August 9, 2023

Honorable Jason Miller
Executive Chairperson
Council of the Inspectors General on
Integrity and Efficiency
1750 H Street NW, Suite 400
Washington, DC 20006

Report of Findings for Integrity Committee Case 21-027

Dear Executive Chairperson Miller:

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 misconduct made against an Inspector General (IG) or a designated official within an Office of Inspector General (OIG). Pursuant to 5 U.S.C. § 424(d)(8)(A), the IC hereby forwards its findings and recommendations regarding then IG Kurt Hyde, Library of Congress Office of Inspector General. Mr. Hyde retired from federal service on August 31, 2021.

The IC also provided its findings and recommendation to the Librarian of Congress, the Congressional committees of jurisdiction, and the CIGIE Chairperson, as required by 5 U.S.C. § 424(d)(8)(A).

Sincerely,

[b] (6) [b]

Kevin H. Winters
Chairperson
Integrity Committee

Enclosure

1750 H Street, NW ★ Suite 400 ★ Washington DC ★ 20006-3900
https://www.ignet.gov/cigie/committees/integrity-committee
Integrity-Complaint@cigie.gov
August 9, 2023

Honorable Mark Lee Greenblatt
Chairperson
Council of the Inspectors General on Integrity and Efficiency
1750 H Street NW, Suite 400
Washington, DC 20006

Report of Findings for Integrity Committee Case 21-027

Dear Chairperson Greenblatt:

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 misconduct made against an Inspector General (IG) or a designated official within an Office of Inspector General (OIG). Pursuant to 5 U.S.C. § 424(d)(8)(A), the IC hereby forwards its findings and recommendations regarding then IG Kurt Hyde, Library of Congress Office of Inspector General. Mr. Hyde retired from federal service on August 31, 2021.

The IC also provided its findings and recommendation to the Librarian of Congress, the Congressional committees of jurisdiction, and the CIGIE Executive Chairperson, as required by 5 U.S.C. § 424(d)(8)(A).

Sincerely,

(b) (6)

Kevin H. Winters
Chairperson
Integrity Committee

Enclosure
August 9, 2023

The Honorable Gary C. Peters
Chairman
Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Rand Paul
Ranking Member
Committee on Homeland Security and Governmental Affairs

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
2517 Rayburn House Office Building
Washington, DC 20515

The Honorable Jamie Raskin
Ranking Member
Committee on Oversight and Accountability

The Honorable Amy Klobuchar
Chairwoman
Committee on Rules and Administration
305 Russell Senate Office Building
Washington, DC 20510

The Honorable Deb Fischer
Ranking Member
Committee on Rules and Administration

The Honorable Bryan Steil
Chairman
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515

The Honorable Joe Morelle
Ranking Member
Committee on House Administration

Report of Findings for Integrity Committee Case 21-027

Dear Chairpersons 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 misconduct made against an Inspector General (IG) or a designated official within an Office of Inspector General (OIG). Pursuant to 5 U.S.C. § 424(d)(8)(A), the IC hereby forwards its findings and recommendations regarding then IG Kurt Hyde, Library of Congress Office of Inspector General. Mr. Hyde retired from federal service on August 31, 2021.
After thoroughly reviewing the report of investigation and supporting evidence, the IC determined by a preponderance of the evidence that Mr. Hyde engaged in conduct that undermines the independence reasonably expected of a Covered Person. The IC provided its findings and recommendation to the Librarian of Congress, the CIGIE Executive Chairperson, and the CIGIE Chairperson, as required by 5 U.S.C. § 424(d)(8)(A).

Sincerely,

(b)(6)

Kevin H. Winters
Chairperson
Integrity Committee

Enclosure
August 9, 2023

Via Email
Kurt Hyde

Report of Findings for Integrity Committee Case 21-027

Dear Mr. Hyde:

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 misconduct made against an Inspector General (IG) or a designated official within an Office of Inspector General (OIG).

On August 10, 2021, the IC initiated an investigation into allegations against you and engaged the U.S. Department of Justice OIG to conduct the investigation. After thoroughly reviewing the evidence and your comments, the IC determined by a preponderance of the evidence that your relationship with a senior agency employee created the appearance that your independence, and that of your office, was compromised.

The IC provided the enclosed findings and recommendation to the Librarian of Congress, the appropriate Congressional committees of jurisdiction, the CIGIE Executive Chairperson, and the CIGIE Chairperson, as required by 5 U.S.C. § 424(d)(8)(A).

Sincerely,

(b)(6)

Kevin H. Winters
Chairperson
Integrity Committee

Enclosure
August 9, 2023

Honorable Carla Hayden
Librarian of Congress
10 First Street SE
Washington, DC 20540

Report of Findings for Integrity Committee Case 21-027

Dear Librarian Hayden:

This letter sets forth the findings, conclusions, and recommendations of the Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) regarding allegations of misconduct against then Inspector General (IG) Kurt Hyde, Library of Congress (LOC) Office of Inspector General (OIG). Pursuant to the Inspector General Act of 1978 (IG Act), the IC is providing this report to you for your information as IG Hyde retired from federal service on August 31, 2021.1

The IC finds by a preponderance of the evidence that IG Hyde engaged in conduct that undermined the independence reasonably expected of a Covered Person.2 A brief synopsis of the allegations and the IC’s findings are provided below. The Report of Investigation (ROI) and IG Hyde’s response are also enclosed.

IC Jurisdiction and Case History

Congress designated the IC, which is composed of four IGs, a representative from the Federal Bureau of Investigation, and a representative from the Office of Government Ethics, to be the independent mechanism that ensures senior officials in the IG community “perform their duties with integrity and apply the same standards of conduct and accountability to themselves as they apply to the agencies that they audit and investigate.”3

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1 In the case of a report relating to an IG of a designated Federal entity or any employee of that IG, 5 U.S.C. § 424(d)(8)(A)(ii) requires the IC to refer its investigative findings to the head of the designated Federal entity.

2 The IC considers allegations of wrongdoing against the following individuals (Covered Persons): an IG, a staff member of an OIG whose position is designated under 5 U.S.C. § 424(d)(4)(C), the Special Counsel and the Deputy Special Counsel of the U.S. Office of Special Counsel (OSC), and anyone serving in an Acting or Interim capacity in a position listed above. Additionally, at its discretion and consistent with the public interest (including the availability of an effective remedy), the IC may consider wrongdoing alleged to have occurred while an individual served as a Covered Person, even if that individual is no longer a Covered Person or in government service when the IC receives the allegation. Integrity Committee Policies and Procedures (2018) (ICP&P), Section 2.

On March 16, 2021, the IC received a complaint alleging IG Hyde ignored multiple violations of the LOC’s hiring process for senior level employees and that he failed to disclose to the Chairman of the U.S. House Committee on House Administration his extensive personal and professional relationship with a Senior Management LOC Employee (Employee) when the Chairman asked IG Hyde about the Employee’s qualifications.\(^4\) Pursuant to its procedures, the IC investigated the allegations with the assistance of the U.S. Department of Justice Office of Inspector General (DOJ OIG) (IC investigators). Specifically, the IC investigators were asked to determine whether IG Hyde’s personal and professional relationship with the Employee compromises the independence reasonably expected of his position and of the LOC OIG.

At the conclusion of their fieldwork, IC investigators provided a draft ROI to the IC on May 10, 2023, which, in part, concluded by a preponderance of the evidence that IG Hyde’s relationship with the Employee wrongfully created the appearance that his independence was compromised. On May 16, 2023, in accordance with 5 U.S.C. § 424(d), the IC provided IG Hyde the opportunity to respond to the draft ROI before the IC made its findings. IG Hyde’s response, which was received by the IC on June 26, 2023, and the final ROI are enclosed.\(^5\)

**Investigative Findings and Analysis**

*IG Hyde and the Requirement for Oversight Independence*

After thoroughly reviewing the evidence and IG Hyde’s comments, the IC agrees, by a preponderance of the evidence, with the IC investigators finding that IG Hyde’s relationship with the Employee wrongfully created the appearance that the independence of IG Hyde (and his office) was compromised.

The IG Act recognizes IG independence as one of the most important elements of IG effectiveness and provides specific protections for that independence, including the requirement to comply with “professional standards” that govern an OIG’s audit and investigative functions.\(^6\) For example, the *Quality Standards for Federal Offices of Inspector General (Silver Book)* requires an IG and their staff “to maintain independence, so that opinions, conclusions, judgments, and recommendations will be impartial and will be viewed as impartial by knowledgeable third parties.”\(^7\)

The *Silver Book* also requires all OIG employees to comply with the *Government Auditing Standards (Yellow Book)*, which establishes a conceptual framework for OIG auditors to use to

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\(^4\) The IC first asked IG Hyde to respond to the allegations and, after reviewing his response, determined to refer the matter to the IC Chairperson for investigation in accordance with section 7.C. of the ICP&P.

