



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF INSPECTOR GENERAL



CLOSING
REPORT OF INVESTIGATION
WILLIAM MENDOZA (EMPLOYEE CASE)

16-000756

OCTOBER 24, 2017

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Report by:

(b)(6) (b)(7)(C)

Assistant Special Agent in Charge

Approved by:

GEOFFREY WOOD
Special Agent in Charge

Digitally signed by Geoffrey Wood
DN: cn=U.S. Government,
ou=U.S. Department of Education,
cn=Geoffrey Wood,
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CLOSING
REPORT OF INVESTIGATION
WILLIAM MENDOZA (EMPLOYEE CASE)

SUMMARY

The OIG was contacted by the Washington Metro Area Transit Authority Police Department, Criminal Investigative Division (WMATA) regarding potential criminal activity by a U.S. Department of Education (ED) employee while utilizing government SmarTrip benefits. WMATA alleged that William Mendoza, then ED's Executive Director of the White House Initiative on American Indian and Alaska Native Education, was taking, or attempting to take, photographs/video under the skirts of women with a type of smart phone while utilizing the Metro Transit system. The OIG investigation revealed that Mendoza engaged in criminal conduct while on government work time and/or while utilizing government transit benefits. Prior to the resolution of the OIG's investigation, Mendoza resigned from ED.

VIOLATIONS

The activities identified in this report are violations of:

- 22 D.C. Code §§ 3531(d), 1803 (2001 ed.) – Attempted Voyeurism
- 31 USC 1349 – Misuse of Government Property
- ED Code of Conduct Violations

PREDICATION

On August 8, 2016, the OIG was contacted by WMATA regarding potential criminal activity by an ED employee while utilizing government SmarTrip benefits. Through victim/witness accounts, SmarTrip account data and video footage, WMATA's investigation developed information that William Mendoza, then ED's Executive Director of the White House Initiative on American Indian and Alaska Native Education, was taking or attempting to take, photographs/video under the skirts of women with a type of smart phone while utilizing the Metro Transit system.

NARRATIVE

The OIG initiated an investigation into potential administrative violation(s) committed by Mendoza including misuse of government property and government time, conduct prejudicial

to the federal government, conduct unbecoming a federal employee and inappropriate behavior of a sexual nature.

On November 21, 2016, WMATA obtained and executed an arrest warrant on Mendoza for attempted voyeurism, DC Code § 22-3531. Search warrants for Mendoza's electronic devices were also obtained and executed. At the time of his arrest, in Mendoza possessed his ED issued iPhone and computer, which were transferred to the OIG's possession the following day.

On November 22, 2016, Mendoza submitted a resignation letter to ED, which became effective on November 25, 2016.

The OIG acquired Mendoza's, relevant time and attendance records (webTA) and his assigned SmarTrip transit benefits account number to compare them to the dates and times when Mendoza was engaging in or attempting, voyeuristic acts/potential criminal conduct. Mendoza's ed.gov email account and his ED issued computer were also examined.

When the work hours claimed and the SmarTrip transit benefit account number assigned to Mendoza were scrutinized, in relation to Mendoza's actions reported and/or captured on video, it was evident that Mendoza was engaging in or attempting voyeuristic acts/criminal conduct while utilizing government benefits and/or on scheduled/claimed work time.

On at least four occasions, while in a work status and/or using his SmarTrip benefits, between July 1, 2016 and July 8, 2016, Mendoza engaged in (or attempted to engage in) what appeared to be voyeuristic acts by recording video or taking photographs up unknowing/non-consenting women's skirts.

PROSECUTIVE/ADMINISTRATIVE STATUS

Prior to the resolution of the OIG investigation and subsequent administrative referral to ED, Mendoza resigned on November 25, 2016.

On January 13, 2017, Mendoza pleaded guilty to attempted voyeurism in violation of 22 D.C. Code §§ 3531(d), 1803 (2001 ed.) in the Superior Court of the District of Columbia and was sentenced to ninety days incarceration (suspended), one year of supervised probation and a \$100 dollar assessment for the Victims of Violent Crime Act.

On April 14, 2017, the OIG requested that the ED Office of Personnel Security seek debarment of Mendoza from federal employment due to suitability through the Office of Personnel Management.

