



**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
OFFICE OF INSPECTOR GENERAL**

**A REVIEW OF ALLEGATIONS OF UNAUTHORIZED ACTIVITY
BY AN EXECUTIVE ASSISTANT TO
A FORMER NASA ADMINISTRATOR**

INVESTIGATIVE SUMMARY

June 9, 2020

Summary

This report summarizes a NASA Office of Inspector General (OIG) investigation into allegations that an Agency Executive Assistant improperly provided administrative support to a former Administrator for an extended period of time after his departure from NASA.

In late 2018, the OIG received an anonymous complaint alleging a former Executive Assistant in the Office of the Administrator provided administrative assistance to former Administrator Charles F. Bolden Jr. for a year and a half following his resignation on January 20, 2017. This report summarizes the OIG's investigation into those allegations, which included interviews of Bolden, the Executive Assistant ("the EA"), and other senior NASA officials, as well as an extensive review of electronic data and other records.

The OIG concluded that the EA inappropriately provided significant administrative assistance to Bolden to include managing his personal and business appointments, making travel arrangements, and coordinating special requests for almost 2 years, from his departure in January 2017 through December 2018. We further found that the EA's assistance helped facilitate the growth of Bolden's private consulting business and, as a result, Bolden was able to hire the EA as an employee upon her retirement from NASA in early 2019.

However, not all of the assistance the EA provided to Bolden following his departure was inappropriate. First, we found that the EA's Employee Performance Plan had been modified prior to Bolden's resignation to add a provision authorizing her to provide him with administrative assistance after his departure. While Bolden and the EA originally envisioned her support for him would be limited to the first 6 to 8 months following his departure for NASA-related commitments he made prior to his departure, that timeframe was not contained in her Performance Plan and both later disregarded those limits. Second, some of the assistance provided to Bolden by the EA and other NASA employees supported Bolden's speaking engagements in his role as an unpaid U.S. Science Envoy for Space with the U.S. Department of State from 2018 to 2019.

This report summarizes our investigation and findings and recommends that management take action to identify what, if any, administrative support to a former Administrator or other high-ranking executive would be appropriate upon their departure from the Agency and develop appropriate guidance.

Key Findings

1. In January 2017, immediately prior to his departure from NASA and in direct response to concerns about the lack of transition planning when the previous Administrator left NASA following the 2008 presidential election, Bolden added a third Critical Element to the EA's Employee Performance Plan. This new element explicitly authorized the EA to continue to provide administrative support to Bolden such as coordinating his appearance at certain speaking engagements and providing contact information to him and others following his resignation as NASA Administrator.

2. The intent of adding this element to the Performance Plan was to authorize the EA to provide administrative support to Bolden for speeches and activities he had already committed to at the time of his resignation which Bolden considered to be NASA-related. Bolden and the EA expected this support would continue for approximately 6 to 8 months after Bolden's resignation so that he could fulfill commitments he made as NASA Administrator. Both viewed these duties as a way of providing continuity of operations for the Agency.
3. The EA continued to provide administrative support to Bolden for a wide range of activities throughout 2017 and 2018, including after the confirmation of a new NASA Administrator in April 2018, until her retirement at the end of 2018.¹ The EA performed these duties for Bolden during her regularly scheduled NASA work hours (as well as her off hours), using her NASA-issued laptop and NASA email account.
4. During this 2-year period, Bolden re-established his consulting business under a new name, The Bolden Consulting Group. He also made unpaid appearances, both in the United States and overseas, on behalf of NASA and the State Department.
5. The administrative assistance provided to Bolden by the EA was not offered to other former senior NASA employees, such as the most recently departed NASA Deputy Administrator, and directly assisted Bolden's private consulting activities.
6. Due to a lack of engaged supervision, the EA's support for Bolden's non-governmental activities went largely undetected during the 2-year period. In her OIG interview, the EA acknowledged that in addition to performing her regular NASA duties, she continued to provide administrative support to Bolden following his departure due to her deep respect for him. The EA was cautioned by NASA's Ethics Counsel in January 2018 about the nature of her support for Bolden and afterwards reduced but did not cease her support for him.
7. In his OIG interview, Bolden acknowledged that he received administrative support from the EA for non-governmental activities following his resignation from NASA. Bolden took full responsibility for his actions, offered to provide reimbursement for the services he had received, and recommended that in the future specific guidance be provided to departing senior executives as to what type of administrative support they could expect to receive, if any.

Initiation of Investigation

On November 7, 2018, the OIG received an "Anonymous Complaint for Investigation to the Inspector General" in the mail. The one-page document was typewritten and unsigned. It stated:

Assistant to the Administrator, [redacted], spent the year-and-a-half after former Administrator Charlie Bolden left still acting as his executive assistant even though he

¹ Although the EA intended to resign at the end of 2018, the effective date of the EA's resignation was delayed until after an extended federal government shutdown, which occurred December 22, 2018 – January 25, 2019.

was then a private citizen and lobbyist and representing his own interests. She used her government time, resources, computer, phone and contacts to continue to keep his calendar, make his appointments, make travel arrangements for him, confirm speaking and other engagements, and even used NASA resources and facilities to use her position of power to demand use of NASA resources, like having videos made for him my [sic] the production staff, or flyers made and posted for his speaking engagement with NASA's African American ERG event, and using the television studio to have videos made for him, and allow him to do media interviews in the studio. All of this was widely inappropriate using NASA resources and government time. This was a clear abuse of her position and government time and resources. Please investigate.

In response to the anonymous complaint, the OIG opened an investigation into the allegations.

Bolden's Background

Maj. Gen. Charles Frank Bolden Jr. was nominated on May 23, 2009, as NASA Administrator by President Barack Obama, confirmed by the U.S. Senate, and began his duties at NASA Headquarters in Washington, D.C., on July 17, 2009. Bolden served 7½ years as Administrator until he submitted his resignation that became effective January 20, 2017, when President Donald J. Trump was sworn into office.

Prior to his appointment as NASA Administrator, Bolden served 34 years with the U.S. Marine Corps, including 14 years as a member of NASA's Astronaut Office.² As a NASA astronaut, Bolden traveled to orbit four times aboard the Space Shuttle between 1986 and 1994, commanding two of the missions and piloting two others. His flights included deployment of the Hubble Space Telescope and the first joint U.S.-Russian shuttle mission. Bolden holds a Bachelor of Science degree in Electrical Engineering from the U.S. Naval Academy and a Master of Science degree in Systems Management from the University of Southern California.

As a former astronaut and Marine Corps General with a compelling personal story and an inspiring manner, Bolden was referred to by another senior NASA official as a "luminary" within the space field. Consequently, he was a highly sought-after speaker during his years as NASA Administrator and was deluged with requests for speaking engagements. Within NASA, he was assigned a very experienced Executive Assistant (the EA), who—by all accounts—was a hard worker and capably managed his demanding schedule.

In the fall of 2016, as the presidential election approached, Bolden said that he thought he might be asked to remain in his position as NASA Administrator until a new Administrator was nominated and confirmed by the Senate. Because Bolden had been nominated and confirmed within 6 months of President Obama's inauguration, he expected that he would remain as NASA Administrator until at least mid-2017 or until the new Administrator was confirmed, but no longer than 1 year.

² Bolden's numerous military accomplishments include flying more than 100 combat missions in North and South Vietnam, Laos, and Cambodia as a Naval Aviator from 1972 to 1973 and serving as the Commanding General of the 1st Marine Expeditionary Force Forward in support of Operation Desert Thunder in Kuwait in 1998. He was inducted into the U.S. Astronaut Hall of Fame in May 2006.

Bolden accepted requests for speaking engagements in his capacity as NASA Administrator through the first half of 2017. However, shortly before Inauguration Day 2017, the Trump Presidential transition team requested that all political appointees, including those at NASA, resign effective January 20, 2017. Bolden and then-Deputy Administrator Dava Newman submitted their resignations effective Inauguration Day, leaving Associate Administrator Robert Lightfoot, the Agency's highest-ranking career civil servant, as Acting NASA Administrator.

The EA's Background and Duties

After serving in a variety of federal government positions, the EA began working for NASA in late 2003. Between 2003-2011, she worked as the Executive Assistant for senior NASA officials. In late 2011, the EA became Bolden's Executive Assistant, a GS-301-14 position she held until her retirement from NASA with approximately 35 years of federal service. While Bolden was Administrator, the EA had two primary duties:

1. Serve[s] as Executive Assistant to the NASA Administrator, which includes Agency program support to achieve NASA's mission; and
2. Facilitate[s] organizational accomplishments through the development and maintenance of positive working relationships.

Over the years they worked together, Bolden consistently gave the EA high marks for her work.³ In her 2017 Mid-Year Performance Review, dated January 20, 2017 (the day of his departure from NASA), Bolden stated:

It has been a privilege and honor to work with [the EA] during most of my tenure as the NASA Administrator and I could not have had a more professional, courteous, competent and compassionate assistant and friend. She greatly deserved the NASA Exceptional Administrative Achievement Medal [the highest Agency administrative award] we presented to her during this performance period for her sustained exceptional performance.

