



Office of Inspector General
United States Department of State

Report of Investigation

C2020024



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Office of Inspector General United States Department of State

SENSITIVE BUT UNCLASSIFIED

REPORT OF INVESTIGATION

Case Number: C2020024

Date Opened: March 10, 2020

Investigation By: (b)(6) Special Agent

SUBJECTS

1. Name: Grenell, Richard Allen
Associated Entity: Department of State, U.S. Embassy Berlin, Germany
Grade/Position: FA-NC / (Former) Ambassador¹
Address: U.S. Embassy Berlin, Germany

Statutes, Regulations, Policies:

12 FAM 543 - Access, Dissemination, and Release

12 FAM 544 - SBU Handling Procedures

OIG determined that the above-listed policies were the most applicable to this investigation.

This report of investigation relates to administrative matters and is submitted for review and any administrative action deemed appropriate. The report provides factual findings only and makes no legal conclusions, determinations, or recommendations.

BASIS OF INVESTIGATION

OIG initiated this investigation based upon a referral from the U.S. Department of State (Department), Bureau of Diplomatic Security's Office of Special Investigations (DS/OSI). DS/OSI

¹ Grenell resigned as Ambassador on June 2, 2020.

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reported that the U.S. Ambassador to Germany, Ambassador Richard Grenell, made an unauthorized disclosure when he allegedly sent a copy of a sensitive but unclassified (SBU) Department cable via email to an individual having no affiliation with the U.S. Government.

OIG conducted this investigation jointly with DS/OSI.

SUMMARY

OIG and DS/OSI reviewed Department records and emails and conducted interviews, including an interview of Ambassador Grenell. Based on the investigation:

- OIG and DS/OSI found that on January 7, 2020, Ambassador Grenell transmitted a Department cable marked SBU to an individual not affiliated with the U.S. Government. Specifically, Ambassador Grenell emailed Department cable 20 STATE 1210 to an individual who was an employee of a Washington, DC-based think tank and media contributor.

BACKGROUND

12 FAM 543 provides the Department policy on access, dissemination, and release of SBU information. Subsection (b) permits employees to circulate SBU material within the Executive Branch where necessary to carry out official U.S. Government functions. Subsection (c) requires that, before distributing any SBU information, employees must ensure that such distribution is permissible and, when required, specifically authorized.

12 FAM 544(a) notes that the handling and transmission "of SBU information should be effected through means that limit the potential for unauthorized disclosure."

DETAILS OF INVESTIGATION

OIG and DS/OSI reviewed Department records, including an unauthorized disclosure report, Ambassador Grenell's Department training records, and Ambassador Grenell's Department email account. OIG and DS/OSI also conducted two interviews, including one with Ambassador Grenell.

(b)(6); (b)(7)(D)

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(b)(6); (b)(7)(D)

DS/OSI interviewed (b)(6); (b)(7)(D) stated that, shortly after 20 STATE 1210 was disseminated, the Office of Iranian Affairs received inquiries from congressional staff members and others outside the Department regarding the cable. (b)(6); (b)(7)(D) thought this was unusual because the cable was only released approximately 30 minutes earlier. (b)(6); (b)(7)(D) was asked why he listed Ambassador Grenell and Embassy Berlin in his unauthorized disclosure report.

(b)(6); (b)(7)(D) said Ambassador Grenell emailed (b)(6); (b)(7)(D) the U.S. Special Representative for Iran, about the cable. (b)(6); (b)(7)(D) stated that Ambassador Grenell was "disgruntled about the policy." (b)(6); (b)(7)(D) also said the copy of the cable that he saw, which was provided to the press, included Embassy Berlin. (AGENT'S NOTE: This is a reference to the fact that Embassy Berlin was listed among the recipients in the copy of the cable provided to the media.) Based on those facts, Noronha believed Ambassador Grenell may have disclosed the cable (**Exhibit 2**).

OIG and DS/OSI reviewed 20 STATE 1210. The cable was transmitted on January 7, 2020, to the Department's All Diplomatic and Consular posts collective cable address. The cable's overall classification was marked Unclassified SBU. The cable contained nine paragraphs, and the portion marking for each of the paragraphs was SBU (**Exhibit 3**).

