

August 25, 2009

Ms. Karen P. Gorman
Attorney, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

Dear Ms. Gorman,

Re: OSC File No. DI-08-1734

Thank you for the effort put forth on the investigation of my issues. I have reviewed the report, and have the following comments.

The report implies that Mr. Douglas only directed the destruction of the hand-written notes I took during the interviews. Once the interviews were completed, I incorporated the information from the hand written notes into the executive summary and the report developed for the Division Management Team (DMT). Mr. Douglas personally directed me to remove that same information from the executive summary, from the DMT report, from my computer, and from my office. Mr. Douglas made the statement that I could take the information home, or shred it as long as I got it out of here (here meaning the Southwest Flight Standards Regional Office). In that same conversation, Mr. Douglas explained he always destroyed his notes by shredding them once they were included into a final report. For the record, my notes were never included in any final report; they were removed by Mr. Douglas' orders.

The report states that no Federal Aviation Administration (FAA) law, rule, regulation, or policy prohibits the destruction of such notes. FAA Order 1305.15C, Chapter 1, 1-6, w, defines working files as preliminary drafts, rough notes, and similar materials that are used to prepare final copies. The order states that working files meet the statutory definition of records, and shall be maintained to ensure adequate and proper documentation if they were circulated and made available to employees other than the creator for official purposes. This would include communication with agency staff about agency business and regarding unique information contained in the records. The information in my notes was distributed to the DMT and several members of the Southwest Region Planning and Program Management Branch, ASW-210, as communication about agency business. My notes contained unique information not included in the Final Report of Investigation constructed by FAA Security. Furthermore, FAA Order 1350.14A, Chapter 1, 9, states that "All information received, created, or compiled by the officers and employees of the Federal Government for the use of the Government is official Government record material and is, therefore, the property of the United States. No Federal officer or employee has by virtue of his position, any personal or property right to record material even though he may have helped develop or compile it." Finally, the Order states "The unlawful destruction, removal from files, and use of official record is prohibited by the U.S. Criminal Code (18 U.S. C. 2071)."

It is important to note that Mr. Douglas did not tell me to destroy just my hand-written notes. Mr. Douglas did emphatically tell me to remove any information from the notes used in the executive summary, and remove all traces of that information from my computer and office files. Mr. Douglas' directions were contrary to FAA Orders.

As the report states, Mr. Douglas' explanation lacked credibility. The perception of the Regional Office during that time was the Southwest Certificate Management Office was going to draw national attention as a result of the Whistleblower complaint filed by Mr. Boutris. This would lead to some type of investigation--possibly a congressional investigation. Therefore, the culmination of Mr. Douglas and Ms. Ramsey's efforts were to ensure that no information, other than the Report of Investigation conducted by Security, be available for any investigation. This would include FAA internal investigations, Headquarters' review, or congressional inquiries.

Your consideration of my concerns, and the effort to provide resolution is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Terry D. Lambert". The signature is written in black ink and is positioned above the printed name.

Terry D. Lambert