

TRANSPORTATION SECURITY ADMINISTRATION
OFFICE OF INSPECTION



REPORT OF
INVESTIGATION

FOR OFFICIAL USE ONLY

(Public availability to be determined under 5 U.S.C 552)

See reverse for handling instructions.

1080315
Case Number

SENSITIVE SECURITY INFORMATION



U.S. DEPARTMENT OF HOMELAND SECURITY

TRANSPORTATION SECURITY ADMINISTRATION

REPORT OF INVESTIGATION

Title: Possible Violation of Security Directives Dallas-Fort Worth International Airport (DFW)	Case Number: 1080315
	Report Number: 1
	Status: Case Closed
Period Covered: July 18, 2008 through December 16, 2008	Region: South Central - 5
Type of Investigation: 12 - Violation of Security Directive	
Investigation Made By: Special Agents Stacey Saunier, Anthony Delano, James Greer	
Location: Arlington, VA, Dallas, TX	
Report Made By: Stacey L. Saunier Special Agent	Date: 12-16-08
SAIC Approval: Jacqueline Colonna Special Agent in Charge	Date: 12-16-08
Approved: Tony Zotto Director, Inspections & Investigations Division	Date: 12-16-08
Approved: K. David Holmes, Jr. Assistant Administrator, Office of Inspection	Date: 12/16/08

DISTRIBUTION:

COPIES:

- | | |
|--|------------------------|
| <input type="checkbox"/> Office of Inspection | Original w/orig. atts. |
| <input type="checkbox"/> Chief Counsel | 1cc w/atts. |
| <input type="checkbox"/> Deputy Administrator | 1cc w/atts. |
| <input type="checkbox"/> Assistant Administrator, Security Operations | 1cc w/atts. |
| <input type="checkbox"/> Assistant Administrator, Transportation Sector Network Management | 1cc w/atts. |
| <input type="checkbox"/> Chief Security Officer | 1cc w/atts. |
| <input type="checkbox"/> Department of Homeland Security, Office of General Counsel | 1cc w/atts. |
| <input type="checkbox"/> U.S. Office of Special Counsel | 1cc w/atts. |

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

BASIS FOR INVESTIGATION

In a memorandum dated July 10, 2008, Principal Deputy Chief Counsel Margot Bester, Office of Chief Counsel (OCC), Transportation Security Administration (TSA), forwarded to Assistant Administrator K. David Holmes, Office of Inspection, TSA, a Whistleblower Disclosure case filed with the U.S. Office of Special Counsel (OSC) involving allegations that employees at the Dallas-Fort Worth International Airport (DFW) are instructed to ignore insufficient self-inspections by aircraft operators. Additionally, the disclosure alleges that in one terminal, prohibited items could be passed from the non-sterile (passenger) side to the sterile side through openings in Venetian blinds.

Attached to the memorandum from Bester was a letter dated July 2, 2008, from the OSC to The Honorable Michael Chertoff, Secretary, U.S. Department of Homeland Security (DHS). In the letter to Secretary Chertoff, the OSC provided a detailed description of the information received from Transportation Security Inspector (TSI) Kevin Toth, DFW. The OSC advised that TSI Toth alleges that "TSA management expressly directed TSA inspectors to disregard security policies by not requiring aircraft operators [REDACTED] for prohibited items." TSI Toth provided the OSC a package of information containing e-mails and pictures supporting the allegations he made. One of the e-mails in the package was sent by Supervisory Transportation Security Inspector (STSI) Wes Crow, DFW, to TSI Toth, in which STSI Crow responded to an e-mail requesting clarification regarding the requirements of the air carriers relating to interior searches involving [REDACTED]. In the e-mail response to Toth, STSI Crow wrote, in part, "Sometimes wisdom is knowing when to turn a blind eye!"

The Office of Inspection, Inspections and Investigations Division (OI/IID) will conduct an investigation into the allegations made by TSI Toth. Specifically, OI/IID will attempt to determine how many TSIs at DFW received the "turn a blind eye" e-mail authored by STSI Crow, and then determine how many TSIs at DFW were following the direction in the e-mail and not requiring their assigned air carriers [REDACTED] located in the cabin of the aircraft. The question of whether there is a national issue as described in the complaint will be forwarded to the appropriate office for review. OI/IID will also conduct an investigation into the alleged security vulnerability caused by the louvered blinds located at seven check points in Terminal B at DFW.

Note: Prior to traveling to DFW to interview the Whistleblower complainant, OI/IID learned that Assistant Federal Security Director for Inspections (AFSD-I) Phil Zagloul had retired and that STSI Wes Crow was out of the office on [REDACTED] leave.

Since the allegations against AFSD-I Zagloul were administrative and since Zagloul was no longer an employee and could not be compelled to discuss the issues, OI/IID did not

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

believe interviewing Zaglool would add any value to the investigation and therefore did not attempt to contact Zaglool for an interview.

Additionally, during the investigation STSI Wes Crow was not available for interview because he was out on [REDACTED] leave. Prior to being interviewed, Crow chose to retire. For the same reasons as stated above, OI/IID chose not to attempt to contact Crow for an interview.

Prior to the initial trip to DFW to begin the investigation, the local DFW OI/IID office was contacted to assist with coordinating the interviews. DFW OI/IID advised they had referred multiple allegations regarding hostile work environment and retaliation issues involving AFSD-I Zaglool and STSI Crow to the Management Inquiries Branch (MIB) for investigation. DFW OI/IID also advised that Federal Security Director (FSD) Jimmy Wooten, DFW, had passed away and the new FSD, Cedric Alexander, had only been at DFW for less than one year. This background information is supported by Attachments 11, 15.

As previously stated, the non-security related issues were forwarded to the MIB for appropriate action. An independent management inquiry was conducted, which concluded that AFSD-I Zaglool and STSI Crow's actions were inconsistent with TSA Management Directive 1100.73-5, Employee Responsibilities and Conduct, which describes the workplace standards (Attachment 32).

Additionally, this investigation focused solely on the potential security vulnerabilities resulting from the "turn a blind eye" e-mail and the louvered blinds located at seven checkpoints.

Although it is not specifically annotated in the memoranda of interview, the issue of poor management, hostile work environment and fear of retaliation by Crow and Zaglool was brought up by more than half of the TSIs interviewed during this investigation.

ALLEGATIONS AND FINDINGS

Allegation #1: Per the complaint, TSI Kevin Toth alleged that as a result of the "turn a blind eye" e-mail, "TSA management expressly directed TSA inspectors to disregard security policies by not requiring aircraft operators [REDACTED] for prohibited items," a violation by the air carrier(s) of Aviation Security Directive (SD) 1544-01-10Z, and a violation by DFW management of TSA Management Directive No. 1100.73-5, Employee Responsibilities and Conduct.

Finding #1: On April 20, 2006, STSI Wes Crow responded, via e-mail, to an e-mail from TSI Kevin Toth requesting clarification to comments made the previous day regarding the

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

requirements for aircraft searches. In his response to Toth, STSI Crow wrote, in part: "Sometimes wisdom is knowing when to turn a blind eye!" Assistant Federal Security Director for Inspections (AFSD-I) Phil Zaglool was cc'd on the e-mail from Crow to Toth. The "turn a blind eye" e-mail was sent by Crow to one TSI; Kevin Toth. There were no other TSIs listed in the distribution on the "turn a blind eye" e-mail (Attachment 1).

Neither Zaglool nor Crow were interviewed during the investigation. Zaglool retired on July 1, 2008, prior to the start of the investigation. Crow was unavailable for interview due to [REDACTED] and was on [REDACTED] leave until he retired on August 29, 2008 (Attachments 11, 15, 23, 26).

Allegation #2: Per the complaint, "While Mr. Toth requires air carriers [REDACTED] other TSIs follow Mr. Crow and Mr. Zaglool's instructions and do not require air carriers to conduct such searches," creating a potential security vulnerability, a violation by the air carrier(s) of Aviation Security Directive (SD) 1544-01-10Z, and a violation by DFW management of TSA Management Directive No.1100.73-5, Employee Responsibilities and Conduct.

Finding #2: Toth received the original "turn a blind eye" e-mail from Crow and forwarded the e-mail to the three TSIs he was mentoring at the time (Attachments 7, 9, 13, 28). Of the twelve TSIs assigned to the aviation function of Inspections at DFW in 2006, a total of four received the "turn a blind eye" e-mail (Attachments 7, 9, 10, 13, 14, 16, 17, 18, 19, 20, 21, 28). Of the four who received the "Turn a blind eye" e-mail, only two followed the direction and did not require (from April 2006 through May 2008) their assigned air carriers [REDACTED] (Attachments 9, 13).

Allegation #3: Per the complaint, "TSI Toth explained that neither he nor other TSIs require air carriers [REDACTED] Mr. Toth relies on Mr. Crow and Mr. Zaglool's instructions as his basis for this omission even though he believes they are required to be searched," creating a potential security vulnerability, a violation by the air carrier(s) of Aviation Security Directive (SD) 1544-01-10Z, and a violation by DFW management of TSA Management Directive No.1100.73-5, Employee Responsibilities and Conduct.

Finding #3: Toth received the original "turn a blind eye" e-mail from Crow and forwarded the e-mail to the three TSIs he was mentoring at the time (Attachments 7, 9, 13, 28). Of the twelve TSIs assigned to the aviation function of Inspections at DFW in 2006, four received the "turn a blind eye" e-mail (Attachments 7, 9, 10, 13, 14, 16, 17, 18, 19, 20, 21, 28). All four of the TSIs did not require their assigned air carriers [REDACTED] from April 2006 through May 2008 (Attachments 7, 9, 13, 28). The reason the four TSIs did not require their assigned air carriers to properly self-inspect was due to the "turn a blind eye" e-mail sent by Crow (Attachments 7, 9, 13, 28).

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

Of the remaining eight TSIs, six advised they have always required their assigned air carriers [REDACTED] (Attachments 10, 16, 17, 18, 19, 20). The other two TSIs advised that due to lack of training and poor mentoring, they were unaware of the full requirements regarding the air carrier self-inspections. They are currently requiring their assigned air carriers [REDACTED] (Attachments 14, 21).

Allegation #4: Per the complaint, management officials within the Inspections function at DFW were advised in 2005 of the security vulnerability caused by Venetian (louvered) blinds located at seven checkpoints in Terminal B at DFW and failed to require the airport to timely address the vulnerability as required by 49 CFR 1542.201, access control systems, and 49 CFR 1542.201, security of the secured area. STSI Crow's lack of response is in violation of TSA Management Directive No.1100.73-5, Employee Responsibilities and Conduct.

Finding #4: In 2005 an inspection of the DFW airport disclosed the security vulnerability caused by the louvered blinds at the seven checkpoints in Terminal B and both Crow and Zagloul were aware of the security vulnerability (Attachments 7, 13, 17, 28). In 2005, STSI Crow was told and shown the problem, to which Crow advised that the louvered blinds had been there for years and that the airport would not do anything about the problem (Attachments 7, 13, 28). Current DFW management was made aware of the security vulnerability in May 2008 and immediately addressed the matter with the airport (Attachments 7, 10, 11, 15, 28). During June and July 2008, the airport began to implement changes at some of the checkpoints (Attachments 7, 8, 10, 13, 14, 19). In August 2008, the airport was instructed by TSA to find a solution to the security vulnerability posed by the louvered blinds (Attachments 11, 15). By October 29, 2008, all of the seven checkpoints in Terminal B were secured: five with a fixed wall; one with doors and a wall; and one is actively being utilized by TSA for 16 hours a day, and a guard is posted during the other eight hours (Attachments 28, 29).

Neither Zagloul nor Crow were interviewed during the investigation. Zagloul retired on July 1, 2008, prior to the start of the investigation. Crow was unavailable for interview due to a [REDACTED] and was on [REDACTED] leave until he retired on August 29, 2008 (Attachments 11, 15, 23, 26).

DETAILS OF INVESTIGATION

In a memorandum dated July 10, 2008, Principal Deputy Chief Counsel Margot Bester, OCC, TSA, forwarded to Assistant Administrator K. David Holmes, Office of Inspection, TSA, a Whistleblower Disclosure case filed with the OSC involving allegations that employees at the DFW are instructed to ignore insufficient self-inspections by aircraft operators resulting in a potential security vulnerability.

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

Attached to the memorandum from Bester was a letter dated July 2, 2008, from the OSC to Secretary Michael Chertoff, DHS. In the letter to Secretary Chertoff, the OSC provided a detailed description of the information received from TSI Kevin Toth, DFW. The OSC advised that TSI Toth alleges that "TSA management expressly directed TSA inspectors to disregard security policies by not requiring aircraft operators [REDACTED] [REDACTED] for prohibited items." TSI Toth provided the OSC a package of information containing e-mails and pictures supporting the allegations he made. One of the e-mails in the package was sent by STSI Wes Crow, DFW, to TSI Toth, in which STSI Crow responded to an e-mail requesting clarification regarding the requirements of the air carriers relating to interior searches involving [REDACTED]. In the e-mail response to Toth, Crow wrote, in part, "Sometimes wisdom is knowing when to turn a blind eye!"

Allegation #1: Per the complaint, TSI Kevin Toth alleged that "TSA management expressly directed TSA inspectors to disregard security policies by not requiring aircraft operators [REDACTED] [REDACTED] for prohibited items." Toth provided an e-mail to support the above statement (Attachment 1).

Toth provided background information in an attempt to put the comments made in the "turn a blind eye" e-mail into context. In the late summer of 2005, Toth was assigned to [REDACTED] and quickly discovered an issue [REDACTED] in the cabin of the aircraft. Toth later learned that other air carriers were [REDACTED] and began asking for clarification from both local management and from HQ. In early 2006, Toth sent several (at least six) e-mails to HQ asking for clarification, without receiving a response (Attachment 7).

Toth was in a meeting with STSI Crow and AFSD-I Zagloul on April 19, 2006, and they discussed the issues surrounding the requirement of air carriers [REDACTED]

[REDACTED] On April 20, 2006, Toth prepared an e-mail (to Crow) asking for clarification to the direction provided by Crow and Zagloul the previous day. Toth wrote (Attachment 1):

"Wes, based on conversations yesterday, I want to make sure that I have an understanding as to how we are going to view the interior search of aircraft. As it pertains [REDACTED]

Phil also mentioned that we would take the same approach with [REDACTED]

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

[REDACTED] I know that this was discussed; however I am not sure about the final disposition.

Please advise. I know that you put out an earlier message, how ever this addressed the enforcement issues, and since this guidance no enforcement actions have been initiated. How are we to record our inspections in PARIS?"

Also on April 20, 2006, Crow replied via e-mail, with a carbon copy to Zaglool. Crow wrote the following (Attachment 1):

"Kevin,

Sometimes wisdom is knowing when to turn a blind eye! The air carriers are expected to comply with the SD's & EA's. That's it! I'm sure that if the ASI's don't make the issue a point of intense observation neither will the air carriers. Let's give HQ's some breathing room on this issue and see if they affect any changes. In a month or so we can give Steve J. a call and see what has come of the subject. We need to let this topic take a rest!"

Crow sent the e-mail to one TSI; Kevin Toth, with a carbon copy to Zaglool. No other TSIs were listed in the distribution on the e-mail (Attachment 1).

Toth forwarded the "turn a blind eye" e-mail written by Crow to the three TSIs he was mentoring at the time; Angela Lowry, Arnulfo Salinas, and Gregory Gayden (Attachments 7, 9, 13, 28). Lowry, Salinas and Gayden all confirmed they received the "turn a blind eye" e-mail from Toth (Attachments 9, 13, 28).

Neither Crow nor Zaglool were interviewed. Zaglool retired effective July 1, 2008, and Crow retired effective August 29, 2008 (Attachments 23, 26).

Allegation #2: Per the complaint, "While Mr. Toth requires air carriers [REDACTED] other TSIs follow Mr. Crow and Mr. Zaglool's instructions and do not require air carriers to conduct such searches" (Attachment 1).

In an attempt to determine whether other TSIs at DFW were not requiring their assigned air carriers to perform the proper self-inspections, per the "turn a blind eye" e-mail, all of the TSIs assigned to the aviation function of Inspections at DFW during 2006 were identified (Attachment 6).

Regarding whether other TSIs at DFW followed Crow's and Zaglool's instructions and did not require their assigned air carriers [REDACTED] all 12 of the TSIs were interviewed. The TSIs were asked if they currently require their assigned air carriers [REDACTED]

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

and also whether they have always required their assigned air carriers

(Attachments 7, 9, 10, 13, 14, 16, 17, 18, 19, 20, 21, 28).

Of the four TSIs who received the "turn a blind eye" e-mail, Toth and Gayden advised that they continued to require their assigned air carriers (Attachments 7, 28). The remaining two TSIs, Salinas and Lowry, advised that they did not require their assigned air carriers from April 20, 2006 (the date of the e-mail) until May 2008 (when Crow and Zagloul left the office) (Attachments 9, 13). Lowry indicated she feared for her job and had been subjected to Crow's abuses in the past so she complied with the direction in the e-mail from Crow (Attachments 9).

Of the remaining eight TSIs (who did not receive the "turn a blind eye" e-mail), Aaron Dietz and Efraim Longoria advised there was a period of time when they did not require their assigned air carriers (Attachments 14, 21).

Dietz advised that he did not receive any on-the-job training. Dietz is currently the Acting STSI and does not have any assigned air carriers (Attachment 14).

Longoria advised that he stopped requiring his assigned air carriers because he feared he would lose his job if he kept bringing issues to the attention of management. Longoria specifically recalled an instance when he told Zagloul about the air carriers and Zagloul got frustrated and told him it was not a big deal and not to worry about it (Attachment 21).

The six remaining TSIs all advised that they have always required their assigned air carriers (Attachments 10, 16, 17, 18, 19, 20).

Allegation #3: Per the complaint, "TSI Toth explained that neither he nor other TSIs require air carriers Mr. Toth relies on Mr. Crow and Mr. Zagloul's instructions as his basis for this omission even though he believes they are required to be searched" (Attachment 1).

Regarding whether other TSIs at DFW followed Crow's and Zagloul's instructions and did not require their assigned air carriers all 12 of the TSIs were interviewed. The TSIs were asked if they currently require their assigned air carriers

(Attachments 7, 9, 10, 13, 14, 16, 17, 18, 19, 20, 21, 28).

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

Of the four TSIs who received the "turn a blind eye" e-mail, all four (Toth, Lowry, Salinas, Gayden) indicated they followed the direction in the "turn a blind eye" e-mail and did not require their assigned air carriers [REDACTED] from April 20, 2006 (the date of the e-mail) until May 2008 (when Crow and Zagloul left the office) (Attachments 7, 9, 13, 28).

Of the remaining eight TSIs, Efraim Longoria advised there was a period of time when they did not require his assigned air carriers [REDACTED] (Attachment 21). Longoria advised that when he was assigned to DFW (he is currently with cargo at Dallas-Love Field) his mentor was Wes Crow. Longoria was not aware of the air carrier's requirement [REDACTED] until TSI Kevin Toth was reassigned to be his mentor. Longoria advised there was a point when Zagloul instructed him to stop [REDACTED] because he was tired of seeing violations opened in the Performance And Results Information System (PARIS) (Attachment 21).

The seven remaining TSIs all advised that they have always required their assigned air carriers [REDACTED] (Attachments 10, 14, 16, 17, 18, 19, 20).

Allegation #4: Also as part of the allegations forwarded by TSI Toth to the OSC, Toth alleged that in one terminal, prohibited items could be passed from the non-sterile (passenger) side to the sterile side through openings in Venetian (louvered) blinds (Attachment 1).

Toth advised that when he came to DFW in May 2005, he was initially assigned to Airport inspections. During an airport inspection in 2005, PARIS entry INS2005DFW1135, Toth discovered multiple issues with access controls. One issue involved the Venetian (louvered) blinds located at seven checkpoints in Terminal B. Toth discovered that the wall above the doors did not extend beyond the doors up to the ceiling. The void created by the lack of a wall was covered with louvered blinds, which could be moved and prohibited items could be passed from the public side to the sterile side of the checkpoint (Attachments 1, 7).

Toth was in the airport with Arnulfo Salinas and Gregory Gayden in 2005 when he telephoned Crow to come and look at the security vulnerability created by the louvered blinds. When Crow arrived at the checkpoint he smiled and told Toth that the blinds had been there for years and that the airport would not do anything about the issue. Crow also made additional comments such as, "That dog don't hunt" or "Don't chase that dog" or "Don't beat a dead horse" (Attachments 7, 13, 28). Toth was taken off the inspection team shortly after this incident (Attachment 7).

TSIs Stephanie Craine, Benjamin Mendoza and Aaron Dietz have all been assigned to Airport inspections. Not one of these TSIs conducted an inspection wherein the louvered blinds were addressed as a security vulnerability (Attachments 10, 14, 16). Craine was assigned to Airport inspections right after Toth was removed. Craine advised she did not believe the louvered

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

blinds posed a security vulnerability and stated the blinds had been in place since 1995 (Attachment 10).

On July 29, 2008, OI/IIID personally and physically inspected the louvered blinds located at the seven checkpoints in Terminal B. At the time the area was checked, one checkpoint had been addressed by building a fixed wall from the top of the doors to the ceiling, but the remaining six checkpoints were still a security vulnerability (Attachment 8).

Also on July 29, 2008, Acting Federal Security Director (FSD) Michael Donnelly, who is the Assistant Federal Security Director for Operations (AFSD-OPs), was interviewed to discuss the situation regarding the louvered blinds. Donnelly advised that as soon as FSD Cedric Alexander, who was not the FSD at DFW until September 2007, was advised of the security vulnerability caused by the louvered blinds, he ordered a controlled test to determine if a prohibited item could be introduced from the public side to the sterile side through the louvered blinds. In May 2008, TSI Gayden was assigned to conduct the test. Upon learning that a prohibited item was successfully passed into the sterile area through the louvered blinds, the FSD met with the airport to discuss the security problem. The airport constructed one fixed wall and Donnelly advised that the airport is planning to remodel Terminal B in the next six months to one year, and the louvered blinds would be addressed during the remodel (Attachments 11, 15, 28). Senior Area Inspector Alan Paterno, Office of Security Operations, who assisted on the investigation as a subject matter expert, immediately advised Donnelly the following regarding the louvered blinds:

- the situation must be addressed immediately with the airport;
- waiting six months to one year for a remodel to occur is unacceptable;
- an interim fix would need to be in place immediately to alleviate the security vulnerability caused by the louvered blinds.

Donnelly advised he would tell the FSD immediately and schedule a meeting with the airport (Attachment 11).

By the end of August 2008, a total of three fixed walls had been erected and there were plans to place plexi-glass on top of the remaining louvered blinds until fixed walls could be erected at those checkpoints (Attachment 14).

On October 29, 2008, OI/IIID received word that all seven checkpoints in Terminal B had been addressed and were in compliance with Aviation Security Directive 1544-10A and the AOSSP (Attachments 27, 28).

As early as 2005, DFW Inspections management (Zaglool and Crow) was aware of the security vulnerability created by the louvered blinds at seven checkpoints in Terminal B, and failed to require the airport to fix the problem (Attachments 7, 8, 10, 13, 15, 21, 28).

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

Neither Crow nor Zaglool were interviewed. Zaglool retired effective July 1, 2008, and Crow retired effective August 29, 2008 (Attachments 23, 26).

Actions taken by Office of Security Operations and Transportation Security Network Management as a result of the investigation:

During the course of the investigation additional issues were identified that may have contributed, in part, to the concerns brought forth by TSI Kevin Toth. OI forwarded the report of investigation to the appropriate offices along with a memorandum outlining the additional issues identified during the investigation (Attachment 33). The assistant administrators for the Office of Security Operations (OSO) and the Transportation Sector Network Management (TSNM) were asked to review the report of investigation and provide a response.

In a joint memorandum from the assistant administrators for OSO and TSNM, each of the issues identified were addressed with a detailed comprehensive plan of action (Attachment 34).

Additional information:

- The TSA was not advised of any aggrieved employees.
- The TSA did not identify any dollar savings or projected savings resulting from this investigation.
- The OSO advised of a training initiative in which they plan to produce a training video for the TSIs to address how to properly inspect the interior of the aircraft (Attachment 30).

SUBJECT INFORMATION

Name: Zaglool, Philip M (DOB: [REDACTED], SSAN: [REDACTED])
Position: Assistant Federal Security Director for Inspections
EOD: unknown
Pay Band: K
Employee status: Retired
Administrative status: N/A
Judicial status: N/A

Name: Crow, Wesley W (DOB: [REDACTED], SSAN: [REDACTED])
Position: Supervisory Transportation Security Inspector
EOD: unknown
Pay Band: J
Employee status: Retired
Administrative status: N/A
Judicial status: N/A

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

CASE STATUS

Investigation completed; case closed

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

ATTACHMENTS

Attachment Number	Description
1	Memorandum of Activity regarding the receipt and review of the U.S. Office of Special Counsel package, dated July 18, 2008, with attachment.
2	Memorandum of Activity regarding a conference call with Office of Inspection, Inspections and Investigations Division (OI/IID) personnel, dated July 22, 2008.
3	Memorandum of Interview regarding Branch Chief Stephen Jenkins, Commercial Airline Sector, Transportation Sector Network Management (TSNM), dated July 22, 2008.
4	Memorandum of Interview regarding meeting with Branch Chief Stephen Jenkins and Principal Security Inspector (PSI) Robert Glover, TSNM, and Senior Area Inspector Alan Paterno, Office of Security Operations, dated July 23, 2008, with attachment.
5	Memorandum of Activity regarding a review of the e-mails from Deputy Director Christopher Santoro, Office of Inspection, Inspections and Investigations Division (OI/IID), dated July 22 – 24, 2008, with attached e-mails.
6	Memorandum of Activity regarding a review of the e-mail correspondence regarding the scheduling of interviews, with attached e-mails.
7	Memorandum of Interview regarding Transportation Security Inspector (TSI) Kevin Toth, Dallas-Fort Worth International Airport (DFW), dated July 28, 2008, with attachments.
8	Memorandum of Activity regarding a review of the Venetian (louvered) blinds located at seven checkpoints in Terminal B at DFW, dated July 29, 2008.
9	Memorandum of Interview regarding Transportation Security Inspector (TSI) Angela Lowry, Dallas-Fort Worth International Airport (DFW), dated July 29, 2008, with attached affidavit.
10	Memorandum of Interview regarding Transportation Security Inspector (TSI) Stephanie Craine, Dallas-Fort Worth International Airport (DFW), dated July 29, 2008, with attached affidavit.
11	Memorandum of Interview regarding Assistant Federal Security Director for Operations (AFSD-OPs) Michael Donnelly, Dallas-Fort Worth International Airport (DFW), dated July 29, 2008, with attachments.
12	Memorandum of Activity regarding the [REDACTED] aircraft, dated July 30, 2008.
13	Memorandum of Interview regarding Transportation Security Inspector (TSI) Arnulfo Salinas, Dallas-Fort Worth International Airport (DFW), dated August 25, 2008, with attached affidavit.

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

14	Memorandum of Interview regarding Acting Supervisory Transportation Security Inspector (A/STSI) Aaron Dietz, Dallas-Fort Worth International Airport (DFW), dated August 25, 2008, with attachments.
15	Memorandum of Interview regarding a meeting with Federal Security Director (FSD) Cedric Alexander, AFSD-OPs Michael Donnelly, and Attorney Advisor Mark Holmstrup, DFW, dated August 25, 2008.
16	Memorandum of Interview regarding Transportation Security Inspector (TSI) Benjamin Mendoza, Dallas-Fort Worth International Airport (DFW), dated August 26, 2008, with attached affidavit.
17	Memorandum of Interview regarding Transportation Security Inspector (TSI) Dennis Bonewitz, Dallas-Fort Worth International Airport (DFW), dated August 26, 2008, with attached affidavit.
18	Memorandum of Interview regarding Transportation Security Inspector (TSI) Jerisa Baptist, Dallas-Fort Worth International Airport (DFW), dated August 26, 2008, with attached affidavit.
19	Memorandum of Interview regarding Transportation Security Inspector (TSI) James Martin, Dallas-Fort Worth International Airport (DFW), dated August 27, 2008, with attached affidavit.
20	Memorandum of Interview regarding Transportation Security Inspector (TSI) Rick Strickland, Dallas-Fort Worth International Airport (DFW), dated August 27, 2008, with attached affidavit.
21	Memorandum of Interview regarding Transportation Security Inspector (TSI) Efraim Longoria, Dallas-Fort Worth International Airport (DFW), dated August 27, 2008, with attached affidavit.
22	Memorandum of Interview regarding Supervisory Transportation Security Inspector (STSI) - Cargo Donald Werkstell, Dallas-Fort Worth International Airport (DFW), dated August 25, 2008.
23	Memorandum of Activity regarding the retirement of Assistant Federal Security Director for Inspections (AFSD-I) Philip Zagloul, dated September 22, 2008, with attachments.
24	Memorandum for Assistant Administrator Lee Kair, Office of Security Operations, dated October 23, 2008.
25	Memorandum for Assistant Administrator John Sammon, Transportation Sector Network Management, dated October 23, 2008.
26	Memorandum of Activity regarding the retirement of Supervisory Transportation Security Inspector STSI Wes Crow, dated October 24, 2008, with attachments.
27	Memorandum of Interview regarding Transportation Security Inspector (TSI) Gregory Gayden, Dallas-Fort Worth International Airport (DFW), dated October 29, 2008, with attachments.
28	Memorandum of Interview regarding Transportation Security Inspector (TSI) Gregory Gayden, Dallas-Fort Worth International Airport (DFW), dated October 30, 2008, with attachments.

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

29	Memorandum of Activity regarding a review of the interviews and statements provided by the Transportation Security Inspectors at DFW, dated October 31, 2008, with attachment.
30	Memorandum of Activity regarding a memorandum for Assistant Administrator K. David Holmes, Office of Inspection, from Assistant Administrator Lee Kair, Office of Security Operations, dated November 3, 2008, with attachments.
31	Memorandum of Activity regarding a memorandum for Assistant Administrator K. David Holmes, Office of Inspection, from Assistant Administrator John Sammon, Transportation Sector Network Management (TSNM), dated November 3, 2008.
32	Memorandum of Activity regarding a memorandum for Director Tony Zotto, Office of Inspection, Inspections and Investigations Division, dated November 4, 2008, with attachment.
33	Memorandum for Assistant Administrator Lee Kair, Office of Security Operations, and Assistant Administrator John Sammon, Transportation Sector Network Management, dated November 25, 2008, with attachment.
34	Memorandum of Activity regarding a memorandum for Assistant Administrator K. David Holmes, Office of Inspection, from Assistant Administrator Lee Kair, Office of Security Operations, and Assistant Administrator John Sammon, Transportation Sector Network Management, dated December 16, 2008.

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

ATTACHMENT 1

Attachment 1

SENSITIVE SECURITY INFORMATION



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input checked="" type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time: July 18, 2008
Activity or Interview of: Receipt and review of the package from the U.S. Office of Special Counsel (OSC) to The Honorable Michael Chertoff, Secretary, U.S. Department of Homeland Security (DHS) Regarding allegations of security vulnerabilities existing at DFW, and possibly nationwide	Conducted by: Special Agent Stacey L. Saunier
	Location of Interview/Activity: OI/INVD Arlington, VA

Subject Matter/Remarks

A review of the package of documents forwarded by the U.S. Office of Special Counsel to the Honorable Michael Chertoff, Secretary, U.S. Department of Homeland Security, which was then forwarded to Assistant Administrator K. David Holmes, Transportation Security Administration (TSA) contained the following documents as they pertain to the allegations of security vulnerabilities:

- An e-mail, dated April 20, 2006, at 7:26 a.m., from TSI Kevin Toth to STSI Wes Crow, requesting clarification after a meeting presumably held the previous day (see below).

From: Toth, Kevin
Sent: Thursday, April 20, 2006 7:26 AM
To: Crow, Wes
Subject:

Wes, based on conversations yesterday, I want to make sure that I have an understanding as to how we are going to view the interior search of aircraft. As it pertains [REDACTED]

Phil also mentioned that we would take the same approach [REDACTED]

Case Number: I080315	Case Title: Possible Violation of Security Directive DFW- Regulatory
-------------------------	---

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

[REDACTED] I know that this was discussed; however I am not sure about the final disposition.

Please advise. I know that you put out an earlier message, how ever this addressed the enforcement issues, and since this guidance no enforcement actions have been initiated.. How are we to record our inspections in PARIS?

- A response to the above e-mail from Wes Crow to Kevin Toth, dated April 20, 2006, at 8:10 a.m., (see below):

From: Crow, Wes
Sent: Thursday, April 20, 2006 8:10 AM
To: Toth, Kevin
Cc: Zagloul, Philip

Kevin,

Sometimes wisdom is knowing when to turn a blind eye! The air carriers are expected to comply with the SD's & EA's. That's it! I'm sure that if the ASI's don't make the issue a point of intense observation neither will the air carriers. Let's give HQ's some breathing room on this issue and see if they affect any changes. In a month or so we can give Steve J. a call and see what has come of the subject. We need to let this topic take a rest!

- E-mail dated May 22, 2008, at 1:34 p.m., from Shane Williams, [REDACTED] to TSI Kevin Toth in response to Toth questioning why [REDACTED]
- E-mail dated June 4, 2008, at 11:14 a.m., from Mark LaScola, [REDACTED] to TSI Kevin Toth in response to Toth questioning why [REDACTED]
- E-mail dated June 11, 2008, at 1:44 p.m., from Principal Security Inspector (PSI) Robert Glover, to STSI Vernon Johnson, DFW, advising of the requirement [REDACTED]
- Photographs (2) of two separate areas in Terminal B, picturing the louvered venetian blinds referred to in the complaint.
- Photographs (2) of two different [REDACTED]

Per the cover letter prepared by the OSC, the OSC felt the Whistleblower complainant provided enough information for him to conclude that there was a substantial likelihood that a law rule or regulation had been violated. It was for this reason that the OSC forwarded the complaint for investigation.

Case Number:
I080315

Case Title:
Possible Violation of Security Directive DFW- Regulatory

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

U.S. Department of Homeland Security

Office of Chief Counsel
601 South 12th Street
Arlington, VA 22202



Transportation
Security
Administration

MEMORANDUM

To: David Holmes
Assistant Administrator
Office of Inspection

From: Margot Bester *MB*
Principal Deputy Chief Counsel
Office of Chief Counsel

Date: July 10, 2008

Subject: Whistleblower Disclosure, OSC File No. DI-08-1905

The Office of Chief Counsel has become aware of a whistleblower disclosure filed with the U.S. Office of Special Counsel (OSC), which alleges that employees are instructed to ignore insufficient self-inspections by aircraft operators at Dallas-Fort Worth International Airport (DFW). This disclosure also alleges that, in one of the terminals, items potentially can be passed into the sterile area through openings in Venetian blinds. A copy of the OSC transmittal letter and disclosure are attached.

Pursuant to 5 U.S.C. § 1213, the Special Counsel has determined that there is a substantial likelihood that the information provided discloses a violation of law, rule, or regulation and a substantial and specific danger to public safety. Consequently, the agency is required to conduct an investigation of the allegations and prepare a report for the Special Counsel. 5 U.S.C. § 1213 (c).

The Department of Homeland Security (DHS) Office of General Counsel (OGC) has informed my office that the DHS Office of Inspector General (OIG) has declined the opportunity to investigate this matter. Therefore, the agency needs the Office of Inspection to conduct an investigation.

OSC requires that the investigation include an interview of the whistleblower. In addition, the report of investigation must include:

- (1) a summary of the information with respect to the which the investigation was initiated;
- (2) a description of the conduct of the investigation;
- (3) a summary of any evidence obtained from the investigation;



U.S. OFFICE OF SPECIAL COUNSEL

1130 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

July 2, 2008

The Special Counsel

The Honorable Michael Chertoff
Secretary
U.S. Department of Homeland Security
245 Murray Drive, S.W., Building 410
Washington, D.C. 20528

RECEIVED BY DHS EXEC SEC
2008 JUL -2 PM 2:31

Re: OSC File No. DI-08-1905

Dear Mr. Secretary:

Pursuant to my responsibilities as Special Counsel, I am referring to you a whistleblower disclosure that employees are instructed to ignore insufficient self-inspections by aircraft operators at the Department of Homeland Security, Transportation Security Administration (TSA), Dallas Fort Worth International Airport (DFW), Office of Inspections (OI), Coppell, Texas. The management philosophy at TSA OI at Coppell is reflected in a supervisory official's e-mail to the whistleblower; "[s]ometimes wisdom is knowing when to turn a blind eye!"¹ The whistleblower, Transportation Security Inspector (TSI) Kevin Toth, alleges that TSA management expressly directed TSA inspectors to disregard security policies by not requiring aircraft operators [redacted] for prohibited items. Mr. Toth also alleges that the venetian blinds located outside seven gates in Terminal B at DFW are susceptible to having prohibited items passed through them into the sterile area. Mr. Toth, who has consented to the release of his name, alleges that management's actions to impede oversight over the airlines' self-inspections jeopardize public safety as well as violate a Security Directive, the Aircraft Operator Standard Security Program, and an Emergency Amendment issued to foreign aircraft operators. Accordingly, I am referring this information to you for an investigation of these allegations and a report of your findings.

The U.S. Office of Special Counsel (OSC) is authorized by law to receive disclosures of information from federal employees alleging violations of law, rule, or regulation, gross mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. 5 U.S.C. § 1213(a) and (b). As Special Counsel, if I find, on the basis of the information disclosed, that there is a substantial likelihood that one of these conditions exists, I am required to advise the appropriate agency head of my findings, and the agency head is required to conduct an investigation of the allegations and prepare a report. 5 U.S.C. § 1213(c) and (g).

¹ April 20, 2006, e-mail from Aviation Security Supervisor Wes Crow to Transportation Security Inspector Kevin Toth and Assistant Federal Security Director for Inspections Philip Zaglool.

The Special Counsel

The Honorable Michael Chertoff
Page 2

Specifically, Mr. Toth alleges that on April 19, 2006, Aviation Security Supervisor Wes Crow and Assistant Federal Security Director for Inspections Philip Zagloul instructed TSA inspectors to overlook airlines' failures [REDACTED] Mr. Crow and Mr. Zagloul told inspectors that they were to ask air carriers [REDACTED]

[REDACTED] After he received these instructions, Mr. Toth e-mailed Mr. Crow on April 20, 2006, to confirm the accuracy of these instructions, because Mr. Toth believed they contradicted agency directives. A copy of the e-mail correspondences is attached. Mr. Crow replied promptly to the e-mail, acknowledged the accuracy of the instructions, and carbon copied Mr. Zagloul on the message. Mr. Crow's message stated in its entirety:

Kevin,

Sometimes wisdom is knowing when to turn a blind eye! The air carriers are expected to comply with the SD's [Security Directives] & EA's [Emergency Amendments]. That's it! I'm sure that if the ASI's [Aviation Security Inspectors]² don't make the issue a point of intense observation neither will the air carriers. Let's give HQ's some breathing room on this issue and see if they affect any changes. In a month or so we can give Steve J. [Steve Jenkins]³ a call and see what has come of the subject. We need to let this topic take a rest!

Mr. Toth received no subsequent clarification from either Mr. Crow or Mr. Zagloul on the inspection policies. Mr. Toth is also unaware of any follow-up with Mr. Jenkins or any other individuals in headquarters on this issue.

Aviation Security Directive SD 1544-01-10Z, dated September 27, 2004, requires aircraft operators [REDACTED]

² Aviation Security Inspectors are now known as Transportation Security Inspectors.

³ Steve Jenkins is Branch Chief, Commercial Airlines Sector, Office of Transportation Sector Network Management, Transportation Security Administration.

The Special Counsel

The Honorable Michael Chertoff
Page 3

While Mr. Toth requires air carriers [REDACTED] other TSIs follow Mr. Crow and Mr. Zagloul's instructions and do not require air carriers to conduct such searches. Mr. Toth has faced documented resistance from air carriers after he requested that they [REDACTED]

[REDACTED] Shane Williams, Corporate Manager for Security, [REDACTED] told Mr. Toth via e-mail on May 22, 2008, that [REDACTED] was not part of its approved aircraft search program and it had no intention of changing its procedures. Mr. Williams directed Mr. Toth to contact [REDACTED] Principal Security Inspector (PSI) if he disagreed with his assessment. Mr. Toth contacted [REDACTED] PSI, Dan Glover, TSA Headquarters, Washington, D.C. Mr. Glover replied to Mr. Toth on June 11, 2008, and directed that the [REDACTED]

While [REDACTED] has begun to address the problem of the [REDACTED] [REDACTED] has not. On June 4, 2008, Mark Lascola, General Manager, [REDACTED] told Mr. Toth via e-mail that the [REDACTED] Mr. Toth disagrees with the claim [REDACTED] Mr. Toth suggested [REDACTED]

Additional guidance contained in an August 19, 2004, Operational Procedures and Inspection Guidance: Security Directive(s): 1544-01-10/11 Series, specifically extended the requirement [REDACTED]

[REDACTED] Mr. Toth relies on Mr. Crow and Mr. Zagloul's instructions as his basis for this omission even though he believes they are required to be searched.

Next, Mr. Toth alleged that a vulnerability to airport safety exists outside of gates B17, B19, B22, B24, B27, B33, and B35 in Terminal B by which members of the public may pass prohibited items to passengers in the sterile area. The public areas are separated from the sterile areas by a locked door or wall. The venetian blinds are located directly above the locked doors and walls and proceed at a 45 degree angle slanted towards the public side. Copies of photographs showing the blinds at two such gates are enclosed. Mr. Toth explained that members of the public may readily access the public side of this division and passengers, who have passed through the security checkpoint, may reach the sterile side of this division. The individual blinds may be separated to allow an item over twelve inches wide to pass through the blinds. While he has never seen any items passed through in this manner, Mr. Toth explained that there is no security mechanism in place to prevent this type of occurrence.

I have concluded that there is a substantial likelihood that the information Mr. Toth provided to OSC discloses a violation of law, rule, or regulation and a substantial and specific danger to public safety. As previously stated, I am referring this information to you for an

The Special Counsel

The Honorable Michael Chertoff
Page 4

investigation of Mr. Toth's allegations and a report of your findings within 60 days of your receipt of this letter. By law, the report must be reviewed and signed by you personally. Should you delegate your authority to review and sign the report to the Inspector General, or any other official, the delegation must be specifically stated and must include the authority to take the actions necessary under 5 U.S.C. § 1213(d)(5). Without this information, I would hasten to add that the report may be found deficient. The requirements of the report are set forth at 5 U.S.C. § 1213(c) and (d). A summary of § 1213(d) is enclosed. As a matter of policy, OSC also requires that your investigators interview the whistleblower as part of the agency investigation whenever the whistleblower consents to the disclosure of his or her name.

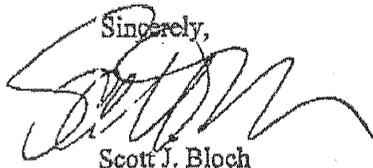
In the event it is not possible to report on the matter within the 60-day time limit under the statute, you may request in writing an extension of time not to exceed 60 days. Please be advised that an extension of time is normally not granted automatically, but only upon a showing of good cause. Accordingly, in the written request for an extension of time, please state specifically the reasons the additional time is needed. Any additional requests for an extension of time must be personally approved by me.

After making the determinations required by 5 U.S.C. § 1213(e)(2), copies of the report, along with any comments on the report from the person making the disclosure and any comments or recommendations by this office, will be sent to the President and the appropriate oversight committees in the Senate and House of Representatives. (5 U.S.C. § 1213(e)(3)).

Unless classified or prohibited from release by law, a copy of the report and any comments will be placed in a public file in accordance with 5 U.S.C. § 1219(a).

Please refer to our file number in any correspondence on this matter. If you need further information, please contact Catherine A. McMullen, Chief, Disclosure Unit, at (202) 254-3604. I am also available for any questions you may have.

Sincerely,



Scott J. Bloch

Enclosures

Enclosure

Requirements of 5 U.S.C. § 1213(d)

Any report required under subsection (c) shall be reviewed and signed by the head of the agency¹ and shall include:

- (1) a summary of the information with respect to which the investigation was initiated;
- (2) a description of the conduct of the investigation;
- (3) a summary of any evidence obtained from the investigation;
- (4) a listing of any violation or apparent violation of law, rule or regulation; and
- (5) a description of any action taken or planned as a result of the investigation, such as:
 - (A) changes in agency rules, regulations or practices;
 - (B) the restoration of any aggrieved employee;
 - (C) disciplinary action against any employee; and
 - (D) referral to the Attorney General of any evidence of criminal violation.

In addition, we are interested in learning of any dollar savings, or projected savings, and any management initiatives that may result from this review.

¹ Should you decide to delegate authority to another official to review and sign the report, your delegation must be specifically stated.

-----Original Message-----

From: Crow, Wes
Sent: Thursday, April 20, 2006 8:10 AM
To: Toth, Kevin
Cc: Zagloul, Phillip
Subject: RE:
Importance: High

Kevin,

Sometimes wisdom is knowing when to turn a blind eye! The air carriers are expected to comply with the SD's & EA's. That's it! I'm sure that if the ASI's don't make the issue a point of intense observation neither will the air carriers. Let's give HQ's some breathing room on this issue and see if they affect any changes. In a month or so we can give Steve J. a call and see what has come of the subject. We need to let this topic take a rest!

Wes W. Crow
Aviation Security Supervisor
Office 469-948-1813
Cell 214-952-5362

-----Original Message-----

From: Toth, Kevin
Sent: Thursday, April 20, 2006 7:26 AM
To: Crow, Wes
Subject:

Wes, based on conversations yesterday, I want to make sure that I have an understanding as to how we are going to view the interior search of aircraft. As it pertains

Phil also mentioned that we would take the same approach

Please advise. I know that you put out an earlier message, how ever this addressed the enforcement issues, and since this guidance no enforcement actions have been initiated. How are we to record our inspections in PARIS?

Kevin C. Toth
DFW International Airport
Coppell, TX
Office: (469) 948-1873
Cell: (214) 952-6165
kevin.toth@dhs.gov

From: Shane Williams [mailto:shane.williams@[REDACTED].com]
Sent: Thursday, May 22, 2008 1:34 PM
To: Toth, Kevin
Cc: Glover, Robert A
Subject: [REDACTED]

Kevin,

We have investigated the [REDACTED] of the 737 that you believe should be searched. We [REDACTED] At this time, we are not changing our aircraft search procedures. If you disagree with this measure, we request that you send this information to our PSI. We will then work to make the change to our approved program through our PSI.

Thanks.

Shane Williams

From: Lascola, Mark [mailto:Mark.Lascola@████████.com]
Sent: Wednesday, June 04, 2008 11:14 AM
To: Toth, Kevin
Cc: Idris, Omar
Subject: ██████████ in 737 ██████████

Kevin,

I have contacted our Headquarters Policy and Procedure Department for Airport Services. The ██████████

Please feel free to contact our headquarters using your TSA liaison with CO for any additional comments or questions as this more of a policy and procedures issue.

Regards,
Mark LaScola
General Manager
██████████

-----Original Message-----

From: Johnson, Vernon <STSI>
Sent: Wed 6/11/2008 1:51 PM
To: Toth, Kevin
Cc: Dietz, Aaron; Michael.Donnelly@dhs.gov
Subject: FW: [REDACTED] Clarification

Kevin,

Please move forward with your findings on [REDACTED] based on the clarification provided by PSI Robert Glover. Thanks for your patience.