\(^5\) Enclosures (Encl.) 1 and 2.


\(^7\) Encl. 1, Ex. 11, section II.C.
identify, evaluate, and apply safeguards to address threats to independence. One such threat to independence includes “familiarity,” or “the threat that aspects of a relationship with management or personnel of an audited entity, such as a close or long relationship, or that of an immediate or close family member, will lead an auditor to take a position that is not objective.”

According to IG Hyde, he has known the Employee for 23 years and developed a personal and professional relationship with her prior to her employment at the LOC as a senior management employee. IG Hyde and the Employee first worked together for approximately three years in the late 1990s when the Employee was a subcontractor in IG Hyde’s direct chain of command. IG Hyde also got to know the Employee and her family, they communicated at work almost every day and, for several months, IG Hyde and the Employee commuted together from their homes in Arlington, Virginia, to a work site in North Baltimore, Maryland. After the Employee ended her work on the contract in 2000, she and IG Hyde kept in touch and met socially with their spouses once or twice a year for the next three years.

In 2007, the Employee hired IG Hyde to work as a contractor for a not-for-profit firm at which she served as Chief Operating Officer. From 2007 through 2009, IG Hyde was the non-profit’s highest paid external contractor, making more than $ in three years. In 2013, IG Hyde asked the Employee if he could leave the care of his two dogs and associated funds for that care to her in his will. IG Hyde and the Employee also served together on the board of the Arlington Free Clinic from 2015 – 2018.

In 2015, IG Hyde recommended the LOC hire someone with experience in strategic planning, performance management, and IT and he provided the Employee’s name, along with a few others, for consideration. The LOC hired the Employee as a not-to-exceed employee (NTE)

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8 Encl. 1, Ex. 11, section III.A. Additionally, LOC policy requires staff to “avoid any action which might result in or create the appearance of…compromising independence or impartiality.” Encl. 1, Ex. 17, section 2(D).

9 Encl. 1, Ex. 12, section 3.14(d). In describing a familiarity threat, the U.S. Government Accountability Office provided the hypothetical example of “An acting IG has close personal ties with a member of management of the audited agency.” https://www.gao.gov/assets/gao-20-639r.pdf

10 Encl. 1, Ex. 4 at 81-83.

11 Encl. 1, Ex. 4 at 76-77; Ex. 5 at 19.

12 Encl. 1, Ex. 4 at 77.

13 Encl. 1, Ex. 4 at 77.

14 Encl. 1, Ex. 4 at 67.

15 Encl. 1, Ex. 7, 8, and 9. While the investigation found that IG Hyde was paid more than $ in three years, IG Hyde maintains that, based on a review of his tax returns, he only received a total of $ between 2007 and 2009. Encl. 1, Ex. 4 at 82. See also, Encl. 2.

16 Encl. 1, Ex. 4 at 83.

17 Encl. 1, Ex. 4 at 78.

18 Encl. 1, Ex. 4 at 68, 79.
and one year later, the Employee competed and was selected for a permanent senior level position.\textsuperscript{19} The LOC OIG audited the Employee’s office/program twice while Mr. Hyde was serving as the LOC IG.\textsuperscript{20}

As noted above, the \textit{Yellow Book} provides a framework to assess threats to independence and guidance for safeguarding against those threats. Once a threat has been identified, auditors should seek to apply safeguards to eliminate or reduce it to an acceptable level, although some threats may be so significant that the application of safeguards cannot eliminate or reduce them. A threat is unacceptable when it could “compromise professional judgment” or expose an auditor “to circumstances that would cause a reasonable and informed third party to conclude that” his “integrity, objectivity, or professional skepticism” had been compromised.\textsuperscript{21}

\textbf{IG Hyde Failed to Effectively Recuse Himself from Oversight of the Employee’s Office}

Given IG Hyde’s relationship with the Employee and his role in her hiring, the IC finds IG Hyde’s failure to recuse himself from participating in the OIG’s oversight of her office—after having recommended her for a position with the LOC—was an unacceptable threat that created the appearance that his independence or impartiality had been compromised in violation of the \textit{Yellow Book}, \textit{Silver Book}, and LOC policy.

IG Hyde denies that his relationship with the Employee presented a threat to his independence and that he had “instituted the proper safeguards to prevent both the appearance of and an actual conflict.”\textsuperscript{22} The safeguards IG Hyde implemented are those generally recommended by the \textit{Yellow Book} to address threats to independence, such as a secondary review of the office’s work by an external expert and yearly quality assurance reviews by an external expert, but he did not identify any protocols put in place specifically with reference to OIG oversight of the Employee’s work.\textsuperscript{23}

IG Hyde also states that when the Employee started at the LOC, he was “transparent about potential threats to [his] independence” and that he disclosed his relationship with the Employee to OIG counsel, and the most senior levels of LOC management.\textsuperscript{24} Additionally, IG Hyde says he and the Employee “discussed the need for distance in [their] friendship because of the higher need of independence of [his] office” and “that there needed to be independence

\textsuperscript{19} Encl. 1, Ex. 5 at 7, 39-40.

\textsuperscript{20} Encl. 1 at 17.

\textsuperscript{21} Encl. 1, Ex. 12, section 3.47. When a threat is not at an acceptable level, the \textit{Yellow Book} states the auditor should “determine whether appropriate safeguards are available and can be applied to eliminate the threats or reduce them to an acceptable level.” \textit{Id.} at section 3.32.

\textsuperscript{22} Encl. 1, Ex. 4 at 70.

\textsuperscript{23} Encl. 1, Ex. 4 at 69.

\textsuperscript{24} Encl. 1, Ex. 4 at 70.
between [their] two offices and between the two of [them].”

The IC is unpersuaded by IG Hyde’s response and believes a reasonable person would conclude that, given their relationship and the fact that he recommended her for a position with LOC, IG Hyde could not be impartial in his oversight of the Employee and the programs she manages. Moreover, contrary to IG Hyde’s claim that he distanced himself from the Employee, the evidence shows that while they were both working at the LOC, IG Hyde and the Employee had lunch together on occasion and IG Hyde periodically reached out to her for insight. They also attended Arlington Free Clinic board meetings together, and IG Hyde occasionally drove her to those meetings.

Given that Hyde was the IG with final authority over all audits, investigations, and reviews, the IC determined that the after-the-fact quality control measures he implemented were insufficient to reduce to an acceptable level the appearance of a threat to his independence from his relationship with the Employee. Accordingly, the IC finds IG Hyde’s failure to recuse from participating in the OIG’s audits of the Employee’s office created the appearance that the independence of IG Hyde and his office were compromised.

Conclusions and Recommendations

The IC finds by a preponderance of the evidence that IG Hyde engaged in conduct that undermines the independence reasonably expected of an Inspector General. However, given that IG Hyde retired from federal service on August 31, 2021, the IC makes no recommendations. The IC has also provided its findings and conclusions to the Congressional committees of jurisdiction, the CIGIE Executive Chairperson, and the CIGIE Chairperson, as required by 5 U.S.C. § 424(d)(8)(A).

Sincerely,

(b)(6)

Kevin H. Winters
Chairperson
Integrity Committee

Enclosures:
1. DOJ OIG Report to the Integrity Committee
2. IG Hyde’s Response to OIG Report

cc: Dr. Glenda Arrington
    Inspector General, Library of Congress

25 Encl. 1, Ex. 4 at 82.
26 Encl. 1, Ex. 5 at 57; Ex. 4 at 82.
27 Encl. 1, Ex. 5 at 57.
Enclosure 1
Kurt Hyde

July 2023
I. Introduction

On August 10, 2021, the Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) requested that the U.S. Department of Justice (DOJ) Office of the Inspector General (OIG) investigate allegations of wrongdoing by then-Inspector General (IG) Kurt Hyde of the Library of Congress (LOC). (Exhibit 1)

The IC takes action on allegations of wrongdoing against Inspectors General and designated members of an IG’s staff, among others, that involve an abuse of authority in the exercise of official duties or while acting under color of office; substantial misconduct, such as gross mismanagement, gross waste of funds, or a substantial violation of law, rule, or regulation; or conduct that undermines the independence or integrity reasonably expected of such persons.1 The IC requested that the DOJ OIG investigate: 1) allegations that Hyde ignored multiple violations of the LOC’s hiring process for LOC senior level employees; 2) whether Hyde improperly recommended [b] (6), (b) (7)(C), for a position with the LOC; 3) whether Hyde’s “personal and professional relationship” with [b] (6), (b) (7)(C) “compromise[d] the independence reasonably expected of his position and of the LOC Office of Inspector General;” and 4) allegations that Hyde failed to disclose the extent of his relationship with [b] (6), (b) (7)(C) to the Chairman of the Committee on House Administration when he asked Hyde about [b] (6), (b) (7)(C) qualifications during a congressional hearing. (Exhibit 1)

To investigate these allegations, we reviewed the original complaint letter and supporting documents sent to the IC, Hyde’s letter in reply to the IC’s “Request for Response” regarding the complainant’s allegations (Response Letter), relevant policies and regulations, and CIGIE standards. We also interviewed [b] (6), (b) (7)(C). Hyde did not consent to a voluntary interview in connection with these allegations and, as he retired from federal service during the pendency of this investigation, we could not compel his participation.

