr. Walpin's allegations were meritless and clearly motivated by matters beyond an honest assessment of our program."

Ken Bach, who works in the inspector general's office at the corporation, will be acting inspector general until Obama appoints someone to the position.

Walpin, a New York attorney, was appointed by then-President George W. Bush and sworn into office in January 2007 after being confirmed by the Senate, according to a news release on AmeriCorps' Web site. Walpin graduated from College of the City of New York in 1952 and received a law degree in 1955 from Yale Law School. He was a partner with the New York City law firm Katten Muchin and Rosenman LLP for more than 40 years.

Alan Solomont, a Democrat and the board chairman of the government-run corporation, and Stephen Goldsmith, a Republican and the board's vice chair, said they strongly endorsed Obama's decision.

----- End of Forwarded Message

Trinity, Frank

From: Alan D. Solomont [ads@[REDACTED]]

Sent: Wednesday, June 03, 2009 11:48 AM

To: norman.eisen@[REDACTED]

Norm-

Here is the contact information for Gerald Walpin and information regarding Kenneth Bach.

g.walpin@cncsoig.gov

Work 202-606-9390

Home [REDACTED]

Other [REDACTED]

Cell [REDACTED]

Week-end [REDACTED]

Fax Weekend [REDACTED]

I'll await further instructions.

Thanks,
Alan

Alan D. Solomont, Chairman/CEO

SolomontBailis Ventures, LLC

One Gateway Center

Suite 902

Newton, Massachusetts 02458

Phone 617.630.8081 Fax 617.630.8463

ads@[REDACTED]

From: Trinity, Frank [mailto:FTRINITY@cns.gov]

Sent: Wednesday, June 03, 2009 10:46 AM

To: Alan D. Solomont

Cc: Goren, Nicola

Subject: Kenneth Bach

I have confirmed that Kenneth Bach, Assistant Inspector General for Support and Chief Technology Officer, meets the salary and length of service qualifications under the Vacancies Act to serve in an acting capacity.


Here is a link to his bio as posted on the OIG website:

<http://www.cncsig.gov/PDF/Bios/Bach.pdf>

11/19/2009

Corporation for
**NATIONAL &
COMMUNITY
SERVICE**

To: Gerald Walpin, Inspector General

From: Jerry Bridges, Chief Financial Officer 

Cc: David Eisner, Chief Executive Officer
Frank Trinity, General Counsel
Peg Rosenberry, Director of Grants Management

Subj: Comments on Draft OIG Semi-annual Report to Congress

Date: April 24, 2007

Thank you for the opportunity to review your draft Semiannual Report for factual inaccuracies. David Eisner has asked me to provide the Corporation's comments on his behalf. We would like to bring the following items to your attention.

References to criminal history checks

On Page 2, in the third paragraph, strike "most Senior Corps volunteers" and insert "all Foster Grandparents and Senior Companions". Additionally in the third paragraph, strike "and VISTA" in the second line and on page 19, in the second paragraph, strike "VISTA". Numerically, there are more RSVP volunteers than Foster Grandparents and Senior Companions, and RSVP volunteers are not within the scope of the new regulation. See 72 Fed. Reg. 48,577 (August 24, 2007). Also, the regulation covers AmeriCorps State/National members; VISTA and NCCC are outside the scope of the regulation. Id.

On page 19, in the fourth paragraph, strike "will be denied" and insert "may be denied". We think using the word "may" instead of "will" accurately describes the potential for disallowed costs and other steps the Corporation may take in connection with a grantee's failure to comply with the regulation.

Audit Section: Recording Service Hours Prior to Signing the Member Contract

On page 7, the final paragraph begins with the assertion "AmeriCorps applicants become members only after signing a contract; therefore, service hours recorded before signing are not eligible to count toward earning an education award." We understand that OIG has adopted this as a criterion for testing under its Agreed-upon Procedures program for AmeriCorps grantees and sub-recipients. However, as the Corporation has advised you in response to the draft report on the Local Initiatives Support Corporation grant, we do not agree that the grant provision relied upon for this criterion has the legal effect asserted. This provision was added to AmeriCorps grants in 2003, as additional guidance regarding the grantee's responsibilities to update information in the National Service Trust as they enroll AmeriCorps members.

We do not believe that the timing of a member's signature on a member contract is an appropriate criterion for allowing or disallowing service hours or member benefits. We are preparing a more detailed explanation for why we will not invalidate education awards based solely on the fact that service hours were performed before the date that a member signs an agreement with their AmeriCorps program. Nonetheless, we agree with the conclusion in an earlier OIG Audit Report 07-04 (Audit of Corporation for National and Community Service Grants Awarded to the Utah Commission on Volunteers) that performing service before the members sign agreements represents an internal control weakness on the part of programs.