Regards,

Vernon W. Johnson
Supervisory Transportation Security Inspector
Department of Homeland Security
Transportation Security Administration
Dallas/Fort Worth International Airport
469-948-1859 | Office
214-298-4977 | Cell
vernon.johnson@dhs.gov

Visit us at www.tsa.gov

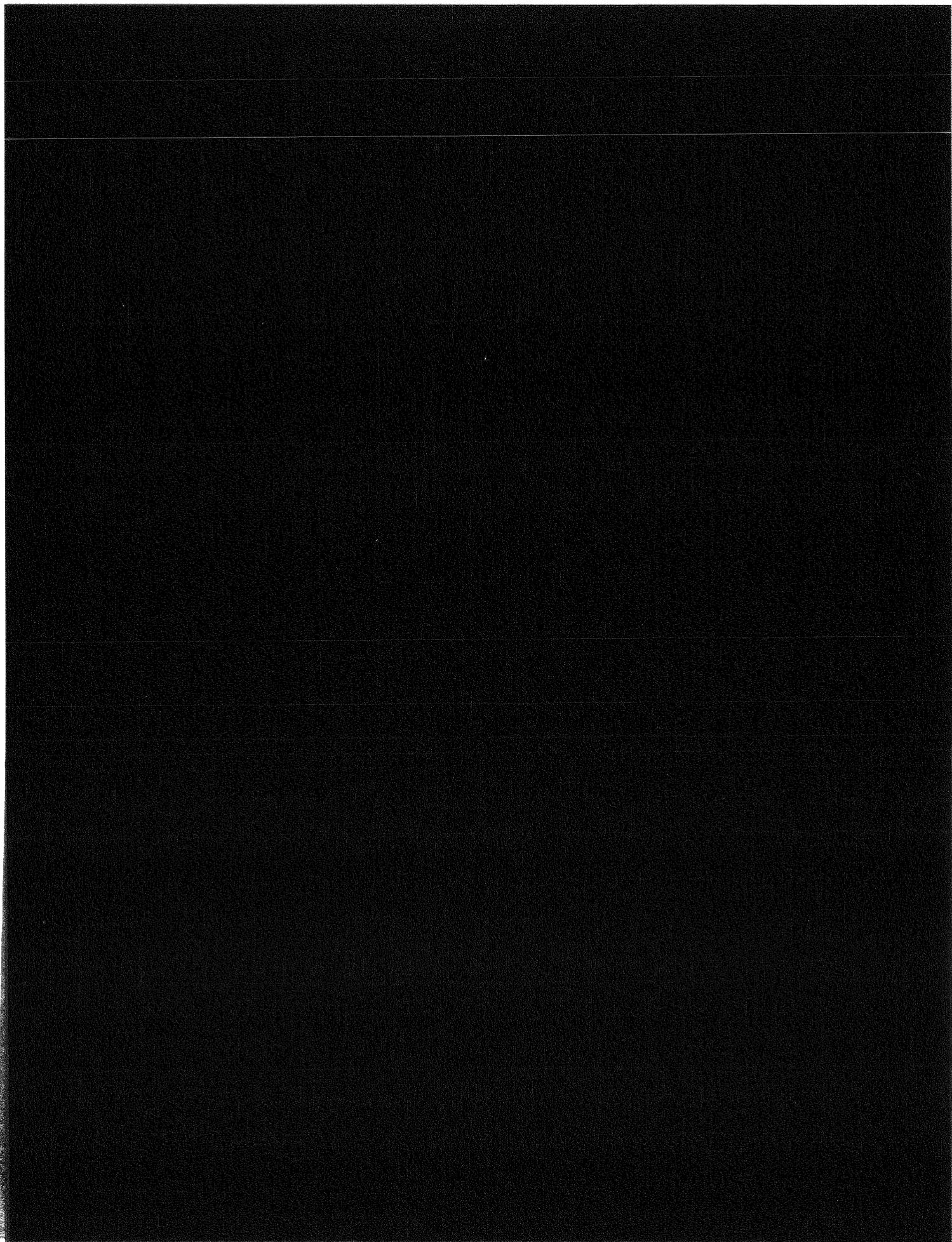
From: Glover, Robert A
Sent: Wednesday, June 11, 2008 1:44 PM
To: Johnson, Vernon <STSI>
Cc: Kris, Joseph E
Subject: [REDACTED] Clarification

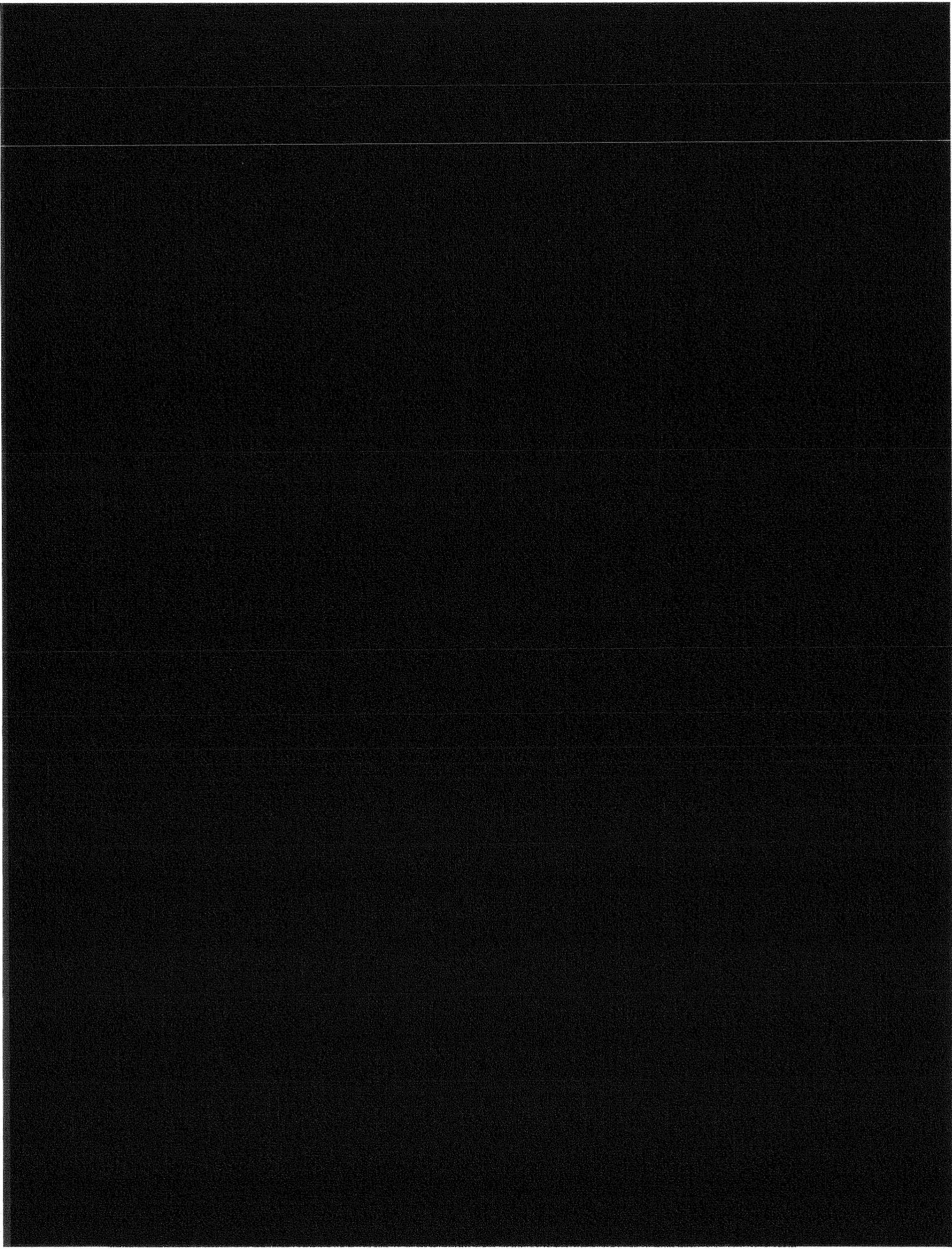
Vernon,

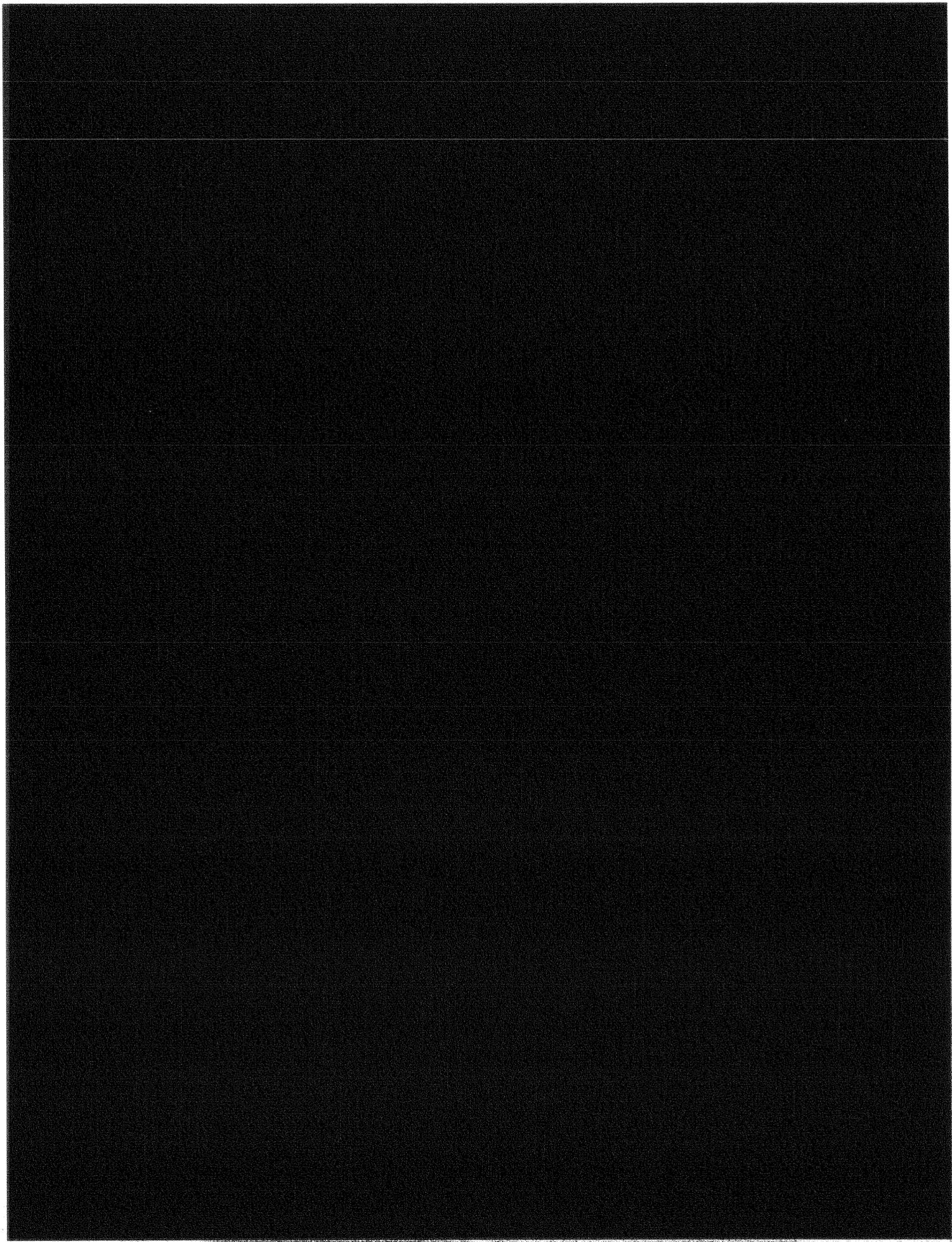
Thought this question was answered already but just found out that it wasn't. So here it is. [REDACTED]

[REDACTED] would be in violation if that is not happening.

Robert







ATTACHMENT 2

Attachment 2

SENSITIVE SECURITY INFORMATION



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input checked="" type="checkbox"/> Other	Date and Time: July 22, 2008 1:30 p.m.
Activity or Interview of: Conference Call Office of Inspection, Inspections and Investigations Division (OI/IID)	Conducted by: Special Agent Stacey L. Saunier
	Location of Interview/Activity: OI/IID Conference Room Arlington, VA

Subject Matter/Remarks

A conference call was scheduled for this date at 1:30 p.m. involving the following individuals:

Assistant Administrator K. David Holmes, Office of Inspection
 Deputy Assistant Administrator Jeff Johns, Office of Inspection
 Director, Tony Zotto, Office of Inspection, Inspections and Investigations Division (OI/IID)
 Deputy Director Christopher Santoro, OI/IID
 Assistant Director Charles Cadden, OI/IID, Headquarters-West
 Deputy Special Agent in Charge Peter Caddigan, OI/IID, Headquarters-West
 Special Agent (SA) Stacey Saunier, OI/IID, Headquarters-West
 Deputy Special Agent in Charge Matthew Albence, Dallas Field Office-West (telecon)

The purpose of the conference call was to:

- Brief all of OI/IID leadership of the Whistleblower disclosure allegations forwarded to OI/IID from the Office of Special Counsel (OSC).
- Formulate a plan to address the Whistleblower disclosure allegations leveled by Transportation Security Inspector (TSI) Kevin Toth, Dallas-Fort Worth International Airport (DFW).
- Notify the respective functional areas of the potential for security vulnerabilities if the allegations were accurate.

Case Number: I080315	Case Title: Possible Violation of Security Directive DFW- Regulatory
-------------------------	---

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C. 552.

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

After briefing all of the parties of the allegations contained in the OSC referral, the following was decided:

- AA Holmes advised there was a need to ensure that the policy regarding air carrier self inspections and aircraft searches was being enforced across the country uniformly.
- AA Holmes advised that although the investigation had just begun, the information contained in the complaint had enough specifics to warrant the Compliance branch be made aware of the issues upfront so they could take appropriate action, if they deemed it necessary.
 - Deputy Director Chris Santoro advised he would attempt to schedule a meeting with Ray White, Mel Carraway, Brent Pope, and the three area directors.
 - The purpose of the meeting would be to pass along the information contained in the complaint.
 - As the subject matter experts, they would decide what, if anything should be done to address any security vulnerability posed in the complaint.
- The need for a subject matter expert (SME) to assist during the interview of the complainant and others at DFW was discussed.
 - SA Saunier advised she would request an SME from the Compliance branch.
- DSAIC Albence briefed the attendees of the following issues at DFW:
 - In May 2008, his office received information regarding complaints of hostile work environment involving Assistant Federal Security Director for Inspections (AFSD-I) Philip Zaglool and Supervisory Transportation Security Inspector (STSI) Wes Crow.
 - The complaints were leveled by multiple TSIs; including TSI Kevin Toth, the Whistleblower complainant.
 - The entire complaint package was forwarded by the DFW OI/IID to the Headquarters (HQ) Hotline team.
 - The Hotline team determined the complaint was management related and forwarded the information to the Management Inquiries Branch (MIB) for appropriate action.
 - The DFW local attorney recognized that there was information contained in the complaint package DFW management prepared that he believed should be addressed by DFW OI/IID.
 - DFW OI/IID forwarded that information to the Hotline team at HQ.
 - The information was forwarded to the MIB to be incorporated with the prior complaint.
 - AFSD-I Phil Zaglool left the office around mid-May 2008, and ultimately retired.
 - STSI Wes Crow has been out on [REDACTED] leave since mid-May 2008.
 - The FSD during the timeframe in question (2006) passed away.
 - The new FSD, Cedric Alexander, has been at DFW for less than one year.
 - There is at least one TSI that has filed a complaint against management (Zaglool and Crow) for hostile work environment and equal employment opportunity violations.

Case Number:
I080315

Case Title:
Possible Violation of Security Directive DFW- Regulatory

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C. 552.

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

- SA Saunier advised the group that the prior complaints that had been forwarded to the MIB had in fact been sent by the MIB to the DFW management team for a review of the issues and a response back to the MIB.
- Additionally, DFW management was given a deadline to respond, and the deadline has passed.
- The MIB will make an additional request for the results of the local management inquiry.

- SA Saunier then advised of the following investigative plan:
 - Coordinate with the DFW office to arrange for the interview of the Whistleblower complainant, TSI Kevin Toth, along with other TSIs during the planned trip to DFW on July 28, 2008.
 - Identify all of the TSIs that were assigned to the aviation section at DFW (during the April 2006 timeframe and earlier) and interview them regarding their knowledge of the "turn a blind eye" e-mail and also whether they followed the direction of the "turn a blind eye" e-mail.
 - Determine how many airlines were properly following the security directives regarding searching [REDACTED]
 - The possible need for multiple visits to DFW due to the number of TSIs to be interviewed.
 - Board aircraft to see firsthand what the issues are.
 - Determine what action, if any, the DFW senior management team has taken upon learning of the issues
 - Physically review the louvered blinds at the seven checkpoints in Terminal B.
 - Determine what if any action has been taken regarding the louvered blinds.
 - Upon completion of the investigation, report on the findings and also report on any changes to policy as a result of the investigation.

Case Number:

1080315

Case Title:

Possible Violation of Security Directive DFW- Regulatory

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C. 552

ATTACHMENT 3

Attachment 3

SENSITIVE SECURITY INFORMATION



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input type="checkbox"/> Personal Interview <input checked="" type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time: July 22, 2008 4:10 p.m.
Activity or Interview of: Stephen Jenkins Branch Chief Commercial Airline Sector Transportation Sector Network Management (TSNM)	Conducted by: Special Agent Stacey Saunier
	Location of Interview/Activity: Telephonic

Subject Matter/Remarks

Jenkins was contacted to establish if he was the appropriate party to provide background information regarding aircraft searches and the requirements to search [REDACTED]. I also advised Jenkins that his name was mentioned in an e-mail from April 2006. Upon reading the e-mail to Jenkins he advised that he would provide assistance if necessary.

Jenkins advised that he was responsible for the Principal Security Inspectors (PSI) who are TSA employees located at TSA headquarters (HQ). Jenkins acknowledged that PSI Robert Glover was one of his employees.

Jenkins was advised that the allegation being made was that Regulatory officials at the Dallas-Fort Worth International Airport (DFW) had instructed the Transportation Security Inspectors (TSIs) to "turn a blind eye" when it came to air carriers self inspections involving the [REDACTED].

Jenkins was asked if he could recall anything happening in the Spring of 2006 that would have prompted an emergency meeting at DFW and that would have an impact on the search of aircrafts. Jenkins provided the following:

The Office of Compliance would be the appropriate office to contact regarding the allegation against the Regulatory officials at DFW. Additionally, he believes the reason for the additional

Case Number: 1080315	Case Title: Possible Violation of Security Directive DFW- Regulatory
-------------------------	---

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C. 552.

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

scrutiny regarding [REDACTED]

However he believed these incidents happened in 2003 and 2004 respectively; prior to the April 2006 timeframe.

The April 20, 2006, e-mail was read to Jenkins. Jenkins indicated that the air carriers are required to conduct their searches in accordance with their search plan, which is filed with and approved by the TSA. If the air carrier is found not to have completed the search in accordance with the search plan, and in violation of the security directive, the TSI is responsible for reporting the violation and documenting the issue in the Performance And Results Information System (PARIS).

Jenkins recommended having a meeting with someone from the Office of Compliance and he would also have PSI Robert Glover available for the meeting.

Case Number:
1080315

Case Title:
Possible Violation of Security Directive DFW- Regulatory

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C. 552.

ATTACHMENT 4

Attachment 4

SENSITIVE SECURITY INFORMATION



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input checked="" type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time: July 23, 2008 1:00 p.m.
Activity or Interview of: Stephen Jenkins, Branch Chief Commercial Airline Sector Transportation Sector Network Management (TSNM) Robert Glover Principal Security Inspector (PSI) TSNM Alan Paterno Senior Area Inspector Inspections Oversight Division Compliance	Conducted by: Special Agent Stacey Saunier Location of Interview/Activity: 601 S. 12 th Street 10 th Floor Arlington, VA

Subject Matter/Remarks

Jenkins coordinated a meeting to include PSI Robert Glover. Also, through the assistance of General Manager Brent Pope, Office of Security Operations (OSO), Compliance, Senior Area Inspector Alan Paterno, Compliance, attended the meeting.

I introduced and identified myself to Robert Glover and Alan Paterno. Paterno explained that his boss, Brent Pope, had assigned him as the subject matter expert (SME) to travel with me on the Dallas-Fort Worth International Airport (DFW) trip next week, and as such, he was to attend the meeting to obtain the facts surrounding the assignment.

I explained the purpose for the meeting and advised I needed clarification on the issues contained in the whistleblower disclosure complaint. Specifically, I needed to understand the aircraft self inspection process and the requirements of the airlines regarding the searching [REDACTED] [REDACTED] I provided the background

Case Number: 1080315	Case Title: Possible Violation of Security Directive DFW- Regulatory
-------------------------	---

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C. 552.

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

information regarding the complaint and explained that I would be traveling to DFW to interview the complainant the following week.

I asked PSI Robert Glover whether he recalled an e-mail exchange he had with various Transportation Security Inspectors (TSIs) at DFW regarding searching [REDACTED]. Glover advised the following:

He recalled the issue and explained he was surprised that the issue of whether the airlines were required to search [REDACTED]. Glover believed this issue had been addressed years ago, but he answered the question raised by the TSIs in DFW and told them the airlines did need [REDACTED].

Glover explained that the problem is possibly due to the airlines' interpretation of the requirements for searching [REDACTED]. Some airlines assert that the [REDACTED].

Additionally, some airlines assert that the [REDACTED].

Regarding the safety issue, Glover explained that some of the [REDACTED].

In the e-mail exchange with the TSIs at DFW, the airline representative indicated that the search [REDACTED] and therefore they did not search the [REDACTED].

At this point Jenkins requested a copy of the search plan for [REDACTED] which Glover provided. A review of the search plan revealed it was dated 2003, and there had not been an updated search plan filed by [REDACTED].

Jenkins, Glover and Paterno all agreed that it is the responsibility of each TSI to determine the validity of the assertions made by the airline personnel. If the TSI finds that the airlines have not conducted their search in accordance with the security directive and/or emergency amendment, then the TSI is to write up a finding and document the finding in PARIS.

Recognizing that the amendment to the security directive regarding the requirement to search [REDACTED] was dated in 2004, I commented that [REDACTED] search plan, which is dated 2003, clearly did not include the searching [REDACTED] which have been required starting in 2004. Paterno and Glover agreed that the search plan was approved prior to the amendment regarding the [REDACTED].

Case Number:
1080315

Case Title:
Possible Violation of Security Directive DFW- Regulatory

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C. 552.

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

A copy of the [REDACTED] search plan is attached to this memorandum of interview.

Case Number:
I080315

Case Title:
Possible Violation of Security Directive DFW- Regulatory

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

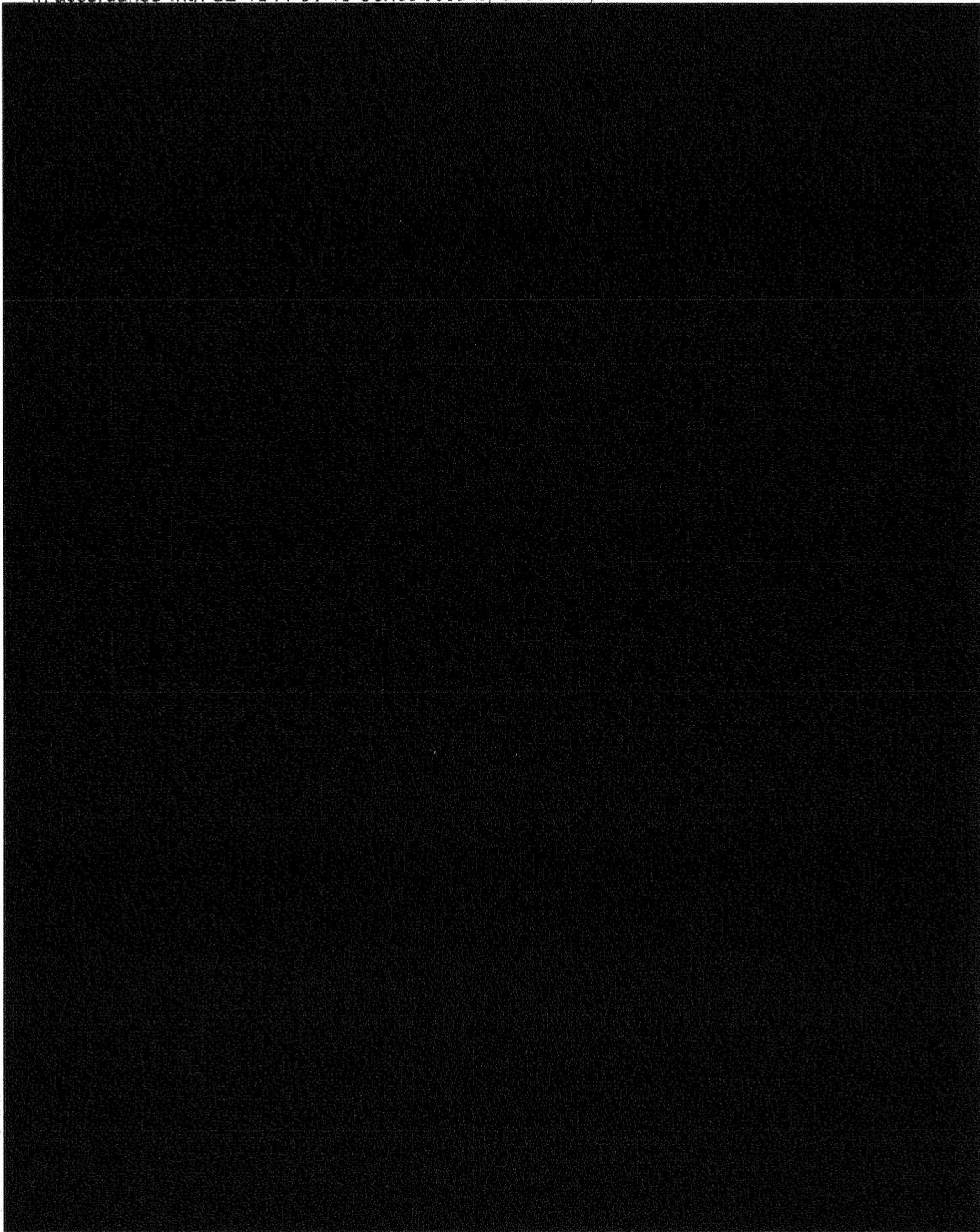
WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C. 552.

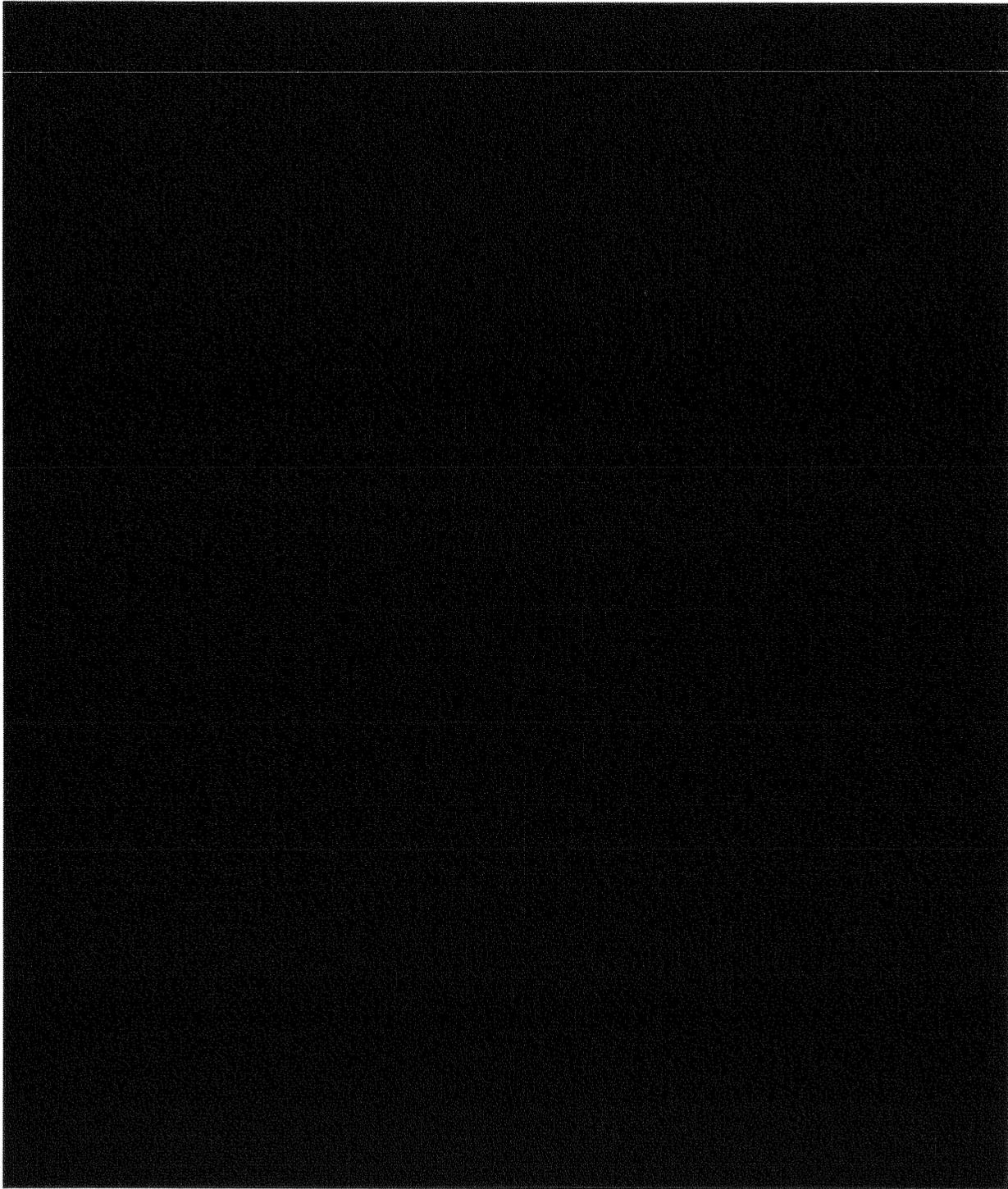


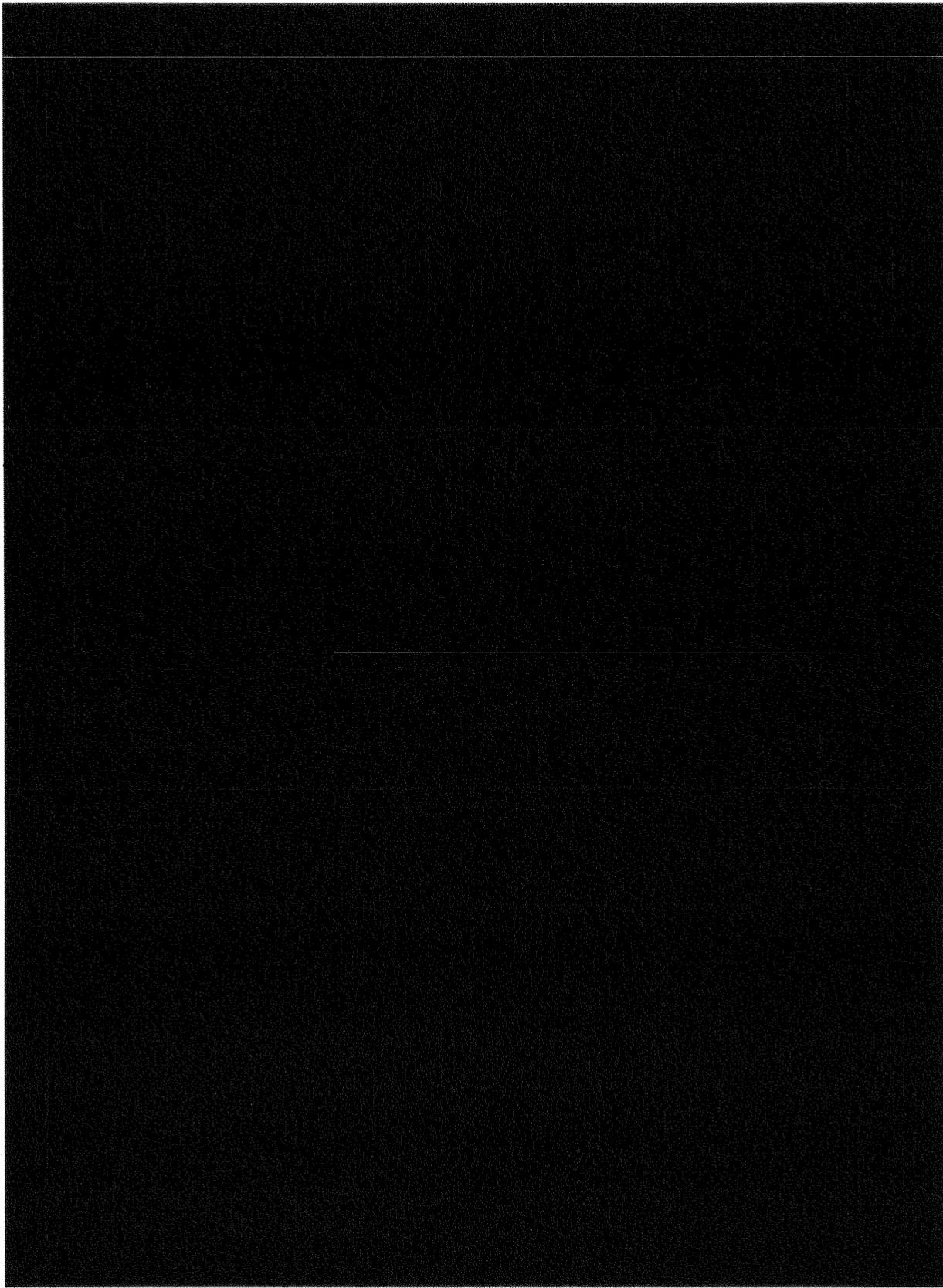
Aircraft Security Search

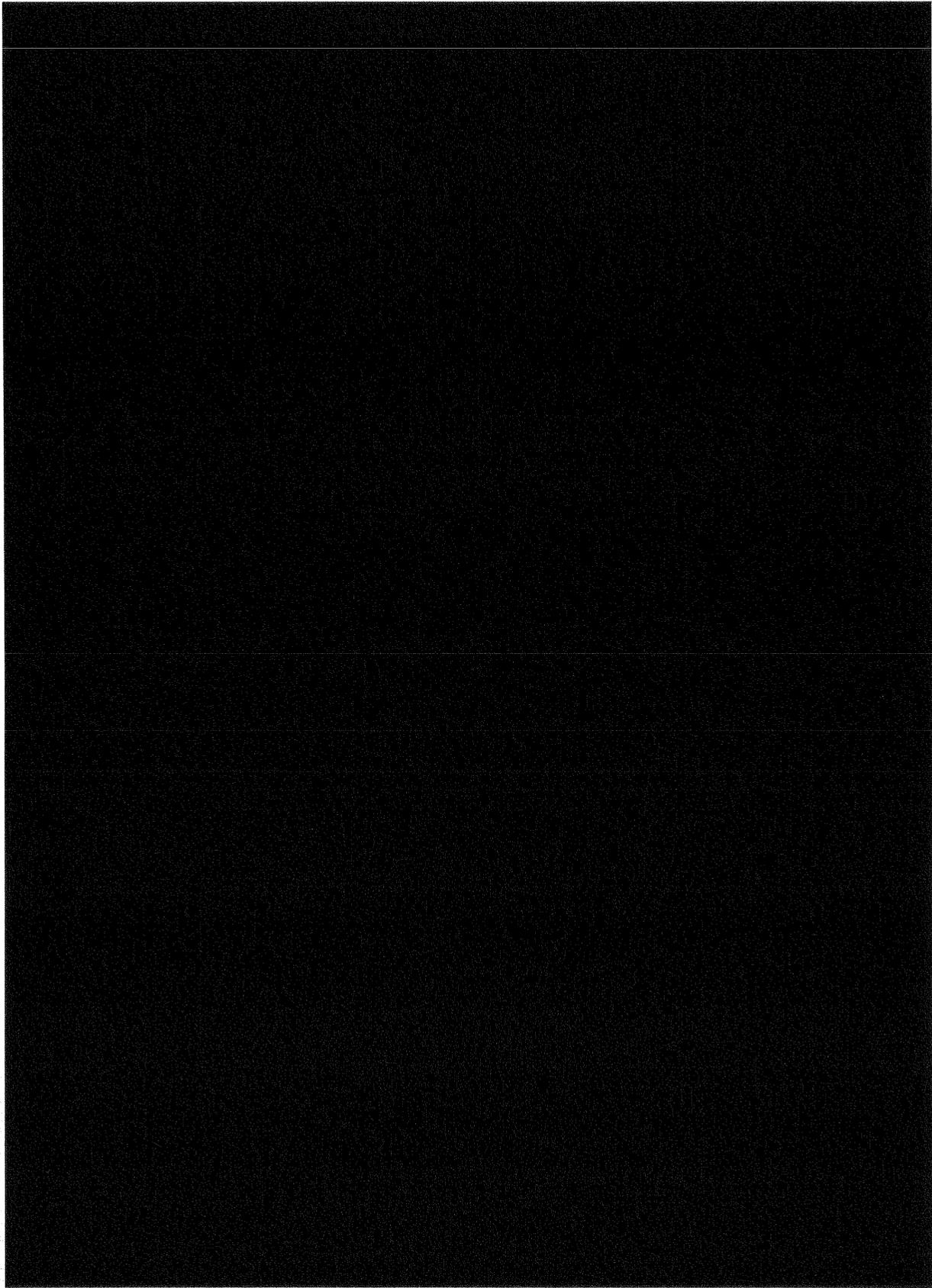
Aircraft Security Search

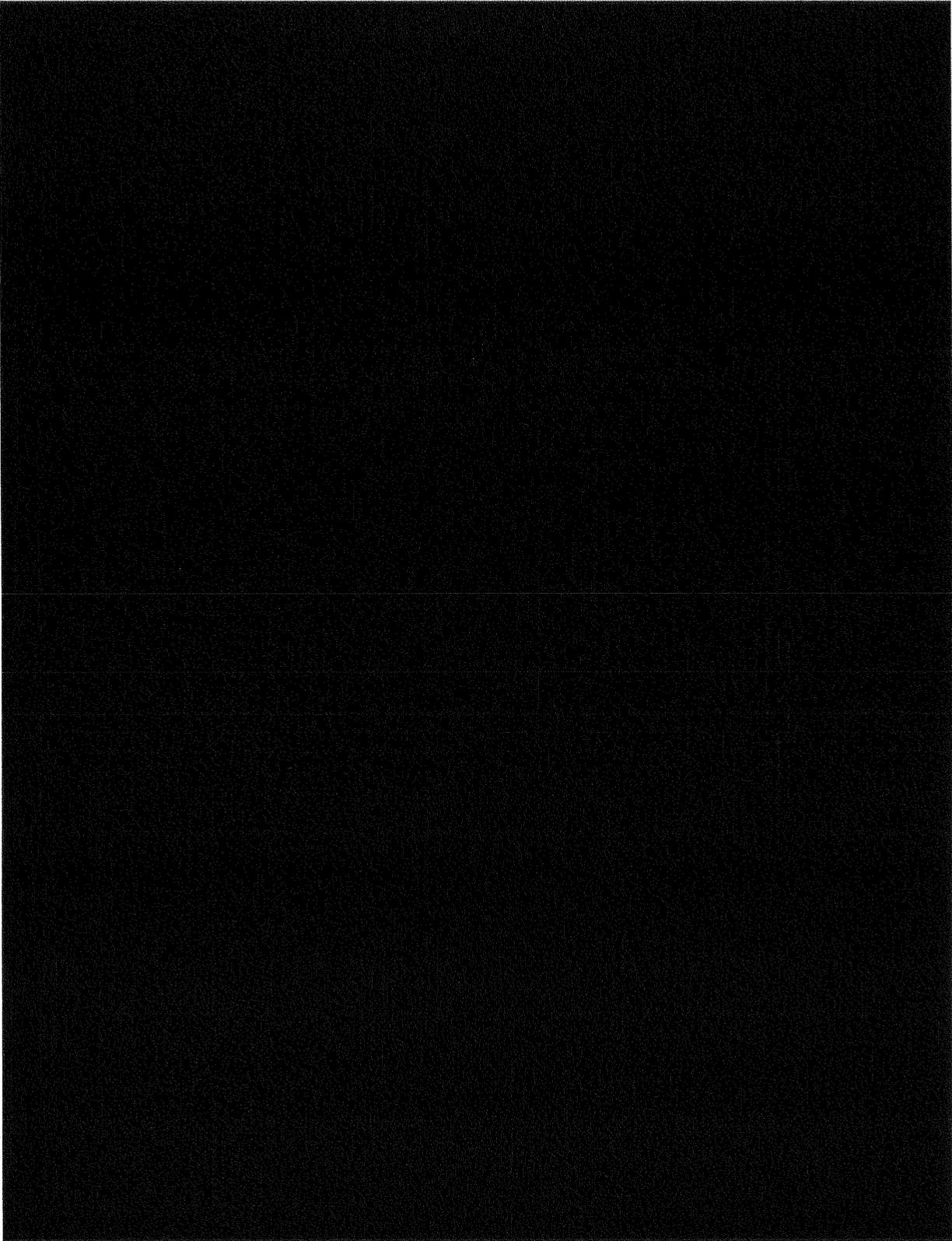
In accordance with SD 1544-01-10 Series security directives, each aircraft must be searched at

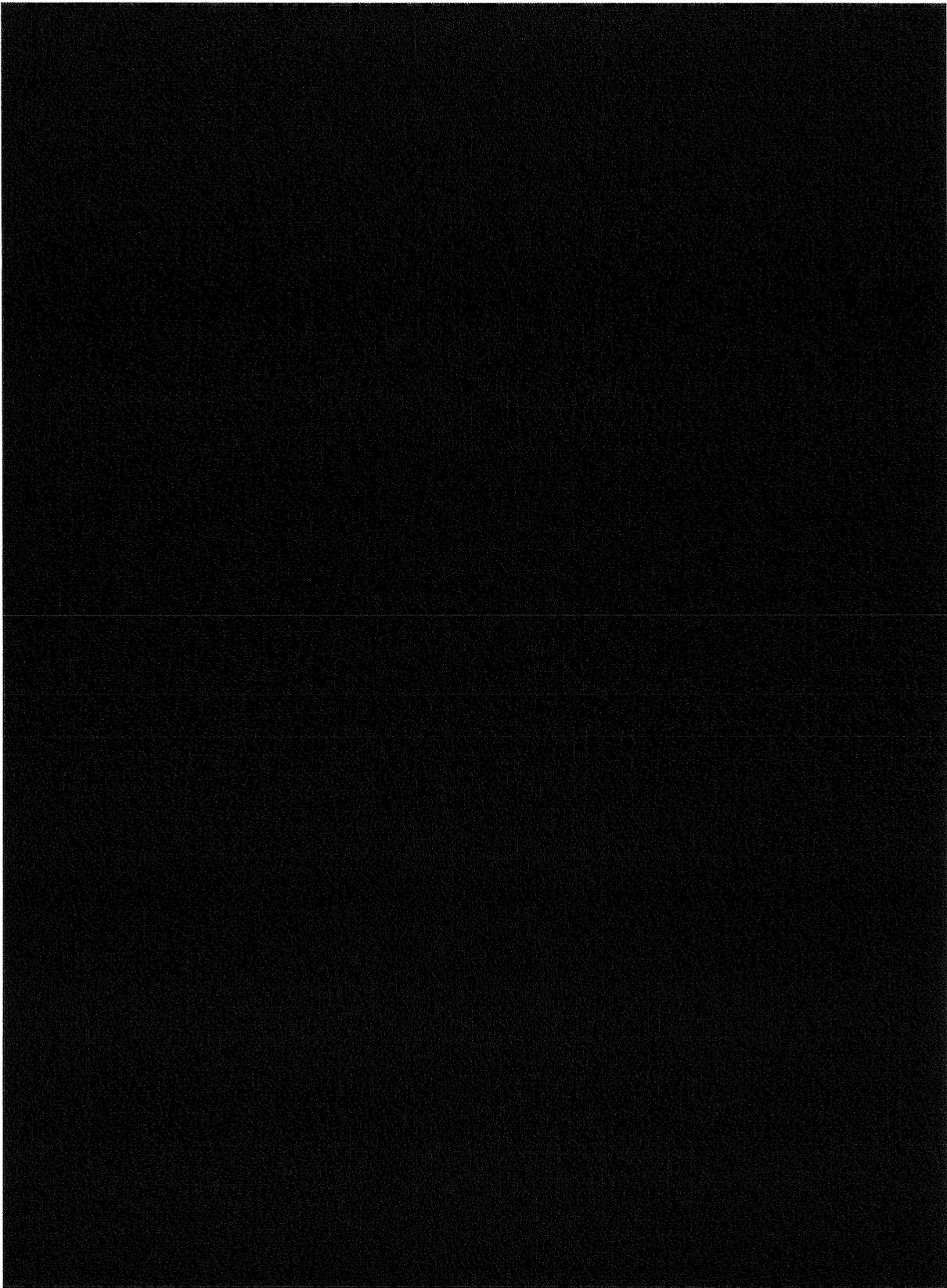


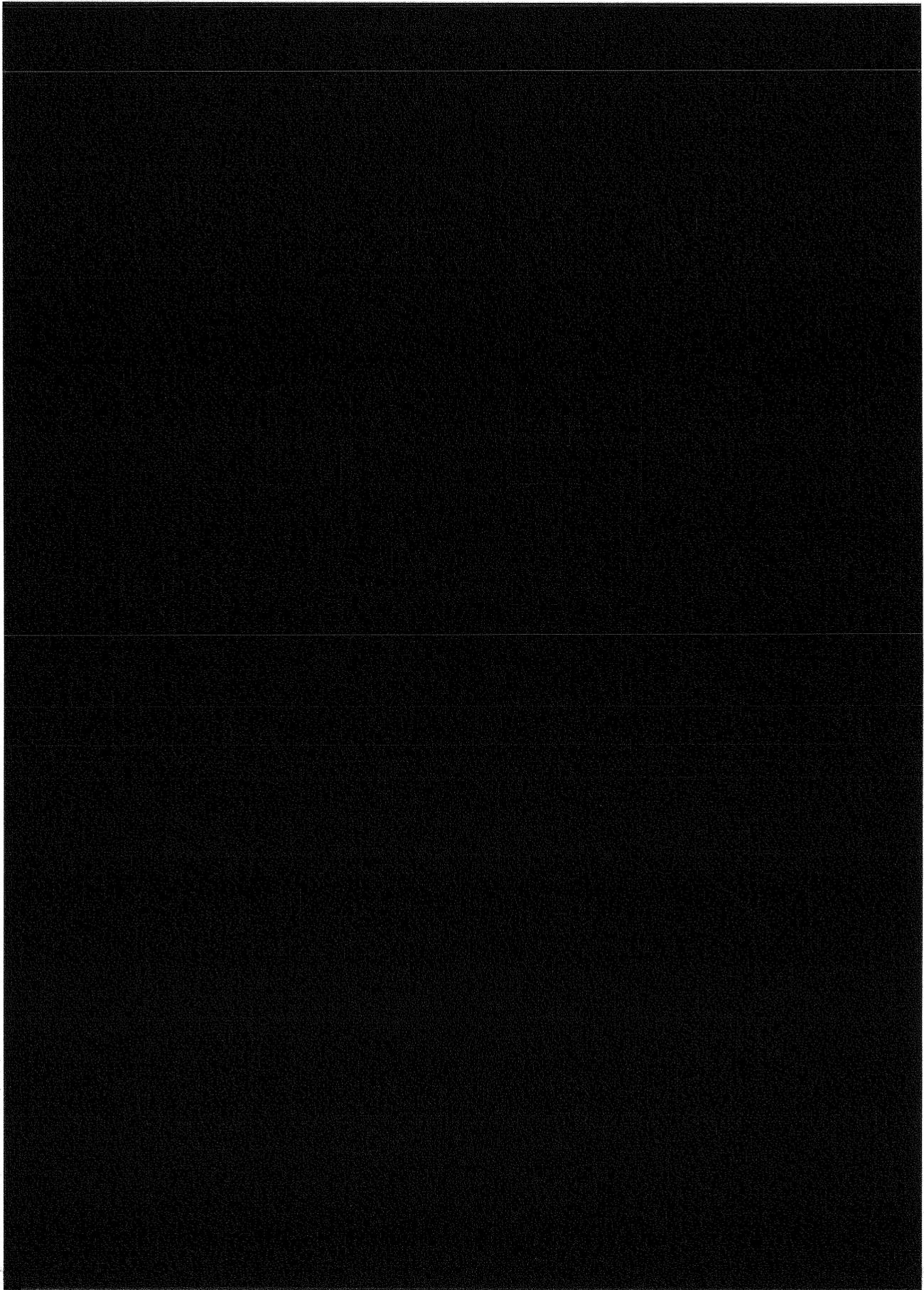










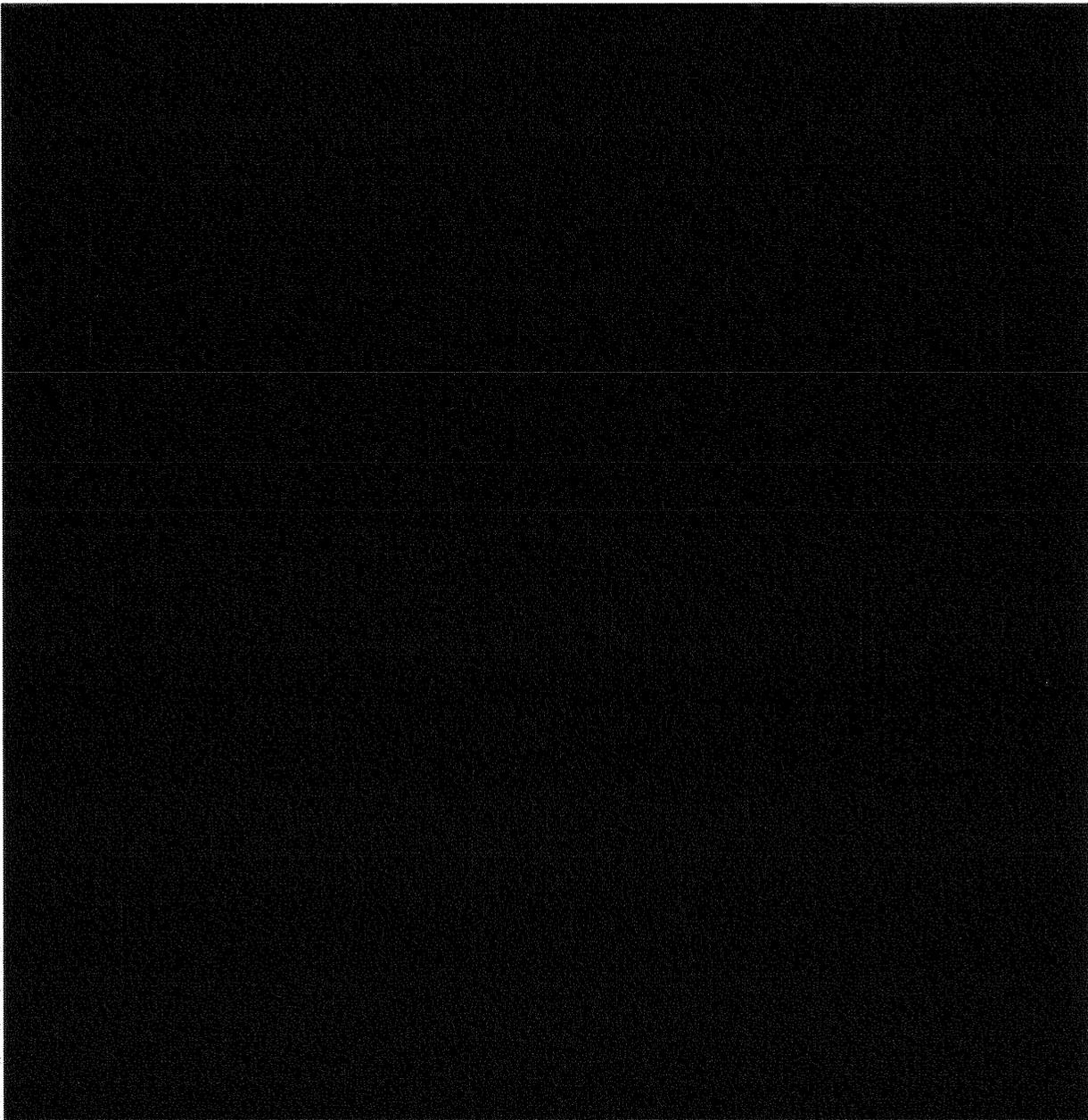


Discovery of a Suspect Item

During the search of the aircraft, if a suspect item is discovered you must contact SOC immediately.