In her interview with the OIG, the EA was equally effusive about Bolden.

Addition of Third Critical Element to Employee Performance Plan

Immediately prior to his resignation, Bolden added a third duty or Critical Element to the EA's Employee Performance Plan. This new Critical Element, which Bolden told the OIG was approved by NASA's human resources office, explicitly authorized the EA to continue to provide limited administrative assistance to Bolden following his departure from NASA. In January 2017, the addition became Critical Element No. 1 in her performance plan:

Prepare a tracking file of engagement requests for the Administrator *following expiration of his term of office*.... Elements of the Tracking File should include: Requesting

³ Bolden stated that he received "endless compliments from persons who have worked with [the EA]" and that she is "always cited as one of the friendliest, most efficient people" with whom they have worked.

organization/individual; date(s) of event; reimbursement offered; honorarium offered; deadline for response (emphasis added).

The EA explained that this duty encompassed forwarding engagement requests and general correspondence to Bolden. She described herself as a “conduit” between Bolden and those seeking to reach him after his departure. She told the OIG that she suggested the duty be added to her Performance Plan to prepare for difficulties the A-suite (Administrator’s Suite) would encounter during the transition to the a new Administrator. The EA remembered that the transition following the 2008 Presidential election “was a very rocky period for the staff of the Office of the Administrator due to the sudden departure of both Administrator and Deputy Administrator before any plans could be made to assist remaining staff with their transition needs.”

Bolden told the OIG he wanted people to know how to contact him after he left NASA and to honor the commitments he made while he was Administrator as part of the continuity of operations. Bolden also said he did not think it inappropriate for the EA to continue to provide administrative support for those commitments. In her 2017 Mid-Year Performance Review, Bolden also wrote:

With my imminent departure at the end of President Obama’s term, we added a third critical skill to [redacted]’s performance plan to have her compile a transition file for the Administrator to enable continuity of activities, such as public appearances, interviews, commencement addresses and the like. Prior to my departure, she sat down with me and review [sic] the file that had been compiled and we were able to make decisions on requests to be accepted or declined all the way to September [2017] of this year. She also made initial contact with all the requesting officials to notify them of my pending departure from NASA and set up the initial arrangements for the visit/event. This will great [sic] simplify the processing of my future engagements once I have left the Agency.

Bolden said this change to the EA’s duties was reviewed by the Agency’s human resources office and he assumed that if there was anything wrong, the human resources office would have raised the issue with him.

Because of the change in her Performance Plan, the EA was authorized to provide limited assistance to Bolden following his departure from NASA. Bolden later explained to the OIG that, “[She] kept track of me,” she “monitors the calendar and keeps me from forgetting things.” “I needed for her to make sure I knew what I was expected to do after I left,” and “So that I wouldn’t drop anything, which I was prone to do.” After he left NASA on January 20, 2017, Bolden said the EA retained “access to my email and my calendar because she would get requests ... that came in for the NASA administrator—the former NASA administrator and [she] would send them to me.”

In her self-assessment on her 2017 performance review, the EA described the assistance she provided to Bolden following his departure from NASA as follows:

By coordinating former Administrator Bolden’s departure/retirement in Jan 2017, I ensured his smooth transition into the private sector. I continue to provide assistance to Mr. Bolden, who retains NASA Affiliate status, as his primary point of contact for

engagements accepted while he was still the Administrator—most recently, his commitments to Ohio State University, the University of Arizona, the University of Notre Dame and a variety of speaking and awards events in the DC area.⁴

Bolden told the OIG he did not hire a full-time Executive Assistant when he left NASA because he thought he could handle all of his administrative duties himself. He also admitted, however, that he could not afford to hire an assistant when he first resigned.

Following Bolden’s departure, the EA had a diminished workload and a waning role in the Administrator’s suite. When Robert Lightfoot became Acting Administrator on January 20, 2017, he relied upon his own Executive Assistant for administrative support. The EA was assigned to support two senior members of the Trump transition team, but both departed the agency within four months. She described her duties during this time as an “Admin Support Floater” in the A-suite and stated she “had a lot of time on her hands.”

When Lightfoot’s assistant retired in early 2018, there was a short period of time when the EA was once again the lead Executive Assistant. However, when Administrator Jim Bridenstine was confirmed in April 2018, he brought his own Executive Assistant to the Agency and a new transition began. The EA assisted in the training of the new Executive Assistant until she took over these duties in late 2018. According to Krista Paquin, then Deputy Associate Administrator and the EA’s rater of record in early 2018, the EA had ample time during her regular duty hours to perform her duties and assist Bolden with his personal endeavors.

Due to continuous changes in senior leadership in the A-suite, the EA appears to have had little direct supervision from January 2017 until her retirement at the end of 2018. During that time, the EA was supervised by at least three different senior NASA officials.⁵ In addition, during the 15-month period when Lightfoot was serving as Acting Administrator (January 2017 to April 2018), the Agency’s Deputy Administrator position remained unfilled, resulting in Lightfoot and many of the senior staff (including the EA’s supervisors) “doing double duty.”⁶

In the year following Bolden’s departure, the EA’s Employee Performance Plan was revised to move Critical Element No. 1 (assistance to Bolden) to Critical Element No. 3, but the requirement to support “engagement requests for the Administrator following expiration of the term of office” remained part of her official duties until she retired.

⁴ NASA Affiliate status refers to Bolden’s status in NASA’s access management system (for building and email access).

⁵ Prior to his resignation, Bolden was the EA’s Rating Official.

⁶ Bolden interview in Marina Koren’s January 19, 2018, article “One Year Later, NASA Still Doesn’t Have a New Administrator” in *The Atlantic* magazine. www.theatlantic.com/science/archive/2018/01/nasa-trump-bridenstine-lightfoot-bolden/550952/ (accessed January 30, 2020).

The EA received a Summary Rating of 5 (“Distinguished”), the highest possible rating, on her Performance Appraisals for 2016, 2017, and 2018.⁷ The narrative to her last Performance Appraisal (2018), Critical Element No. 3, states that during the rating period the EA was “actively engaged” in assisting “former Administrator Bolden with schedule coordination and communication requirements (activities associated with former NASA role).” The EA admitted that this language likely originated in the self-assessment she drafted for her Performance Appraisal.

Examples of NASA Support for Bolden in 2017

Following his resignation, Bolden re-established his private consulting business under a new name, The Bolden Consulting Group, to continue the consulting work he engaged in prior to becoming Administrator. Bolden did not hire an assistant for his new business and attempted to manage his calendar himself.⁸ Although Bolden and the EA originally envisioned that her administrative support to him would be limited in time and scope, these constraints were later disregarded.

The original agreement between Bolden and the EA was that the EA would provide administrative support to Bolden limited to a period of approximately 6 to 8 months following Bolden’s resignation (until a new Administrator was confirmed) and for commitments Bolden made as NASA Administrator prior to his resignation. In accordance with that arrangement, on Saturday, January 21, 2017, the day after his resignation, Bolden emailed the EA asking whether any of the universities to which he had been invited “to speak for commencement offer to cover travel and lodging? I will cover all of these commitments, if necessary, but I should have asked earlier.” The EA replied by email the following day with a list of the university speaking engagements to which he had committed prior to his resignation.

Sir, below are all the university visits you indicated that you’d either accept or consider. For all (exception – Princeton), funding is not specifically stated in the invitation, so I will need to ask the POC named in the letter to confirm. My experience is that in almost all cases, expenses are covered, but it would be good to confirm and I can do that.

Princeton University: March 30

Ohio State University: May 7

University of Arizona: May 12

University of Notre Dame: May 21

Ohio State University College of Engineering: June 26 or 27

Rather than limit her support to these engagements, however, and any others that Bolden made prior to his departure, the EA’s support for Bolden grew as the year progressed.

⁷ In response to a review of a draft of this report, the EA stated that Administrator Bridenstine was her “official supervisor” in 2017–2018. However, her Performance Appraisal for 2017–2018 lists former three other NASA senior executives as her Rating Officials: former Acting Deputy Administrator Lesa Roe, Krista Paquin, and Melanie Saunders.

⁸ In response to a review of a draft of this report, Bolden stated he has not been engaged as a lobbyist. Our review uncovered no evidence of this type of work.

