# PPATES OF BRIEF

#### UNITED STATES DEPARTMENT OF EDUCATION

#### OFFICE OF MANAGEMENT

#### Office of the Chief Privacy Officer

May 3, 2018

William Marshall Judicial Watch 425 Third St., S.W., Ste. 800 Washington, D.C. 20024

RE: FOIA Request No. 18-01171-F

Dear Mr. Marshall:

This letter is a final response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated February 26, 2018 and received in this office on February 28, 2018. Your request was forwarded to the appropriate offices to search for documents that may be responsive to your request: Office of the Inspector General (OIG) and the Office of Management (OM).

You requested the following:

- Any and all SF50s and SF52s for former DOE official William Mendoza, Executive Director of the White House Initiative on American Indian and Alaska Native Education,
- Any and all records relating to bonuses and awards received by William Mendoza, and
- Any and all DOE Inspector General's reports relating to its investigation of the conduct of William Mendoza.

The time frame for the requested records is 2011 through the present.

On March 28, 2018, the Office of the Inspector General (OIG) sent a final response to you totaling seven pages that were responsive to your request. This response concerns records that were located in the Office of Management (OM). Attached to this e-mail are 21 pages of documents responsive to your request. The documents provided are:

- Notification of Personnel Action for William M. Mendoza,
- Closing Report of Investigation for William M. Mendoza, and
- Criminal Docket No. 2016 CF2 19133 for William M. Mendoza.

However, certain information has been withheld according to FOIA exemptions (b)(6) and (b)(7)(c), as specified below:

- Records or portions of records relating to personal information is exempt pursuant to 5 U.S.C. §552 (b)(6) of the FOIA. Disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.
- Records or portions of records relating to personal information that was compiled for a
  law enforcement purpose is exempt pursuant 5 U.S.C. §552 (b)(7)(c) of the FOIA.
  Disclosure of this information would constitute an unwarranted invasion of personal
  privacy.

Provisions of the FOIA allow us to recover the costs pertaining to your request. The Department has concluded that you fall within the category of a "news media requester." However, the Department has provided you with this information at no charge since you have been granted a fee waiver. This does not infer or imply that you will be granted a fee waiver for future requests made under FOIA to the Department.

Also, you have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department of Education, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to appeals or litigation. They can be contacted by:

Mail	FOIA Public Liaison	Office of Government Information Services
	Office of the Chief Privacy Officer	National Archives and Records Administration
	U.S. Department of Education	8601 Adelphi Road
	400 Maryland Ave., SW, LBJ	Room 2510
	2W218-58	College Park, MD 20740-6001
	Washington, DC 20202-4536	
E-mail	robert.wehausen@ed.gov	OGIS@nara.gov
Phone	202-205-0733	301-837-1996; toll free at 1-877-684-6448
Fax	202-401-0920	301-837-0348

Lastly, you have the right to appeal this decision by writing to the address below, 90 calendar days from the date of this letter. Using the services described above does not affect your right or the deadline to file an appeal. Your appeal must be in writing and must include detailed statement of all legal and factual bases for the appeal; it should be accompanied by this letter, a copy of your initial letter of request, and any documentation that serves as evidence or supports the argument you wish the Department to consider in making an administrative determination on your appeal.

Page 3 – William Marshall FOIA Request No. 18-01171-F

Appeals may be submitted using the on-line form available at www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf.

E-mail: EDFOIAappeals@ed.gov

Fax: 202-401-0920 Mail: Appeals Office

Office of the Chief Privacy Officer U.S. Department of Education

400 Maryland Avenue, SW, LBJ 2E320

Washington, DC 20202-4536

Sincerely,

Arthur Caliguiran

Arthur Caliguiran FOIA Analyst FOIA Service Center

Enclosure

U.S. Office of Personnel Management EPM Supp. 296.33. Subch. 4

#### NOTIFICATION OF PERSONNEL ACTION

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45. Remarks

#### NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)				2. Social Se	ecurity Number	1	3. Date of Birth	4. Effective Da	te
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SALARY INCLUDES A GENERAL INCREASE OF 1 PERCENT AND, IF APPLICABLE, A LOCALITY PAYMENT/SUPPLEMENTAL RATE (OR OTHER GEOGRAPHIC ADJUSTMENT) FOR THIS AREA.

