

LAW OFFICE  
OF  
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November 24, 2010

Mr. Kevin Wilson, Esq.  
Disclosure Unit  
U.S. Office of Special Counsel  
1730 M Street, N.W. (Suite 201)  
Washington, D.C. 20036-4505

Re: OSC File Number DI-09-3859 - DEA Special Agent Daniel J. Offield – Public Comment

Dear Mr. Wilson:

My client, DEA Special Agent Daniel J. Offield, and I have reviewed the report from the Office of Special Counsel, which was conducted by the DEA's Office of Professional Responsibility.

Prior to and after lodging Agent Offield's complaint of fraud, waste, and abuse by DEA Airwing Managers to your office, Agent Offield was extremely wary that any complaint referred to his employing, and offending agency, the U.S. Drug Enforcement Administration, for investigation, would present an inherent conflict of interest, prone to malfeasance. On October 30, 2009, Agent Offield's complaint was in fact referred by the Office of Special Counsel through the U.S. Department of Justice, to DEA's Office of Professional Responsibility, for investigation.

As a result of that referral to DEA, Agent Offield, the complainant, became the target of the investigation. As a result of DEA's Office of Professional Responsibility investigation, Agent Offield was interrogated on January 19, 2010 in Los Angeles, California. On July 14, 2010, Agent Offield received a notice of a proposed ten (10) day suspension, without pay, for his "failure to follow written instructions." A copy of that notice of proposed discipline is attached hereto and incorporated herein as Attachment 1 to this letter.

Agent Offield appealed that decision, which resulted in an October 29, 2010 letter of discipline, rather than a ten (10) day suspension without pay, from DEA Headquarters. Unfortunately, Agent Offield had to defend himself from a potential ten (10) day suspension without pay, through the appeal process. His appeal exceeded four hundred and eighty (480) pages, documenting the fact that the charges were false, and in direct retaliation for his filing with the Office of Special Counsel, a complaint alleging fraud, waste, and abuse by DEA Airwing Management, specifically, ASAC William Dionne and ASAC William Inselmann. The review of Agent Offield's September 23, 2010 written appeal by DEA's Chairman of the Board of Professional Conduct, Patrick Dunn, resulted in the reversal of a ten day suspension, without pay, to a letter of discipline. That reduction, in and of itself, is an indictment on the DEA, and reflects their retaliation and skewed investigation of Agent Offield's complaint. A copy of that decision is attached hereto and incorporated herein as Attachment 2 to this letter.

Mr. Kevin Wilson  
November 24, 2010  
Page Two

The DEA's investigation of Agent Offield's complaint never once focused on or addressed the fraud, waste, and abuse by DEA Airwing Management, including the personal use of a DEA helicopter for transportation from Stockton, California to San Francisco, California by ASAC Inselmann and the ten year lease of hangar space in Stockton, California for the DEA helicopter, and then partially abandoning that use of the hangar space. Instead, the investigation was a ruse to retaliate and inflict repeated acts of vindictive punishment and degradation on Agent Offield.

DEA succinctly and effectively delivered a strong message to Agent Offield and any other potential complainant; never oppose DEA Management actions, regardless of their legality or illegality, unless you are willing to receive an onslaught of humiliation, retaliation, discipline, ridicule, and constructive termination from your employment. Despite DEA's alleged mandate of adherence to their Standards of Conduct for individual employees, an employee should never apply or follow them when DEA Management is a culprit, or the wrath of DEA Management will strike repeatedly, vindictively, and most of all, corruptly.

From the date of the initial referral of Agent Offield's complaint to the Office of Special Counsel to DEA's Office of Professional Responsibility, the investigative results, conclusions, and recommendations were already established and determined. DEA's investigation of Agent Offield's complaint was, and is, a complete farce, and embarrassment to the U.S. Justice Department, U.S. Drug Enforcement Administration, and the DEA Administrator. DEA Management has never been more corrupt than it is today.

If you have any questions, please feel free to contact me at (916) 972-0365.

Sincerely,



Richard P. Margarita, Esq.