We reviewed over 15,000 electronic records (including 11,600 emails, as well as documents and calendar entries) to determine the nature and frequency of communications between Bolden and the EA. We found that in 2017, she provided administrative assistance to him by booking additional speaking invitations, coordinating his appearances at military social events, sending him reminders about doctors' appointments, reminding him to make travel arrangements (for NASA and non-NASA affiliated events), and coordinating NASA technical support for Bolden's personal electronic device(s). Specific examples of support the EA provided to Bolden after his departure in 2017 include:

1. *George Washington University (GWU) Leadership Education and Development event, April 2017.*⁹ Bolden agreed to speak at this event during his term as Administrator. After his departure, the EA fielded emails from GWU for Bolden, forwarded Bolden's revised biography to GWU, and reminded Bolden to submit his preferences to GWU for dinner or lodging at the Inn at Little Washington (apparently as compensation for speaking at the event). Of note, GWU repeatedly requested Bolden's personal email address to communicate directly with him without using the EA as an intermediary.
2. *Service Academies Global Summit, June 14–16, 2017.* Bolden was the keynote speaker at this annual event in Washington, D.C., which targets graduates of the U.S. military service academies. In February 2017, the EA fielded information for the event, relayed it to Bolden, and asked to be copied on all communication related to the Summit so that "I can help with whatever needs to be done re: registration, etc."
3. *Raytheon Corporation speech, March 2018.* In February 2017, Raytheon contacted the EA to inquire about Bolden's availability for a paid speaking engagement in Orlando, Florida, in March 2017. Although this speaking engagement was brokered by the Washington Speakers Bureau, the EA forwarded the information to Bolden and engaged in a series of emails with him about how he should respond. Bolden eventually spoke to Raytheon in March 2018.¹⁰
4. *The Riley Institute's Climate Change Conference, fall 2017.* In February 2017, the EA responded to a request from the Riley Institute at Furman University for Bolden's appearance at a conference later that year. The EA forwarded the invitation to Bolden, received confirmation that he was interested in attending, emailed the Riley Institute to confirm his interest, and coordinated the details including his honorarium for the event. In response, a representative of the Riley Institute emailed the EA and said, in pertinent part: "Thank you.... You certainly are working overtime on this second job!"

⁹ Bolden spoke to junior military students involved in GWU's Leadership Education and Development Master of Arts program as part of their Distinguished Speaker Series.

¹⁰ See page 21 for a more detailed discussion of the Raytheon event.

5. *Princeton University's Woodrow Wilson School of Public and International Affairs, February 2018.* Prior to his resignation, Bolden received but did not accept an invitation to speak at Princeton in March 2017. In June 2017, Princeton again contacted the EA to check on Bolden's availability for an appearance, this time in the fall of 2017. The EA forwarded the information to Bolden, explained that the school was offering a stipend honorarium of \$5,000 per day, would cover all expenses associated with the trip, and recommended a 2-day trip to accommodate multiple appearances at the school. Bolden eventually visited the school in February 2018 for 3 days.
6. *National Naval Officers' Association (NNOA) annual training symposium, July 2017.*¹¹ In July 2017, the EA contacted NNOA to inquire about Bolden's travel details for his appearance at their annual symposium at Naval Base Point Loma in San Diego, California, later that month. The President of NNOA responded to the EA in pertinent part by saying: "I had no idea you were still handling anything for him. I could have used your help a few weeks ago. It was a little awkward when I called and ask if he had his ticket and he said no." On July 4, 2017, the EA responded by writing: "Ma'am, no issues. Although I am Mr. Bolden's former EA, I have continued to provide assistance where possible with events he committed to prior to his NASA retirement as, in most cases, I'd already started dialogue with those parties.... I would appreciate being kept in the loop as I still track his official whereabouts and field incoming requests from people who don't have his personal contact info."¹²
7. *Gulfstream Aerospace Corporation Student Leadership Program, July 2017.* In July 2017, the EA also assisted Bolden with a presentation he was making to a Student Leadership Program funded by Gulfstream Aerospace Corporation (part of General Dynamics Corporation) by assisting with his transportation arrangements, using NASA's Large File Transfer system to send a short film Bolden planned to show at the speaking engagement, and electronically transmitting his remarks.
8. *U.S. Strategic Command Ball, September 2017.* In July and August 2017, the EA repeatedly checked on Bolden's availability to attend the Strategic Command Birthday Ball in September 2017 held in Bellevue, Nebraska, and assisted with his travel arrangements to attend the event. Similarly, the EA assisted with Bolden's attendance at this event in 2018, also in Bellevue.
9. *American Association of Physics Teachers, December 2017.* The EA assisted Bolden with a request to speak at an event for the Association in Cincinnati, Ohio.

¹¹ Bolden admitted that the NNOA event was a personal commitment but said he did not recall the EA making travel arrangements for this event.

¹² The EA sent this email to NNOA on July 4, 2017, using her NASA email account but not while on official government time (given the federal holiday).

Notably, most of these requests for Bolden’s appearance were received after his resignation as NASA Administrator. All of these appearances, however, involved the EA’s assistance after his departure. In a February 12, 2017, email exchange, Bolden stated to the EA in pertinent part: “I don’t mean to clobber your inbox, but I’ve been trying to keep you up on my activities, so you’ll know what we’re doing. Please do not feel compelled to respond or work any of the issues.” The EA responded: “Thx, sir. Don’t worry—I’m not spending that much time on the issues, as business has picked up considerably with the PAT [Presidential Advance Team], but it’s what I’m comfortable doing and it helps to work on familiar things right now. I would let you know if it was too much.” The EA’s description of her work matches the words of one senior NASA executive who told the OIG, “the EA had effectively been working for Bolden and ‘vectoring things for him’ after he left the agency.” In other words, the type of administrative support the EA provided to Bolden after his departure was very similar to the work she provided him prior to his departure.¹³

In the course of our review, we discovered that Bolden’s requests for assistance from NASA were not limited to requests to the EA. We also learned that the EA used her position to request assistance for Bolden from other NASA employees.¹⁴ Accordingly, we reviewed the type and frequency of Bolden’s and the EA’s requests for assistance to other NASA offices and employees after Bolden’s departure.

During his term as Administrator, Bolden routinely received substantive and technical assistance from NASA’s Office of Communications with speeches. As Administrator, he was prohibited from receiving a fee for these appearances. After his departure, however, Bolden became eligible to receive speaking fees, including fees from universities. Two senior NASA executives told us that NASA does not provide assistance to current or former astronauts for paid speaking events. In other words, NASA provides support only for unpaid appearances.¹⁵

Our review determined that after Bolden’s departure, the EA provided administrative assistance for Bolden’s appearances without regard to whether they were compensated. We also discovered that, in 2017 and 2018, both Bolden and the EA contacted other NASA offices or employees to request assistance for Bolden’s post-NASA speaking engagements. On a few occasions, the requests for assistance were for paid speaking appearances.

¹³ In response to a review of a draft of this report, the EA stated that the amount of work she was doing for Bolden after his departure was “minimal by my standards.” She also explained: “I helped him because he was not adept at handling administrative tasks and I was.”

¹⁴ The EA stated that any NASA material she provided to Bolden after his departure was authorized for release by the responsible office.

¹⁵ When interviewed by the OIG, former NASA Deputy Associate Administrator Melanie Saunders (now NASA Acting Chief Financial Officer) opined that it was permissible for the EA to provide Bolden with assistance for NASA-related activities, such as speaking engagements and appearances for Agency-approved STEM-related (Science, Technology, Engineering, and Mathematics) functions. However, Saunders stated that NASA is not a broker of non-Agency public engagements, speeches, and other post-employment activities for former astronauts and Administrators. She stated that if an entity offered to pay a former astronaut a speaking fee, the astronaut was required to make the arrangements directly with that entity and without NASA support.

For instance, on February 17, 2017, less than a month after Bolden's departure, the EA emailed Bolden's former speechwriter in NASA's Office of Communications to ask if he would be willing to review a draft commencement speech Bolden planned to give at the University of Arizona. The EA wrote: "[A]re you able to do a favor for old time's sake? If yes, would you mind reviewing the proposed announcement and providing a quote or 2 from CB that fits?"¹⁶ More significantly, a few months later, in mid-2017, Bolden sought assistance from NASA for a paid speaking engagement for a private sector business, in response to an invitation that arose four months after his departure.

In 2017, as part of the launch of his new business, Bolden became a client of the Washington Speakers Bureau (WSB), an agency that matches speakers with private sector organizations seeking keynote speakers for a fee. After his May 21, 2017, commencement speech at the University of Notre Dame, Bolden received an invitation to speak to a private company in Washington, D.C., a few weeks later. Because that company was an existing WSB client, WSB agreed to broker the engagement and negotiated a \$5,000 speaking fee for Bolden. Although the June 10, 2017, event was a paid appearance, on June 9 Bolden emailed WSB and stated:

I'm certain that I can get a video from NASA HQ that they can use. I am including my former Executive Assistant and my former Press Secretary on this message so they can offer assistance to [business name redacted] if they still want to obtain a video. We also have a short video on the upcoming first flight of our heavy lift launch vehicle, SLS, carrying the Orion crew module on a mission to orbit the Moon in late 2018/early 2019 if they'd like to use that.

In response to Bolden's request, NASA's Office of Communications promptly agreed to provide assistance for the WSB speech. That same day Robert Jacobs, Deputy Associate Administrator for the Office of Communications, emailed WSB to say his office was preparing to transmit two videos to WSB for the presentation. One video had already been prepared but the other needed editing to make it appropriate for the event. Jacobs wrote:

Charlie, we found the EM-1 video and we're going to do a shortened version of the LeVar Burton video [Bolden's farewell video] and provide both to them. We'll take care of getting with their technical folks. They've indicated they wanted both the large files and Private You Tube links...we'll do both. You should be all set. Let us know if you need anything else!

Bolden received the videos in time for his appearance the next day. His talk was so well received that the same company invited Bolden to return and speak to a larger crowd in Washington, D.C., in October 2017 for a higher fee (an invitation Bolden accepted).