OIG and DS/OSI reviewed Ambassador Grenell's Department emails. OIG found that, on January 7, 2020, Ambassador Grenell forwarded a copy of 20 STATE 1210 to an individual having no U.S. Government affiliation. This person was an employee of a Washington, DC-based think tank. The forwarded email included a copy of Department cable 20 STATE 1210 pasted into the body of the email with the word "Thoughts?" written above the cable classification line (**Exhibit 4**). Above and below the cable were the markings "UNCLASSIFIED SBU," and immediately below the text of the cable, but before the clearance page, was the marking "SENSITIVE BUT UNCLASSIFIED."

OIG and DS/OSI reviewed Ambassador Grenell's Department training records for PS800 Cyber Security training, an annual, mandatory Department training course. Ambassador Grenell completed PS800 training on May 31, 2018, and May 8, 2019. The PS800 Cyber Security training contained a training block on the proper handling of SBU information. In version CSA v6.0 2018-05-17 of PS800, which Ambassador Grenell completed in 2018 and 2019, the training

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slides noted that SBU information, "requires protection from unauthorized disclosure." The training listed examples of SBU information that included, "sensitive communications internal to the Department of State or the U.S. government" (**Exhibit 5**).

On March 19, 2020, OIG and DS/OSI conducted an interview of Ambassador Grenell. In the interview, Ambassador Grenell said he was aware that there were official restrictions on sharing SBU information and that he did not have authority to share SBU information with anyone outside of the Department. Ambassador Grenell described the process he was required to follow if he wanted to share SBU information. The process included submitting a request for approval to share SBU information through the U.S. Embassy in Berlin and a request to proper authorities in Washington, DC (**Exhibit 6**).

Ambassador Grenell was shown a copy of his email from January 7, 2020, which contained Department cable 20 STATE 1210 (**Exhibit 2**). As noted previously, the email was sent from Ambassador Grenell to an individual having no U.S. Government affiliation. Ambassador Grenell and the individual were former colleagues and maintained a friendship. After reviewing the email, Ambassador Grenell acknowledged that he must have sent the email with the cable but had no memory of doing so.

Ambassador Grenell stated he did not recall why he sent the email but speculated that he may have wanted to get thoughts from an expert regarding the restrictions laid out in the cable (**Exhibit 6**). (AGENT'S NOTE: OIG made no determination on the email recipient's expertise.)

DISPOSITION

On February 21, 2020, OIG discussed this case with Assistant United States Attorney Joseph P. Cooney of the United States Attorney's Office for the District of Columbia who determined these allegations, if proven, were not a violation of criminal law. We are referring this matter to the Department for any administrative action deemed appropriate.

Prepared By:

(b)(6)

Special Agent

Signed on: 08/14/2020 12:50:05 PM

Approved By:

Marc Meyer

Marc Meyer
Special Agent in Charge

Signed on: 08/14/2020 01:34:24 PM

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EXHIBITS

- 1) Receipt and Review of Unauthorized Disclosure Report
- 2) Interview of (b)(6) dated January 9, 2020
- 3) Review of Department cable 20 State 1210, dated May 4, 2020.
- 4) Receipt and Review of email received from DS/OSI, dated May 22, 2020
- 5) Review of Department Training Records, dated April 9, 2020
- 6) Interview of Ambassador Grenell, dated April 15, 2020

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United States Department of State

Sensitive But Unclassified

Case Closing Memorandum

To: INV FILE

From: (b)(6) Special Agent

Thru: (b)(6) Acting Special Agent-in-Charge

Subject: Closing Memorandum for C2020026

SUBJECT

Name: (b)(6)
Associated Entity: Tuvli LLC
Position: Speech Writer
Address: (b)(6)
E-mail: (b)(6)@state.gov

Statutes, Regulations, Policies:

18 USC § 641 - Public money, property or records

5 USC § 7324 - Political activities on duty; prohibition (Hatch Act)

3 FAM 4546.23 - Use or allowing the use of U.S. Government funds, property, or other resources for unofficial purposes for private benefit

3 FAM 4546.25 - Conducting personal affairs while in duty status, which negatively impacts on the efficiency of the Service

BASIS FOR INVESTIGATION

The Bureau of Diplomatic Security Office of Special Investigations (DS/OSI) reported potential criminal behavior to OIG on the part of (b)(6) was a political appointee serving as one of Secretary of State Pompeo's speech writers.

