

memorandum

DATE: July 25, 2002
REPLY TO
ATTN OF: ME -74
SUBJECT: Document Review Request No. F2002-00359 (Vigg, Steven)
TO: Gene Tollefson, FOIA Officer, BPA

Please review the attached responsive documents referred to us by the Department of Justice. In accordance with the instructions of that agency, provide your final determination about the releasability of the documents.

If you have any questions about this matter, you may contact me on (202) 586-3595.


Joan Ogbazghi
FOIA/Privacy Act Division
Office of The Executive Secretariat

Attachments



Department of Energy

Washington, DC 20585

July 25, 2002

Mr. Steven Vigg
42418 East Larch Mountain Road
Corbett, OR 97019

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|--|
| RECEIVED BY BPA FOIA OFFICE THIS DATE: 9-10-02 |
| DUE DATE: 10-8-02 |
| LOG # 02-049 |

Re: FOIA/PA Request No. F2002-00359
(DOJ No. 991307P)

Dear Mr. Vigg:

This is in response to the request for information that you sent to the Department of Justice (DOJ) under the Freedom of Information Act (FOIA) and the Privacy Act, 5 U.S.C. 552 and 5 U.S.C. 552a. You asked for records that relate to an allegation and subsequent investigation.

During the processing of your request, the DOJ identified responsive documents that originated at the Department of Energy (DOE). For this reason, the DOJ forwarded the documents to this office for appropriate action.

I have transmitted the documents to the Bonneville Power Administration (BPA) of the DOE to review and to provide you a determination about their releasability. If you have questions about the review of the documents at the BPA, you may contact Mr. Gene Tollefson, FOIA Officer at the BPA, 905 NE 11th Avenue, Portland, OR 97232. He also can be reached on (503) 230-4444.

The above referenced numbers have been assigned to the request and you should refer to them in correspondence with this office about this matter. This is the final response that you will receive about your request from the DOE Headquarters.

I appreciate the opportunity to assist you.

Sincerely,

Joan Ogbazghi
for Abel Lopez, Director
FOIA/Privacy Act Division
Office of The Executive Secretariat



(Rev)

7706977-OLD
991307P-NEW

September 23, 1999

Thomas J. McIntyre, Chief
Freedom of Information / Privacy Act Unit
Office of Enforcement Operations
Criminal Division, Room 1114
1301 New York Avenue, NW
Washington, D.C. 20530

CRIMINAL DIVISION
99 SEP 30 AM 8:11

JUL 23 2002
OS

PA

Dear Mr. McIntyre:

I am responding to your letter of July 6, 1999 that acknowledged receipt of my Freedom of Information Act (FOIA) request of May 4, 1999 (see Enclosure 1). I am enclosing two completed documents that you requested:

- (1) My notarized signature on the "Certification of Identification Form (Enclosure 2), and
- (2) Checked search files "Justice/CRM 001" and "Justice/CRM 004" on the form entitled "List of Systems of Records Maintained by the Criminal Division (Enclosure 3).

Since you indicated that you would be closing out the previous FOIA request and opening a new request, I will reiterate my request, as stated in my letter of May 4 for any and all records pertaining to my case:

I am now requesting – under the authority of the Freedom of Information Act (as amended) – any and all records relating to this allegation and subsequent investigation. Since these records relate to me personally and professionally, I understand that the Privacy Act is also relevant to this request. As part of this request I want to know the specific language of the allegation and who made the allegation {i.e., person(s) and affiliation(s)}.

Relevant records would include files at your office and those the Bonneville Power Administration, Portland offices – regardless of the media or format, for example, searchable data bases, paper copies, electronic copies or e-mail. I thank you in advance for a timely response to my request.

Sincerely yours,

Steven Vigg
Steven Vigg

Fishery Biologist
42418 East Larch Mountain Road
Corbett, Oregon 97019

Enclosures (3)

N/A

Joan
F2002-00359



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

MEMORANDUM

JUN 26 2002

To: Abel Lopez, Director
FOI/PA Division, HR-73
Department of Energy

From:  Thomas J. McIntyre, Chief
FOI/PA Unit
Office of Enforcement Operations

Re: PA Request-Steven Vigg, #991307P

We are processing a Privacy Act request from the person named above. In searching our system CRM-001, we have located the attached documents which originated in an office for which you are responsible. We are referring these documents to you for direct response to the requester. We also have attached a copy of the request letter for your assistance and have advised the requester of this referral.