46. Employing Department	or Agency		50. Signature/Authentication and Title of Approving Official
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30. Retirement Plan  (b)(6)  POSITION DATA  34. Position Occupied  2 1 - Competitive Service 2 2 - Excepted Service 3 - SES General 4 - SES Career Reserved  35. FLSA Category 5 - Exempt 8 - SES Career Reserved  36. Appropriation Code 8 - SES Career Reserved  37. Bargaining Unit Status 8 - SES Career Reserved  38. Duty Station Code 39. Duty Station (City - County - State or Overseas Location)  WASHINGTON, DISTRICT OF COLUMBIA  40. Agency Dividion Service 41 VET-STAT 42. EDUC LVL 43. SUPV STAT 44. POSITION SENSITIVITY	27. FEGLI (b)(6)						28. Annuit	ant Indicator			29.	Pay Rate De	terminant
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POSITION DATA  34. Position Occupied  2 1 - Competitive Service 2 - Excepted Service 3. SES General 4 - SES Career Reserved E N - Nonexempt 8888  35. FLSA Category 36. Appropriation Code 8888  37. Bargaining Unit Status 8888  38. Duty Station Code 39. Duty Station (City - County - State or Overseas Location)  WASHINGTON, DISTRICT OF COLUMBIA  40. Agency Date NC 41 VET-STAT 42. EDUC LVL 43. SUPV STAT 44. POSITION SENSITIVITY			-	31. S	Service Cor	np. Date (Leave)	32. Work	Schedule			33.		
34. Position Occupied   35. FLSA Category   36. Appropriation Code   37. Bargaining Unit Status					01/3	31/11	F	FULL-T	IME			E300.00	
2   1 - Competitive Service   3 - SES General   E   E - Exempt   N - Nonexempt   8888     38. Duty Station Code   39. Duty Station (City - County - State or Overseas Location)     11 - 0010 - 001   WASHINGTON, DISTRICT OF COLUMBIA     40. Agency Ditton (City - County - State or Overseas Location)   WASHINGTON, DISTRICT OF COLUMBIA		DATA		To a contra									
2 2 - Excepted Service 4 - SES Career Reserved E N - Nonexempt 8888  38. Duty Station Code 39. Duty Station (City - County - State or Overseas Location)  11-0010-001 WASHINGTON, DISTRICT OF COLUMBIA  40. Agency Ditton (1.1 VET-STAT 42. EDUC LVL 43. SUPV STAT 44. POSITION SENSITIVITY	1 6	npetitive Service 3	- SES General	35. F			36. Appro	priation Code			3	Dozni	la s
11-0010-001 WASHINGTON, DISTRICT OF COLUMBIA  40. Agency Dividing 141 VET-STAT 42 EDUC LVL 43 SUPV STAT 44 POSITION SENSITIVITY	∠ 2 - Exc	epted Service 4	- SES Career Rese	A 5 C C C C C C C C C C C C C C C C C C	E N-	Nonexempt						888	38
40. Agency DENGINC 41. VET-STAT 42. EDUC LVL 43. SUPV STAT 44. POSITION SENSITIVITY	m eff			39.0									
(b)(6)	The state of the s												
CLS UU KASK 2 HIGH RISK		(h)(G)	-STAT	42. EDUC		43. ST		I'A'I' 44.			TIVIT	Y	
45. Remarks		0			13		2		HIGH	RISK			

DATE OF LAST EQUIVALENT INCREASE 12/29/13.

WORK PERFORMANCE IS AT AN ACCEPTABLE LEVEL OF COMPETENCE.

46. Employing Department	or Agency		50. Signature/Authentication and Title of Approving Official
ED - OFC (	OF THE UNDER	SECY	CASSANDRA CUFFEE-GRAVES
47. Agency Code EDEE	48. Personnel Office ID 1306	49. Approval Date 01/06/15	DIR, EXECUTIVE RESOURCES 142280925
	2 - OPF	Copy - Long-Term	Record - DO NOT DESTROY