¹⁶ While the University of Arizona speech was included in the list of commitments Bolden made prior to his departure from NASA, we find these appearances were made in Bolden's personal capacity, not his official capacity. As we discuss later in Analysis and Conclusions, we distinguish between Bolden's post-resignation speaking engagements that were government sponsored and funded, such as his speeches given on behalf of the State Department as a U.S. Science Envoy for Space, and those clearly undertaken in his role as a private sector consultant.

When interviewed by the OIG, Jacobs stated that Bolden made several requests for assistance from the Office of Communications in the form of video clips, slide presentations, and talking points and/or the review of speeches following his departure. Jacobs stated that he and Bolden's former speechwriter struggled to reconcile the desire to assist Bolden with the knowledge that it was improper to devote NASA time and resources to requests from a former employee. Rather than explicitly say no, Jacobs said he and others in his office tried to perform minimal work in response to the requests, such as sending hyperlinks to publicly posted YouTube videos.

When interviewed by the OIG, Bolden's former speechwriter recalled being asked by Bolden and/or the EA for assistance with speeches or videos for Bolden's use after his departure. The speechwriter stated the requests were not burdensome and typically involved forwarding existing slides or videos to Bolden or the EA so that the messaging in Bolden's speeches and appearances would remain consistent with NASA messaging.

Our review of email records confirmed that Bolden requested assistance from the Office of Communications for several speaking engagements after his departure. However, the majority of Bolden's requests to the Office were for assistance with speaking engagements Bolden made in his capacity as an unpaid U.S. Science Envoy for Space with the State Department in 2018 and 2019. (In his Envoy role, Bolden traveled to foreign countries to promote the U.S. commercial space industry and international cooperation in space exploration.) In our review, we differentiated between the assistance Bolden received from NASA for paid speaking engagements and the assistance he received from NASA for government-funded trips.

The EA Coordinates Information Technology (IT) Support for Bolden

In her interview with the OIG, the EA admitted that she also assisted Bolden with IT support for his NASA email account and personal electronic devices after he retired from the Agency. For instance, the EA contacted NASA IT support and requested that Bolden's email account not be disabled for at least 30 days following his resignation. (Normally, Bolden's email account, like that of any departing employee, would have been deactivated on or near his departure date, per NASA policy which requires the timely deactivation of accounts no longer needed.) The EA explained that she had Bolden's entire calendar and schedule, to include personal appointments and contacts, on NASA's Microsoft Exchange email platform and did not want to lose access to the data before she had a chance to transfer it to another electronic calendar program. The EA successfully secured an extension of Bolden's official NASA email address for approximately 6 months beyond his resignation date.¹⁷

In addition, in March 2017 approximately 2 months after his resignation, Bolden requested NASA IT support because calendar items were failing to populate on his personal iPhone. Because the request came from Bolden, the IT support contractor treated the matter as a priority that needed to be resolved immediately. The EA arranged for Bolden to bring his personal

¹⁷ In response to review of a draft of this report, the EA stated, "It was not uncommon for departing executives to retain a NASA affiliate account for continuity purposes."

iPhone to NASA Headquarters while he attended a NASA Town Hall on March 20, 2017.¹⁸ An IT support employee retrieved Bolden's personal iPhone from the EA's desk that day. Upon inspection, the technician discovered that recent changes to an Agency-wide software management system were preventing Bolden's personal iPhone from being able to synchronize calendar items from his NASA email account. Due to the software changes, he was unable to resolve the issue and returned Bolden's iPhone to the EA that day.

The EA also acknowledged using NASA's Large File Transfer service to send presentations from NASA's Office of Communications to Bolden and her email indicates that she also used an Agency-issued thumb drive to load and transmit PowerPoint presentations for Bolden's post-departure speaking engagements.

The EA Continued to Provide Administrative Support to Bolden in 2018

Perhaps the best example of the degree of administrative support the EA provided to Bolden in 2018—almost a year following his departure from NASA—is an email exchange between Bolden and the EA on January 3, 2018. Late that evening, the EA responded using her NASA email account to Bolden's request for assistance with upcoming events on his January 2018 calendar. The EA also asked Bolden several questions regarding scheduling issues, including for a Board of Trustees meeting, a medical appointment, and a military speaking engagement. A few days later, Bolden responded to the EA's email by clarifying details in response to her detailed questions about his January 2018 engagements. The EA's email appears below in pertinent part, with Bolden's responses listed in bold italics in parentheses.

Sir, this is what I have for Jan, but I'm afraid I might have missed a few updates during my out of office time....

3 Jan – Partnership call (*DONE*)

9 Jan – Wilkins award dinner, Columbia¹⁹ (*On the way in the am*)

10 Jan – University Club lunch w/ Professor Lambright (*Still scheduled for noon. My flight gets in shortly after 11am*)

11 Jan – Houston travel > UT [redacted] Center (*All arrangements now completed*)

16 Jan – MLK Program, HQ (*Delayed to 1pm to allow me to participate in Bruce McCandless' funeral at USNA*)

18 Jan – SES on-boarding²⁰ (*Good coordination call*)

25 Jan – BABA's CEO speaker series²¹ (*Still awaiting final details*)

28-30 Jan – Israel travel (*Need to make airline reservations*)

¹⁸ At 7:20 a.m. that morning, the EA emailed Bolden to ask: "Sir, checking to see if you will still drop off devices this morning." Bolden confirmed that he would bring in the devices shortly.

¹⁹ Bolden received the 2017 Wilkins Award for Excellence in Civic Leadership from the Riley Institute for Leadership at Furman University in South Carolina on January 9, 2018.

²⁰ This entry refers to an Office of Personnel Management-sponsored Senior Executive Service on-boarding forum for federal government employees.

²¹ On January 25, 2018, Bolden spoke at an industry conference in Washington, D.C., sponsored by BABA (British American Business Association).

Questions:

What is the date of the Jan Intrepid board meeting? I didn't see that in the related e-mail. (*The Board Meeting is Jan 30th, 2pm.*)

You offered a day during the week of 22 Jan to Ian Keener for Lunch Buddies – did he reply? (*Sent a reminder this week; still no response.*)

Did you complete your SSB and ASEB review for Dr. Weidman – end of Dec deadline?²² (*Working on reviews now. Thanks for the reminder.*)

I didn't see a reply to my 12/14 e-mail re your visit to Princeton in mid-Feb – let me know if I need to resend. (*I worked out schedule for the visit with Dr. Unruh, but haven't heard from Wilson Center since then*)

Has there been an update on rescheduling your N98 talk?²³ (*Now scheduled to talk to N98 this Friday at 11 am*)

I didn't see a reply to my 12/8 e-mail re [redacted's] request for your contact information – let me know if I need to resend. (*You may provide my contact info*)

I didn't see a reply [sic] my 12/4 e-mail re request from [redacted], former NASA employee – let me know if I need to resend. (*I will contact [redacted] to explain my policy of not writing recommendations for people I don't know personally.*)

When shown this email and asked during his OIG interview if he could see how someone looking at it would assume the EA was still acting as his Executive Assistant in January 2018, Bolden replied “Yes.”

The EA's Counseling by NASA Ethics Counsel in January 2018

In mid-January 2018, shortly after the EA and Bolden exchanged the emails above, NASA Office of General Counsel (OGC) Ethics Counsel Adam Greenstone, NASA's alternate Designated Agency Ethics Counsel, was included in a chain of emails between the EA, Bolden, and others that referenced, in part, a Bolden speaking engagement with the WSB. While Greenstone had previously counseled Bolden about his post-employment restrictions, the content of this email concerned him because it involved a paid appearance by Bolden for the WSB. In response, Greenstone sent the following email to the EA, the Acting NASA Administrator, and other senior staff members on January 11, 2018:

Just a quick word related to Charlie's 1/16/18 talk for the King Day program. I don't see a post-employment restriction compliance issue (including his one year cooling off

²² SSB refers to the Space Studies Board and ASEB refers to the Aeronautics and Space Engineering Board, both part of the National Research Council of the National Academies of Science, Engineering, and Medicine.

²³ N98 refers to the Air Warfare Division, Office of the Chief of Naval Operations, U.S. Navy.

period that expires a few days after the speech) as per his communications with NASA he is doing this in his individual capacity for free, without the involvement of the speakers bureau he has an agreement with, and therefore not representing anyone. The above being said, I am going to note that with the great affinity and respect at HQ for Charlie, which I share, there may be more HQ communication with him than with other former NASA Administrators. Perhaps we may also be receiving more FOIA [Freedom of Information Act] requests that peer into leadership e-mail these days, and often the text of e-mails can infer things that would not accurately reflect the real context. So while I don't see a legal reason or an elevated risk of legal controversy sufficient to change the MLK Day plans, I am mentioning this concern for situational awareness.²⁴

Greenstone said that around the same time he sent this email, he also spoke with the EA directly about his concerns that she was providing an inappropriate amount of support to Bolden. The EA responded that Bolden was doing a lot for the Agency at that point and that she needed to know his entire schedule. Greenstone cautioned her to be mindful of the fact that her emails could be subject to FOIA and that they could be taken out of context.