The DOJ OIG and the IC both apply a preponderance of the evidence standard to determine whether an individual under their review has committed misconduct and we apply that standard here.2 As explained below, we found by a preponderance of the evidence that Hyde’s participation in at least one audit of programs under [b] (6), (b) (7)(C) management created the appearance of a lack of independence reasonably expected of an

1 Exhibit 10, ICP&P, Sections 2, 4, and 7A. Under Section 2 of the ICP&P, a “Covered Person” means: (A) an IG; (B) a staff member of an OIG whose position is designated under Section 4 of the ICP&P; (C) the Special Counsel and the Deputy Special Counsel of the Office of Special Counsel; and (D) anyone serving in an acting or interim capacity in a position set forth in A through C.

2 “The IC will determine whether (1) facts within the report of investigation are proven by a preponderance of the evidence and (2) those facts provide a reasonable basis to conclude that the Respondent engaged in particular wrongdoing.” (Exhibit 10, ICP&P, §10(C)(i).)
Inspector General. We did not substantiate the allegations that Hyde ignored violations of the LOC's hiring process, that he improperly recommended for a position with the LOC, or that he committed misconduct during a congressional hearing.

II. Background

Kurt Hyde joined the LOC OIG in early 2013 and was appointed Inspector General in July 2014. (Exhibit 4, Bates 67)

(b) (6), (b) (7)(C) was hired by the LOC in late 2015 as a temporary position she held for 10 months. (Exhibit 5 at 39-40; Exhibit 18) According to LOC policies and regulations, because the position was temporary and not to exceed 10 months, the merit selection process did not apply, and the LOC did not need to compete the role. (Exhibit 16, § 5 and Exhibit 1, § 4.C) In late 2016, was hired through a competitive selection process. (Exhibit 4, Bates 68) At the time we interviewed her in October 2022, was still employed in this position at the LOC and supervised a staff of approximately four employees. (Exhibit 5 at 54)

III. Factual Findings

A. Allegation that Hyde Ignored Improper Hiring at the LOC

The complaint letter alleged that IG Hyde “turned a blind eye to multiple violations of the Library's hiring process,” naming four individuals, including , and stating the complainant could provide several additional examples. (Exhibit 2, Bates 4, 8-9) The complainant did not provide additional information about Hyde's role in or awareness of the hiring process for any of these individuals, other than , as discussed in Section III.B of this report. (Exhibit 2, Bates 8-9) In its Request for Response, the IC did not ask Hyde about the three other individuals named in the complaint letter but stated that it had “received a complaint alleging [he] ‘turned a blind eye’ to multiple violations of the LOC's hiring process for senior level employees, including .” (Exhibit 3, Bates 64)

In his Response Letter, Hyde stated that, based on a review of LOC OIG records, from the time he became IG to the date of the letter, the LOC OIG had not received any complaints pertaining to the hiring of or any other senior level employees. (Exhibit 4, Bates 71-72) According to both the complainant and Hyde, in the period leading up to hiring, the LOC underwent significant management restructuring. (Exhibit 4, Bates 72; Exhibit 2, Bates 5) According to Hyde, in 2015, during the transition

3 Such positions are often referred to as "NTEs" because they are “not to exceed” the limited timeframe.
period, the OIG received one allegation pertaining to senior level employee transfers from a complainant who made "multiple wide-ranging complaints." (Exhibit 4, Bates 69, 71-72) According to Hyde, among the allegations to the OIG were that certain senior level employees already employed by the LOC were moved into positions for which they were not qualified. However, the LOC OIG determined that these employees met the minimum qualification requirements of the positions to which they were moved, and, therefore, the moves were compliant with LOC regulations and did not warrant further investigation. (Exhibit 4, Bates 72-73)

B. Allegation Concerning the Hiring of [b] (6), [b] (7)(C) by the LOC

In addition to stating that Hyde "turned a blind eye" to violations of the LOC's hiring policy, with respect to [b] (6), [b] (7)(C) hiring, the complainant alleged that Hyde "appears to have given [her] the inside track for the position" rather than "pressing the LOC to conduct a national search for the most qualified [b] (6), [b] (7)(C]." (Exhibit 2, Bates 8) The complainant did not identify what specific actions Hyde allegedly took with respect to [b] (6), [b] (7)(C) hiring. In its letter to Hyde, the IC asked Hyde to provide the specifics of any opinion he provided as to [b] (6), [b] (7)(C) qualifications for the [b] (6), [b] (7)(C) position during the selection process, including the details of the opinion, to whom he provided it, and whether he disclosed his prior relationship with [b] (6), [b] (7)(C) at the time. (Exhibit 3, Bates 65) As noted above and discussed in detail below, [b] (6), [b] (7)(C) was first hired by the LOC in an NTE position in October 2015, and, in approximately August 2016, after a competitive selection process, she was hired as [b] (6), [b] (7)(C). (Exhibit 5 at 7, 39-40; Exhibit 4, Bates 68)

Below we describe Hyde and [b] (6), [b] (7)(C) prior professional and social relationship before [b] (6), [b] (7)(C) was hired by the LOC. According to both Hyde and [b] (6), [b] (7)(C), the two worked together twice (Exhibit 5 at 8-10, 13-14, 17, 25; Exhibit 4, Bates 76-77), served together on the board of a local free clinic (Exhibit 4, Bates 78; Exhibit 5 at 32-33), and had a limited social relationship before [b] (6), [b] (7)(C) joined the LOC (Exhibit 4, Bates 75, 77-78; Exhibit 5 at 13-15, 20-22, 29).

1. Hyde's Professional Relationship with [b] (6), [b] (7)(C) Prior to Her Joining the LOC

Hyde and [b] (6), [b] (7)(C) first worked together in the late 1990s for approximately 3 years when Hyde was a Senior Manager at [b] (6), [b] (7)(C), managing contracts with the Health Care Financing Administration (HCFA, now Centers for Medicare & Medicaid Services). (Exhibit 5 at 8-10; Exhibit 6; Exhibit 4, Bates 76-77) According to [b] (6), [b] (7)(C), they first interacted at [b] (6), [b] (7)(C) as fellow employees who were senior members of the team,

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4 LCR 1-140 § 8 gives the IG discretion to "decline to investigate a complaint when in the IG's judgment an investigation is not warranted." (Exhibit 13, LCR 1-140 (previously Exhibit 14, LCR 211-6), Section 8(G).)
then when \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] was a contractor with \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\], and again when she left \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] and became an independent contractor. (Exhibit 5 at 13-19) Hyde recalled that he met \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] when she joined the project as an independent contractor. (Exhibit 4, Bates 76)

\[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] stated that she and Hyde worked together nearly daily while they were on the project, but the frequency of communications waxed and waned depending on what was going on, including when \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] moved to \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\]. (Exhibit 5 at 15) According to \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\], when she was a contractor, Hyde was in her direct chain of command. (Exhibit 5 at 19)

Hyde stated that when \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] worked as a contractor with \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\], the government approved \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] rate category and “[s]he submitted invoices, which were processed according to company procedure.” (Exhibit 4, Bates 82) Hyde did not have information as to what she charged for the contract over that period. (Exhibit 4, Bates 82) \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] stated that she negotiated her rate with the partner-in-charge but could not recall who signed off on her invoices. (Exhibit 5 at 30-31)

According to Hyde, \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] ended her work on the HCFA contract around late 1999-early 2000, after which time Hyde “kept in touch with \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] and explored teaming opportunities on various government clients.” (Exhibit 4, Bates 77) \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] stated that after she and Hyde stopped working together on the HCFA contract they probably kept in touch to some degree, but she could not recall anything specific and did not think they had seen each other socially during that period. (Exhibit 5 at 20-21)

In 2007, approximately 7 years after Hyde and \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] worked together at \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\], \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] had become the head of the grant program of a non-profit called \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] and asked Hyde to work as a contractor on Department of Education grants. (Exhibit 4, Bates 77; Exhibit 5 at 25; Exhibit 6) Hyde stated in his Response Letter that he worked at \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] until approximately 2009. (Exhibit 4, Bates 67)

According to Hyde, during his tenure at \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\], he worked mostly from home and occasionally from \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] headquarters in New York City. He communicated with \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] mostly via phone and had only intermittent in-person contact with her. (Exhibit 4, Bates 78) \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] stated that she did not supervise Hyde’s work on the program directly but was responsible for the program more broadly. (Exhibit 5 at 28)

Hyde stated that the government approved his position and rate category on the \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] contract. (Exhibit 4, Bates 82) Hyde recalled that he was paid approximately \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] per hour and that he paid for his own health insurance, equipment, and retirement. (Exhibit 4, Bates 77-78) \[\textcolor{red}{[b]}(\textcolor{red}{6}), \textcolor{red}{(b)}(\textcolor{red}{7})(\textcolor{red}{C})\] stated that the Department of Education would have set allowable ranges on consulting contracts, and she assumed that the head of finance and the founder would have decided on Hyde’s rate, though she would have been involved as the head of the grant program. (Exhibit 5 at 25) According to Hyde, he submitted his
invoices to the grant administrator and assumed they were approved by . (Exhibit 4, Bates 82) stated because she had overall responsibility for the grant program, she would have seen Hyde’s invoices in the financial process. (Exhibit 5 at 25-26)

Hyde stated that, based on a review of his tax returns, he received a total of $ from between 2007 and 2009 ($ in 2007, $ in 2008, and $ in 2009). (Exhibit 4, Bates 82) According to tax filings from those years, the organization paid Hyde $ between July 2007 and June 2010 ($ between July 1, 2007 and June 30, 2008 (Exhibit 7), $ between July 1, 2008 and June 30, 2009 (Exhibit 8), and $ between July 1, 2009 and June 30, 2010 (Exhibit 9)).

