



**Office of Inspector General
U.S. General Services Administration**

March 8, 2018

MEMORANDUM FOR: EMILY W. MURPHY
ADMINISTRATOR (A)

CC: ANTONIA T. HARRIS
CHIEF HUMAN RESOURCES OFFICER
OFFICE OF HUMAN RESOURCES (C)

CC: DON MCGAHN
WHITE HOUSE COUNSEL

FROM: CAROL OCHOA (b) (6)
INSPECTOR GENERAL
OFFICE OF INSPECTOR GENERAL (J)

SUBJECT: Report of Investigation: Re:
P. Brennan Hart, III

**Associate Administrator and Acting Chief of Staff
Office of Congressional Affairs (S)
Case Number: I18H00054**

This memorandum presents our Report of Investigation concerning the captioned matter. We request that a written response, including but not limited to the attached Disposition Report, be returned within 30 days of final action on this matter.

Attachments – Report of Investigation
Disposition Report

REPORT
OF
INVESTIGATION



OFFICE OF INSPECTOR GENERAL
U. S. GENERAL SERVICES ADMINISTRATION



WARNING!

THE REPORT SHOULD BE SAFEGUARDED TO PREVENT IMPROPER DISCLOSURE AT ALL TIMES. THE INFORMATION CONTAINED IN THIS REPORT IS GOVERNED BY THE PRIVACY ACT, AND ANY DISCLOSURE MUST BE IN ACCORDANCE WITH THAT ACT. PERSONS DISCLOSING THIS INFORMATION PUBLICLY OR TO OTHERS NOT HAVING AN OFFICIAL NEED TO KNOW ARE SUBJECT TO POSSIBLE ADMINISTRATIVE, CIVIL, AND CRIMINAL PENALTIES.

AGENCY OFFICIALS WHO RECEIVE REQUESTS FOR THE REPORT FROM THE PUBLIC SHOULD REFER THE REQUESTOR TO THE OFFICE OF INSPECTOR GENERAL, OFFICE OF COUNSEL – FREEDOM OF INFORMATION ACT OFFICER.

BASIS FOR INVESTIGATION

On January 23, 2018, the Office of Inspector General received an anonymous courier-delivered package containing photocopies of two letters of complaint concerning Brennan Hart, Associate Administrator for the GSA Office of Congressional and Intergovernmental Affairs.¹ Also on January 23, 2018, (b) (6), (b) (7)(C), Special Assistant to the Administrator, GSA, received an identical anonymous package addressed to Administrator Emily Murphy, GSA, from the same courier. Brennan Hart was identified as P. Brennan Hart, III, a Schedule C member of the Senior Executive Service and is concurrently acting as the GSA Chief of Staff. In sum, the letters alleged Hart had both consumed alcohol and engaged in sexual relations in the GSA Central Office, and that Hart engaged in inappropriate contact with White House interns on July 4, 2017. (Exhibit 1)

POTENTIAL VIOLATIONS

41 C.F.R. § 102-74.405: Policy on Alcoholic Beverages

Except where the head of the responsible agency or his or her designee has granted an exemption in writing for the appropriate official use of alcoholic beverages, all persons entering in or on Federal property are prohibited from being under the influence or using alcoholic beverages. The head of the responsible agency or his or her designee must provide a copy of all exemptions granted to the buildings manager and the highest ranking representative of the law enforcement organization, or other authorized officials, responsible for the security of the property.

5 C.F.R. § 2635.704: Use of Government property.

(a) *Standard.* An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.

(b) *Definitions.* For purposes of this section:

(1) *Government property* includes any form of real or personal property in which the Government has an ownership, leasehold, or other property interest as well as any right or other intangible interest that is purchased with Government funds, including the services of contractor personnel. The term includes office supplies, telephone and other telecommunications equipment and services, the Government mails, automated data processing capabilities, printing and reproduction facilities, Government records, and Government vehicles.

(2) *Authorized purposes* are those purposes for which Government property is made available to members of the public or those purposes authorized in accordance with law or regulation.

9751.1 CPO Maintaining Discipline Table II Penalty Guide Violations:

#1) Unauthorized use, removal, or possession of Government property, funds, services, supplies, or materials, including use or permitting the improper use of government

¹ Despite one letter being dated July 6, 2017, and the other dated November 29, 2017, the Office of Inspector General did not receive nor was aware of the letters until January 23, 2018, when the courier delivered the package to the GSA Central Office building.

charge cards, Accounting Control Transaction (ACT) numbers or other obligating forms or devices, or the property of other employees.

- #8) Misconduct whether or not in violation of a criminal statute, which impairs job performance or trustworthiness of the employee or otherwise affects the ability of a part of GSA to perform its mission;

SUMMARY

The evidence developed during the investigation determined:

1. Hart possessed and consumed alcohol in the GSA Central Office in violation of Title 41 C.F.R. 102-74.405, Policy on Alcoholic Beverages.
2. Hart engaged in sexual relations on government property on one occasion, July 1, 2017, in violation of 5 C.F.R. § 2635.704, Use of Government property, and 9751.1 CPO Maintaining Discipline Table II Penalty Guide violation #1. His conduct may also be in violation of 9751.1 CPO Maintaining Discipline Table II Penalty Guide violation #8.