In response to review of a draft of this report, the EA stated that she took “to heart” Greenstone’s counseling and “began the process of weaning off communication” with Bolden after her conversation with Greenstone. The EA also stated that she forwarded the Greenstone email to Bolden and discussed it with him by phone. The EA said she told Bolden she had been counseled to refrain from using her NASA email account to communicate with him and she wanted to cease using that email with him. She told the OIG that she thought she had taken adequate steps to be compliant with Greenstone’s guidance.

Greenstone said he also spoke with the EA’s then-supervisor, Paquin, about the extent of the EA’s communications with Bolden. According to Greenstone, Paquin indicated she would address his concerns with the EA and that whatever was happening would soon come to an end as the EA had signaled her intent to retire.

In her interview with the OIG, Paquin said that in January 2018, the EA informed Paquin that she had been counseled by NASA’s OGC about utilizing her official time and agency resources to provide Bolden with assistance for his non-Agency related arrangements. Paquin understood the inappropriate assistance to include helping with Bolden’s calendar, non-NASA engagements, and travel.²⁵ According to Paquin, while the EA had not tried to conceal that she was providing Bolden with assistance following his departure, Paquin assumed the assistance was for Agency-related functions. Paquin said the EA had never requested authorization from her to provide Bolden with assistance on non-Agency related activities.²⁶

²⁴ The email was sent to Robert Lightfoot, Krista Paquin, Tom Cremins, Sumara Thompson-King, and the EA.

²⁵ In response to review of a draft of this report, the EA also confirmed that Paquin advised she should not use her NASA account to communicate with Bolden on matters of support.

²⁶ Following Paquin’s retirement, Melanie Saunders was promoted to Deputy Associate Administrator and became the EA’s supervisor. In her OIG interview, Saunders stated that the EA did not mention providing administrative support and/or secretarial support to Bolden during the time she supervised her, nor did Saunders recall providing specific authorization to the EA to provide Bolden with administrative support. However, both Saunders and the EA stated that Saunders—the EA’s final rater of record—did not have insight into the EA’s duties.

After his counseling session with the EA, Greenstone said he did not hear of any further issues regarding her contacts with Bolden. When asked if departed Administrators were typically assisted by their former Executive Assistants with what appeared to be personal appointments or personal business matters, Greenstone stated that such conduct would be an “anomaly.”

Similarly, Paquin said she had no reason to believe that the EA continued to provide Bolden with assistance for non-Agency activities following Greenstone’s counseling and her conversation with the EA. Both Greenstone and Paquin said they believed the counseling provided to the EA was sufficient to address the issue.

The EA’s counseling by Greenstone in January 2018 was not the only contact she had with Greenstone about ethical restrictions applicable to Bolden following his departure. Our review also uncovered 2 occasions in 2017 where the EA contacted Greenstone to request ethics advice. In an email dated March 31, 2017, the EA wrote to Greenstone:

Adam, would you be willing to look over this request from [redacted] relative to Mr. Bolden’s book essay being used for publicity? Since the essay was submitted while CB [Charlie Bolden] was Administrator and is a work of the USG [U.S. Government], I’m not sure what restrictions may apply.

In addition, 2 months later on May 31, 2017, the EA emailed Greenstone and requested his guidance on a request by Gulfstream Aerospace Corporation to gift a model plane with a NASA logo to Bolden as appreciation for his appearance at a Gulfstream event. The EA’s actions indicate that she was aware there were restrictions on the types of assistance that could be provided to Bolden after his departure and that she knew Greenstone was the attorney she should contact to obtain counsel on those restrictions.

Our review of email traffic between the EA and Bolden confirms that after Greenstone’s January 2018 counseling, the EA significantly reduced—but did not end—her assistance to Bolden for non-NASA activities. In the first year after Bolden’s departure, from January 20, 2017, to January 15, 2018, we found 895 emails solely between the EA and Bolden on her NASA email account. In the second year, from January 16, 2018, to February 9, 2019, the volume of emails solely between the two dropped to 310.

When we reviewed the substance of the emails between the EA and Bolden in 2018 (after the OGC counseling), we discovered numerous examples of the administrative support the EA continued to provide for Bolden. For instance, in late January 2018, the EA helped to coordinate the announcement of Bolden’s selection as a member of the Board of Trustees of the Intrepid Sea, Air & Space Museum in New York City. In the next month, February 2018, the EA:

1. Responded to multiple inquiries from Princeton University about Bolden's appearances at the school scheduled for February 14-16, 2018, as part of the G.S. Beckwith Gilbert '63 Lectures.²⁷
2. Transmitted a video presentation via NASA Large File Transfer to the U.S. Naval Academy for a convocation speech later that month.
3. Coordinated details surrounding his recognition as a 2018 Distinguished South Carolina Public School Graduate, an honor bestowed by the South Carolina Foundation for Educational Leadership at a gala in April 2018.
4. Forwarded repeatedly to him information from Aurora Flight Sciences Director of Corporate Communications and Public Affairs (part of The Boeing Company) regarding Aurora's nomination by the U.S. Marine Corps for a National Aeronautic Association (NAA) Collier Trophy.²⁸

In addition, in September 2018, the EA responded to a request from Bolden to contact NASA's Office of Legislative Affairs and obtain contact information for a Member of Congress in order to assist Bolden's wife with obtaining voter registration material. The EA also helped gather information from the Office of Communications for him and downloaded files on thumb drives for his use on upcoming trips as a State Department Science Envoy for Space. In November 2018, the EA confirmed Bolden's receipt of a federal income tax document from the Intrepid Museum while Bolden was out of the country. These examples are representative of the various types of assistance she provided in 2018 and are not intended to be a complete list.

The EA's OIG Interview

After her retirement and as part of this investigation, the EA agreed to be interviewed by the OIG. When we referenced examples of the administrative support she provided to Bolden, including coordinating certain appearances, arranging for travel, sending Bolden calendar reminders, and other assistance, the EA did not dispute the evidence. Rather, she stated that she performed these duties for Bolden out of respect for him as an "esteemed NASA/national icon" and that she just wanted to help. The EA insisted that she had never initiated any correspondence or coordination on behalf of Bolden, nor did she provide assistance to him following his resignation under any promise of a future job. She stated that she aided Bolden

²⁷ Princeton University offered to pay Bolden \$5,000 per day for his appearances. The speech was made in Bolden's personal capacity because it occurred after his departure from NASA, despite the fact his space-themed lecture on February 14, 2018, was open to the public and the invitation was originally received during his term as Administrator. Moreover, Bolden's events at the university on February 15 and 16, 2018, included private meetings and meals with faculty and students and were not open to the public.

²⁸ The Collier Trophy is awarded annually by the NAA to recognize "the greatest achievement in aeronautics or astronautics in America, with respect to improving the performance, efficiency, and safety of air or space vehicles, the value of which has been thoroughly demonstrated by actual use during the preceding year."

and forwarded requests to him so that he could efficiently and effectively complete the task of representing NASA and promoting the interests of the Agency.²⁹

Bolden's OIG Interview

In his OIG interview, Bolden initially denied that the EA had provided administrative support to him following his resignation. He stated that the EA could not provide additional support to him while she was a government employee and “I knew it was inappropriate for her to do that.” When asked how he knew that, Bolden replied: “Because it’s illegal. It’s unethical for me to come in and ask a NASA employee ... to do administrative work for somebody who’s not in the government.” *Id.* “She can’t serve as my executive assistant when I’m not here.... That’s wrong.”

At the same time, however, Bolden conceded that he had trouble keeping up with his commitments and the EA “kept track” of him. Bolden also admitted that he had a “hard time” managing his calendar. For several speaking engagements, the EA assisted him with the mechanics of transmitting PowerPoint slides for his presentation, but Bolden insisted neither she nor anyone else at NASA created substantive content on the slides. Bolden stated he did not think there was anything wrong with the EA providing limited support to him, such as reminding him of calendar events and forwarding on contact information. He also stated he thought it appropriate for the EA to assist him with commitments he had made prior to his resignation, that she never sent out correspondence for him, and that his recollection was that he made his own travel arrangements. However, when shown multiple examples of the administrative support the EA provided him, Bolden conceded he had received the EA’s administrative support for 2 years after his resignation for more than merely NASA or government-related events.

When asked during his interview if he had paid the EA for her work for him from January 2017 through December 2018, Bolden replied that he had not, explaining, alternatively, that he did not consider her to be his Executive Assistant and did not think she could work two jobs at the same time and get paid for two jobs. When asked how Bolden and the EA handled his engagements after he left NASA, Bolden stated:

I didn’t think there was a division of duties. I thought I was doing almost everything. And I—you know, if there were occasions where she did arrangements, like made arrangements or something else like that, I thought it would—but I—evidently, I don’t remember because I did not think I was asking her to make flight arrangements, to make hotel arrangements, and the like. And yet, you say that I did, so I stand corrected and that was wrong.