#### NOTIFICATION OF PERSONNEL ACTION

1, Name (Last, First, Midd	H-1				2 0 10				1		
						ecurity Number	_ 1	3. Date of Birth	4. Effe	ctive Date	
MENDOZA,		Μ.			(b)(6)	NAME OF THE		(b)(6)	0.4	106/	14
FIRST ACTI						OND AC	Digital distriction of the control o				
5-A. Code 5-B. Nature	Of Action				6-A. Code	6-B. Nature o	FACTION				
	LIGNMENT										
5 C. Code 5 D. Legal					6-C Code	6-D. Legal Au	ithority				
UNM SEE	MEMO DA	ATED 3/	21/200	2							
5-E. Code 5-F. Legal /	Authority				6-E. Code	6-F. Legal Au	thority				
7. FROM: Position	Title and Numb	er			15. TO:	Position Tit	tle and Numbe	er			
DIRECTOR,	OF THE	WHIAIA	NE		DIRE	ECTOR,	OF THE	WHIAIA	NE		
erent erroment australie.					10/16/20/20/20/20/20/20/20/20/20/20/20/20/20/						
EE	EDUC	252			EE8		EDU	0252			
8. Pay Plan 9. Occ. Code	e 10. Grade/Level	11. Step/Rate	12. Total Sala	ry 13. Pay Basis	16.Pay Plan	17. Occ. Cod	e 18. Grade/Leve	19. Step/Rate	20, Total Sala	ary/Award	21. Pay Ba
GS 0301	15	03	\$1333	28 PA	GS	0301	15	03	\$1333	28	PA
12A. Basic Pay	12B. Locality Adj.	12C. Adj	Basic Pay	12D. Other Pay	20A. Basic	Pay	20B. Locality Adj.	20C. Ad	j. Basic Pay	20D. Oth	er Pay
\$107332	\$ 25996	\$133	328	\$ 0	\$1073	32	\$ 25996	5 \$133	328	\$	0
14. Name and Location o	f Position's Organizat	tion			22. Name	and Location of	Position's Organia	ation			
					WHI	EDU EX	KCEL AMI	RICN IN	IDN & A	LSKA	NAT
WASHINGTO	ON, DC				150 00 00 00			RICN IN	IDN & A	LSKA	NAT
WASHINGTO					150 00 00 00	EDU EX		RICN IN	IDN & A	LSKA	NAT
EMPLOYEE 23. Veterans Preference	DATA				150 00 00 00	HINGTO	N, DC	25. Agency U	/se 26. V	eterans Pre	
<b>EMPLOYEE</b>	DATA 3 - 10-Point	t/Disability Compensable	5 - 10-Poi 6 - 10-Poi	nt Other nt/Compensable/30%	WASH	HINGTON	N, DC	25. Agency U		eterans Pre	
23. Veterans Preference (b) 1 - None 2 - 5-Poin	DATA 3 - 10-Point				WASH	HINGTON	N, DC	25. Agency U	26. V	eterans Pre	eference for F
23. Veterans Preference (b) 1 - None 2 - 5-Poin	DATA 3 - 10-Point				WASF	HINGTON  O - None 1 - Permanent ant Indicator	N, DC	25. Agency U	26. V	eterans Pre	eference for F
EMPLOYEE  23. Veterans Preference  (b)	DATA 3 - 10-Point		6 - 10-Poi	nt/Compensable/30%	WASH  24. Tenure  3  28. Annuit	O - None 1 - Permanent sant Indicator	N, DC  2 - Conditions 3 - Indefinite	25. Agency U	26. V (b)(6) 29. P	eterans Pre ay Rate Det	terminant
EMPLOYEE  23. Veterans Preference  (b)	3 - 10-Point 4 - 10-Point		6 - 10-Poi	nt/Compensable/30%	24. Tenure 3 28. Annuit 9 32. Work	O - None 1 - Permanent sant Indicator	N, DC  2 · Conditions 3 · Indefinite	25. Agency U	26. V (b)(6) 29. P	eterans Pre ay Rate Der art-Time Hc	terminant
EMPLOYEE 23. Veterans Preference (b) 1 - None 2 - 5 - Poin 27. FEGLI (b)(6) (b)(6) 30. Retirement Plan (b)(6) POSITION	3 - 10-Point 4 - 10-Point		6 - 10-Poi	ervice Comp. Date (Leave)	WASH  24. Tenure  3  28. Annuit  9  32. Work	HINGTON  O - None 1 - Permanent ant Indicator  NOT API Schedule	N, DC  2 · Conditions 3 · Indefinite	25. Agency U	26. V (b)(6) 29. P (33. P	eterans Pre av Rate Der art-Time Ho	terminant  burs Per rekly Period
EMPLOYEE 23. Veterans Preference (b) 1 - None 2 - 5-Poin 27. FEGLI (b)(6) (b)(6) 30. Retirement Plan (b)(6) POSITION 34. Position Occupied	DATA  3 - 10-Point 4 - 10-Point	t Compensable	6 - 10-Poi	ervice Comp. Date (Leave) 01/31/11  SA Category	WASH  24. Tenure  3  28. Annuit  9  32. Work	O - None 1 - Permanent lant Indicator NOT API	N, DC  2 · Conditions 3 · Indefinite	25. Agency U	26. V (b)(6) 29. P (33. P	ay Rate Det  art-Time Ho  Biwe Pay f	terminant  purs Per  ekly  Period
EMPLOYEE 23. Veterans Preference  (b) 1 - None 2 - 5-Poin 27. FEGLI (b)(6)  (h)(6)  30. Retirement Plan (b)(6)  POSITION 34. Position Occupied 2 1 - Comp 2 - Excep	DATA  3 - 10-Point 4 - 10-Point	t Compensable	6 - 10-Poi	ervice Comp. Date (Leave)  01/31/11  SA Category  E	WASH  24. Tenure  3  28. Annuit  9  32. Work  F	O - None 1 - Permanent sant Indicator NOT API Schedule FULL - T	N, DC  2 - Conditions 3 - Indefinite  PLICABLI  IME	25. Agency U	26. V (b)(6) 29. P (33. P	eterans Pre av Rate Der art-Time Ho	terminant  purs Per  ekly  Period
EMPLOYEE 23. Veterans Preference  (b) 1 - None 2 - 5-Poin 27. FEGLI (b)(6)  (h)(6)  30. Retirement Plan (b)(6)  POSITION 34. Position Occupied 2 1 - Comp 2 - Excep 38. Duty Station Code	DATA  3 - 10-Point  4 - 10-Point  DATA  DATA  Detitive Service 3 - 10-Point  4 - 10-Point	Compensable	6 - 10-Poi	ervice Comp. Date (Leave) 01/31/11  SA Category E E - Exempt N - Nonexempt uty Station (City - County	WASH  24. Tenure  3  28. Annuit  9  32. Work  F  4  36. Approx	O - None 1 - Permanent rant Indicator NOT API Schedule FULL - T	2 · Conditions 3 · Indefinite PLICABLI	25. Agency U	26. V (b)(6) 29. P (33. P	ay Rate Det  art-Time Ho  Biwe Pay f	terminant  purs Per  ekly  Period
EMPLOYEE  23. Veterans Preference  (b) 1 - None 2 - 5-Poin  27. FEGLI (b)(6)  (h)(6)  30. Retirement Plan  (b)(6)  POSITION  34. Position Occupied 2 1 - Comp 2 - Excep  38. Duty Station Code  11 - 0 0 1 0 - C	DATA  3 - 10-Point 4 - 10-Point  DATA  Detitive Service 3 - sted Service 4 - sted Service 4 - sted Service 3 - sted Service 3 - sted Service 4 - sted Service 4 - sted Service 3 - sted Service 3 - sted Service 4 - sted Service 4 - sted Service 4 - sted Service 3 - sted Service 4 - sted Service 3 - sted Service 4 - sted Service 4 - sted Service 4 - sted Service 4 - sted Service 3 - sted Service 4 - sted Service 4 - sted Service 4 - sted Service 3 - sted Service 4 - sted Service 4 - sted Service 4 - sted Service 3 - sted Service 3 - sted Service 4 - sted Service 4 - sted Service 3 - sted Service 4 - sted Service 4 - sted Service 3 - sted Service 4 - sted Service 3 - sted Service 4 - sted Service 3 - sted Service 3 - sted Service 4 - sted Service 3 - sted Service 3 - sted Service 3 - sted Service 4 - sted Service 3	Compensable  SES General SES Career Reser	31. Se 35. FL ved 39. De	ervice Comp. Date (Leave) 01/31/11  SA Category E E - Exempt N - Nonexempt uty Station (City - County WASHINGTON	WASH  24. Tenure  3  28. Annuit  9  32. Work  F  4  36. Appro	O - None 1 - Permanent sant Indicator NOT API Schedule FULL - T: priation Code	2 · Conditions 3 · Indefinite  PLICABLI  IME  OF COLUM	25. Agency U	26. V (b)(6) 29. P (33. P	ay Rate Det  art-Time Ho  Blive  Pay F	terminant  ours Per ekly Period  g Unit Status
EMPLOYEE 23. Veterans Preference  (b) 1 None 2 - 5-Poin 27. FEGLI (b)(6)  (b)(6)  90. Retirement Plan (b)(6)  POSITION 34. Position Occupied 2 1 - Comp 2 - Excep 38. Duty Station Code	DATA  3 - 10-Point 4 - 10-Point  DATA  DATA  Detitive Service 3 - 10-Point  DATA  DOTA  DATA  10 - 10 - 10 - 10 - 10 - 10 - 10 - 10	Compensable  SES General SES Career Reser	6 - 10-Poi	ervice Comp. Date (Leave) 01/31/11  SA Category E E - Exempt N - Nonexempt uty Station (City - County WASHINGTON	WASH  24. Tenure  3  28. Annuit  9  32. Work  F  4  36. Approx	O - None 1 - Permanent sant Indicator NOT API Schedule FULL - T: priation Code	2 · Conditions 3 · Indefinite  PLICABLE  IME  OF COLUMPOSITIO	25. Agency U	26. V (b)(6) 29. P (33. P	ay Rate Det  art-Time Ho  Blive  Pay F	terminant  ours Per  ekly  Period  g Unit Status

