



OIG

Office of Inspector General

U.S. Department of State • Broadcasting Board of Governors

December 13, 2018

Mr. Jake Todd
427 Glendale Rd.
Bellevue, ID 83313

Subject: OIG Freedom of Information Act Request No. 2019-002 – Final Response

Dear Mr. Todd:

This letter responds to your Freedom of Information Act (FOIA) request to the Department of State (DOS) Office of Inspector General (OIG), dated October 4, 2018. You seek emails containing specified keywords from the email accounts of specified OIG employees, from March 1, 2018, to August 31, 2018. DOS-OIG received your request on October 9, 2018, and assigned it the above-referenced tracking number.

Pursuant to an email, dated October 26, 2018, you excluded from your request all keywords except "Constellis" or "DynCorp." In emails dated November 13, 2018, you further excluded from your request any emails from news subscription services, emails containing lists of various OIG report titles that happen to include a keyword, and any other mentions in passing of keywords.

In response to your request, we conducted electronic searches of OIG emails. Those searches identified records responsive to your request. We reviewed the responsive records under the FOIA to determine whether they may be disclosed to you. Based on that review, this office is providing the following:

 0 page(s) are released in full;
 29 page(s) are released in part;
 63 page(s) are withheld in full;
 24 page(s) are duplicate copies of material already processed;¹
 87 page(s) consist of publicly available material;²
 33 page(s) were referred to another entity.

OIG redacted from some of the enclosed documents names and identifying information of third parties to protect the identities of those individuals. Absent a Privacy Act waiver, the release of

¹ This duplicate material is held in the file and was not re-processed.

² To help speed up our response to your request, this material was not processed. Instead, web addresses to access the public versions are provided on deletion pages within the enclosed documents.

information concerning some of the third parties would result in an unwarranted invasion of personal privacy in violation of the Privacy Act. Information is also protected from disclosure pursuant to Exemptions 4, 5, 6 and 7(C) of the FOIA further discussed below.

Exemption 3, 5 U.S.C. § 552(b)(3)

Exemption 3 protects "information specifically exempted from disclosure by [another] statute." 5 U.S.C. § 552 (b)(3). In this instance 18 U.S.C. § 1905 exempts from disclosure confidential commercial information obtained during an investigation. Accordingly, DOS-OIG is withholding such information.

Exemption 4, 5 U.S.C. § 552(b)(4)

Exemption 4 protects trade secrets and commercial or financial information, obtained from a person, that is privileged or confidential. 5 U.S.C. § 552(b)(4). DOS-OIG invokes Exemption 4 to protect the identity of a company that submitted a bid for an OIG contract that has not yet been awarded, as well as other confidential commercial information.

Exemption 5, 5 U.S.C. § 552(b)(5)

Exemption 5 of the FOIA protects "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." 5 U.S.C. § 552(b)(5). DOS-OIG is invoking the deliberative process and attorney client privileges of Exemption 5 to protect information that falls within those privileges' domains. Please note that as a matter of administrative discretion, I am releasing certain information that falls under the umbrella of this exemption.

Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of "personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(6)(emphasis added). DOS-OIG is invoking Exemption 6 to protect the unpublished direct contact information of OIG employees, the names of lower level investigative staff, third parties, and any information that could reasonably be expected to identify such individuals.

Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)

Exemption 7(C) protects from public disclosure "records or information compiled for law enforcement purposes . . . [if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(7)(C). DOS-OIG is invoking Exemption 7(C) to protect the unpublished direct contact information of OIG employees, the names of lower level investigative staff, third parties, and any information contained in the investigative records that could reasonably be expected to identify those individuals.

Referral

Additionally, 33 pages were referred to the Special Inspector General for Afghanistan Reconstruction (SIGAR). SIGAR will process the pages under the FOIA and respond to you directly. Should you wish to contact SIGAR you may write to: Office of Privacy, Records, and Disclosures; Special Inspector General for Afghanistan; 2530 Crystal Drive; Arlington, VA 22202-3940. You may also call 703-545-5974, or email sigar.pentagon.gen-coun.mbx.foia@mail.mil.

Fees

Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a matter of administrative discretion in this instance, however, there is no charge.

Appeal

You have the right to appeal this response.³ Your appeal must be received within 90 calendar days of the date of this letter. Please address any appeal to:

Appeals Officer
Appeals Review Panel
Office of Information Programs and Services
U.S. Department of State
State Annex 2 (SA-2)
515 22nd Street, NW
Washington, DC 20522-8100
Facsimile: 202-261-8571

Both the envelope and letter of appeal should be clearly marked, "Freedom of Information Act/Privacy Act Appeal." Your appeal letter should also clearly identify the DOS-OIG's response. Additional information on submitting an appeal is set forth in the DOS regulations at 22 C.F.R. § 171.13.

Assistance and Dispute Resolution Services

For further assistance and to discuss any aspect of your request you may contact DOS-OIG's FOIA Public Liaison at:

FOIA Officer
Office of General Counsel
Office of Inspector General

³ For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA, 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

U.S. Department of State
1700 North Moore Street
Suite 1400
Arlington, VA 22209
foia@stateoig.gov

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephanie K. Fox". The signature is written in a cursive, flowing style.

Stephanie K. Fox
FOIA Officer

Enclosures

RE: Notification of the Audit of the Bureau of International Narcotics and Law Enforcement Affairs Aviation Program

From: David Stewart <"/o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=7dd79e1a691a455c8ea9eb8330ba197a-david stewa">
To: Paul Cooksey [REDACTED]@stateoig.gov> b6
Date: Thu, 10 May 2018 15:25:14 +0000

It's in the FY 2018-2019 work plan published last summer, and scheduled for FY2019.

From: Paul Cooksey
Sent: Thursday, May 10, 2018 11:17 AM
To: David Stewart [REDACTED]@stateoig.gov> b6
Subject: FW: Notification of the Audit of the Bureau of International Narcotics and Law Enforcement Affairs Aviation Program

Dave,

FYI: if this ever comes up in senior staff, [REDACTED] b5
[REDACTED] and I hone Audit Mgmt accents Kathleen's recommendation. Since you have [REDACTED], I thought this would be of interest to you.

Paul

From: Kathleen Sedney
Sent: Thursday, May 10, 2018 11:11 AM
To: Paul Cooksey <[REDACTED]@stateoig.gov> b6
Subject: RE: Notification of the Audit of the Bureau of International Narcotics and Law Enforcement Affairs Aviation Program

Thanks Paul!