Documenting the Search

When the aircraft search has been completed, a customer service agent must document the name and employee number of each person participating in the aircraft search. The information must be recorded in the flight's Shift Log report contained in FTWeb.



ATTACHMENT 5

Attachment 5

SENSITIVE SECURITY INFORMATION



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input checked="" type="checkbox"/> Other	Date and Time: July 22 – 24, 2008
Activity or Interview of: Review of E-mails from Christopher Santoro Deputy Director (DD) Office of Inspection (OI)	Conducted by: Special Agent Stacey L. Saunier
	Location of Interview/Activity: Office of Inspection, Inspections and Investigations Division (OI/IID) Arlington, VA

Subject Matter/Remarks

At 3:34 p.m. on July 22, 2008, after the conference call, DD Santoro sent an e-mail to the following individuals in an attempt to schedule a meeting:

Mel Carraway
 Mark Haught
 Gerald Chapman
 Jack Shea
 Ray White (cc'd)

On July 23, 2008, at 1:39 p.m., Santoro advised me he had scheduled a meeting for the following day at 10:00 a.m. and asked if I were available.

Note: I was unavailable due to a prescheduled qualifications training day.

On July 24, 2008, DD Santoro sent me an e-mail recapping the meeting held earlier with Ray White, Mel Carraway, Mark Haught, Gerald Chapman and Jack Shea. Santoro advised he made the individuals aware of the alleged security vulnerabilities outlined in the complaint.

Santoro advised that the OSO senior leadership would decide what action, if any, they would take on a national level. A copy of the e-mails mentioned above is attached to this memorandum of activity.

Case Number: I080315	Case Title: Possible Violation of Security Directive DFW- Regulatory
-------------------------	---

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C. 552.

Saunier, Stacey

From: Santoro, Christopher
Sent: Tuesday, July 22, 2008 3:34 PM
To: Haught, Mark; Chapman, Gerald; Shea, Jack, E; Carraway, Melvin
Cc: White, Ray; Saunier, Stacey
Subject: OI briefing on potential vulnerability

Mel, Mark, Gerald, and Jack,

Dave Holmes has asked that we brief you on some information that has been referred to us for factfinding. It will be about a 5-minute discussion. I understand that SA Stacey Saunier from our office (who is working this case) is already on Jack's schedule for an unrelated matter tomorrow at 10am. If all of you are available, I was hoping I might come over with Stacey at 10, talk for a few minutes, and then Stacey and Jack can continue their discussion.

If that time doesn't work, please let me know what may be convenient for you and we can come over then. Thanks,

Chris

CHRISTOPHER A. SANTORO
Deputy Director, Investigations
Office of Inspection
Transportation Security Administration

571) 227-3033 - voice
571) 227-1383 - fax
christopher.santoro@dhs.gov

Saunier, Stacey

From: Santoro, Christopher
Sent: Wednesday, July 23, 2008 1:39 PM
To: Saunier, Stacey
Cc: Caddigan, Peter; Cadden, Charles; Zotto, Tony; Holmes, David <TSA HQ>; Johns, Jeff
Subject: Meeting w/ Mel & area directors

Stacey,

The meeting w/ Mel and area directors re: the security concerns arising from the OSC issue is going to be tomorrow at 10am at Mel's office. Are you available? Thanks,

Chris

Saunier, Stacey

From: Santoro, Christopher
Sent: Thursday, July 24, 2008 10:45 AM
To: Saunier, Stacey
Cc: Zotto, Tony; Cadden, Charles; Colonna, Jackie; Caddigan, Peter; Holmes, David <TSA HQ>; Johns, Jeff
Subject: Meeting w/ OSO re: aircraft inspections

Stacey,

This morning I met with OSO (including Ray White, Mel Carraway, and all three area directors) to alert them to the issues raised by the DFW OSC matter. I shared with them the nature of the alleged security vulnerability and the (limited) role our office has with respect to the underlying conduct.

As a result of the meeting, OSO will determine what, if any, action to take on a national level. Among the items that may be of interest in your inquiry are:

- 1) Apparently an AFSD-I at [REDACTED] either recently resigned or was removed amid allegations of similar conduct;
- 2) In around 2002, TSA's manual for conducting compliance inspections contained language emphasizing that remediating a violation was preferable to issuing an EIR (i.e., if an inspector was able to bring a carrier into compliance without a fine, that was the agency's preferred approach). Ray White suggested that you review this manual and its updates as good background for your inquiry.
- 3) Brent Pope's team has or is about to begin an inquiry into similar matters nationwide. (I know you and I spoke about Brent yesterday – he was not at the meeting this morning.)
- 4) The consensus among some of the attendees at the meeting was that there may be a definitional issue at play here. Some carriers may define [REDACTED] differently than others. It was not clear from the discussion whether TSA has ever issued its own definition of [REDACTED] that may or may not be in the manual or a regulation – probably something or your subject-matter expert to assist with.

Chris

ATTACHMENT 6

Attachment 6

SENSITIVE SECURITY INFORMATION



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input checked="" type="checkbox"/> Other	Date and Time: July 23 – 24, 2008
Activity or Interview of: Review of E-mail correspondence regarding the scheduling of the interviews of the Transportations Security Inspectors (TSIs) assigned to the Dallas-Fort Worth International Airport (DFW) Inspections function during the week of July 28, 2008	Conducted by: Special Agent Stacey L. Saunier
	Location of Interview/Activity: Office of Inspection, Inspections and Investigations Division (OI/IID) Arlington, VA

Subject Matter/Remarks

On July 23, 2008, Special Agent (SA) Tony Delano, Dallas Fort Worth (DFW) Field Office, OI/IID, at my request sent an e-mail to Supervisory Transportation Security Inspector (STSI) Vernon Johnson, Inspections, DFW, requesting the schedules of the TSIs in the DFW office for the following week.

Upon reading the request, I recognized that there could be more TSIs that were assigned to aviation in 2006 but possibly were now assigned to cargo, or that had left the TSA. I requested SA Delano make an additional request for that information.

On July 24, 2008, SA Delano forwarded the schedules of each of the TSIs assigned to DFW along with those TSIs that were at DFW in 2006 and have either transferred to cargo or were at other locations.

SA Delano also advised that the Federal Security Director (FSD), Cedric Alexander, would not be available that week, and that the Assistant Federal Security Director for Operations, Michael Donnelly, would be available to assist in any way.

Attached to this memorandum of activity are the above referenced e-mails.

Case Number: 1080315	Case Title: Possible Violation of Security Directive DFW- Regulatory
-------------------------	---

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

Saunier, Stacey

From: Delano, Anthony
Sent: Thursday, July 24, 2008 2:58 PM
To: Johnson, Vernon <STSI>
Cc: Albence, Matthew; Homan, Thomas <TSA>; Saunier, Stacey
Subject: FW: Availability of Named Aviation Inspectors

Mr. Johnson,

We very much appreciate the offer of your conference room but as you can read below, we will use the interview room in our office area. In addition, Special Agent in Charge Tom Homan will be available to senior DFW FSD management to address any concerns next week.

Thanks,
Tony Delano

From: Saunier, Stacey
Sent: Thursday, July 24, 2008 1:45 PM
To: Delano, Anthony
Cc: Albence, Matthew; Homan, Thomas <TSA>
Subject: RE: Availability of Named Aviation Inspectors

Tony,

Due to the sensitive nature of the information being alleged, I would like to avoid using the conference room in the Regulatory space if possible. Additionally, in an attempt to ensure that there can be no valid complaints made against OI for not being impartial, I have not planned an in-brief, and will assess the situation prior to leaving and consider whether to give an out-brief at that time.

Mr. Donnelly most likely will be officially interviewed while I am there, but not as an in-brief.

Thanks for all the hard work.

Stacey L. Saunier
Special Agent
TSA-Office of Inspection
571-227-1727 - desk
202-841-5068 - cell

From: Delano, Anthony
Sent: Thursday, July 24, 2008 1:56 PM
To: Johnson, Vernon <STSI>; Saunier, Stacey
Cc: Albence, Matthew; Homan, Thomas <TSA>
Subject: RE: Availability of Named Aviation Inspectors

Stacey,

Mr. Johnson provided the below requested information. Mike Donnelly, the Acting FSD this week and next, wanted to know if you were planning to have an in-brief prior to conducting interviews. Mr. Johnson has reserved the small conference room at their

office in order to conduct interviews.

Mr. Johnson,

We very much appreciate your assistance.

Thank you,
Tony Delano

From: Johnson, Vernon <STSI>
Sent: Thursday, July 24, 2008 12:02 PM
To: Delano, Anthony
Cc: 'michael.donnelly@dhs.gov'; McMullen, Michael
Subject: FW: Availability of Named Aviation Inspectors

Mr. Delano,

Below are the duty hours for the requested individuals, (Mon-Fri). All are available during the hours listed with the exception of Mr. Aaron Dietz who will be on annual leave on July 28th. Mr. Dietz will return on July 29th. Additionally, I have reviewed the attached roster and the Aviation Inspectors listed were current back to 2006 and reflect the names listed below. Supervisor Cargo inspections – Don Werkstell and Transportation Security Inspector Cargo (Canine) - Joe Carnes both transitioned from aviation inspections to cargo inspections very early in 2006 and will be available if needed. Additionally, we have blocked out space for interviews at our small conference room for the period stated. Do you know if there is currently a scheduled time for an in brief from Agent Saunier? I will be out of the office tomorrow, 7/25 on annual leave and I will return on Monday, 7/28 and will be available to assist Agent Saunier with the scheduling of the interviews. Please let me know if I can be of further assistance.

Terisa Baptist	0730-1600
Dennis Bonewitz	0630-1500
Stephanie Craine	0630-1500
Aaron Dietz	0630-1500 (Annual Leave 7/28)
Gregory Gayden	0630-1500
Angela Lowry	0730-1600
James Martin	0630-1500
Benjamin Mendoza III	0630-1500
Arnulfo Salinas	0730-1600
Kevin Toth	0730-1600

Regards,

Vernon W. Johnson
Supervisor Transportation Security Inspector
Department of Homeland Security
Transportation Security Administration
Dallas/Fort Worth International Airport
69-948-1859 | Office
14-298-4977 | Cell
vernon.johnson@dhs.gov

Visit us at www.tsa.gov

SENSITIVE SECURITY INFORMATION / FOR OFFICIAL USE ONLY

Warning: This document may contain Sensitive Security Information that is controlled under 49 CFR 1520. If this document contains SSI information, no part of this document may be released to persons without a need to know, as defined in 49 CFR 1520, except with the written permission of the Administrator of the Transportation Security Administration, Arlington, Virginia. Unauthorized release may result in civil penalty or other action. For U.S. Government agencies, public release is governed by 5 U.S.C. 552.

From: Delano, Anthony
Sent: Wednesday, July 23, 2008 3:40 PM
To: Johnson, Vernon <STSI>
Cc: Saunier, Stacey; Albence, Matthew
Subject: FW: Availability of Named Aviation Inspectors

Mr. Johnson,

In addition to the information requested below, Agent Saunier, in her review of the attached DFW inspector roster, will need to know if any other inspectors listed on the attached roster worked as aviation inspectors in 2006. If so, Agent Saunier will need their names and availability on the dates of July 28, 29 and 30. Again, your assistance in this matter is greatly appreciated.

Thank you,
Tony Delano

From: Delano, Anthony
Sent: Wednesday, July 23, 2008 3:24 PM
To: Johnson, Vernon <STSI>
Cc: Saunier, Stacey; Albence, Matthew
Subject: Availability of Named Aviation Inspectors

Mr. Johnson,

My name is Tony Delano and I am an agent with the TSA Office of Inspection in Dallas, Texas. An Office of Inspection Special Agent named Stacy Saunier will be in Dallas next Monday, Tuesday and Wednesday (July 28, 29 and 30) to conduct interviews of employees of the Office of the FSD for DFW. Agent Saunier, in the course of her investigation, may possibly need to interview some or all of the inspectors named below. For that reason, Agent Saunier needs to know of the availability (including their work schedule) of the following inspectors on July 28, 29 and 30:

Jerisa Baptist
Dennis Bonewitz
Stephanie Craine
Aaron Dietz
Gregory Gayden
Angela Lowry
James Martin
Benjamin Mendoza III
Arnulfo Salinas
Kevin Toth

Your assistance in this matter is greatly appreciated. Should you have further questions, Agent Saunier can be reached by email or I can be reached at 469-948-1079.

Thank you,
Tony Delano
TSA - Office of Inspection
Dallas, Texas

ATTACHMENT 7

Attachment 7

SENSITIVE SECURITY INFORMATION



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input checked="" type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time: July 28, 2008 1:10 p.m.
Activity or Interview of: Kevin Toth Transportation Security Inspector (TSI) Dallas-Fort Worth International Airport (DFW)	Conducted by: Special Agent Stacey L. Saunier Special Agent Anthony Delano
	Location of Interview/Activity: OI/INVD DFW Office Coppell, TX

Subject Matter/Remarks

Special Agent Anthony Delano and I introduced and identified ourselves to TSI Kevin Toth. Toth was advised he was being interviewed regarding the information he forwarded to the United States Office of Special Counsel involving alleged security issues at DFW. Toth was advised that the investigation would focus on the allegation that management within the Inspections function at DFW was not requiring the airlines to fully self inspect in accordance with the security directives. Additionally, Toth was advised that the investigation would also look into the potential security issue involving the louvered blinds at seven checkpoints in the B concourse.

Senior Area Inspector Alan Paterno, Inspections Oversight Division, Transportation Security Administration (TSA), was also in the interview and was introduced to Toth. Toth was advised that Paterno was present for his expertise in the Inspections function and to provide explanations to me when needed. Toth advised he understood. Toth provided the following background information:

He is prior military and began his post military government career with the Federal Aviation Administration (FAA) in May 1995. He has been with TSA since May 2005 and has had various assignments within the Inspections function.

Case Number: 1080315	Case Title: Possible Violation of Security Directive DFW- Regulatory
-------------------------	---

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

Toth was asked to describe how and when he became aware of the issues regarding the airlines not searching [REDACTED]

Toth provided the following information:

He has been assigned [REDACTED] as one of his airlines he is responsible for inspecting and for making sure they follow all the security directives. He also has had a few TSIs that were assigned to him for training purposes. When he first started with [REDACTED] he noticed issues with the [REDACTED] they were using and that the [REDACTED]

In late 2005 to early 2006, one of his trainees asked him to assist on an inspection on another airline. During this inspection, he noticed that the aircraft he was on had not [REDACTED]. The TSI assigned to this airline advised that he did not require the [REDACTED] because DFW Inspections management had stated that the [REDACTED]

He has boarded other airlines and found similar issues regarding the [REDACTED]. He then began sending e-mails to the airlines advising them of the need to search [REDACTED]. He received numerous replies from airline personnel indicating that they have never searched [REDACTED] and that this was the first time they were hearing of this requirement. Based on the responses from the airlines he began contacting, via e-mail, the Principal Security Inspectors (PSIs) that were assigned to the airlines he was dealing with. He e-mailed multiple individuals at Headquarters (HQ) over a two to three month period.

He continued to question both HQ and DFW Inspections management, which culminated in a meeting on April 19, 2006, at DFW. At that meeting, Supervisory TSI (STSI) Wes Crow and Assistant Federal Security Director for Inspections (AFSD-I) Phil Zagloul were present and the discussion was regarding the requirements to search [REDACTED] and the fact that some airlines were complying with the security directive while other airlines were not. During the meeting, he did not fully understand what Crow and Zagloul had recommended the TSIs do (because what they suggested was in direct contrast to the security directive), so he sent the April 20, 2006, e-mail, asking for clarification. Crow replied with the "turn a blind eye" e-mail.

He believes the reason STSI Crow indicated (in the "turn a blind eye" e-mail) "let's give HQ some breathing room on this issue" and "we need to let this topic take a rest," is because of all the e-mails he was sending and telephone calls he was making to HQ personnel.

After receiving the "turn a blind eye" e-mail, he forwarded the e-mail to three other TSIs; Greg Gayden, Arnie Salinas, and Angela Lowry. He was mentoring these three TSIs at the time.

Case Number:

I080315

Case Title:

Possible Violation of Security Directive DFW- Regulatory

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C. 552.

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

Additionally, during this timeframe he was assigned to [REDACTED] and they were working toward being compliant so he did not tell them to stop searching [REDACTED]. He did not report deficiencies within PARIS, but he did require [REDACTED] to address any issues involving the [REDACTED]. He does not know how many other TSIs followed the recommendations suggested in the "turn a blind eye" e-mail.

Since 2006, he has been assigned other airlines and he has not required those airlines to search [REDACTED] pursuant to the "turn a blind eye" e-mail from Crow. However, he has always required the airlines assigned to him to search [REDACTED].

He feels that the issues involving the [REDACTED] are not just DFW issues. He believes the problem is nationwide. He believes this because he has inspected flights arriving at DFW [REDACTED]. He has found issues with [REDACTED] on those aircraft. Additionally, when he contacts the airlines to advise them of the findings, the airline representatives have often told him that they have never been required to search [REDACTED]. He even has e-mails from the latest two airline representatives in which they indicate that the [REDACTED] or that the area is not on their (TSA) approved search plan. These e-mails are from May and June 2008.

He does not believe the nationwide issue is due to the "turn a blind eye" e-mail. He feels the issue regarding the searching [REDACTED] is a problem partly due to the lack of consistent responses from the PSIs at HQ. He believes the PSIs at HQ are not as engaged as they should be. When he calls to ask a question regarding a certain aircraft with a certain configuration, he feels that the PSI has never seen the configuration he is referring to or has never boarded the type of aircraft he is referring to and this is why the PSIs are providing conflicting information. He believes the PSIs should board the various aircraft that they are offering advice on so that they have first hand knowledge of what they are talking about.

Toth was asked to provide information regarding the louvered "Venetian" blinds at seven checkpoints in Terminal B. Toth provided the following information:

When he first came to TSA, he was assigned to the airport inspection team. He found numerous issues involving access controls with revolving doors and with the exit doors not being monitored. He also came across issues with what he called "Venetian" blinds, or louvered blinds, located on top of the walls at seven checkpoints in the B terminal. He brought the issue to STSI Crow's attention. Crow indicated the louvers had been in place for years and Crow told him not to "chase that dog" or "that dog don't hunt."

Case Number:
I080315

Case Title:
Possible Violation of Security Directive DFW- Regulatory

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C. 552.

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

Shortly after discussing the many findings with Crow, he was removed from the airport inspection team and was assigned [REDACTED]. He was told by the new TSI assigned to the airport inspections that AFSD-I Zagloul removed him because the airport had problems dealing with him (Toth).

Toth was asked to provide a sworn statement, to which he agreed. On August 25, 2008, Toth was sworn to his statement, which is attached to this memorandum of interview.

Case Number:
1080315

Case Title:
Possible Violation of Security Directive DFW- Regulatory

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C. 552.

SWORN STATEMENT



Transportation
Security
Administration

I, KEVIN Charles TOWT, having been duly sworn, hereby make the following statement to Stacey Sannier & James Greer, who has been identified to me as a federal law enforcement officer and special agent with the Transportation Security Administration, Office of Inspection. I am making this statement of my own free will, without any duress or coercion.

*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of 81 pages. I have been given the opportunity to make any corrections necessary to make the statement accurate. All of the information contained in this statement is true and accurate to the best of my knowledge and belief. I understand that I may be prosecuted for perjury or making false statements if I have intentionally misrepresented anything contained in this statement. I have not intentionally omitted any information or knowledge I have that relates to the matters under investigation or review.

Signature

Signed and sworn to before me, this 25 day of August, 2008.

Witness

Special Agent
Transportation Security Administration 8/25/08
Department of Homeland Security
Authority to administer oaths: 5 U.S.C. § 303

Statement of Transportation Security Inspector (TSI) Kevin C. Toth

KCT

I have been in Federal service since 1988, starting with the Office of Motor Carrier (OMC) assigned to Indianapolis as a Special agent. I was later reassigned to the OMC in Columbus, Ohio. In 1991 I was promoted to the Regional Hazardous Materials Specialist in Fort Worth Texas, until I was promoted in 1994 as a Program Manager in Washington DC. In March of 1997 I accepted a promotion with the FAA as a Program Manager within the Hazardous Materials/Cargo Security branch. In 2000, I accepted a position as the Regional Cargo Security Specialist in the FAA regional offices in Fort Worth, Texas. In November 2001 through 2005 I was an International Team Leader in the International Field Office located in Euless, Texas. In May 2005 until present I have been working at the TSA Regulatory Office as a Transportation Security Inspector (TSI). Prior to my Federal service I served as an Officer in the United States Marine Corps.

In preparing this statement, I used only those references that I could produce and are emblematic of my efforts to keep TSA management apprised of my findings and analysis.

My whistleblower complaint to the U.S. Office of Special Counsel detailed my concerns regarding two major issues: Interior Aircraft Searches (which I believe is a nationwide systemic problem) and Airport Access Control (which is a local problem). I will discuss them in the order they were discovered as potential security vulnerabilities.

Airport Access Control:

The following information is provided as background to the issue brought forward involving the Venetian (louvered) blinds at several gates in the B terminal:

In roughly May 2005, I was reassigned to the TSA DFW Inspections group officed at 510 Airline Drive, Coppell, Texas. In July 2005, shortly after my arrival in May 2005, Wes Crow, Supervisor TSI (STSI) assigned me the responsibility to carry out inspections of the DFW International Airport. To assist me, and for training purposes, I was accompanied by two new inspectors, Arnie (Arnulfo) Salinas and Greg (Gregory) Gayden. During a review of the access points that lead from the public side to the sterile side, I made discoveries of [REDACTED] and based on these discoveries I advised STSI Wes Crow, my first line supervisor and Assistant Federal Security Director - Inspections (AFSD-I) Phil Zaglool my second line supervisor. I also recorded these observations in PARIS¹, with tracking number INS2005DFW1135. These findings focused on the [REDACTED]

Although I can not recall the date specifically, I gave a detailed brief [REDACTED] to DFW Federal Security Director (FSD) Jimmy Wooten, who instructed me to provide copies of my findings to Airport Security Coordinator (ASC) Alvy Dodson, DFW International Airport's Director/Vice President of Public Safety. Upon arriving at Mr. Dodson's offices he was not in and I was instructed to leave them with his secretary, which I did. I also entered these as findings in the above noted inspection report. These findings were subsequently closed by TSI Ben Mendoza.

KCT



¹ Performance And Results Information System

KCT

Roughly around the same time period, I, along with TSIs Salinas and Gayden, were in terminal B. As I detailed in my PARIS inspection INS2005DFW1135, I found the areas above doors to be covered with what can best be described as large Venetian blinds. Upon this discovery, I called Wes Crow, who happened to be at the airport, and Crow stated that he would meet us at our location. After he arrived, I was advised by Crow, in the presence of Gayden and Salinas, that I was not to enter this (the vulnerability posed by the Venetian blinds) as a finding in PARIS. Crow stated something to the affect of "it's been that way, don't chase that dog". I advised Crow that I was still going to enter this in PARIS, and that this should be addressed as a critical vulnerability to both the FSD and the Department of Public Safety (DPS). Although I did not enter a finding, I did describe these observations in detail as an attachment to the inspection, INS2005DFW1135.

To the best of my knowledge, this issue was never addressed or noted in subsequent airport inspections and still remains a vulnerability. It is my understanding, in May or June 2008 that Greg Gayden did conducted a controlled test at the locations of these Venetian (louvered) blinds and was able to pass a prohibited item through the opening of the Venetian blinds. These tests were completed at the behest of DFW FSD Cedric Alexander. In May 2008 FSD Alexander, who was not the FSD in 2005 when the louvered blinds issue was brought forward as a security vulnerability issue, was advised of this vulnerability by Greg Gayden. At the time, FSD Alexander was following up on numerous allegations that TSIs had brought to the FSD's attention. The allegations reported to the FSD were that TSIs were told to not report air carrier's failure to properly conduct interior aircraft searches, and whether STSI Crow or AFSD-I Zaglool had asked that TSI's "turn a blind eye" to other findings. Gayden reiterated to FSD Alexander the verbal guidance STSI Crow provided when advised of the Venetian blinds in 2005. It was Gayden's revelation, to FSD Alexander, about STSI Crow discounting of the vulnerability that the Venetian blinds in terminal B presented, that served as the basis for this issue being revisited and addressed with the DFW DPS. I do know that TSA is currently working with the DPS to put a permanent fix in place by removing the blinds and replacing them with a permanent wall, in spite of the DPS reluctance to do so. I am currently unaware of the progress of this renovation but believe at least two areas have been addressed.

Interior Aircraft Searches:

The following information is provided as background to the issue brought forward involving air carrier's failure to perform interior aircraft searches.

Sometime in the August, September 2005 time frame, I can not recall the specific date, I was removed as the primary for the airport and was assigned as the primary inspector for [redacted]. The reason for my removal from the inspection team was explained to me by STSI Crow as described here. I was advised by STSI Crow that some Department of Public Safety (DPS) officers felt that I had betrayed them because I took my discoveries directly to ASC Dodson instead of working with them first, and that AFSD-I Zaglool decided to replace me with TSIs Stephanie Craine and Ben Mendoza. It was also apparent that my discovery of the vulnerabilities within terminal B also played a role in my re-assignment.

After I was removed from the airport inspections team, approximately in the July, August time frame I was assigned as the primary inspector for [redacted]. I quickly found KCT

page 3 of 81

[Handwritten signature]

KCT an issue with the requirement for searching [redacted] and with the [redacted] was using. On February 17, 2006, I exchanged emails with the PSI², Robert Vogt regarding the requirements for searching [redacted]. On March 3, 2006, I sent additional emails, with photos to Vogt further describing the issues associated with searching [redacted]. I also advised Vogt of the problems I noticed with the [redacted]. I described how the [redacted].
[redacted] Later on March 6 & 14, 2006, I exchanged emails with Vogt again discussing [redacted].

In late March 2006, I discovered that [redacted] was not properly inspecting the [redacted] as required in the SD. I advised STSI Wes Crow and had a telephonic conversation with Branch Chief Steve Jenkins, Commercial Airline Section, Transportation Sector Network Management (TSNM) and PSI [redacted] Monica Wozniak, TSA. Later on March 29, 2006, I sent an email to Wozniak advising her that [redacted] failed to inspect the [redacted] as required. Wozniak was not aware of the requirement to inspect [redacted] until advised by Steve Jenkins, via an e-mail response. Both STSI Crow and AFSD-I Zaglool were carbon copied on the above mentioned email traffic. Jenkins did forward this information to TSA employees James Parks and Daniel McQuad in Office of Compliance in Security Operations. Steve Jenkins further stated that they were considering an SEI³; this never occurred.

On April 14, 2006, Wozniak sent a letter to [redacted] advising them of their need to inspect the [redacted]. On April 19, 2006, I was in a meeting with both Wes Crow and Phil Zaglool, in which we talked about the systemic problem of air carriers not properly carrying out the interior search of aircraft as called out in the Security Directive (SD) or the Emergency Amendment (EA). During this meeting, Crow and Zaglool clearly stated that we were not to pursue or require the air carriers [redacted].

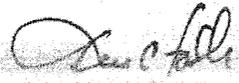
[redacted] the following day, April 20, 2008, I sent an email to Wes Crow to confirm my understanding of our conversation. Wes Crow responded, in an email, which included Zaglool in the distribution, and stated that I need to know when to turn a blind eye, in other words do not look at these areas for compliance. I did forward STSI Crow's response to Arnie Salinas, Greg Gayden and Angela Lowry, for these were the agents that I was mentoring at that time, and felt a need to share the guidance we heard in the meeting the previous day. This served two purposes, one it provided proof of the conversation and the guidance, and to offer some form a protection in the event we were later questioned as to "why" we were not requiring air carriers [redacted] these areas and why they were not listed as findings in PARIS.

Based on this guidance, I did not require air carriers that had not previously inspected and [redacted] with the exception of [redacted] to inspect these areas as called out in the SD's⁴ or EA's⁵. As the primary inspector for [redacted] I had KCT

² Principal Security Inspector

³ SEI - Special Enforcement Investigation

⁴ Security Directives - the search requirements were later incorporated into the Air Operators Standard Security Program (AOSSP)



KCT worked extensively with Chad Schweska, [REDACTED] DFW Security Manager; to meet all the interior search requirements of the SD, including the searching [REDACTED] Since [REDACTED] had already been working towards compliance, I opted to continue to have them [REDACTED] when necessary. As for the other air carriers, I did not ask nor require them to apply the same standard as [REDACTED] if they were not currently inspecting [REDACTED] I only required for them to do so if they [REDACTED] However, I always [REDACTED]

However, I must point out that I rarely inspected other air carriers for I was consumed with [REDACTED]

On June 26, 2006, I sent another email to Steve Jenkins asking if there has been any additional guidance pertaining to our discussions of the [REDACTED] and them not being searched per the TSA guidance or SDs. In these previous exchanges, I articulated that I had noticed that the air carriers were not inspecting the [REDACTED] I also noted that we (DFW TSIs) were not pursuing enforcement action until we heard from HQs. Jenkins responded that he copied Mike Derrick, Policy Branch Chief for assistance. Again, nothing was forth coming.

In November 2007, I was removed from [REDACTED] and reassigned [REDACTED] as an airline of responsibility and noted that [REDACTED] they are required to be searched, and it is my understanding from [REDACTED] station manager Tony Vaughn, that the inspecting station is to search [REDACTED] I communicated this to Mr. Vaughn, as well as the TSA PSI Debra Ceasario in several emails and discussed with Wes Crow. I never heard from Ceasario. I did not inspect the [REDACTED] based on the guidance from Zagloul and Crow.

In December 2007, I was assigned [REDACTED] On December 7, 2007, I observed their interior search process. Through observations and interviews, it was obvious that they were not inspecting the [REDACTED]. In fact their inspection form used to document the inspection clearly annotated that these areas were not to be included as part of the interior aircraft search. I sent an email to the TSA PSI Robert Glover. Again, [REDACTED] opted not to inspect the [REDACTED] and stated that I was the first and only TSA person to advise them that needed to be inspected. Glover was very unresponsive to the email traffic. I developed an EIR with a recommended civil penalty; however Crow opted to close the case with a letter of warning. As for the [REDACTED] I did not look at these based on the guidance from Zagloul and Crow.

In January 2008 I forwarded the TSA [REDACTED] policy to John Nichols TSA OCC, and during a telephone conversation expressed my opinions on the aircraft search issue and how I felt that these observations were not isolated to DFW but a systemic problem through out the country and most air carriers. I based this on the fact that I conducted many inspections on first arriving flights on numerous airlines and found many issues with the [REDACTED] Additionally, when discussing with the airline representatives, most of them indicated I was the only person to ever tell them [REDACTED] these areas. KCT



02/1

KCT In May 2008, based on allegation of a hostile work environment, FSD Alexander implemented steps to make a change within the DFW Regulatory Office. I am not sure if these changes resulted in AFSD-I Zaglool retiring, but he did so in June of 2008. STSI Crow has been on [redacted] leave since about the middle of May 2008, and his current status is unknown.

As a result of their absence, a total review of the DFW Regulatory work plan was completed and revealed that some air carriers were not in the inspection plan. Therefore, in May 2008, I volunteered to complete the critical inspect of [redacted]. I observed [redacted]

[redacted] was not inspecting the [redacted]. In an email exchange with Shane Williams, [redacted] corporate security manager, he stated that this [redacted] not be inspected, that they were searching the aircraft in accordance with their submitted and TSA PSI approved program, and for me to work this issue through the TSA PSI Robert Glover. Mr. Glover and Vernon Johnson, the new STSI within the DFW inspection office, were included on this exchange. In fact, during a telephone interview, Williams stated that I was the first TSA person to state that this area needed to be inspected. Later in the month, I sent the email traffic to Steve Jenkins, again advising of another air carrier's failure to inspect this area.

On June 4, 2008, I boarded a [redacted] aircraft that had just arrived from Houston, just to take a photograph of the [redacted]. This aircraft was [redacted] out of Houston, and noticed that the [redacted]. I interviewed the station manager, Mark Lascola, and asked if this area was inspected, or if this area was included as part of their search routine. Lascola stated that it was not. I asked that he verify with his corporate offices in Houston. In an email, Lascola stated that according to their corporate offices, this is not [redacted] and that I should use the PSI for concerns pertaining to this policy. I forwarded this information to both STSI Vernon Johnson and Steve Jenkins that same day. To this day, August 13, 2008, this issue has yet to be addressed with the air carrier, thus not being inspected.

Later on June 20, 2008, I boarded an [redacted] aircraft, and again noted that [redacted]. I advised STSI Vernon Johnson of this finding.

Conclusions:

It is my view that, based on my investigations and experiences, that not only are the air carriers not inspecting aircraft as required, TSA is accepting this failure. With the large hub air carriers such as [redacted] flights that arrive at DFW and for this to be the only station to recognize these short comings is unexplainable and begs two big questions: what are the PSI's doing and what are the TSIs observing at these hub stations? I forwarded my concerns to TSA HQ's in emails, PARIS entries and telephone conversations, all to no avail.