46. Employing Department	or Agency		50. Signature/Authentication and Title of Approving Official
ED - OFC C	OF THE UNDER	SECY	ANDREA BURCKMAN
47. Agency Code EDEE	48. Personnel Office ID	49. Approval Date 05/22/14	DIR, EXECUTIVE RESOURCES 140923365
4	2 - OPF	Copy - Long-Term	Record - DO NOT DESTROY

45. Remarks

U.S. Office of Personnel Management

FPM Supp. 296-33, Subch	. 4	I\	OTIFIC	CATIO	ON OF F	ERSO	NNEL A	CTION				
1. Name (Last, First, Middle	e)					2. Social Se	curity Number		3. Date of Birth	4. Eff	ective Date	
MENDOZA,	MTT.T.TAM M					(b)(6)		i le	(b)(6)	01	/12/	1.4
FIRST ACTI	ON					SECO	ND AC	TION	NEWSCY.		, , ,	1.4
5-A. Code   5-B. Nature	Of Action					6-A. Code	6-B. Nature o					
894 GEN	ADJ											
5-C. Code 5-D. Legal A	uthority					6-C Code	6-D. Legal Au	thority				
QWM REG	531.207											
5-E. Code 5-F. Legal A	uthority					6-E. Code	6-F. Legal Au	thority				
ZLM E.O	. 13655 DA'	red 1	2/23/	13								
7. FROM: Position T	itle and Number					15. TO:	Position Tit	le and Numbe	er			
DIRECTOR,	OF THE WH	IAIAN	E			DIRE	CTOR,	OF THE	WHIAIA	NE		
EE	EDU025	2				EE		EDU	252			
8. Pay Plan 9, Occ. Code		Managara d	2. Total Salar	7.0	13. Pay Basis	16.Pay Plan	17. Occ. Code	e 18. Grade/Leve	19. Step/Rate	20. Total Sa	lary/Award	21. Pay Bas
GS 0301	15 03		\$1320	09	PA	GS	0301	15	03	\$1333	328	PA
12A. Basic Pay	12B. Locality Adj.	12C. Adj. B	NAMES STATE	12D. Oth	her Pay	20A. Basic	Pay	20B. Locality Adj.		. Basic Pay	20D. Ot	her Pay
\$106270 14. Name and Location of		\$1320	09	\$	0	\$1073	32	\$ 25996	\$133	328	\$	0
WASHINGTO	N DC					WACI	INGTO	J DC				
EMPLOYEE						WASI	IINGIOI	N,DC				
23. Veterans Preference	DAIA					24. Tenure			25. Agency Us	se   26. V	/eterans Pr	eference for R
(b)(6 1 - None 2 - 5-Point	3 - 10-Point/Disabi 4 - 10-Point Comp		5 - 10-Pair 6 - 10-Pair		nsable/30%	3	0 - None 1 - Permanent	2 - Conditiona 3 - Indefinite		(b)(6	)	
27. FEGLI (b)(6)				ni dompei		28. Annuit	ant Indicator	o macimite		29. F	Pay Rate De	eterminant
(b)(6)						9 1	OT API	PLICABL	3	(	0	
30. Retirement Plan			31. Se	rvice Con	np. Date (Leave)	_				33. F	Part-Time H	lours Per
(b)(6) POSITION D	ΑΤΑ			01/3	1/11	F	TULL-T	IME			(J. 9000)	eekly Period
34. Position Occupied			35. FL	SA Categ	ory	36. Approp	oriation Code			37	7. Bargainin	g Unit Status
2 1 - Compe 2 - Excepte	titive Service 3 - SES Ge ed Service 4 - SES Ca	neral reer Reserve	ed	E N-E	xempt Vonexempt						888	38
38. Duty Station Code	1 449 40				(City - County	- State or Ov	verseas Location	n)			300	
11-0010-0	01			WASH	INGTON	,DIST	TRICT (	OF COLU	MBIA			
40. Agency Date N	C 41. VET-ST	AT 4	2. EDUC			IPV ST		POSITIO		TIVIT	Y	
CLS 00	(b)(6)			13		2			RISK			

SALARY INCLUDES A GENERAL INCREASE OF 1 PERCENT AND, IF APPLICABLE, A LOCALITY PAYMENT/SUPPLEMENTAL RATE (OR OTHER GEOGRAPHIC ADJUSTMENT) FOR THIS AREA.

