



## Integrity Committee

Council of the Inspectors General on Integrity and Efficiency

1717 H Street, NW, Suite 825, Washington, DC 20006 • Integrity-Complaint@cigie.gov

Scott Dahl  
Chair  
Inspector General  
Department of Labor

March 21, 2018

The Honorable Caroline C. Hunter  
Chairperson  
Federal Election Commission  
1050 First Street, N.E.  
Washington, DC 20463

The Honorable Ellen L. Weintraub  
Vice Chairperson  
Federal Election Commission

Dear Federal Election Commission:

The Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) is charged by statute to review and investigate allegations of serious administrative misconduct made against an Inspector General (IG) or a designated official within an Office of Inspector General (OIG). Pursuant to section 11(d)(8)(A) of the IG Act of 1978, the IC hereby forwards the findings, conclusions, and our recommendation regarding, James Thurber, Deputy Inspector General for the Federal Election Commission (FEC).

After reviewing the allegations against Mr. Thurber, the supporting materials, Mr. Thurber's two responses, along with his supporting materials, the IC determined pursuant to IC Policies and Procedures, Section 7C(iii) that "the record is sufficient to make findings, conclusions, or recommendations as to some or all of the allegations without investigation." Therefore, the IC concluded based on this record Mr. Thurber engaged in substantial misconduct that undermines the integrity and independence reasonably expected of a senior OIG official and recommends the imposition of appropriate discipline.

We recommend that appropriate disciplinary action be taken against Mr. Thurber, including requiring that he repay the FEC the full amount of his annual performance award he received in 2017.

Also pursuant to section 11(d)(8)(A), the IC provided the attached findings, conclusions, and recommendations to the CIGIE Executive Chairperson, the CIGIE Chairperson, and the congressional committees of jurisdiction.

In addition, we have recommended pursuant to the IC's Policies and Procedures that the CIGIE Chair work with you to ensure that the FEC OIG has interim leadership legally empowered to act on the conclusions and recommendations, including, if necessary, designation of an interim IG.

Sincerely,

(b) (6)

Scott Dahl  
Chairman  
Integrity Committee

Enclosure; Findings, Conclusions, and Recommendations

Cc: The Honorable Matthew S. Petersen  
Commissioner, Federal Election Commission

The Honorable Steven T. Walther  
Commissioner, Federal Election Commission



Scott Dahl  
Chair  
Inspector General  
Department of Labor

## Integrity Committee

Council of the Inspectors General on Integrity and Efficiency

1717 H Street, NW, Suite 825, Washington, DC 20006 • Integrity-Complaint@cigie.gov

March 21, 2018

The Honorable Michael Horowitz  
Chairman  
Council of the Inspectors General on Integrity and Efficiency  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dear Chairman Horowitz:

The Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) is charged by statute to review and investigate allegations of serious administrative misconduct made against an Inspector General (IG) or a designated official within an Office of Inspector General (OIG). Pursuant to section 11(d)(8)(A) of the IG Act of 1978, the IC hereby forwards the findings, conclusions, and our recommendation regarding, James Thurber, Deputy Inspector General for the Federal Election Commission (FEC).

After reviewing the allegations against Mr. Thurber, the supporting materials, Mr. Thurber's two responses, along with his supporting materials, the IC determined pursuant to IC Policies and Procedures, Section 7C(iii) that "the record is sufficient to make findings, conclusions, or recommendations as to some or all of the allegations without investigation." Therefore, the IC concluded based on this record Mr. Thurber engaged in substantial misconduct that undermines the integrity and independence reasonably expected of a senior OIG official and recommends the imposition of appropriate discipline.

Also pursuant to section 11(d)(8)(A), the IC provided the attached findings, conclusions, and recommendations to the congressional committees of jurisdiction, CIGIE Executive Chairperson, and the Commissioners of the FEC.

In addition, pursuant to Section 10(C)iii of the IC's Policies and Procedures, in the case of an Acting IG, which Mr. Thurber effectively is as the Deputy IG with no permanent IG appointed, we recommend that you work with the FEC to ensure that the FEC OIG has interim leadership legally empowered to act on the conclusions and recommendations, including, if necessary, designation of an interim IG.