Table V: Summary of Audits With Overdue Management Decisions

On page 27, you note that your office considers the Corporation's Management Decision on Audit Report 07-08 (Public Allies) to be overdue, because our management decision did not wholly rely on the findings in the audit. You also make a similar comment on page 14 that the Corporation "declined to support an audit finding." These proposed comments in your Semiannual Report may require us to provide an explanation of our position on the use of OIG audit findings in making management decisions.

In the final analysis, an audit finding is no more valid than the criteria being used to assess grantee performance, and the quality of the evidence developed in the audit. In the case of Public Allies, the audit disputed all service hours in excess of 10 hours per day as excessive, and therefore not creditable toward successful completion of a term of service. However, the Corporation has never established any such categorical limitation. We agree that service hours of that magnitude or greater warrant further inquiry, but we would not agree that all hours in excess of 10 should be mechanically excluded from a term of service. When we asked to examine the audit evidence in order to be able to assess the reasonableness of the service hours charged, it appeared that the audit firm had not included copies of the questioned timesheets in its work papers. This was, and is, troubling; in particular that the audit report cited the very specific example of an AmeriCorps member claiming 24 hours of service in a single day, when the work papers contained only summary information and not the specific documentary or testimonial evidence for that specific assertion. In such circumstances, it would not have been appropriate for the Corporation to merely rely on the audit findings in reaching our management decision.

Moreover, the potential problem of merely relying on the audit findings has been highlighted by the Corporation's further evaluation (to which you have objected). Our review of the actual timesheets, secured from Public Allies (not included in the work papers), for members who recorded 24 hours during a single day has led us to conclude that the audit findings were in fact flawed. While there was an AmeriCorps member who recorded 24 hours of service in a single day, this occurred in the context of the member working with students (who were the program's service recipients) at multi-day retreats or conferences that extended into weekends. We cannot arbitrarily conclude that it was unreasonable for the program to consider the AmeriCorps member to be on continuous duty when they are responsible for students at multi-day retreats or conferences. Further, we note that the auditors reduced from 16 to 10 the service hours recorded by another AmeriCorps member for 3 days in a single 2-week period. However,

the timesheet in this case specifically stated that the time recorded on those 3 days was to obtain credit for "holiday paid hours" on Thanksgiving and Christmas. These recorded service hours are entirely invalid, yet the audit finding only questioned 18 of the 48 inappropriately recorded hours.

Our interest and actions in regard to this matter have been achieving the correct result regarding the Public Allies program and the AmeriCorps members involved. With this additional understanding, we hope that you will be supportive, rather than critical, of our actions in responding to the audit.

Update on Management Decision: Audit Section: 07-15 – Report on Agreed-Upon Procedures of Grants Awarded to the Kansas Volunteer Service Commission

On page 10, in second paragraph, you state your disagreement with the Corporation's prior decision to withhold assessing a debt for the amount of the questioned education award that has already been disbursed. To provide you with an update on this situation, we anticipate that before the publication of your Semiannual Report, we will revise our management decision on this audit. We will be establishing a debt for the amount of the education award already disbursed.

IG's Message: Discussion of OMB Budget Actions

As a final note, we feel compelled to comment upon the discussion in your introductory Message regarding the Office of Management and Budget actions on the OIG FY 2009 budget request. We note that under OMB Circular A-11, Section 22, all information underlying the President's budget request is confidential. This confidentiality was reinforced in general by the Deputy Director of OMB in Memorandum M-01-07, April 25, 2007. Moreover, in the OMB Statement of Administrative Policy on H.R. 928 (related to the Inspectors General) the Administration stated it "strongly opposes provisions that would authorize IGs to circumvent the President's longstanding, and constitutionally based, control over executive branch budget requests by allowing IGs to submit their budget requests directly to Congress..." We urge you to take these Administration positions into consideration regarding your Message, including whether inclusion of this discussion warrants a review of your Semiannual Report by OMB, as provided in Circular A-11, para. 22.3.

CONFIDENTIAL

MEMORANDUM

TO: Members of the Management, Audit, and Governance (MAG) Committee

FROM: David Eisner

RE: Update on matters raised in IG May 15, 2008, presentation to the MAG Committee

DATE: September 3, 2008

Corporation management and the Office of Inspector General continue to derive mutual benefit from a relationship that is direct, candid, and robust. I meet with the Inspector General several times a month and the IG and his top managers are in regular touch with our top managers. The IG attends my weekly meeting of direct reports and is aware of all major issues facing the agency, as well as the actions we are taking to address our challenges and opportunities.