46. Employing Department of	or Agency		50. Signature/Authentication and Title of Approving Official
ED - OFC C	F THE UNDER	SECY	
47. Agency Code EDEE	48. Personnel Office ID 1306	49. Approval Date 01/12/14	AUTHORIZING OFFICIAL 140174946
	2 - OPF	Copy - Long-Term	Record - DO NOT DESTROY

FPM Supp. 296-33	, Subch. 4	4		NOTIFI	CATI	ON OF F	PERSO	NNEL A	CTION					
1. Name (Last, First	, Middle)						2. Social Se	ecurity Number	r	3. Date of Birth	4. Effe	ective Date		
MENDOZA	W A	TT.T.TAM	М				(b)(6)			(b)(6)	12	1291	12	
FIRST A	CTIO	N	•••				SECOND ACTION							
5-A. Code   5-B.	Nature Of	Action					6-A. Code	6-B. Nature	of Action					
893 I	REG	WRI												
5-C. Code 5-D.	Legal Aut	hority					6-C Code 6-D. Legal Authority							
Q7M I	REG	531.40	4											
5-E. Code 5-F. I	Legal Aut	hority					6-E. Code 6-F. Legal Authority							
7. FROM: Posi	ition Tit	tle and Numl	ber				15. TO:	Position Ti	itle and Numbe	er				
DIRECTO	OR,	OF THE	WHIAIA	NE			DIRE	CTOR,	OF THE	WHIAIA	NE			
EE EDU0252							EE		EDUC	252				
						13. Pay Basis	16.Pay Plan	17. Occ. Cod	de 18. Grade/Leve	19. Step/Rate	20. Total Sal	ary/Award	21. Pay Basis	
GS 0301 15 02 \$127883 PA						PA	GS	0301	15	03	\$1320	09	PA	
12A. Basic Pay	1	2B. Locality Adj	. 12C. Ad	. Basic Pay	12D. Ot	her Pay	20A. Basic							
\$102949 \$ 24934 \$127883 \$ 0						0	\$1062	70	\$ 25739	\$132	009	\$	0	
WASHING	GTON	, DC					WASH	HINGTO	N.DC					
<b>EMPLOY</b>									,23					
23. Veterans Prefer							24. Tenure			25. Agency Us	e   26. V	eterans Pre	eterence tor RIF	
(b)( 2-	Nane 5-Point	3 - 10-Poir 4 - 10-Poir	nt/Disability nt Compensable	5 - 10-Pa 6 - 10-Pa	oint Other oint/Compe	nsable/30%	3	0 - None 1 - Permanen	2 - Conditional t 3 - Indefinite		(b)(6)			
27. FEGLI (b)(6	5)						28. Annuit	ant Indicator			29. P	ay Rate De	terminant	
(b)(6)							9 N	OT AP	PLICABLE	3	(	)		
30. Retirement Plan	į.			31.5		np. Date (Leave)	100000000000000000000000000000000000000				33. P	art-Time H		
POSITIO	N D	ATA			01/3	31/11	FF	TULL-T	IME			- C1 - 11 - 11	Period	
$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$							36. Appropriation Code 37. Bargaining Unit Status 8888							
38, Duty Station C				39.1		n (City - County	- State or Ov	rerseas Locatio	on)					
11-001		Colo 1001			The state of the s				OF COLUM					
40. Agency D	O O	41. VET (b)(6)	-STAT	42. EDU	C LVI 13	43. SU	JPV ST 2	TAT 44.	POSITION HIGH		TIVITY			
45. Remarks														

DATE OF LAST EQUIVALENT INCREASE 12/30/12.

WORK PERFORMANCE IS AT AN ACCEPTABLE LEVEL OF COMPETENCE.

46. Employing Department of	er Agency		50. Signature/Authentication and Title of Approving Official
ED - OFC O	F THE UNDER	SECY	
47. Agency Code EDEE	48. Personnel Office ID 1306	49. Approval Date 12/27/13	AUTHORIZING OFFICIAL 140001937
	2 - OPF	Copy - Long-Term	Record - DO NOT DESTROY

#### NOTIFICATION OF PERSONNEL ACTION

FPM Supp.	296-33, Subch	. 4		NOTIFI	CATI	ON OF F	ERSU	MINEL A	CHON					
1. Name (L	ast, First, Middl	e)					Social Security Number 3. Date of Birth 4. Effective Date							
MENI	DOZA 1	WILLIAM	M				(b)(6)			(h)(6)	12	/30/	12	
	T ACTI		11.				SECO	OND AC				<del>/                                    </del>		
5-A. Code	5-B. Nature	Of Action					6-A. Code							
893	REG	WRI												
5-C. Code	5-D. Legal A	uthority					6-C Code 6-D. Legal Authority							
Q7M	REG	531.40	4											
5-E. Code	5-F. Legal A	uthority					6-E. Code 6-F. Legal Authority							
7. FROM	A: Position	Title and Num	ber				15. TO:	Position Titl	le and Numbe	er .				
DIR	ECTOR.	OF THE	WHIAIA	NE			DIRE	CTOR.	OF THE	WHTATA	NE			
(PR. 2710.00		15.00						.010107	01 1110		.,			
EE		EDU	0252				EE		EDUC	252				
8. Pay Plan	9. Occ. Code	10. Grade/Leve	11. Step/Rate	12. Total Sala	ary	13. Pay Basis		17. Occ. Code	18. Grade/Leve		20. Total Sal	ary/Award	21. Pay Basis	
GS 0301 15 01 \$123758 PA						PA	GS	0301	15	02	\$1278	83	PA	
12A. Basic	Pay	12B. Locality Ad	j. 12C. Ad	. Basic Pay	12D. Ot	ther Pay	20A. Basic	Pay 2						
\$ 9	9628	\$ 2413	0 \$123	758	\$	0	\$1029	949	\$ 24934	\$127	883	\$	0	
14. Name	and Location of	Position's Organiz	ration				22. Name	and Location of	Position's Organiz	ation				
WAS	HINGTO	N,DC					WASH	HINGTON	I.DC					
EMP	LOYEE	DATA												
23. Vetera	ns Preference						24. Tenure	9		25. Agency Us			eterence for RIF	
(b)(6)	1 - None 2 - 5-Point	3 - 10-Poi 4 - 10-Poi	nt/Disability nt Compensable	5 - 10-Pc 6 - 10-Pc		ensable/30%	3	0 - None 1 - Permanent	2 - Conditiona 3 - Indefinite		(b)(6)			
27. FEGLI	(b)(6)						28. Annuit	ant Indicator						
(h)(6)							9 1	NOT APP	LICABLE	3	C			
30. Retirer	nent Plan			31.5	ervice Cor	mp. Date (Leave)	32. Work	Schedule			33. P	art-Time H	ours Per	
(b)(6)			]		01/3	31/11	F	FULL-TI	ME			Pay	eekly Period	
	SITION E	DATA		l ne e							100			
34. Position Occupied   35. FLSA Category							36. Appropriation Code 37. Bargaining Unit Status							
	2 - Except	ed Service 4	- SES Career Rese	111000	B N-	Nonexempt	t 8888							
arcani <sup>18</sup> v		0.1		39. L						AD T.A				
	0010-0		СПХП	DDTT	_				F COLUM		m++++	,		
40. Age	ency DENIN 00		-STAT	42. EDU		⊔ 43. SU	JPV S'	1AT 44. E	POSITION		TIATIA			
CID	00	(10)(0)			13		2		HIGH	RISK				

DATE OF LAST EQUIVALENT INCREASE 10/09/11.