Sincerely,

**(b) (6)**

Scott Dahl  
Chairman  
Integrity Committee

Enclosure: Findings, Conclusions, and Recommendations



Scott Dahl  
Chair  
Inspector General  
Department of Labor

## Integrity Committee

Council of the Inspectors General on Integrity and Efficiency

1717 H Street, NW, Suite 825, Washington, DC 20006 • Integrity-Complaint@cigie.gov

March 21, 2018

The Honorable Ron Johnson  
Chairman  
Committee on Homeland Security and  
Governmental Affairs  
328 Hart Senate Office Building  
Washington, DC 20510

The Honorable Claire McCaskill  
Ranking Member  
Committee on Homeland Security and  
Government Affairs

The Honorable Trey Gowdy  
Chairman  
Committee on Oversight and Government  
Reform  
2418 Rayburn House Office Building  
Washington, DC 20515

The Honorable Elijah Cummings  
Ranking Member  
Committee on Oversight and Government  
Reform

The Honorable Richard Shelby  
Chairman  
Committee on Rules and Administration  
304 Russel Senate Office Building  
Washington, DC 20510

The Honorable Amy Klobuchar  
Ranking Member  
Committee on Rules and Administration

The Honorable Gregg Harper  
Chairman  
Committee on House Administration  
2227 Rayburn House Office Building  
Washington, DC 20515

The Honorable Robert Brady  
Ranking Member  
Committee on House Administration

Dear Chairmen and Ranking Members:

The Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) is charged by statute to review and investigate allegations of serious administrative misconduct made against an Inspector General (IG) or a designated official within an Office of Inspector General (OIG). Pursuant to section 11(d)(8)(A) of the IG Act of 1978, the IC hereby forwards the findings, conclusions, and our recommendation regarding, James Thurber, Deputy Inspector General for the Federal Election Commission (FEC).

After reviewing the allegations against Mr. Thurber, the supporting materials, Mr. Thurber's two responses, along with his supporting materials, the IC determined pursuant to IC Policies and Procedures, Section 7C(iii) that "the record is sufficient to make findings, conclusions, or recommendations as to some or all of the allegations without investigation."

Therefore, the IC concluded based on this record Mr. Thurber engaged in substantial misconduct that undermines the integrity and independence reasonably expected of a senior OIG official and recommends the imposition of appropriate discipline.

Also pursuant to section 11(d)(8)(A), the IC provided the attached findings, conclusions, and recommendations to the CIGIE Executive Chairperson, the CIGIE Chairperson, and the Commissioners of the FEC.

Sincerely,

(b) (6)

Scott Dahl  
Chairman  
Integrity Committee

Enclosure: Findings, Conclusions, and Recommendations



Scott Dahl  
Chair  
Inspector General  
Department of Labor

## Integrity Committee

Council of the Inspectors General on Integrity and Efficiency

1717 H Street, NW, Suite 825, Washington, DC 20006 • Integrity-Complaint@cigie.gov

March 21, 2018

The Honorable Margaret Weichert  
Executive Chairperson  
Council of the Inspectors General on Integrity and Efficiency  
Eisenhower Executive Office Building  
17<sup>th</sup> Street & Pennsylvania Avenue, N.W.  
Washington, D.C. 20503

Dear Executive Chairperson Weichert:

The Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) is charged by statute to review and investigate allegations of serious administrative misconduct made against an Inspector General (IG) or a designated official within an Office of Inspector General (OIG). Pursuant to section 11(d)(8)(A) of the IG Act of 1978, the IC hereby forwards the findings, conclusions, and our recommendation regarding, James Thurber, Deputy Inspector General for the Federal Election Commission (FEC).

After reviewing the allegations against Mr. Thurber, the supporting materials, Mr. Thurber's two responses, along with his supporting materials, the IC determined pursuant to IC Policies and Procedures, Section 7C(iii) that "the record is sufficient to make findings, conclusions, or recommendations as to some or all of the allegations without investigation." Therefore, the IC concluded based on this record Mr. Thurber engaged in substantial misconduct that undermines the integrity and independence reasonably expected of a senior OIG official and recommends the imposition of appropriate discipline.

Also pursuant to section 11(d)(8)(A), the IC provided the attached findings, conclusions, and recommendations to the congressional committees of jurisdiction, the CIGIE Chairperson, and the Commissioners of the FEC. Under this same section, you will report to the IC what the final disposition of the matter is, including what action was taken by the FEC.