Please address correspondence to us concerning this matter to: Thomas J. McIntyre, Chief, Freedom of Information/Privacy Act Unit, Office of Enforcement Operations, Criminal Division, Department of Justice, Washington, D.C. 20530. Attention: Keith Dyson, (202) 514-0874.

September 10, 2002

Mr. Gene Tollefson
FOIA Officer
Bonneville Power Administration
905 NE 11th Avenue
Portland, OR 97232

Dear Mr. Tollefson:

In March, 1999 it first came to my attention that allegations were filed against me regarding post-employment restrictions – relative to my former employment as Fishery Biologist at the Bonneville Power Administration (BPA), Portland, Oregon. At that time, Mr. Bob Lohn, Director of the Fish & Wildlife Division, BPA sent me a copy of a letter, pursuant to this allegation, from Lee J. Radek, Chief of the Public Integrity Section, Department of Justice (DOJ) to Jack L. Strayer, BPA dated Feb 4 1999 – that concluded: *“After a careful review of this matter, we have decided that there is insufficient evidence to warrant federal criminal prosecution.”* (refer to Attachment 1).

I obtained from Mr. Lohn’s secretary the contact information needed to make a Freedom of Information/Privacy Act request pertaining to this allegation. On May 5, 1999, I submitted a FOIA/Privacy Act request to the Department of Justice for *“... any and all records relating to this allegation and subsequent investigation.”* (refer to Attachment 2). At the same time, I sent a copy of this request to Mr. Jack L. Strayer, Manager of Internal Audit Services, Bonneville Power Administration.

In July 2002, I received a letter from Thomas J. McIntyre, Chief of the Freedom of Information/Privacy Act Unit, DOJ (dated June 26, 2002) that documented several government records containing substantive information directly pertaining to this case have been withheld in full from me – including four documents originating from the DOJ and all the records originating from the Department of Energy (DOE) and the Bonneville Power Administration.

In August 2002, I received a letter (dated July 26, 2002) from Abel Lopez, FOIA/Privacy Act Division, Office of the Executive Secretariat, DOE. This letter indicated that the records from the DOJ pertaining to my FOIA/PA request (DOJ, No. CRM-991307P; DOE No. F2002-00359) – were transmitted to BPA.

The government has taken over three years to make a partial response to my initial FOIA request sent to DOJ and BPA on May 4, 1999. I respectfully request a full disclosure the records pertaining to my case that were identified by the DOJ and sent to the Department of Energy (DOE) and subsequently to the Bonneville Power Administration. I also request any and all records pertaining to my case that originated from BPA. It has now been in excess of six weeks from the date of Abel Lopez’s DOE transmittal notice. It is my understanding that the government’s response to a FOIA/PA request is due to me

within 20 business days. I would appreciate the release of the requested documents from your office in a timely manner.

Sincerely,

A handwritten signature in black ink that reads "Steven C. Vigg". The signature is written in a cursive style with a large, prominent "S" at the beginning.

Steven C. Vigg
42418 East Larch Mountain Road
Corbett, Oregon 97019

Enclosures (3):

Attachment 1. Letter from Lee J. Radek, Chief of the Public Integrity Section, Department of Justice (DOJ) to Jack L. Strayer, BPA dated Feb 4 1999.

Attachment 2. FOIA and Privacy Act Request from Steven Vigg to the US Department of Justice, dated May 4, 1999.

Attachment 3. Appeal by Steven Vigg to the US Department of Justice, dated August 21, 2002 -- regarding a partial denial of the FOIA and Privacy Act Request # CRM-991307P.

cc: Sarah McNary, Director
Division of Fish and Wildlife
Bonneville Power Administration
P.O. Box 3621 -- Routing EWN
Portland, Oregon 97208

**Attachment 1. Letter from Lee J. Radek, Chief of the Public Integrity Section,
Department of Justice (DOJ) to Jack L. Strayer, BPA dated Feb 4 1999.**



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

FEB 04 1999

Mr. Jack L. Strayer
Manager
Internal Audit Services
Bonneville Power Administration
United States Department of Energy
Post Office Box 3621
Portland, OR 97208