Hyde and both said that other than their work together at and , they had no financial ties to each other.

2. Hyde and Social Relationship Prior to Her Joining the LOC

Hyde and gave similar accounts of their social relationship. Hyde described his relationship with as “socially friendly, along with [their] spouses.” (Exhibit 4, Bates 75) According to Hyde, during the time was working as a subcontractor on the HCFA contract, he got to know her and her family, as spouses were included in various events. (Exhibit 4, Bates 77) Hyde stated that for several months of that contract, Hyde and commuted together from their homes in Arlington, Virginia, to a work site in North Baltimore. (Exhibit 4, Bates 77) described Hyde as a “work friend” (Exhibit 5 at 15) and stated that they typically engaged socially with the whole team—which they did on a regular basis during the HCFA project—rather than one-on-one or with their spouses, though she did recall being invited to Hyde’s home on one occasion. (Exhibit 5 at 13-14, 21-22)

did not recall any specific contact with Hyde after she stopped working on the contract but said the firm has a good structure for helping people keep on top of what each other are doing. (Exhibit 5 at 20-21) Hyde stated that between 2000 and

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5 We were unable to resolve the discrepancy between the amount of income from that Hyde reported receiving and the amount reported in tax filings by . However, we note that filed its returns based on a tax year beginning in July and ending the following June, and Hyde may have been reporting income received on a calendar year basis. In response to a review of the draft report, Hyde stated that the amounts he reported in his Response were based on the IRS Forms 1099-MISC provided to him by . According to Hyde, in recent correspondence, confirmed that the amounts disclosed on their tax returns likely included double counting.

6 Hyde noted that around 2013 he asked if he could leave the care of his two dogs and associated funds for that care to . (Exhibit 4, Bates 83) recalled that Hyde had mentioned leaving a dog to her but stated that she thought that dog had since died. (Exhibit 5 at 62-63)
2003, Hyde and his spouse met socially with [b] [6]. [b] [7][C] and her husband once or twice a year. (Exhibit 4, Bates 77)

Hyde and [b] [6]. [b] [7][C] both recalled that they did not have the same kind of social relationship when they worked together at [b] [6]. [b] [7][C]. [b] [6]. [b] [7][C] attributed this to the organization lacking the social structure of [b] [6]. [b] [7][C]. (Exhibit 5 at 29) According to Hyde, after he wound down his services for [b] [6]. [b] [7][C] and while he was Assistant Inspector for Audit for the Special Inspector General for the Troubled Asset Relief Program, a position he took on in 2010, Hyde had intermittent contact with [b] [6]. [b] [7][C] and met with her and other former staff from both [b] [6]. [b] [7][C] and [b] [6]. [b] [7][C] occasionally for dinner. (Exhibit 4, Bates 78)

Hyde stated that in 2013, the Arlington Free Clinic, where Hyde was a volunteer and board member, needed strategic planning assistance, and Hyde enlisted the pro-bono services of [b] [6]. [b] [7][C] and another former [b] [6]. [b] [7][C] coworker. (Exhibit 4, Bates 78)

[b] [6]. [b] [7][C] stated that she got involved at the clinic when another former colleague from [b] [6]. [b] [7][C], not Hyde, asked her to facilitate the clinic’s board through certain conversations, after which the head of the governance group asked her to join the volunteer board. (Exhibit 5 at 32-33) [b] [6]. [b] [7][C] stated that she and Hyde got reacquainted during that period and would see each other at board meetings, but she did not think they “did much socially.” (Exhibit 5 at 33) According to [b] [6]. [b] [7][C], she and Hyde overlapped on the board, but she could not remember for how long. (Exhibit 5 at 34) According to Hyde, [b] [6]. [b] [7][C] joined the board in 2015, and he and [b] [6]. [b] [7][C] served together until 2018. (Exhibit 4, Bates 78)

3. [b] [6]. [b] [7][C] Hiring at the LOC

In his Response Letter, Hyde stated that among his immediate priorities when he became LOC IG in July 2014 were robust oversight and review of the LOC’s strategic planning, performance management, and IT governance and operation, all of which the LOC OIG had named as Top Management Challenges (TMCs) for the LOC since at least 2011, and about which both the OIG and the Government Accountability Office (GAO) had made hundreds of recommendations.7 (Exhibit 4, Bates 67-68) According to Hyde, in late

7 In June 2017, Hyde testified to Congress that in a 2009 report, the OIG had found “significant issues with the Library’s strategic plan and process, customer service problems, IT investments not linked to the strategic plan, and an organizational structure that did not foster good IT governance,” and stated that, in 2015, both GAO and the LOC OIG “found similar IT management issues as identified in 2009.” (Exhibit 21 at 20) In his prepared remarks, Hyde also stated that he had “been the Inspector General since the summer of 2014 and, under [his] direction, the OIG ha[d] emphasized that robust strategic planning is essential for the Library to efficiently and effectively manage IT and fulfill its mission.” (Exhibit 21 at 23) He also testified that “since 2011, our semiannual reports to Congress have consistently identified IT infrastructure as the top management challenge for the Library.” (Exhibit 21 at 20)

(Cont’d.)
2014 or early 2015, amid a reshuffling of senior management at the LOC,[b](6), (b) (7)(C)
[removed], asked Hyde “what the Library could do to act on the management challenges [the OIG] identified.” (Exhibit 4, Bates 68, 79) Hyde advised[b](6), (b) (7)(C) that the LOC needed to hire a [b](6), (b) (7)(C) and someone with experience in strategic planning, performance management, and IT. According to Hyde, he identified several consulting firms that had “well-designed methodologies,” as well as [b](6), (b) (7)(C) and another individual who was then a senior manager at [b](6), (b) (7)(C). (Exhibit 4, Bates 68, 79)

According to Hyde, in the context of these conversations, he mentioned [b](6), (b) (7)(C) “skills, knowledge and experience,” and told [b](6), (b) (7)(C) that he had previously worked with[b](6), (b) (7)(C) on a government project and at a not-for-profit and that he “knew her and her work well.” (Exhibit 4, Bates 68, 79) Hyde did not state whether he provided similar assessments of the other individual or firms he recommended. Hyde stated that he further informed[b](6), (b) (7)(C) that he and[b](6), (b) (7)(C) had a social relationship. (Exhibit 4, Bates 83-84)

According to[b](6), (b) (7)(C), Hyde introduced her to[b](6), (b) (7)(C) in the Spring of 2015.8 At the time,[b](6), (b) (7)(C) was working for[b](6), (b) (7)(C). [b](6), (b) (7)(C) told the OIG that[b](6), (b) (7)(C) was interested in having someone talk to a couple of executives about “how to kind of reconstitute an area of the Library that was underperforming” (Exhibit 5 at 35) and invited her to come to the LOC “as a professional sharing ideas with two women who were trying to kind of...right a ship of an area of the organization that wasn't doing well.” (Exhibit 5 at 35) According to[b](6), (b) (7)(C), she did this as a courtesy and was not paid. [b](6), (b) (7)(C) recalled that she had “a couple of conversations” with[b](6), (b) (7)(C) at the time, but met with the executives only once, in person. (Exhibit 5 at 35-36) When asked whether she maintained a relationship with[b](6), (b) (7)(C) after those conversations, [b](6), (b) (7)(C) stated that she did not recall, but she expected that she and[b](6), (b) (7)(C) probably exchanged emails a few times thereafter. (Exhibit 5 at 41)

According to Hyde, the LOC “struggle[d] to act”[b](6), (b) (7)(C), and in the summer of 2015, 9 months after advising[b](6), (b) (7)(C) about the hiring needs of the LOC, the