Sincerely,

(b) (6)

Scott Dahl  
Chairman  
Integrity Committee

Enclosure: Findings, Conclusions, and Recommendations



## Integrity Committee

Council of the Inspectors General on Integrity and Efficiency

1717 H Street, NW, Suite 825, Washington, DC 20006 • Integrity-Complaint@cigie.gov

Scott Dahl  
Chairperson  
Inspector General  
Department of Labor

March 19, 2018

Via Email

James Thurber

Deputy Inspector General

Federal Election Commission

999 E Street N.W., Suite 940

Washington, D.C. 20463

(b) (6), (b) (7)(C)

### IC #911: Findings and Conclusions

Dear Deputy Inspector General Thurber:

After considering your response, dated February 7, 2018, to the proposed findings and conclusions, dated January 10, 2018, the Integrity Committee (IC) issues final findings, conclusions, and recommendations set forth below. The IC will distribute them in accordance with the IC's Policies and Procedures (2018), Section 11.

The IC received and you responded to the following allegation:

You wrongfully accepted a performance-based cash award from Federal Election Commission (FEC) management for the performance-appraisal year ending 6/30/17 during which you were the Deputy Inspector General (IG) and senior official in the FEC Office of the Inspector General (OIG). Your actions in working with FEC management to devise a way to rate your own performance and accept the award were inconsistent with the statutory intent behind the *Inspector General Act* prohibition on such awards and, consequently, undermined the independence of the FEC OIG.

The IC determined pursuant to IC Policies and Procedures, Section 7C(iii) that “the record is sufficient to make findings, conclusions, or recommendations as to some or all of the allegations without investigation.” The record included the original complaint and supporting materials; your responses dated December 1, 2017, and February 7, 2018, with supporting materials; and other materials the IC received.

The IC makes the following findings:

1. You acknowledged in your email to the Council of the Inspectors General on Integrity and Efficiency (CIGIE), dated August 30, 2017, that although the FEC

*The Integrity Committee is composed of four Inspectors General and executives from the Federal Bureau of Investigation and the Office of Government Ethics.*



had not appointed an acting IG, under your position description, you “have been acting in the capacity of the IG since her retirement and essentially running the office.”

2. In an email to the FEC Commissioners, dated August 17, 2017, you stated the following relating to performance rating and bonus consideration for you:
  - a. “there is no IG to give me a summary rating.”
  - b. “a rating is required for a performance-based bonus.”
  - c. “I filled out the self-narrative sections [of the performance evaluation] form in case it was needed.”
  - d. “[the Staff Director to the Commissioners] mentioned that the Commission will soon address SL performance reviews and bonuses, and he suggested that I forward to you my partially completed performance review form for your consideration in the event you wanted to handle these issues at the same time.”
3. In another email to the Commissioners, dated August 30, 2017 (4:17 pm), you reiterated that a rating is needed and is “used for determining performance-based awards,” but that there are independence considerations to take into account in determining if and how you should receive a rating. You also stated that “whatever decision is made by the Commission in resolving this matter, it will not affect my independence and objectivity.”
4. In your December 1, 2017, letter to the IC, you contend that the focus of your communications with the Commission “was on the Chapter 43 rating requirement, not a performance award or bonus.” You reiterated that same contention in your February 7, 2018, letter to the IC. However, in both of the email messages to the Commissioners referenced above, you connected the need for some kind of rating with consideration of a performance-based bonus, and you suggested that they consider your self-narrative as they decide on bonuses.
5. In an email to the Commissioners, dated August 30, 2017 (5:13 pm), you stated that pursuant to a discussion with the Vice-Chair of the Commission, that you would contact CIGIE for advice.
6. In an email to Mark Jones of CIGIE, dated August 30, 2017, you stated the following:
  - a. “I don’t know if there would be any consequence for me not receiving a rating (other than me not being eligible for a bonus this year).”
  - b. “I have no problem in forgoing a bonus to protect the independence of my position and the OIG.”
  - c. “Other possible approaches could be either submitting a self-narrative of my accomplishments without a rating [but] that approach has obvious issues, as well.”