Dear Mr. Strayer:

Re: Allegations of Misconduct Against Steven Vigg, former
Fishery Biologist with the Bonneville Power
Administration

This relates to your referral to the Department of Justice of allegations received by your office concerning alleged misconduct by Steven Vigg, a former Fishery Biologist with the Bonneville Power Administration (BPA). Specifically, Mr. Vigg allegedly violated the post-employment restrictions of 18 U.S.C. § 207 when he, after leaving BPA, attended one or more meetings with BPA officials, on behalf of his new employer, relative to a project on which he worked while with BPA. After a careful review of this matter, we have decided that there is insufficient evidence to warrant federal criminal prosecution.

If you have questions regarding this matter, please contact Principal Deputy Chief Joseph Gangloff at (202) 514 1412. Thank you for your office's allowing us the opportunity to review this matter and your cooperation with us in it.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lee J. Radek".

Lee J. Radek
Chief
Public Integrity Section

cc: Mr. Michael T. Matkowski
U.S. Department of Energy
Office of Inspector General

Attachment 2. FOIA and Privacy Act Request from Steven Vigg to the US Department of Justice, dated May 4, 1999.

May 4, 1999

The US Department of Justice
Criminal Division
ATTN: FOIA Officer
Washington, DC 20530

Dear Sir or Madam:

It has recently come to my attention that allegations were filed against me regarding post-employment restrictions -- relative to my former employment as Fishery Biologist at the Bonneville Power Administration, Portland, Oregon (please refer to the enclosed letter from Lee J. Radek to Jack L. Strayer dated Feb 4 1999). I am now requesting -- under the authority of the Freedom of Information Act (as amended) -- any and all records relating to this allegation and subsequent investigation. Since these records relate to me personally and professionally, I understand that the Privacy Act is also relevant to this request. As part of this request I want to know the specific language of the allegation and who made the allegation {i.e., person(s) and affiliation(s)}.

I thank you in advance for your timely response to this request.

Respectfully,

Steven C. Vigg
Fishery Biologist
Enclosure (1)

cc: Mr. Jack L. Strayer, Manager
Internal Audit Services
Bonneville Power Administration
United States Department of Energy
Post Office Box 3621
Portland, Oregon 97208

Attachment 3. Appeal by Steven Vigg to the US Department of Justice, dated August 21, 2002 – regarding a partial denial of the FOIA and Privacy Act Request # CRM-991307P.

August 21, 2002

The Office of Information and Privacy
United States Department of Justice
Flag Building, Suite 570
Washington, D.C. 20530

Re: FOIA Appeal; CRM-991307P

Dear Department of Justice Representatives:

I wish to exert my right to an administrative appeal of a partial denial of my Freedom of Information Act (FOIA) and Privacy Act request concerning allegations of misconduct against me by the Bonneville Power Administration, Department of Energy – that were later determined by the Department of Justice (DOJ) to “lack prosecutive merit”.

Several government records containing substantive information directly pertaining to this case have been withheld in full from me – including four documents specified in a letter from Thomas J. McIntyre, Chief of the Freedom of Information/Privacy Act Unit, to me dated June 26, 2002. In addition, records originating from the Department of Energy that were identified as relevant to my FOIA request by the DOJ were referred to the Bonneville Power Administration (BPA) and have not yet been released to me pursuant to my FOIA request.

Among other issues, I want to be informed by the DOJ of how written and oral statements made by BPA staff (and documentation of those statements by DOJ personnel) directly concerning me, my character, my conduct, my personal and professional reputation, and/or my ability to pursue my profession constitute “*clearly unwarranted invasion of personal privacy*” – to any person other than me. I have not yet retained the services of an attorney because I have considered it “common sense” that the government would release this information – directly related to me and my professional conduct – under the authority of the Freedom of Information Act and the Privacy Act. To date, the government has taken over three years to make a partial response to my initial FOIA request dated May 4, 1999 (see Attachment 1). However such a response from the government is due, under the Act, within 20 business days. I respectfully request a full disclosure of any and all relevant government records pertaining to my case (CRM-991307P) to me in a timely manner. I plan to protect my rights via legal channels if necessary.

Sincerely,

Steven C. Vigg
42418 East Larch Mountain Road
Corbett, Oregon 97019