I believe that this positive, constructive relationship is in the agency's best interest. That is not to say that we agree on every issue. But even when we disagree, we continue to benefit from transparent and direct communications, enabling us to better understand each other's position and perhaps identify areas of common ground and potential solutions.

The following table lists each specific area of concern raised in the IG's May 15 memorandum and gives an update on the status of management action.

OIG Concern	Status Update
CNCS decision making on OIG audits and investigations (pp.3, 6-7)	<p>We have made significant progress in eliminating a backlog of audit decisions. As of this writing, we project that we will have no overdue management decisions and no audits overdue for final action in the OIG semi-annual reporting period that ends September 30.</p> <p>Moving forward, to increase our capacity we converted a grants officer position to a new audit resolution position and are now working to fill that position.</p>

	<p>Since May, we received DOJ clearance on 4 Civil Fraud Remedies Act matters and have issued Complaints in all four.</p> <p>Two OIG recommendations for debarment remain pending, one at the request of the OIG in light of favorable developments in the organization's oversight and one in which the affected party has submitted a substantial amount of material in opposition. One OIG recommendation for suspension remains pending at this writing.</p>
Delay in issuing Management Decision in Puerto Rico Commission audit (pp. 7-8)	We have issued a Management Decision in this audit.
Management separate review of Public Allies audit issue involving some members who were credited with 24 hours of service in a single day. (pp. 8-9)	Because neither the OIG audit report nor the work papers of the OIG-contract auditor provided enough information for a management decision one way or the other, CNCS followed up directly with Public Allies to review individual member time records. Based on this review, we disallowed one education award because the member was inappropriately credited with service hours. We consider the matter closed.
Promulgation of VISTA policy document on prohibition on outside employment. (pp. 9-11)	We have withdrawn the policy document. The long-standing prohibition remains in effect, as expressed in the VISTA Handbook. There will be an opportunity to re-visit the substance of this prohibition in VISTA rulemaking which is in process.
Failure to timely notify OIG of potential matters for investigation (p. 11-12)	We issued a written reminder to all CNCS staff of the OIG's critical role and the importance of timely notification of such matters.
No action reported on OIG investigative report on Senior Citizens Industries of Grand Island, NE. (p. 12)	We have initiated debt collection for \$24,244 in disallowed costs. We have denied re-funding to the grantee's Foster Grandparent Project.
Suggestion that CNCS Management issue letter to State Commissions and grantees stressing responsibilities inherent in accepting and managing Federal grant funds (p. 13-14)	We issued a written reminder to all AmeriCorps grantees of such responsibilities, including links to our compilation of common OIG audit findings.

To: Board of Directors, MAG Committee

From: The Inspector General

Re: September 2008 Conference Call

First, I regret not being able to meet with you in person to give you this report and to engage in a give and take with you on these and other issues which you might want to raise. For a very long period of time, measured in years not months, long before I learned of the scheduling of your meeting, my travel plans for this period were fixed. I hope that you will schedule a MAG Committee meeting in October, recognizing that some of your members would attend by phone, so that while David is still here, we could have that discussion that I believe to be of value to OIG and to the Corporation.

In this briefing, I will first address some overall issues that the Office of Inspector General (OIG) sees in its relations with the Corporation. Then, I will bring you up to date on the anticipated results of the Financial Statements audit and the FISMA evaluation, both of which are in progress. Finally, I will deliver updates for the Audit and Investigations Sections.

OVERALL CONSIDERATIONS

In this portion of my Report, I will discuss some of the disagreements between OIG and the Corporation with respect to regulatory issues and report on the Corporation's progress in addressing the backlog in audit resolution.

But, before I do, it is appropriate to say that on most issues, the cooperative working relationship between Corporation management and OIG is excellent. Openness between us and, therefore, communication between us benefits both. The disputes that

we have, while of necessity requiring attention and therefore a large part of my report, should not cause anyone to disregard the good working relationship on most issues.

Since I became Inspector General in January 2007, there have been some disagreements regarding regulatory interpretation between OIG and the Corporation. In our discussions, we have succeeded in disagreeing without being disagreeable. Even so, some of the disagreements regarding the correct interpretation of statutes, regulations, and other guidance remain unresolved. In particular, there have been festering disagreements regarding the treatment of shortfalls in AmeriCorps hours required to complete a term of service, the need for AmeriCorps members to sign contracts before beginning service, whether VISTA volunteers may work at paid employment on the side, and the promulgation and distribution of Corporation policies. In my judgment, these disagreements have been under discussion long enough and the Corporation needs to respond definitively and in a manner that is consistent with the applicable statutes and regulations.

