

April 8th, 2024

The President  
The White House  
Washington, D.C. 20500

Re: Supplemental Report Response #3 OSC File. DI-22-000519

Dear Mr. President Et Al:

In May of 2021, Air and Marine Operations (AMO) lost N841BP, a rotary wing aircraft, due to a non-qualified pilot at the controls identified as the primary cause of the aircraft impacting the ground. N841BP was then fully consumed by a post-crash fire, which nearly took the lives of the two aircrewman on-board.

Customs and Border Protection (CBP) has been responding to requests from the Office of Special Counsel (OSC) to identify, hold accountable, and to correct the malfeasance that led to this mishap. Following a two year investigation into this mishap, CBP's own Office of Professional Responsibility identified a number of issues that allowed a non-qualified applicant access to a government owned helicopter, a number of senior AMO leadership failures that when made aware of the poor selection and screening processes AMO was using at the time failed to correct these deficiencies, and the conflict of interest combined with a lack of integrity which caused Senior Executive [REDACTED] pressure to ignore, obstruct, and threaten employees in an attempt to mitigate the risk exposures these leadership failures were causing the organization.

In an attempt to close out the reporting process and understand the accountability to which CBP has held AMO, a third response of questions issued by OSC to CBP has been a rare necessity in order to understand the obfuscation of CBP's previous responses. Again, OSC has issued a request to identify and explain a number of issues that CBP has failed to adequately address.

- 1. In the supplemental report dated January 2, 2024, CBP did not respond to OSC's request to clarify whether the agency concluded that [REDACTED] directing critical information to be removed from the aircraft mishap report for AMO Helicopter N841BP constitutes a violation of a law, rule, or regulation; an abuse of authority; or any other form of wrongdoing. Please clarify the agency's investigative findings regardless of whether [REDACTED] can be disciplined.*
- 2. New issue: AMO is now claiming after three years of denial, that AMO worked closely with the NTSB Central Region Chief, [REDACTED], who was assigned as the investigator in Charge of N841BP*
- 3. New Issue: AMO, having been made aware of a number of deficiencies identified by the CBP Office of Professional Responsibility, pressed ahead and published the highly edited and obstructed version of the accident mishap report on official government IT servers.*

The first issue identified above had been asked and answered in multiple attempts to have CBP commit to an answer on whether Director [REDACTED] actions were obstructive and/or abusive having directed myself to remove 9 of 35 pages of the mishap report prior to submission to the NTSB, the lead investigative federal entity in charge of this mishap investigation. With the early unplanned retirement of Director [REDACTED] CBP has refused to provide a definitive answer on his actions. CBP has consistently hidden behind a bureaucratic process designed to protect a federal worker from administrative admonishment, thereby precluding accountability for either the person or process.

The second issue is truly jaw-dropping at this point in time for those that are aware of the details. AMO leadership is now claiming that NTSB was consulted on a number of occasions as AMO worked closely together in determining the outcome of the safety mishap report. I am astonished at this claim as it is one of the easiest claims to refute. The facts as determined in the OPR investigation noted that Executive Director [REDACTED] directed myself to remove 9 pages of the mishap report prior to submission to the NTSB as it was a "litigation hazard" to AMO (see email from Director [REDACTED] to Myself listed in report) This was not only an obstruction of a federally authorized report, but also was serving as a direct conflict of interest at the time of the direction. AMO needed a scapegoat to obscure the fact that AMO leadership allowed a non-qualified applicant to enter a training program. AMO found that scapegoat to be the instructor pilot, AIA [REDACTED] AMO pressed to have the agent blamed and removed from service for preventing the mishap caused by the unqualified student pilot (see investigative report) Director [REDACTED] was assigned as the "Deciding Official" over Agent [REDACTED] case. Director [REDACTED] was the Senior Executive of Training, Standards, and Safety, the office assigned to work with the NTSB in investigation any mishap that may occur with our aircraft. What this results in is that Director [REDACTED] had access to the mishap investigation results, a critical report that Agent [REDACTED] lawyer did not. Director [REDACTED] went so far as to include myself in assisting the defeat of [REDACTED] case by providing me the lawyers briefings and his official request for access to the safety report, a request denied by Director [REDACTED] He knew the primary cause of the incident was due to a unqualified and panicked student pilot. (See investigative report). It was at this point that I became a whistleblower refused to edit the report, and directed a "Direct Report" of mine to provide the NTSB a clean and original copy of the mishap report. It was only after the publication by NTSB that included facts not included in the edited report, that AMO leadership became aware that their direction had not been followed. The email sent by my Direct Report include my employees name at which point The Deputy Executive Assistant Commissioner of AMO, [REDACTED] notified the Office of Professional Responsibility that my Direct Report had gone "rogue" providing information that was not officially released by AMO. The OPR incident number is easily researched and can be verified with OPR of the associated investigative case of my Direct Report. The case was investigated and eventually dropped following the early and unplanned retirements of the Executive Assistant Commissioner of AMO, [REDACTED] and his Deputy, [REDACTED] To now state the AMO was closely working with the NTSB is beyond the pale. It was myself (the whistleblower) and my Direct Report, who had numerous meetings with NTSB staff, to ensure they received accurate information for what had occurred. The numerous meetings included our discussions with their staff members on how AMO was attempting to provide a false

narrative to them. AMO's attempt to initiate disciplinary actions against my team are easily debunked with official government documents/reports.

Lastly, the current Executive Assistant Commissioner of AMO has directed the publication of the falsified report, onto official governmental IT resources. Assistant Commissioner [REDACTED], knowingly and without remorse or concerns of the facts of the mishap, has taken the only action for which he could directly control. It is time to hold him accountable for these actions.

Several questions remain:

The prosecution of Agent [REDACTED] resulted on disciplinary actions taken against him. Director [REDACTED] knowing that the official results of the mishap were now widely known, elected to suspend Agent [REDACTED] for a number of weeks rather than having him removed from service. Agent [REDACTED] lawyer of Berry and Berry law firm, to this day, is still unaware of the one-sided nature of the case against his client. Agent [REDACTED] case should be reviewed in its entirety by the Office of Professional Responsibility and referred for "cleansing actions".

Why has Executive Assistant Commissioner [REDACTED] continued to knowingly defy official and claritive investigations of fact, by publishing a falsified federal report on official government IT resources?

How many helicopters has AMO retrofitted with crash resistant fuel tanks? This was identified as a known public safety issue.

One last thought:

AMO, headquartered in Washington DC, is a relatively small organization within federal government service. Following the completion of the OPR investigation into the whistleblower complaints, four of the six Executive Directors located within AMO HQ, have quietly retired early and with unplanned exits within mere months of each other. They have retired from federal service with all of its associated glory and retirement salaries intact. Interestingly, each of these senior executives had some part to play in the mishap of N841BP, the associated government findings, and including the retaliation of the whistleblower and team members.

Executive Assistant Commissioner [REDACTED]  
Deputy Executive Assistant Commissioner [REDACTED]  
Executive Director [REDACTED]  
Executive Director [REDACTED]

These listed Executives bring to mind a quote from well-known journalist Elmer Davis,

***" This republic was not established by cowards; and cowards will not preserve it".***

To the Men and Women who did not desert their post:

Although your leadership turned their backs on you deserting your commitment to Service, may a new cadre of leadership evolve to learn from their failures, their lack of character, and their lack of humility.

God Bless You all.



Director Training, Safety, and Standards (Ret)  
Air and Marine Operations