

Federal Eye

Lawmaker seeks ouster of Commerce Department inspector general

By **Josh Hicks** March 30

A top Democrat this week will ask President Obama to fire the Commerce Department's inspector general after a [congressional probe](#) uncovered a pattern of alleged misconduct, including retaliation against whistleblowers and the hiring of a suspected girlfriend.

Rep. Eddie Bernice Johnson (Tex.), the ranking Democrat on the House Science, Space and Technology Committee, called for Todd Zinser's ouster during floor remarks Thursday.

In a [statement for the Congressional Record](#), Johnson laid out a long string of evidence suggesting that Zinser created a toxic work environment and engaged in the types of activities he is supposed to guard against. She plans to formally ask Obama early this week to remove the inspector general, according to her office.

"There is a sustained pattern of misconduct and malfeasance that would be unacceptable in any senior federal official but is particularly troubling for an inspector general," Johnson said in the statement.

In a brief response Friday to the accusations, Zinser said he asked the Council of Inspectors General for Integrity and Efficiency last year to review his conduct. He declined to provide specific details about the nature of the analysis.

“We cooperated with the review of the U.S. House Science Committee and we will cooperate with the Council of Inspectors General,” he said in an e-mail to The Washington Post.

Among the myriad allegations against Zinser, one of the newest is [a complaint](#) involving the hiring of a woman for a top position within his office.

Johnson said the move was questionable because the two appeared to be involved in a romantic relationship. She also said the department was on the verge of terminating the employee’s bid for a senior executive position in another office at the time.

The inspector general’s head of human resources expressed reservations about the hire in an e-mail obtained by The Washington Post, telling Zinser’s legal counsel: “You can add illegal appointments to my annual performance discussions. With [redacted] and this one, I am going to be an entire series in the Washington Post.”

During a review of the hire by the Council of Inspectors General for Integrity and Efficiency, Zinser said he based his decision “solely on business necessity, not on a personal relationship.” He also denied being romantically involved with the appointee, saying the two of them mostly exercised together and “provided support and counsel to each other in our careers.”

The friend ended up with a corner office and a senior executive position that paid \$150,000 a year, plus bonuses, Johnson said.

Congressional scrutiny of Zinser began to heat up last year after the U.S. Office of

Special Counsel found that two of the inspector general's top aides had threatened negative performance reviews for employees unless they agreed not to say things that could embarrass the watchdog agency.

“That an IG, or his senior staff, would attempt to punish and silence whistleblowers within their own office flies in the face of everything we expect of an IG,” Johnson said.

The OSC found no direct evidence that Zinser was aware of wrongdoing. The inspector general responded to results of the review by barring the two aides from supervisory positions for one year and later removing them after the committee pressed him to do more about the findings.

Zinser was the subject of another OSC review in 1996, while serving as the Transportation Department's deputy assistant inspector general for investigations. In that case, the OSC found that Zinser transferred and later fired a special agent who suspected federal officials of shifting federal funds to local projects with an illegal accounting scheme.

The OSC concluded that Zinser made “unsupportable” charges against the agent that were “motivated by animus.” The OSC asked the Merit Systems Protection Board to withhold some of Zinser's pay until he returned the employee to his former position.

Zinser never disclosed the case to the White House or the Senate after he was nominated to become the Commerce Department's inspector general, even though a congressional questionnaire asks nominees whether they have any legal or ethical cases against them.

“I just never thought of myself as a subject [of the investigation], although maybe I was,” Zinser told The Post for an [article last year](#) about the committee's investigation.

Johnson rejected that defense. “The case only existed because of Mr. Zinser’s personal misconduct, and he was squarely the subject of the allegations of prohibited personnel practices,” she said in her statement.

Internal documents, some of which were obtained through a current staffer’s Freedom of Information Act request, show that Zinser and his top aides have also monitored the e-mails of at least six employees. Some of the employees said they thought Zinser and the aides were trying to dig up potentially damaging information about them.

Zinser said he has fully cooperated with the committee’s review of the matter. Johnson claims the inspector general has overwhelmed the panel with loads of documents unrelated to its requests and repeatedly invoked attorney-client privilege when witnesses were asked to testify.

Johnson also said Zinser was seen removing boxes from his office less than a week after the panel requested documents in August 2014. Security data viewed by The Post shows that Zinser entered and exited his building within the span of a half-hour on the date in question, which was a holiday for federal employees.

“Although we don’t know what was in those boxes, the timing of this removal is extremely suspicious,” Johnson said.

Johnson said Zinser also failed to notify Congress that his office had been tipped off about an [accounting scam at the National Weather Service](#). The scandal led to the removal of the agency’s chief financial officer and an abrupt retirement for John L. Hayes, who was then director of the NWS and assistant administrator of the National Oceanic and Atmospheric Administration.

Federal law requires inspectors general to keep Congress “fully and currently informed about problems and deficiencies” at agencies within their jurisdiction, but Zinser never

told the committee about the accounting issue while his office was investigating it. Instead, members of the panel learned about the matter through news reports that year.

Zinser declined to investigate the case, instead passing it along to the NWS to examine. A review by the agency found that senior staff illegally redirected money that Congress had allocated for specific functions to 122 weather offices across the country.

Zinser told committee staff that he did not know about the initial complaints that led to the findings until 11 months after his office received them through a tip hotline. Johnson said it “seemed impossible that he could not know that his staff was conducting a ‘preliminary audit’ on matters involving possible illegal activity by one of the top officials at the NWS.”

The congresswoman said her concerns are based on interviews with dozens of Zinser’s employees and “thousands of pages of supporting documentation, court records and other evidence from informed sources,” which altogether paint a “deeply disturbing picture of an IG’s office ruled by fear and intimidation.”

Zinser became the Commerce Department’s inspector general in December 2007. Prior to that, he served as the Transportation Department’s acting inspector general and deputy inspector general.

Beyond the alleged misconduct, Zinser’s career is marked by several impactful cases, including a [report last year](#) that said the Patent and Trademark Office paid 19 teleworking paralegals more than \$5 million while they sat largely idle for four years.

[*\[Patent office filters out worst telework abuses in report to its watchdog\]*](#)

The inspector general’s office also found last year that the former U.S. trademarks commissioner intervened to help her daughter’s fiance land a job at the Patent and

Trademark Office. The official has since retired.

Additionally, Zinser issued a report in 2010 detailing [alleged abuses of the badge](#) by federal law enforcement officials who oversaw fisheries in the Northeast. The review prompted the Commerce Department to pay nearly \$650,000 in remittance to fishermen.

Despite those high-profile cases, Johnson said Zinser’s “wide-ranging misconduct, supported by just a tiny coterie of current senior staff, is sufficient in and of itself to justify immediate removal.”

Josh Hicks covers the federal government and anchors the Federal Eye blog. He reported for newspapers in the Detroit and Seattle suburbs before joining the Post as a contributor to Glenn Kessler’s Fact Checker blog in 2011.