The allegation that Hart had inappropriate contact with White House interns on July 4, 2017, was unsubstantiated. (Exhibits 2, 3, 5, 6, 7 and 10)

PROSECUTORIAL COORDINATION

This matter was not presented for criminal prosecution.

DETAILS OF INVESTIGATION

During the time period of approximately January through December 2017, Timothy Horne, Regional Administrator for Region 8, served as the Acting GSA Administrator. Emily W. Murphy served as a senior advisor in the agency until her confirmation as the GSA Administrator on December 11, 2017.

Possession and Consumption of Alcohol on Government Property

On January 30, 2018, Hart was interviewed and admitted he possessed and consumed alcohol in the GSA Central Office. Hart stated he kept a bottle of vodka at his desk and only consumed alcohol in the GSA Central Office building after normal business hours. He also stated he had consumed alcohol in the GSA Central Office building with colleagues, including Timothy Horne, who was the Acting Administrator at the time.

Hart stated that he received a photocopy of an anonymous letter in July 2017 that was addressed to Inspector General Ochoa and alleged his misconduct. After receiving the letter, Hart consulted with Richard Beckler, GSA General Counsel (now deceased). As the result of that consultation, Hart removed the alcohol from the Central Office. (Exhibit 2)

On February 13, 2018, Hart submitted a sworn affidavit he prepared after the January 30th interview. (Exhibit 3)

On January 31, 2018, Timothy Horne was telephonically interviewed and confirmed he consumed alcohol with Hart in the Central Office sometime during the 4th of July weekend in 2017. Horne stated this occurred after work hours and when no one else was around. Horne

also related while he consumed beer in the Central Office after regular business hours, he did not follow the formal possession/consumption approval process established by the Federal Management Regulations found in Title 41 C.F.R. § 102-74.405. (Exhibit 4)

On February 2, 2018, Emily Murphy, GSA Administrator, was interviewed and related she often permits the consumption of alcohol in her office (located in the Central Office) by her immediate staff after business hours on Fridays. Murphy related she is very careful about such approvals, but was unaware of the formal approval process for doing so, as established by Title 41 C.F.R. § 102-74.405. (Exhibit 7)

Based on the above, Hart possessed and consumed alcohol in the Central Office in violation of Title 41 C.F.R. § 102-74.405, Policy on Alcoholic Beverages. More specifically, Hart did not obtain written authorization from the GSA Administrator to consume alcohol in the GSA Central Office building on the occasions he drank in the building outside the presence of the GSA Administrator.

Sexual Conduct on Government Property

On January 30, 2018, Hart was interviewed and admitted he had sexual relations in the GSA Central Office during the weekend of July 1, 2017. Hart identified his partner as (b) (6), (b) (7)(C) ██████████ at the White House. He stated he escorted ██████████ into the GSA Central Office building and made them each a drink with the bottle of vodka he kept in his desk. He said their sexual activity began in the Administrator suite area and culminated with oral sex on the rooftop of the Central Office. Hart stated this occurred on only one occasion. (Exhibits 2 & 3)

On February 13, 2018, Hart submitted a sworn affidavit he prepared after the January 30th interview. (Exhibit 3)

On February 2, 2018, agents attempted to interview (b) (6), (b) (7)(C) ██████████ to corroborate Hart's statements pursuant to a previously arranged appointment at the Executive Office Building. (b) (6), (b) (7)(C) ██████████ refused to be interviewed, stating (b) (6), (b) (7)(C) ██████████ interview would need to be approved by White House counsel, that (b) (6), (b) (7)(C) ██████████ was meeting with them at 3 p.m., and (b) (6), (b) (7)(C) ██████████ would contact agents. Despite having been provided business cards of both agents, (b) (6), (b) (7)(C) ██████████ never contacted agents. A review of the visitor building logs for the Central Office for January through December 2017 revealed (b) (6), (b) (7)(C) ██████████ entered the building on July 1, 2017 at 7:26 PM. No additional log entries were found showing (b) (6), (b) (7)(C) ██████████ entering or leaving the GSA Central Office building during this time period. (Exhibit 9)

Per 5 C.F.R. § 2635.704 (a) an employee has a duty to not allow the use of Government property for anything other than authorized purposes. Having sex in the central office building is not an authorized purpose for use by the public. Further, there is no law or GSA regulation that allows an employee to have sex in the building.

Based upon the above, Hart engaged in sexual conduct in the GSA Central Office building on July 1, 2017, in violation of 5 C.F.R. § 2635.704, Use of Government property and 9751.1 CPO Maintaining Discipline Table II Penalty Guide violation #1 (Unauthorized use, removal, or possession of Government property). His conduct may also have violated 9751.1 CPO Maintaining Discipline Table II Penalty Guide violation #8 (Misconduct whether or not in violation of a criminal statute).

PERMISSIBLE USE

You are advised that this report is from a system of records known as GSA/ADM 24, Investigation Case Files, which is subject to the provisions of the Privacy Act of 1974. Consequently, this report must be handled in accordance with the **WARNING!** page behind the cover.

We request you furnish the results of your final action in this matter by executing the attached Disposition Report. Please return the Disposition Report within 30 days of management's final action.

Should you have any questions or require additional information, please telephone me at [REDACTED] or Special Agent in Charge [REDACTED] on [REDACTED].