KCT

Respectfully submitted,

Kevin C. Toth

page 6 of 8



View Inspection: Summary

Printer Friendly

General Information

Tracking Number INS2005DFW1135

Inspected Entity DFW-Dallas/Fort Worth International

Port* DFW-Dallas/Fort Worth International

Start Date* 07/12/2005

End Date 09/12/2005

Type* Domestic Port Inspection

Lead Agent* kevin Toth

 Agent Hours** 90 Travel Hours** 5

Secondary Agents Gregory Gayden

 Agent Hours** 50 Travel Hours** 5

 Arnulfo Salinas

 Agent Hours** 50 Travel Hours** 5

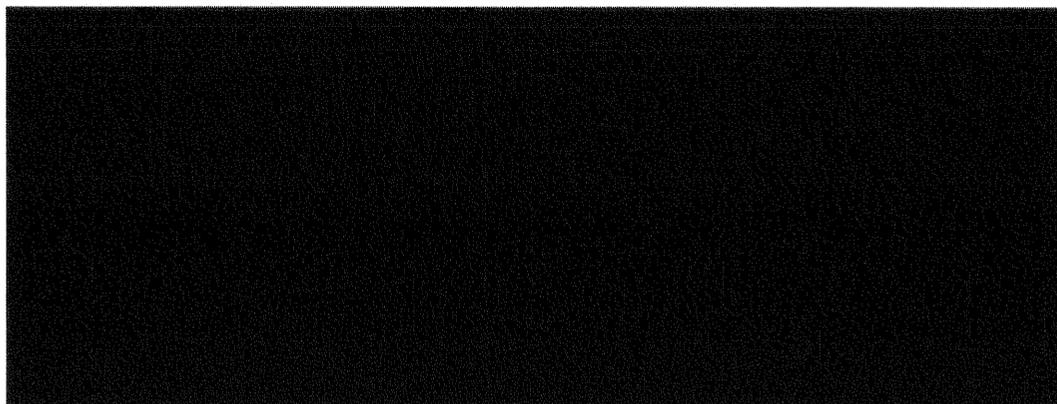
 Stephanie Craine

 Agent Hours** 50 Travel Hours** 5

 Ben Mendoza

 Agent Hours** 50 Travel Hours** 5

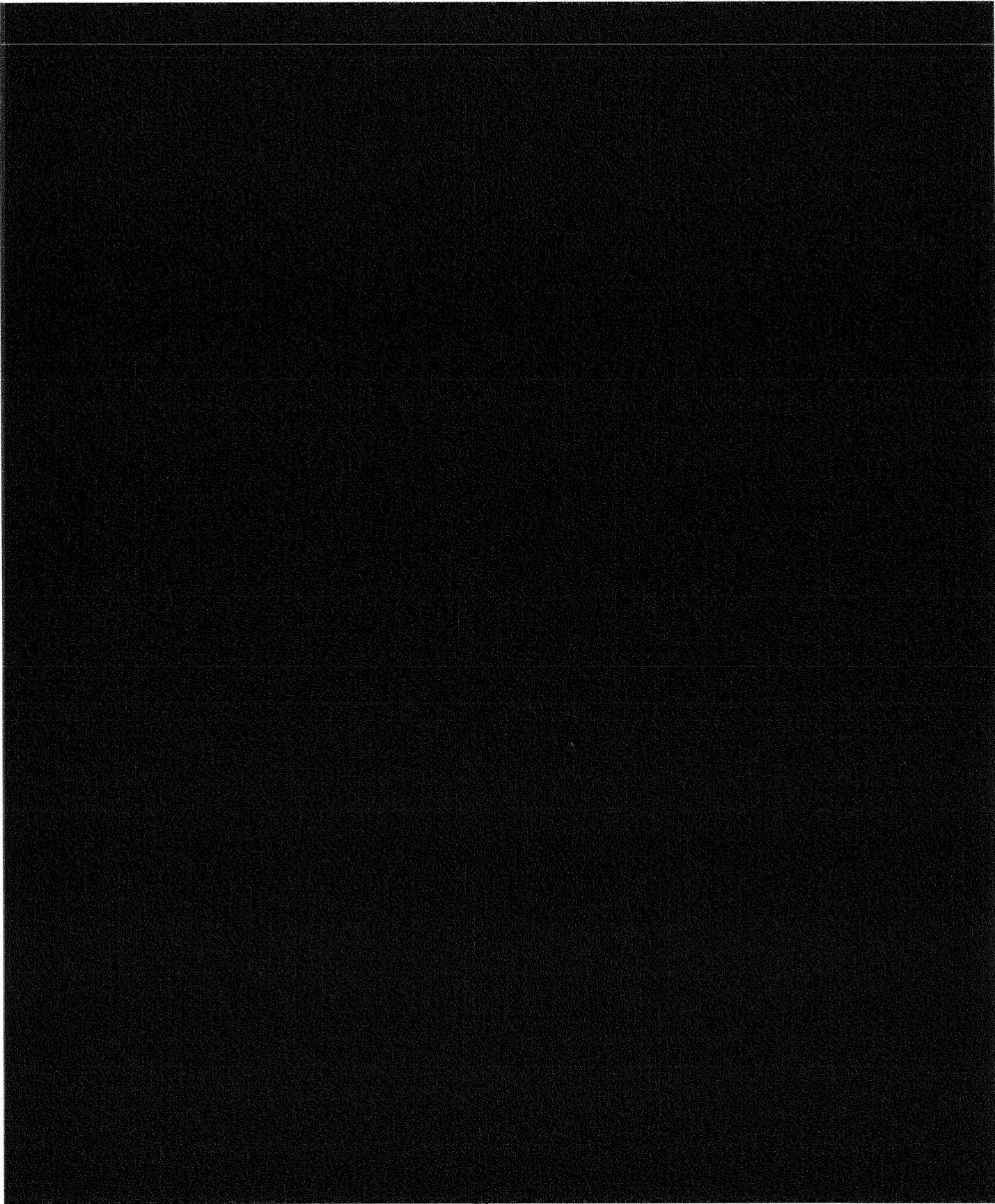
Comments

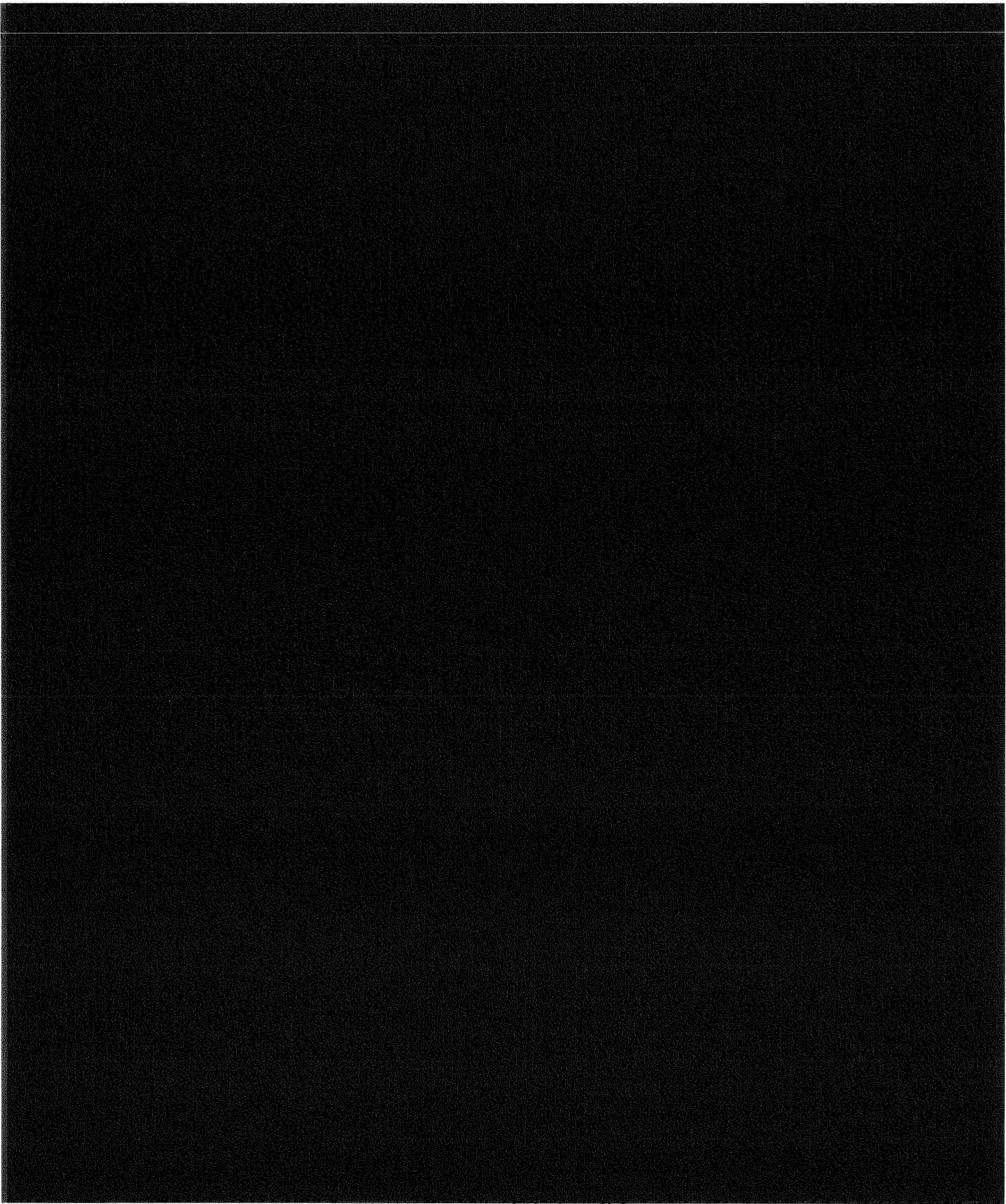


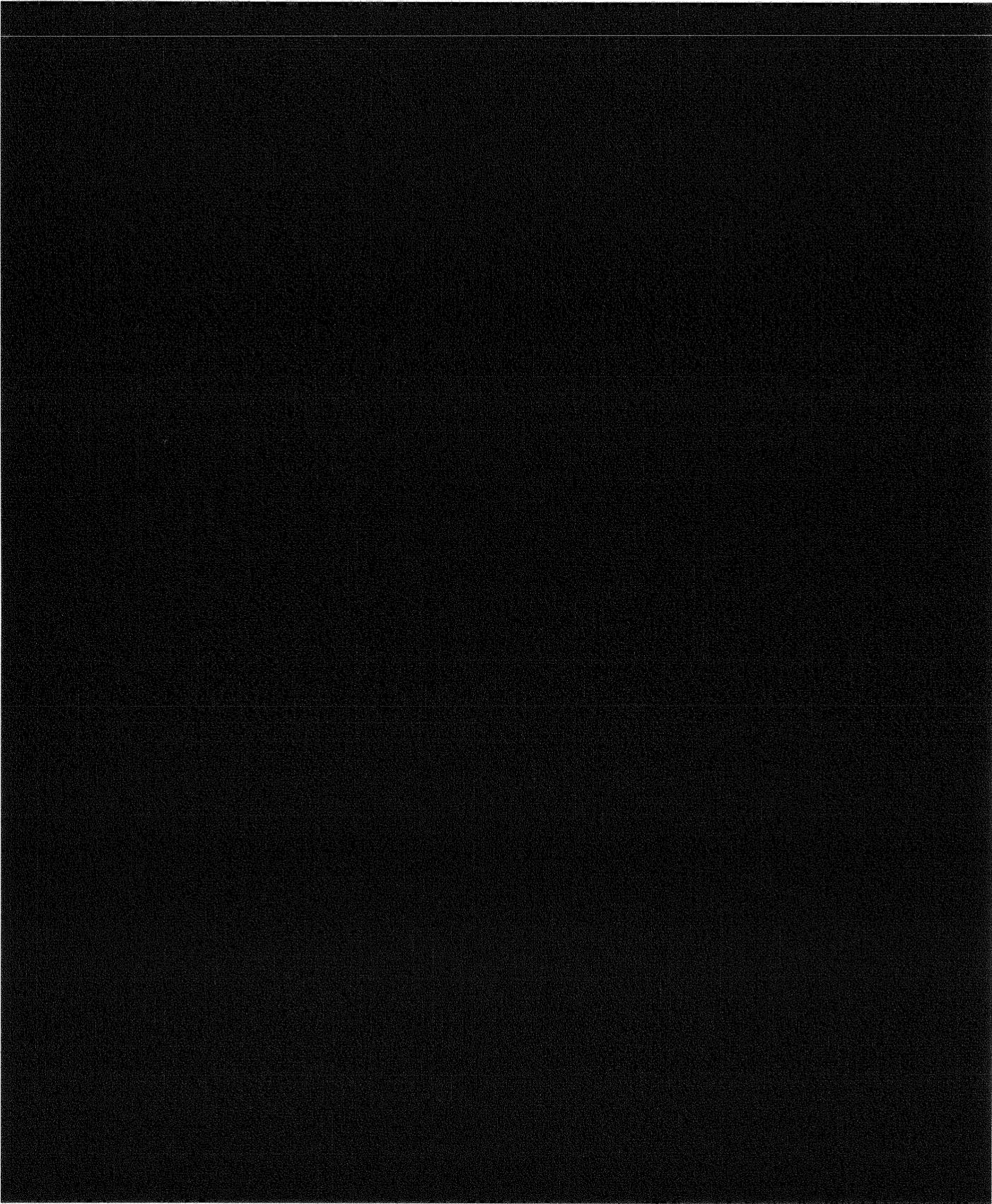
Additional Information

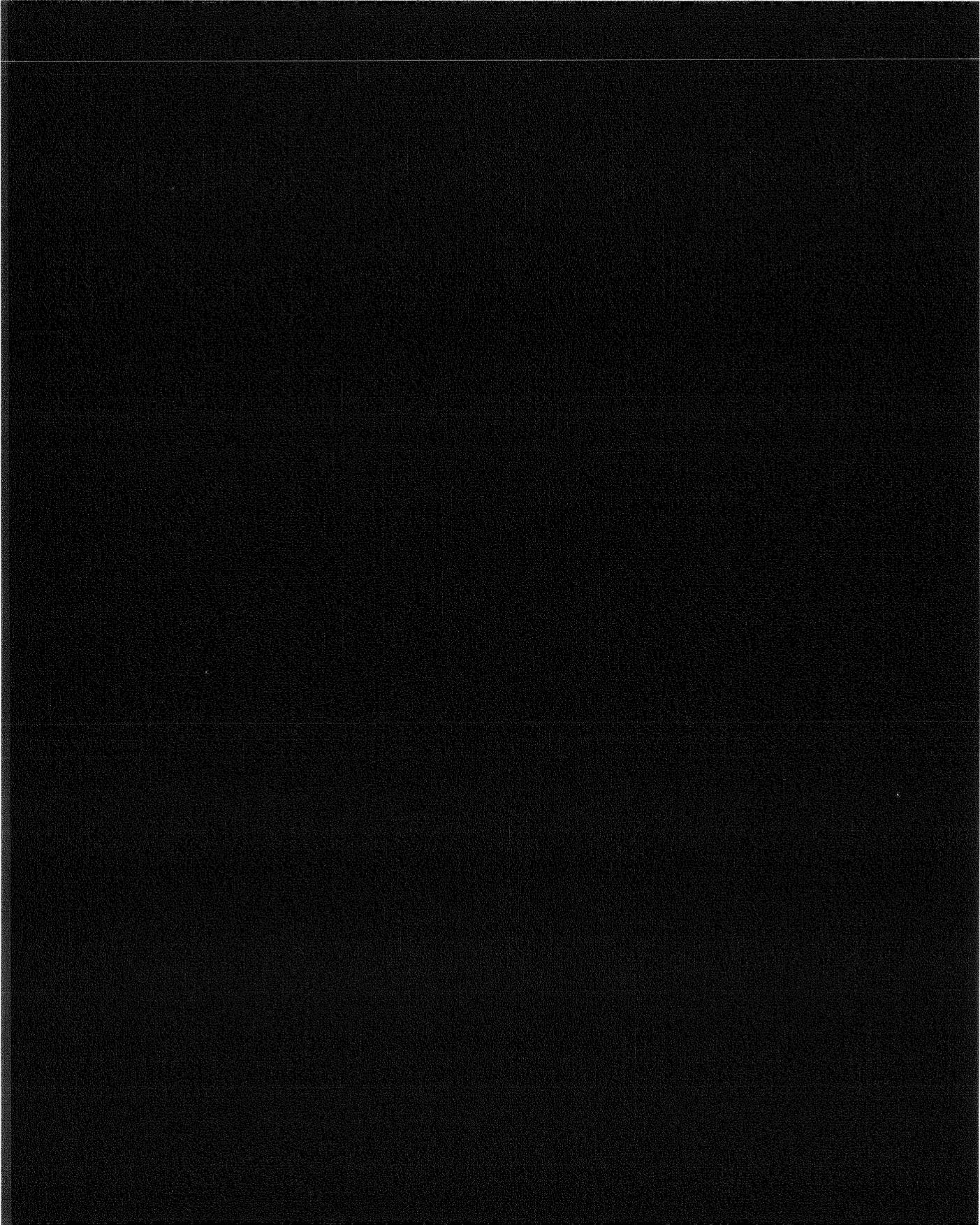
Associated Inspection

Reason for Inspection** PSI Corporate Site Visit

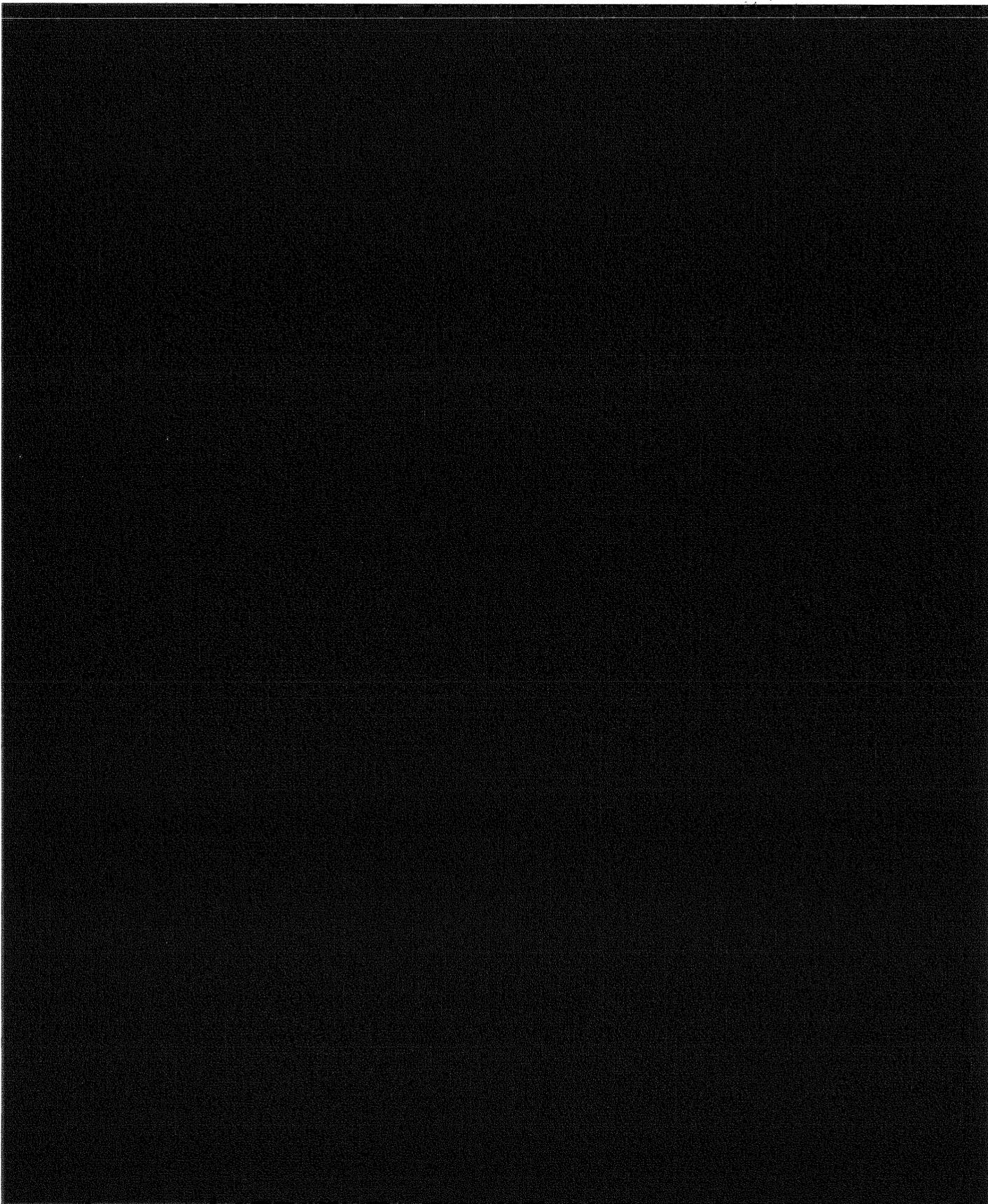




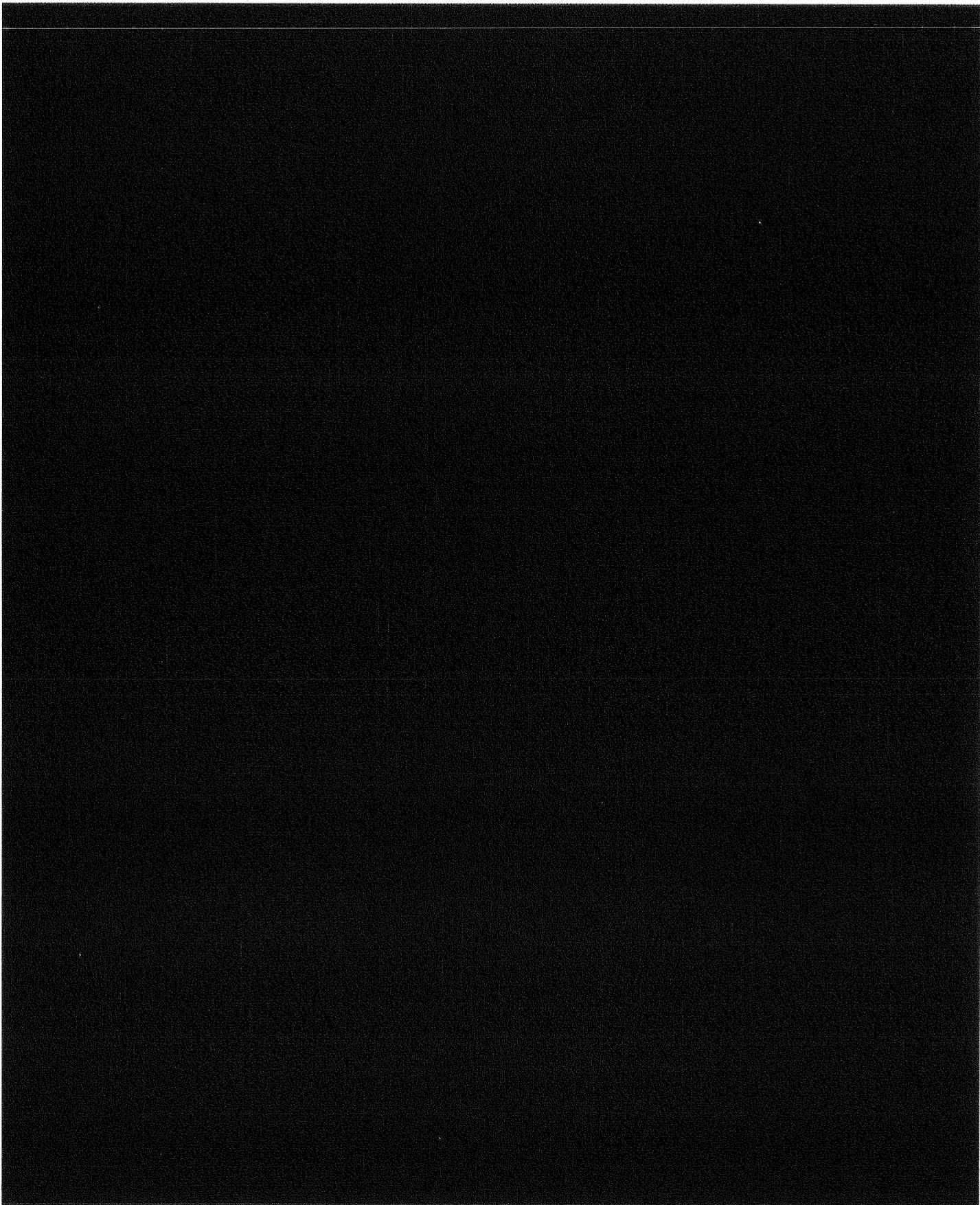




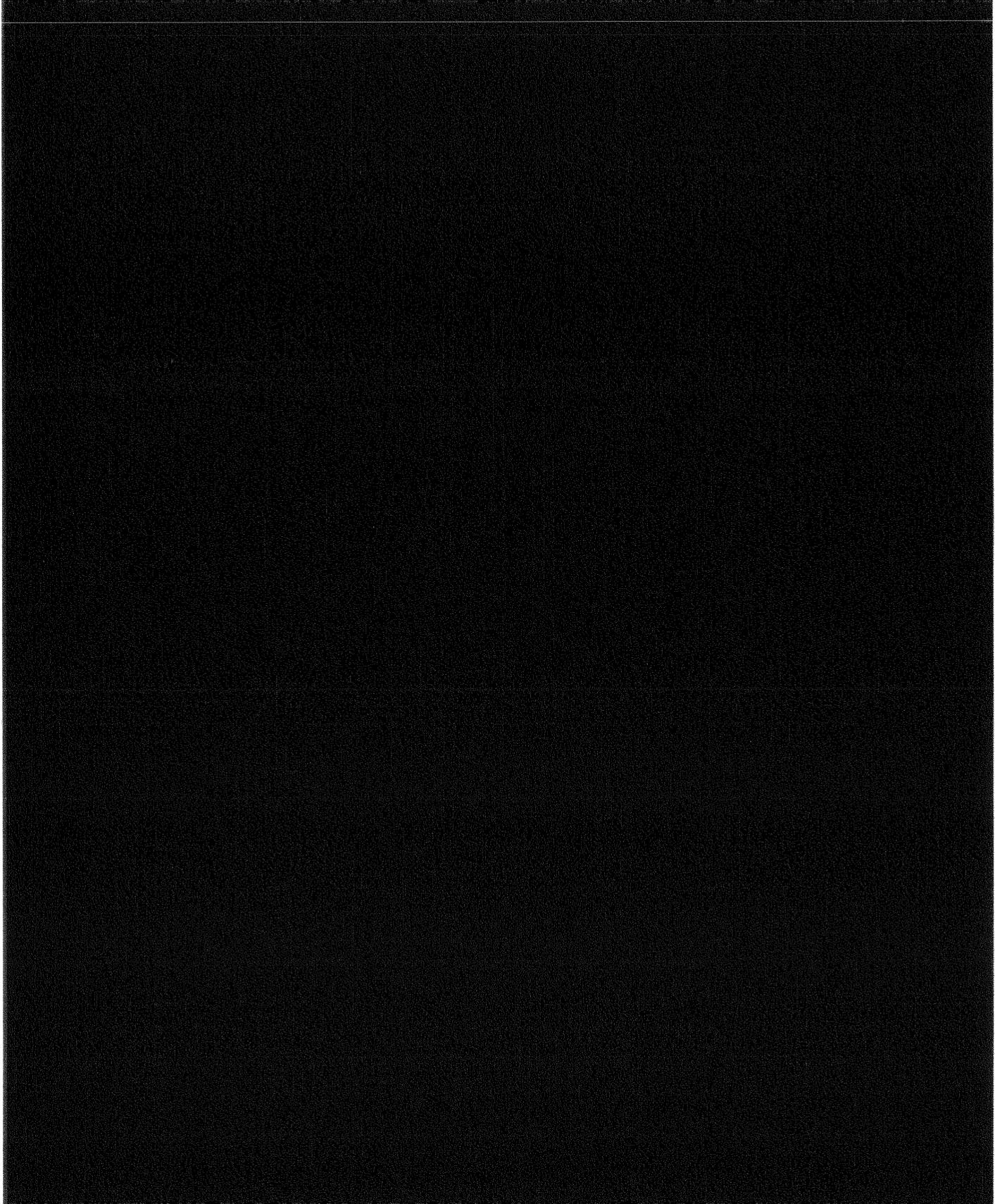
page 11 of 81



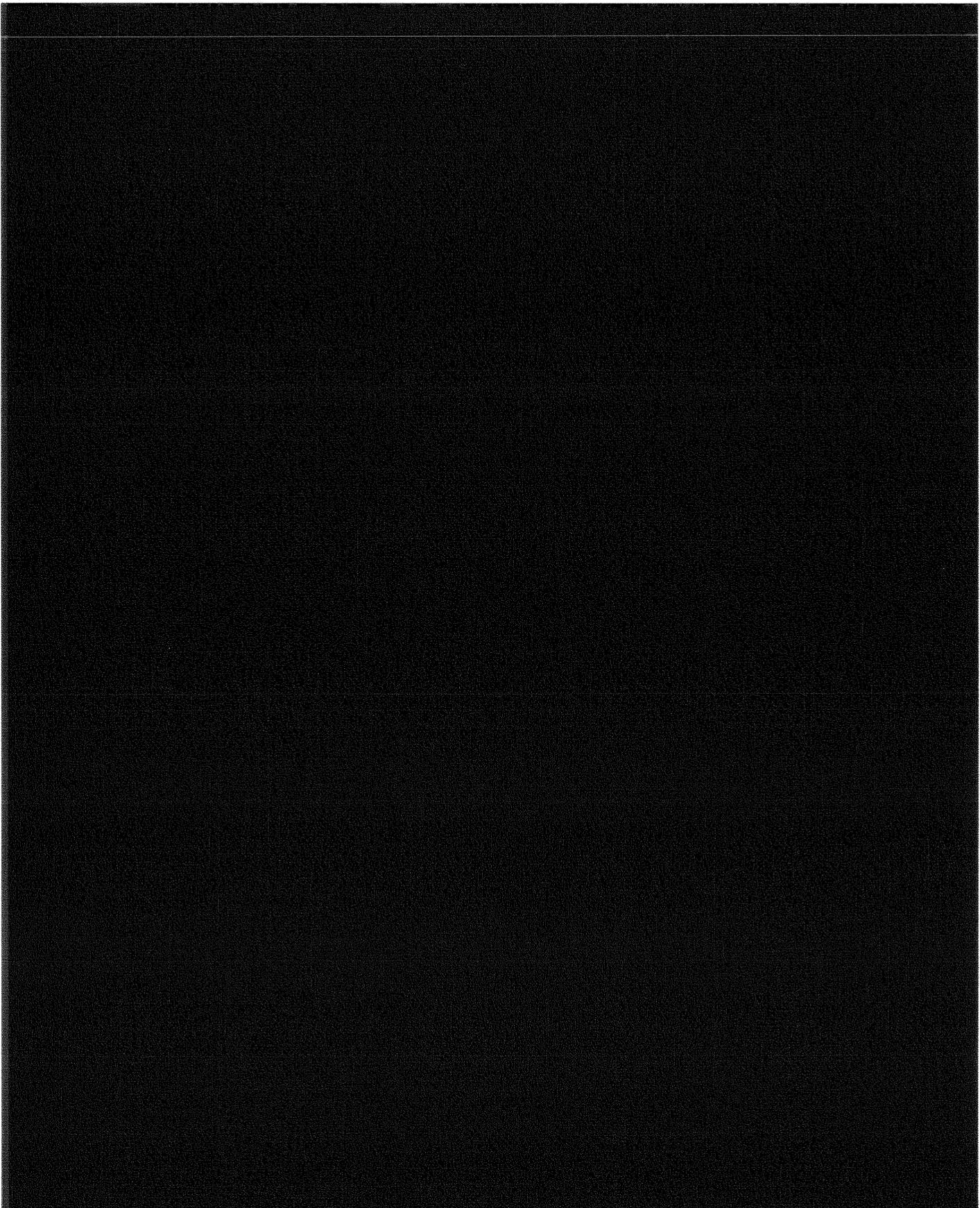
PAAP 12 of 21



18 0 21 000



page 14 of 81



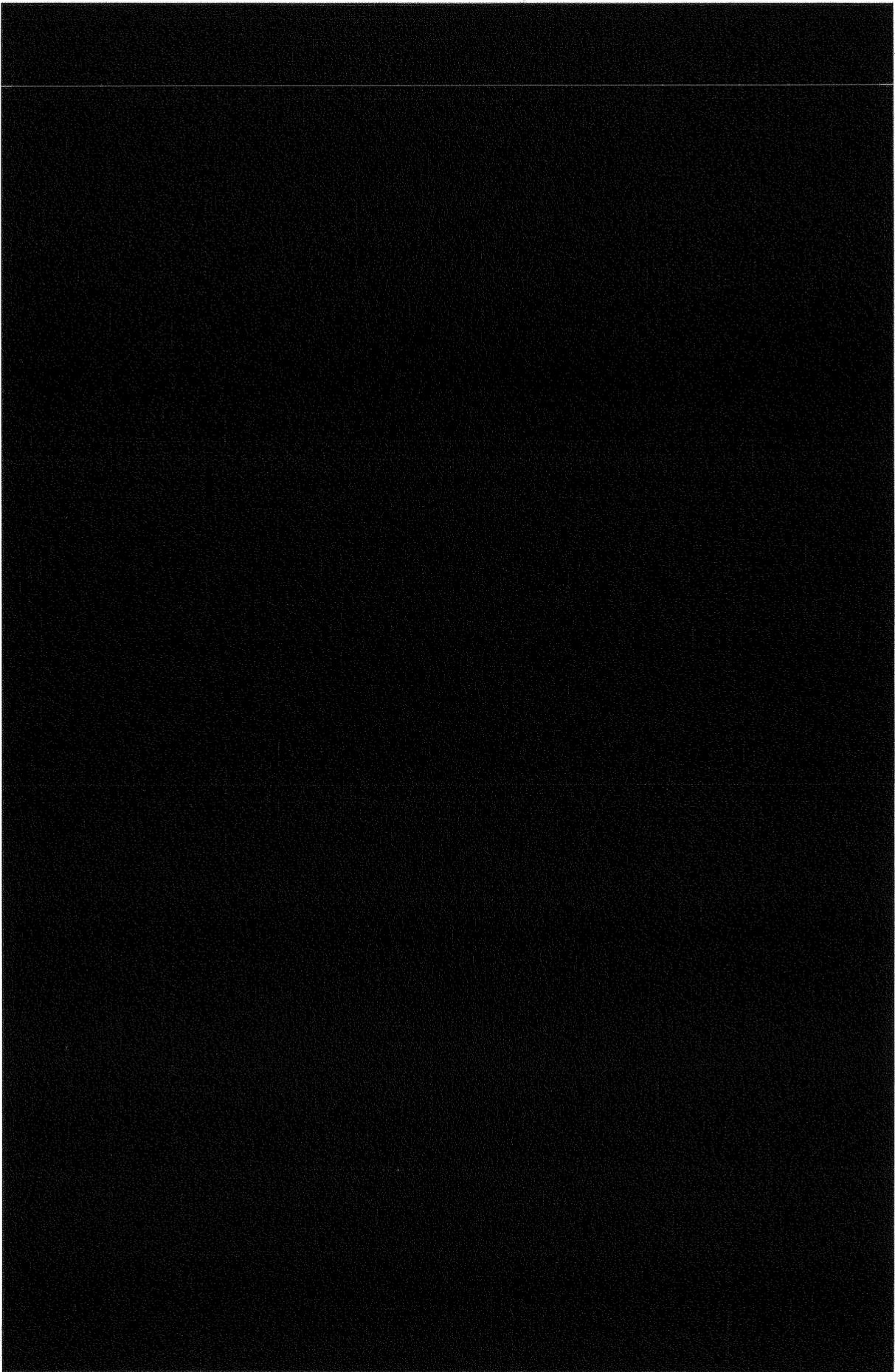
18 FEB 51 0508

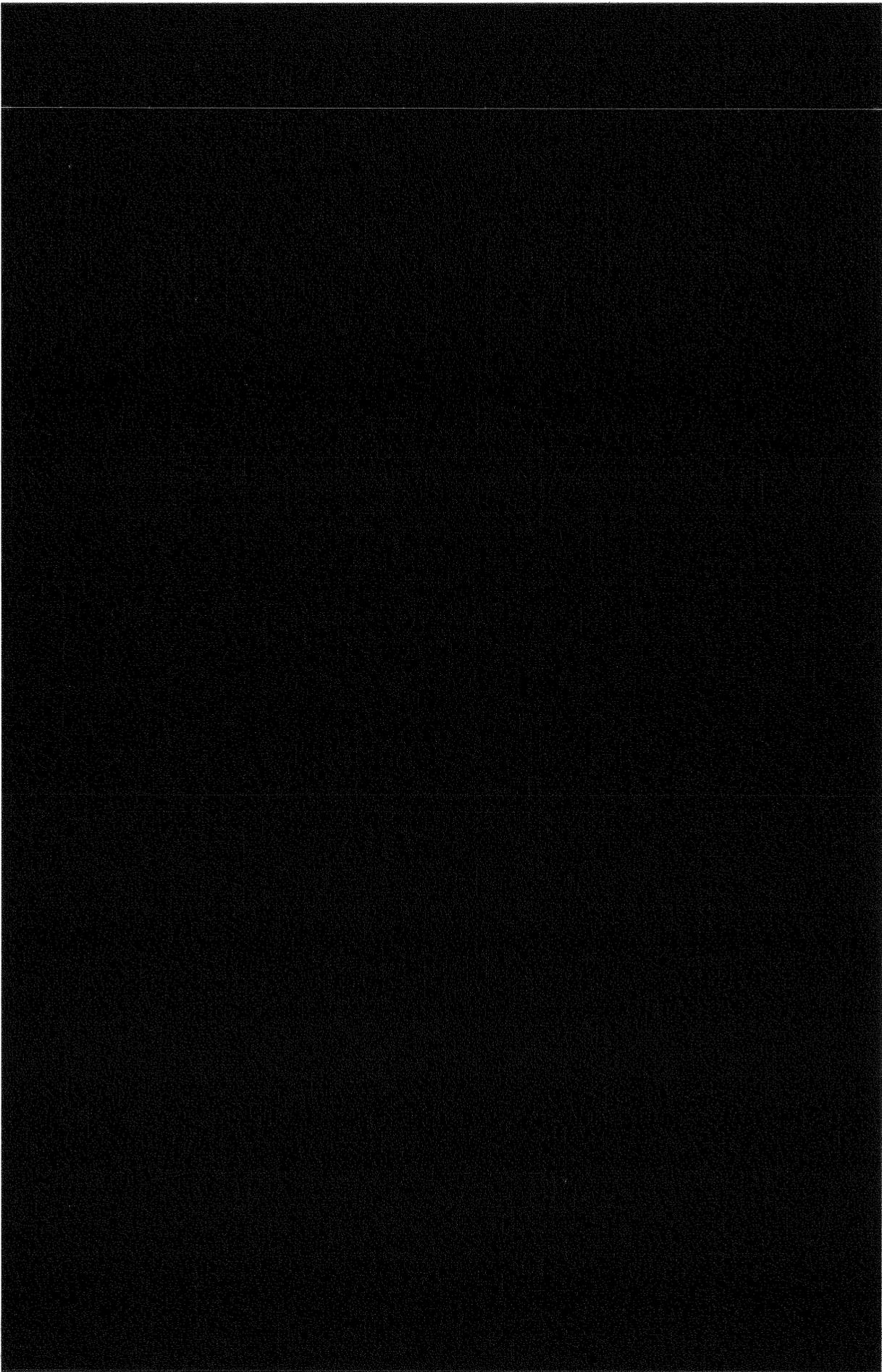
Transportation Security Administration

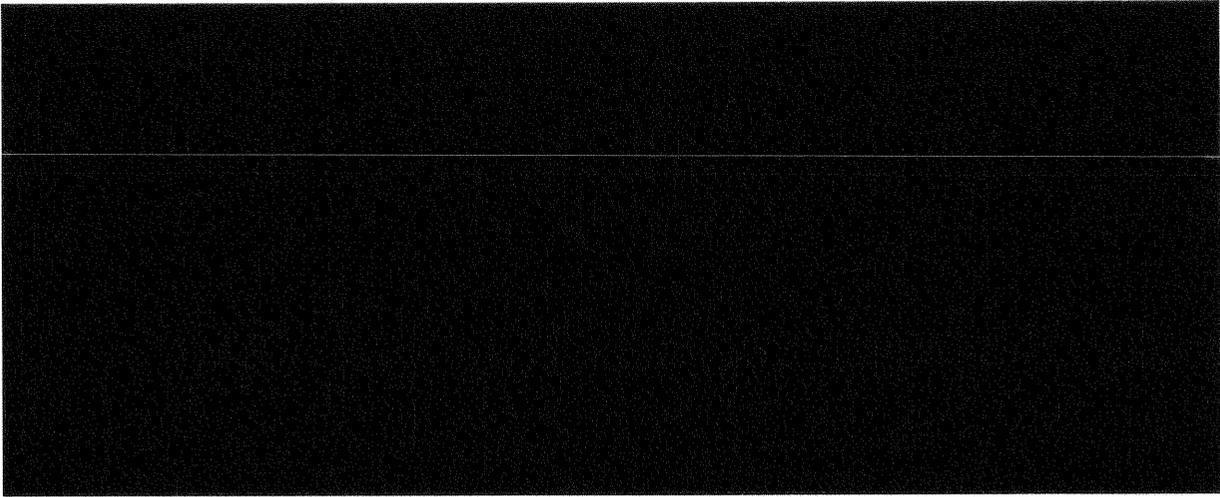
CLOSE WINDOW

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PARTS 15 AND 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW," AS DEFINED IN 49 CFR PARTS 15 AND 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION OR THE SECRETARY OF TRANSPORTATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 CFR PARTS 15 AND 1520.

page 17 of 81







page 20 of 51

Toth, Kevin

From: Toth, Kevin
Sent: Friday, March 03, 2006 10:44 AM
To: AVOPSINSP
Subject: InteriorAircraft Inspection
Attachments: 737 [REDACTED].a.jpg; 737 [REDACTED].jpg; 737 [REDACTED].jpg

Attached are photographs representative of the several types of [REDACTED] of aircrafts. We are finding that many air carriers are unaware of the need to inspect [REDACTED]. Based on the guidance dtd August 19, 2004, the air carriers are required to inspect [REDACTED] them so that further removal and inspection is not necessary, unless the [REDACTED]

[REDACTED]

Other [REDACTED] such as those in [REDACTED]

I would like to know if the interpretation and application is correct, and, if the [REDACTED] is the air carrier in violation, and must these areas be searched [REDACTED]

Kevin C. Toth
DFW International Airport
Coppell, TX
Office: (469) 948-1873
Cell: (214) 952-6165
kevin.toth@dhs.gov

2006 2/17/06

Toth, Kevin

From: Vogt, Robert
Sent: Tuesday, March 14, 2006 8:32 AM
To: Toth, Kevin
Subject: RE: [REDACTED] Interior Aircraft Inspections

Kevin:

Any progress on the interior aircraft searches concerns?

Robert A. Vogt

Principal Security Inspector
Transportation Security Network Management
Transportation Security Administration
Department of Homeland Security
(571) 227-1959

-----Original Message-----

From: Toth, Kevin
Sent: Monday, March 06, 2006 12:12 PM
To: Vogt, Robert
Cc: Crow, Wes
Subject: [REDACTED] Interior Aircraft Inspections

Good Morning Bob,

As you are aware, we are looking at how [REDACTED] is implementing the SD requirement as it pertains to interior aircraft searches. We have found many discrepancies, and are working locally here to address the problems. This morning I went out to their local maintenance facility to get a better understanding of the configurations and assemblies of [REDACTED] specifically the 757. [REDACTED]

I have forwarded my concerns to the local [REDACTED] security contact; however I would like some guidance from you as to the best way to work this issue.

Kevin C. Toth
DFW International Airport
Coppell, TX
Office: (469) 948-1873
Cell: (214) 952-6165
kevin.toth@dhs.gov

page 22 of 31

Toth, Kevin

From: Vogt, Robert
Sent: Tuesday, March 14, 2006 10:53 AM
To: Toth, Kevin
Subject: RE: [REDACTED] Interior Aircraft Inspections

Thanks Kevin.

Robert A. Vogt

Principal Security Inspector
Transportation Security Network Management
Transportation Security Administration
Department of Homeland Security
(571) 227-1959

-----Original Message-----

From: Toth, Kevin
Sent: Tuesday, March 14, 2006 9:08 AM
To: Vogt, Robert
Subject: RE: [REDACTED] Interior Aircraft Inspections

Good Morning Bob,

There has been some progress; however I am in the process of developing an EIR based on inspection of two aircraft. These searches were completed by their contractor, Airserv, at the maintenance facility. We found that the [REDACTED] on the 777's were not

[REDACTED] In talking with the Airserv personnel, they have been advised that they are not [REDACTED] I guess the details got lost somewhere. I visited the maintenance facility and the manager there gave me the following information. If the Airserv personnel find that an inspection of the [REDACTED] needs to be completed, they are to alert maintenance, who would then [REDACTED] Airserv would inspect, and then maintenance would [REDACTED] and then Airserv would place a [REDACTED]

I also looked at the inspection forms, and they did not show the "discrepancies" such as identifying [REDACTED] the needed [REDACTED] inspections, or inspection of the [REDACTED] In addition, we found that the [REDACTED] by the security personnel; this again is not the first time we made this observation. As I stated, I plan to prepare an EIR for these findings in the amount of \$30,000.

I plan to look at some flight again this week, and will keep you apprised of the situation. Have you been successful requiring [REDACTED] to list discrepancies on the approved inspection form? This would be very helpful not only for our inspection, but also for [REDACTED] management.

Regards,

Kevin C. Toth
DFW International Airport
Coppell, TX
Office: (469) 948-1873
Cell: (214) 952-6165
kevin.toth@dhs.gov

-----Original Message-----

From: Vogt, Robert
Sent: Tuesday, March 14, 2006 7:32 AM

page 23 of 81

To: Toth, Kevin
Subject: RE: [REDACTED] Interior Aircraft Inspections

Kevin:

Any progress on the interior aircraft searches concerns?

Robert A. Vogt
Principal Security Inspector
Transportation Security Network Management
Transportation Security Administration
Department of Homeland Security
(571) 227-1959

-----Original Message-----

From: Toth, Kevin
Sent: Monday, March 06, 2006 12:12 PM
To: Vogt, Robert
Cc: Crow, Wes
Subject: [REDACTED] Interior Aircraft Inspections

Good Morning Bob,

As you are aware, we are looking at how [REDACTED] is implementing the SD requirement as it pertains to interior aircraft searches. We have found many discrepancies, and are working locally here to address the problems. This morning I went out to their local maintenance facility to get a better understanding of the configurations and assemblies of [REDACTED] specifically the 757.

I have forwarded my concerns to the local [REDACTED] security contact; however I would like some guidance from you as to the best way to work this issue.

Kevin C. Toth
DFW International Airport
Coppell, TX
Office: (469) 948-1873
Cell: (214) 952-6165
kevin.toth@dhs.gov

page 24 of 81

Toth, Kevin

From: Toth, Kevin
Sent: Wednesday, March 29, 2006 2:10 PM
To: Wozniak, Monica
Cc: Bonewitz, Dennis; Dietz, Aaron
Subject: [REDACTED]

Good day Monica. I just wanted to keep you apprised of our most recent inspections. We have found that, based on corporate directions, that the [REDACTED] are not being inspected. We also found that during the inspection, they are not physically checking [REDACTED] checking them to see if they [REDACTED] and if so, then a further check is completed. However, in reality one can not tell if the [REDACTED]

[REDACTED] You stated that you will be meeting with their corporate security folks, and you plan to address this concern with them. [REDACTED]

If you can, please advise as to what resolution they plan to institute and in what time frame.

Thanks,

Kevin C. Toth
DFW International Airport
Coppell, TX
Office: (469) 948-1873
Cell: (214) 952-6165
kevin.toth@dhs.gov

Toth, Kevin

From: Jenkins, Steve
Sent: Thursday, March 30, 2006 10:11 AM
To: Toth, Kevin
Cc: Parks, James; McQuaid, Daniel
Subject: RE: [REDACTED] searches

Thanks Kevin. I've advised Compliance in Security Operations. They are considering an SEI since the carriers are offering this may be systemwide.

Steve

-----Original Message-----

From: Toth, Kevin
Sent: Thursday, March 30, 2006 9:51 AM
To: Jenkins, Steve
Subject: RE: [REDACTED] searches

Steve,

We are finding that a lot of the air carriers are not complying with the [REDACTED] inspections. When we bring it to the air carrier's attention, they generally respond that they have never implemented [REDACTED] as part of their search procedures. Therefore, I am not sure what value this requirement yields. Very few, if any, air carriers are completing the interior aircraft searches per the SD or EA. The searches take a great deal of time, and the impact on the aircraft itself is quite dramatic.

In fact I have sent request for guidance, along with photos, to assist with how we look at this issue. To date, I have heard nothing. We have alerted most of the PSI, and they support our conclusions, however the air carriers let us know that this is the only station requiring the [REDACTED] questioning our application of the search requirement. I find it most disturbing that other major hub airports are not making the same observations and findings.

I have attached a power point presentation that I prepared that shows the various configurations, and what we are actually seeing out here. <<Interior Aircraft Searches.ppt>>

Kevin C. Toth

DFW International Airport

Coppell, TX

Office: (469) 948-1873

Cell: (214) 952-6165

kevin.toth@dhs.gov

-----Original Message-----

page 26 of 81

From: Jenkins, Steve
Sent: Thursday, March 30, 2006 7:49 AM
To: Wozniak, Monica
Cc: Toth, Kevin; Derrick, Michael
Subject: [REDACTED] searches

Monica,

The options listed in the aircraft search guidance document is current and required. [REDACTED]
continue to be the options the carrier must implement to meet the search requirement.

Of course this should have been the case since the Fall of 2003. If the carrier hasn't imposed one of these [REDACTED]
search options, there has been a lengthy period of non-compliance.

Steve Jenkins

Branch Chief

Commercial Airlines Sector

Transportation Sector Network Management

571-227-2211

page 27 of 81

TSA Regulatory Inspections

A Comprehensive Guide to Interior Search Requirements –



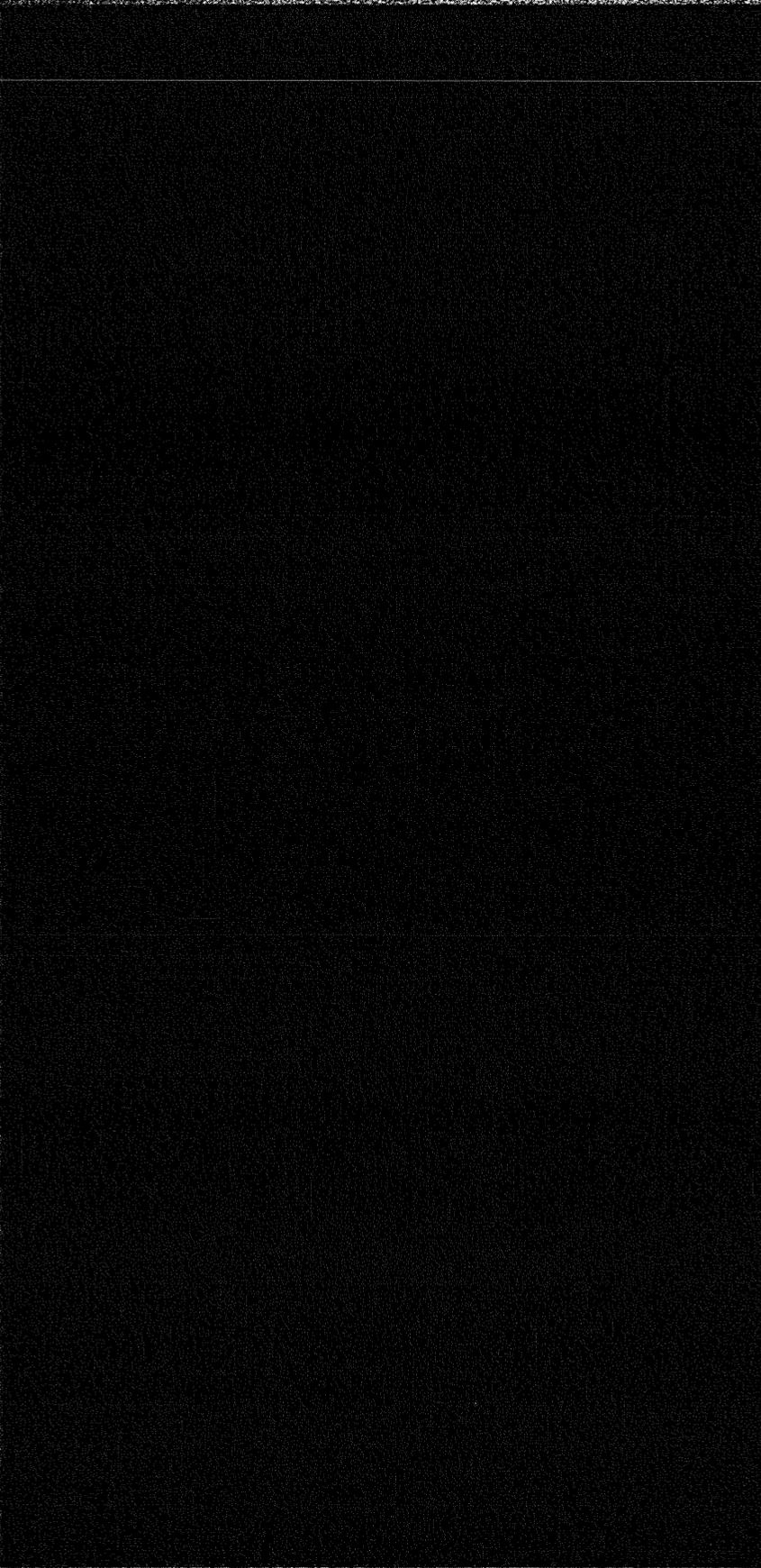
MAN 18 n 81

Proper

Not all aircraft of the same type, are configured the same.