I am advocating that our office [REDACTED] I will send this along to AUD Mgmt. b5

Kathleen

From: Paul Cooksey
Sent: Thursday, May 10, 2018 11:07 AM
To: Kathleen Sedney <[REDACTED]@stateoig.gov> b6
Subject: RE: Notification of the Audit of the Bureau of International Narcotics and Law Enforcement Affairs Aviation Program

Hi Kathleen,

[REDACTED] b5

Paul

From: Kathleen Sedney
Sent: Wednesday, May 17, 2017 12:45 PM
To: Paul Cooksey <[REDACTED]@stateoig.gov> b6
Subject: RE: Notification of the Audit of the Bureau of International Narcotics and Law Enforcement Affairs Aviation Program

Hi Paul,

Thanks for your email, and sorry for the delay in my response. You are right – this is a huge audit, and we already have a long way to go. Your

[REDACTED]

b5

I have attached the audit proposal if you would like to take a look. Let me know if you have any other thoughts!

Thank You,

Kathleen

From: Paul Cooksey
Sent: Tuesday, May 16, 2017 3:43 PM
To: Kathleen Sedney <[REDACTED]@stateoig.gov> b6
Subject: RE: Notification of the Audit of the Bureau of International Narcotics and Law Enforcement Affairs Aviation Program

Hi Kathleen,

Huge audit! You will be busy for a while.

[REDACTED]

[REDACTED]

b5

[REDACTED]
INL contractor DynCorp [REDACTED]

[REDACTED]

[REDACTED]

Good luck with your audit,

Paul

Paul H. Cooksey
Senior Adviser
Overseas Contingency Operations Oversight
Office of Inspector General
Department of State

(202) 663- [REDACTED] – desk b6
(703) [REDACTED] – cell

From: Kathleen Sedney
Sent: Tuesday, May 16, 2017 2:29 PM
To: ALL OIG <[REDACTED]@stateoig.gov> b6
Subject: Notification of the Audit of the Bureau of International Narcotics and Law Enforcement Affairs Aviation Program

Good Afternoon,

We have initiated an audit of the bureau of International Narcotics and Law Enforcement Affairs (INL) Aviation Program. The primary objective of the audit is to determine whether INL is administering its aviation program, including key internal controls such as inventory management, aviation asset usage, aircraft maintenance, and asset disposal, in accordance with Federal requirements and Department of State guidelines. The audit will be conducted at domestic locations in Washington, DC; Patrick Air Force Base, FL; Enterprise, AL; and Davis Monthan Air Force Base, AZ. In addition, this audit will be conducted at INL field locations in Colombia, Peru, Panama, Iraq, and Afghanistan.

If you have any information that would be helpful during this audit, please let me know.

Thank You,

Kathleen Sedney
Audit Manager, Security & Intelligence Division
U.S. Department of State, Office of Inspector General
703-284-[REDACTED] b6
[REDACTED]@stateoig.gov

RE: Notification of the Audit of the Bureau of International Narcotics and Law Enforcement Affairs Aviation Program

From: David Stewart <"/o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=7dd79e1a691a455c8ea9eb8330ba197a-david stewa">
To: Paul Cooksey [REDACTED]@stateoig.gov> b6
Date: Thu, 10 May 2018 15:36:21 +0000

Thanks, Paul. I'll be in the work plan meetings and will advocate for keeping it in.

From: Paul Cooksey
Sent: Thursday, May 10, 2018 11:27 AM
To: David Stewart [REDACTED]@stateoig.gov> b6
Subject: FW: Notification of the Audit of the Bureau of International Narcotics and Law Enforcement Affairs Aviation Program

Dave,

See update from Kathleen regarding FY19 plan. [REDACTED]

b5

Paul

From: Kathleen Sedney
Sent: Thursday, May 10, 2018 11:17 AM
To: Paul Cooksey [REDACTED]@stateoig.gov> b6
Subject: RE: Notif [REDACTED] Audit of the Bureau of International Narcotics and Law Enforcement Affairs Aviation Program

One of the strongest AUD managers in the fin [REDACTED] FY19, but she just left our office. I am now requesting that [REDACTED]

b4

b5

From: Paul Cooksey
Sent: Thursday, May 10, 2018 11:14 AM
To: Kathleen Sedney <[REDACTED]@stateoig.gov> b6
Subject: RE: Notification of the Audit of the Bureau of International Narcotics and Law Enforcement Affairs Aviation Program

Great recommendation Kathleen. Really hope you are successful.

From: Kathleen Sedney
Sent: Thursday, May 10, 2018 11:11 AM
To: Paul Cooksey [REDACTED]@stateoig.gov> b6
Subject: RE: Notification of the Audit of the Bureau of International Narcotics and Law Enforcement Affairs Aviation Program

Thanks Paul!

Deletion Page

Requester: Jake Todd

Request #: 2019-002

2 pages containing duplicate information are held in the file. The pages consist of emails DOS-OIG already processed in Doc 3.


FW: Notification of the Audit of the Bureau of International Narcotics and Law Enforcement Affairs Aviation Program

From: Kathleen Sedney [REDACTED]@stateoig.gov>
To: Gayle Voshell [REDACTED]@stateoig.gov>, Regina Meade [REDACTED]@stateoig.gov>
Date: Thu, 10 May 2018 15:11:29 +0000
Attachments: SIGAR on Afghanistan Costs 9 May 2018.pdf (170.56 kB)

FYI – [REDACTED] b5

From: Paul Cooksey
Sent: Thursday, May 10, 2018 11:07 AM
To: Kathleen Sedney [REDACTED]@stateoig.gov> b6
Subject: RE: Notification of the Audit of the Bureau of International Narcotics and Law Enforcement Affairs Aviation Program

Duplicate emails processed in Doc 3



Deletion Page

Requester: Jake Todd

Request #: 2019-002

2 pages containing duplicate information are held in the file. The pages consist of emails DOS-OIG already processed in Doc 3.

Deletion Page

Requester: Jake Todd

Request #: 2019-002

17 pages consist of a report requiring a referral to another agency. In an effort to save time OIG did not refer that report; however, it is available at the following websites:

<https://www.sigar.mil/pdf/testimony/SIGAR-18-46-TY.pdf>

<https://www.hsgac.senate.gov/imo/media/doc/Sopko%20Testimony.pdf>

RE: Press inquiry re: Clarification on OIG Case Closing Memorandum - Case 1:16-cv-01704-LJB

From: Sarah Breen </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=0a15777532514d33b241fde0c6a20544-sarah.breen">
To: Emilia Disanto <[REDACTED]@stateoig.gov>
Date: Fri, 06 Jul 2018 14:34:33 +0000

b6

I would probably say "we"

Official UNCLASSIFIED

From: Emilia Disanto
Sent: Friday, July 6, 2018 10:22 AM
To: Sarah Breen <[REDACTED]@stateoig.gov>
Subject: RE: Press inquiry re: Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704 LJB

b6

I have one question should it be I in the second line or WE?