Member Hour Shortfalls

The disagreement over the treatment of shortfalls in the hours of AmeriCorps members, I must candidly state, has left a sour taste in my mouth. As you know, Congress has mandated that AmeriCorps members perform a specified number of hours in order to obtain an education award. Members can be released from this obligation only upon a showing of compelling personal circumstances. Grantees and members are expected to use timesheets to record the hours served, and our auditors review those timesheets and other documents when they conduct their audits. In an audit report issued in mid-2007, OIG questioned and disallowed awards to members where the available

documentation did not support the conclusion that the member performed the required number of hours or the conclusion that the member departed the program early after demonstrating compelling personal circumstances. In response, the Corporation prorated the awards to the member to reflect the shortfall, notwithstanding the fact that there has been no demonstration of compelling personal circumstances.

OIG responded, pointing out that the Corporation's position that it can award a pro-rated education award when it is undisputed that the member did not serve the required total number of hours lacks any support in the statute. OIG and the Corporation then began discussing how to resolve the disagreement, and OIG recommended that, as a matter of administrative law, the Corporation issue guidance to tell grantees how it would deal with shortfalls in member hours. In August 2007, we began working on policy guidance that would, among other things, consider the behavior of both member and grantee in deciding how to deal with a service hour shortfall. This makes sense because, in some cases, the grantee or subgrantee improperly credits members with hours or errs in the count, thereby misleading the member into believing that he or she performed fully the required number of hours, and, in others, the member acts in bad faith in certifying the hours served. The draft guidance also addressed how the Corporation would determine whether a shortfall resulted from willful as opposed to negligent conduct.

Since we began talking about this issue, there seems to have been agreement that, in the absence of a member's affirmative culpability, it would be equitable to hold that the member's good faith reliance on an end-of-term certification should be sufficient to allow the member to claim an award even where there is an error in the count. In addition, there seems to have been agreement which, on applying the equitable formula to

which we agreed, would be held to limit the responsible entity's liability for relatively small errors. The stumbling block has been what to do to recover Education Awards that have been erroneously certified. Some means of recoupment is appropriate because, once the grant is awarded, the amount of the Education Award has been obligated in the Trust; those obligated funds cannot be used to support other AmeriCorps members until the obligation is released. Put simply, the Trust should be made whole.

In any event, the ball lay in the Corporation's court from October 2007 until March 2008. OIG and the Corporation exchanged memoranda and had meetings in March and April, but several points remained unresolved.

It was not until August 2008 that the Corporation's CEO told me that, because there was no agreement on all points, there would be no agreement in part even though we had already agreed on that part. While we appeared to be in agreement that the draft policy guidance was a substantial improvement, it and any agreements it reflected will be left on the table. The Corporation is also apparently uninterested in pursuing a statutory change. This has left a sour taste in my mouth, as I said, because the Corporation could have made its stance clear well before August 2008. Instead, it dragged its feet and spun our wheels as it did.

I reiterate that the Corporation has no statutory authority to recognize prorated Education Awards. OIG and its auditors will question such awards and bring them to the attention of the Corporation and Congress.

Contract Signing

In a number of recent audits, OIG's findings have included the disallowance of costs related to education awards where the required number of service hours includes

hours served before the member signs a contract. The Corporation acknowledges, "It is desirable from an internal control and risk management perspective to have a member contract signed before service has begun, and the Corporation and AmeriCorps programs should remain focused on this management control." In other words, requiring AmeriCorps members to sign contracts before starting service is a very good idea, but the Corporation will not force grantees to do it. In OIG's view, with human nature being what it is, the Corporation's substituted precatory language is worthless. The signing of contracts prior to the beginning of service should be required and enforced through the disallowance of costs.

By way of background, since the beginning of the AmeriCorps program in 1994, the Corporation has required grantees to require AmeriCorps members to sign contracts stipulating the terms and conditions of service. For example, Section 7.b of the 1994 Grant Provisions stated, "The Grantee must require that participants sign contracts" In addition, Section B.8.d of the Grant Provisions stated that four conditions, including the condition that the individual "has signed a member contract," must be met "before" a member is enrolled. The Corporation did not change its view until mid-2008, when it eliminated the provision requiring members to sign their contracts before starting service and substituted a provision that states, "The grantee *should* ensure that the contract is signed before the commencement of service so that members are fully aware of their rights and responsibilities" (Emphasis added). No change in the statutory law required this change in position. Rather, the Corporation's change follows its receipt of audit reports that repeatedly included findings that the grant provision had been violated.