A July 2018 LOC OIG report to Congress stated, “We have identified the strategic planning and performance management area as a top management challenge in our Semiannual Reports to Congress since our September 2011 semiannual report.” (Exhibit 23 at i)

8 [b](6), (b) (7)(C) recalled that this was after “there was kind of a big blow-up about the Library with respect to its technology” and referenced the Washington Post. (Exhibit 5 at 35-36) In a March 21, 2015 article about the LOC titled, “America’s ‘national library’ is lacking in leadership, yet another report finds.” The Washington Post described a GAO report critical of the LOC’s “long-standing failures to manage the complex computer systems that are vital to its mission” and faulting then-Librarian James Billington for failing to hire a Chief Information Officer, as required by law. (Exhibit 24)
OIG decided to hire its own subject matter expert on an NTE basis to assist the OIG in its inspections and evaluations related to strategic planning and performance management. (Exhibit 4, Bates 80) Hyde contacted [REDACTED] to see if she would be interested in being considered. Hyde recalled that [REDACTED] was not sure, but “did not dissuade [him] from submitting her resume” for a formal assessment of her qualifications. (Exhibit 4, Bates 80) According to [REDACTED], sometime after her contact with [REDACTED] and the LOC, Hyde approached her about doing a project for the LOC OIG related to planning, performance, and risk management. (Exhibit 5 at 36-39)

According to Hyde, in September 2015, [REDACTED] called Hyde and said that he had heard that the OIG was creating a senior leadership role similar to a position that the LOC was looking to fill, and he was aware that Hyde had submitted resume to fill the position as an NTE. (Exhibit 4, Bates 80-81) [REDACTED] asked whether he could hire Hyde instead, and Hyde did not object. (Exhibit 4, Bates 68, 81) According to Hyde, at [REDACTED] request, Hyde again provided [REDACTED] resume in September 2015. (Exhibit 4, Bates 81) Hyde stated that he was not involved in the hiring process after providing [REDACTED] resume. (Exhibit 4, Bates 68, 79)

According to [REDACTED], sometime after Hyde had contacted her about working for the LOC OIG, [REDACTED] contacted her about working for the LOC as an NTE to assess what “needed to happen to build a capability in planning, performance, and then eventually also risk.” (Exhibit 5 at 36-38) [REDACTED] said she provided a resume but did not recall whether she provided it to [REDACTED] directly. (Exhibit 5 at 44) [REDACTED] stated that she had several conversations with [REDACTED] about the role and spoke with the acting Librarian before being hired in the NTE position in October 2015. (Exhibit 5 at 39-40, 44)

[REDACTED] did not recall specifically, but said she thought that at some point she probably let Hyde know that she preferred the LOC position to the role in the LOC OIG's office because she felt it could have more impact. (Exhibit 5 at 40) [REDACTED] told the DOJ OIG that she did not know whether Hyde encouraged [REDACTED] to hire her, that she was not aware of Hyde having provided her resume to [REDACTED], and that Hyde did not coach her or help prepare her at all for her conversations with [REDACTED]. (Exhibit 5 at 41, 44)

According to [REDACTED], after Dr. Carla Hayden was confirmed as Librarian in July 2016, she asked [REDACTED] to consider competing for the permanent position of Librarian. (Exhibit 5 at 44; Exhibit 25) [REDACTED] said that the application process included an application, a round of phone interviews, an interview with a panel, and a final interview with [REDACTED] and the Acting Librarian (at the time Hayden had been confirmed but not yet invested). (Exhibit 5 at 44-45) [REDACTED] stated that, to her knowledge, Hyde was not involved in the hiring process and did not provide her any guidance. (Exhibit 5 at 45-46) Hyde likewise stated that [REDACTED] did not consult with him during the hiring process for the permanent position, and he was not involved in the hiring process. (Exhibit 4, Bates 68, 79)
C. Allegation that Hyde’s Relationship with [b](d), [d] (g) posed a threat to his independence

The IC requested that we investigate whether Hyde’s “personal and professional relationship” with [b](d), [d] (g) “compromise[d] the independence reasonably expected of his position and of the LOC Office of the Inspector General.” (Exhibit 1) To investigate this allegation, we sought to establish Hyde’s interactions with and oversight of [b](d), [d] (g), and her office once she was hired by the LOC.

In his Response Letter, Hyde claimed that he did not believe that his relationship with [b](d), [d] (g) presented a threat to his independence. For example, he stated that “[a]t no time has there been a situation that constitutes a threat either in fact or in appearance to [his] independence or that of [his] office with respect to [b](d), [b] (7)(C) or anyone else.” (Exhibit 4, Bates 70) On the other hand, Hyde also stated that he had “been transparent about potential threats to [his] independence” (Exhibit 4, Bates 70) and disclosed his relationship with [b](d), [b] (g) to OIG counsel, [b] (d), [b] (7)(C), and the most senior levels of LOC management, and he had discussed with [b] (d), [b] (g) “the need for distance in [their] friendship because of the higher need of independence of [his] office.” (Exhibit 4, Bates 71)

According to Hyde, after [b] (d), [b] (7)(C) selection [b] (d), [b] (7)(C), his staff “surveyed the work her office ha[d] been doing in order to update the status of the Library’s [b] (d), [b] (7)(C) as it directly related to a number of [their] TMCs.” (Exhibit 4, Bates 81-82) Hyde did not further explain what “survey” meant or state what role, if any, he played in it. According to Hyde, in addition to the “survey,” the LOC OIG also hired an independent public accounting firm to audit the LOC’s [b] (d), [b] (7)(C) process, which [b] (d), [b] (7)(C) office oversees. (Exhibit 4, Bates 82) Hyde stated that his staff served as Contracting Officer’s Representative on that contract, overseeing the contract on a regular basis, and Hyde “was not involved in the day-to-day work of that review.” (Exhibit 4, Bates 70) Hyde stated that neither he nor anyone in his office “ha[d] ever directed [b] (d), [b] (7)(C) work or exercised any direct or indirect supervision of [b] (d), [b] (7)(C) or anyone in her office.” (Exhibit 4, Bates 82)

According to Hyde, he had “instituted the proper safeguards to prevent both the appearance of and an actual conflict” in relation to [b] (d), [b] (7)(C) (Exhibit 4, Bates 70), but Hyde did not identify any protocols put in place specifically with reference to OIG oversight of her work. Instead, he highlighted that the LOC OIG had implemented some of the safeguards generally recommended by the “Yellow Book” to address threats to independence, such as

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9 Though Hyde pointed to the hiring of the contractor as a safeguard against any threat to his independence, he did not state whether the decision to hire the contractor was happenstance or designed to limit his involvement in the review.
a secondary review of the office’s work by an external expert and yearly quality assurance reviews by an external expert.¹⁰ (Exhibit 4, Bates 69)

According to , the LOC OIG conducted two audits of programs under her supervision within her first 4 years at the LOC, both while Hyde was the IG. (Exhibit 5 at 49) The first was an audit of the effort, which took place in either 2016 or 2017. noted that this audit of was conducted while the was still being built.¹¹ (Exhibit 5 at 49-50) recalled working with LOC OIG managers on this audit and engaging with Hyde to correct inaccuracies to the draft report. (Exhibit 5 at 50-51)

stated that the second audit was conducted in 2020 of the program she created in 2018, which included a long-term plan to mature into program. (Exhibit 5 at 50) recalled that on this audit she generally engaged with a contractor and who was overseeing the contract and was then. (Exhibit 5 at 51-52; Exhibit 26)¹² When asked whether Hyde was involved in this audit, stated that he was not, but added that she assumed Hyde was involved in any audit with respect to decisions on final content. (Exhibit 5 at 51-52) When asked whether Hyde altered any of the findings of his staff in relation to any programs under her management, she said she did not recall any changes other than to correct inaccurately represented information. (Exhibit 5 at 53)

In his Response Letter, Hyde stated that he regularly met with the division heads and other LOC executives, including, and that he periodically reached out to for her insight on and performance management plans and business criteria for issues the OIG was reviewing. Hyde noted that he similarly contacted other LOC executives depending on the subject matter he wished to discuss. (Exhibit 4, Bates 82) According to, the Librarian sometimes asked her to help bring conflicting groups together to resolve disagreements. In one circumstance, while Hyde was still the IG, the Librarian asked to work with and Hyde to help them come to agreement on how to move forward on some recommendations the LOC OIG had made

¹⁰ The “Yellow Book” refers to the GAO-issued Government Auditing Standards, which provide a framework for auditors of government entities to conduct “high quality audits with competence, integrity, objectivity, and independence.” (Exhibit 12, §1.04) We discuss the Yellow Book more fully in Section IV below.

Among examples of safeguards, the Yellow Book lists “having a professional staff member who was not a member of the audit team review the work performed.” (Exhibit 12, § 3.17(c))

¹¹ Hyde’s Response Letter stating that his office “surveyed the work her office ha[d] been doing in order to update the status of the Library’s appears to be what referred to as an audit.