From: Sarah Breen
Sent: Friday, July 6, 2018 8:43 AM
To: Emilia Disanto <[REDACTED]@stateoig.gov>
Subject: RE: Press Clarification on OIG Case Closing Memorandum - Case 1:16-cv-01704-LJB

b6

If you are okay with it, I will send it. Thanks!

Official UNCLASSIFIED

From: Emilia Disanto
Sent: Thursday, July 5, 2018 7:32 PM
To: Sarah Breen <[REDACTED]@stateoig.gov>
Subject: Re: Press inquiry re: Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704 LJB

b6

Is this gone?

Get [Outlook for iOS](#)

From: Sarah Breen
Sent: Thursday, July 5, 2018 5:47:07 PM
To: Steve Linick; Michael Mobbs; Michael Ryan; Emilia Disanto
Subject: RE: Press inquiry re: Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704 LJB

Thanks all! Here is the response with input from both Mikes:

[REDACTED]

b5

Have a great evening!
Sarah

Official UNCLASSIFIED

From: Steve Linick
Sent: Thursday, July 5, 2018 5:22 PM
To: Michael Mobbs <[REDACTED]@stateoig.gov>; Michael Ryan <[REDACTED]@stateoig.gov>; Sarah Breen <[REDACTED]@stateoig.gov>; Emilia Disanto <[REDACTED]@stateoig.gov>
Subject: RE: Press inquiry re: Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704 LJB

b6

Agree with both Mikes

From: Michael Mobbs
Sent: Thursday, July 5, 2018 5:20 PM
To: Michael Ryan <[REDACTED]@stateoig.gov>; Sarah Breen <[REDACTED]@stateoig.gov>; Steve Linick <[REDACTED]@stateoig.gov>; Emilia Disanto <[REDACTED]@stateoig.gov>
Subject: RE: Press inquiry re: Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704 LJB

b6

Agree with Mike. Also suggest [REDACTED]

b5

Michael H. Mobbs
General Counsel to the Inspector General
U.S. Department of State
571 349 [REDACTED]
[REDACTED]@stateoig.gov

b6



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From: Michael Ryan
Sent: Thursday, July 5, 2018 5:13 PM
To: Sarah Breen <[REDACTED]@stateoig.gov>; Steve Linick <[REDACTED]@stateoig.gov>; Emilia Disanto <[REDACTED]@stateoig.gov>; Michael Mobbs <[REDACTED]@stateoig.gov>
Subject: RE: Press inquiry re: Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704 LJB

b6

Sarah,

The language at the end, after the hyphen, does not seem necessary. Thanks.

Mike

From: Sarah Breen
Sent: Thursday, July 5, 2018 4:23 PM
To: Steve Linick <[REDACTED]@stateoig.gov>; Emilia Disanto <[REDACTED]@stateoig.gov>; Michael Ryan <[REDACTED]@stateoig.gov>; Michael Mobbs <[REDACTED]@stateoig.gov>
Subject: RE: Press inquiry re: Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704

b6

LJB

Here's a draft response for consideration:

[REDACTED]

b5

Thanks!
Sarah

Official UNCLASSIFIED

From: Steve Linick
Sent: Thursday, July 5, 2018 3:30 PM
To: Sarah Breen <[REDACTED]@stateoig.gov>; Emilia Disanto <[REDACTED]@stateoig.gov>; Michael Ryan <[REDACTED]@stateoig.gov>; Michael Mobbs <[REDACTED]@stateoig.gov>
Subject: Inquiry re: Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704 LJB

b6

[REDACTED] how did the case closing memo fall into their hands in the first place? FOIA?

b5

From: Sarah Breen
Sent: Thursday, July 5, 2018 3:26 PM
To: Steve Linick <[REDACTED]@stateoig.gov>; Emilia Disanto <[REDACTED]@stateoig.gov>; Michael Ryan <[REDACTED]@stateoig.gov>; Michael Mobbs <[REDACTED]@stateoig.gov>
Subject: Press inquiry re: Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704 LJB

b6

Good afternoon,
We received the press inquiry below from a Law 360 reporter who has been asked by an attorney to change a Feb. 2017 story involving one of our investigative case closing memos (that appears to have come out of PACER). He wants to clarify some information. Is this something we can do?
The article is also below (3rd email)
Thanks so much,
Sarah

From: [REDACTED] [mailto:[REDACTED]]
Sent: Thursday, July 5, 2018 1:28 PM
To: Sarah Breen <[REDACTED]@stateoig.gov>
Subject: <EXT>Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704 LJB

b6

Sarah,

I'm writing from Law360 regarding a correction request we received for a Feb. 2017 story we ran about a State Department Office of Inspector General memorandum regarding trade secrets theft allegations brought by Dyncorp against then-AAR employee [REDACTED].

An attorney for [REDACTED] feels we misread the OIG's report (attached), and has asked us to make changes.

b6,7C

Our story stated that the OIG memo concluded [REDACTED] had solicited trade secrets, but that no action was taken, because Dyncorp was found to have suffered no harm, because the information was excluded from AAR's final proposal.

Specifically, [REDACTED] attorney believes we unfairly asserted that the OIG found her to have solicited trade secrets from former Dyncorp employees. The exact wording of the memorandum was that she was found to have "solicited proprietary information" related to a State Department procurement.

Also, [REDACTED] attorney takes issue with the story's statement that [REDACTED] admitted to using Dyncorp salary information to draft a preliminary proposal for the procurement.

Specifically, the memo states that:

"We interviewed [REDACTED] and [REDACTED] confirmed [REDACTED] made inquiries of DI personnel regarding housing, danger pay and per diem... Further, [REDACTED] advised that [REDACTED] provided DI salary and personnel information to AAR, which she obtained while working at DI, but that the information was too antiquated to be relevant to the pending AAR proposal for Solicitation No. SAQMMA14R0319."

This statement, along with the report's account of [REDACTED] superior, [REDACTED], confirming that [REDACTED] drafted the preliminary proposal with Dyncorp info, leads me to conclude that [REDACTED] did in fact admit to using Dyncorp info in the draft.

I wonder if you might be able to take a quick look and make sure we're interpreting this memo correctly, in the interest of getting the story right for [REDACTED] and the other parties involved.

Thanks so much for your help.