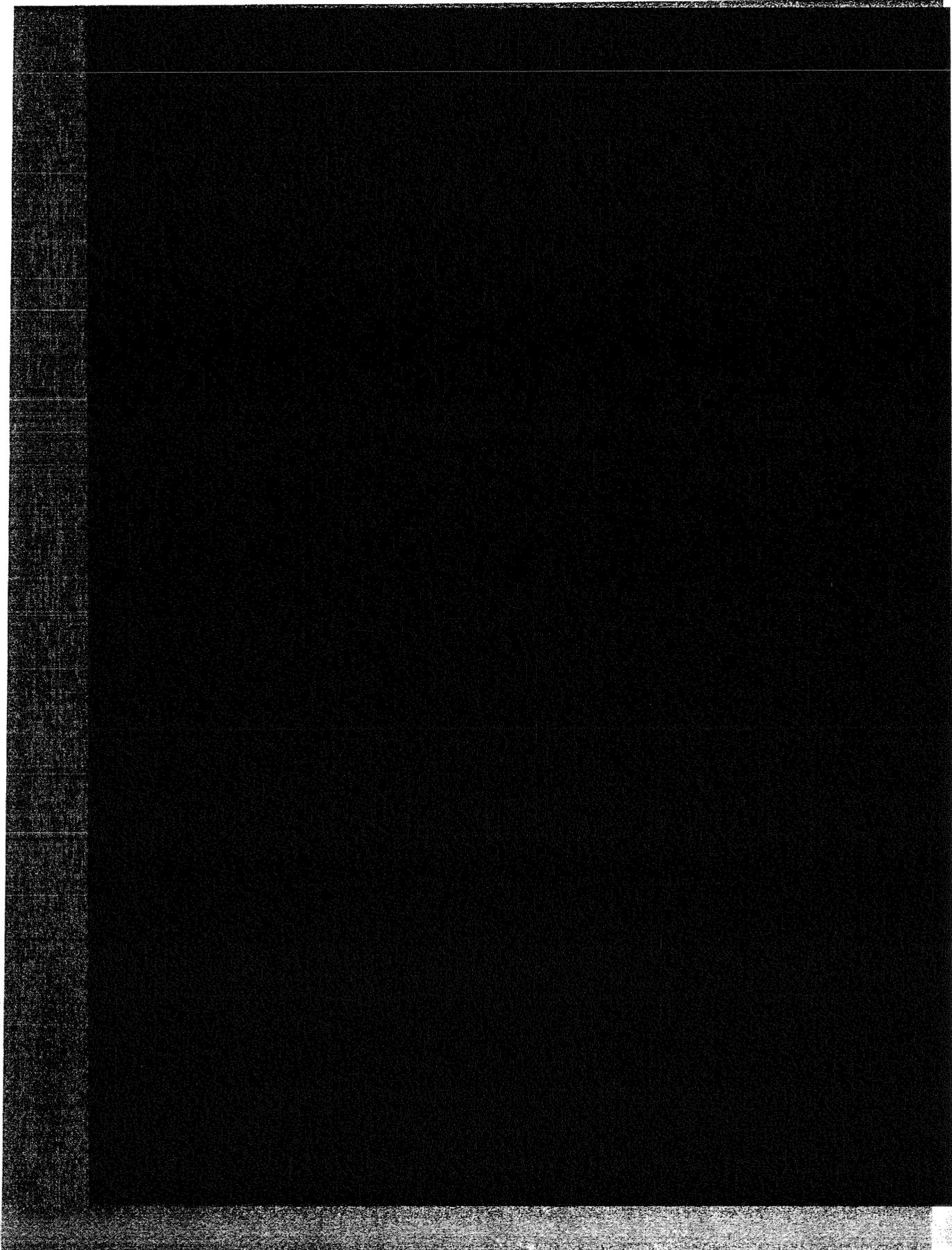
2-10-2017 81

737

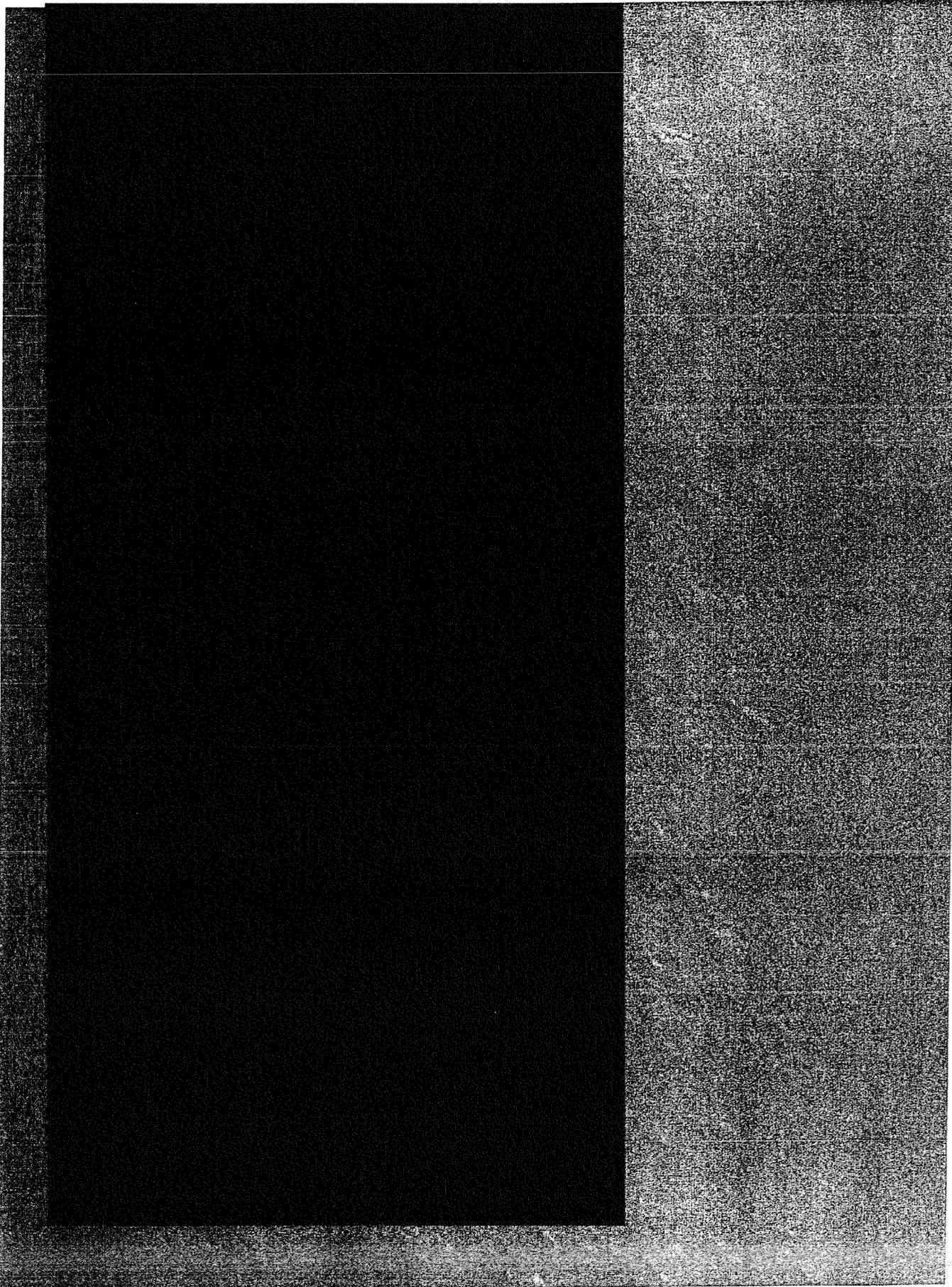


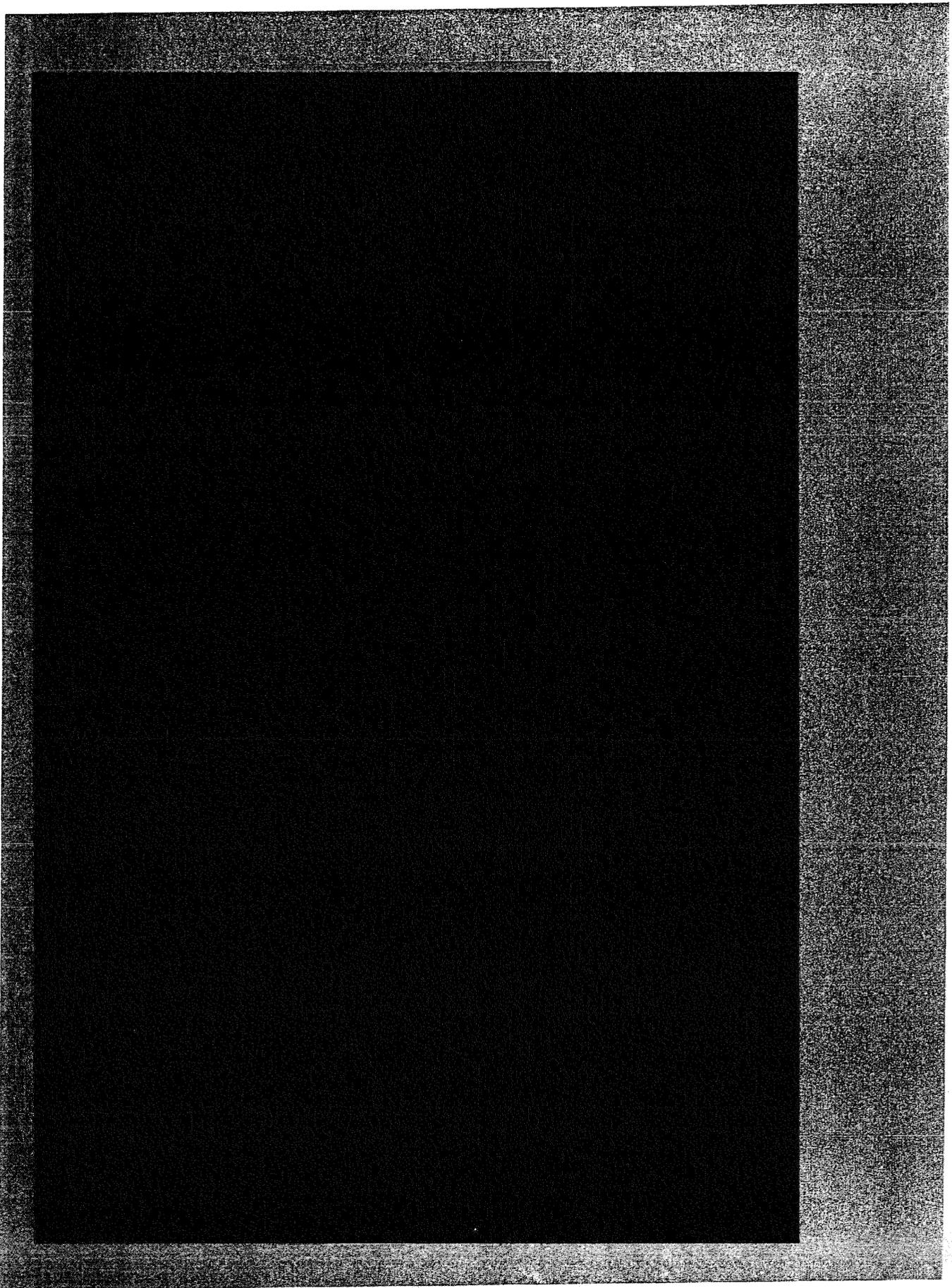
757

18-12-2000

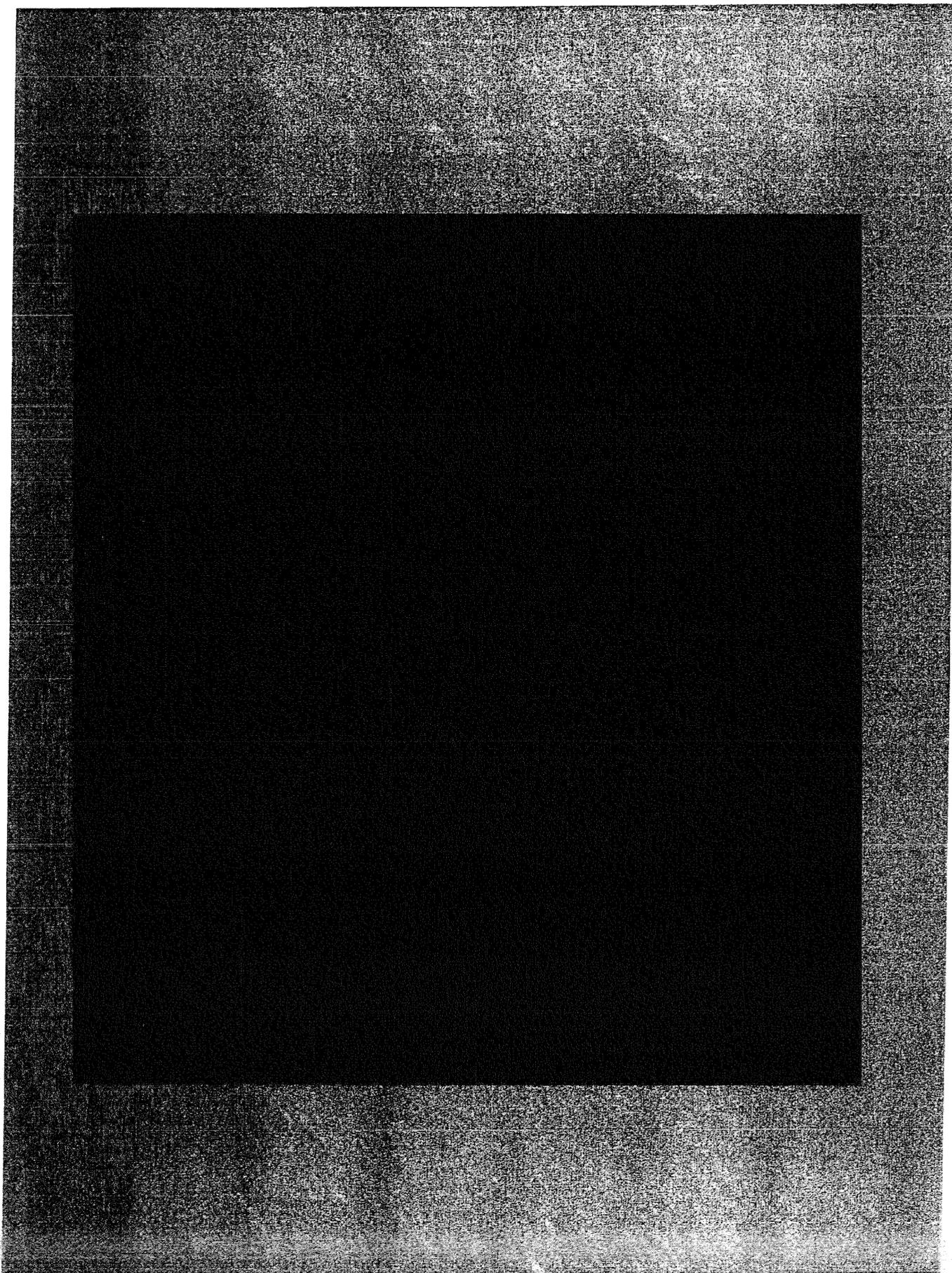


DATE 32 27 81

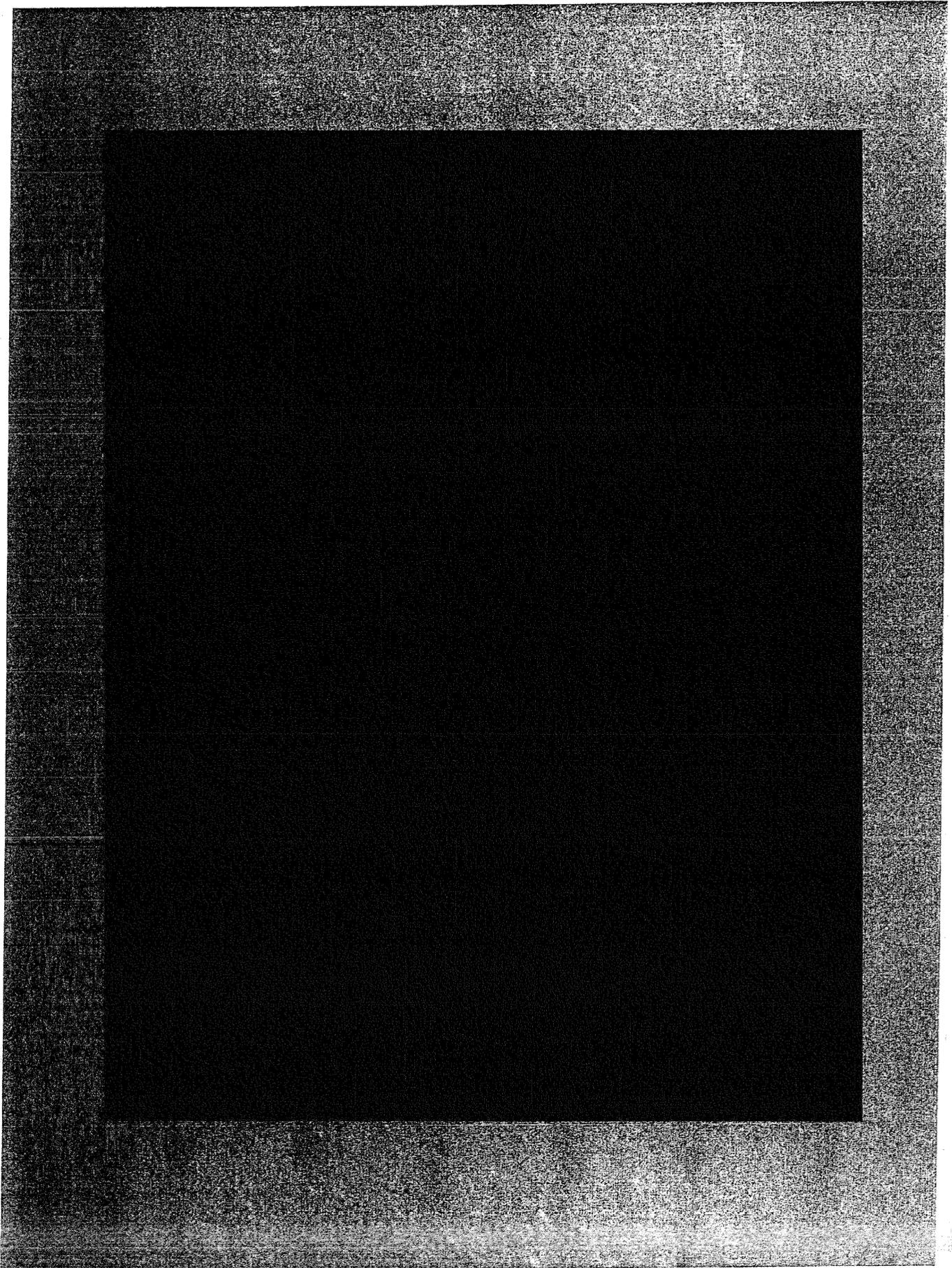




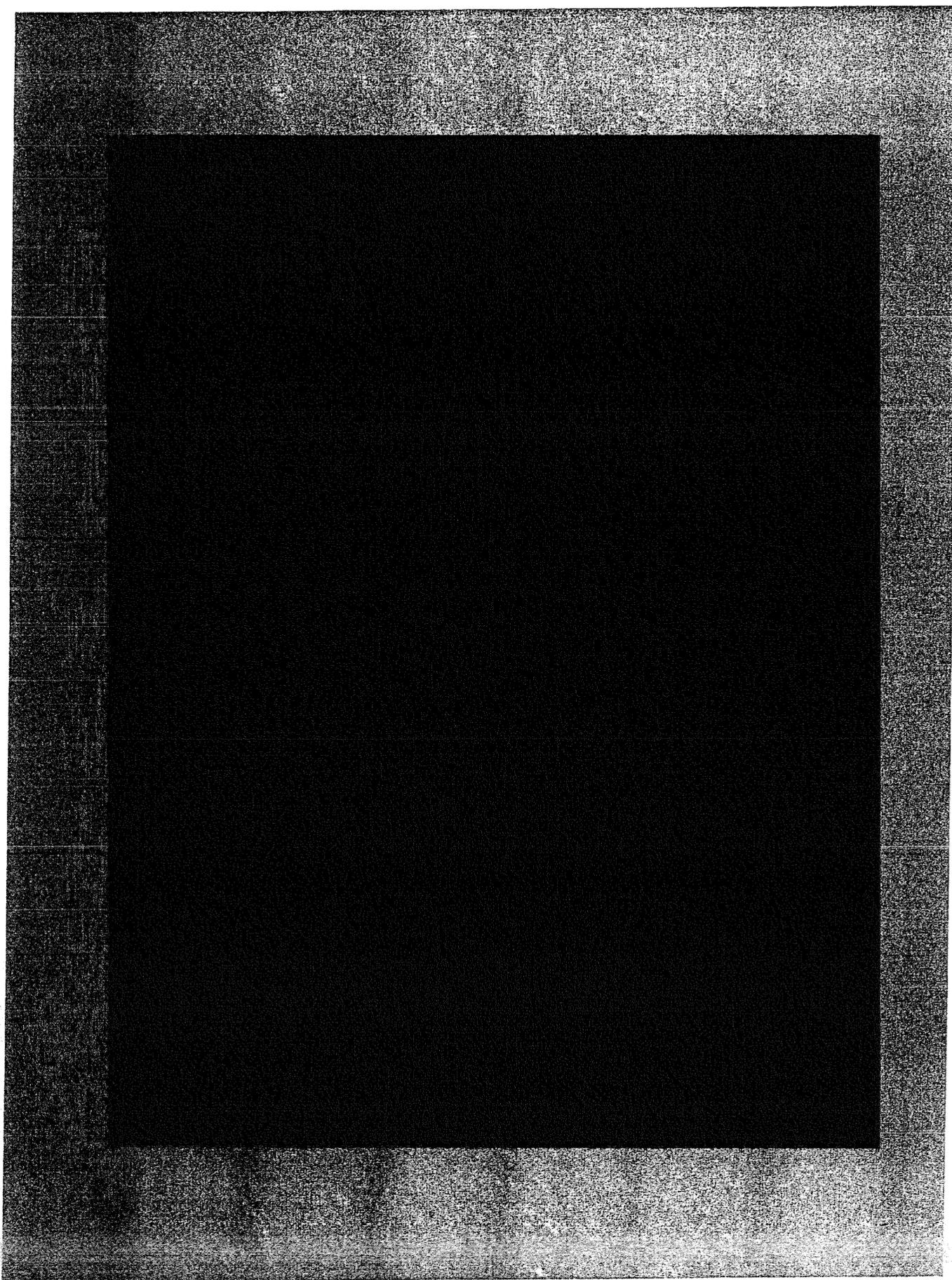
18 25 91 XI



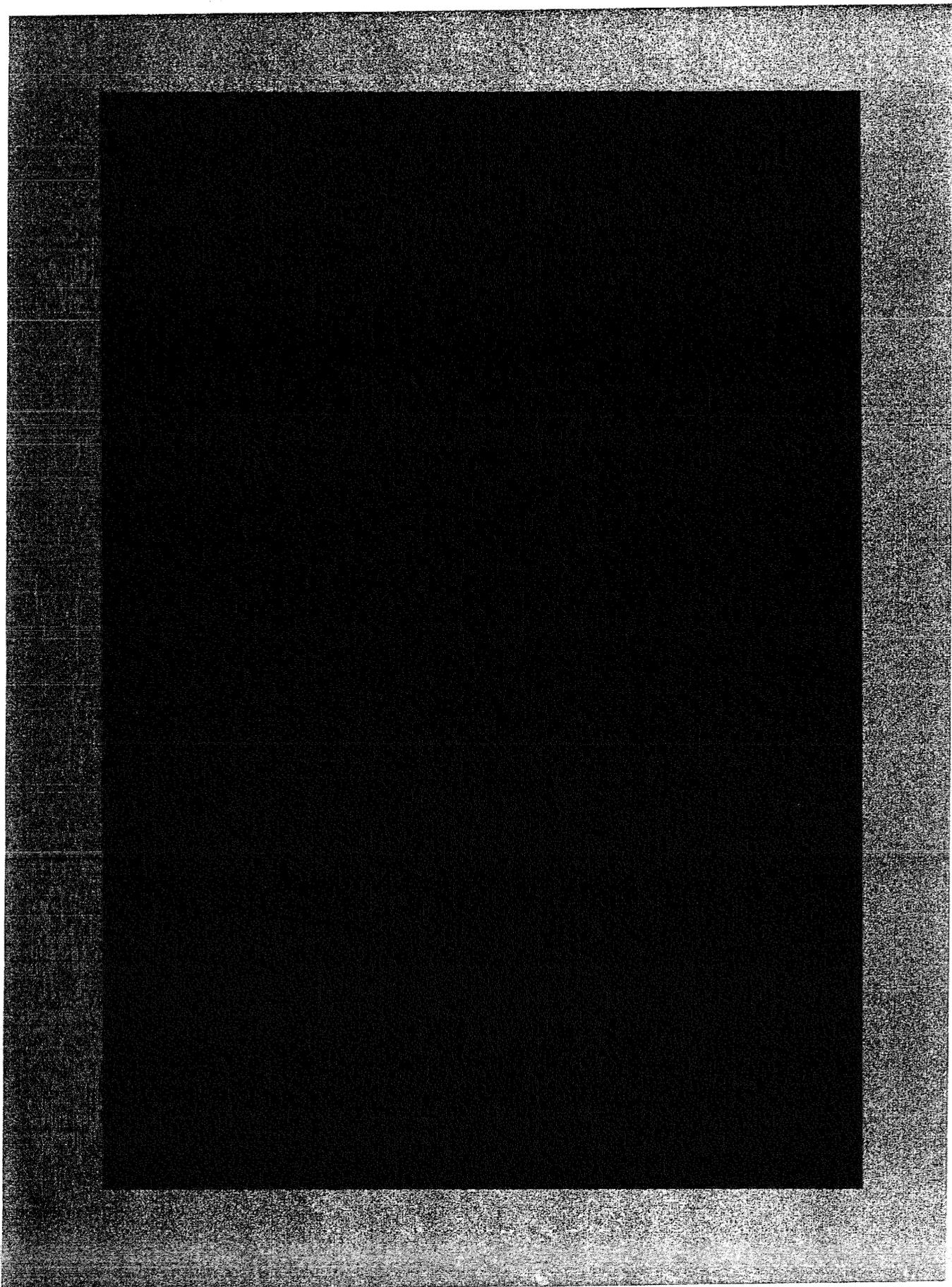
18 36 91 81

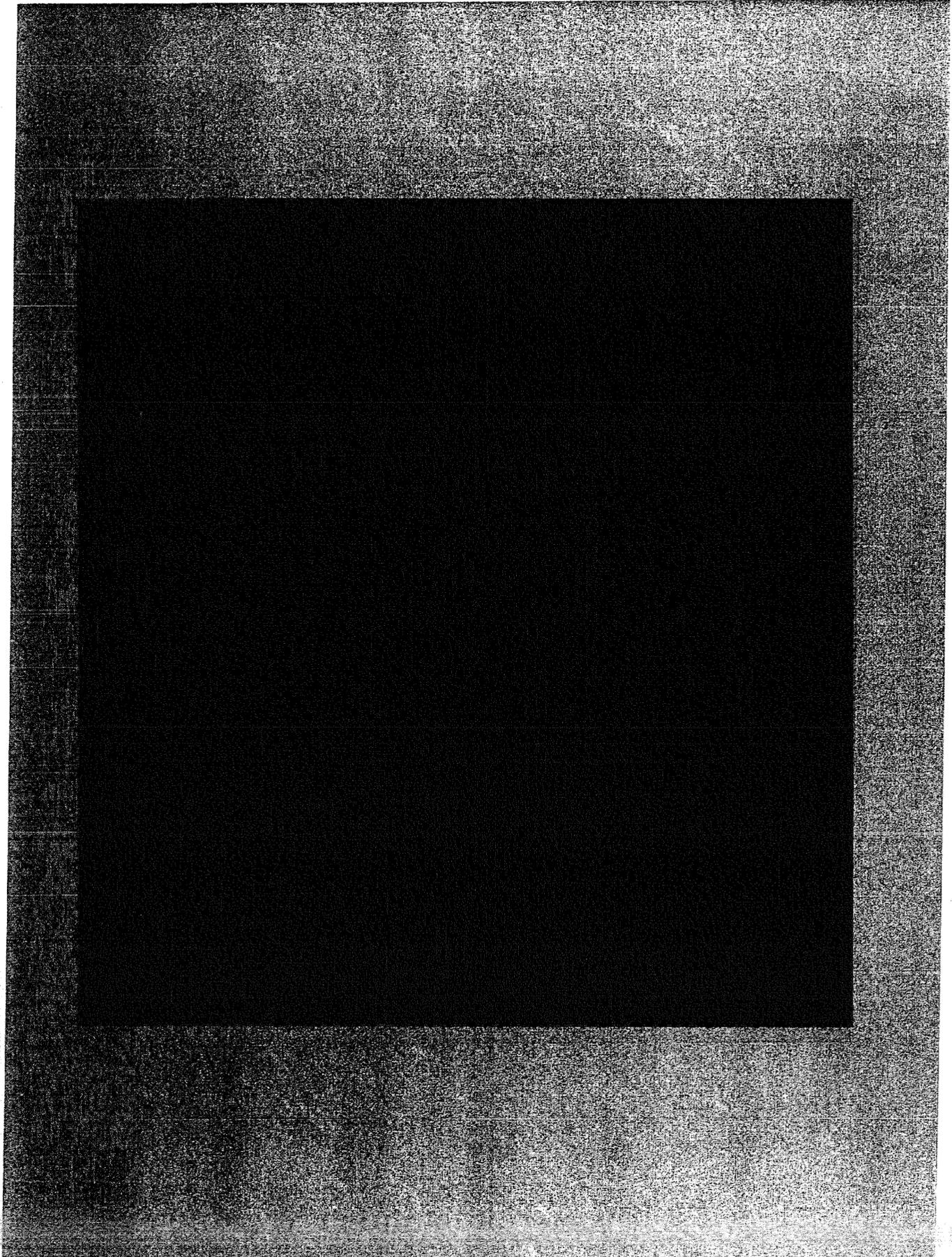


18-5-2008

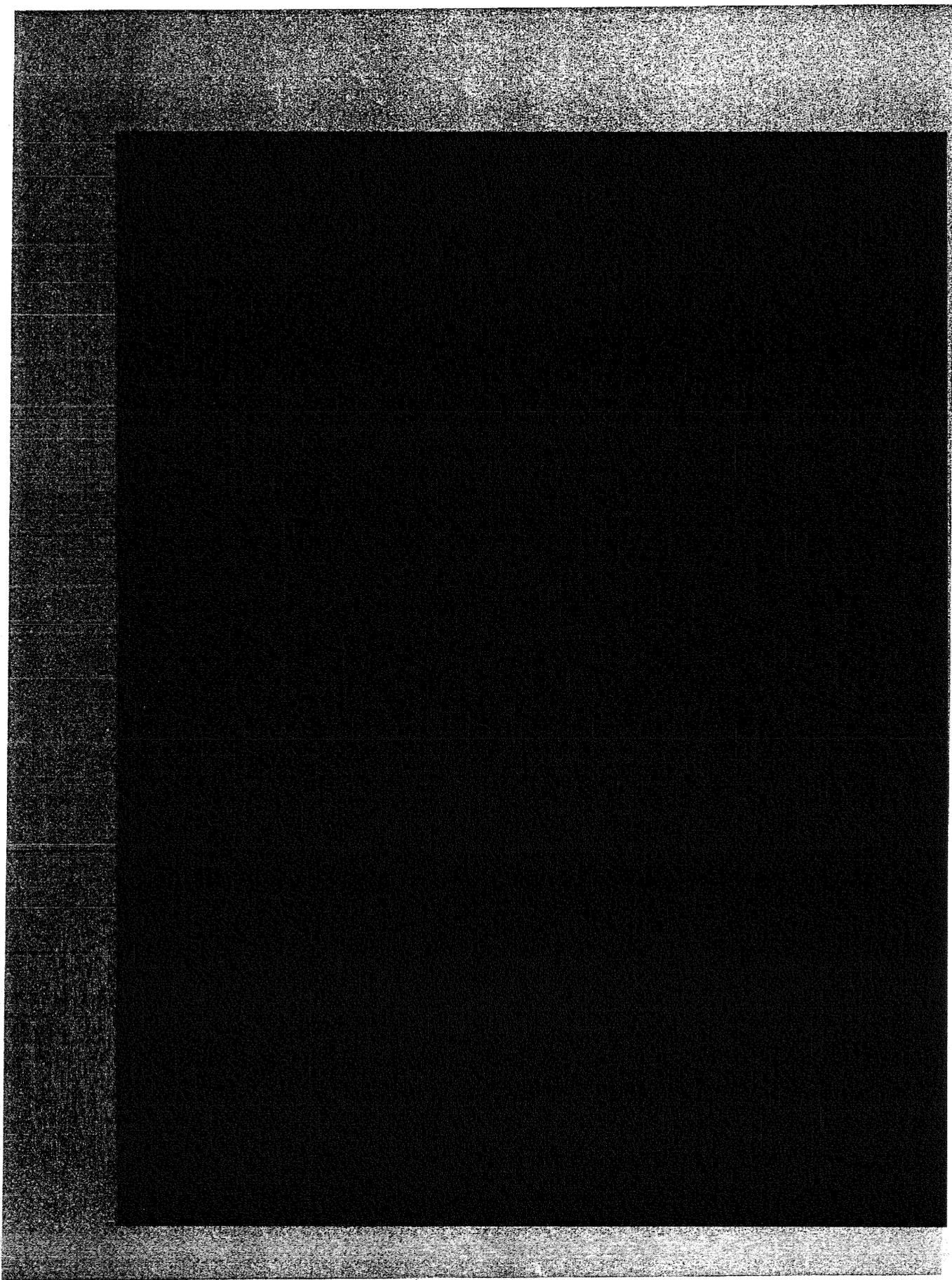


18-2000-81

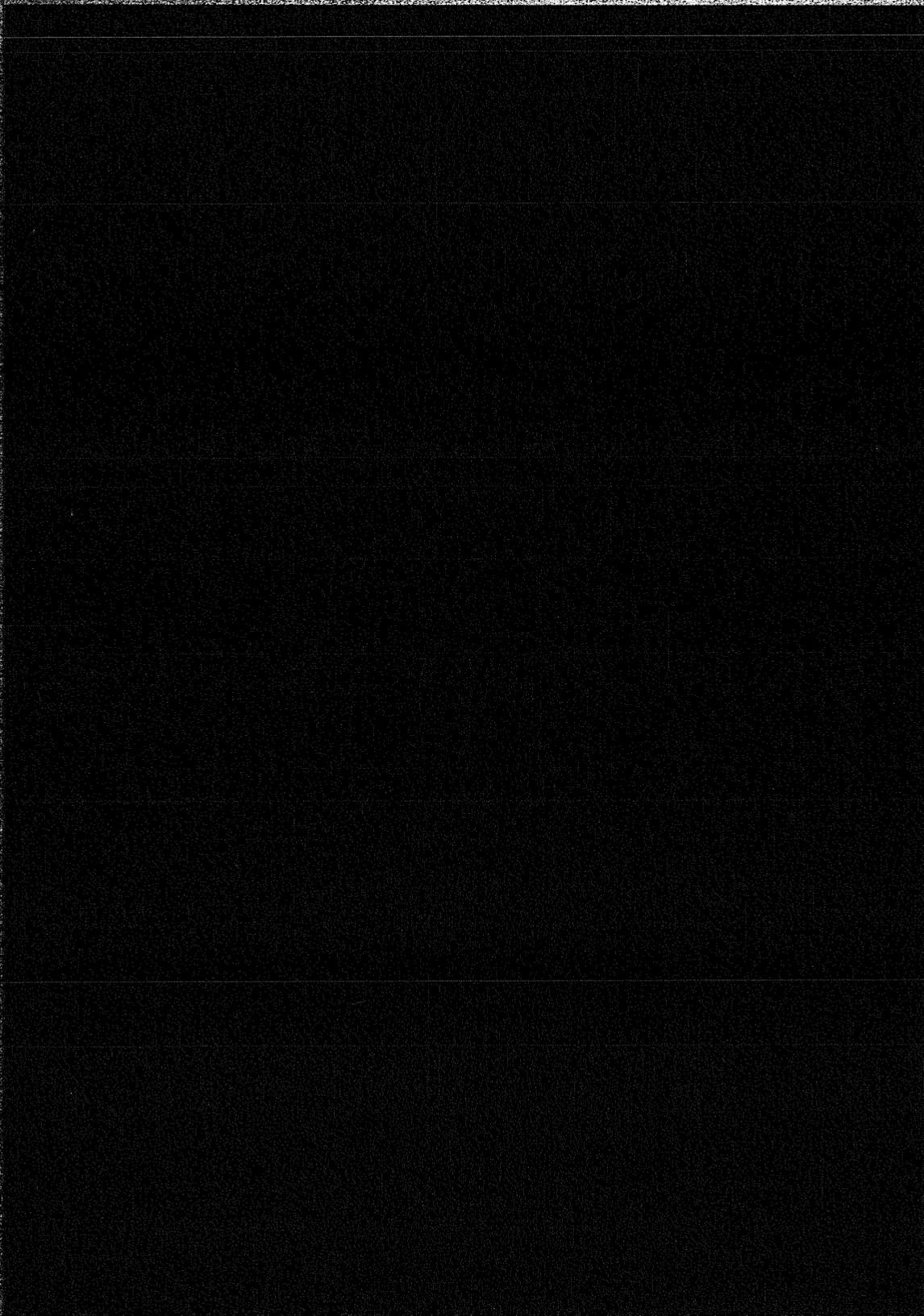


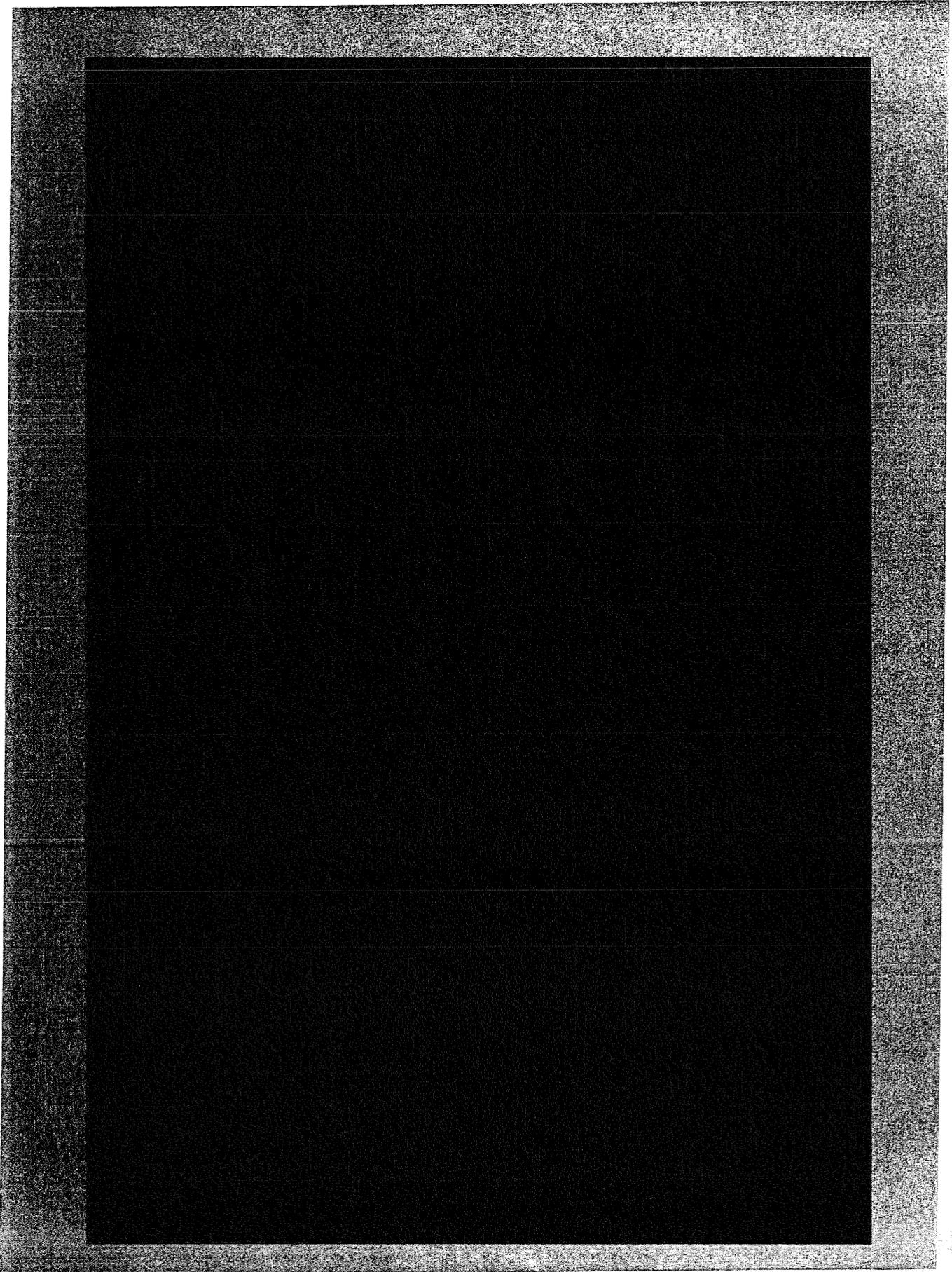


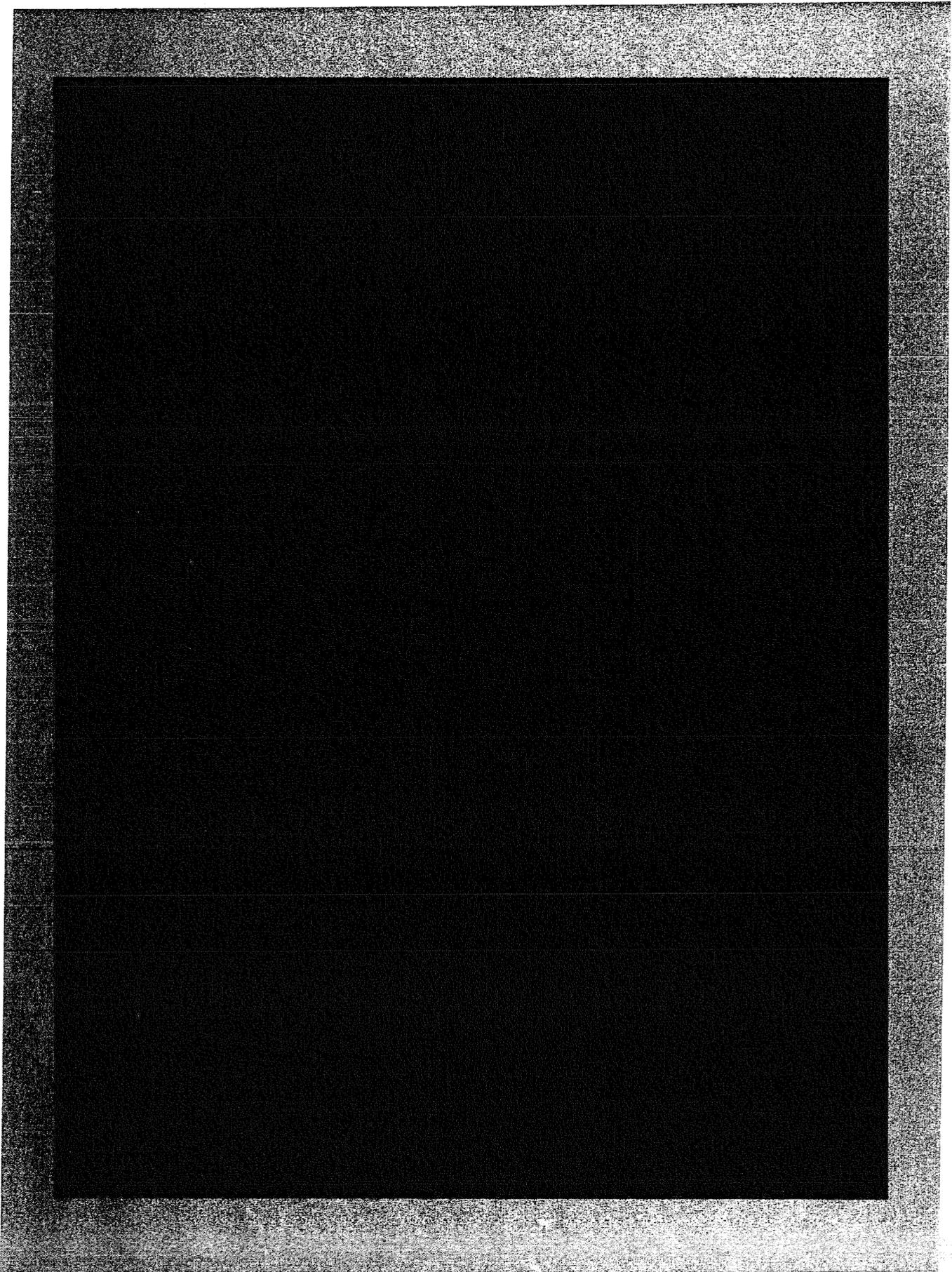
109 91



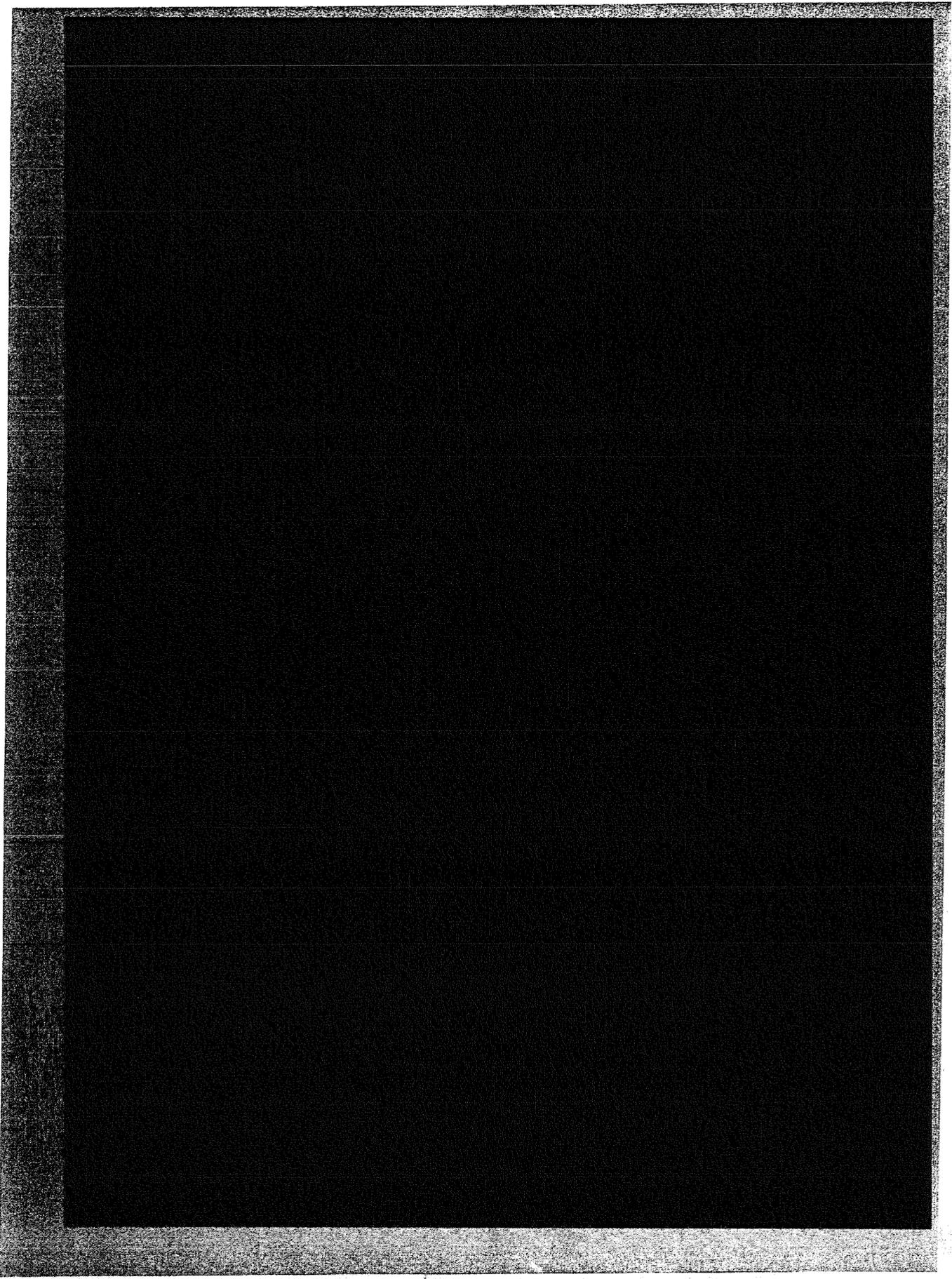
10-5-11

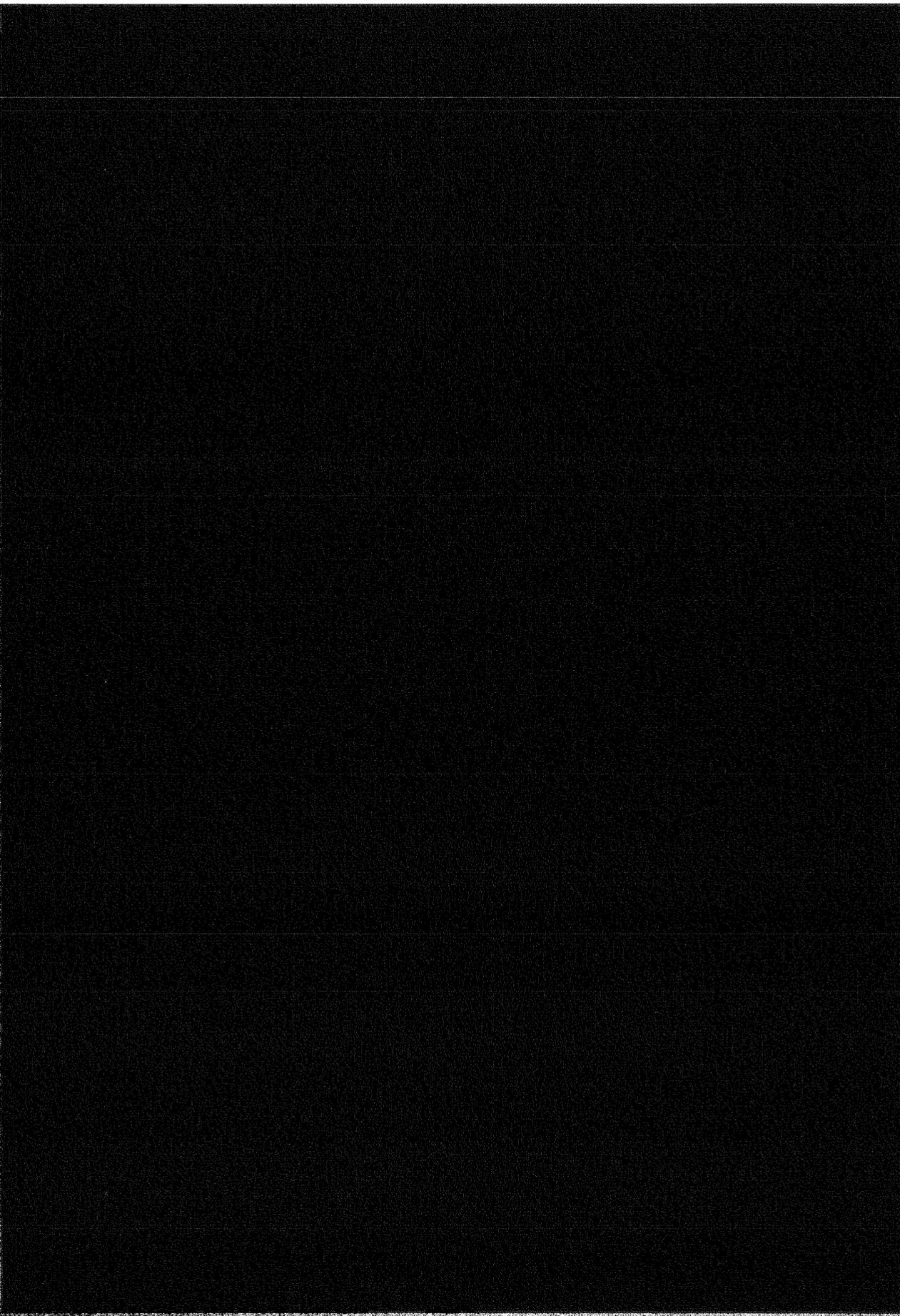


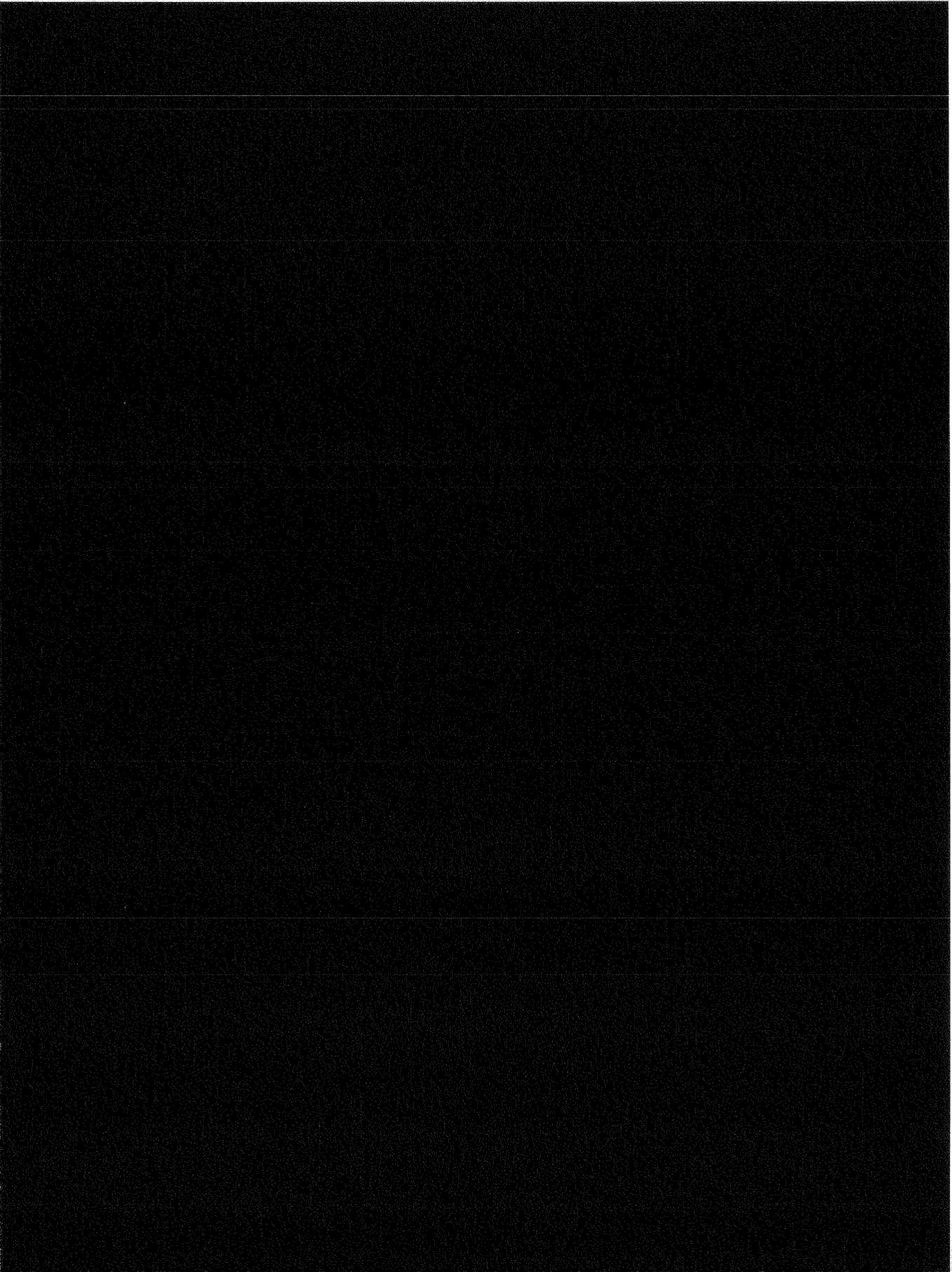




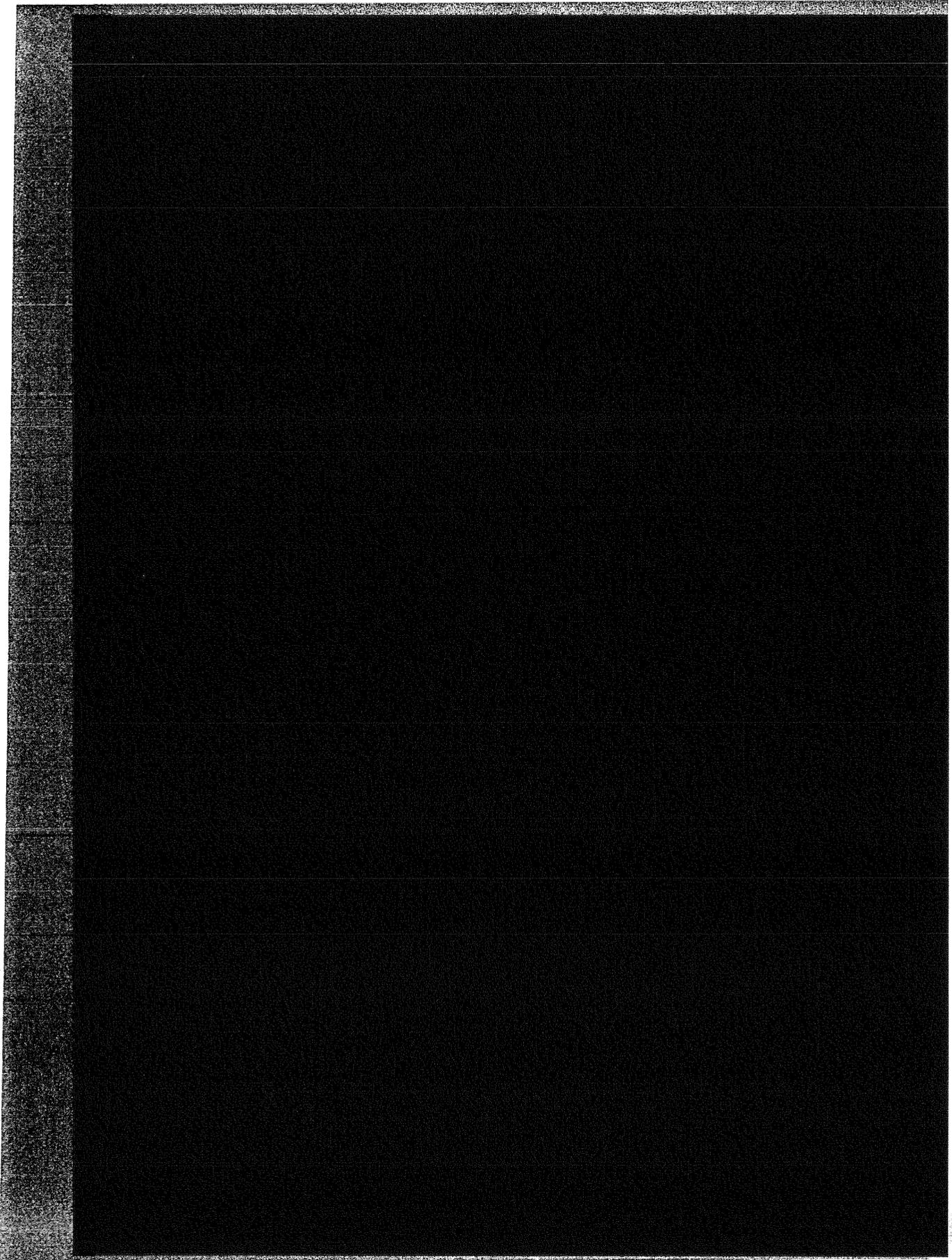
18 20 16 21







13/11/2011



Vertical text or markings along the right edge of the page, possibly bleed-through or a scanning artifact.

PAGE 51 AL 81

ANAO 52 07 81

Page 53 of 81.

1981 54 78

Toth, Kevin

From: Wozniak, Monica
Sent: Friday, April 14, 2006 1:35 PM
To: Frederick, Heidi; Sokolova, Natalya
Cc: Jenkins, Steve; Toth, Kevin
Attachments: [REDACTED] LETTER.doc

Heidi,

Attached is the clarification letter you requested in regard [REDACTED]

Monica Wozniak
Principal Security Inspector



Transportation
Security
Administration

April 14, 2006

[REDACTED]
ATTN: Heidi Frederick
Director, Corporate Aviation Security
[REDACTED]

Dear Ms. Frederick:

This letter is in response to your request for written clarification regarding the search [REDACTED]
[REDACTED] and the documentation you provided regarding various types of [REDACTED]

Guidance regarding the need for search in areas that do not require [REDACTED]
[REDACTED] is contained in the security directive Q&A document dated August 19, 2004 on the web
board. TSA clearly advised aircraft operators [REDACTED]
[REDACTED]

While [REDACTED] recently provided documentation regarding proposed [REDACTED]
part number or [REDACTED]
[REDACTED]

TSA advised carriers of this requirement over two years ago. Please provide a [REDACTED]
timeline for compliance.

Sincerely,

Monica Wozniak
Principal Security Inspector

page 56 of 81

Toth, Kevin

From: Jenkins, Steve
Sent: Monday, June 26, 2006 2:45 PM
To: Toth, Kevin
Cc: Derrick, Michael
Subject: RE: [REDACTED]

Kevin, Copied Mike, our Policy Branch Chief, for assistance. Steve

-----Original Message-----

From: Toth, Kevin
Sent: Monday, June 26, 2006 3:45 PM
To: Jenkins, Steve
Subject: [REDACTED]

Steve, any word on the [REDACTED] discussions. I haven't heard anything contrary to the requirements in the SD, or in the new AOSSP. We are awaiting further guidance from HQs before proceeding with enforcement.

Kevin C. Toth
DFW International Airport
Coppell, TX
Office: (469) 948-1873
Cell: (214) 952-6165
kevin.toth@dhs.gov

page 57 of 81

Toth, Kevin

From: Vaughn, Tony [Tony.Vaughn@[REDACTED].com]
Sent: Wednesday, November 28, 2007 1:09 PM
To: Toth, Kevin
Subject: Re: Aircraft Interior Searches

Kevin, thanks and I understand your concern and will forward your comments to the appropriate personnel. Tony

-----Original Message-----

From: Toth, Kevin <Kevin.Toth@dhs.gov>
To: Vaughn, Tony
Sent: Wed Nov 28 14:05:08 2007
Subject: RE: Aircraft Interior Searches

Thanks Tony. But my concern is more directed at the originating station that is completing the interior [REDACTED] search. I do understand that some [REDACTED]

The regulations do not require a [REDACTED] is inspected; however are not the stations performing these inspections suppose to replace them?

Please do not interpret that I am asking you to do anything with these [REDACTED] for the search is not required, unless of course these are [REDACTED]

Kevin C. Toth
Department of Homeland Security
Transportation Security Inspector
DFW International Airport
Coppell, TX
Office: (469) 948-1873
Cell: (214) 952-6165
kevin.toth@dhs.gov

-----Original Message-----

From: Vaughn, Tony [mailto:Tony.Vaughn@[REDACTED].com]
Sent: Wednesday, November 28, 2007 12:56 PM
To: Toth, Kevin
Subject: Re: Aircraft Interior Searches

Kevin, we have gone after this and will continue to do. We continue to order [REDACTED] into the station and should receive a shipment shortly.
Thanks for the info. And I'll let you when we get them in. Tony

-----Original Message-----

From: Toth, Kevin <Kevin.Toth@dhs.gov>
To: Vaughn, Tony
Sent: Wed Nov 28 13:52:05 2007
Subject: Aircraft Interior Searches

Good morning Tony, hope you enjoyed Thanksgiving and are set for the holidays. Today I boarded the aircraft parked at [REDACTED]

[REDACTED] I know that this flight originated in ASW to ALT to DFW. It is my understanding that station that completed with interior search replaces the [REDACTED]

page 58 of 81
1

This is not the first aircraft that I have found similar discoveries pertaining [REDACTED] with aircraft that have flown this route or have originated in ATL. I would appreciate assistance in addressing this matter, or for clarity as to the policy being administered at these locations.

Thank you,

Kevin C. Toth

Department of Homeland Security

Transportation Security Inspector

DFW International Airport

Coppell, TX

Office: (469) 948-1873

Cell: (214) 952-6165

kevin.toth@dhs.gov <mailto:kevin.toth@dhs.gov>

page 59 of 81

Toth, Kevin

From: Vaughn, Tony [Tony.Vaughn@[REDACTED].com]
Sent: Wednesday, November 28, 2007 12:56 PM
To: Toth, Kevin
Subject: Re: Aircraft Interior Searches

Kevin, we have gone after this and will continue to do. We continue to order [REDACTED] into the station and should receive a shipment shortly. Thanks for the info. And I'll let you when we get them in. Tony

-----Original Message-----

From: Toth, Kevin <Kevin.Toth@dhs.gov>
To: Vaughn, Tony
Sent: Wed Nov 28 13:52:05 2007
Subject: Aircraft Interior Searches

Good morning Tony, hope you enjoyed Thanksgiving and are set for the holidays. Today I boarded the aircraft parked at [REDACTED]

[REDACTED] I know that this flight originated in ASW to ALT to DFW. It is my understanding that station that completed with interior search replaces the [REDACTED]

This is not the first aircraft that I have found similar discoveries pertaining [REDACTED] with aircraft that have flown this route or have originated in ATL. I would appreciate assistance in addressing this matter, or for clarity as to the policy being administered at these locations.

Thank you,

Kevin C. Toth

Department of Homeland Security

Transportation Security Inspector

DFW International Airport

Coppell, TX

Office: (469) 948-1873

Cell: (214) 952-6165

kevin.toth@dhs.gov <mailto:kevin.toth@dhs.gov>

Page 60 of 81

Toth, Kevin

From: Toth, Kevin
Sent: Thursday, November 29, 2007 3:18 PM
To: Ceasario, Debra
Cc: Crow, Wes
Subject: [REDACTED]

Good afternoon Debra. I have been looking at aircraft that are arriving from ATL. These aircraft start the day in RSW to ATL to DFW. I have noticed that [REDACTED] I am aware that [REDACTED] are not required, but find it difficult to believe that the [REDACTED] are being removed and inspected.

I have BCed you on my earlier messages to the station manager here, however may I recommend that this information be forwarded to the TSA folks at RSW.

Thank you,

Kevin C. Toth
Department of Homeland Security
Transportation Security Inspector
DFW International Airport
Coppell, TX
Office: (469) 948-1873
Cell: (214) 952-6165
kevin.toth@dhs.gov

Page 61 of 81

Toth, Kevin

From: Nichols, John, J. <TSA OCC>
Sent: Thursday, January 03, 2008 1:39 PM
To: Toth, Kevin
Subject: RE: [REDACTED] Search Guidance

Thanks, Kevin. I'll have a look and go from there. Your expertise is greatly appreciated. --John

From: Toth, Kevin
Sent: Thursday, January 03, 2008 2:37 PM
To: Nichols, John, J. <TSA OCC>
Subject: [REDACTED] Search Guidance

Good afternoon John, here are the source documents we discussed this afternoon.

Kevin C. Toth
Department of Homeland Security
Transportation Security Inspector
DFW International Airport
Coppell, TX
Office: (469) 948-1873
Cell: (214) 952-6165
kevin.toth@dhs.gov

page 62 of 81

Toth, Kevin

From: Toth, Kevin
Sent: Thursday, January 17, 2008 12:14 PM
To: Glover, Robert
Cc: Crow, Wes
Subject: [REDACTED] EIR

Good afternoon Robert. Not sure if you are aware, however we are working a case against [REDACTED] for failure to inspect [REDACTED]. These [REDACTED] and if you look at their inspection form, it reflects the need not to inspect them. They have issued a bulletin to remedy this issue, and I have completed a follow up inspection and they have implemented the procedures. The [REDACTED] are in place on the [REDACTED].

As a finale before we move forward, we are recommending a civil penalty in the amount of \$12,500. Are there any comments that you would like to contribute before we close this out.

Thanks you, respectfully,

Kevin C. Toth
Department of Homeland Security
Transportation Security Inspector
DFW International Airport
Coppell, TX
Office: (469) 948-1873
Cell: (214) 952-6165
kevin.toth@dhs.gov

page 63 of 81

View Investigation

EIR #: 2008DFW0079

Subject Name: [REDACTED]

Event Data

Port DFW-Dallas/Fort Worth International
Open Date 12/14/2007
Open Time 0755
Lead Agent* kevin Toth
Agent Hours** 10 Travel Hours** 1

Note: Fields with a ** next to them are required when submitting for review.

Linked Events

Event Type Inspection
Tracking Number INS2008DFW0102
Event Date 12/07/2007
Agent Name Toth, Kevin
Finding Description At approximately 0530 TSI TOTH boarded [REDACTED] (DFW to MDW)), an 737-800 aircraft par...

Additional Details

Subject Information

Subject Type* Carrier
Subject Name* [REDACTED]
DBA Name
DBA Name 2
DBA Name 3
Address [REDACTED]
Address 2 [REDACTED]
City [REDACTED]
State [REDACTED]
Postal Code [REDACTED]
Certificate Number [REDACTED]
Certificate Type 121
Certificate Area
Self Disclosure No
Alternate Security Contact

page 64 of 81

Status Active
Full Name Kenneth Reid

Address [Redacted]
Address 2 [Redacted]
City [Redacted]
State [Redacted]
Postal Code [Redacted]
Country [Redacted]
Work Phone [Redacted]
Primary Mobile Phone [Redacted]

Security Contact
Status Active
Full Name James Lansbery

Address [Redacted]
Address 2 [Redacted]
City [Redacted]
State [Redacted]
Postal Code [Redacted]
Country [Redacted]
Primary Email Address [Redacted]
Home Phone [Redacted]
Primary Work Phone [Redacted]

Related Data
Related Report INS2008DFW0102
Type Air Carrier - 121
Sub-type Scheduled Passenger
Category Air Carrier
Source Scheduled Inspection
Regulation Violated 1 49CFR 1544.101A1 1544.103 AOSSP Req By All A/C Oper W/Sche
Regulation Note Failure to inspect [Redacted]
Security Program 1 C160 - Aircraft Search

Attachments

Attachments [Redacted] LOI letter.doc
Description LOI pertaining to failure to inspect [Redacted]
[Redacted]

File Size 57 KB
Upload Date 12/14/2007

page 65 of 81

Attachments [REDACTED] Inspection Report.JPG
Description [REDACTED] Interior Inspection Form
File Size 1626 KB
Upload Date 12/14/2007

Recommendations

Recommended Action 1* Administrative Action
Sanction* Letter Of Correction
Sanction Amount

Remarks In accordance with the penalty guidelines within the NIM, dtd 12/05/2007, a civil penalty in the low moderate range is recommended, even though a corporate decision to not search these areas resulted in the [REDACTED] not being searched as evident on the attached inspection form.

Investigation History

Status: Draft **Name:** kevin Toth **Date:** 12/14/2007 0758
Status: Submitted **Name:** kevin Toth **Date:** 12/14/2007 0823
Status: Rejected **Name:** kevin Toth **Date:** 12/14/2007 1116
 Note: rejected to add LOI | kevin Toth | 12/14/2007 1116
Status: Submitted **Name:** kevin Toth **Date:** 12/14/2007 1116
 Note: LOI attached. | kevin Toth | 12/14/2007 1116
Status: Rejected **Name:** Wes Crow **Date:** 01/24/2008 0738
 Note: Let's close this case with a Letter of Correction. | Wes Crow | 01/24/2008 0738
Status: Submitted **Name:** Kevin Toth **Date:** 01/24/2008 1445
 Note: Based on comments from supervisor, this case will be closed with a Letter of Correction. | Kevin Toth | 01/24/2008 1445
Status: Approved **Name:** Wes Crow **Date:** 02/04/2008 0847

page 66 of 81

U.S. Department of Homeland Security
Transportation Security Administration
Dallas/Fort Worth International Airport
510 Airline Drive, Suite 110
Coppell, TX 75019



Transportation
Security
Administration

SENSITIVE SECURITY INFORMATION

December 14, 2007

James Lansbery, Director of Security
[REDACTED]

Re: Case No.: 2008DFW0079

LETTER OF INVESTIGATION

Dear Mr. Lansbery,

The Transportation Security Administration (TSA) Dallas/Fort Worth International Airport Field Office is investigating an alleged violation of the Transportation Security Regulations (TSR), 49 Code of Federal Regulations (C.F.R.) part 1544 and the Aircraft Operator Standard Security Program (AOSSP), Section 12.3.1.A.4.

Specifically, on December 7, 2007, at 0530, at DFW International Airport, an inspector boarded your aircraft to observe the interior aircraft search required for the [REDACTED]. Upon entering the aircraft it was noted that the one individual performing the inspection stated that he was finishing the inspection. The inspector asked him to demonstrate the inspection of the [REDACTED] and then how he inspects the [REDACTED]. It was during this time that it was noticed that the [REDACTED]. By conducting additional interviews and review of the [REDACTED] inspection form it was evident that these [REDACTED]. In addition, by interviews of the GSC and other [REDACTED] staff, they were unaware as to the necessity to inspect the [REDACTED]. Once the TSA inspector demonstrated to [REDACTED] mechanics as to how these [REDACTED] ATA personnel did search the areas.

This incident represents a failure on the part of [REDACTED] to comply with 49 C.F.R. § 1544.101(a)(1) and AOSSP Section 12.3.1.a.4, Search Measures. An aircraft operator found to be in violation of these regulations is subject to a Civil Penalty of up to \$25,000 per violation.