In OIG's view, it is clear that signing a contract before starting service is not an undue burden on grantees. And, any burden on grantees is substantially outweighed by the benefits. As for the burden on grantees, when AmeriCorps members report, they necessarily go through an intake process, completing and signing tax withholding and other documents. Why not have them sign one more document? And, go-by form contracts that require only minimal entries in pen-and-ink are available to grantees via the Corporation's own website training section. How hard is it? In comparison with the minimal burden, the benefits include insuring that both members and programs understand the terms of service, including, but not limited to, such terms as the dates of the term of service, the hours required to complete the term, codes of acceptable conduct, suspension and termination rules, prohibited activities, grievance procedures, circumstances for release for cause or compelling personal circumstances, and Drug Free Workplace requirements. In addition, a signed contract helps to protect members by providing a clear starting and coverage date for their health insurance coverage. What would happen if, without a signed contract, a member started work and was injured? Is there insurance coverage? How impressed would a carrier be with a back-dated contract? Who would be responsible in that void: the member, the grantee, or the Corporation?

As with the service hour shortfalls, this issue has been the subject of a number of back-and-forth memoranda. The Corporation has tried to moot this controversy by changing the grant provisions to make the signing of contracts advisory, not mandatory, but neither the law nor sound policy justifies such a change.

VISTA Volunteers and Employment

Sometime in 2008, OIG's Assistant Inspector General for Investigations became aware of VISTA Policy 008-001, in which, VISTA declared that its response to outside employment on the part of VISTA volunteers would be limited to terminating the volunteer's status. The Corporation declared that it would not seek to recover the living allowance that had been paid to the volunteer.

This policy was published without consultation with the OIG and without compliance with the Corporation's Policy on Policies. In addition, it watered down the long-standing prohibition on VISTA volunteers' engaging in outside employment. One example of the adverse consequence of this watering down is the Corporation's resolution of issues arising from OIG Report 08-017. There, the Corporation declined to seek recovery of the stipend paid to a VISTA volunteer who knew about the prohibition on outside employment and falsely responded to a direct question about how he would pay his bills before starting service. He admitted to OIG that, instead of responding truthfully that he would be working at a local pizzeria, he falsely told his program that his live-in girlfriend was going to help him pay his bills. Even so, the Corporation deemed itself satisfied by the volunteer's resignation.

We have talked about the wisdom of the policy at a prior Board meeting and in meetings with the CEO. The Corporation thinks termination of the volunteer's VISTA status when the volunteer is found to have engaged in outside paid work is a sufficient sanction, but that applies the wrong model. A VISTA volunteer who works is not eligible to be a VISTA volunteer and, thus, cannot receive the living allowance. It is a matter of threshold eligibility, not employment, in the same way that entitlement to

receive welfare or workers compensation benefits is a matter of eligibility. When it is shown that recipients of welfare or workers compensation benefits are not eligible to receive them, they are required to repay the benefits received, not just denied future benefits. The Corporation should treat its VISTA volunteers who engage in prohibited outside employment like ineligible recipients of welfare or workers compensation.

By Memorandum dated August 26, 2008, the Corporation withdrew VISTA Policy 008-001. That policy was withdrawn because of the failure to follow the Policy on Policies, which includes a provision calling for consultation with OIG before a policy is issued. The Corporation should not relax the long-standing prohibition on VISTA outside employment whether it complies with the Policy on Policies or not.

Accountability is Imperative

The disagreements on these issues reflect a troubling difference in attitude between OIG and the Corporation. Through its audits and investigations, OIG seeks to ensure compliance with the applicable laws, regulations, and administrative guidance in the expectation that such compliance will result in the efficient, law-abiding performance of grant obligations. Holding grantees to the terms of their grants deters careless noncompliance and the resulting waste and abuse of Federal funds. Sanctions and the recovery of misused funds achieved through OIG's work can allow the Corporation to weed out bad actors and unacceptable risks and invest in worthier programs, many of which have been unable to secure funds via the highly competitive grant-making process. In contrast, the Corporation sees the grantees as its customers and seeks to make life easier for them. That approach is commendable so long as it does not blind the Corporation to its obligation to ensure compliance with its legal obligations. Just as "the

customer is always right” is a good motto for for-profit businesses but would not assist such a business in avoid complicity with a customer’s wrongful use of its product, so too the Corporation cannot use its aim of the satisfied “customer” to avoid its obligation to expend Federal funds only as mandated by Congress and applicable rules.

The “satisfied customer” aim should not be stretched to the point that no obligations are enforced. As noted above, the Corporation has relaxed the rule that AmeriCorps members should sign contracts before starting service. It sees the signing of contracts as a good idea, but won’t enforce it even though the burden on grantees is minimal.