Enclosures: (2)

Cc: DEA Special Agent Daniel J. Offield  
Marissa Taylor, McClatchy News

# **ATTACHMENT 1**



U. S. Department of Justice  
Drug Enforcement Administration  
Board of Professional Conduct

[www.dea.gov](http://www.dea.gov)

JUL 12 2010

Daniel J. Offield  
Special Agent  
Drug Enforcement Administration  
San Francisco Division

Dear Mr. Offield:

This letter is notice of a proposed action to be taken in accordance with Title 5, Code of Federal Regulations, Part 752, and the authority vested in me by Drug Enforcement Administration (DEA) directives. Based on the charge of Failure to Follow Written Instructions (2 Specifications), I propose that you be suspended from your position of Criminal Investigator, GS-1811-13, for ten (10) calendar days without pay, in order to promote the efficiency of the service. This charge is based on Office of Professional Responsibility (OPR) investigative file number PR-OC-10-0043. This action, if found warranted, will be taken no earlier than 10 calendar days from the date of your receipt of this notice. The charge and reasons supporting this action are as follows:

**BACKGROUND:**

By Department of Justice referral letter, dated October 30, 2009, regarding a whistleblower disclosure, the DEA Office of Professional Responsibility (OPR), initiated an investigation of malfeasance at the Oakland Resident Office (ORO).

On or about March 21, 2006, Special Agent in Charge (SAC), William C. Brown, Aviation Operations Center (AOC), directed the DEA AS-350B2 helicopter be co-located at the Oakland Police Department hangar located at the Oakland Airport. The Oakland Police Department offered the DEA AOC use of adequate hangar space at its facility at no cost. Later in 2006, SAC Brown ordered a DEA owned helicopter landing cart be relocated to the Oakland Airport to facilitate the movement of the helicopter at the Oakland Airport.

**Charge: Failure to Follow Written Instructions**

**Specification 1**

On December 18, 2006, you met with Assistant Special Agent in Charge (ASAC) William Inselmann. During this meeting, which was conducted at the direction of SAC Brown, you were issued and you signed receipt of a memorandum providing day-to-day instructions on your expected return to flight status. Specifically, you were directed to report to the ORO each day by 0830 hours and when you were not flying on a DEA mission in direct support of the San Francisco Field Division or the Aviation Division, you were to report to the ORO Resident Agent in Charge or designee to assist with enforcement efforts in that office.

Upon receipt of your return to flight status instructions, you initially reported to the ORO for approximately two (2) months. Eventually, you began to operate and store the DEA AS-350B2 helicopter out of the Stockton Airport. Soon after, you began to report to the DEA Stockton facility. The landing cart and the tow vehicle continued to be stored at the Oakland Airport while the helicopter was being kept at the Stockton Airport outside of the DEA hangar. On April 30, 2009, you advised ASAC Inselmann that the helicopter had been moved from the Oakland Airport to the Stockton Airport.

DEA Personnel Manual Section 2735.15, Paragraph BB, states that, "Employees are expected to report and be at their posts of duty during their regularly scheduled hours or work, except for period of leave and holidays. Employees shall be at their assigned post of duty at the beginning of their shift of duty and shall remain at that post throughout the day, except for such breaks as may be authorized by supervisory personnel for the employee's comfort or meals. Employees are not permitted to independently adjust their shifts or posts of duty without supervisory approval."

### Specification 2

By memorandum, dated December 18, 2006, you were specifically advised that, "You will not relocate DEA aircraft from their assigned locations overnight or for extended periods of time without the specific approval of your Assistant Special Agent in Charge. The only exception is for scheduled maintenance or emergency situations." Approximately in mid-2007 without receiving prior approval from ASAC Inselmann, you relocated the DEA AS-350B2 helicopter from the Oakland Airport to the Stockton Airport, which went against the direction that was given to you from ASAC Inselmann.

The DEA Personnel Manual Section 2735.15, Paragraph CC, states in pertinent part, "Employees shall follow the orders, directions, and policies of supervisors, managers, on scene commanders, and/or more senior officials, as well as all policies, procedures, regulations, and laws which govern their conduct or duties."

Your actions as described above constitute Failure to Follow Written Instructions, and you are so charged.