WORK PERFORMANCE IS AT AN ACCEPTABLE LEVEL OF COMPETENCE.

46. Employing Department	or Agency		50. Signature/Authentication and Title of Approving Official
ED - OFC	OF THE UNDER	SECY	
47. Agency Code EDEE	48. Personnel Office ID 1306	49. Approval Date 01/29/13	AUTHORIZING OFFICIAL 130038911
,,	2 - OPF	Copy - Long-Te	rm Record - DO NOT DESTROY

FPM Supp. 296-33, Subct	1. 4		NOTIF	CATI	ON OF F	EKSO	MINEL	ACI	ION					
1. Name (Last, First, Midd	(e)					2. Social Se	curity Numb	oer	3	3. Dat	e of Birth	4. Eff	ective Date	
MENDOZA,	MAT.T.TAM	M				(b)(6)			1	(b)(6	)	0.5	/20/	1.2
FIRST ACTI	ON					SECOND ACTION								
5-A. Code   5-B. Nature						6-A. Code								
721 REA	SSIGNME	NT												
5-C. Code 5-D. Legal A						6-C Code	6-D. Legal	Authorit	У					
Y7M SCH	C, 213	.3317												
5-E. Code 5-F. Legal A						6-E. Code	6-F. Legal	Authorit	Y					
7. FROM: Position	Title and Num	ber				15. TO:	Position '	Title a	nd Numbe	r				
EXECUTIVE	DIRECT	OR, WHI	AINAE			DIRE	CTOR	, OF	THE	WH	IAIAI	NE		
EAG	100000000000000000000000000000000000000	0531				EE			EDUC	25	2			
^^ ##. ^    [^ ^ ] [ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [						in the state investigation	Contractor and the	1100		19.	Step/Rate	20. Total Sa		21. Pay Basis
GS 0301 15 01 \$123758 PF						GS	0303		15	01		\$1237	758	PA
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## UNITED STATES DEPARTMENT OF EDUCATION OFFICE OF INSPECTOR GENERAL



## CLOSING REPORT OF INVESTIGATION

## WILLIAM MENDOZA (EMPLOYEE CASE)

#### 16-000756

### **OCTOBER 24, 2017**

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Report by:

(b)(6) (b)(7)(c)

Distribution:

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Assistant Special Agent in Charge

Approved by:

GEOFFREY WOOD Special Agent in Charge Digitally signed by Geoffrey Wood

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## CLOSING REPORT OF INVESTIGATION

## WILLIAM MENDOZA (EMPLOYEE CASE)

#### SUMMARY

The OIG was contacted by the Washington Metro Area Transit Authority Police Department, Criminal Investigative Division (WMATA) regarding potential criminal activity by a U.S. Department of Education (ED) employee while utilizing government SmarTrip benefits. WMATA alleged that William Mendoza, then ED's Executive Director of the White House Initiative on American Indian and Alaska Native Education, was taking, or attempting to take, photographs/video under the skirts of women with a type of smart phone while utilizing the Metro Transit system. The OIG investigation revealed that Mendoza engaged in criminal conduct while on government work time and/or while utilizing government transit benefits. Prior to the resolution of the OIG's investigation, Mendoza resigned from ED.

#### **VIOLATIONS**

The activities identified in this report are violations of:

- 22 D.C. Code §§ 3531(d), 1803 (2001 ed.) Attempted Voyeurism
- 31 USC 1349 Misuse of Government Property
- ED Code of Conduct Violations

#### PREDICATION

On August 8, 2016, the OIG was contacted by WMATA regarding potential criminal activity by an ED employee while utilizing government SmarTrip benefits. Through victim/witness accounts, SmarTrip account data and video footage, WMATA's investigation developed information that William Mendoza, then ED's Executive Director of the White House Initiative on American Indian and Alaska Native Education, was taking or attempting to take, photographs/video under the skirts of women with a type of smart phone while utilizing the Metro Transit system.

#### NARRATIVE

The OIG initiated an investigation into potential administrative violation(s) committed by Mendoza including misuse of government property and government time, conduct prejudicial

to the federal government, conduct unbecoming a federal employee and inappropriate behavior of a sexual nature.

On November 21, 2016, WMATA obtained and executed an arrest warrant on Mendoza for attempted voyeurism, DC Code § 22-3531. Search warrants for Mendoza's electronic devices were also obtained and executed. At the time of his arrest, in Mendoza possessed his ED issued iPhone and computer, which were transferred to the OIG's possession the following day.

On November 22, 2016, Mendoza submitted a resignation letter to ED, which became effective on November 25, 2016.

The OIG acquired Mendoza's, relevant time and attendance records (webTA) and his assigned SmarTrip transit benefits account number to compare them to the dates and times when Mendoza was engaging in or attempting, voyeuristic acts/potential criminal conduct. Mendoza's ed.gov email account and his ED issued computer were also examined.

When the work hours claimed and the SmarTrip transit benefit account number assigned to Mendoza were scrutinized, in relation to Mendoza's actions reported and/or captured on video, it was evident that Mendoza was engaging in or attempting voyeuristic acts/criminal conduct while utilizing government benefits and/or on scheduled/claimed work time.