Audit Resolution

In my last reports to you and to the Board in May, I noted that the Corporation’s response to our audits was frequently behind schedule. At that time, I reported what we had included in our Semiannual Report to Congress, which was the fact that 8 audit reports were overdue for management decisions in that more than 6 months had passed since the audit report was issued. In addition, 8 reports were overdue for final action in that more than 12 months had passed since the audit report was issued. I noted that processing these audit reports within the time periods provided was important to the grantees, OIG, and the Corporation, all of which needed the matter concluded.

We appreciate the Board’s intercession in, I understand, directing the Corporation to do better. The Corporation has added resources to the effort. Since we issued that Semiannual Report at the end of April, the Corporation has issued 6 Proposed Management Decisions from that list of 8 that were overdue and 6 Notices of Final Action from that list of 8 that were overdue. We commend the Corporation on its effort,

but must note that the pump is continually primed. The Corporation should not allow the audit reports that are issued today to become the overdue management decisions of tomorrow. And, we hope that the Corporation will continue to chip away at the delinquency list.

Changes at OIG

Before discussing the audit and investigation work of this Office, I wish to advise you that Carol Bates has left OIG. As you may know, Carol came on board in March 2002, became Assistant Inspector General for Audit in May 2005, served as Acting Inspector General from December 2004 to July 2006, and, most recently, continued as Assistant Inspector General for Audit. She has left to become Inspector General for the Architect of the Capitol, where her responsibilities will include the Capitol Building, the Library of Congress buildings, Supreme Court Building, the Botanic Gardens, the Capitol Power Plant, and the several congressional office buildings. Many of you are familiar with her and her work and can agree with me that, while the Office of Inspector General for the Corporation for National Community and Service is losing a very important office member, the Architect of the Capitol is picking up a very talented, hard-working, and sharp Inspector General.

I have appointed Stuart Axenfeld to succeed Carol as Assistant Inspector General for Audit. Before this appointment, Stuart had been serving in OIG as an Audit Manager in this Office since March 2004. In all, Stuart brings some 22 years of experience with the Federal government, including stints with the Office of Inspector General for the Library of Congress and the Defense Contract Audit Agency, marked by increasing

levels of responsibility. His work for this Office includes providing audit support for the investigation related to USVI that I have previously told you about.

AUDITS

As of August 31, 2008, the OIG Audit Section issued 21 audits which identified questioned costs of more than \$410,000, and more than \$1.2 million in costs which could be put to better use and included 200 recommendations for improvement for consideration by Corporation management. By the end of Fiscal Year 2008, we expect to have issued a total of 23 audit reports despite the budgetary restraints imposed on us.

The OIG Audit Plan for FY 2009 is being compiled and will be transmitted to the Corporation's CEO before the end of September 2008. In April, we asked for suggestions from the Corporation and we will consider the input that we have received.

As you know, OIG is statutorily required to audit the Corporation's Trust Fund each year. The entrance conference for that audit was held on August 19, 2008.

Financial Statements Audit

The Financial Statements Audit is underway. Preliminary indications are that the results will identify some areas for improvement in the area of information technology. Another issue is whether the Corporation should have a Fraud Policy. The auditors believe that the Corporation should have such a policy captured in a single, accessible document, and, while it had a number of anti-fraud provisions in its documents, the Corporation did not have such a single accessible document. OIG has commented on the Corporation's draft, and those comments are under consideration. We expect that the Corporation or OIG will make the auditors aware that such a policy is in the works and will promptly be published.

FISMA

The Federal Information Security & Management Act (FISMA) evaluation for this year is under way. For the most part, the evaluation to date shows that the Corporation's overall IT and privacy security posture continues to improve. That said, there have been two glitches in the evaluation, one of which will likely be reported as a finding.

The first glitch was solved by a change in plan and will not result in a finding. Initially, OIG planned to evaluate the Corporation's General Support Network, eSpan, and, as the Corporation's outside contracted entity, the National Association of Child Care Resource and Referral Agencies (NACCRRA), which administers child care benefits for AmeriCorps members and VISTA volunteers. Midway through the evaluation, OIG shifted its focus from eSpan to the Momentum Certification and Accounting system and its supporting documents. The shift was made because, while eSpan was having problems and it did not appear that the Corporation would be able to complete and document the eSpan certification process in time to support our completion of the FISMA evaluation in a positive manner, it would have been an academic exercise with no future applicability because, with the Corporation's decision to pursue outsourcing its network operations center, any certification and accreditation documents would have become moot and invalid once the migration offsite was complete. The Momentum C & A system, however, was already complete and ready for review, and that review would be unaffected by the outsourcing of network operations.

In contrast, NACCRRA is presently not FISMA compliant, and we anticipate that that non-compliance will be a finding in the final report. The Corporation has one

contract and one cooperative agreement with NACCRRRA. The contract includes the obligation to comply with FISMA, but, when visited, NACCRRRA did not have either a viable security program or the required supporting documentation in place and there is no FISMA requirement in the Corporation's cooperative agreement with NACCRRRA.