### **Penalty Discussion**

In determining the proposed penalty, I considered the nature and seriousness of your conduct in relation to your duties and responsibilities as a DEA Special Agent, your years of DEA service, and your prior disciplinary record. I have also considered your actions and responses in relation to the current allegations. I considered the fact that your decision and resultant actions displayed a reckless disregard for direct orders, and placed DEA aircraft in a position which could well have caused severe damage. Your responses during the OPR investigation concerning your decision raise concerns as to your respect of supervisory authority, DEA regulations, and judgment. You were fully aware that the December 18, 2006, memorandum specifically ordered you not to relocate any DEA aircraft without the specific approval of ASAC Inselmann. When questioned during the OPR investigation as to if you believed that you had disobeyed the clear instructions of the memorandum,

you stated that you did not believe that you did so. Your awareness of your actions in this situation, as well as your willful and intentional participation are totally inconsistent with the expectations of a senior DEA Special Agent.

As a DEA Special Agent, you are held to a high standard of personal conduct, both on duty and off duty, in order to promote the public confidence in the integrity and dependability of the DEA. Your conduct is expected to be beyond reproach, both personally and professionally. Your actions, whether on duty or off duty, may adversely affect the public's perception of the integrity and professionalism of the agency as a whole, and may otherwise negatively impact the efficiency of the service and the mission of the agency. Furthermore, as a DEA Special Agent you required to exercise sound judgment at all times, due to the significant responsibilities in which you are charged.

Based upon all of the relevant facts, I conclude that your conduct is clearly prejudicial to DEA and, therefore, I find the proposed action is fully warranted and necessary to promote the efficiency of the service.

#### **Right to Review Material and to Reply**

You have the right to review the material upon which this proposal is based. You may contact Special Agent in Charge Anthony D. Williams, and he will make this material available to you. You may review the material and take notes. However, you may not copy the material and you will not be provided with copies of the material at that time. You may not remove these materials from the DEA office. If you have any questions about this proposed action or would like to make arrangements to review the material I considered in proposing this action, please contact Mr. Michael Martin, Human Resources Specialist, Employee Relations Unit by telephone at (202) 307-4013, or by mail at DEA Headquarters, 8701 Morrisette Drive, Springfield, VA 22152.

You have the right to reply to this proposed notice either orally, in writing, or both, directing any reply to the Deciding Official, Human Resources Division, DEA Headquarters, 8701 Morrisette Drive, Springfield, VA 22152, telephone number (202) 353-1419, regarding this proposed action. You may also submit affidavits in support of your reply if you desire. You will be given ten (10) calendar days from the date upon which you receive this notice to present your reply to the proposed action. The Deciding Official, upon review of the evidence of record (to include any response you choose to provide), may affirm the proposal, reduce the penalty, issue a non-disciplinary letter of caution, or clear you of any wrongdoing.

#### **Right to a Representative**

You have the right to have a representative or attorney assist you if you desire. If you choose to have a representative, you must provide a written designation of your representative to the Deciding Official. Upon request, you and your representative (if a DOJ employee) will be allowed up to eight (8) hours of official time to prepare your reply. You will need to make advanced arrangements with your immediate supervisor prior to the use of any official time. Consideration will be given to extending the 10 day and/or 8 hour period if you submit a request in writing to the Deciding Official stating your reason(s) for needing additional time. Full consideration will be

given to any reply you submit. As soon as possible after your answer is received, or after expiration of the 10 calendar day limit if you choose not to answer, a written decision will be issued to you.

**Conclusion**

As soon as possible after your reply is received, or after the expiration of the 10 calendar day period if you choose not to reply, a written decision will be issued to you. Until such time, you will remain in your current duty status.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. T. Dunn', with a long horizontal flourish extending to the right.

Patrick T. Dunn  
Chairman  
Board of Professional Conduct

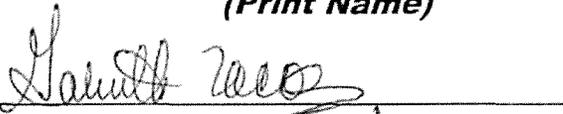
**BOARD OF PROFESSIONAL CONDUCT  
SIGNATURE PAGE**

**HRB #10-0432**

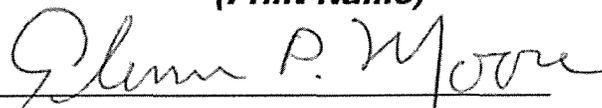
**Received by:** Daniel J. O'Field **Date** 7-14-10  
(Print Name)