On at least four occasions, while in a work status and/or using his SmarTrip benefits, between July 1, 2016 and July 8, 2016, Mendoza engaged in (or attempted to engage in) what appeared to be voyeuristic acts by recording video or taking photographs up unknowing/non-consenting women's skirts.

## PROSECUTIVE/ADMINISTRATIVE STATUS

Prior to the resolution of the OIG investigation and subsequent administrative referral to ED, Mendoza resigned on November 25, 2016.

On January 13, 2017, Mendoza pleaded guilty to attempted voyeurism in violation of 22 D.C. Code §§ 3531(d), 1803 (2001 ed.) in the Superior Court of the District of Columbia and was sentenced to ninety days incarceration (suspended), one year of supervised probation and a \$100 dollar assessment for the Victims of Violent Crime Act.

On April 14, 2017, the OIG requested that the ED Office of Personnel Security seek debarment of Mendoza from federal employment due to suitability through the Office of Personnel Management.

On August 10, 2017, the OIG, in compliance with the National Defense Authorization Act for Fiscal Year 2017, Sec. 2, Division A, Title XI, Subtitle C, § 1140 (Pub. L. No.114-328)(codified at 5 U.S.C. § 3322), sent forth a notification of a completed OIG investigation, along with a Report of

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#### SUBJECT OF INVESTIGATION

Name: WILLIAM MENDOZA; Last Know	n Address: (b)(6) (b)(7)(c)		ı
Last Known Telephone (5)(6) (6)(7)(c)	Date of Birth: (6)(6) (6)(7)(6)	SSN: (b)(6) (b)(7)(c)	

#### **EXHIBITS**

Referral Memo/Administrative ROI

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### UNITED STATES DEPARTMENT OF EDUCATION



DATE OF ACTIVITY: July 31, 2017

ACTIVITY BY: ASAC (b)(6) (b)(7)(c)

CASE NUMBER: 16-000756

CASE NAME: William Mendoza (Employee)

REFERENCE: Investigative Comparison

This memorandum will serve as documentation of the Mendoza's relevant time and attendance records (webTA), his assigned Smartrip transit benefits account number and how both align with the timing of when Mendoza was engaging in, or attempting thereto, voyeuristic acts/potential criminal conduct.

When Mendoza's time card (webTA/T&A Summary) was acquired for pay period 15 in 2016, it revealed the following hours claimed:

- July 5, 2017 Start Time 9:00AM; Stop Time 5:30PM; Meal Time .5 hours
- July 6, 2017 Start Time 9:00AM; Stop Time 5:30PM; Meal Time .5 hours
- July 7, 2017 Start Time 9:00AM; Stop Time 5:30PM; Meal Time .5 hours
- July 8, 2017 Start Time 9:00AM; Stop Time 5:30PM; Meal Time .5 hours

When Mendoza's Smartrip transit benefit assigned account number was requested, it returned a card number of (D)(G) (D)(T).

On November 30, 2016, Detective (b)(6) (b)(7)(c) , Metro Transit Police Department, served as the affiant on a search warrant application with the Superior Court for the District of Columbia for items, which included a Department of Education (ED) Dell laptop computer bearing EDU613266 (Mendoza's assigned laptop computer). Detective (b)(6) (b) did secure the aforementioned search warrant to execute a search for evidence of voyeurism in violation of 22 DC Code § 3531. In his recitation of probable cause, Detective (b)(6) (b) provided the following facts:

- A victim/witness (VW-1) reported to the Metro Transit PD, that on July 7, 2016, at approximately 9:35AM, she was exiting the Washington, DC Metro system at McPherson Square Metro station (1400 I Street NW) While on the escalator, VW-1 heard a male voice yell "stop!" VW-1 observed a man (later identified by Detective as Mendoza) run past her carrying a cell phone and a bag over one shoulder. The individual who yelled "stop" approached VW-1 and advised her that Mendoza was taking pictures of VW-1's undergarments by placing his cellular phone under her skirt.
- A review of video footage revealed Mendoza exiting the paid area of the subject Metro station, waiting for VW-1 to pass him and him following her onto, and up, the escalator with an illuminated cell phone pointed in the direction of VW-1's dress. At the top of the

escalator, the video footage displayed Mendoza stepping around VW-1 and running from the scene.

Detective (b)(6) (b) was able to discern that Mendoza was using a Smartrip card with a number of the control of

July 5, 2016, approximately 2:09PM, Mendoza departed a train at the Union Station Metro (800 1<sup>st</sup> Street NE) followed VW-2, who wore a short jean skirt, onto two different escalators with his illuminated cell phone in his hand in positions in close proximity to the bottom of VW-2's skirt.

July 5, 2016, approximately 2:31PM, Mendoza exited Metro Center metro (607 13th St NW). Mendoza followed VW-3, who was wearing extremely short cut black shorts, onto the escalator leading to the street and placed an illuminated cell phone in close proximity to the bottom of VW-3's shorts.

July 7, 2016, approximately 8:23AM, Mendoza exited McPherson Square Metro, followed VW-4 towards the escalators, stepped onto the escalator behind VW-4 with an illuminated cell phone in his hand and placed the phone in close proximity to VW-4's dress. VW-4 is observed pulling her skirt close to her legs. VW-4 was contacted by Detective of and VW-4 indicated she knew why Detective was contacting her. VW-4 acknowledged the incident and provided that the same male (described as taller white or Latino man with glasses and a pony tail), two weeks prior, used his cell phone to film her underwear while she rode the train.

July 7, 2016, approximately 6:19PM, Mendoza was at the Virginia Square Metro station (3600 Fairfax Drive, Arlington, VA) standing directly below a video surveillance camera wherein he unlocks a cell phone and accesses a stored video, which depicted the lower half of a woman's body with her undergarments visible from underneath a white skirt. The video appeared to have been surreptitiously filmed in a store's dressing room.