Without either a viable security program or the supporting documentation needed to assess the level of NACCRRRA's IT security, the Corporation data that NACCRRRA manages may be at risk. The data includes personally identifiable information of Corporation volunteers. NACCRRRA wants to be compliant, but is at a loss as to how to proceed. OIG is working with the Corporation's Director of Information Security and, together, have provided NACCRRRA with the appropriate Corporation contact information. Because NACCRRRA is unlikely to be compliant before the FISMA evaluation is complete, that noncompliance is likely to be a finding in the final report.

More generally, OMB has interpreted FISMA to require Federal agencies to incorporate FISMA compliance obligations in their contracts, grants, and cooperative agreements. As with NACCRRRA, the Corporation has included a provision requiring FISMA compliance in its contracts but not in its cooperative agreements. Likewise, it has not incorporated such an obligation in its grants. In our last two FISMA evaluations, we have recommended that the Corporation incorporate the obligation to comply with FISMA in its grants and cooperative agreements, and we expect to make such a recommendation again in this evaluation.

With respect to NACCRRRA, I should note that the Corporation is not the only agency that contracts with NACCRRRA. NACCRRRA also renders services to the Department of Defense and the Department of Health and Human Services. To the

extent there is a NACCRRA finding with respect to the Corporation, there should be one as to DOD and HHS as well. Beyond NACCRRA, it is my understanding that other Federal agency contractors are having difficulty meeting FISMA standards.

We also expect that the evaluation will identify several other areas in which improvement is needed, but do not expect those to rise to the level of a reportable condition.

INVESTIGATIONS

As of August 31, 2008, the OIG Investigations Section had opened 38 new cases during FY 2008 and had closed 41 cases, including actions launched in previous fiscal years. Our investigations have resulted in 9 criminal convictions, 6 indictments, 5 debarments, the recovery of more than \$926,000 in Federal funds, and more than \$81,000 in costs avoided.

Highlights

USVI – I have previously told you about our investigation of USVI and its related parties CAI and Tim Cantwell. We are working with the United States Department of Justice, continuing to gather information before making a decision whether and how to proceed.

St. HOPE – I have previously told you about our investigation of this grantee. On August 25, two OIG investigators and I met with the Chief Assistant United States Attorney for the Central District of California and several of his Assistants, representing both the criminal and civil sides of their office. They recognized the substantial substance of our referral, for which they expressed their appreciation, asked us to provide

additional information, which we will furnish, and will continue to examine the facts to determine what action, if any, they believe appropriate.

Trinity, Frank

From: Trinity, Frank
Sent: Thursday, October 02, 2008 12:57 PM
To: Trinity, Frank
Cc: Minor, Wilsie
Subject: Memo to File, Mtg with IG re personnel matter

Memorandum of meeting with Inspector General to discuss [REDACTED] matter
October 2, 2008

Jerry Walpin (via Jack Park) sent me a copy of his removal opinion dated September 25, 2008. I reviewed it and asked to meet with him to discuss my concerns. I met with Jerry Walpin and Jack Park today in Jerry's office.

I told him that if an action was filed, it would be against the agency, and the OGC presumptively would handle the matter. This raised issues around OIG independence. Jerry indicated he had spoken with another larger agency OIG and believed they would offer their legal services.

I told him that I had reviewed only his opinion and not the underlying exhibits or the record as a whole.

I told him that, in my view, he had a winnable position on removal, based on the use of government resources for for-profit endeavor in an OIG setting.

I told him that the opinion's repeated references to [REDACTED]'s protected EO activity, the IG's statements on the merits and motivations of that protected EO activity, and the negative inferences he draw against [REDACTED] in connection with her protected EO activity, are likely to be deemed direct, per se evidence of reprisal discrimination. I told him that his self-disclosed obtaining of the EO counselor report would likely be viewed as interfering with the EO process.

I told him I saw three likely outcomes:

1. MSPB finds discrimination and orders [REDACTED]'s reinstatement.
2. Outside agency makes (or informs management that it will make) a finding of discrimination.
3. EEOC agency makes a finding of discrimination and order [REDACTED]'s reinstatement.

In all cases, it is likely that substantial attorney's fees will be paid to [REDACTED]'s counsel, as well as compensatory damages.

I told him that it was my advice that he retract the decision and restore the status quo ante.

I told him that he would be leaving this matter for his successors and that he would have no ability to control the outcome. I told him that his removal opinion would likely be relied upon by itself in a summary judgment decision, so he would have no opportunity to add any future explanation or argument.