--

[REDACTED] b6
Reporter, DC Bureau

[REDACTED]
Legal News & Data
[1150 18th St. NW, Suite 600](#)
[Washington, D.C. 20036](#)
(M) [REDACTED] b6
[Law360.com](#)

Official UNCLASSIFIED

--

[REDACTED] b6
Reporter, DC Bureau

b6,7C



Legal News & Data
1150 18th St. NW, Suite 600
Washington, D.C. 20036
(M) [REDACTED]
Law360.com

On Thu. Jul 5, 2018 at 1:46 PM, Sarah Breen [REDACTED]@stateoig.gov> wrote:

Hi [REDACTED]
Thanks for the note. It looks like the report did not come through on the email – would you mind resending it? Would you mind sending the article, also?

Thanks very much,
Sarah

From: [REDACTED] [mailto:[REDACTED]]
Sent: Thursday, July 5, 2018 2:50 PM
To: Sarah Breen [REDACTED]@stateoig.gov>
Subject: Re: <EXT>Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704 LJB

Thanks Sarah,

I've attached the memorandum. The text of the article is below:

AAR Employee Solicited Rival's Trade Secrets: OIG Report

By [REDACTED]

An employee for defense contractor [AAR Airlift Group Inc.](#) solicited proprietary information from rival [DvnCorp International LLC](#), the State Department's Office of Inspector General found, but stopped short of confirming DynCorp's claim AAR used the information to snag a \$10 billion counter-narcotics contract.

AAR employee [REDACTED] admitted to using salary and personnel information obtained from her time working for DynCorp to develop a preliminary proposal that would eventually win AAR a contract long held by DvnCorp to support [U.S. Department of State](#) counter-narcotics operations on multiple continents, according to a State OIG memorandum made public Thursday.

But the [U.S. Attorney's Office](#), and other federal agencies, declined to pursue action against the parties involved, citing lack of evidence of harm to the government or to DvnCorp, according to the memorandum. The findings could potentially impact separate lawsuits by DynCorp against AAR and the federal government regarding the procurement.

"We determined that AAR did obtain information regarding DI operations and execution on [Worldwide

Aviation Support Services¹ Contract No. SAOMPD05C1103: However, there was no evidence that AAR used the information to draft the final proposal they submitted under WASS Solicitation No. SAQMMA14R0319," the memorandum states.

██████████ according to the memorandum, requested proprietary DvnCorp information from a subcontractor ██████████ defense company, Eagle Aviation Services & Technology, regarding base salaries, housing allowances, per diem and other benefits to employees involved in a support ██████████ for counter-narcotics operations in Colombia and Peru, and the subcontractor's chief executive, ██████████, responded that an EAST employee "would be able to assist her."

b6

An AAR executive, in a sworn affidavit, told the OIG the contractor's final bid contained revised personnel costs that were based solely on its own human resources data, according to the memorandum.

In a separate incident, the memorandum says ██████████ forwarded to an AAR contractor a DvnCorp spreadsheet containing extensive fiscal data related to DynCorp's counter-narcotics support contract, which had been accidentally sent to an EAST employee.

The recipient of the spreadsheet, however, reacted negatively to the email, and court documents show AAR executives brought the incident to the attention of the State Department's contracting officer.

In addition to the U.S. Attorney's Office, the Office of Administration's Office of the Procurement Executive declined to pursue departmental suspension and debarment action, finding there was not a strong basis for such action.

Despite the OIG finding no evidence AAR's activities damaged DvnCorp or the government, a DvnCorp representative told Law360 the information in the memorandum vindicates its position in a bid dispute alleging the State Department improperly disregarded AAR's efforts to steal DynCorp trade secrets in awarding the contract.

"The State OIG memo shows that the procurement was materially tainted because AAR wrongfully solicited, obtained and used DvnCorp International's proprietary information in their proposal submission to the government," the defense contractor said. "This is wrong and AAR should be disqualified from this procurement."

DynCorp is also embroiled in a civil suit in Florida federal court centered on the same allegations.

AAR Airlift, in a statement, described the suits as a stalling tactic employed by DvnCorp to continue to generate revenue from the counter-narcotics contract, despite losing out to AAR.

"DvnCorp has pursued these excessive delaying tactics to continue to receive tens of millions of dollars each month working under bridge contracts, even after losing a year on the original contract due to performance issues. At the same time, AAR Airlift has received a series of favorable decisions from the State Department, the Justice Department, the OIG and the contracting officer," the statement says.

DynCorp is represented by ██████████ and ██████████ of [Blank Rome LLP](#) in Florida's Middle District; and ██████████ and ██████████ of [White & \[redacted\]](#) field; and ██████████ of [Ree \[redacted\]](#)

AAR is represented by ██████████ [King Blackwell](#), [Zehnder & Wermuth PA](#), and ██████████ and ██████████ of [Sidley Austin LLP](#).

b6

The United States is represented by ██████████ of the [U.S. Department of Justice](#), Civil Division.

The cases are DvnCorp International LLC v. AAR Airlift Group Inc., case number 6:15-cv-1454-Orl-31GJK, in the U.S. District Court for the Middle District of Florida; and DvnCorp International LLC v. the United States, case number 1:16-cv-01704-LJB, in the U.S. Court of Federal Claims.

--Editing by ██████████.

Official UNCLASSIFIED

RE: Press inquiry re: Clarification on OIG Case Closing Memorandum - Case 1:16-cv-01704-LJB

From: "/o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=0a15777532514d33b241fde0c6a20544-sarah.breen"
To: Steve Linick <[REDACTED]@stateoig.gov>, Emilia Disanto <[REDACTED]@stateoig.gov>, Michael Ryan <[REDACTED]@stateoig.gov>, Michael Mobbs <[REDACTED]@stateoig.gov>
Date: Thu, 05 Jul 2018 20:16:56 +0000

b6

How about this:

[REDACTED]

b5

Have a great evening,

From: Steve Linick
Sent: Thursday, July 5, 2018 3:30 PM
To: Sarah Breen <[REDACTED]@stateoig.gov>; Emilia Disanto <[REDACTED]@stateoig.gov>; Michael Ryan <[REDACTED]@stateoig.gov>; Michael Mobbs <[REDACTED]@stateoig.gov>
Subject: RE: Press inquiry re: Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704 LJB

b6

Duplicate emails from Doc 6

[REDACTED]

Deletion Page

Requester: Jake Todd

Request #: 2019-002

3 pages containing duplicate information are held in the file. The pages consist of emails DOS-OIG already processed in Doc 6.