¹² (Exhibit 26)
regarding the [b] (6), [b] (7)(C) system. (Exhibit 5 at 53-54) [b] (6), [b] (7)(C) explained that during this process, she also provided feedback to Hyde regarding his manner of conveying information and his thinking behind certain decisions, as it was her impression that [b] (6), [b] (7)(C) was not listening to Hyde. (Exhibit 5 at 56-57)

Hyde stated that when [b] (6), [b] (7)(C) started at the LOC, the two of them “discussed the need for distance in [their] friendship because of the higher need of independence of [Hyde’s] office,” (Exhibit 4, Bates 71) and Hyde “informed her that there needed to be independence between [their] two offices and between the two of [them].” (Exhibit 4, Bates 82) According to [b] (6), [b] (7)(C), she thought she and Hyde did not explicitly discuss the need for distance in their relationship but said they had a tacit understanding and that when she joined the LOC, she had to be “more thoughtful, more guarded.” (Exhibit 5 at 57-58) As an example of the tacit understanding to maintain distance, she cited the fact that she and her husband did not do anything to celebrate Hyde’s marriage, though she separately knew his husband as well. (Exhibit 5 at 58) However, according to [b] (6), [b] (7)(C), she and Hyde had lunch together on occasion when she was working at the LOC and Hyde was the IG. They also attended Arlington Free Clinic board meetings together, and Hyde occasionally drove her to those meetings. (Exhibit 5 at 57) [b] (6), [b] (7)(C) also stated that in her role, she was privy to things she could not and would not discuss with Hyde. (Exhibit 5 at 59) According to [b] (6), [b] (7)(C), she recalled only one comment by an LOC employee about her prior relationship with Hyde, and that employee said that if people became aware of it, they might not like [b] (6), [b] (7)(C) as a result. (Exhibit 5 at 60-61)

D. Allegation that Hyde Failed to Disclose His Relationship with [b] (6), [b] (7)(C) to Congress

The complaint letter alleged that Hyde was asked in a congressional oversight hearing about [b] (6), [b] (7)(C) credentials, and Hyde “failed to mention he had prior knowledge of her, failed to mention he had once worked for her, failed to mention she had zero federal [b] (6), [b] (7)(C) experience.” (Exhibit 2, Bates 8) The letter did not further explain why Hyde should have disclosed his prior relationship with [b] (6), [b] (7)(C) in response to the question.13

We reviewed Hyde’s testimony during a June 2017 Committee on House Administration hearing on “Oversight of the Library of Congress” [b] (6), [b] (7)(C). During this hearing, Hyde stated that the LOC had hired [b] (6), [b] (7)(C) to help implement the LOC’s [b] (6), [b] (7)(C) plan. The Chairman asked Hyde who that person was, and Hyde answered that it was [b] (6), [b] (7)(C), adding that “she has extensive experience in that area.” He also stated, “She has started up the [b] (6), [b] (7)(C) process as well as assisting and helping the Librarian implement the

13 Although the IC’s letter to Hyde informed him that this allegation had been made against him, the letter did not include specific questions about this allegation.
process.” The Chairman followed up by asking, “as the IG, are you satisfied, then, with her qualifications and the effort she thus far is making?” Hyde replied, “I am. She is very qualified.” (Exhibit 21 at 34) No member of the Committee asked Hyde anything that required him to disclose that he knew previously.

In his Response Letter to the IC, Hyde explained that in the June 2017 hearing, he “did not interpret the Chairman's question to pertain to how [he] knew and how [he] knew of her prior qualifications before she was hired by the Library.” (Exhibit 4, Bates 74) Hyde stated that his response was based on his “knowledge of work towards improving the Library's function—not her past services or work for others;” it was “not an omission regarding [his] knowledge of her prior work” but rather a “validation that she was suitable for the Library's needs and that she had been helping the Library make progress in the area.” (Exhibit 4, Bates 74)

IV. Relevant Legal Authorities and Policies

Below we describe the applicable regulations and policies.

A. Library of Congress Regulation 9-1710: General Standards of Conduct

The Library of Congress has internal “regulations” that apply to all LOC employees that address, among other things, standards of conduct. Library of Congress Regulation (LCR) 9-1710 “establish[es] general guidelines to ensure that staff members will avoid conflicts of interest.” (Exhibit 17) The regulation requires staff members to “avoid any action which might result in or create the appearance of:

A. Using public office for private gain

B. Giving inequitable and improper preferential treatment to any person or persons to the prejudice or detriment of others” (Exhibit 17, § 2(A)-(B))

and

D. “Compromising independence or impartiality.” (Exhibit 17)

14 According to the LOC OIG website, Hyde also testified before Congress on July 25, 2018. (Library of Congress, Office of the Inspector General, “Congressional Testimony”) A review of Hyde's testimony at that hearing showed that no Congressperson, including Congressman Loudermilk and Congressman Davis, asked Hyde about her qualifications. (Exhibit 22)

15 Because the LOC IG is appointed by the Librarian, the LOC establishes rules for the functioning of the LOC OIG (Exhibit 13), and the LOC OIG has not promulgated rules to address the same considerations, we interpret the LCRs to apply to LOC OIG employees.
B. The Yellow Book and The Silver Book

CIGIE has issued “Quality Standards for Federal Offices of Inspector General” that “set forth the overall quality framework for managing, operating, and conducting the work of Offices of the Inspector General,” commonly referred to as the “Silver Book.” (Exhibit 11) The Silver Book states that “[t]he IG and OIG staff must be free both in fact and appearance from personal, external, and organizational impairments to independence.” (Exhibit 11, § II.C) To ensure independence, the Silver Book “requires staff to act with integrity and exercise objectivity and professional skepticism and avoid circumstances that would cause a reasonable and informed third party to believe that staff is not capable of exercising objective and impartial judgment or that an OIG's work had been compromised.” (Exhibit 11, § II.C.2)

GAO has issued Government Auditing Standards (“generally accepted government auditing standards,” “GAGAS,” or “Yellow Book”) that provide a framework for auditors of government entities to conduct “high quality audits with competence, integrity, objectivity, and independence.” (Exhibit 12, § 1.04) The LOC OIG Policy Manual states that the “[g]enerally accepted government auditing standards (GAGAS) apply to the types of audit and attestation engagements that the OIG may perform as well as to the professional conduct of the audit division and staff.” (Exhibit 19, p. 1; Exhibit 20, p. 1) The Silver Book likewise requires that OIGs “shall conduct, supervise and coordinate its audits” in compliance with the Yellow Book. (Exhibit 11, § III.A) As the IG, Hyde was ultimately

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16 The Inspector General Act of 1978, as amended, authorizes CIGIE to “develop policies that will aid in the maintenance of a corps of well-trained and highly skilled Office of Inspector General personnel” (Exhibit 27, § 11(c)(1)(C)) and requires that

“[t]o the extent permitted under law, and to the extent not inconsistent with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions, each member of the Council, as appropriate, shall [] adhere to professional standards developed by the Council.” (Exhibit 27, § 11(c)(2)(A))

The Silver Book is dated August 2012 and was therefore in effect at the time of the events at issue. LOC regulations require LOC OIG employees to comply with the Silver Book. (Exhibit 13, § 5(E))

17 The Inspector General Act of 1978, as amended, requires that in carrying out his or her duties “to provide policy direction for and to conduct, supervise, and coordinate audits and investigations relating to the programs and operations of such establishment,” (Exhibit 27, § 4(a)(1)) each Inspector General should “comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions.” (Exhibit 27, § 4(b)(1)(A)) According to GAO’s website, the 2011 version of the Yellow Book was published on December 1, 2011, and publicly released on January 23, 2012. (Exhibit 12) The superseding version was published on July 17, 2018, after the events we investigated. (U.S. Government Accountability Office, Yellow Book, gao.gov/yellowbook.) For this reason, we relied on the 2011 version of the Yellow Book. LOC regulations and policy require LOC OIG compliance with the Yellow Book. (Exhibit 13, § 5(E))
responsible for every audit his office conducted, and, for this reason, the Yellow Book standards apply to him.