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In June 2019, DS's Insider Threat Assessment Committee (ITAC) learned that while traveling with Secretary Pompeo (b)(6) consumed most of the bandwidth available on Air Force Two, the Secretary's plane preventing others from completing their work. ITAC also learned that (b)(6) was using the bandwidth to write op-ed pieces not related to his employment with the Department. ITAC referred this information to DS's Computer Threat and Analysis Division (CTAD).

CTAD began monitoring (b)(6)'s use of Department resources during normal business hours. ITAC discovered that (b)(6) continued working on non-Department projects during normal business hours using Department resources. The articles (b)(6) drafted also appeared to be political in nature and possibly in violation of the Hatch Act. ITAC referred the case to DS/OSI for further investigation. DS/OSI requested OIG assist with its investigation, PR-2019-00268.

DETAILS OF THE INVESTIGATION

DS/OSI and OIG reviewed CTAD's live monitored recordings of (b)(6) activities while using Department IT systems, reviewed emails exchanged between (b)(6) and (b)(6) an attorney with the Department's Office of Legal Advisor, and interviewed (b)(6) supervisor Lead Speech Writer (b)(6).

(b)(5) Attorney Work Product; (b)(6)

OIG and OSI interviewed (b)(6) stated he was not surprised to learn (b)(6) spent a lot of time working on outside employment projects while at work. (b)(6) entrusted (b)(6) to manage his own time and as long as he completed his assigned tasks on time, (b)(6) felt no need to establish bureaucratic controls. (b)(6) stated neither he nor (b)(6) needed to complete timesheets nor were there any other time management tools to track their work. Regardless of a lack of time tracking, (b)(6) believed it was not okay for (b)(6) to work on outside employment using Department resources nor to complete this work while on duty.

OIG and OSI interviewed (b)(6) who stated that he received payment for writing speeches and op-ed articles from third parties. (b)(6) stated that although he completed this work while using Department resources and during the Department's regular working hours, he completed the tasks during his "free time." (b)(6) stated that as a speechwriter for Secretary Pompeo he did not have regular hours and often worked evenings and weekends. (b)(6) estimated that he worked over 60 hours per week. (b)(6) said that if he did not have any assigned work and it was a "slow time" in the office, he could use this "free time" to complete personal tasks. (b)(6) was unable to

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quantify the amount of "free time" he had because it would fluctuate between busy and slow weeks.

OIG reviewed the CTAD recordings which began June 18, 2019 and ended September 4, 2019. OIG noted that 75 of the recordings were related to outside employment. OIG noted that each recording was approximately one minute in length. CTAD explained that it had technical difficulties and therefore the recordings were in one minute increments. Thus, OIG was unable to calculate the amount of time (b)(6) spent working on outside employment during normal Department business hours.

Due to technical difficulties in recovering (b)(6) OpenNet records, OSI was only able to make an accurate accounting of (b)(6) on-Department activity from December 3, 2019 until March 6, 2020. During this period, OSI observed 147 instances in which (b)(6) conducted work for outside employment. The total amount of time spent was 56 hours and 26 minutes. OSI based this upon observing instances in which the work was done during the hours of 0900 hours and 1730 hours which were (b)(6) assigned hours.

DISPOSITION

On April 15, 2020 Assistant United States Attorney Michelle Zamarin Fraud and Public Corruption Division of the United States Attorney's Office for the District of Columbia declined prosecution based upon the low loss amount and the availability of administrative penalties.

On October 21, 2020, OSI submitted its Results of Investigation to DS's Industrial Security Division (DS/IS/IND).

OSI also forwarded to DS's Executive Director a Memorandum of Debt Collection in the amount of \$3,842.16 to recover from (b)(6) the earnings he collected while working on outside employment during normal Department business hours.

Prepared By:

(b)(6)

Special Agent

Signed on: 12/17/2020 01:02:36 PM

Approved By:

(b)(6)

Acting Special Agent in Charge

Signed on: 12/17/2020 01:24:18 PM

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