When we asked Bolden why he didn’t contact the EA on her personal email account, he first stated that she did not have a personal email account. When informed by the OIG that she did, Bolden remembered the account and said he eventually started communicating with her on that account because, “I said, you know, [redacted], this is not—we probably—you should not be

²⁹ In response to review of a draft of this report, the EA added that, in her mind, Bolden “continued post-retirement in being a strong advocate for NASA and a NASA spokesman and that most, if not all, of his invitations were issued due primarily to his role as the 12th NASA Administrator.”

doing this on your NASA email account because it's going to be misconstrued that you're still working for me when you're not.” Bolden then claimed he only communicated with her on her personal email account after a point in time but did not say when this change occurred. While our review did not include a search of the EA's personal email account, our review of the EA's government email account indicates that she continued to communicate with Bolden through the end of 2018 using that account.

Bolden also stated that one of his biggest disappointments after leaving NASA was how little support he received. As an example, Bolden stated he had used his personal iPhone for official business when he served as NASA Administrator (permissible at the time under Agency policy). However, after his resignation it was wiped clean of contacts and calendaring information. Bolden also seemed surprised and disappointed that he was not permitted to utilize Agency resources to prepare PowerPoint presentations or use Agency speechwriters to prepare his remarks after his resignation, even for appearances he made as a U.S. Science Envoy for Space for the State Department in 2018 and 2019.³⁰ Bolden also said he believed that a former U.S. Naval Academy classmate who retired as a high-ranking military official received administrative support for 2 years after his retirement.³¹

Bolden confirmed that he continues to volunteer his time for NASA-related appearances. For example, in October 2019, Bolden was asked to appear at the presentation of the Service to America Medals (also known as the Sammies) sponsored by the Partnership for Public Service. This group honors federal government employees who make significant contributions to the United States.³² According to Bolden:

The Administrator [Bridenstine] was asked to present the award to Robert—to Bob Cabana and the JSC [Johnson Space Center] team as the—you know, the Sammies award winner for whatever the category was. And he wasn't available and so I was asked if I would do it in place of the Administrator. In fact, they asked Sean O'Keefe—two former Administrators to do it since the present Administrator couldn't make it. And we both agreed and we did it.

Bolden acknowledged that prior to and after his departure from NASA, he consulted with NASA General Counsel Sumara Thompson-King and OGC Ethics Counsel Greenstone about post-government employment restrictions. Our review verified some of these exchanges in emails between Bolden and Greenstone wherein Bolden requested and timely received detailed post-employment ethics guidance from Greenstone. However, Bolden admitted he did not request or receive guidance from OGC as to which activities his former Executive Assistant could and could not support.

³⁰ A State Department Foreign Service Office made his travel arrangements for those trips.

³¹ In response to review of a draft of this report, Bolden stated that he was “erroneously thinking this was common practice within the government.” According to a senior member of the U.S. Department of Defense Office of Inspector General, high-ranking military officials are not entitled to administrative assistance from government employees after retirement.

³² In addition, on February 28, 2018, Bolden appeared as the featured evening speaker at the 2018 Space Congress in Orlando, Florida, when then Acting Administrator Lightfoot was unable to attend the event because he was traveling to Japan to meet with representatives of JAXA, the Japanese space agency.

When asked if he ever considered instructing the EA to stop providing administrative support to him, Bolden said no and conceded “my judgment was clouded.” He said, “I did not think I was asking her to do personal work for me since almost everything I was doing was space related.” Bolden, however, took responsibility for creating the problem. He stated, “This was my error. This was my error in judgment.”

Bolden also stated that it would be “very helpful for every future Administrator to be sat down and say, look, on January 20th, or whenever your last day is, no matter what [type of support] your friends [other senior government officials] got—[y]ou’re a sub-cabinet official, you don’t get any of that. It doesn’t go with your job so don’t come back in the building.” Bolden elaborated on this point:

[I]t would be helpful if they were given a set of guidelines that said you’re going to be allowed to keep your NASA email account for the next 30 days... [I]n hindsight, again, would say 30 days is probably all you want to do because it would prevent someone like me getting accustomed to continuing to operate on the NASA email system as if you were a—you know, a surrogate NASA employee....

Bolden stated that “there are things we can do for future Administrators” so that they can learn from the mistakes he made.³³

Growth of The Bolden Consulting Group from 2017 to 2019

By the end of 2017, Bolden’s efforts to re-establish his consulting business were proving fruitful. He had joined or resumed positions on several corporate boards and had given paid speeches at several universities and private companies. In addition, in November 2017 Bolden accepted his first large fee speaking engagement with the WSB. In response, on November 15, 2017, at 11:43 a.m., the EA wrote to Bolden by email with a subject line “FW: WSB INVITATION: Raytheon Mar 01, 2018-Orlando, FL [redacted]”

Sir, congratulations on your first 20K gross event! I know it’s more than about the money, but I was very happy to see this confirmation not to mention that the topic is perfect for you.

Although Bolden said he initially thought he could manage his business without a dedicated Executive Assistant, he later realized that he could not. In his OIG interview, he said, “I remember having the conversation with [redacted], I said, ‘Boy, I will be really glad when you retire so that you can come back and start doing this stuff because I have really screwed things up.’” The EA responded by saying she thought Bolden had “done a pretty good job.”

In October 2018, 21 months after he left NASA and a few months before her retirement, Bolden offered to hire the EA as his Executive Assistant at The Bolden Consulting Group. As he explained:

³³ In response to review of a version of this report, Bolden stated that he would have stopped all contacts with Agency staff had he been informed of a violation “since I was the initiator of all requests for support.”

[Y]ou could say I kept pinging her about when are you going to retire because I would really appreciate it, you know. ... if you're interested, I don't have a lot of money to pay, but I would love to have you rejoin me as my Executive Assistant.³⁴

When she received the offer, the EA emailed her husband with the news: “I said tentatively yes, but it will depend on the requirements, etc. In the meantime, he said he will increase copying me on some of his business email and see if he can figure out how to share his calendar with me. We’ll see how it goes.” The EA retired from NASA effective February 2019 and began her position as Executive Assistant for Bolden’s consulting group the next month.³⁵

In his interview, Bolden did not dispute that he received the benefit of the EA’s administrative services during the 2-year period from January 2017 through the end of 2018. He offered to repay the government for any part of her assistance that could be deemed inappropriate.

Former Deputy Administrator Dava Newman

Former NASA Deputy Administrator Dava Newman, also a political appointee in the Obama Administration who resigned on January 20, 2017, said she received minimal administrative support from NASA personnel after her departure. Other than receiving the standard ethics guidance on post-employment work restrictions, the forwarding of her mail, and provision of new contact information to interested parties, Newman did not request or receive any form of administrative assistance following her departure. Unlike Bolden, her NASA email account was terminated on her last day.

Following her departure from NASA, Newman—a professor of Aeronautics and Astronautics at the Massachusetts Institute of Technology (MIT)—also accepted invitations to speak at several academic and non-academic institutions to discuss NASA’s work and mission. Like Bolden, Newman spoke at GWU in April 2017 at the annual School of Engineering and Applied Science Frank Howard Distinguished Lecture series. Although Newman discussed NASA matters at GWU, she did not request administrative support from the Agency for the appearance. Newman told the OIG that she understood since she was no longer affiliated with NASA, she could not rely on Agency administrative support staff for assistance, including travel planning and calendar management. Newman added that for her appearances and speaking engagements, the host or MIT handled administrative support issues for her visits.

NASA Counseling on Post-Employment Restrictions

NASA’s OGC provides guidance on post-employment restrictions to all departing civil servants who occupy positions at the General Schedule (GS) 15 level or higher. Bolden was briefed by

³⁴ In response to review of a draft of this report, the EA confirmed that Bolden indicated “several times” after his departure that he wished he could hire her as his EA.

³⁵ According to Bolden, he now pays the EA a set fee each month to act as his Executive Assistant and a percentage of his speaking fees.

OGC Ethics Counsel Greenstone on the restrictions on his post-employment conduct and was provided with a “dos and don’ts” list and a copy of the “Summary of Post-Employment Restrictions Applicable to NASA Employees” prepared by the NASA OGC.

During his OIG interview, Greenstone recalled general discussions with Bolden regarding post-employment restrictions, but no specific discussions about the use of NASA resources, including Agency administrative support. Greenstone said that some level of communication between a former Administrator and NASA personnel is expected, particularly for the continuity of Agency operations. However, Greenstone stated that it was neither common nor permissible for former Administrators to receive support from Agency staff, such as Executive Assistants, on personal matters after their departure.

We note that the EA’s GS-14 position did not require her to take training offered by the U.S. Office of Government Ethics on the Standards of Ethical Conduct for Employees of the Executive Branch. OIG investigators could find no record that she completed this type of training during her employment with NASA.