7. In an email exchange between you and Mark Jones of CIGIE, dated September 1, 2017, the following was stated:
  - a. Mr. Jones advised that the acting IG not be evaluated, which meant “unfortunately for yourself,” this has an impact on salary adjustments and bonuses.
  - b. You responded back that you “agree with this approach.”
8. Despite characterizing in your September 1 email to Mr. Jones that submitting a self-narrative was a “possible” approach but concluding that it has “obvious issues,” you had in fact already provided to the Commission your self-narrative on August 15, 2017, for them to consider in awarding you a bonus.
9. Even after receiving and agreeing with advice from CIGIE not to accept a bonus, you never took any steps to withdraw that self-narrative or affirmatively tell the Commissioners that they should not consider this self-narrative in making a bonus determination; instead, you let stand your suggestion in your August 30 email that the Commissioners could consider the self-narrative when they made performance-based (bonus) decisions.
10. In an email to the Commissioners, dated September 5, 2017, you stated:
  - a. You had been in contact with CIGIE.
  - b. CIGIE recommended and you concurred that you should not receive a performance evaluation from the Commission.
11. You never told the Commissioners that you should not receive a performance bonus, even though you acknowledged to CIGIE in your September 1 email that you should not receive one.
12. You said you first discovered on September 18, 2017, that you had received a performance bonus, but acknowledged you did not take any steps to rectify this matter consistent with statements that you made to CIGIE about forgoing a bonus.
13. You stated on page 4 of your December 1, 2017 letter to the IC that the reason you took no further action on the performance award is that you “assumed the Commission had solicited CIGIE’s further input in making a decision regarding the performance award and come to some agreed upon solution which resulted in the award in question.” In your February 7, letter to the IC you stated, “I assumed the Commission would have simply disregarded the self-narrative based upon CIGIE’s response that I should not receive a performance evaluation. I believed there was direct communication between CIGIE and the Commission, as this was a multifaceted discussion and such direct communication had occurred in the recent past. With this in mind, I assumed the award was a result of a Commission vote after consultation [sic] with the CIGIE.”

14. These assumptions – that the Commission had disregarded your self-narrative and that the award was in some fashion condoned or approved by CIGIE – are not credible based on the fact that (1) the Commission Vice Chair specifically requested that you communicate with CIGIE on the rating issue, which you did; (2) CIGIE’s unequivocal guidance to you that you should not be rated, despite the effect this would have on your eligibility for a bonus, which advice you agreed to; and (3) you reported back to the Commissioners on September 5 that based on CIGIE’s advice you should not be rated, but you failed to tell them that you were also not eligible for a bonus.
15. In your February 7, 2018, letter to the IC, you stated in a footnote that the bonus was never approved by the Commission and therefore was given to you in error. However, as is clear from your communications with the Commissioners on August 17 and 30, 2017, you intended for them to consider you for a bonus award and even forwarded to them your performance review form to be considered for that express purpose.
16. Moreover, you stated in your February 7 letter that you would “begin the process of returning the award,” but as of March 7, 2018, you have not returned the award to the FEC, even though you have acknowledged it was paid to you in error and despite advising CIGIE on August 30, 2017, that you should not receive a performance award, which you acknowledge you knew on September 18, 2017, that you had received.

Based on these findings, we conclude that your actions in communicating with FEC Commissioners to consider you for a performance award and accepting that award, despite acknowledging to CIGIE that you should not receive one, undermined the independence and integrity reasonably expected of you as a senior OIG official.

We recommend that FEC management take appropriate disciplinary action against you for this conduct. We also recommend that you return the performance award to the FEC immediately and provide documentation of that transaction to the IC. In addition, as you are effectively the Acting IG until an IG is appointed, we recommend that the CIGIE Chairperson work with the Commissioners to ensure that the FEC OIG has interim leadership legally empowered to act on the conclusions and recommendations contained in this letter.