RE: Press inquiry re: Clarification on OIG Case Closing Memorandum - Case 1:16-cv-01704-LJB

From: Michael Ryan <[REDACTED]@stateoig.gov>
To: Steve Linick <[REDACTED]@stateoig.gov>, Michael Mobbs <[REDACTED]@stateoig.gov>, Sarah Breen <[REDACTED]@stateoig.gov>, Emilia Disanto <[REDACTED]@stateoig.gov>
Date: Thu, 05 Jul 2018 21:00:27 +0000

b6

Mike is correct. It appears to be the same redacted CCM with PACER header that congressional staff inquired about last year.

Mike

From: Steve Linick
Sent: Thursday, July 5, 2018 4:55 PM
To: Michael Mobbs <[REDACTED]@stateoig.gov>; Sarah Breen <[REDACTED]@stateoig.gov>; Emilia Disanto <[REDACTED]@stateoig.gov>; Michael Ryan <[REDACTED]@stateoig.gov>
Subject: RE: Press inquiry re: Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704 LJB

b6

Thanks Mike. I would have thought our redactions would be more extensive!

From: Michael Mobbs
Sent: Thursday, July 5, 2018 4:53 PM
To: Steve Linick <[REDACTED]@stateoig.gov>; Sarah Breen <[REDACTED]@stateoig.gov>; Emilia Disanto <[REDACTED]@stateoig.gov>; Michael Ryan <[REDACTED]@stateoig.gov>
Subject: uiry re: Clarification on OIG Ca morandum Case 1:16 cv 01704 LJB

b6

I can answer how the reporter found this memo. It was in a PACER case file as an attachment to a document the USG filed regarding the Dyncorp bid protest over the Department's award of the WASS contract to AAR. At the USAA's request, we provided a redacted version of the memo to be used as the attachment to the court filing. Our redactions were more extensive and more thorough than what the USAA filed. The USAA just arbitrarily decided to make his own redacted version and used that instead of ours. We learned he had done so only after he had already filed it. We complained but there was nothing we could do at that point.

Michael H. Mobbs
General Counsel to the Inspector General
U.S. Department of State
571 349 [REDACTED]
[REDACTED]@stateoig.gov

b6



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Requester: Jake Todd

Request #: 2019-002

4 pages containing duplicate information are held in the file. The pages consist of emails DOS-OIG already processed.

RE: Press inquiry re: Clarification on OIG Case Closing Memorandum - Case 1:16-cv-01704-LJB

From: "/o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=123349dd2313491695dc9fbf6a0eb71e-emilia disa"
To: Sarah Breen [REDACTED]@stateoig.gov>, Steve Linick [REDACTED]@stateoig.gov>, Michael Ryan [REDACTED]@stateoig.gov>, Michael Mobbs [REDACTED]@stateoig.gov>
Date: Thu, 05 Jul 2018 19:48:26 +0000

b6

Definitely an odd request

From: Sarah Breen
Sent: Thursday, July 5, 2018 3:38 PM
To: Steve Linick [REDACTED]@stateoig.gov>; Emilia Disanto <[REDACTED]@stateoig.gov>; Michael Ryan [REDACTED]@stateoig.gov>; Michael Mobbs <[REDACTED]@stateoig.gov>
Subject: RE: Press inquiry re: Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704 LJB

b6

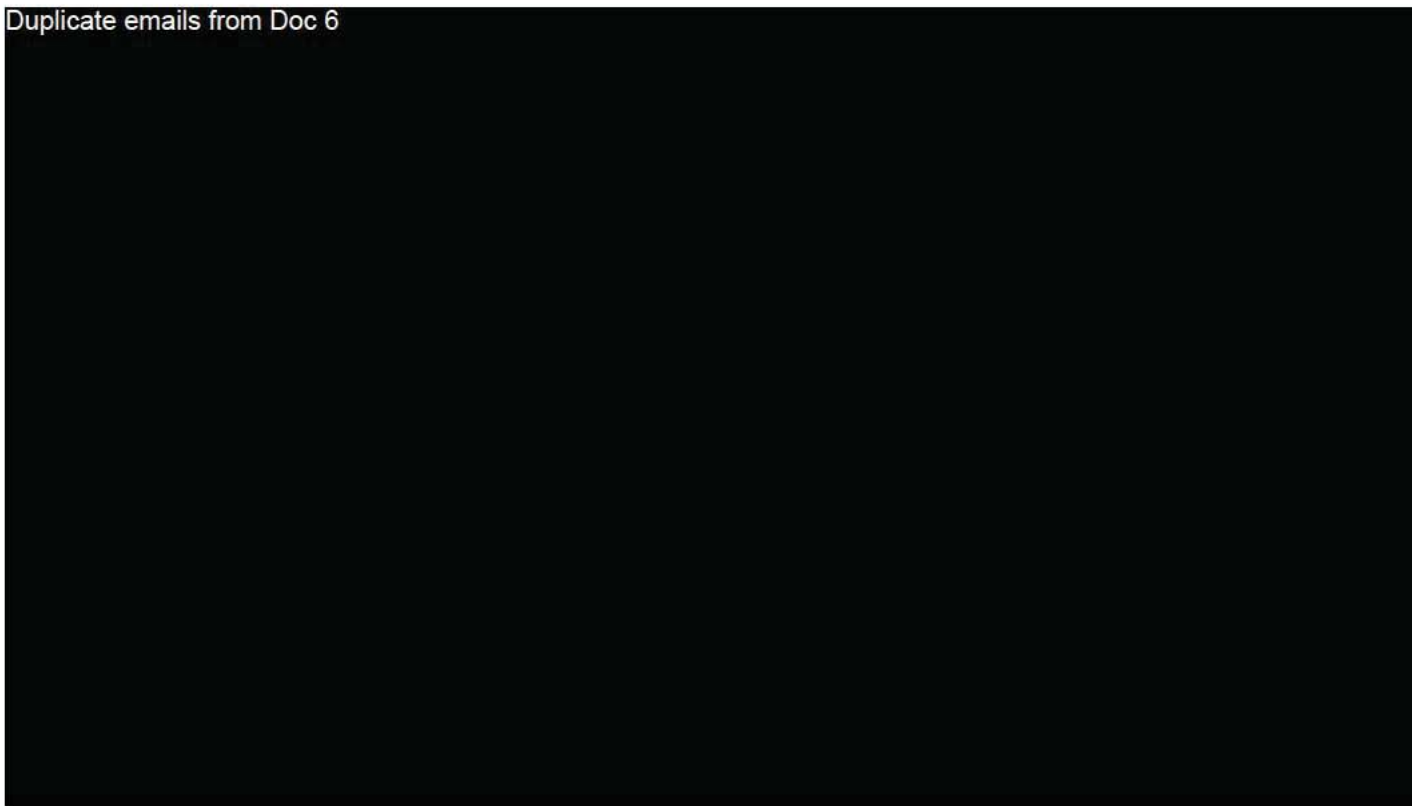
It looks like it was in PACER as part of a civil case it doesn't have FOIA markings. I'll draft a response for consideration. Thanks.