Relevant Regulations

The U.S. Office of Government Ethics (OGE) has published Standards of Ethical Conduct for Employees of the Executive Branch that apply to every executive branch employee. These standards have been codified at 5 C.F.R. Part 2635 in numerous regulations. Fourteen General Principles form the cornerstone of the federal government’s ethical rules, at least five of which are relevant to the matters under review:

- (1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
- (7) Employees shall not use public office for private gain.
- (9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
- (10) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
- (14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

See generally, 5 C.F.R. § 2635.101(b). Each Standard of Ethical Conduct is supported by one or more federal regulations and is applicable to federal government employees. For instance, 5 C.F.R. § 2635.705(a) states: “Unless authorized in accordance with law or regulations to use

such time for other purposes, an employee shall use official time in an honest effort to perform official duties.” 5 C.F.R. § 2635.704(a) states: “An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.” 5 C.F.R. § 2635.101(b)(8) states that “Employees shall act impartially and not give preferential treatment to any private organization or individual.” 5 C.F.R. § 2635.702 states: “An employee shall not use his public office for his own private gain, or . . . for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernment capacity, including . . . persons with whom the employee has or seeks employment or business relations.”

NASA has also published regulations that supplement executive branch regulations governing employee conduct and financial disclosure. NASA policy states: “Agency activities will be conducted to the highest standards of integrity. NASA officers and employees will comply with Federal and Agency ethics laws, regulations, Executive orders, and directives.” NASA Policy Directive 1900.9E (effective October 27, 2010).³⁶

Finally, 18 U.S.C. § 641, *Theft of Government Property*, prohibits government employees from using official government time or resources to support a private business.

As is standard practice in our office, we took the evidence collected in this investigation to a federal prosecutor for review. After examining the matter, the U.S. Attorney’s Office for the District of Columbia declined to pursue criminal charges or a civil action against any individuals. The OIG, in turn, then completed the review as an administrative investigation.

Analysis and Conclusions

Several conclusions emerged from our review of the evidence collected and interviews conducted in this case:

First, although there is no evidence that Bolden pressured the EA to assist him, our investigation confirmed that Bolden requested and received administrative assistance from the EA for almost 2 years after his departure. In his interview, Bolden admitted that he had difficulty keeping his calendar and needed reminders about his many personal and professional engagements, as well as occasional IT support. Although he initially denied that he had received assistance from the EA, he later conceded the EA provided him this support and that his reliance on her assistance was inappropriate.

Moreover, while Bolden and the EA may have originally envisioned that her administrative support would be limited to pre-resignation commitments scheduled for the first 6 to 8 months of 2017, the EA’s support displayed the hallmarks of mission creep and gradually expanded beyond its original scope. The EA told the OIG she continued to provide support to Bolden out of her respect for an “esteemed NASA-national icon” and because she just wanted to help.

³⁶ This NASA Policy Directive on Ethics Program Management was signed by then Administrator Charlie Bolden.

In addition, our investigation confirmed that Bolden sought and received assistance from employees in NASA's Office of Communications for both government and non-government affiliated speeches and appearances after his departure. We find no fault with Bolden requesting and receiving assistance for unpaid appearances he made as a U.S. Science Envoy for Space with the State Department in 2018 and 2019. However, Bolden's request and receipt of assistance from NASA for paid speaking engagements during 2017 and 2018, whether at universities or private businesses, was improper under both NASA policy and federal government ethics regulations.³⁷ While Bolden and the EA may have believed that Bolden's speaking engagements were NASA-affiliated, once Bolden departed the Agency, he was no longer acting in his official capacity as the NASA Administrator. As a private citizen, he was not entitled to receive government assistance for non-governmental speaking engagements for which he would receive compensation, even for speeches in support of NASA and its programs.

Second, at least two factors significantly contributed to the EA's ability to provide administrative support to Bolden for 2 years following his departure: the unprecedented length of time between Bolden's departure and the confirmation of a new Administrator (and the resulting gaps in senior Agency leadership) and a lack of consistent and engaged supervision of the EA.

Third, as Bolden's private consulting business grew, he continued to rely upon the EA for administrative support. While Bolden typically negotiated the terms of his engagements, he copied the EA on every new engagement and relied upon her to keep track of his professional and personal commitments. With the EA's support, Bolden was able to grow his business and within 2 years could afford to hire her after her retirement from NASA.

Fourth, Bolden and the EA were both experienced federal employees with decades of government service. They both consulted with NASA's senior ethics counsel and received timely and responsive advice. They both knew, or should have known, that the EA's support of Bolden for 2 years following his resignation was impermissible and created, at a minimum, the appearance of a government employee improperly using government time and resources to support a private business. Indeed, despite being warned by NASA's Ethics Counsel a year after Bolden's departure to limit her contact with him on her government email account, the EA continued to provide Bolden with administrative assistance, albeit at a reduced pace. Despite being advised of the OGC warning by the EA, Bolden continued to accept the assistance. To his credit, Bolden admitted his misjudgment during his OIG interview.

Analysis of the EA's Actions

The EA did not deny that she provided administrative support to Bolden on government time and using government resources following his resignation. The EA's insistence, however, that her work for him was minimal and that she never initiated any correspondence or coordination on behalf of Bolden following his departure stands in marked contrast to our review of her emails. Over a 2-year period, she consistently and routinely contacted Bolden and others to confirm or coordinate his professional and personal commitments. While there is no evidence that she

³⁷ After his departure, Bolden was no longer subject to the federal government's Standards of Ethical Conduct. As a (then) current federal employee, the EA's actions were subject to both NASA and executive branch ethical restrictions.

solicited outside organizations to obtain paid engagements for him, she routinely used government time, resources, and her position to provide or facilitate essential administrative support for his many post-resignation commitments, whether or not government sponsored. She also disregarded the limitations in her original agreement with Bolden which would have restricted her assistance to those commitments Bolden made prior to his resignation. Moreover, despite being warned by the Agency's ethics counsel in January 2018 to limit her contact with Bolden using her NASA email account, the EA continued to support Bolden at a reduced level for another year.

In addition, the EA's provision of administrative support to Bolden while he "kept pinging her" about a post-retirement job raises additional ethical concerns. According to both Paquin and the EA, the EA was contemplating her retirement at least as early as January 2018. It was clearly in the EA's best interests to help Bolden build his consulting business so he could afford to hire her. Certainly, by October 2018 when Bolden extended her a job offer and she accepted, the EA knew she was providing support to his business using, at least in part, government time and resources under the promise of future employment.

The Standards of Ethical Conduct for Employees of the Executive Branch, which applied to the EA during her government service, clearly state that she was required to use official time to perform official duties. These same standards state that the use of government resources, such as computers and email addresses, should be used for authorized purposes. The standards do not permit an employee to perform personal and substantial acts on official time that will directly and predictably affect the financial interests of a future employer. Finally, the EA was required to avoid actions that created the appearance she was violating ethical standards.

Accordingly, we investigated whether the EA's use of government resources (her government-issued computer and NASA email address) and government time to assist Bolden violated the Ethical Standards and implementing regulations governing:

- the use of official time (5 C.F.R. § 2635.705);
- the duty to protect and conserve government resources (5 C.F.R. § 2635.704);
- restrictions on seeking employment (5 C.F.R. § 2635.604); and
- and the duty to avoid any actions which create the appearance that they are violating the law or the ethical standards. (5 C.F.R. § 2635.101(b)(14)).

In weighing the merits of her actions, we find as an aggravating factor that the EA, as a GS-14 employee with decades of government service, could have and should have consulted with her supervisor or NASA's Designated Agency Ethics Official (General Counsel Thompson-King or alternate Greenstone) as to the limits on the support she could provide a former Administrator who was engaged in a private business.³⁸ The EA was in communication with the Agency's Ethics Counsel and should have sought his counsel on the limitations of her ability to support Bolden, as she did on more narrow ethics issues. We also question whether the EA was sufficiently transparent with her supervisors in 2017 and 2018 about the extent of her work for

³⁸ See 5 C.F.R. § 2635.107 (regarding the provision of ethics advice by the designated agency ethics official) and NPD 1900.9E re: Ethics Program Management (Part 5 – Responsibility) (eff. Oct 27, 2010).

Bolden to permit them to determine whether or not her work for him was limited to NASA official activities.

We note, however, that the EA's Employee Performance Plan continued to include as a Critical Duty the requirement to track the engagements of Bolden as the former Administrator. While we find that her supervisors could have and should have removed this Critical Element from her Performance Plan by the end of 2017, they did not. The EA continued to be rated on her ability to perform these and other duties until her retirement. We find the Agency's requirement that she continue to track Bolden's engagements from 2017 through 2018 to be a mitigating factor as to her culpability. We also note that the EA did not execute all of her duties for Bolden on official government time (some work was performed after hours, on weekends, and holidays) and that she was motivated primarily due to loyalty to Bolden and NASA, not financial gain.

In the end, we conclude the EA violated 5 C.F.R. § 2635.705 (regarding the duty to use official time to perform official duties) and 5 C.F.R. § 2635.704 (regarding the duty to protect and conserve government resources). A preponderance of the evidence establishes that the EA regularly sent emails to Bolden and his professional contacts regarding non-NASA activities during official time on her government-issued computer over a 2-year period. The evidence also establishes that at times the EA asked other NASA employees to use government time and resources to assist Bolden's private consulting work. In doing so, the EA used government resources and official time for an unauthorized purpose.