The Yellow Book provides a framework to assess threats to auditors’ independence and guidance for safeguarding against those threats. The Silver Book mirrors the Yellow Book framework for assessing OIG independence (Exhibit 11, Silver Book, § II.C.2), adapting the Yellow Book standards for all OIG employees (Exhibit 11, Silver Book, § II.C.2, FN 24) and the LOC OIG Policy and Procedures Manual calls for every OIG staff member to “apply the [Yellow Book’s] independence framework” as laid out in Appendix B to the Manual “to determine if there are any threats to his/her independence for each assigned audit.” (Exhibit 19, § 3.20; Exhibit 20, § 3.20)\(^\text{18}\)

The Yellow Book states that “[i]n all matters relating to the audit work, the audit organization and the individual auditor...must be independent.” (Exhibit 12, § 3.02) The Yellow Book contemplates two types of independence: 1) Independence of Mind, which “permits the performance of an audit without being affected by influences that compromise professional judgment, thereby allowing an individual to act with integrity and exercise objectivity and professional skepticism,” and 2) Independence in Appearance, which is “[t]he absence of circumstances that would cause a reasonable and informed third party, having knowledge of the relevant information, to reasonably conclude that the integrity, objectivity, or professional skepticism of an audit organization or member of the audit team had been compromised.” (Exhibit 12, § 3.03; see also Exhibit 19, § 3.03 and Exhibit 20, § 3.03)

To “assist[] auditors in maintaining both independence of mind and independence in appearance,” (Exhibit 12, § 3.07) the Yellow Book establishes a conceptual framework to “a. identify threats to independence; b. evaluate the significance of the threats identified, both individually and in the aggregate; and c. apply safeguards as necessary to eliminate the threats or reduce them to an acceptable level.” (Exhibit 12, § 3.078) The Yellow Book calls on auditors to “evaluate threats to independence using the conceptual framework when the facts and circumstances under which the auditors perform their work may create or augment threats to independence.” (Exhibit 12, § 3.20)

The Yellow Book defines threats as “circumstances that could impair independence,” but explains that whether such circumstances do so depends on the nature of the threat, whether it is sufficiently significant to compromise an auditor’s professional judgment, or create the appearance of such a compromise, and the “safeguards applied to eliminate the threat or reduce it to an acceptable level.” (Exhibit 12, § 3.13; see also Exhibit 20, § 3.13) Among the threats to independence highlighted by the Yellow Book and Silver Book is

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\(^{18}\) The versions of the LOC OIG Policy and Procedures Manual (the Manual) in effect during the relevant timeframe were those revised in October 2014 and August 2017, which were substantially similar. Both imposed Yellow Book standards on the LOC OIG.
“familiarity,” or “the threat that aspects of a relationship with management or personnel of an audited entity, such as a close or long relationship, or that of an immediate or close family member, will lead an auditor to take a position that is not objective.” (Exhibit 12, § 3.14(d); Exhibit 11, § II.C.2)19

In the event an auditor discovers a threat that is not at an acceptable level, the Yellow Book offer safeguards, or “controls designed to eliminate or reduce threats to an acceptable level,” which vary “with the specific facts and circumstances under which threats to independence exist.” (Exhibit 12, § 3.16; see also Exhibit 11, § II.C.2 and Exhibit 20, § 3.16) Neither the Yellow Book nor the Silver Book provides a comprehensive list of possible safeguards, but they do provide examples, including, “consulting an independent third party” and “involving another audit organization to perform or reperform part of the audit,” (Exhibit 12, § 3.17) as well as “utilizing separate engagement teams to avoid threats to independence,” “implementing secondary reviews,” and “involving another OIG or audit organization to perform or reperform part of an audit.” (Exhibit 11, § II.C.2)

The Yellow Book and Silver Book require that “[i]n cases where threats to independence [of OIG work] are not at an acceptable level, thereby requiring the application of safeguards, the [auditors/OIG] should document the threats identified and the safeguards applied to eliminate the threats or reduce them to an acceptable level.” (Exhibit 12, § 3.24; Exhibit 11, § II.C.2) In some circumstances, threats may be so significant that the application of safeguards cannot eliminate or reduce them to an acceptable level. The Yellow Book defines a threat as unacceptable when it

either (a) could impact the auditor's ability to perform an audit without being affected by influences that compromise professional judgment or (b) could expose the auditor or audit organization to circumstances that would cause a reasonable and informed third party to conclude that the integrity, objectivity, or professional skepticism of the audit organization, or a member of the audit team, had been compromised. (Exhibit 12, § 3.22)

In such circumstances, independence will be impaired and “auditors should decline to perform a prospective audit or terminate an audit in progress.” (Exhibit 12, § 3.25)

V. Analysis

Below we address the following four allegations: 1) that Hyde turned a blind eye to improper hiring practices for senior employees, 2) that Hyde improperly recommended hiring, 3) that Hyde's relationship with posed a threat to his

19 The Yellow Book and Silver Book also highlight “self-interest” or “the threat that a financial or other interest will inappropriately influence an auditor's judgment or behavior” (Exhibit 12, § 3.14(a); Exhibit 11, § 2(C)(2)) as another possible threat to independence. We did not receive any allegations that Hyde and had any financial ties, and we found no evidence of an ongoing financial relationship between them.
independence, and 4) that Hyde failed to disclose his relationship with [b] during a congressional hearing about the LOC.

A. Allegation that IG Hyde “Turned a Blind Eye” to Improper Hiring Practices for Senior Employees

The complaint alleged that Hyde “turned a blind eye” to multiple violations of the LOC’s hiring policies. We found that Hyde provided a credible response to the IC about this allegation, stating that the LOC OIG received no complaints related to hiring and only one complaint about senior level transfers in the LOC, and that the OIG reviewed the qualifications of the employees named in the complaint and determined that they met the minimum qualification requirements for the positions. Therefore, based on the available information, we did not substantiate this allegation.

B. Allegation that Hyde’s Involvement in Hiring was Improper

According to the complaint, it “appear[ed]” that Hyde had “given the inside track” for her position at the LOC. We determined that Hyde recommended for a temporary position with the LOC and that he was not otherwise involved in her hiring for that position or for the permanent position for which she was hired after a competitive process in 2016. We examined whether Hyde’s recommendation of for the temporary position with the LOC constituted an “action which might result in or create the appearance of [] using public office for private gain [or] giving inequitable and improper preferential treatment to any person or persons to the prejudice or detriment of others.” (Exhibit 17, § 2(A)-(B))

First, we found that Hyde and had a primarily professional relationship of almost 20 years and that, as a result of their work together, Hyde was in a position to evaluate skills and abilities. Second, the evidence shows that had relevant experience in strategic planning. was hired for the permanent position in 2016 after a competitive process and has successfully remained in that position since then. Based upon these facts, we do not believe that in recommending to the LOC that Hyde used his public office for his private gain or provided improper preferential treatment to in violation of LCR 9-1710 § (2)(A).

We likewise found that Hyde’s recommendation of did not create the appearance that Hyde improperly used his public office for his private gain or the appearance that Hyde provided “improper preferential treatment.” As a general matter, IGs and OIG staff should exercise prudence when recommending or offering an opinion to their agency about an applicant given the OIG’s oversight role relating to agency programs and operations. We believe that Hyde did that with respect to his recommendation of . First, Hyde was transparent with about his personal relationship with, and made his recommendation based upon his firsthand knowledge of “skills, knowledge and experience.”
Hyde identified two consulting firms capable of doing the type of work the LOC needed. Under these circumstances, we do not believe Hyde’s actions created the appearance of improperly using his public office for private gain or improperly providing preferential treatment.

C. Allegation that Hyde’s Relationship with Pose a Threat to His Independence

The IC requested that we investigate whether Hyde’s “personal and professional relationship” with “compromise[d] the independence reasonably expected of his position and of the LOC Office of the Inspector General.” (Exhibit 1) Based upon our investigation, we determined that the LOC OIG audited office/program twice while Hyde was the IG. We sought to determine, given Hyde’s relationship with and his role in her hiring, whether these audits comported with Silver and Yellow Book standards, as well as with LOC and LOC OIG policy addressing independence and conflicts of interest.

As outlined above, the Silver Book, Yellow Book, and LOC OIG policies that supplement and implement the Yellow Book contemplate two types of independence: independence in fact or mind and independence in appearance. These policies likewise outline a framework for identifying threats, evaluating their significance, and implementing safeguards to either eliminate or reduced them to acceptable levels. The Silver Book and Yellow Book highlight “familiarity” among the possible threats to independence and note that “familiarity” could result from “a close or long relationship.” (Exhibit 12, § 3.14(d)) Hyde and have known each other for more than 20 years, have worked together in multiple capacities, have served on a board together, and have a social relationship. Although we did not find that Hyde’s relationship with compromised Hyde’s independence of mind in his oversight of office, his failure to recuse from participating in the OIG’s oversight of her office—after having recommended her for the position for which she was hired—created an appearance that his and the office’s independence was compromised.