Official UNCLASSIFIED

From: Steve Linick
Sent: Thursday, July 5, 2018 3:30 PM
To: Sarah Breen [REDACTED]@stateoig.gov>; Emilia Disanto [REDACTED]@stateoig.gov>; Michael Ryan <[REDACTED]@stateoig.gov>; Michael Mobbs <[REDACTED]@stateoig.gov>
Subject: RE: Press inquiry re: Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704 LJB

b6

Duplicate emails from Doc 6



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Request #: 2019-002

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RE: Press inquiry re: Clarification on OIG Case Closing Memorandum - Case 1:16-cv-01704-LJB

From: "/o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=123349dd2313491695dc9fbf6a0eb71e-emilia disa"
To: Sarah Breen [REDACTED]@stateoig.gov>, Steve Linick [REDACTED]@stateoig.gov>, Michael Ryan [REDACTED]@stateoig.gov>, Michael Mobbs [REDACTED]@stateoig.gov>
Date: Thu, 05 Jul 2018 20:31:58 +0000

b6

A twist on Sarah's proposal:

[REDACTED]

b5

From: Sarah Breen
Sent: Thursday, July 5, 2018 4:23 PM
To: Steve Linick [REDACTED]@stateoig.gov>; Emilia Disanto <[REDACTED]@stateoig.gov>; Michael Ryan [REDACTED]@stateoig.gov>; Michael Mobbs [REDACTED]@stateoig.gov>
Subject: RE: Press inquiry re: Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704 LJB

b6

Duplicate emails from Doc 6

[REDACTED]

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Requester: Jake Todd

Request #: 2019-002

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AAR Safety Qs

From: Michael Mobbs <[REDACTED]@stateoig.gov>
To: Kevin Donohue [REDACTED]@stateoig.gov>, Emilia Disanto [REDACTED]@stateoig.gov>, Steve Linick [REDACTED]@stateoig.gov>
Date: Sat, 10 Mar 2018 00:48:54 +0000

FYI, [REDACTED] AAR/Dyncorp [REDACTED] Also
[REDACTED] ot
only a question of [REDACTED]
[REDACTED] Mike

Get [Outlook for iOS](#)

From: Kevin Donohue
Sent: Friday, March 9, 2018 4:24:52 PM
To: Michael Mobbs
Subject: staff call

Mike, staff call was quick; I only have 4 items on the agenda. Steve read the Federal News Radio report, which was posted during our meeting; he was happy. Em pulled out her list:

- .
- .
- .

[REDACTED]

Thanks,
Kevin

Kevin S. Donohue
Deputy General Counsel
U.S. Department of State
Office of Inspector General
(571) 349- [REDACTED]

b6



OIG Office of Inspector General
U.S. Department of State • Broadcasting Board of Governors

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RE: Comments on Aviation Audit Report

From: Mark Huffman [b6]@stateoig.gov>
To: Jill Baisinger [b6]@stateoig.gov>
Date: Thu, 02 Aug 2018 21:26:13 +0000
Attachments: Air Wing Report Stakeholders 8.2.2018 - FO.docx (5.81 MB)

Hi Jill,

Attached is the Aviation Audit Report with my edits.

Thanks,
Mark

From: Jill Baisinger
Sent: Wednesday, August 1, 2018 1:46 PM
To: Mark Huffman [b6]@stateoig.gov>
Subject: FW: Comments on Aviation Audit Report

Mark,

I've included below my big picture comments as well as the mark up of the report itself.

In general, this is a straightforward report. It assessed the overall administration of the Department's aviation program, including internal controls, asset disposal, and aircraft operations and maintenance. As far as areas of concern, we note that the Aviation Governing Board is not consistently informed of significant aviation operations and that it is not consistently assessing usage and cost effectiveness. In addition, we find that INL/A administers country specific programs differently depending on whether or not the program is part of the worldwide aviation support services contract. Separately, we found that INL/A was not consistently accounting for aircraft properly or disposing of assets properly. INL/A does have sufficient oversight regarding operations and maintenance of aircraft. However, it is not doing particularly well at increasing the host nations' capability to take over aviation programs. I believe that we identify \$80 million in questioned costs.

I've included margin comments on particular points throughout, but here are some bigger picture items:

b5



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Requester: Jake Todd

Request #: 2019-002

61 Pages are withheld in full and the following marked exemption is claimed.

EXEMPTIONS CLAIMED:

FOIA: 5 U.S.C. § 552

☐ b(1) ☐ b(2) ☐ b(3): _____

☐ b(4) ☒ b(5) ☐ b(6) ☐ b(7)(A) ☐ b(7)(C) ☐ b(7)(D)

☐ b(7)(E) ☐ b(7)(F)

PRIVACY ACT: 5 U.S.C. § 552a

☐ d(5) ☐ j(1) ☐ j(2) ☐ k(1) ☐ k(2) ☐ k(3)

☐ k(4) ☐ k(5) ☐ k(6) ☐ k(7)

Description of withholding:

A draft version of Audit report number AUD-SI-18-59, the final version of which is available at the following website: <https://www.stateoig.gov/system/files/aud-si-18-59.pdf>.

FW: <EXT>Clarification on OIG Case Closing Memorandum - Case 1:16-cv-01704-LJB

From: "/o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=0a15777532514d33b241fde0c6a20544-sarah breen"
To: "Steve Linick [REDACTED]@stateoig.gov" <[REDACTED]@stateoig.gov>
Date: Thu, 05 Jul 2018 17:40:01 +0000

Hi Steve and Em,
We received the press inquiry below asking us to confirm some information about one of our cases in an old Law360 article (Feb 2017) that the subject's attorney would like changed. I have asked the reporter to send me the report he references (he said it was attached, but it wasn't) and the article,

Thanks,
Sarah

From: [REDACTED] [mailto:[REDACTED]]
Sent: Thursday, July 5, 2018 1:28 PM
To: Sarah Breen <[REDACTED]@stateoig.gov>
Subject: <EXT>Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704 LJB

Duplicate email from Doc 6



Duplicate email from Doc 6



Re: <EXT>Clarification on OIG Case Closing Memorandum - Case 1:16-cv-01704-LJB

From: b6
To: Sarah Breen b6 @stateoig.gov>
Date: Thu, 05 Jul 2018 18:50:22 +0000
Attachments: StateOIGMemo.pdf (412.65 kB)

Thanks Sarah,

I've attached the memorandum. The text of the article is below:

AAR Employee Solicited Rival's Trade Secrets: OIG Report

Duplicate from Doc 6



--Editing by b6 [REDACTED]

On Thu, Jul 5, 2018 at 1:46 PM, Sarah Breen <b6 [REDACTED]@stateoig.gov> wrote:

Hi b6 [REDACTED]

Thanks for the note. It looks like the report did not come through on the email – would you mind resending it? Would you mind sending the article, also?