We also evaluated whether the EA violated 5 C.F.R. § 2635.604 for failing to recuse herself from matters involving an employer with whom she was "seeking employment."³⁹ Federal regulations define "seeking employment" very broadly. "An employee has begun seeking employment if the employee has directly or indirectly...[m]ade a response, other than a rejection, to an unsolicited communication from any person . . . , regarding possible employment with that person."⁴⁰ An employee's "response that defers discussions of employment until the foreseeable future does not constitute rejection of an unsolicited employment overture, proposal or resume nor rejection of a prospective employment possibility."⁴¹

In January 2018, the EA began to express interest in retiring from the government. At the same time, Bolden acknowledged that he "kept ping-ponging her" about when she would come work for him. Bolden's unsolicited and unrejected offers of employment were sufficient to qualify the EA as "seeking employment" with Bolden's private business under the broad definition of the federal regulations. Once an employee has begun seeking employment, "the employee may not participate personally and substantially in a particular matter that, to the employee's knowledge, has a direct and predictable effect on the financial interests of a prospective employer with whom the employee is seeking employment. Here, however, the EA continued to perform administrative support for Bolden's consulting company.

³⁹ Per 5 C.F.R. § 2535.604(a), "an employee may not participate personally and substantially in a particular matter that, to the employee's knowledge, has a direct and predictable effect on the financial interests of a prospective employer with whom the employee is seeking employment within the meaning of §2635.603(b)."

⁴⁰ 5 C.F.R. § 2535.603(b)(1)(iii).

⁴¹ 5 C.F.R. § 2635.603(b)(3).

After carefully reviewing the type of administrative support the EA provided to Bolden's business in 2018, however, we cannot say that her support rose to the level of "personal and substantial" participation in a particular matter. The work that the EA performed for Bolden was clerical in nature and did not pertain to the substance of his consulting work. Therefore, we decline to find the EA violated the federal ethical regulations regarding seeking employment.

However, because the EA used government time and resources to provide administrative support to a future employer, we find that a reasonable person would determine that the EA engaged in actions which created the appearance she was violating the law or ethical standards, in violation of 5 C.F.R. § 2635.101(b)(14). She did this by continuing to provide administrative support to Bolden well after the limits of their original arrangement expired; after her January 2018 counseling by OGC; after Bolden solicited her for future employment; and after she accepted his job offer in October 2018. Indeed, we find that her loyalty to Bolden and NASA—combined with an absence of training and counseling on federal ethical regulations—blinded her to the fact that others would reasonably view her actions as unethical or unlawful.

We also examined whether the EA's support of Bolden detracted from her ability to complete her official government duties. Each of the EA's three supervisors reported that she earned the highest possible rating on her performance appraisals during the 2 years following Bolden's departure. Accordingly, despite her use of government time and resources to support Bolden, our investigation failed to uncover evidence to support a finding that the EA neglected her government duties. (In fact, her duties diminished greatly after Bolden's departure.) Therefore, in the absence of a material loss to the government, and after consulting with federal prosecutors, we determined the EA's actions did not rise to the level of criminal conduct. That said, had she not retired, we would have recommended the EA for administrative discipline for her misconduct.

Analysis of Bolden's Actions

As a former employee, Bolden was not subject to the Standards of Ethical Conduct for Employees of the Executive Branch or NASA's corresponding regulations for actions taken following his resignation from government service on January 20, 2017.⁴² However, his actions—including the amendment of his EA's performance plan on his last day in office and his repeated requests for assistance from the Agency for his private ventures and personal activities—led the EA and others to use government time and resources to support his private business after his departure. We conclude that Bolden should have exercised better judgment to ensure that his requests did not run afoul of the government's ethical standards. In hindsight, Bolden admitted he should have used better judgment.

The OIG concedes that it can be extremely difficult to draw a line between speeches and appearances that Bolden made to promote the government's interests and those he made to promote his personal interests. Bolden's legacy as an astronaut of four Space Shuttle missions, a

⁴² Following his departure, Bolden was still subject to certain federal government post-employment restrictions, such as prohibitions on attempts to influence the decisions of his former employer (NASA).

retired Marine Corps General, and former NASA Administrator coupled with his compelling personal story inextricably weave together his personal and professional experiences.⁴³ Without question, Bolden's speeches and appearances inspired thousands of employees, students, and members of the public during his 7½ years at NASA and he remains one of the country's most effective ambassadors for space exploration and the space industry.

However, from a legal standpoint, after Bolden's resignation he was no longer acting in an official capacity as a NASA representative. He was, therefore, no longer entitled to NASA support for non-governmental speaking engagements, such as university commencement speeches and private sector appearances for which he was compensated. He should not have solicited and received assistance from the EA or NASA's Office of Communications for non-governmental speaking engagements or technical assistance for his personal electronic devices. Instead, Bolden should have requested ethics guidance from NASA's OGC on these issues, as he did on other post-employment ethics restrictions.

When confronted with the evidence, Bolden acknowledged he received administrative assistance for 2 years following his resignation, services which he should not have accepted.

We considered whether the government might have a claim against Bolden for unjust enrichment. Because NASA Headquarters is located in Washington, D.C., we reviewed federal common law in the District of Columbia.

To prevail on an unjust enrichment claim, a plaintiff must prove that (1) the plaintiff conferred a benefit on the defendant; (2) the defendant retains the benefit; and (3) under the circumstances, the defendant's retention of the benefit is unjust. Claims of unjust enrichment are heavily fact-dependent, for whether there has been unjust enrichment must be determined by the nature of the dealings between the recipient of the benefit and the party seeking restitution, and those dealings will necessarily vary from one case to the next.

United States ex rel. Landis v. Tailwind Sports Corp., 234 F.Supp.3d 180, 205 (D.D.C. 2017). In Landis, the court ruled that the evidence of loss to the U.S. Postal Service for false claims by professional cyclist Lance Armstrong and his racing team should be offset by evidence of the revenue generated by the defendant for the agency. In other words, for NASA to recover on such a claim, the value of the services provided by NASA *to* Bolden should be offset by the value of the services received by NASA *from* Bolden during the same period.

In the 3 years since his resignation, Bolden has readily accepted multiple requests from the government and other entities to make public appearances which support NASA's mission without compensation, including serving as an unpaid U.S. Science Envoy for Space with the State Department. Given that Bolden's speaking fee was as high as \$20,000 per speech during this time, the value of the services he provided *to* NASA was likely greater than the value of the

⁴³ For instance, in September 2017 Bolden received the International Astronautical Congress's World Space Award in Adelaide, Australia. He gave the Highlight lecture at the Congress's annual event, entitled *Growing Opportunities for International Cooperation in Science and Astronautics*, and referenced both his years as NASA Administrator and his new role as Chief Executive Officer of The Bolden Consulting Group.

administrative services Bolden received *from* the EA and other NASA employees. Accordingly, after consultation with representatives of the U.S. Department of Justice, we concluded there was no basis for legal action against Bolden.

Gaps in Agency Guidance

There is no evidence that Bolden requested or received specific guidance from the Agency on what type of administrative support he was entitled to following his departure. OGC's briefings and counsel focused primarily on the federal ethics restrictions for his post-government employment. In the absence of guidance, Bolden and the EA developed an arrangement to manage his commitments for the first half of 2017: they amended the EA's Employee Performance Plan to explicitly permit her to provide him with administrative support. Bolden stated this change was reviewed by the Agency's human resources office. The limited scope of that plan—which does not appear to have been cleared by OGC—was later disregarded.

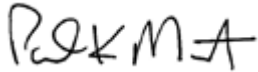
There is also no evidence that the EA or others received clear guidance from OGC or her supervisors as to what level of support she could or should provide to Bolden following his departure under the federal government's ethics regulations. We found that the EA received counseling on this issue only once, in January 2018, when OGC Ethics Counsel Greenstone became concerned about the nature of her contacts with Bolden in her government email account. However, Greenstone's email focused on risks her activities created under FOIA, not the government's ethical standards. It would have been appropriate for Greenstone to provide specific guidance to the EA about her obligations under the Standards of Ethical Conduct for Employees of the Executive Branch at that time.⁴⁴

We also find the lack of consistent and engaged supervision of the EA during the 2 years following Bolden's departure, as well as the shifting nature of her duties in response to personnel upheaval in the A-suite, created an opportunity for her to continue to provide administrative support to Bolden long after she should have ended such activities.

⁴⁴ Indeed, in response to a draft version of this report, Bolden recommended that NASA amend the transition instructions for departing Administrators to include specific guidance on permissible types of post-departure administrative support, including information technology support, require that the NASA human resources office perform a critical review of certain performance plans to ensure this scenario does not reoccur, and suggested that this case become part of the annual ethics training throughout the federal government.

Recommendations:

1. We recommend that NASA establish protocols to define what Executive Assistants or other Agency employees can and cannot do to provide administrative assistance to former Administrators and other high-ranking employees upon their departure from NASA.
2. We recommend that specific guidance be provided to departing high-ranking employees, such as Administrators and Deputy Administrators, regarding the level of administrative support, if any, they can reasonably expect to receive following separation from the Agency.

Handwritten signature of Paul K. Martin in black ink.

Paul K. Martin
Inspector General