As part of TSA's investigation into the circumstances of this alleged violation, we are providing this opportunity for you to submit, in writing, any information regarding this matter. This information should be submitted within 20 calendar days of your receipt of this letter, and should be sent to Kevin C. Toth, Transportation Security Inspector, at the address listed above.

page 18 of 81

Any information you provide will be duly considered in our investigation. If you do not respond within the specified time, an investigative report will be completed without the benefit of your input.

Sincerely,

Cedric Alexander
Federal Security Director

page 69 of 81

Rec'd 01/15/08

FAX COVER SHEET

DATE:	January 15, 2008	TIME:	3:19 PM
TO:	Mr. Kevin C. Toth Transportation Security Inspector	PHONE:	
		FAX:	469-948-1810 972-745-4369 4691
FROM:	Sheryl Sellmeyer [Redacted] Sheryl.sellmeyer@[Redacted].com	PHONE:	[Redacted]
		FAX:	[Redacted]
RE:			
Number of pages including cover sheet:			
<small>THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us via the U.S. Postal Service. Thank You.</small>			

Message:

Mr. Toth:

On behalf of JC Buehler, please find attached our correspondence to Case No.: 2008DFW0079. I'll send hard copy via regular mail.

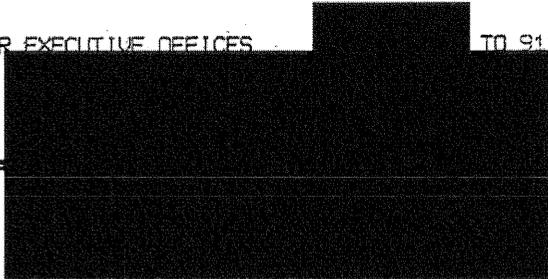
Thank you,

Sheryl
Sheryl

WARNING

The attached information may be confidential. It is intended only for the addressee(s) identified above. If you are not the addressee(s), or an employee or agent of the addressee(s), please note that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this fax in error, please destroy the document and notify the sender of the error. Thank you.

page 70 of 81



J.C. Buehler
Corporate Counsel



January 14, 2008

Mr. Kevin C. Toth
Transportation Security Inspector
U.S. Department of Homeland Security
Transportation Security Administration
Dallas/Fort Worth International Airport
510 Airline Drive, Suite 110
Coppell, TX 75019

RE: Case No.: 2008DFW0079

Dear Mr. Toth:

The undersigned will represent [redacted] regarding the above case number. Please direct correspondence accordingly.

First, thank you for extending the time to provide a response.

With regard to the violation, [redacted] concurs that the 737-800 [redacted]

However, previous TSA inspections were not as thorough as yours. [redacted] had not been previously challenged on the adequacy or completeness of those inspections.

In response to your investigation, [redacted] took immediate steps which will be sufficient to remedy the problem, to ensure future compliance, and allow your office to close this case with administrative action.

Step one of the corrective action was a Bulletin #07-22 to the Station Operations Airport Customer Service Manual issued December 21, 2007. A copy of that bulletin is attached for your review. In short, the Bulletin highlights the need to inspect and [redacted] on the 737-800. This item was previously included on the Aircraft Search Checklist [redacted] However, the Checklist did not include the need to [redacted] that item.

page 11 of 81

The second step required all employees in the area to acknowledge receipt of the Bulletin with a positive sign-off compliance form to be completed by January 18, 2008. The Bulletin and positive sign-off will provide a basis to ensure complete compliance.

Finally, the company instituted a fleet-wide campaign of all 737-800's to ensure that [REDACTED] [REDACTED] I enclose an e-mail dated January 3, 2008 from the company maintenance representatives indicating that the fleet inspection was completed.

I understand that your office will continue to work with Jim Lansbery and the local station management to address this issue to maintain the integrity of safe, secure aircraft. The company is committed to working to maintain full compliance with the AOSSP.

Please contact Mr. Lansbery or the undersigned directly for additional information.

Given the company's response and cooperation this matter should be closed with informal administration action.

Sincerely,


J.C. Buehler
Corporate Counsel

JCB/ss

cc: Jim Lansbery
Ken Reid

Enclosures: Bulletin
Positive Sign-off Sheets
E-mail dated January 3, 2008

page 72 of 81

*Station Operations
Airport Customer Service Manual
Bulletin*

ACSM No: 07-22
Dec. 21, 2007

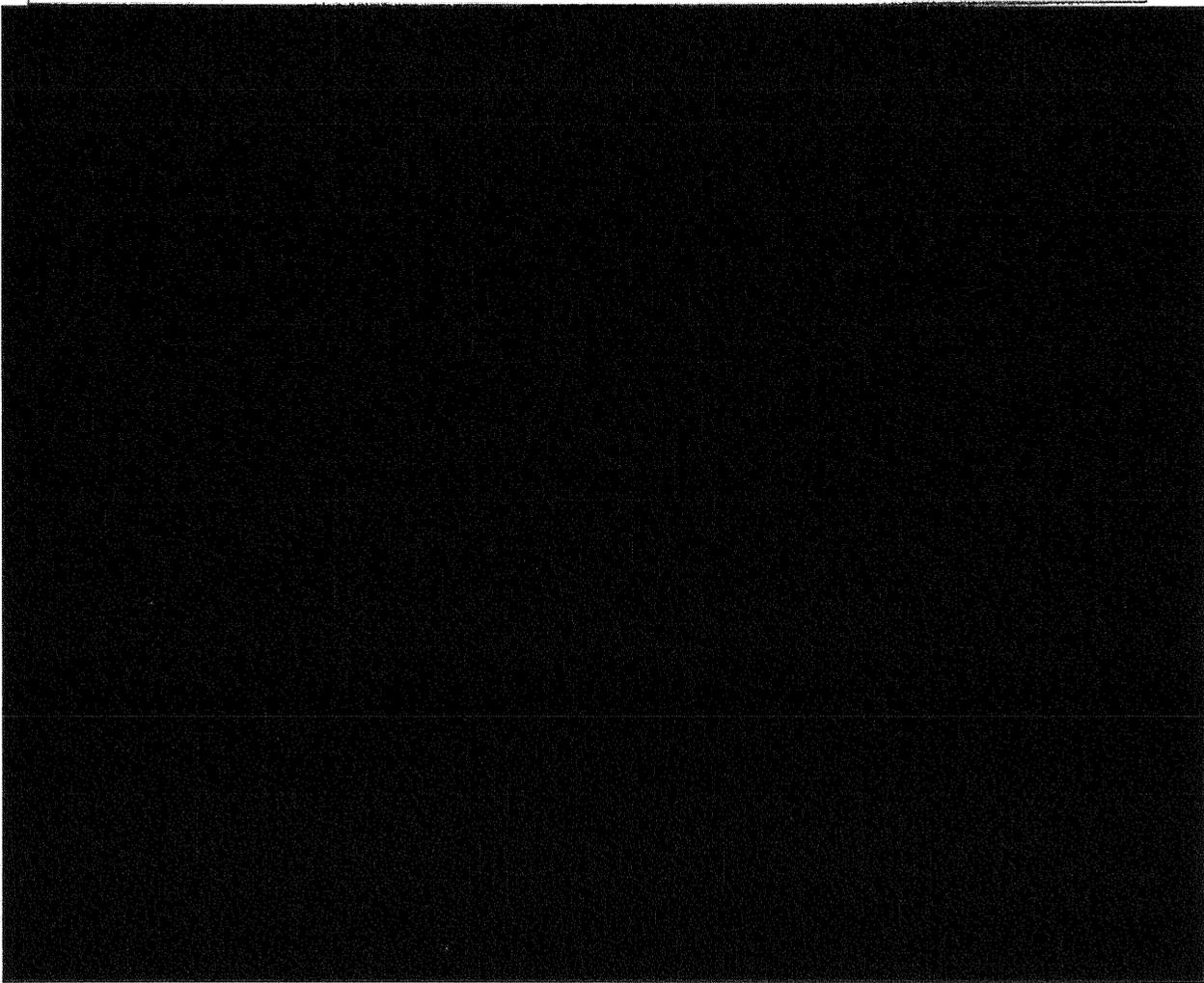
SUBJECT: 737-800 AIRCRAFT SEARCH SECURITY

Reference: ACSM Chapter 10, AOSSP Chapter 12

PURPOSE

The purpose of the bulletin is to outline additional Aircraft Search Security that are to be used on the 737-800.

GENERAL



WARNING: This bulletin contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 48 CFR parts 15 and 1520.

page 13 of 31

Buehler, J.C.

From: Reid, Ken
Sent: Thursday, January 03, 2008 1:33 PM
To: Buehler, J.C.
Cc: Lansbery, Jim
Subject: FW: 737-800 Fleet TSI put out to address TSA issue

From Maintenance - B737-800 complete.

-----Original Message-----

From: Kaiser, Chris
Sent: Tuesday, December 18, 2007 4:10 PM
To: Maintenance Planning Desk 1
Cc: Tendick, Christian; Reid, Ken; Chalmers, Mike
Subject: 737-800 Fleet TSI put out to address TSA issue

301	3	800	0599	KIND	18DEC07	797
304	3	800	0599	KIND	18DEC07	355
305	3	800	0599	KIND	18DEC07	586
308	3	800	0599	KIND	18DEC07	702
310	3	800	0599	KIND	18DEC07	473
314	3	800	0599	KIND	18DEC07	895
315	3	800	0599	KIND	18DEC07	533
317	3	800	0599	KIND	18DEC07	648
318	3	800	0599	KIND	18DEC07	497
319	3	800	0599	KIND	18DEC07	787
321	3	800	0599	KIND	18DEC07	639
323	3	800	0599	KIND	18DEC07	750



DUE date is 21DEC07, please do best to comply.

Thanks,

Chris Kaiser

Technical Services Specialist
chris.kaiser@...com

page 75 of 81

JAN 15 2008 16:04 FR EXECUTIVE OFFICES

TO 919727454691---0 P.07/07

** JOB CONFIRMATION REPORT **

AS OF JAN 15 2008 15:56 PAGE.01

EXECUTIVE OFFICES

JOB # 165

TELEPHONE NR
#919727454369---04399

SND MODE RCU TIME CODE RLY MAIL# #PGS
* NORM 005

page 16 of 81

KCT

Toth, Kevin

From: Toth, Kevin
Sent: Thursday, May 29, 2008 10:43 AM
To: Jenkins, Steve
Subject: RE: [REDACTED]

Attachments: [REDACTED].jpg



[REDACTED].jpg (31 KB)

Good morning Steve. As you can see we have another issue with inspections and
In reading Robert's response I am confused about the language pertaining to
[REDACTED]

Is there some documentation or amendment or guidance that Robert is citing here?

Kevin C. Toth
Department of Homeland Security
Transportation Security Inspector
DFW International Airport
Coppell, TX 75019
Office: (469) 948-1873
Cell: (214) 952-6165
kevin.toth@dhs.gov

-----Original Message-----

From: Glover, Robert A [mailto:Robert.Glover@dhs.gov]
Sent: Tuesday, May 27, 2008 10:57 AM
To: Toth, Kevin; shane.williams@[REDACTED].com
Cc: Glover, Robert A; vernon.jonhson@dhs.gov; Jenkins, Steve
Subject: RE: [REDACTED] seals

Shane,

All [REDACTED]
[REDACTED] Please provide
me with a flight schedule and POC here at DCA to conduct the inspection.

Robert

-----Original Message-----

From: Toth, Kevin [mailto:Kevin.Toth@dhs.gov]
Sent: Thursday, May 22, 2008 8:18 PM
To: shane.williams@[REDACTED].com; Toth, Kevin
Cc: Glover, Robert A; vernon.jonhson@dhs.gov
Subject: RE: [REDACTED]

Shane, I agree that the [REDACTED] the same way, however they
are not a [REDACTED] The SD that implemented this
measure, and that was later implemented into the AOSSP, is very clear;
[REDACTED]

page 11 of 21

Bob, can you please assist in this matter, thank you.

-----Original Message-----

From: Shane Williams [mailto:shane.williams@██████████.com]

Sent: Thu 5/22/2008 1:34 PM

To: Toth, Kevin

Cc: Glover, Robert A

Subject: ██████████

Kevin,

We have investigated the ██████████ of the 737 that you believe should be searched. We have an approved aircraft search program that does not include ██████████ on the aircraft. At this time, we are not changing our aircraft search procedures. If you disagree with this measure, we request that you send this information to our PSI. We will then work to make the change to our approved program through our PSI.

Thanks,

Shane Williams

page 78 of 81

Toth, Kevin

From: Toth, Kevin
Sent: Thursday, May 29, 2008 3:16 PM
To: Jenkins, Steve
Subject: RE: [REDACTED]

Steve, the one that is not [REDACTED]

I plan to meet another 737 [REDACTED] and snap some pictures and forward those up, if you believe it is necessary - thanks.

Kevin C. Toth
Department of Homeland Security
Transportation Security Inspector
DFW International Airport
Coppell, TX 75019
Office: (469) 948-1873
Cell: (214) 952-6165
kevin.toth@dhs.gov

-----Original Message-----

From: Jenkins, Steve [mailto:Steve.Jenkins@dhs.gov]
Sent: Thursday, May 29, 2008 3:02 PM
To: Toth, Kevin
Subject: RE: [REDACTED]

Hey Kevin, Looks like [REDACTED]

Steve

-----Original Message-----

From: Toth, Kevin [mailto:Kevin.Toth@dhs.gov]
Sent: Thursday, May 29, 2008 11:43 AM
To: Jenkins, Steve
Subject: RE: [REDACTED]

Good morning Steve. As you can see we have another issue with inspections and [REDACTED] In reading Robert's response I am confused about the language pertaining to [REDACTED]

Is there some documentation or amendment or guidance that Robert is citing here?

Kevin C. Toth
Department of Homeland Security
Transportation Security Inspector
DFW International Airport
Coppell, TX 75019
Office: (469) 948-1873
Cell: (214) 952-6165
kevin.toth@dhs.gov

-----Original Message-----

Page 19 of 81

From: Glover, Robert A [mailto:Robert.Glover@dhs.gov]
Sent: Tuesday, May 27, 2008 10:57 AM
To: Toth, Kevin; shane.williams@[REDACTED].com
Cc: Glover, Robert A; vernon.johnson@dhs.gov; Jenkins, Steve
Subject: RE: [REDACTED]

Shane,

[REDACTED]

Please provide me with a flight schedule and POC here at DCA to conduct the inspection.

Robert

-----Original Message-----

From: Toth, Kevin [mailto:Kevin.Toth@dhs.gov]
Sent: Thursday, May 22, 2008 8:18 PM
To: shane.williams@[REDACTED].com; Toth, Kevin
Cc: Glover, Robert A; vernon.johnson@dhs.gov
Subject: RE: [REDACTED]

Shane, I agree that the [REDACTED] however they are not a [REDACTED] The SD that implemented this measure, and that was later implemented into the AOSSP, is very clear; [REDACTED]

Bob, can you please assist in this matter, thank you.

-----Original Message-----

From: Shane Williams [mailto:shane.williams@[REDACTED].com]
Sent: Thu 5/22/2008 1:34 PM
To: Toth, Kevin
Cc: Glover, Robert A
Subject: [REDACTED]

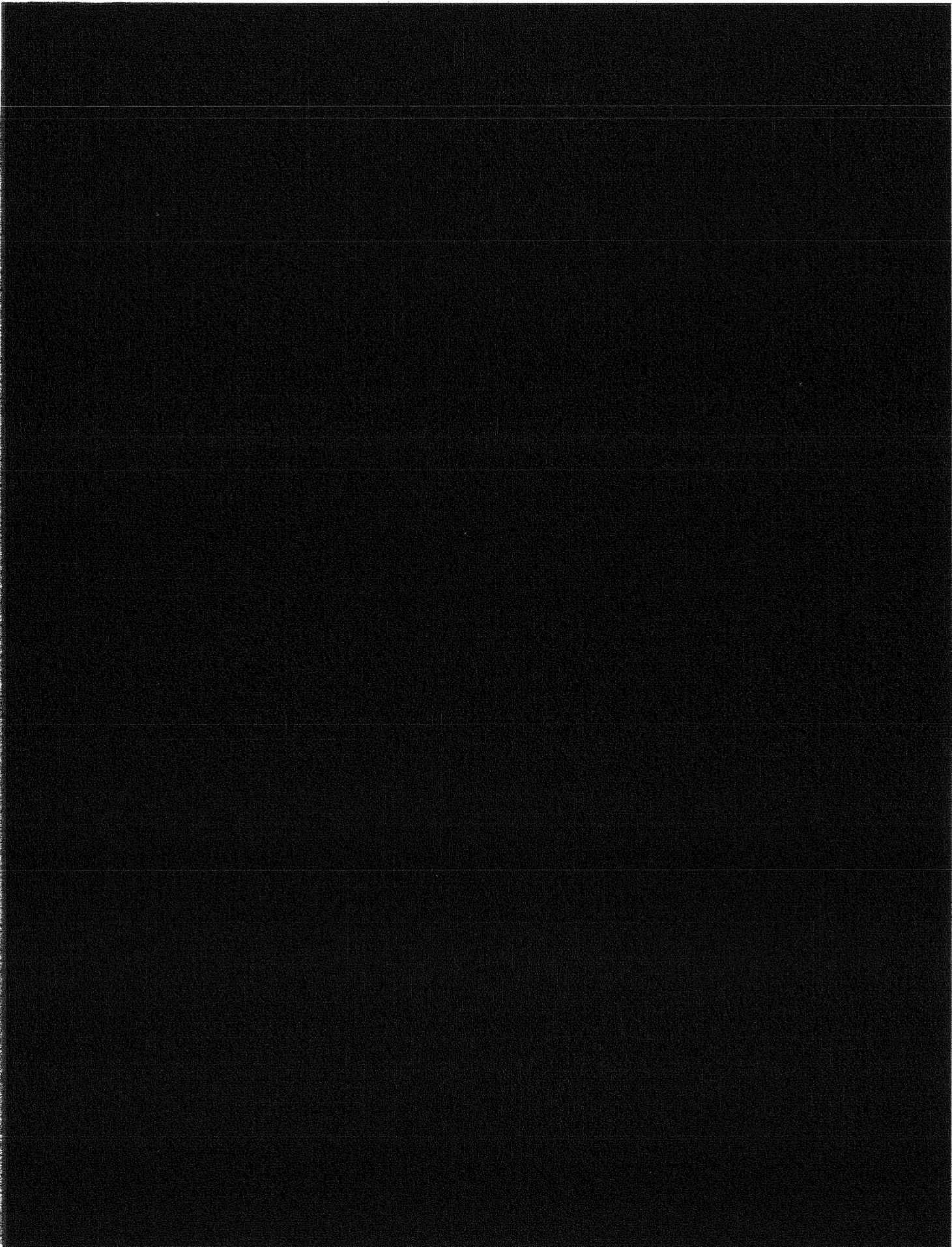
Kevin,

We have investigated the [REDACTED] of the 737 that you believe should be searched. We have an approved aircraft search program that does not include [REDACTED] on the aircraft. At this time, we are not changing our aircraft search procedures. If you disagree with this measure, we request that you send this information to our PSI. We will then work to make the change to our approved program through our PSI.

Thanks,

Shane Williams

page 80 of 81



ATTACHMENT 8

Attachment 8

SENSITIVE SECURITY INFORMATION



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input checked="" type="checkbox"/> Other	Date and Time: July 29, 2008 7:15 a.m.
Activity or Interview of: Physical Review of the Venetian (louvered blinds) located at seven checkpoints in Terminal B, Dallas-Fort Worth International Airport (DFW)	Conducted by: Special Agent Stacey L. Saunier Special Agent Anthony Delano
	Location of Interview/Activity: DFW Airport B Concourse

Subject Matter/Remarks

Pursuant to the information provided by Transportation Security Inspector Kevin Toth, Special Agents (SAs) Stacey Saunier and Anthony Delano, and Senior Area Inspector Alan Paterno, Inspections Oversight Division, Transportation Security Administration (TSA), went to Terminal B at DFW to physically inspect some of the checkpoints identified as security vulnerabilities by Toth. The following was observed at each of the checkpoints listed below:

Checkpoint #22/23:

The louvers are plastic and very pliable. The louvers are attached to the support structure with a plastic clip. A person six feet tall could reach above their head and touch the lowest louver, and therefore that person could potentially pass a prohibited item to someone on the other side in the sterile area.

Additionally, a CCTV camera was visible at this checkpoint, and the camera was positioned on the checkpoint.

Checkpoint #24/25:

The louvers are plastic and very pliable. The louvers are attached to the support structure with a plastic clip. A person six feet tall could reach above their head and touch the lowest louver, and therefore that person could

Case Number: 1080315	Case Title: Possible Violation of Security Directive DFW- Regulatory
-------------------------	---

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

potentially pass a prohibited item to someone on the other side in the sterile area.

Additionally, a CCTV camera was visible at this checkpoint, and the camera was positioned on the checkpoint.

Checkpoint #33: The louvers are plastic and very pliable. The louvers are attached to the support structure with a plastic clip. However, the lowest point of the louvers is approximately 18" higher than the other checkpoints, which would make it more difficult for someone to introduce a prohibited item without someone noticing. A chair or other form of step stool would be needed.

Additionally, a CCTV camera was visible at this checkpoint, and the camera was positioned on the checkpoint.

Checkpoint #35: The louvers are plastic and very pliable. The louvers are attached to the support structure with a plastic clip. However, the lowest point of the louvers is approximately 18" higher than the other gates, which would make it more difficult for someone to introduce a prohibited item without someone noticing. A chair or a small ladder would be needed.

Additionally, a CCTV camera was visible at this gate, and the camera was positioned on the gate.

Checkpoint #27: This gate had a wall erected from the top of the checkpoint walls to the ceiling. The louvers no longer existed at this gate.

It should be noted that at checkpoint #33, while SA Delano and I watched, Senior Area Inspector Alan Paterno rolled a chair up to the checkpoint and climbed on top of the chair and was reaching up into the louvered blinds. At no time did any airport worker or employee question what Paterno was doing. If anyone was monitoring the CCTV system, no one came out to question our presence at the checkpoint.