  
(Signature)

**Delivered by:** Gabriella Zacco **Date** 07-14-10  
(Print Name)

  
(Signature)

**Witnessed by:** GS- Glenn P. Moore **Date** 7-14-2010  
(Print Name)

  
(Signature)

# **ATTACHMENT 2**

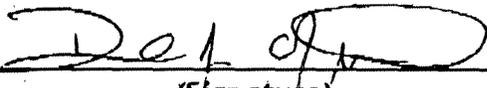
# OFFICE OF THE DECIDING OFFICIAL'S RECEIPT OF DECISION LETTER

**HRB #10-0432**

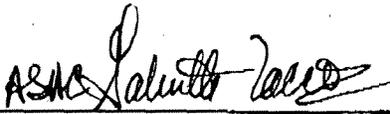
**HRO**

**DIVISION: San Francisco**

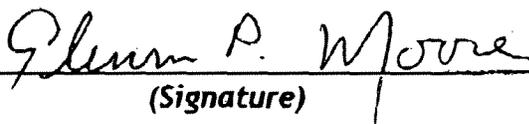
**TYPE OF ACTION: Reprimand**

Received by:  Date 11/9/10  
(Signature)

Daniel J. Offord (Print Name)

Delivered by:  Date 11/09/10  
(Signature)

Gabriella Zacco (Print Name)

Witnessed by:  Date 11/9/2010  
(Signature)

GS. GLENN P. MOORE (Print Name)

**PLEASE FAX THIS SHEET TO THE  
DECIDING OFFICIAL'S AT (202) 353-1424**



U. S. Department of Justice  
Drug Enforcement Administration  
Deciding Official's Office  
Human Resources Division

[www.dea.gov](http://www.dea.gov)

Daniel J. Offield  
Special Agent  
San Francisco Division  
Drug Enforcement Administration

OCT 29 2010

Dear Mr. Offield:

By letter dated July 12, 2010, Board of Professional Conduct Chairman Patrick T. Dunn proposed you be suspended without pay for ten (10) calendar days based on the charge of ***Failure to Follow Written Instructions (2 Specifications)***. That letter also contained the specific reasons for the proposed suspension and informed you of your right to reply both orally and/or in writing within 10 calendar days of your receipt of the letter.

Based on the totality of the record, to include your written response dated September 23, 2010, I do not sustain ***Specification 1*** of the charge ***Failure to Follow Written Instructions***. However, I find that ***Specification 2*** of the charge ***Failure to Follow Written Instruction*** is fully supported by the evidence and is sustained. ***After a thorough analysis of the Douglas Factors, I have decided to mitigate the proposed suspension to a Letter of Reprimand in order to promote the efficiency of the service.***

I regard the sustained charge as a serious matter and you are hereby warned that any further infractions may result in more severe disciplinary actions.

A copy of this Letter of Reprimand will be placed in your Official Personnel Folder (OPF) and will remain there for a period not to exceed two years. After one year, you may request in writing through your Special Agent in Charge that this notice be withdrawn from your OPF. ***DEA Personnel Manual 2752.2C states, "Letters of reprimand must be filed on the left side of the employee's official personnel folder. They may be removed from the official personnel folder at the end of one year if requested by the employee and approved by the Deciding Official or other appropriate official. Letters of reprimand will be removed automatically from the official personnel folder at the end of two years and destroyed."*** Consideration will be given to such a request based on your conduct and performance from this date forward.

If you believe this action is unreasonable, or not in compliance with the regulations, you may file a grievance under the procedures outlined in Section 2771 of the DEA Personnel Manual. You may have a representative or attorney assist you, if you so desire. Any grievance must be filed no later than 15 calendar days after the date you receive this reprimand and should be submitted to the Employee Relations Unit for forwarding to a higher level official. Ms. Santuci Alexander, Human

Resources Specialist, Employee Relations Unit, DEA Headquarters, 8701 Morrisette Drive, Springfield, Virginia 22152, 202-353-7044, can provide you with available information regarding DEA's grievance procedures.

Sincerely,



Larry J. Reavis, Jr.  
Deciding Official  
Human Resources Division