–

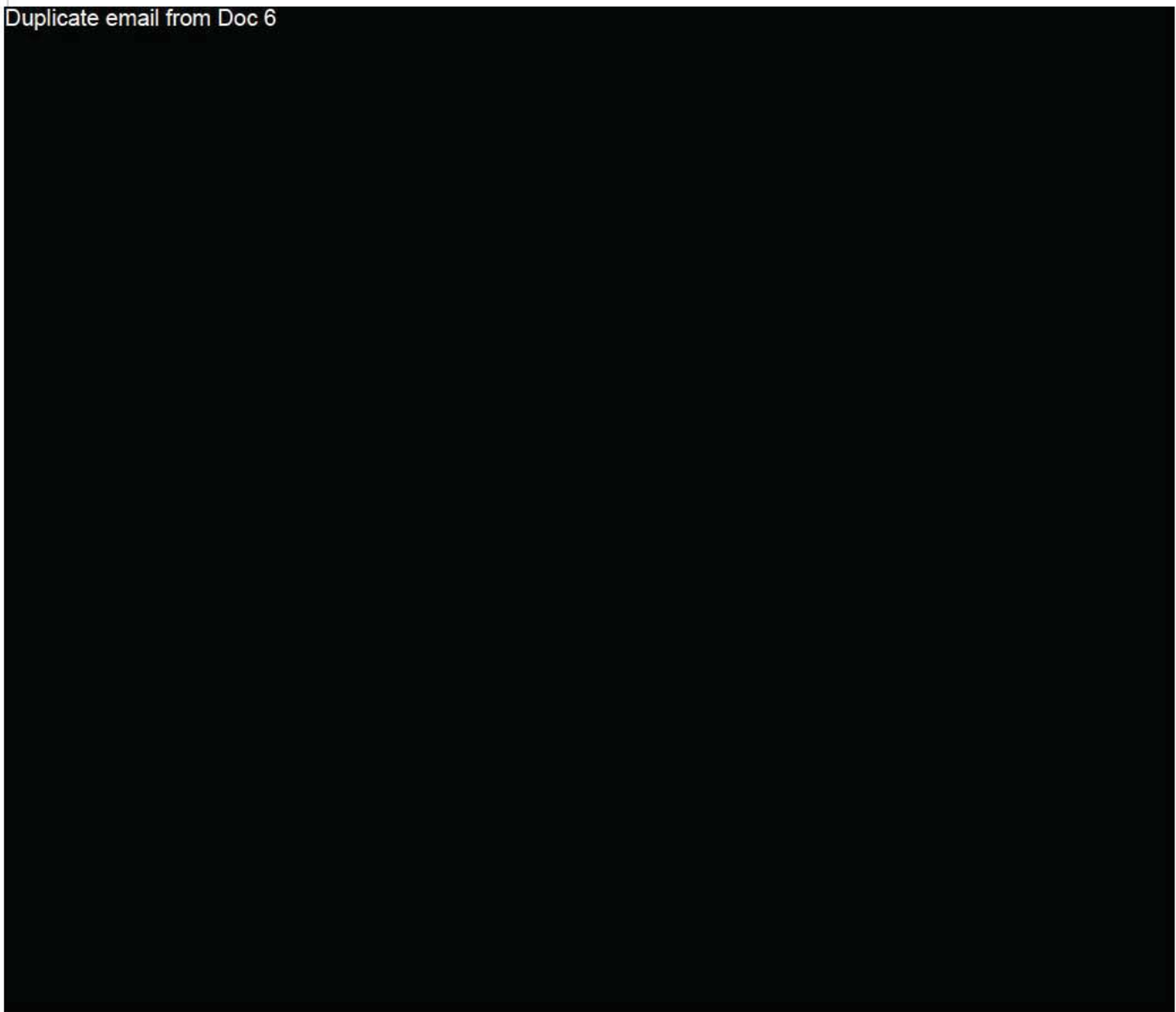
Thanks very much,

Sarah

–

From: b6 [REDACTED] [mailto:b6 [REDACTED]]
Sent: Thursday, [REDACTED]
To: Sarah Breen b6 [REDACTED]@stateoig.gov>
Subject: <EXT> [REDACTED] OIG Case Closing Memorandum - Case 1:16-cv-01704-LJB

Duplicate email from Doc 6





Sensitive But Unclassified

Case Closing Memorandum

December 23, 2016

To: INV FILE

From: , Special Agent

Thru: , Assistant Special Agent-in-Charge

Thru: Robert Smolich, Special Agent-in-Charge

Subject: Closing Memorandum for C2015061

SUBJECTS

1. Name: AAR Airlift Group, Inc.
Address: 2301 Commerce Park Drive, Palm Bay, FL 32905
DUNS: 123207164

Alleged Violation(s):

41 USC § 2102 Prohibitions on disclosing and obtaining procurement information

2. Name: b6,7C
Address:

Alleged Violation(s):

41 USC § 2102 Prohibitions on disclosing and obtaining procurement information

3. Name: b6,7C
Associated Entity: Eagle Aviation Services & Technology
Position: b6,7
Address:

Alleged Violation(s):

18 USC § 1001 Statements or entries generally

41 USC § 2102 Prohibitions on disclosing and obtaining procurement information

4. Name: Eagle Aviation Services and Technology (EAST)
Address: 2955 Pineda Plaza Way, #107, Melbourne FL 32940
DUNS: Unknown

Alleged Violation(s):

41 USC § 2102 Prohibitions on disclosing and obtaining procurement information

BASIS OF INVESTIGATION

We initiated this investigation based on a complaint forwarded by the law firm DicksteinShapiro LLP (DS) as counsel for DynCorp International LLC (DI). DS forwarded information alleging that there were questions about the integrity of AAR Airlift Group's, Inc. (AAR's) business practices in connection with the Worldwide Aviation Support Services (WASS) Solicitation No.