Per Paterno, these checkpoints are a security vulnerability and the airport is responsible for providing an immediate solution.

Case Number:
1080315

Case Title:
Possible Violation of Security Directive DFW- Regulatory

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

ATTACHMENT 9

Attachment 9

SENSITIVE SECURITY INFORMATION



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input checked="" type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time: July 29, 2008 8:25 a.m.
Activity or Interview of: Angela Lowry Transportation Security Inspector (TSI) Dallas-Fort Worth International Airport (DFW)	Conducted by: Special Agent Stacey L. Saunier Special Agent Anthony Delano
	Location of Interview/Activity: OI/INVD DFW Office Coppell, TX

Subject Matter/Remarks

Special Agent Anthony Delano and I introduced and identified ourselves to TSI Angela Lowry. Lowry was advised she was being interviewed as a witness regarding an allegation involving alleged security issues at DFW. Specifically, Lowry was advised that the allegation involved management at DFW not requiring the airlines to fully self inspect in accordance with the security directives. Additionally, Lowry was advised that there was alleged to be a potential security issue involving the louvered blinds at seven checkpoints in the B concourse.

Senior Area Inspector Alan Paterno, Inspections Oversight Division, Transportation Security Administration (TSA), was also in the interview and was introduced to Lowry. Lowry was advised that Paterno was present for his expertise in the Inspections function and to provide explanations to me when needed. Lowry advised she understood. Lowry provided the following background information:

She started with the Transportation Security Administration (TSA) in August 2002 as a screening supervisor. In May 2005, she transferred from screening to inspections. TSI Kevin Toth was assigned as her mentor.

Regarding the issue of aircraft searches as they relate to [REDACTED] Lowry was asked whether she has always required airlines that were assigned to her to search [REDACTED] those areas. Lowry advised as follows:

Case Number: 1080315	Case Title: Possible Violation of Security Directive DFW- Regulatory
-------------------------	---

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

She has not always required the airlines assigned to her to search [REDACTED] TSI Kevin Toth forwarded her an e-mail written by Supervisory TSI (STSI) Wes Crow. The e-mail indicated that Toth should "turn a blind eye" when it came to the requirements regarding [REDACTED] aircraft; specifically the [REDACTED] and the [REDACTED] Toth was her mentor at the time.

Additionally, she has had problems working with STSI Crow in the past and she decided to follow the instruction provided by STSI Crow for fear of additional retaliation if she did not follow the direction of Crow.

Note: This report of investigation focuses solely on whether a law, rule or regulation was violated as it relates to the "turn a blind eye" e-mail and the impact of the e-mail on security. Therefore, this report of investigation will not address any management related issues; including retaliation.

She has not required the airlines assigned to her [REDACTED] because she was told by STSI Crow that the [REDACTED] She has seen [REDACTED] aircraft.

She is unsure how many other TSIs were aware of the "turn a blind eye" e-mail, and therefore unaware of how many other TSIs were not requiring the airlines to fully self inspect.

In May 2008, Assistant Federal Security Director for Inspections (AFSD-I) Phil Zagloul and STSI Wes Crow abruptly left the office and have not been seen since. Zagloul retired and Crow has been on extended sick leave. The new people brought in to perform in their absence have been very supportive and are making strides in repairing the lack of trust in management. Since the new management has taken over at DFW, she is working toward getting her airlines compliant with the security directives and emergency amendments.

Regarding the louvered blinds located at seven checkpoints in Terminal B, Lowry advised she was aware of the vulnerability these louvered blinds caused. Lowry had heard from TSI Greg Gayden that he recently was able to pass a cell phone through the louvered blinds. Lowry heard that DFW Inspections management (Zagloul and Crow) was notified of the vulnerability and they failed to respond citing that DFW had a lobbyist and they are a political force.

Lowry is aware that the issue is currently being addressed by constructing a fixed wall in place of the louvered blinds.

Case Number:
1080315

Case Title:
Possible Violation of Security Directive DFW- Regulatory

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

In summary, Lowry did receive the "turn a blind eye" e-mail, and she followed the direction contained in that e-mail until recently when STSI Crow and AFSD-I Zagloul left DFW. Lowry is currently requiring her assigned airlines to follow the security directives or emergency amendments as they relate to aircraft searches.

Lowry was asked to provide a sworn statement to which she agreed. Attached to this memorandum of interview is a copy of the sworn statement.

Case Number:
1080315

Case Title:
Possible Violation of Security Directive DFW- Regulatory

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

SWORN STATEMENT



Transportation
Security
Administration

I, Angela Lowry, having been duly sworn, hereby make the following statement to Stacey Sannier & James Greer, who has been identified to me as a federal law enforcement officer and special agent with the Transportation Security Administration, Office of Inspection. I am making this statement of my own free will, without any duress or coercion.

*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of 4 pages. I have been given the opportunity to make any corrections necessary to make the statement accurate. All of the information contained in this statement is true and accurate to the best of my knowledge and belief. I understand that I may be prosecuted for perjury or making false statements if I have intentionally misrepresented anything contained in this statement. I have not intentionally omitted any information or knowledge I have that relates to the matters under investigation or review.

Angela Lowry
Signature
08/26/2008

Signed and sworn to before me, this 26 day of August, 20 08.

Jan D. [Signature]
Witness
8/26/08

Stacey Sannier
Special Agent
Transportation Security Administration
Department of Homeland Security
Authority to administer oaths: 5 U.S.C. § 303
8/26/08

Statement of Transportation Security Inspector Angela K. Lowry

 This statement is provided in regards to our discussion on Tuesday, July 29, 2008. My Entrance on Duty as a Transportation Security Inspector (TSI) for the Transportation Security Administration began in April of 2005. I did not report to the Regulatory office until the end of May, due to operational support of the screening department, serving in my previous position of Security Manager.

I reported to the Regulatory department for approximately three days before I was to attend the Basic Inspector course in Oklahoma City, OK. During the four-week course, I received an email that TSI Wes Crow had been promoted to the Supervisory Transportation Security Inspector (STSI) position. Upon my return in late June of 2005, Wes Crow placed me in a training status, to work in conjunction with I-Band TSI Kevin Toth.

During this time, each TSI was given a specific air carrier assignment for the fiscal year. Kevin Toth had been assigned to accomplish [REDACTED] regulatory activities at Dallas/Ft. Worth International Airport (DFW). I often went with Kevin to shadow his inspections in order to gain more practical knowledge of the regulatory requirements pertaining to certificated air carriers. During this time, Kevin pointed out areas of concern with the [REDACTED] aircraft. Many of the [REDACTED]

I had not required the [REDACTED] because my supervisor, Wes Crow, had told me they were [REDACTED]. I also had not required [REDACTED] because I had not realized that they needed to be [REDACTED].

After several discussions that I witnessed between Wes Crow and Kevin Toth regarding the requirement that the [REDACTED] on specific aircraft, Wes would state "That dog don't hunt" and "let's not chase that dog". Wes also pointed out that if this were a nation-wide issue, then inbound aircraft from other locations would also have [REDACTED]. I did state to Wes that I had identified [REDACTED] on other aircraft, but not with any consistency. Wes stated to me that Kevin was 'overzealous' and Wes constantly spoke negatively about Kevin's character. Wes stated on numerous occasions that Kevin had been in a significant amount of trouble in other departments of TSA in the past and didn't know when to keep his mouth shut. Wes also stated that the only reason Kevin was at DFW was because no one else at TSA would take him and that he was a "jack-ass."

On April 20, 2006, I received an email forwarded from Kevin Toth pertaining to the issue of [REDACTED] for aircraft in relation to the air carriers 

page 2 of 4 Angela Lowry 08/26/2008

CF responsibility to perform an aircraft search. This email was sent by Wes Crow to Kevin Toth and was in reply to a request for clarification that Kevin outlined. Wes' reply was "wisdom is knowing when to turn a blind eye!" and "if the ASI's don't make an issue a point of intense observation neither will the air carriers." Wes finished the email with "We need to let this topic take a rest". The issue of [REDACTED] had been debated on numerous occasions prior to this e-mail from Wes, and had been discussed internally with a few of my peers.

My reaction to this email was to comply with Wes' direction. This area of concern (searching [REDACTED] was identified by Kevin and addressed by Wes Crow, who specifically directed Kevin Toth to "turn a blind eye." Kevin was my mentor, so I followed Crow's direction. In addition, there have been several occasions in the past where I have both been the recipient of; and witnessed retaliation to others, at the direction or directly from Wes Crow. Although this is not part of the investigation into whether a security vulnerability exists at DFW, and possibly nation-wide, I am providing the following examples of retaliation so you can understand why I chose to follow the recommendation by Wes in the "turn a blind eye" e-mail:

In June of 2005, I had received retaliation from Wes Crow after making a sexual harassment complaint against him. I reported this and many other issues to my Assistant Federal Security Director for Inspections (AFSD-I) Phil Zaglool. A few days after I had made the complaint, Wes called me to his office and gave me a verbal warning about my hours of duty and he needed to have them changed. I was the only inspector who was counseled. Wes also sent a coworker into my office to determine if my blouse was exposing any cleavage. I had also been called to Wes' office for upwards of four hours to speak to him about an Enforcement Investigative Report (EIR). I believe that the reason for this was to monopolize my time and incite an unprofessional reaction to his redundant line of questioning pertaining to the EIRs. When I attempted to leave his office, Wes would continuously change violation citations, sanction recommendations, formatting questions, inspector's statement recommendations or to ask me what I had learned from our discussions. All of these meetings were conducted after I had vetted the case to senior inspectors for accuracy, auditing and prior approval – as requested by Wes. This was not an issue for other inspectors, who would simply put a case on his desk for signature. On October 16, 2006, I sent an email to Phil Zaglool pertaining to a similar matter and specified that it was an ongoing issue.

I did not begin requiring airlines [REDACTED] until recently (after May 2008 when DFW Inspections brought in new management).

Under the new management in the STSI and AFSD-I positions (which happened in May 2008), I have great confidence that all regulatory issues will be dealt with as required. I have worked with both the new AFSD-I, Mike McMullen and the Supervisory TSI, Vernon Johnson in the past and have always found that they both show a high level of professionalism, responsibility and dependability. My only concern in moving forward with our new supervision is that they must depend on the experience of local inspectors in our office. Many of our local inspectors have gained their knowledge recently, under the guidance of *CF*

2
page 3 of 4 *Arabella Furry* 08/26/2008

AL

both Wes Crow and Phil Zaglool. Both Wes Crow and Phil Zaglool were uninformed and did not stay current with the security directives and did not review the TSIs work. Because of this, the inspectors who work at DFW have been misled, intimidated, received wrong information, and were under the direction of a Supervisor (Crow) who did not know the regulations and an AFSD-I (Zaglool) who was not involved in the operation.

During the course of inspections that I am currently conducting, I will bring past issues forward as I encounter them – for further clarification and/or guidance. On the morning of July 28, 2008, at approximately 0830 hrs., I requested clarification of the [redacted] questions that I did not believe had been properly addressed in the past. I requested that we (the new management and the TSIs at DFW) board aircraft with maintenance personnel so that we can determine what requirement is needed to ensure compliance with applicable regulatory requirements. These issues have not been addressed, but are to be discussed during the next weekly meeting on August 4, 2008.

I believe that in this specific instance and under these circumstances, an extreme amount of Office of Security Operations (Headquarters) level guidance and training should be provided to our new supervision in order to prevent any future incidences of this nature.

AL

Angela Lowry *AL*

Angela Lowry 08/26/08

ATTACHMENT 10

Attachment 10

SENSITIVE SECURITY INFORMATION



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input checked="" type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time: July 29, 2008 10:00 a.m.
Activity or Interview of: Stephanie Craine Transportation Security Inspector (TSI) Dallas-Fort Worth International Airport (DFW)	Conducted by: Special Agent Stacey L. Saunier Special Agent Anthony Delano
	Location of Interview/Activity: OI/INVD DFW Office Coppell, TX

Subject Matter/Remarks

Special Agent Anthony Delano and I introduced and identified ourselves to TSI Stephanie Craine. Craine was advised she was being interviewed as a witness regarding an allegation involving alleged security issues at DFW. Specifically, Craine was advised that the allegation involved management at DFW not requiring the airlines to fully self inspect in accordance with the security directives. Additionally, Craine was advised that there was alleged to be a potential security issue involving the louvered blinds at seven checkpoints in the B concourse.

Senior Area Inspector Alan Paterno, Inspections Oversight Division, Transportation Security Administration (TSA), was also in the interview and was introduced to Craine. Craine was advised that Paterno was present for his expertise in the Inspections function and to provide explanations to me when needed. Craine advised she understood. Craine provided the following information:

She started her federal career with the Federal Aviation Administration (FAA) in November 2001, and was a TSI at Love Field, prior to transferring to DFW in June 2005. She was assigned to airport inspections immediately upon arrival at DFW and she reported directly to Assistant Federal Security Director for Inspections (AFSD-I) Phil Zagloul. She did not interact with Supervisory TSI (STSI) Wes Crow on a daily basis. She was not assigned airlines initially, and when she was given an airline, she was given one that operated [REDACTED]

Case Number: 1080315	Case Title: Possible Violation of Security Directive DFW- Regulatory
-------------------------	---

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

Her initial airline was [REDACTED] and she was recently (May 2008) switched to [REDACTED]. Both [REDACTED] were compliant with the requirement to search [REDACTED]. [REDACTED] She did not have a problem with her airlines being compliant. She performed the required critical inspections [REDACTED] and tried to catch an outbound flight [REDACTED] to perform an inspection. She did not notate deficiencies regarding the [REDACTED] in Performance And Results Information System (PARIS). Since being assigned [REDACTED] in May 2008 she has not performed a critical inspection. She asked the former TSA assigned to [REDACTED] (Greg Gayden) whether [REDACTED] had any issues and Gayden advised that [REDACTED] was compliant.

She was never instructed by management to overlook airlines' failures in self inspections. She has never seen an e-mail from management advising her to "turn a blind eye" regarding airlines self inspections. She does not believe management would write such an e-mail.

Craine was shown the "turn a blind eye" e-mail, to which she initially stated she had seen the e-mail. Upon being asked again whether she had ever seen or been forwarded an e-mail suggesting she should be less diligent in her inspections, Craine read the entire e-mail, and stated she had not seen "that" e-mail. Craine then said it was "typical Wes" regarding what he wrote in the e-mail. Craine described the e-mail as inappropriate, but typical of what Crow would say and write.

Since Craine was responsible for the airport inspections, she was asked about the louvered blinds issue and whether she was aware of the security vulnerability the louvered blinds posed at DFW. Craine provided the following information:

The louvered blinds were addressed in a 2005 inspection and they were also addressed by the Joint Vulnerability Area (JVA). She did not see this as a big issue. The checkpoints in question all have CCTV covering the checkpoint. Someone is watching the CCTVs at all times.

Note: Earlier this date. SAs Saunier and Delano stood under the louvers reaching up to see how high the louvers were; rolled a chair up to the louvers and stood on the chair and reached up into the louvers. At no time did anyone approach us to ask what we were doing. At one point, an airport employee watched, but said nothing.

The louvers have been "bugging" TSI Greg Gayden for three years. Gayden recently went to Federal Security Director (FSD) Cedric Alexander, who replaced the former FSD less than one year ago, and brought up his concerns over the louvers. FSD Alexander then asked Gayden and her to conduct a test to see if someone could introduce a prohibited item into the sterile area by way of the louvered blinds. The test was conducted in June 2008 and was a success. The FSD then went to the airport and advised of the test and the results. She felt the FSD was

Case Number:

1080315

Case Title:

Possible Violation of Security Directive DFW- Regulatory

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

24 10
P 2

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

abrupt in how he presented the issue to the airport. She has worked very hard to establish a good relationship with the airport, and did not feel this issue was addressed by the FSD in the most diplomatic way. Additionally, the terminal is due to undergo a re-construction project soon.

Craine advised that prior management (Zaglool and Crow) was disengaged and was not up to date on all of the regulations. They did not review any of the work performed by the TSIs and they allowed the TSIs to approve each others' work. Since mid May 2008, when Zaglool and Crow left the Inspections division at DFW (Zaglool retired and Crow went out on [REDACTED] leave), the new management has addressed the issues brought on due to the lack of management oversight, and the issues are getting better.

Craine was asked to provide a sworn statement, to which she agreed. The sworn statement is attached to this memorandum of interview.

Case Number:
I080315

Case Title:
Possible Violation of Security Directive DFW- Regulatory

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

SWORN STATEMENT



Transportation
Security
Administration

I, Stephanie Craine, having been duly sworn, hereby make the following statement to Stacey Saurier & Anthony Delano, who has been identified to me as a federal law enforcement officer and special agent with the Transportation Security Administration, Office of Inspection. I am making this statement of my own free will, without any duress or coercion.

*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of 2 pages. I have been given the opportunity to make any corrections necessary to make the statement accurate. All of the information contained in this statement is true and accurate to the best of my knowledge and belief. I understand that I may be prosecuted for perjury or making false statements if I have intentionally misrepresented anything contained in this statement. I have not intentionally omitted any information or knowledge I have that relates to the matters under investigation or review.

Stephanie Craine
Signature
July 30, 2008

Signed and sworn to before me, this 30 day of July, 2008.

[Signature]
Witness
7/30/08

Stacey Saurier
Special Agent
Transportation Security Administration
Department of Homeland Security
7/30/08
Authority to administer oaths: 5 U.S.C. § 303

Stephanie Craine July 30, 2008



Transportation
Security
Administration

SC
On July 29, 2008, I provided the following information during the interview process with Stacy Saunier, Special Agent.

I am currently a TSI-Aviation assigned to the Airport Inspections and one air carrier, [REDACTED]. I transferred to DFW from DAL June 2004, FY04. I was assigned to air carriers for the remainder of FY04 through August 2005. In August 2005, I was appointed to the Airport Inspections Team with co-worker Ben Mendoza, replacing Kevin Toth. Starting October 2007 (FY08) I requested and was assigned an air carrier; [REDACTED]. In May 2008, I was assigned [REDACTED]. During this time frame my immediate Supervisor was Wes Crow, but since I was assigned to airport inspections almost all of my interactions were with Phil Zagloul, AFSD-I. During FY08 I inspected [REDACTED] without any findings or incidents of non-compliance. When I was first assigned [REDACTED] they were in compliance with [REDACTED] and followed the proper search protocols for these areas. I was never instructed by Wes Crow or Phil Zagloul to look the other way during an inspection of the carriers self searches of [REDACTED].

In reference to the louvers in Terminal B; the airport first installed the louvers around 1995 approximately, they were placed in active screening checkpoints to block the sun that was coming in on the x-ray screens. There are cameras in place that were used to monitor the checkpoints as an added layer of security. Since this time some of the checkpoints are no longer active or occupied. The airport has been aware of the security vulnerability, it was brought to their attention during a Joint Vulnerability Assessment (JVA) conducted by TSA Headquarters in approximately late 2005, early 2006. However local TSA did not aggressively seek out a change in security measures until the recent change in management, May 2008. As the airport inspector I have worked to foster a good working relationship with the airport. It is in my opinion that there was not a need for TSA management to be as aggressive in this matter and it could have been handled more diplomatically. Terminal B is currently in future plans to be remodeled.

In regards to the allegations against Wes Crow and Phil Zagloul, it is just in the recent past, May 2008 when new management was put in place that I had heard of all of the allegations regarding Wes Crow instructing other inspectors to turn a "blind eye" to non-compliance regarding [REDACTED]. I have only heard of inspectors having documentation of such instructions. This information seems to have been initiated by the exit interview of TSI Aaron Dietz, which in turn started the allegations in question and brought out the management style and demeanor of both Phil Zagloul and Wes Crow. Wes Crow was not involved in daily activities and was not up to date with Security Programs and regulations. He did not involve himself in the review or approval of PARIS. Within the DFW inspections office there seems to be several cliques. It was my experience that both Phil Zagloul and Wes Crow enjoyed pitting the cliques against each other by, as an example, claiming that certain individuals stated something about another individual or individuals the end result was friction between coworkers. *SC*

page 2 of 2

Stacy Saunier
2008

ATTACHMENT 11

Attachment 11

SENSITIVE SECURITY INFORMATION



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input checked="" type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time: July 29, 2008 11:15 a.m.
Activity or Interview of: Michael Donnelly Assistant Federal Security Director for Operations (AFSD-OPs) Dallas-Fort Worth International Airport (DFW)	Conducted by: Special Agent Stacey L. Saunier Special Agent Anthony Delano
	Location of Interview/Activity: 510 Airline Drive Coppell, TX

Subject Matter/Remarks

Pursuant to a prior message indicating the DFW Federal Security Director (FSD) would not be available during the time I was in Dallas, I made an appointment to meet with Michael Donnelly, the acting FSD.

Special Agent (SA) Anthony Delano and I introduced and identified ourselves to Donnelly. Senior Area Inspector Alan Paterno, Inspections Oversight Division, Transportation Security Administration (TSA), was also introduced to Donnelly. Donnelly was advised that Paterno was present for his expertise in the Inspections function and to provide explanations to me when needed.

Donnelly advised he was acting for FSD Cedric Alexander while Alexander was out of town. Donnelly advised he was aware of the allegations regarding the "turn a blind eye" e-mail, which he became aware of back in early May 2008.

Donnelly was asked to provide the history of the events that have transpired since the "turn a blind eye" e-mail was discovered by DFW senior management. Donnelly provided the following information:

When the initial information surfaced in early May 2008, the allegations against Assistant Federal Security Director for Inspections (AFSD-I) Phil Zagloul and Supervisory Transportation Security Inspector (STSI) Wes Crow were numerous; including hostile work environment, lying

Case Number: I080315	Case Title: Possible Violation of Security Directive DFW- Regulatory
-------------------------	---

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

a 1 2

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

to senior leadership regarding the status of the Inspections function in relation to the yearly requirements, Zaglool and Crow bad-mouthing senior leadership, and the "turn a blind eye" e-mail was also part of the long list of issues brought forward by multiple TSIs.

When the issues were first brought forward, the FSD immediately tasked then Stakeholder Manager Mike McMullen with interviewing those TSIs willing to speak out about the issues. Each TSI that chose to speak with McMullen did so while expressing a concern over retaliation by Zaglool and/or Crow. After every interview, McMullen brought the issues to the FSD's attention.

As soon as the allegations against Crow and Zaglool were verified through multiple TSI complaints and by an independent audit of the Performance And Results Information System (PARIS), the FSD spoke with both Crow and Zaglool. Crow asked for [REDACTED] leave while Zaglool chose to use his leave before retiring. As of today, Zaglool has officially retired, but Crow is still using [REDACTED] leave.

The FSD also called a mandatory meeting in which he told all TSIs that he had an open door policy and that he wanted to start a clean slate and get everyone and everything back on track. The FSD advised he expected everyone to treat each other professionally and with respect. The FSD also named an acting AFSD-I and an acting STSI and also placed a job announcement for another STSI, which was filled with Vernon Johnson, who was with the screening side of the house.

Donnelly then advised that since the FSD learned that Zaglool and Crow were not doing their jobs and that they were lying to him and they were causing a hostile work environment, Donnelly felt the FSD, who was not the FSD in 2006 when the "turn a blind eye" e-mail was written, has done everything he could do to rectify the situation.

Donnelly was then asked about the louvered blinds located at seven checkpoints in Terminal B. Donnelly stated that this issue was also brought forward in early May 2008. When FSD Alexander learned of the issue, he assigned two TSIs to test whether a weapon or other prohibited item could be introduced from the public side to the sterile side of the airport. FSD Alexander was advised that the test was successful. FSD Alexander had a meeting with the airport to discuss the issue and to have the airport advise what they intended to do to eliminate the security vulnerability. Donnelly advised that the airport has planned to remodel Terminal B in the next six months to one year, and the issue will be addressed during the remodel.

Senior Area Inspector Paterno and I both told Donnelly that we had physically inspected the situation with the louvered blinds in Terminal B. Paterno told Donnelly that there needed to be an immediate interim fix to the issue and that waiting until the airport remodeled the terminal was not acceptable. Donnelly stated he would advise FSD Alexander immediately and they would meet

Case Number: 1080315	Case Title: Possible Violation of Security Directive DFW- Regulatory
-------------------------	---

Revised February 28, 2008

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

with the airport to advise of the immediate need for a solution to the security vulnerability caused by the louvered blinds.

Donnelly advised that he prepared a memorandum at the request of FSD Alexander, for the central area director, outlining the allegations of misconduct by AFSD-I Zaglool and STSI Crow. The memorandum captured the chronology of the interviews conducted by DFW management along with attachments to support the issues raised by the TSIs. Donnelly provided a copy of the memorandum, dated May 15, 2008, along with the following:

- A copy of the "turn a blind eye" e-mail.
- An e-mail from TSI Kevin Toth describing why the issues were not brought forth sooner and providing support for why he feared retaliation.
- Statement by TSI Angela Lowry.
- Statement by TSI Aaron Dietz.

Note: Some of the information contained in these attachments directly relates to management issues (harassment and hostile work environment) that are being addressed outside of this investigation.

Donnelly was asked to prepare a statement regarding his knowledge of the "turn a blind eye" e-mail and how it surfaced, and the resulting action taken by senior management at DFW, to which he agreed. Attached to this memorandum of interview is a copy of the sworn statement signed by Donnelly on September 9, 2008.

Case Number:
I080315

Case Title:
Possible Violation of Security Directive DFW- Regulatory

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.



Transportation
Security
Administration

Memorandum

May 15, 2008

To: Gerald Chapman
Central Area Director
Office of Security Operations

From: Cedric L. Alexander, Psy.D. 
Federal Security Director
Dallas/Fort Worth International Airport

SUBJECT: Allegations of Misconduct

This is to inform you of allegations received from several TSI employees regarding a hostile work environment and operational issues and deficiencies within the Inspections Unit here at DFW.

We first became aware of these issues last week when Stakeholder Manager Michael McMullen was initially approached, separately, by and met with two TSI's. In summary, the two TSI's made the following allegations:

1. Inappropriate comments made by the AFSD-I and Supervisory TSI directed towards the local leadership and their respective subordinates.
2. Racial overtones by the AFSD-I towards two subordinate TSI employees.
3. Supervisory TSI directing TSI's to turn a blind eye towards SD/EA compliance.
4. Inspections unit failure to carry out requirements set forth under the Regulatory Activities Plan.
5. AFSD-I misleading the FSD regarding status of PARIS reporting/inspections and ASAP program status.

Local OCC Supervisory Attorney Mark Holmstrup and OI Deputy SAIC Matt Albence have been briefed accordingly.

At this point it appears that OI will coordinate the matter of AFSD-I Phil Zagloul with the MIB. In addition, per standard procedure in this type of matter, I request that you refer this case to the MIB, directly, for appropriate handling.

In addition, because the MIB does not have jurisdiction over STSIs, we are requesting that OI investigate the matter of STSI Wes Crow. As required when investigation referrals are pending, we have suspended our local investigation pending further

instruction from OI and MIB. We will act accordingly to OI and/or the MIB's recommendations.

The following attachments include a chronology of TSI discussions held with myself the AFSD-O Michael Donnelly, and the Stakeholder Manager, as well as unsolicited statements provided voluntarily by the TSI's.

Delete
Dated :

Chronology of Discussions:

May 06, 2008

1513 Hours (Approximately)

Stakeholder Manager received an email from TSI Kevin Toth requesting a meeting.

May 07, 2008

1330 Hours (Approximately)

Stakeholder met with TSI Toth.

TSI stated that TSI Angela Lowry advised him that Supervisory TSI (STSI) Wes Crow advised TSI's James Martin, Rick Strickland, Angela Lowry and STSI Don Werkstell that he (Toth) was causing a hostile and violent workplace against them. Toth advised he had requested their statements use for an administrative (disciplinary) matter that he was responding to.

Toth states, per TSI Lowry, STSI Crow advised TSI Lowry and others to stay away from Toth.

Toth believes a recent Workplace Violence report was directed at him as a continuing effort to attack him professionally.

Toth stated he has an email from the AFSD-I Phil Zagloul and STSI Crow to turn a blind eye on SD violations. Toth stated that he provided and filed with the Office of Special Counsel.

Toth stated that the AFSD-I and STSI Crow are "bs'ing" the FSD regarding number of inspections, PARIS and other matters.

Toth stated favoritism to TSI Stephanie Craine and an example is that she received a 40 hour time off award and has missed up to 80 work days. Toth stated TSI Aaron Dietz was transferring to DAL due to favoritism to TSI Craine and regarding this award.

Toth stated possible "Hatch Act" violation on emails he has from the AFSD-I and STSI Crow.

Toth stated TSI's Craine, Bonewitz, Lowry, Mendoza and Martin are not conducting inspections.

Toth stated the AFSD-I mocks the manner in which TSI Jerisa Baptist speaks.

Delete
Dated:

May 7th, 2008

0830 Hours (Approximately)

Stakeholder Manager approached by TSI Arnie Salinas requesting to meet.

1430 Hours (Approximately)

Stakeholder met with TSI Salinas.

Salinas stated he felt he was being retaliated against and felt fearful of STSI Crow.

Salinas stated that AFSD-I refers to TSI Jerisa Baptist as "fat black ass."

Salinas stated that AFSD-I refers to TSI Eddie Smith as "fat black ass."

Salinas stated that AFSD-I said the FSD (Cedric) "doesn't know shit," referring to the issued raised about inspections recorded/not recorded in PARIS.

Salinas stated that AFSD-I lied to FSD regarding the status of the ASAP program tests/etc., Salinas stated TSI Lowry told him that AFSD-I directed her to place a tests paperwork in a box so he can show him a box of reports with intent to make him believe work was completed.

Salinas stated the AFSD-I told a group of TSI's that FSD is under investigation regarding the validity of his resume/work experience. Salinas stated this was reported to him by TSI Greg Gayden and that it occurred recently in the early morning when he arrived to work. Salinas stated the group broke up when they saw him, and he asked TSI Gayden what was that about.

Salinas stated the AFSD-I refers to FSD as a "fucking idiot."

Salinas stated he was directed by STSI Crow to lie about Jerisa and to watch and report what she is doing.

Salinas stated he was advised by STSI Crow to look the other way regarding SD matters and has an email supporting his claim.

Salinas stated that TSI Dietz is transferring to DAL because of the Time Off Award to TSI Craine.

Salinas stated AFSD-I called FSD an idiot on the FSD's first day at the airport. Salinas stated that TSI Gayden, Lowry and former TSI Tyrie were present.

Salinas stated that STSI Crow sent email to TSIs requesting explanation why their contributions to unit is worthy of award. Salinas provided email from STSI Crow dated 2/7/08. (Attached).

Delete
Dated:

May 8th, 2008

0900 Hours (Approximately)

FSD, Stakeholder Manager met with TSI Aaron Dietz regarding reason for transferring to DAL

Dietz stated he had two reasons, one family the other is the work environment.

Dietz made references to the negativity and lack of leadership within the Generalist Unit.

Dietz stated issues were around the negative TSI's, "Toth, Salinas and Baptist".

May 8th, 2008

1015 Hours (Approximately)

FSD, Stakeholder Manager met with TSIs Toth and Salinas regarding their allegations.

Toth and Salinas reference previous allegations made to the Stakeholder Manager the previous day.

May 8th, 2008

FSD provided initial brief to OCC Supervisory Attorney Mark Holmstrup and OI SAIC Matt Albence.

May 8th, 2008

1305 Hours (Approximately)

Stakeholder Manager received email from Salinas regarding STSI Crow's direction to TSI Toth to turn a blind eye referring to SD/EA compliance. (Attached).

May 8th, 2008

1315 Hours (Approximately)

Stakeholder Manager met with TSI Greg Gayden.

Gayden stated that he feared he would be "buried" if STSI Crow knew he was talking to me about what was going on in their unit.

Gayden stated he was present when AFSD-I made statement to TSI's James Martin and Dennis Bonewitz that the FSD was under investigation regarding gaps and issues with his resume and background.

Gayden stated the environment was in disarray, inspections not being carried out, STSI Crow humiliated him before a peer, TSI Ben Mendoza, screaming and shouting expletives at him.

Gayden stated when he checked last month that "Critical Inspections" had not been recorded in the current FY08 cycle for several aircraft operators.

Gayden stated he reported a security vulnerability to STSI Crow at the Terminal B Security Checkpoints and that Crow stated we are not going to chase that dog.

Delete
Dated :

May 8th, 2008

1400 Hours (Approximately)

FSD, Stakeholder Manager met with Greg Gayden.

Gayden reiterated to FSD previous allegations made to Stakeholder Manager.

May 8th, 2008

1430 Hours (Approximately)

FSD, Stakeholder Manager, Supervisory Attorney and OI SAIC Albence met.

Discussed next steps.

May 9th, 2008

0645 Hours (Approximately)

Stakeholder Manager received email from TSI Dietz requesting to meet.

0730 Hours Stakeholder Manager met with TSI Dietz

Dietz stated that he wanted to be clear about where the problem exists. Dietz advised STSI Crow is incompetent, does not know what is required under inspection plan and stated that inspections are not being carried out.

Dietz stated that he, TSI Craine and Gayden are conducting most of the Generalists' inspection activities.

Dietz stated that if someone would check PARIS you will find that other TSI's are reviewing/approving activities in PARIS for STSI Crow.

May 9th

0711 Hours (Approximately)

Received email from TSI Toth on fear of reprisal from AFSD-I and STSI Crow. (Attached).

May 9th

0830 Hours (Approximately)

TSI Dietz met with FSD and AFSD-O regarding STSI Crow.

May 9th

0900 Hours (Approximately)

TSI Lowry met with FSD and AFSD-O regarding STSI Crow and provided a 6 page type written statement. (Attached).

May 10th

0800-1330 Hours (Approximately)

AFSD-O, Stakeholder Manager and TSI Dietz conducted a review of PARIS entries as related to the provision set forth under the Regulatory Activities Plan. Initial findings recorded, and briefed to FSD.

Delete
Dated :

May 12th

0622 Hours (Approximately)

TSI Dietz sent email to AFSD-O and Stakeholder Manager with an attachment of FY08 airport testing information.

May 12th

0900 Hours (Approximately)

TSI Dietz provided the Stakeholder Manager type written statement regarding the work environment. (Attached).

May 12th,

1537 Hours

Stakeholder Manager received an email from TSI Stephanie Craine requesting a meeting

May 13th

0930 Hours (Approximately)

AFSD-O and the Stakeholder Manager met with TSI Craine.
TSI Craine stated the Inspections Unit environment is unhealthy.

TSI Craine stated the AFSD-I and SSTI Crow purposely leak information to others within Inspections.

TSI Craine stated AFSD-I provided information to her regarding TSI Baptist's matter and a matter regarding STSO John DuBarton.

TSI Craine stated AFSD-I told her not to interview for the open STSI position, that Vernon Johnson got the job, two weeks prior to when the interview dates were set.

TSI Craine stated that STSI Crow is not accountable to his position supervising the unit, and does not review TSI work, plans or schedule.

TSI Craine stated the AFSD-I is not holding STSI Crow accountable to supervise the unit, does not check his work or assure activities are carried out.

1030 Hours

TSI Craine met with the FSD and Stakeholder Manager and reiterated allegations provided to the AFSD-O and Stakeholder Manager.

May 14th

1300 Hours (Approximately)

AFSD-I met with FSD and stated "errors were made" and deficiencies are known to him.
AFSD-I stated he "screwed up, work had not been done and that it's going to be bad".

Delete
Dated :

Email received from TSO Salinas to Stakeholder Manager on 5-8-08

McMullen, Michael

From: Salinas, Arnulfo
Sent: Thursday, May 08, 2008 1:05 PM
To: McMullen, Michael
Attachments: SD and EA's [REDACTED].doc

As requested.

Arnie Salinas
Aviation Security Inspector
(469) 948-1881 Office
(972) 462-6339 Fax
(972) 672-4533 Cell

Email received from TSO Salinas to Stakeholder Manager on 5-8-08

-----Original Message-----

From: Crow, Wes
Sent: Thursday, April 20, 2006 8:10 AM
To: Toth, Kevin
Cc: Zagloul, Philip
Subject: RE:
Importance: High

Kevin,

Sometimes wisdom is knowing when to turn a blind eye! The air carriers are expected to comply with the SD's & EA's. That's it! I'm sure that if the ASI's don't make the issue a point of intense observation neither will the air carriers. Let's give HQ's some breathing room on this issue and see if they affect any changes. In a month or so we can give Steve J. a call and see what has come of the subject. We need to let this topic take a rest!

Wes W. Crow
Aviation Security Supervisor
Office 469-948-1813
Cell 214-952-5362

-----Original Message-----

From: Toth, Kevin
Sent: Thursday, April 20, 2006 7:26 AM
To: Crow, Wes
Subject:

Wes, based on conversations yesterday, I want to make sure that I have an understanding as to how we are going to view the interior search of aircraft. As it pertains [REDACTED] we are going to require the air carrier to search only those [REDACTED]

Phil also mentioned that we would take the same approach with [REDACTED] and that we will ask the air carrier to inspect the [REDACTED] I know that this was discussed; however I am not sure about the final disposition.

Please advise. I know that you put out an earlier message, how ever this addressed the enforcement issues, and since this guidance no enforcement actions have been initiated. How are we to record our inspections in PARIS?

Kevin C. Toth
DFW International Airport
Coppell, TX
Office: (469) 948-1873
Cell: (214) 952-6165
kevin.toth@dhs.gov

Email from TSI Toth to Stakeholder Manager on 5-9-08

McMullen, Michael

From: Toth, Kevin
Sent: Friday, May 09, 2008 7:11 AM
To: McMullen, Michael
Subject: FYI

Mike, after leaving the meeting we had with yourself and Cedric, I thought as to why we felt we could not come forth sooner, and we noted our fear of reprisal from both Wes and Phil. I feel that I need to clarify where this fear comes from, so I present to you the following:

- We have provided this information once before in response to similar allegation of a hostile work environment, and nothing has changed.
- Phil & Wes are both aware of who were interviewed and listed as witness, those that could provide testimony in support of these allegations.
- Phil has stated that he has beaten this allegation and he is currently 3 and 0.
- Phil has stated that TSA is paying the retainer to an outside legal firm to protect him and Wes from such allegations.
- Phil has stated that, based on the preceding, if people are not happy here, they can come in and use his phone and call 1-800 Ombudsman.
- Phil has stated that he has statements from Hispanic and blacks who think he is Abraham Lincoln.
- Phil has repeatedly stated that he can't wait "to be taught a lesson". This is a statement that he attributes to "the van pool" (made up of myself, Arnie, Jerisa and Angela), A reference to a statement that is without merit.
- Angela has stated to me, based on conversations with Wes and Phil, that I have a target on my back, and that they are out to get me. They attempted to recruit her to scrutinize my work and then to report back to them.
- As part of their strategy, they spin a tale to create a false impression that eventually is designed to discredit or malign you.

So, as you can see, we all have a genuine fear of retaliation and having our careers derailed; especially in light of previously investigated behavior, for Phil and Wes are still in positions of influence, and nothing has really changed.

I have worked very hard to come in and complete my assigned air carrier inspections in a professional manner. If one was to review and compare my work to those of equal grade, you can determine that my work ethic and standards are above reproach. I spend a great deal of time looking at all aspects of an air carrier's compliance which is documented in PARIS, look at the number of inspections and the number of hours. Most recently I discovered a major deficiency with 

Not one word from our folks of acknowledgement ~ nothing!

Kevin C. Toth
Department of Homeland Security
Transportation Security Inspector
DFW International Airport
Coppell, TX 75019
Office: (469) 948-1873
Cell: (214) 952-6165
kevin.toth@dhs.gov

5/9/2008

Angela Lowry
DFW Airport
Report is in Draft form

During March or April of 2005, Wes called me on my government issued cell phone while I was driving to work. During this time, I had not been working in the Regulatory department, but in the Screening section as a Screening Manager. I had applied for one of the open Aviation Security Inspector positions within Regulatory. Wes was an inspector and not a Supervisor at this time. Although he was not a Supervisor, he was present and serving on the interview panel when I interviewed for the Regulatory position. When Wes called me on this day, he stated that although the position I applied for had not yet been formally affirmed by Washington, he thought there was a good chance that I had gotten the job. Well into the conversation, Wes asked me if I had heard any rumors in the terminals about he and I being suspected of having a personal relationship. I stated no, I had not heard any rumors to that effect. This had taken me by surprise, any contact that I had with Wes up to this point was either in the terminal office while he was picking up incident reports or when he called me over a specific incident. Most people had no idea who Wes Crow was, much less suspecting any kind of personal relationship. With Wes making phone calls to me in an un-official capacity, I felt that he was somehow trying to forge a personal relationship and basing it on his insider-knowledge over the Regulatory position that I had applied for.

I had accepted the position in Regulatory and was sent to training during the month of June. I was standing outside during a break, smoking, when Wes came outside standing in front of me and told me a story. He said that he was in his garage one day when a young girl about 15 years old was walking in front of his house, smoking a cigarette. He said that he asked the girl "you know what those things will do to you". The girl replied no and he told her "those things will make your tits small". He said that the girl threw down the cigarette.

Around this same time-frame, Pat Tyrie; a fellow inspector, entered my office and shut the door. She simply looked at me for a moment and said "I don't know what he's talking about". I asked Pat what she meant and Pat stated that Wes had asked her to go to my office and check the neckline of my blouse because he felt that I was showing too much cleavage. This was not the case; the blouse that I was wearing showed absolutely NO cleavage and was buttoned to the top (about 2 inches below my collarbone).

During a meeting in Wes' office, Wes repeatedly told me that I wasn't "digging" deep enough for correctly citing a Regulation Violation. I had been in his office approximately three times with what I thought was the correct Violation. Each time, Wes told me that I wasn't digging deep enough for the correct Violation, and that I needed to go back and look harder at the regulations. Wes provided no direction on what I was doing wrong, just that the citation was wrong and to look further. I had, at that time, spent approximately two and a half hours in Wes' office discussing this case. Wes would repeatedly state that I need to dig further and that becoming a good inspector required the

ability to dig deep into the regulations and years of experience. After the fourth visit to his office, I saw Bob Vente (TSA Lawyer) in the hallway within the vicinity of Wes' office and asked for his opinion. Bob stated that I had the correct Regulation cited and that no other regulation actually fit the case. Wes could clearly hear my conversation with Bob, and joked that I was cheating and jumping the chain of command while I was talking with Bob. Later that day, while discussing this very same case in Wes' office, with Eddie Longoria and Arnie Salinas in attendance, Wes stated that I "flirted with Bob Vente to get the answer". I immediately stated to Wes that I didn't do anything that any other inspector wouldn't do, and that I didn't appreciate his implication that I 'flirted' with Bob to get the answer. I also stated that the only reason he would say that is because I am a woman. Wes laughed through my statement to him and the meeting resumed.

I presented all of the above issues to Wes' Supervisor, Phil Zagloul. Phil stated that he would talk to Wes. Phil approached me a short time later and said that he had talked to Wes and that Wes had not denied the allegations that I had made. Later, Phil took me to Bob Vente's office to discuss resolution of this issue, stating that I had every right to file a complaint. I told Phil and Bob that I didn't want to file a complaint, I just wanted these behaviors to stop, and that I would trust that Phil would be able to take care of these issues internally. Later, I went into Wes' office at Phil's suggestion that I also tell Wes how I felt about his statements to me. I was not able to say much, but listened on while Wes told me repeatedly that there was strong opposition to my obtaining this position and that he had personally recommended me to the 'higher-ups'. He repeatedly told me that if it were not for him, I wouldn't have gotten my position and that I was his 'race horse' and he felt that I could out perform everyone's expectations. The meeting that I had with Wes was certainly not to discuss his behavior, but I felt it was to instill a sense of entitlement to him for getting this position for me. This meeting became a lecture on how I needed to out perform everyone else on the team to show the people who were opposed to my obtaining the position, that Wes was not wrong about my abilities. I reported the context of the meeting to Phil.

Within the same week that these events took place, Wes called me into his office to speak to me about my tardiness. Approximately one month prior, Wes had given me an introductory speech welcoming me to the Regulatory department. Between the time that I had been hired and the time that I returned from initial training, Wes had been promoted to Supervisor. During a meeting at my return from training, Wes had used profane language making such statements as "I don't give a damn what you've heard about me on the screening side" and using language unbecoming of a supervisor. I had no complaint about this behavior and did not report it to anyone. I mention this because, during this meeting, Wes stated his expectations of me. Part of this meeting was about my start and end of shift. He mentioned how I would enjoy not having to work on the weekends or during the holidays, unless there was an incident that took place that would require all ASI's to work as part of our requirement considering our Excepted Service status. Wes also stated that he "didn't give a damn what time you come in, as long as you work your 8 hours". Going back to the current meeting with Wes, he was now stating that he noticed that I had arrived at 7:10 that morning, and wanted to know why I was tardy. I told Wes that I was arriving to work around 7:00 every day, and if I arrived later, I was

working my 8 hours and going home as he had previously stated and allowed. I told him that I was not aware that anything had changed from my first meeting with him. Wes asked me what my start time was. I replied that it was 7:00. Wes told me that if I were going to be late, that I needed to call him and let him know. I told him that I would and left his office. I have been late on two other occasions since that time, and have called Wes on each occasion.

I went to Wes' office to inquire about taking some time off for my son's birthday, which would have been sometime in the first or second week in November, 2005. Wes asked me how old he was going to be. I replied that my son would be turning 13 years old. Wes then started talking about what a tough age it was, because he would now find out what "that thing between his legs is really used for". I told him that mother's really don't want to know about those things" trying to keep him from discussing this topic any further. Every-time I tried to walk out of his office, he started talking louder and stated "no-no, sit down, you need to know what this is all about". He told me it really didn't matter if I wanted to know these things or not, I would be so busy washing his sheets that I couldn't help but to know what was going on. This conversation was one-sided and went on for approximately 20 minutes. During this time, Wes mentioned that my son's showers would probably get longer and longer, I wouldn't be able to stop the girls from calling my house and he repeatedly stated "he's going to find out what that thing between his legs is really used for" and how tough his puberty would be for me.

On Sunday, January 22, 2006, Pat Tyrie and I were working overtime in Terminal D. My schedule was to work from 0900 to 1400. Wes called Pat at around 1000 hrs. and told her that neither of us should conduct any further inspections until he got to the terminal. We met Wes on the UL Curbside of the terminal at his request. Wes told us to get into his truck (personal vehicle) so that he could tell us what was going on. Wes, Pat and I drove around DFW Airport, through parking lots and terminals with no discernable order, until Wes finally chose a parking spot in the parking garage. He had brought donuts with him. Pat and I refused donuts, but Wes insisted that we each have one because he went through the trouble of getting them for us. Pat and I each ate a donut. Wes then started to tell us of the incident involving another ASI the night before, and how DFW Police became involved. Wes explained the entire incident, including what political ramifications that could be involved. This took approximately two hours, from beginning to end. When Wes dropped us off back at Terminal D, he stated to only do a specific inspection for the rest of the day. By that time, my shift was very close to being over.

In February, 2006, Wes had called a meeting of all available ASI's over the above mentioned incident which occurred on January 21, 2006. Wes stated that he was hearing a lot of rumors that other inspectors felt that he had handled the incident concerning the other inspector poorly and that he wanted to get it out in the open. Several inspectors commented that they felt he did not support the inspector in question adequately. During this meeting, we were all standing in an office shared by three of the inspectors. Wes became animated during this meeting, trying to explain all of the complexities of what had happened that night. During his explanation, he was pacing back and forth. While in the middle of the explanation, Wes was gesturing towards me as if he were making me

part of the example "if Angela...such and such". As he did this, he walked towards me with his palms out and fingers curled (as if in a cupping gesture) while staring directly at my chest. He stopped within a few inches of my chest, but I had been thoroughly convinced that he was going to touch my breast, so much so, that I turned the upper portion of my body to avoid contact with his hands. This was noticed and remarked upon by several fellow inspectors directly after the meeting.