He said he disagreed with me. He said that if the law says he engaged in reprisal "then the law is an

ass.” He said that he had the right to challenge [REDACTED]’s invocation of discrimination in his role as deciding official and that he could not accept that she had laid a trap for him.

We agreed that HC would not effectuate the 52 that had been prepared until further instruction.

My understanding is that he will consult with the other OIG office to get their counsel on this matter.

Minor, Wilsie

From: Trinity, Frank
Sent: Thursday, January 15, 2009 5:11 PM
To: Goren, Nicola
Subject: RE: IG

I've given this some more thought. I think memorializing the Board's concerns in a letter to the IG would be appropriate but I think a letter to PP will likely be counter-productive. It would probably be seen by the IG as a threat to his independence (and possibly to his appointment) and the IG community generally reacts very strongly to such threats. I would recommend sharing concerns with PP informally if possible rather than through a formal letter. If there are performance issues as a result of a telecommuting arrangement, we would then have a record that we apprised the IG of our concerns at the outset and we would have an avenue for intervention with the inter-agency IG group chaired by OMB.

My concern is that the IG has seen the Board as a venue for airing concerns about management and that has kept controversies within the agency. If the IG believes that the Board is undermining his independence, he will be more likely to air his concerns outside the agency.

From: Goren, Nicola
Sent: Thursday, January 15, 2009 4:04 PM
To: Trinity, Frank
Subject: Fw: IG

We need a letter from alan and steve today. Ig is not happy.

Sent via blackberry - please excuse typos

From: Goren, Nicola
To: Tanenblatt, Eric
Cc: 'Steve Goldsmith' ; 'Alan D. Solomont'
Sent: Thu Jan 15 14:41:29 2009
Subject: IG

I spoke with Alan - he "wholeheartedly" agrees with you. So you should feel free to call Mr. Walpin -

Suggested talking points:

- Given the leadership necessary, and the high profile and critical nature of the IG position, a full-time telecommute arrangement is problematic.
- While the Board would expect that Mr. Walpin would make every effort to be in Washington for critical meetings, telecommuting would make it difficult for him to participate meaningfully and in person in issues and meetings that come up without notice.
- This a critical time for the Corporation and the Corporation needs the full-time in person attention of an IG.

If you have any others you would like to share with me, staff here will incorporate them into a letter for Don Gibbs, who is slated to be the head of Presidential Personnel for the new Administration. I would suggest a joint letter from Steve and Alan.

Nicky

7/13/2009

Not sent --

Minor, Wilsie

From: Trinity, Frank
Sent: Saturday, January 31, 2009 6:45 PM
To: Minor, Wilsie; Hilton, Doug
Subject: DISCUSSION DRAFT memo on OCRI matter – no response needed, let's talk Monday

Discussed w/
Jack Parr

DISCUSSION DRAFT

I write to ask the Council's assistance in addressing our Inspector General's repeated actions that could be having the effect of interfering with our agency's equal opportunity (EO) investigative process while compromising the perceived integrity of our agency's Office of Inspector General.

Background

Our agency EO office is currently handling an EO complaint filed by a former OIG employee. The matter is currently in the investigation phase. The IG is one of several fact witnesses.

Since December, the IG has repeatedly complained to our agency head and our Board's Management Committee that the EO investigative process is not providing fair procedures or due process. While the only facts asserted by the IG relate to the pending EO complaint, the IG advises that his concerns relate to our EO office's standard operating procedures.

Our agency head promptly followed up on the facts presented by the IG. The EO office had already addressed one error that had been made in the matter under investigation and gave assurances that it would, at the conclusion of the investigation, review the record for fairness and legal sufficiency in accordance with its standard EO office procedures. Our agency head so advised the IG.

The IG responded with a memorandum reiterating his concerns about the EO office standard procedures and criticizing the agency head's "reticence." The IG also informed our Board Management Committee that if the agency head did not adequately address his concerns he would "report" on it.

My request

I am not in a position to judge the IG's representations that his he is not trying to influence the EO matter involving his office. However, regardless of the IG's intent, his repeated complaints during a pending EO investigation involving OIG are having the effect of chilling our EO office's independence.

I have attempted to convey to the IG the sensitivities associated with a pending EO investigation. The IG seems not to perceive the potential impropriety in his repeated complaints about the EO office while that EO office is conducting an investigation involving the OIG.

If an agency manager other than an OIG employee conducted himself in this manner, in my capacity as General Counsel I would intervene to stop it. Because this involves an Inspector General, out of respect for the independence of that office and out of a desire to avoid an outcome that will reflect poorly on this agency, this IG, and the IG community generally, I am asking you to review this situation and provide whatever counsel you can offer the IG, or take whatever action you deem appropriate.

2/2/2009