SAQMMA14R0319 issued by the U.S. Department of State, International Narcotics and Law Enforcement Affairs, Office of Aviation (INL/A). DS alleged that AAR was targeting and attempting to hire DI employees with experience on the WASS program, and then used the employees' knowledge of DI proprietary information to compete against DI in the upcoming WASS solicitation. They also alleged that AAR leadership had already solicited and obtained DI proprietary information in violation of the Procurement Integrity Act.

SUMMARY

We determined that AAR did obtain information regarding DI operations and execution on WASS Contract No. SAQMPD05C1103; however, there was no evidence that AAR used the information to draft the final proposal they submitted under WASS Solicitation No.

SAQMMA14R0319, which succeeded WASS Contract No. SAQMPD05C1103. We determined that AAR employee b6,7C solicited proprietary DI information from DI sub-contractor Eagle Aviation Services & Technology (EAST) regarding EAST's work on WASS Contract No. SAQMPD05C1103. Specifically, during the course of the investigation we obtained a May 2, 2014, email that b6,7C sent to EAST employee b6,7C wherein b6,7C asked for information on the base salaries, housing allowances, per diem, and other financial benefits, that DI was paying to their employees in Columbia and Peru under WASS Contract No. SAQMPD05C1103.

We interviewed EAST b6,7C and he denied ever being solicited by AAR to provide proprietary DI information relative to salaries or other compensation DI paid to their employees. However, after b6,7C was interviewed, we obtained an email dated May 5, 2014, which reflects that b6,7C responded to b6,7C May 2, 2014, email to b6,7C In his email, b6,7C advised that he would have EAST employee b6,7C contact b6,7C regarding her request for the information and that EAST would be able to assist her.

Additionally, when interviewed, b6,7C advised that [REDACTED]

b3,4,6,7C

In light of the discrepancies in the information b6,7C provided when he was interviewed, and our subsequent receipt and review of email communications involving b6,7C we contacted b6,7C counsel and requested to re-interview him. b6,7C counsel did not respond to the request.

We interviewed b6,7C and she confirmed she made inquiries of DI personnel regarding housing, danger pay and per diem, but she stated that she could not recall if she contacted b6,7C and/or EAST to obtain the information. Further, b6,7C advised that she provided DI salary and personnel information to AAR, which she obtained while working at DI, but that the information was too antiquated to be relevant to the pending AAR proposal for Solicitation No. SAQMMA14R0319.

b3,4,6,7C

We obtained an April 20, 2015, email communication which was erroneously sent to EAST employee b6,7C by b6,7C, DI. The email included a spreadsheet

Page 3 of 4

attachment entitled "[REDACTED]." The spreadsheet [REDACTED] b3,4
[REDACTED]. On April 21, 2015, b6,7C forwarded the spreadsheet to b6,7 and stated, "Maybe you'll find this interesting." b6,7 then forwarded it to b6,7C, a contractor working for AAR, and stated, "Greetings from Bogota. Bizarre spreadsheet information is attached. Please confirm receipt and use at your discretion." b6,7C replied to b6,7C email on May 4, 2015, and stated, "I hope this is just a misunderstanding and that the material you provided to me is not sensitive, confidential or proprietary information of a third party but, if it is, or if it could be construed as such, I strongly urge you to consult with legal counsel and take the appropriate legal action to avoid any reoccurrences." b6,7C transmittal of the DI spreadsheet to AAR appears to be in violation of the Non-Disclosure Agreement he signed between EAST and DI.

PROSECUTORIAL COORDINATION

Assistant United States Attorney [REDACTED], United States Attorney's Office (USAO) for the District of South Carolina, Charleston, South Carolina, was briefed on the allegations and our investigative findings. b6,7C advised that the USAO was declining prosecution based on a lack of harm to the Government as well as a lack of evidence that there was harm to DI.

We also discussed the potential for Departmental suspension and debarment action with the Office of Administration, Office of the Procurement Executive (A/OPE). A/OPE advised that there did not appear to be a strong basis for suspension and debarment action.

Prepared By:

Special Agent

Signed on: 12/23/2016 7:57:47 AM

Approved By:

Robert Smolich

Robert Smolich
Special Agent in Charge

Signed on: 12/28/2016 8:14:46 AM

Re: <eEXT>Clarification on OIG Case Closing Memorandum - >IG 1:16-fv-01704-LJB

From: Sarah Breen </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=0a15777532514d33b241fde0c6a20544-sarah.breen">
Xt: b6
DI s: Fri, 06 Jul 2018 14:48:44 +0000

Hi b6
Happy Friday. Thanks again for reaching out. Our case closing memo describes facts we uncovered during the investigation. We cannot comment beyond what is stated in the memo.

Have a great day,
Sarah

From: b6 [mailto:b6]
Asoc: Thursday, July 5, 2018 2:50 PM
Xt: Sarah Breen <b6@stateoig.gov>
Auhpsfc: Re: <EXT>Clarification on OIG Case Closing Memorandum Case 1:16 cv 01704 LJB

Duplicate emails from Doc 6



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Requester: Jake Todd

Request #: 2019-002

3 pages containing duplicate information are held in the file. The pages consist of emails DOS-OIG already processed.

FW: Palestinian Security Forces Proposal

From: Tinh Nguyen </o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=70a7d5678f6e42a79cea3abb6733b18c-tinh.nguyen">
To: David Bernet (Sam) <b6 [REDACTED]@stateoig.gov>
Date: Wed, 18 Jul 2018 19:09:44 +0000
Attachments: PA Security Forces Infrastructure.pdf (3.31 MB); PA Security Forces Training & Logistics Support.pdf (1.54 MB)

Ask Jim to rewrite the proposal.

From: David Bernet (Sam)
Sent: Wednesday, July 18, 2018 3:03 PM
To: Tinh Nguyen <b6 [REDACTED]@stateoig.gov>
Subject: Palestinian Security Forces Proposal

Tinh,

I Spoke with Jim about b5 [REDACTED]

b5 [REDACTED]

b5 [REDACTED]. Combined, the two audits made 6 recommendations to INL to develop meaningful performance indicators; put new training, and staffing requirements for INL staff implementing the programs; develop a property accountability system for equipment provided under the program; and develop plans for competing and sustaining the construction program, including funding requirements and a strategy to transition program responsibility to the PASF. All the recs are closed.

b5 [REDACTED]

b5 [REDACTED]

Deletion Page

Requester: Jake Todd

Request #: 2019-002

70 pages consist of two audit reports that are publicly available. In an effort to speed up processing, instead of providing copies of those reports, below are links to their locations online:

<https://www.stateoig.gov/system/files/162557.pdf>

<https://www.stateoig.gov/system/files/171993.pdf>