On March 16, 2006, I submitted a PARIS Investigation for review. The supervisor reviews the investigation and either approves them or returns them to the inspector for corrections. I had several meetings with Wes over this investigation, so I had put a small sentence in the remarks section to remind Wes on what we had discussed about the issue and the course of action that we had decided. Wes called me into his office and said that we shouldn't put that information out there for everyone to see. I told Wes that I had put remarks such as the one he was talking about, in many of my inspections that he had previously approved, as a way to remind him of what we had discussed. Wes stated to me what he specifically wanted in the remarks section and told me that putting too much information in that section could be disastrous if I were to ever go to court over the investigation. I told Wes that I would change the information, and that it's only intent was for his benefit. I certainly did not feel that my remarks were unprofessional or would put me at any disadvantage if the case went to court, but I did what I was told to do. At his request, I put in the specific sentence that Wes told me to put in the remarks section. I added that my earlier statement (since we are not able to go back and edit any previous remarks after it's been submitted for review to the supervisor) was solely to enlighten my supervisor of our previous conversation of the case, to make it very clear to whom the remarks were intended for, in the event that the investigation went to court. The word 'enlighten', I felt, was far more professional than 'remind'. Wes again called me to his office and began to yell very loudly at me, stating that he didn't need to be 'enlightened' and that I was the one who needed to be enlightened on how to write an investigation. I had to make several attempts, while he yelled, before I could tell Wes that I put that specific wording in the remarks section because he had been adamant that someone could misconstrue the meaning of my earlier remarks. Wes asked me why I didn't delete my earlier remarks and I told him that after an investigation is rejected, it is impossible to edit what was previously entered. Wes was not aware of the inability to edit the remarks section and felt that I was being inflammatory by not editing my remarks and by using the word 'enlighten'. Wes rejected my investigation again, making sardonic remarks in the reason for rejection section of the investigation. I spoke with Phil on this issue, due to the fact that there was unprofessional dialogue within the investigation that was now part of permanent record. Phil told me to delete the entire investigation and start over again so that the previous investigation would not be part of permanent record.

On September 26, 2006, at approximately 0800, I sent Wes an email stating that I would very likely have to leave early for a conference at my son's school. At 1050 I sent another email to Wes that I would be leaving to attend the Special Education conference that I had mentioned earlier. Shortly after I sent the second email to Wes, I saw him in the Supply room, directly across the hallway from my office. I told Wes that I was leaving, just in case he had not yet had a chance to read my email. Wes said that was fine

and began talking about the difficulties of raising a child with Attention Deficit Disorder, while walking back and forth between the Supply room and Ellen Montgomery's office. I told Wes that I needed to leave and went back to my office to gather my things and shut down my computer. I left work in my personal vehicle, alone. A week later, it was brought to my attention that Wes was watching me leave in my personal vehicle through the windows of an office and commented to Cathy Burgess that 'it was funny, she said she's going to a conference for her son, but someone got into her vehicle with her'. This was not the case.

On Wednesday, October 11, 2006, I took a case to Wes so that he could look over the contents before I sent it to him for approval. Wes told me to sit down while he went over the case and read its' contents. Wes stated that I had cited the wrong regulation violated (after I had already gotten the correct violation approved by his supervisor, Phil Zagloul) and that it needed to be changed. I told him that the Letter of Investigation had the same information regarding violations, which had already been signed off by Phil. Wes told me that if you dig deeper into the regulations, you will find the correct violation. Wes then proceeded to read the regulations again. This meeting continued on for approximately two hours. Most of the time spent was watching Wes read the case and read regulations. I was not asked for any input other than if I had asked the Subject of my investigation for a PNR, and to bring him the full case off of my desk, along with the applicable regulations believed to be violated. Wes then stated that I needed to add another Inspector Statement to the case, in response to the Letter of Response that the Subject had provided.

On Thursday, October 12, 2006, Wes called me into his office for a meeting. Wes asked me what my 'lessons learned' were. I tried to quickly think of a shortcoming of mine, so that I could produce exactly what he was looking for and end the meeting. I told Wes that I should have dug more deeply into the regulations to find the correct citation, as he showed me the day before. Wes stated that it takes years to become a good investigator. Wes also stated that I needed to do a more thorough job on the investigative part of the case. I told Wes that I had been in contact with both he and Phil during each step of this case, and took specific instruction from Phil after receiving the Subject's Letter of Response. Wes continued to tell me that I was responsible for finding the air carrier's lies, and that they are very good at lying to inspectors. I agreed with Wes, that I should be a better investigator. This meeting lasted approximately 45 minutes.

On Monday, October 16, 2006, I spoke with Phil Zagloul about Wes' advice that I change the violation that is cited in the case and to add another Inspector's Statement. Phil told me that the citation was correct, and that if Wes said to change it or to add another statement, to let him know. I took a specific document (analysis page) out of my case to fellow inspector Pat Tyrie, at Wes' request. Wes often has my work go through Pat for accuracy. Pat stated that the analysis looked "really good". I took the analysis to Wes' office for his input before submitting the EIR, as it was the only document that was needed to finish the case and Wes had previously looked at the rest of the case. Wes asked me to get the case so that he could look over it again. I retrieved the EIR from my office and gave it to Wes. Wes told me to have a seat. Wes then looked through the case

and asked me if I had used the new sample EIR located on the webboard. I told Wes that the sample EIR on the webboard wasn't actually new, but it was the last version that was provided by the webboard that I had used for my case. I told Wes that I was a little confused on the sanction amount that was proposed. Wes then went to webboard and after a long span of time, found the sample EIR and printed it to compare it to the case that I gave to him. I watched him compare my case to the sample case. Wes did not make any comment or suggestion for quite some time. Wes told me that my analysis did not look like the analysis that is on the webboard, my analysis is too long and contains too much information (It summarizes the Letter of Response from the subject). I attempted to explain that all cases are different and information obtained in one case may vary significantly from the sample provided. Wes did not mention that the regulation violated information had not been changed as he had previously requested. Specific sanction guidance that I had asked Wes to give input on, was not addressed. Wes again told me to either add another inspector's statement, or to change the one that was currently in the EIR. This meeting lasted approximately an hour and a half. After much confusion and frustration over these issues, I sent an email to Phil Zagloul. Phil came by my office shortly thereafter and told me to submit the case as I had originally planned and that he would take care of the issue.

Last week with your help, myself and some of my colleagues were able to break free of the institutionalized hell that we have been exposed to for the past few years. We have been led to believe that our role within TSA was not valued and that our position lacked credibility and meaning. We have been sold propaganda on a daily basis that the FSD Staff lacked intellect and expertise in aviation matters. When you hear this negativity over and over again you fall into the Stockholm syndrome patterns and begin to buy into it.

I can tell you with utter certainty that from this day forward I committed to creating, developing, promoting a culture and environment of TSA mission oriented activities. This is just scratching the surface, but here are a few ideas on what needs to happen to improve the operational controls within the regulatory department. All of the responsibilities including: ASAP, General Aviation, Flight Schools, Inspection tracking, EIR Case logs and distribution, Inspection tracking, Portal violations, AAACE (Hyatt), Repair Stations (just under way), and COOP need to fall to the responsibility of a Management official. Currently the responsibility of these programs falls under the direction of a designated to TSI. The current Supervisor does this for plausible deniability purposes so that when the stove gets to hot he won't get burned. This is standard practice for him. These activities should be directed by the Supervisor and TSI's would have more time to conduct Inspections, Investigations, and Outreaches. Too much time is being consumed by the TSI's overseeing the programs.

Over the past 1.5 years TSA HQ Compliance has repeated their sentiment of providing more funding and training to the TSI workforce. Repeated statements have been made on the bi-weekly telecom that a surplus of money exists to send TSI's to authorized training courses around the country. This is being practiced at DFW on a **very minimal level**. It is common practice at other airports for their TSI's to have multiple training opportunities on an annual basis. Enhancing employee's skill sets will only further valuable assets for the greater good of the organization and the safety of the American public.

It is no secret amongst the generalist group that work is not being completed as to what is required in the Regulatory Activities Plan. The current TSI Supervisor does not hold anyone accountable for work or lack there of. The RAP is a very basic plan that can be tracked with a single **SPREADSHEET!**

Create a weekly focused inspection that will address any compliance issues that are occurring at the airport. Being proactive and hammering out problems is the key to compliance. It is of vital importance to stay on top of the regulated parties so that we don't leave any stones un-turned.

Employees need to be receiving positive reinforcement and feedback on a consistent basis so that they stay motivated and focused on the big picture. Too much energy is being addressed within the department on issues not related to aviation security matters. Employee performance appraisals need to be taken seriously by the Supervisor so that the employee knows what they need to work on as well as enhance.

It is of vital importance that the incoming Supervisor (VJ) is not tainted by the current negative state of the department. The incoming Supervisor needs to have someone he can stand behind for awhile so that he doesn't fall into any traps. The incoming Supervisor needs to have someone who can teach him the programs and let him

learn at his pace with out the pressure of certain individuals setting him up for failure. It is with great diligence that I pledge this commitment to TSA and the American public.

SWORN STATEMENT



Transportation Security Administration

I, MICHAEL DONNELLY, having been duly sworn, hereby make the following statement to Thomas Morgan & Leonard Forth, who have been identified to me as a federal law enforcement officers and special agents with the Transportation Security Administration, Inspections and Investigations Division. I am making this statement of my own free will, without any duress or coercion.

*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of 7 pages. I have been given the opportunity to make any corrections necessary to make the statement accurate. All of the information contained in this statement is true and accurate to the best of my knowledge and belief. I understand that I may be prosecuted for perjury or making false statements if I have intentionally misrepresented anything contained in this statement. I have not intentionally omitted any information or knowledge I have that relates to the matters under investigation or review.

Michael A. Donnelly
Signature

Signed and sworn to before me, this 9 day of September, 2008.

Thomas Morgan
Witness

[Signature]
Special Agent
Transportation Security Administration
Department of Homeland Security
Authority to administer oaths: 5 U.S.C. § 303

Statement of Assistant Federal Security Director for Operations Mike Donnelly

On July 29, 2008, I was interviewed by Special Agents (SA) Stacey Saunier and Anthony Delano, Office of Inspection, Investigations Division. I was advised that I was being interviewed as a witness in this investigation. SA Saunier advised she was assigned to investigate allegations that a security vulnerability exists at Dallas-Fort Worth International Airport (DFW) due to the airlines not being required to follow the security directives as they relate to searching [REDACTED] the aircraft. Additionally, there are allegations of potential security vulnerabilities involving the louvered blinds at seven checkpoints in Terminal B at DFW. Specifically, it is alleged that someone on the public side could pass a prohibited item to someone on the sterile side by passing the item through the louvered blinds located above the doors.

As the Assistant Federal Security Director for Operations (AFSD-O), I would not normally get involved in issues that fall under the Regulatory/Inspections function. However, I will explain how and when I became aware of the above-mentioned issues and what DFW management did upon learning of the issues brought to our attention.

On May 7th and 8th, 2008, two Transportation Security Inspectors (TSIs), assigned to the DFW Regulatory function, brought a variety of issues involving various wrongdoing by Assistant Federal Security Director for Inspections (AFSD-I) Philip Zagloul and Supervisory TSI (STSI) Wesley Crow to the attention of DFW management. The issues included allegations of: inappropriate comments made by DFW Regulatory management (Zagloul and Crow) directed toward the local leadership and their respective subordinates; creating and inciting a hostile work environment; racial overtones by AFSD-I Zagloul toward two subordinate TSI employees; Inspections and other requirements of the Regulatory Activities Plan (RAP) not being carried out; AFSD-I Zagloul misleading the Federal Security Director (FSD) regarding the status of the Performance And Results Information System (PARIS) reporting/inspections and the status of the Aviation Security Assessment Program. Also during this period, a TSI advised he was in possession of an e-mail authored by STSI Crow, in which Crow directed TSIs to "turn a blind eye" toward Security Directives (SD) / Emergency Amendments (EA) compliance.

Upon hearing everything from the two TSIs, FSD Cedric Alexander assigned me along with Stakeholder Manager Michael McMullen with the task of determining the extent of the problems and to determine if the issues presented were being felt by more than the two TSIs who brought them forward.

FSD Alexander briefed Office of Chief Counsel (OCC) DFW Attorney Mark Holmstrup, and Deputy Special Agent in Charge (DSAIC) Matt Albence, DFW Office of Inspection, Investigations Division (OI/INVD), of the initial information from the two TSIs. Later this same date, FSD Alexander and OCC Holmstrup spoke again with DSAIC Albence to provide additional information obtained from an additional TSI that came forward and to discuss the appropriate next steps.

Over the next few days (May 9, and 10, 2008), two additional TSIs corroborated what was reported on May 7th and May 8th, by the initial three TSIs and an audit of PARIS was conducted to independently corroborate what was reported. All of the TSIs expressed a fear

of retaliation for providing the information against the AFSD-I Zaglool and the STSI to DFW management. The FSD was briefed on the results of each interview and on the results of the audit of PARIS.

On Monday, May 12, 2008, FSD Alexander met with STSI Crow and the FSD advised Crow of all the allegations reported to DFW management and the results of the PARIS audit. STSI Crow did not respond to the allegations, but did request immediate leave, which was granted.

Also on May 12, 2008, FSD Alexander called a mandatory staff meeting for all individuals assigned to the Inspections function. OCC Attorney Mark Holmstrup and I attended the meeting. FSD Alexander advised the entire group of TSIs that he wanted to ensure everyone that he will have an environment where everyone will be treated fairly, respectfully and as professionals and that management will be held to a high standard on promoting and fostering a model workplace. He stated that he was establishing a clean slate within Inspections in terms of ensuring that issues are addressed appropriately and fairly. He informed everyone that he expects that everyone support our agency and not engage in divisive and negative behavior, which simply will not be tolerated. He advised the group that he always had an open door policy for anyone to come in and discuss their suggestions, concerns or issues.

After the May 12th meeting, an additional TSI requested a meeting and on May 13th, provided more corroboration of instances of hostile work environment and retaliatory acts by the AFSD-I and the STSI.

On May 14, 2008, FSD Alexander advised me when I returned from the airport that AFSD-I Zaglool stopped by his office. FSD Alexander told AFSD-I Zaglool "errors were made" (by Zaglool) and deficiencies are known to him. AFSD-I Zaglool responded by stating that he "screwed up, work had not been done and that it's going to be bad." AFSD-I Zaglool left the office on leave.

OCC Holmstrup and OI/INVD Albence were briefed as to the full results of the interviews and the PARIS audit and the meetings with STSI Crow and AFSD-I Zaglool. It was decided the issue should be forwarded to headquarters for the Management Inquiries Branch (MIB) to investigate.

On May 15, 2008, then Stakeholder Manager Michael McMullen (who is currently the AFSD-I) forwarded the entire allegation package (all of the statements provided by the TSIs; the PARIS audit and a full chronology of each and every step taken by DFW management) to the Central Area Director requesting Management Inquiries Branch (MIB) assistance in looking at the allegations regarding STSI Crow and AFSD-I Zaglool.

On May 19, 2008, FSD Alexander, OCC Holmstrup, former Deputy FSD Jim Lair, and I had a meeting to closely evaluate the status of TSA DFW with the RAP. AFSD-I Zaglool was also at the meeting. Two TSIs had previously briefed us on the TSA DFW Regulatory areas of non compliance with the RAP, which the audit of PARIS had confirmed. FSD Alexander excused everyone from the meeting except for AFSD-I Zaglool and myself. FSD Alexander asked AFSD-I Zaglool to explain the serious deficiency in our compliance with the RAP. AFSD-I Zaglool stated that as he told the FSD previously that the findings were going to be bad. FSD Alexander informed AFSD-I Zaglool that these were extremely serious findings

and that AFSD-I Zagloul had previously told him that TSA DFW was in compliance. AFSD-I Zagloul had no response and left the meeting. He then came to me and requested leave and it was granted.

On May 19th, DFW management appointed an acting STSI to cover the period of time Crow was on requested [REDACTED] leave. On May 21, 2008, AFSD-I Zagloul came into my office and advised he intended to retire and was allowed the opportunity to use his leave before retiring effective June 30, 2008. Additionally, on June 6th, DFW Management appointed an Acting AFSD-I in response to the issues being investigated and in response to AFSD-I Zagloul advising of his desire to retire and of Crow's request for [REDACTED] leave. The Acting AFSD-I was appointed to cover the time periods that AFSD-I Zagloul indicated that he would be on leave.

Also on May 19, 2008, after consulting with and raising the issue of the "turn the blind eye" e-mail with OCC Mark Holmstrup, he advised me that I needed to send an additional request to OI/INVD to investigate the "turn a blind eye" e-mail Crow sent to TSI Kevin Toth, since the MIB would not investigate an STSI. I proactively sent a message to Holmstrup for forwarding to the OI/INVD DFW Field Office, informing and requesting assistance in the review of the allegation of STSI Wes Crow directing a TSI to turn a blind eye to apparent violations of TSA Security Directives.

Throughout this entire process of these allegations, TSA DFW believed that the initial notification made to headquarters covered all the aspects of the allegations and would be evaluated by the MIB.

As is required when investigation referrals are pending, we suspended our local investigation pending further instruction from OI/INVD and the MIB. We will act accordingly to OI/INVD and/or the MIB's recommendations.

On July 28, 2008, special agents from the OI/INVD began their investigation into the "turn a blind eye" e-mail and the potential security vulnerabilities that e-mail may have caused.

Note: On August 6, DFW management was advised that the MIB was returning the allegations regarding the hostile work environment and misconduct by AFSD-I Zagloul and STSI Crow. DFW is currently reaching out to other airports to have an impartial third party come in to DFW to investigate the allegations previously forwarded to the MIB. FSD Alexander is currently in talks with El Paso.

Due to the potential security issues resulting from TSIs following the guidance suggested in the "turn a blind eye" e-mail, FSD Alexander instituted and initiated the following actions:

I conducted follow up on the allegation of "turning a blind eye" on its status and whether it would be investigated by OI/INVD. With no clear direction as to whether it would be investigated by OI/INVD or referred back to the FSD for investigation, I informed STSI Vernon Johnson (who was hired as part of the new management in the Regulatory function at DFW) to contact the TSA Principal Security Inspector (PSI) regarding aircraft searches with emphasis on the [REDACTED] as indicated in TSI Toth's e-mail. The guidance received

from the PSI was that the [REDACTED] to be inspected. As a result, violations were opened against the airlines that were not inspecting these [REDACTED]

STSI Johnson was tasked with following through on issues regarding the issues of airline searches involving the searching [REDACTED]

[REDACTED] STSI Johnson reported his actions as noted below:

TSI Kevin Toth contacted me by phone on the evening of Thursday, May 15, 2008, (3 days before I officially started as STSI) to relay a finding discovered during his critical inspection of [REDACTED]. I advised Kevin to move forward and contact the PSI via e-mail with a brief description of the problem. TSI Toth stated he would do so and e-mailed PSI Robert Glover with the issue on the morning of May 16, 2008. I also told Kevin that I would meet with him on Monday morning, May 19th to discuss, which was my first official day in my new position as STSI.

I met with Kevin Monday morning, May 19th and he briefed me on his finding and concerns. I asked if he had heard back from PSI Robert Glover and he stated he had not. I attempted to contact PSI Robert Glover at both his desk and cell phone numbers. His cell phone had a message stating that he was out of the office and to contact PSI Chris Chipps as an alternate. I attempted to contact Chris Chipps and was only able to leave a voice mail on both his desk and cell phone. On this day, I also briefed Senior TSA Management (FSD, DFSD) of the issue. I also briefed them that we would continue our attempts to contact PSI Robert Glover for clarification on the [REDACTED]

On Tuesday, May 20, TSI Toth again e-mailed PSI Robert Glover with the [REDACTED] issues. PSI Robert Glover responded and stated that the DFW Station Manager was to have a discussion with the service manager with regards to the searching [REDACTED] [REDACTED] in question.

On Thursday, May 22nd, [REDACTED] Manager of Security and Ground Operations, Shane Williams e-mailed TSI Toth and stated that [REDACTED] had an approved aircraft search program on file with HQ that did not include searching [REDACTED]. Subsequent review of the [REDACTED] security program included in the PARIS profile revealed that search procedures on file did not adequately address the [REDACTED] issue in question. Shane Williams e-mailed PSI Robert Glover with regards to this issue.

On Tuesday, May 27th, PSI Robert Glover e-mailed Mr. Williams with [REDACTED] and stated that all [REDACTED] that do not require [REDACTED]. PSI Robert Glover asked [REDACTED] Manager Shane Williams if he could set up with local personnel at Washington Reagan (DCA) to review this [REDACTED] himself, to which Mr. Williams agreed.

A Letter of Investigation was sent out by TSI Toth to [REDACTED] with a response time of 20 days.

[REDACTED] Letter of Response was dated July 7th, and stated that [REDACTED] will amend their aircraft cabin search procedures to include the [REDACTED] in question with a completion date of August 1, 2008.

Since [REDACTED] did not address how the other aircraft were to be searched in the interim, a \$10,000.00 Civil Penalty has been assessed.

STSI Johnson sent e-mail to TSI Toth on July 21, 2008, with approval to proceed with \$10,000.00 Civil Penalty against [REDACTED]

The FSD directed Vernon Johnson and Acting STSI Aaron Dietz to develop a plan of action to move TSA DFW in compliance with the RAP as soon as possible. The plan was developed and implemented and TSA DFW was in compliance with our RAP by July 7th. A key point is that at the time of discovery, TSA DFW had [REDACTED] inspections documented in PARIS and in a two and one-half month period, DFW TSA had completed over [REDACTED] inspections that were documented in PARIS. The RAP requirements are being met. Additionally, STSI Johnson and Acting STSI Dietz began conducting regularly scheduled staff meetings each Monday where inspections requirements, expectations and issues were able to be raised by the TSIs and promoted the appropriate dialogue among the group to address their requirements.

OI/INVD normally advises DFW management when they will take an investigation. Since I had not received direction with regards to the issue involving the allegation, I wanted to be proactive regarding the issue involving the louvered blinds/vents in Terminal B. On May 23, 2008, I met with Vernon Johnson and directed him to evaluate the louvers in Terminal B as referenced by TSI Toth. The evaluation was scheduled for May 24th. TSI Greg Gayden was assigned the responsibility for the controlled test. He conducted a controlled test by passing a small box through the louvers to a TSA Security Manager from the public area to the awaiting manager on the sterile side. STSI Vernon Johnson briefed me on the results of the test on May 26th. After learning of the "test" object, I advised STSI Johnson that the test should have evaluated whether the situation would allow the introduction of a deadly or dangerous weapon.

On May 30, 2008, TSI Gayden was asked by STSI Johnson to conduct a controlled test in Terminal B. The purpose of the test was to see if it was possible to pass a foreign object from the public side of the terminal, over a door and into the sterile side through the louvered "Venetian" blinds.

On Saturday, May 31, 2008, Gayden was able to easily reach up and pass a shoe-box sized box over the doors and into the sterile area at B21. The area above the doors in Terminal B is covered with a type of Venetian blind more commonly known as a 'louver.' Gayden was able to successfully repeat this test, with a knife in the box, on June 2, 2008, at B25. The same conditions (the presence of louvered blinds/vents) at these checkpoints can also be found at B17, B19 and B23.

Gayden initiated an Enforcement Investigative Report and delivered a Letter of Investigation, addressed to DFW Department of Public Safety Chief Steve Deel, to DPS Station One on June 10, 2008. The Letter of Response from Chief Deel was received on July 9, 2008.

At this time, DFW Airport has replaced the 'louvers' at B21 and B25 where the tests were conducted with a large, solid wall that reaches from the top of the doors to the ceiling. It is now not possible to pass a foreign object from the public side to sterile area at these two locations.

The Letter of Response from Chief Deel stated that DFW is initiating fixes at the other checkpoints in Terminal B, but did not elaborate or give a timeline. I have since been informed by STSI Johnson that DFW Airport plans to initiate a similar fix at the other checkpoints in Terminal B within 90 days.

The Vice President of the Department of Public Safety contacted the FSD and requested his assistance in resolving this issue since the matter would require permit approval and had a significant impact on the fire sprinkler system. The FSD indicated that TSA would support the airport and allow them to work through these issues with the understanding that the vulnerability would need to be addressed in order to mitigate risk. AFSD-I Michael McMullen met with the VP for DPS on July 29th and informed him that the matter required a temporary solution be developed and implemented. The VP indicated that he was exploring options and understood the urgency and would provide input shortly on the immediate fix. The VP at this meeting with McMullen committed to ensure that dedicated personnel would monitor these locations in Terminal B from the Monitoring Control Room (DFW DPS camera monitoring facility).

With AFSD-I Zagloul retirement, Michael McMullen was selected as the AFSD for Inspections which became effective July 14th. On August 4th and 5th, Michael McMullen and Vernon Johnson visited, at the direction of the FSD, with the TSA HQ Compliance Branch to formulate a relationship, familiarity and to establish programs and controls that will ensure our aggressiveness and adherence to the TSA Compliance Branch Program and policies.

On Wednesday, August 27, 2008, there was a meeting with the airport regarding the remaining louvered vents/blinds in Terminal B. The airport advised that they intended to implement an interim solution which would include closing the louvers and affixing plexi-glass on top of the louvered vents (on the sterile side) so as to stop any prohibited items from being introduced into the sterile area. The airport is bidding out the job.

I attest by my signature below that the statements are true to the best of my knowledge and memory of events.

Michael McMullen
8/27/08

ATTACHMENT 12

Attachment 12

SENSITIVE SECURITY INFORMATION



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input checked="" type="checkbox"/> Other	Date and Time: July 30, 2008 8:20 a.m.
Activity or Interview of: Inspection of [REDACTED] [REDACTED] aircraft	Conducted by: Special Agent Stacey L. Saunier Special Agent Anthony Delano Location of Interview/Activity: Dallas-Fort Worth International Airport (DFW) Dallas, TX

Subject Matter/Remarks

On this date, Transportation Security Inspectors (TSIs) Kevin Toth and Angela Lowry, DFW, escorted Special Agents (SAs) Saunier and Delano on to three aircraft for the purpose of viewing [REDACTED]. TSI Lowry coordinated with [REDACTED] and TSI Toth coordinated with [REDACTED] to have a mechanic available while we viewed the above-mentioned [REDACTED].

TSI Lowry arranged for us to view a [REDACTED] aircraft. TSI Lowry had previously indicated she was assigned [REDACTED] and that she did not require [REDACTED] to comply with the security directive regarding searching [REDACTED]. Lowry indicated she followed the "turn a blind eye" e-mail written by Supervisory TSI Wes Crow, DFW. The following airline/aircraft was viewed with the following observations:

Station Manager Mark LaScala, [REDACTED] arranged for SAs Saunier and Delano, and TSIs Lowry and Toth to board and view the [REDACTED].

The aircraft we boarded was an inbound 737-524 aircraft arriving from Houston Intercontinental Airport. [REDACTED]

Case Number: I080315	Case Title: Possible Violation of Security Directive DFW- Regulatory
-------------------------	---

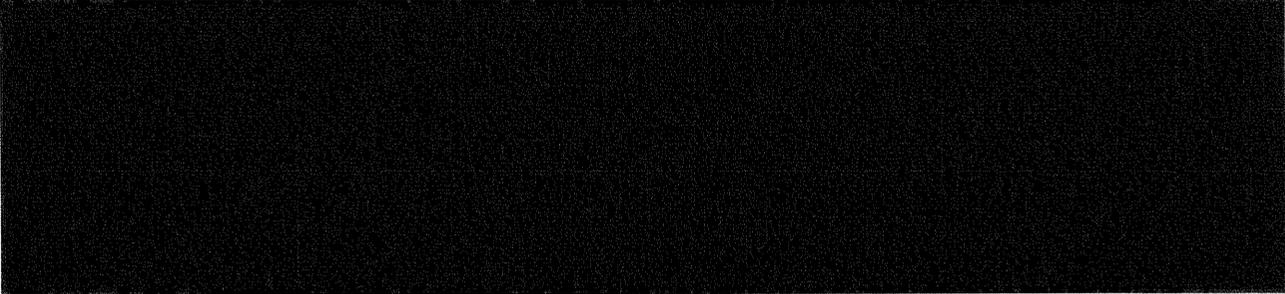
Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

SENSITIVE SECURITY INFORMATION

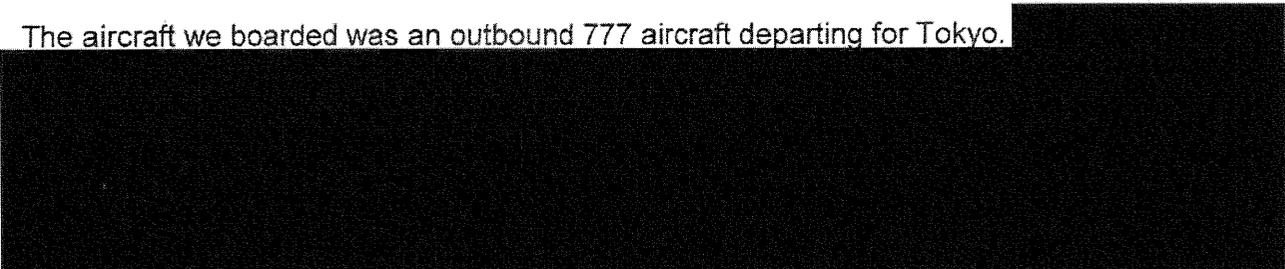
MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)



TSI Toth then arranged for us to view an [redacted] aircraft. TSI Toth had previously indicated he had been assigned [redacted] for a number of years and [redacted] was in full compliance with the security directives as they relate to the [redacted]. The following airline/aircraft was viewed with the following observations:

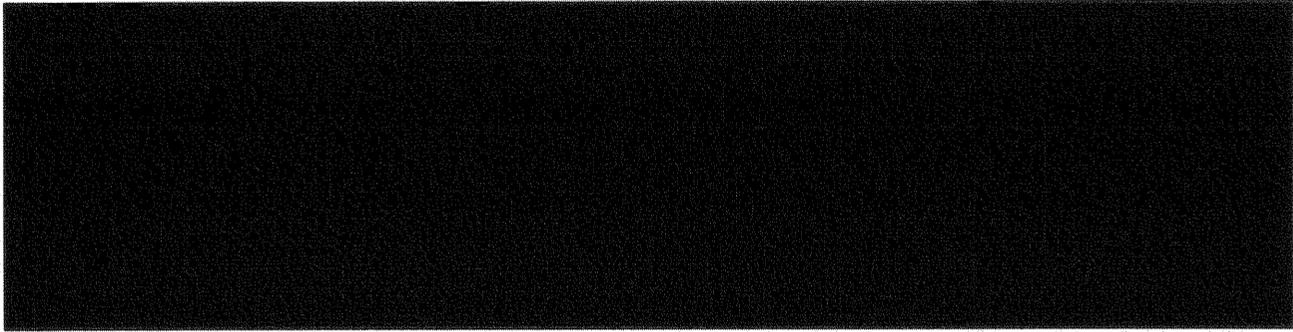
Customer Service Manager Conrad Diaz [redacted] arranged for SAs Saunier and Delano, and TSIs Lowry and Toth to board and view the [redacted]

The aircraft we boarded was an outbound 777 aircraft departing for Tokyo. [redacted]



TSI Toth, with the assistance of Customer Service Manager Diaz, then arranged to board an [redacted] 737-800 aircraft, which was viewed with the following observations:

SAs Saunier and Delano, and TSIs Lowry and Toth boarded the aircraft and viewed the [redacted]



Case Number: 1080315	Case Title: Possible Violation of Security Directive DFW- Regulatory
-------------------------	---

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

ATTACHMENT 13

Attachment 13

SENSITIVE SECURITY INFORMATION



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input checked="" type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time: August 25, 2008 1:00 p.m.
Activity or Interview of: Arnulfo "Arnie" Salinas Transportation Security Inspector (TSI) Dallas-Fort Worth International Airport (DFW)	Conducted by: Special Agent Stacey L. Saunier Special Agent James Greer
	Location of Interview/Activity: OI/INVD DFW Office Coppell, TX

Subject Matter/Remarks

Special Agent James Greer and I introduced and identified ourselves to Salinas. Salinas was advised he was being interviewed as a witness regarding an allegation involving alleged security issues at DFW. Specifically, Salinas was advised that the allegation involved management at DFW not requiring the airlines to fully self inspect in accordance with the security directives. Additionally, Salinas was advised that there was alleged to be a potential security issue involving the louvered blinds at seven checkpoints in the B concourse. Salinas advised he understood. Salinas provided the following background information:

He started his federal government career with the Transportation Security Administration (TSA) as a supervisor with the mobile screening force on July 28, 2002. He transferred to the TSI position in March 2005.

Regarding the issue of aircraft searches as they relate to [REDACTED] Salinas was asked whether he has always required airlines that were assigned to him [REDACTED] those areas. Salinas advised as follows:

When he started in 2005, he did require the airlines to search [REDACTED] [REDACTED] However, in April 2006, he was at a meeting in which STSI Wes Crow was discussing the requirements for airlines to search [REDACTED] [REDACTED] Crow indicated in the meeting that they were not required to search [REDACTED]

Case Number: I080315	Case Title: Possible Violation of Security Directive DFW- Regulatory
-------------------------	---

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

[REDACTED] Crow followed up with an e-mail (the "turn a blind eye" e-mail), which was not sent to him directly, but was forwarded to him by TSI Kevin Toth. At the time, Toth was his mentor.

At the direction of Crow (the meeting and the e-mail), he stopped requiring the airlines to search [REDACTED]

In May 2008, STSI Crow and AFSD-I Phil Zaglool left the office and the FSD appointed new management in the regulatory function. With the departure of Crow and Zaglool he is currently requiring the airlines to search [REDACTED]

Regarding the louvered blinds located at seven checkpoints in Terminal B, Salinas advised he was aware of the vulnerability these louvered blinds caused. Salinas provided the following information regarding the louvered blinds:

He did not recall personally reporting the issue to management. However, he was with TSIs Greg Gayden and Kevin Toth when Toth called STSI Crow and asked him to come to the airport to see the louvered blinds. He recalled that when Crow arrived at the checkpoint and Toth showed Crow the issue and suggested there was a vulnerability, Crow responded by telling Toth he can't beat a dead horse. Crow also told Toth that nothing would be done about the issue.

He is aware that the issue is being addressed by building a solid wall up to the ceiling. He has seen a few of the checkpoints have been completed, but not all of them.

In summary, Salinas did receive the "turn a blind eye" e-mail, which was forwarded to him by TSI Kevin Toth. Salinas believes that the "turn a blind eye e-mail" was in fact telling him to overlook the requirements of the security directives and/or emergency amendments as they related to aircraft searches. Salinas did not require the airlines to conduct the searches regarding the [REDACTED] from mid-April 2006 through mid-May 2008. Salinas is currently requiring the airlines to search [REDACTED]

Salinas was asked to provide a sworn statement to which he agreed. Attached to this memorandum of interview is a copy of the sworn statement.

Case Number:
I080315

Case Title:
Possible Violation of Security Directive DFW- Regulatory

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

SWORN STATEMENT



Transportation
Security
Administration

I, Arnulfo Salinas, having been duly sworn, hereby make the following statement to Stacey Sannier & James Greer, who has been identified to me as a federal law enforcement officer and special agent with the Transportation Security Administration, Office of Inspection. I am making this statement of my own free will, without any duress or coercion.

*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of 3 pages. I have been given the opportunity to make any corrections necessary to make the statement accurate. All of the information contained in this statement is true and accurate to the best of my knowledge and belief. I understand that I may be prosecuted for perjury or making false statements if I have intentionally misrepresented anything contained in this statement. I have not intentionally omitted any information or knowledge I have that relates to the matters under investigation or review.

Arnulfo Salinas
Signature
8/27/08

Signed and sworn to before me, this 27 day of August, 2008.

James D. Greer
Witness
8/27/08

Stacey Sannier
Special Agent
Transportation Security Administration 8-27-08
Department of Homeland Security
Authority to administer oaths: 5 U.S.C. § 303

AS 8/27/08

Statement of Transportation Security Inspector Arnulfo Salinas

AS On August 25, 2008 I was interviewed by Special Agents (SA) Stacey Saunier and James Greer from the Office of Inspection, Investigations Division. I was advised that I was being interviewed as a witness in an investigation. SA Saunier advised she was assigned to investigate an allegation that a security vulnerability exists at Dallas-Fort Worth International Airport (DFW) due to the airlines not being required to follow the security directives as they relate to searching [REDACTED] the aircraft. Additionally, there are allegations of potential security vulnerabilities involving the louvered blinds at seven checkpoints in the B concourse at DFW. Specifically, it is alleged that someone on the public side could pass a prohibited item to someone on the sterile side by passing the item through the louvered blinds located above the doors.

1. I have not always required my assigned airlines to follow the Security Directives and Emergency Amendments regarding searching [REDACTED]
[REDACTED] was after I received a forwarded e-mail from Transportation Security Inspector (TSI) Kevin Toth, who was my mentor at the time. The e-mail was from Supervisory TSI (STSI) Wes Crow. The e-mail repeated information from a previous meeting in which STSI Crow suggested that we (the TSIs) turn a blind eye in reference to [REDACTED]. After STSI Crow and AFSD-I Zaglool stopped working for our department (May 2008), I returned to requiring my assigned airlines to search [REDACTED].
2. I currently, since May 2008 when STSI Crow and AFSD-I Zaglool left our department, require my assigned airlines to follow the Security Directive and or Emergency Amendment regarding searching [REDACTED].
3. I have not always required my assigned airlines to follow the Security Directives and Emergency Amendments regarding searching [REDACTED] of the aircraft. The period of time when I did not require the searching [REDACTED] aircraft, was after I received a forwarded e-mail from TSI Toth, who was my mentor at the time. The e-mail was from STSI Crow. The e-mail repeated information from a previous meeting in which STSI Crow suggested that we (the TSIs) turn a blind eye in reference to inspecting [REDACTED] the aircraft. After STSI Crow and AFSD-I Zaglool stopped working for our department (May 2008), I returned to requiring my assigned airlines to search [REDACTED] the aircraft.
4. I currently, since 2008 when STSI Crow and AFSD-I Zaglool left our department, require my assigned airlines to follow the Security Directive and or Emergency Amendment regarding searching [REDACTED] the aircraft.
5. I became aware of the security vulnerability as a result of the louvered blinds at seven checkpoints at terminal B when TSIs Toth, Greg Gayden and I were performing an airport inspection in 2005. This incident was reported to STSI Crow immediately by a telephone call from TSI Toth. STSI Crow was in the terminal at the time and met us at the checkpoint. STSI Crow said that he realized that the louvers were a security issue however, for us to leave it alone because we were beating a dead horse. TSI Toth was *AS*

page 2 of 3

8/27/08

Arnulfo Salinas

AS the lead inspector during this inspection and I am pretty sure that he documented the information in PARIS. A remedy was recently put in place after STSI Crow and AFSD-I Zaglool stopped working for the department (after May 2008). A fixed wall has been installed that prevents the introduction of prohibited items into the sterile area. The last time I looked at terminal B four of the checkpoint louvers had been replaced. The plan is to replace all the louvers. AS

END OF STATEMENT

Amal Salma

8/27/08

ATTACHMENT 14

Attachment 14

SENSITIVE SECURITY INFORMATION



MEMORANDUM OF INTERVIEW OR ACTIVITY

Type of Activity: <input checked="" type="checkbox"/> Personal Interview <input type="checkbox"/> Telephone Interview <input type="checkbox"/> Records Review <input type="checkbox"/> Other	Date and Time: August 25, 2008 1:50 p.m.
Activity or Interview of: Aaron J. Dietz Acting Supervisory Transportation Security Inspector (A/STSI) Dallas-Fort Worth International Airport (DFW)	Conducted by: Special Agent Stacey L. Saunier Special Agent James Greer Location of Interview/Activity: OI/INVD DFW Office Coppell, TX

Subject Matter/Remarks

Special Agent James Greer and I introduced and identified ourselves to Dietz. Dietz was advised he was being interviewed as a witness regarding an allegation involving alleged security issues at DFW. Specifically, Dietz was advised that the allegation involved management at DFW not requiring the airlines to fully self inspect in accordance with the security directives. Additionally, Dietz was advised that there was alleged to be a potential security issue involving the louvered blinds at seven checkpoints in the B concourse. Dietz advised he understood. Dietz provided the following background information:

He started his federal government career with the Transportation Security Administration (TSA) as a lead transportation security officer on September 8, 2002. He transferred to the TSI position in May 2004. In May 2008, he was appointed the acting STSI after STSI Wes Crow abruptly requested sick leave.

Regarding the issue of aircraft searches as they relate to [REDACTED] Dietz was asked whether he has always required airlines that were assigned to him to search [REDACTED] Dietz advised as follows:

He currently does not have any airlines assigned to him since he is the A/STSI. Also, since he was primarily assigned Airport inspections, he had very few, and at times none, assigned to him during his time as a TSI.

Case Number: 1080315	Case Title: Possible Violation of Security Directive DFW- Regulatory
-------------------------	---

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

SENSITIVE SECURITY INFORMATION

MEMORANDUM OF INTERVIEW OR ACTIVITY (continuation sheet)

When he had airlines assigned to him, he did require the airlines to search [REDACTED]. However, regarding the [REDACTED] he was not aware that he was required to have the airlines search [REDACTED]. It was his belief that the [REDACTED] of the security directives.

Dietz advised he had never heard management indicate that he should turn a blind eye to the security directives. He recently heard that an e-mail existed in which DFW management suggested TSIs should turn a blind eye when conducting inspections, but he has not seen the e-mail.

Regarding the louvered blinds located at seven checkpoints in Terminal B, Dietz advised he was aware of the vulnerability these louvered blinds caused. During the time he was involved with the Airport inspections he never conducted an assessment of the vulnerability the louvered blinds posed to security. In his position as acting STSI, he is currently involved in the corrective action being enacted by the airport. He heard discussions that the airport intends to affix plexi-glass atop of the louvered blinds until a fixed wall is constructed. Three of the seven checkpoints have been corrected by building a fixed wall to the ceiling. Additionally, the last four checkpoints will be monitored by CCTV until they can be addressed.

In summary, Dietz never received the "turn a blind eye" e-mail, and he was never told by management to overlook the requirements of the security directives or emergency amendments as they relate to aircraft searches.

Dietz was asked to provide a sworn statement to which he agreed. Attached to this memorandum of interview is a copy of the sworn statement.

Case Number: 1080315	Case Title: Possible Violation of Security Directive DFW- Regulatory
-------------------------	---

Revised February 28, 2006

SENSITIVE SECURITY INFORMATION/FOR OFFICIAL USE ONLY

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED TO PERSONS WITHOUT A NEED TO KNOW, AS DEFINED IN 49 CFR 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, WASHINGTON, DC. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC RELEASE IS GOVERNED BY 5 U.S.C 552.

SWORN STATEMENT



Transportation
Security
Administration

I, Aaron J. Dietz, having been duly sworn, hereby make the following statement to Stacey Saunier & James Greer, who has been identified to me as a federal law enforcement officer and special agent with the Transportation Security Administration, Office of Inspection. I am making this statement of my own free will, without any duress or coercion.

*** SEE ATTACHED STATEMENT ***

I have read this entire statement consisting of 3 pages. I have been given the opportunity to make any corrections necessary to make the statement accurate. All of the information contained in this statement is true and accurate to the best of my knowledge and belief. I understand that I may be prosecuted for perjury or making false statements if I have intentionally misrepresented anything contained in this statement. I have not intentionally omitted any information or knowledge I have that relates to the matters under investigation or review.

Aaron J. Dietz
Signature 08/29/2008

Signed and sworn to before me, this 29 day of August, 2008.

James Greer
Witness 8/29/08

Stacey Saunier
Special Agent 8/29/08
Transportation Security Administration
Department of Homeland Security
Authority to administer oaths: 5 U.S.C. § 303

Statement of Acting Supervisory Transportation Security Inspector Aaron Dietz

AJD On August 25, 2008, I was interviewed by Special Agents (SA) Stacey Saunier and James Greer from the Office of Inspection, Investigations Division. I was advised that I was being interviewed as a witness in an investigation. SA Saunier advised she was assigned to investigate an allegation that a security vulnerability exists at Dallas-Fort Worth International Airport (DFW) due to the airlines not being required to follow the security directives as they relate to searching [REDACTED] the aircraft. Additionally, there are allegations of potential security vulnerabilities involving the louvered blinds at seven checkpoints in the B concourse at DFW. Specifically, it is alleged that someone on the public side could pass a prohibited item to someone on the sterile side by passing the item through the louvered blinds located above the doors.

I am currently assigned as the Supervisory Transportation Security Inspector (STSI) Acting at Dallas-Fort Worth International Airport (DFW) since May 2008. Prior to that, I was assigned to the Airport Inspection team from October 2006-May 2008. I did have the responsibility of regulating [REDACTED] from October 2007-May 2008 and [REDACTED] from October 2006-October 2007. During times when I had Aircraft Operators/ Air Carriers assigned to me, I have always required them to conduct searching [REDACTED] based on my interpretations from the Aircraft Operator Standard Security Program (AOSSP) and previous guidance issued by TSA. However, I was unaware that the [REDACTED] had to be included in the cabin search of the aircraft because I did not receive training or guidance from management, which included STSI Wes Crow and AFSD-I Phil Zagloul on [REDACTED]. I did not receive any formal on the job training regarding [REDACTED] after my completion of Basic Inspector training in Oklahoma City, OK or at Basic Training. Since I began my Acting STSI assignment, I have been personally involved in the resolution of an issue involving an airline that had not been searching [REDACTED] as part of their cabin search. TSI Angela Lowry recently brought a finding involving [REDACTED] to my attention. When this was brought to my attention, I consulted with the Inspections management and learned that another recent issue involving [REDACTED] had just been addressed with the Principal Security Inspector (PSI) assigned to [REDACTED]. The response from the PSI was that the airline is responsible for searching [REDACTED]. Armed with this information, I contacted PSI Robert Vogt regarding the issue with [REDACTED]. Vogt provided me interpretation and guidance in addressing this issue with the local station manager. [REDACTED] Station Manager Mark Lascola advised that he had not received training or guidance from his corporate office on how to search [REDACTED]. This would indicate to me that he [REDACTED]. I advised TSI Angela Lowry to conduct a follow up inspection of [REDACTED] to ensure that they were in compliance with these search procedures. TSI Lowry advised me that she conducted the follow up inspection and that [REDACTED] was searching [REDACTED] their aircraft. Local TSA Management has followed through on these findings with TSA HQs to the PSI office and addressed accordingly with the regulated Aircraft Operators involved to address this security vulnerability.

I do not currently have any airlines assigned to me due to my current duties as the Acting STSI.

Prior to my acting assignment and when I was assigned to Aircraft Operators, I required the airlines to follow appropriate procedures per the SD/EA/ AOSSP regarding searching [REDACTED] AJD

page 2 of 3

AJD 08/29/2008