



U.S. OFFICE OF SPECIAL COUNSEL

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Washington, D.C. 20036-4505

The Special Counsel

April 20, 2009

The President  
The White House  
Washington, D.C. 20500

Re: OSC File No. DI-08-1951

Dear Mr. President:

The Office of Special Counsel received a disclosure that employees at the Department of Justice (DOJ), Federal Bureau of Prisons (BOP), Federal Correctional Institute, Miami, Florida (FCI Miami), had engaged in gambling activities on agency property. The whistleblower, a BOP employee who requested anonymity, alleged that FCI Miami staff participated in gambling events, including "Texas Hold 'Em Poker Tournament" (Tournament) gatherings at the Staff Training Center Pavilion that were held on April 16, 2008, and June 20, 2008.

The whistleblower's disclosures were referred to the Honorable Michael Mukasey, former Attorney General, to conduct an investigation into these disclosures pursuant to 5 U.S.C. § 1213(c) and (d). Attorney General Mukasey tasked Mr. Harley G. Lappin, BOP Director, with conducting the investigation and submitting the report. On January 26, 2009, Mr. Lappin submitted the agency's report, which substantiated the allegations that FCI Miami employees held gambling events in violation of BOP regulations and federal law.

The agency report found BOP officials violated federal regulations and policies by allowing employees to conduct and participate in gambling activities on government-owned property. See 5 CFR 735.201; see also BOP Program Statement 3721.05. Winners of these gambling events were awarded with such prizes as a television, stereo system, and digital camera. As a result, BOP Ethics Officer Yvonne Hinkson will no longer permit "faux" gambling activities to avoid even the appearance of gambling on government-owned property and on April 13, 2009, issued a memorandum to all BOP executive officers to remind them that gambling activities constitute a violation of federal law and BOP regulations and policies. Furthermore, the report found that there was a misunderstanding between the BOP Ethics Officer and FCI Miami Employee Club representatives who sponsored the events regarding the nature of the Tournaments, and that it appeared that there was no willful intent to withhold information and that employees acted in "good faith." Thus, BOP determined that disciplinary action was not recommended against any employees.

The whistleblower provided comments on the agency report. The whistleblower stated that the investigator did not investigate the actions of the BOP leadership, specifically the FCI

The President

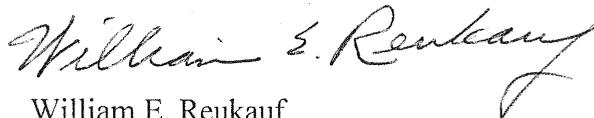
Page 2

Miami Warden and Associate Warden, adding that neither of these government officials have taken responsibility for permitting these activities to take place. There was no attempt to consider any official misconduct despite their direct oversight responsibilities of the FCI Miami Employees Club and management of the agency property, nor was there evidence of "good faith." Furthermore, the whistleblower felt that the agency's corrective action was minimal. Pursuant to 5 U.S.C. § 1213(e)(3), I am now transmitting the agency's report along with the whistleblower's comments to you.

I have reviewed the original disclosure, the agency report, and the whistleblower's comments. Based on that review, I have determined that the agency report contains all of the information required by statute, and that its findings appear to be reasonable.

As required by law, 5 U.S.C. § 1213(e)(3), I have sent a copy of the agency report and the whistleblower's comments to the Chairman of the Senate Judiciary Committee and to the Chairman of the House Committee on the Judiciary, and to the respective Committees' Ranking Members. I have also filed copies of the agency's report and the whistleblower's comments in our public file and closed the matter.

Respectfully,



William E. Reukauf  
Acting Special Counsel

Enclosures