July 8, 2016, approximately 9:25AM, Mendoza exited the paid area of Farragut West Metro (837 17<sup>th</sup> Street NW) followed VW-5, who wore a maroon dress, onto the escalators where he placed an illuminated cell phone near the bottom of her dress while immediately behind her. After completion of this action, Mendoza turned around, walked down the escalator at Farragut West and returned to the unpaid area of the station. Mendoza waited in this area for approximately 1 minute before following VW-6 as she exited the station via escalator. VW-6 wore a blue dress. Mendoza stood behind VW-6 on the escalator and placed an illuminated cell phone near the bottom of her skirt and a bright light appeared which was consistent with a "flash" associated with a camera.

When examining the above listed hours claimed and the Smartrip transit benefit account number assigned to Mendoza in relation to Mendoza's actions reported and/or captured on video, it is evident that Mendoza was engaging in or attempting voyeuristic acts/potential criminal conduct while utilizing government benefits and/or on scheduled/claimed work time.

Exhibit 2 Page 1 of 7

## SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

United States of America Vs.

JUDGMENT IN A CRIMINAL CASE (Probation)

WILLIAM M MENDOZA DOB:

Case No. 2016 CF2 019133 PDID: 718138

DCDC No:

THE DEFENDANT HAVING BEEN FOUND GUILTY ON THE FOLLOWING COUNT(S) AS INDICATED BELOW:

Count

1

Court Finding

Found Guilty - Plea

Attempted Voyeurism - Privacy - Misdemeanor

## SENTENCE OF THE COURT

Count 1 Attempted Voyeurism - Privacy Misdemeanor. Sentenced to 90 day(s) incarceration, execution of sentence suspended as to all, \*Supervised Probation for 1 year(s), \$100.00 VVCA, VVCA Due Date 02/10/2017

Defendant is hereby ordered placed on probation - See-Page 2 of this Order for Conditions of Probation; upon release from either the courtroom or incarceration, Defendant must report to 300 Indiana Avenue, NW, Room 2070, Washington, DC, by the next business day after release from jail or prison. have been assessed under the Victims of Violent Crime Compensation 100.00 Total costs in the aggregate amount of \$ ✓ have not been paid. 
 ✓ Appeal Rights Given 
 ✓ Gun Offender Registry Order Issued Act of 1996, and ☐ have ☐ Sex Offender Registration Notice Given ☐ Domestic violence notice given prohibiting possession/purchase of firearm or ammunition ☐ In addition to any condition of probation, restitution is made part of the sentence and judgment pursuant to D.C. Code § 16-711. 1/13/2017 MARISA J DEMEO Date Entered by Clerk pursuant to Criminal Rule 32(f) Veda Rasheed 1/13/2017 Date

Deputy Clerk



CASE NUMBER: 2016 CF2 019133

DEFENDANT: WILLIAM M MENDOZA



The Defendant is hereby placed on \*Supervised Probation

for a term of

1 year(s).

#### GENERAL CONDITIONS OF PROBATION

- 1. Obey all laws, ordinances, and regulations.
- 2. Report to CSOSA today and then for all appointments scheduled by your Community Supervision Officer (CSO).
- 3. Permit your CSO to visit your place of residence.
- 4. Notify your CSO within one business day of (A) an arrest or questioning by a law enforcement officer, (B) a change in your residence, or (C) a change in your employment.
- 5. Obtain the permission of your CSO before you relocate from the District of Columbia.
- 6. Do not illegally possess or use a controlled substance or any paraphernalia related to such substances (you may take lawfully prescribed medication). You must not frequent a place where you know a controlled substance is illegally used or distributed.
- 7. You must drug test at the discretion of CSOSA. In the event of illicit drug use or other violation of conditions of probation, participate as directed by your CSO in a program of graduated sanctions that may include periods of residential placement or services.
- 8. Participate in and complete CSOSA's employment/academic program, if directed by your CSO.
- 9. Participate in and complete other CSOSA's programs as identified through CSOSA's risk and needs assessment.
- 10. Satisfy all court imposed financial obligation(s) (fines, restitution, Victim of Violent Crime Act assessments, etc.) to which you are subject. You must provide financial information relevant to the payment of such a financial obligation that is requested by your CSO. A payment plan will be established by your CSO so that you will be in a position to pay your court imposed financial obligation(s) within 90 days prior to the termination of your probation.

#### SPECIAL CONDITIONS OF PROBATION

1.	Cooperate in seeking and accepting medical, psychological or psychiatric treatment in accordance with written notice from your CSO.	
2.	Restitution of \$ in monthly installments of \$ beginning	_
	☐ The Court will distribute monies to:	_
3.	You are to stay away from the person(s) and or address(es) listed below:	_
	You are to stay away from the following places or area (s):	
are	e not to have contact with any of the persons named above. You must remain at least 100 yards away from them,	_

You are not to have contact with any of the persons named above. You must remain at least 100 yards away from them, their home, and/or their places of employment. You are not to communicate, or attempt to communicate with any of these persons, either directly or through any other person, by telephone, written message, electronic message, pager, or otherwise, except through your lawyer.

4. Other Special Conditions: The court is permitting the defendant to live in Montana or South Dakota.

The defendant shall submit to CSOSA by either fax or email regular updates of reports of sessions with a mental health expert professional with expertise in sexual behavior issues.

## SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	CRIMINAL NO.: 2016 CF2 19133
v.	JUDGE DEMEO
WILLIAM MENDOZA	

#### **INFORMATION**

1. On or about July 7, 2016, within the District of Columbia, the defendant, William Martin Mendoza, attempted to intentionally capture an image of a private area of under circumstances in which had a reasonable expectation of privacy, without her express or informed consent. (Attempted Voyeurism) in violation of 22 D.C. Code, Sections 3531(d) and 1803 (2001 ed.)).

Respectfully submitted,

CHANNING D. PHILLIPS UNITED STATES ATTORNEY

Assistant United States Attorney