Sincerely,



Scott Dahl  
Chairperson  
Integrity Committee

JAMES CAMERON THURBER

(b) (6), (b) (7)(C)

February 7, 2017

The Honorable Scott Dahl  
Chairman, Integrity Committee  
Council of Inspectors General on Integrity and Efficiency  
935 Pennsylvania Avenue, Northwest  
Room 7452  
Washington, DC 20535

RE: Response to Findings and Conclusions in IC #911

Dear Mr. Dahl,

I am writing in response to the Committee's findings and conclusions dated January 10, 2018. I would like to reiterate that I did not intentionally engage in any action that would compromise the independence or integrity of the Federal Election Commission (FEC) Office of the Inspector General (OIG). Moreover, I did not intentionally "work with management to rate my own performance by submitting a self-narrative" so that I would receive a bonus. As I stated in my original response, I acknowledge that I may have used poor judgment in making a presumption based on the circumstances mentioned that the award I received was a result of a decision by the Commission with input from the Council of Inspectors General on Integrity and Efficiency (CIGIE).

Contrary to the findings report, I did not work with management to rate myself by submitting a self-narrative in order to obtain a bonus. Instead, I was attempting to discuss with management to determine how to comply with legal requirements while also attempting to preserve OIG independence. The detailed emails I have provided demonstrate such evidentiary support when I reached out to various individuals within agency management and the Commission.

As a point of clarification, the head of the agency is the Commission, not "management," and the IG reports directly to the Commission. I did communicate with "management" in the early stages, namely the Director of Human Resources, Staff Director, and Assistant to the Staff Director, to try and figure out what was required administratively in terms of fulfilling legal requirements and trying to find a solution that would not affect OIG independence, but agency management has no any authority over the OIG or Commission. The Staff Director, Chief Financial Officer, and General Counsel also report directly to the Commission, and any decision

on a performance rating or bonus concerning anyone reporting to the Commission can only be made by the Commission, not agency management.

I would like to reiterate that I submitted a self-narrative to the Commission as a standard part of a performance evaluation form. I did not submit the self-narrative as a performance self-evaluation or self-rating. The form clearly is divided in two sections - one for the employee to list their accomplishments and one for the rating official to complete based on the employee's performance. I filled out the self-narrative section to demonstrate what I have done because it was my responsibility to do so. I did not fill out the rating official's section or numerical score. The self-narrative was not meant to be used for the Commission to make a bonus determination. It was submitted as a possible solution to ensuring legal requirements were upheld. It is important to note that the only reason I submitted something to the Commission is because the Staff Director suggested it after his assistant told me I needed to have a performance evaluation for the record; the Human Resources Director confirmed the legal requirement.

I apologize that I did not take additional action to ensure that the award was given to me correctly. Further, as is evident in my emails, I was attempting to be transparent with the Commission about how to approach the legal statutes while maintaining OIG independence. In discussion with CIGIE and the Commission, I did not think to withdraw the self-narrative. Evidently, upon reflection, I should have. At the time, I assumed the Commission would have simply disregarded the self-narrative based upon CIGIE's response that I should not receive a performance evaluation. I believed there was direct communication between CIGIE and the Commission, as this was a multifaceted discussion and such direct communication had occurred in the recent past. With this in mind, I assumed the award was a result of a Commission vote after consultation with the CIGIE.<sup>1</sup>

This has been a significant learning experience for me. I apologize for my inaction when I thought the bonus was legitimately given, rather than through a now-apparent error. However, I emphatically and categorically deny that I in any way intentionally worked with management to rate my own performance in order to receive a bonus. I wish to remedy this situation and will begin the process of returning the award. I am a dedicated employee of the Federal government

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<sup>1</sup> It is pertinent to note that I believe the initial issuance of this award was made by mistake. I was informed by the Vice Chair that the Commission had not considered my situation when the SF-50 for the award was signed, but I did not notice this discrepancy until after I received this complaint. I am not sure how the bonus could have been awarded without the Commission's approval, but at the time, I was informed by the Staff Director's assistant that she put a place holder amount equal to the maximum bonus I would have been eligible for in the bonus chart until my situation was resolved. With this in mind, I believe a mistake was made in that someone in Finance or HR used this chart when processing bonuses and included me by accident. According to the voting sheet distributed to the Commission concerning senior level bonuses for 2017, it does not appear the Commission voted on a bonus for me, and only the Commission is capable of doing so. Therefore, it appears it was some form of administrative error.

and hold my duties and responsibilities in high regard. I thank you for your attention and consideration in this matter.

Sincerely,

(b) (6)

J. Cameron Thurber