1. Independence of Mind/Independence in Fact

According to the Yellow Book and the LOC OIG Policy Manual, independence of mind “permits the performance of an audit without being affected by influences that compromise professional judgment, thereby allowing an individual to act with integrity and exercise objectivity and professional skepticism.” (Exhibit 12, § 3.03; see also Exhibit 19, § 3.03 and Exhibit 20, § 3.03) We did not find evidence to indicate that Hyde’s relationship with compromised his professional judgment. As stated above, Hyde and
had primarily a professional relationship of approximately 20 years, and we did not find that they had any financial ties to each other.\textsuperscript{20}

In addition, Hyde’s office continued its oversight focus on \[\text{(b) (6), (b) (7)(C)}\] and \[\text{(b) (6), (b) (7)(D)}\] after \[\text{(b) (6), (b) (7)(C)}\] was hired (Exhibit 4, Bates 70) suggesting Hyde did not alter his efforts or behavior for her benefit. We found that during Hyde's tenure as IG, the OIG audited two programs under \[\text{(b) (6), (b) (7)(C)}\] management. According to \[\text{(b) (b), (b) (7)(C)}\], in one audit, Hyde’s only involvement was in correcting factual inaccuracies in the draft report; in the second, his role was also minimal. For these reasons, we did not find that Hyde lacked independence of mind when he participated in oversight of \[\text{(b) (6), (b) (7)(C)}\] office.\textsuperscript{21}

2. Independence in Appearance

Independence in Appearance is “[t]he absence of circumstances that would cause a reasonable and informed third party, having knowledge of the relevant information, to reasonably conclude that the integrity, objectivity, or professional skepticism of an audit organization or member of the audit team had been compromised.” (Exhibit 12, § 3.03; see also Exhibit 19, § 3.03 and Exhibit 20, § 3.03) LCR 9-1710 likewise warns LOC staff to “avoid any action which might result in or create the appearance of...compromising independence or impartiality.” (Exhibit 17, § 2(D))

Although we found that Hyde’s relationship with \[\text{(b) (6), (b) (7)(C)}\] did not compromise his independence of mind, we found that his participation in audits of programs under her management after having recommended her for the position created the appearance that his independence or impartiality had been compromised in violation of the Yellow Book, Silver Book, and LOC policy. We believe a reasonable person would conclude that, after having recommended her for the role, Hyde could not be impartial in his oversight of \[\text{(b) (6), (b) (7)(C)}\] and the programs she manages because any criticism of her or her office could be seen as reflecting poorly on him. For this reason, he might be deferential to \[\text{(b) (6), (b) (7)(C)}\] in auditing or evaluating her work or might be inclined to view her work favorably to prove the worthiness of his recommendation. Therefore, we believe that Hyde’s failure to recuse from participating in the OIG’s audits of \[\text{(b) (6), (b) (7)(C)}\] office created the appearance that his and the office’s independence was compromised.

\textsuperscript{20} As previously noted, we were not able to completely account for the discrepancy in Hyde’s reported income from \[\text{(b) (6), (b) (7)(C)}\] and the amount reported on \[\text{(b) (6), (b) (7)(C)}\] tax returns. However, the amount of income Hyde reported receiving from \[\text{(b) (6), (b) (7)(C)}\] was substantial, and our analysis remains the same regardless of the amount of income he received. We found no evidence that Hyde was financially indebted to \[\text{(b) (6), (b) (7)(C)}\] or vice versa.

\textsuperscript{21} We note that \[\text{(b) (6), (b) (7)(C)}\] stated that she thought Hyde’s decision to audit her programs so early in her tenure at the LOC showed a lack of favoritism on Hyde’s part. \[\text{(b) (6), (b) (7)(C)}\] in fact expressed frustration that her programs were audited as they were being built rather than after she had time to make progress on them.
3. Safeguards

According to the Yellow Book, a threat is “not acceptable” when it could “compromise professional judgment” or expose an auditor “to circumstances that would cause a reasonable and informed third party to conclude that” his “integrity, objectivity, or professional skepticism” had been compromised. (Exhibit 12, § 3.22) When a threat is not at an acceptable level, the Yellow Book requires the auditor to “determine whether appropriate safeguards are available and can be applied to eliminate the threats or reduce them to an acceptable level.” (Exhibit 12, § 3.23) We found that the appearance problem described above was an unacceptable threat.

Hyde pointed to secondary reviews and yearly quality assurance reviews of his office's work as safeguards against any threat to his independence from his relationships with [b] [b] [b] [b]. (Exhibit 4, Bates 69-70) We find these after-the-fact quality control measures were insufficient to reduce to an acceptable level the appearance of a threat to Hyde's independence from his recommendation of [b] [b] [b] [b]. Given that Hyde was the IG with final authority over all audits, investigations, and reviews, we do not believe any safeguards would have been sufficient to reduce the threat to an acceptable level. Therefore, Hyde should have recused himself from the audits of [b] [b] [b] [b] work.

D. Allegation that IG Hyde Failed to Disclose His Relationship with [b] [b] [b] [b] During a Congressional Hearing about the LOC

The complaint alleged that Hyde failed to disclose his relationship with [b] [b] [b] [b] in testimony before the House Administration Committee but did not indicate that Hyde was asked a question about his prior relationship with [b] [b] [b] [b] or provide any explanation as to why Hyde should have disclosed this information when asked about her qualifications. We determined that the complainant was referring to a 2017 hearing entitled “Oversight of the Library of Congress’ [b] [b] [b] [b].” Based on our review of the transcript, we concluded that Hyde was not asked any question directly about his prior relationship with [b] [b] [b] [b], nor was he asked any question that suggested that he should have provided this information. Hyde wrote in his response that he did not interpret any question as necessitating him to discuss his prior relationship with [b] [b] [b] [b] and that he answered based on his knowledge of her performance at the LOC, where she had been working for nearly 2 years. (Exhibit 4, Bates 74) To the extent the complainant was asserting that Hyde engaged in wrongdoing by not disclosing to Congress his prior relationship with [b] [b] [b] [b], we did not substantiate that allegation.

VI. Conclusions

In sum, we did not substantiate the allegations that Hyde ignored violations of the LOC's hiring process, that Hyde's recommendation of [b] [b] [b] [b] for a position with the LOC constituted or created the appearance of improper preferential treatment of [b] [b] [b] [b] or the improper use of public office for private gain, or that Hyde committed misconduct.
during a congressional hearing. However, we did find that Hyde's participation in oversight of office—after having recommended her for the position for which she was hired—created an appearance that his independence was compromised. For these reasons, we concluded that Hyde’s conduct “undermine[d] the independence or integrity reasonably expected of a Covered Person.” (Exhibit 10, § 7.A)
Exhibits

2. Complaint letter to the Integrity Committee (with attachments), dated March 15, 2021
5. Transcript of DOJ OIG Interview of [b] (6), (b) (7)(C), October 19, 2022
6. [b] (6), (b) (7)(C) email to [b] (6), (b) (7)(C), Re: CIGIE / LOC OIG investigation – introduction, October 20, 2022
7. 2007 Form 990, Schedule A, (b) (6), (b) (7)(C) signed April 20, 2009
8. 2008 Form 990, Schedule A, (b) (6), (b) (7)(C) signed April 21, 2010
9. 2009 Form 990, Schedule A, (b) (6), (b) (7)(C) signed May 6, 2011
10. Council of Inspectors General on Integrity and Efficiency, Policies and Procedures, 2018
13. LCR 1-140 Inspector General
14. LCR 211-6 Functions, Authority, and Responsibilities of the Inspector General
15. LCR 9-110 Merit Selection and Employment
16. LCD 9-1610.1 Merit Selection and Employment
17. LCR 9-1710 General Standards of Conduct
18. Position Description, [b] (6), (b) (7)(C)


27. 5 USCS, Inspector General Act of 1978
Enclosure 2
June 26, 2023

Counsel to the Integrity Committee
Council of the Inspectors General on Integrity and Efficiency
1717 H Street, NW, Suite 825
Washington DC 20006-3900

By email: Integrity-WG@cigie.gov

Dear [b] [6]. [b] [7].

As found in the Integrity Committee’s draft report, their investigation did not find that, as Inspector General, I: ignored violations of the Library of Congress’s (LC) hiring process; improperly recommended [b] [6], [b] [7]. for a position with the LC; or committed misconduct during a congressional hearing. Further, the investigation determined that my relationship with [b] [6], [b] [7] did not compromise my independence of mind/fact or professional judgment as Inspector General of the LC.

Furthermore, with regards to the report’s account of the income I received from [b] [6], [b] [7], I want to point out that the income I reported to the IRS and provided to you in response to your inquiry was based on 1099 forms (IRS Form 1099-MISC) [b] [6], [b] [7]. provided to me (and which [b] [6], [b] [7]. reported to the IRS). Those IRS forms included both payments for services I performed (as a consultant to [b] [6]. from 2007-2009) as well as travel and other related expenses related to those services (e.g. per diem, travel, lodging, etc.). [b] [6], [b] [7]. 990 tax filings of independent consultant payments referenced in the draft report did not reflect what was paid to me (and reported by them to the IRS) in the aforementioned 1099 forms. My own recent correspondence with [b] [6]. on this issue confirmed that the amounts they disclosed on their 990 tax filings (and that you referenced in Exhibits 7-9 of the report) likely included double countings; in addition, [b] [6]. has also confirmed that I was not paid any compensation in 2010. Again, as I previously stated, I stopped working for [b] [6]. in 2009 and therefore, would not have received any compensation from them in 2010.

Sincerely,

(b) (6)

Kurt Hyde