On August 10, 2017, the OIG, in compliance with the National Defense Authorization Act for Fiscal Year 2017, Sec. 2, Division A, Title XI, Subtitle C, § 1140 (Pub. L. No.114-328)(codified at 5 U.S.C. § 3322), sent forth a notification of a completed OIG investigation, along with a Report of

Investigation to the ED Chief Human Capital Officer, (b)(6) (b)(7)(C) The
aforementioned statute mandates that ED make a permanent notation in the official personnel
file of an employee who resigns prior to the resolution of a personnel investigation, which
results in an adverse finding. On October 4, 2017, (b)(6) (b)(7)(C) ED Director of Workforce
Relations Division, Office of Human Resources, advised that a notation was made in Mendoza's
official personnel file regarding this matter.

SUBJECT OF INVESTIGATION

Name: WILLIAM MENDOZA; Last Known Address (b)(6) (b)(7)(C)
Last Known Telephone (b)(6) (b)(7)(C) Date of Birth: (b)(6) (b)(7)(C) SSN: (b)(6) (b)(7)(C)

EXHIBITS

1. Referral Memo/Administrative ROI



UNITED STATES DEPARTMENT OF EDUCATION



DATE OF ACTIVITY: July 31, 2017
ACTIVITY BY: ASAC (b)(6) (b)(7)(C)
CASE NUMBER: 16-000756
CASE NAME: William Mendoza (Employee)
REFERENCE: Investigative Comparison

This memorandum will serve as documentation of the Mendoza's relevant time and attendance records (webTA), his assigned Smartrip transit benefits account number and how both align with the timing of when Mendoza was engaging in, or attempting thereto, voyeuristic acts/potential criminal conduct.

When Mendoza's time card (webTA/T&A Summary) was acquired for pay period 15 in 2016, it revealed the following hours claimed:

- July 5, 2017 – Start Time 9:00AM; Stop Time 5:30PM; Meal Time .5 hours
- July 6, 2017 – Start Time 9:00AM; Stop Time 5:30PM; Meal Time .5 hours
- July 7, 2017 – Start Time 9:00AM; Stop Time 5:30PM; Meal Time .5 hours
- July 8, 2017 – Start Time 9:00AM; Stop Time 5:30PM; Meal Time .5 hours

When Mendoza's Smartrip transit benefit assigned account number was requested, it returned a card number of (b)(6) (b)(7)(C).

On November 30, 2016, Detective (b)(6) (b)(7)(C), Metro Transit Police Department, served as the affiant on a search warrant application with the Superior Court for the District of Columbia for items, which included a Department of Education (ED) Dell laptop computer bearing EDU613266 (Mendoza's assigned laptop computer). Detective (b)(6) (b)(7)(C) did secure the aforementioned search warrant to execute a search for evidence of voyeurism in violation of 22 DC Code § 3531. In his recitation of probable cause, Detective (b)(6) (b)(7)(C) provided the following facts:

- A victim/witness (VW-1) reported to the Metro Transit PD, that on July 7, 2016, at approximately 9:35AM, she was exiting the Washington, DC Metro system at McPherson Square Metro station (1400 I Street NW) While on the escalator, VW-1 heard a male voice yell "stop!" VW-1 observed a man (later identified by Detective (b)(6) (b)(7)(C) as Mendoza) run past her carrying a cell phone and a bag over one shoulder. The individual who yelled "stop" approached VW-1 and advised her that Mendoza was taking pictures of VW-1's undergarments by placing his cellular phone under her skirt.
- A review of video footage revealed Mendoza exiting the paid area of the subject Metro station, waiting for VW-1 to pass him and him following her onto, and up, the escalator with an illuminated cell phone pointed in the direction of VW-1's dress. At the top of the

escalator, the video footage displayed Mendoza stepping around VW-1 and running from the scene.

Detective (b)(6) (b)(7)(c) was able to discern that Mendoza was using a Smartrip card with a number of (b)(6) (b)(7)(c). The phone number associated with the aforementioned account and various open source searches, led Detective (b)(6) (b)(7)(c) to identify the unknown man in all of the above and below referenced video footage as Mendoza. After querying Smartrip card activity bearing said number, Detective (b)(6) (b)(7)(c) found additional conduct/similar offenses captured on digital video surveillance footage on the following dates:

July 5, 2016, approximately 2:09PM, Mendoza departed a train at the Union Station Metro (800 1st Street NE) followed VW-2, who wore a short jean skirt, onto two different escalators with his illuminated cell phone in his hand in positions in close proximity to the bottom of VW-2's skirt.

July 5, 2016, approximately 2:31PM, Mendoza exited Metro Center metro (607 13th St NW). Mendoza followed VW-3, who was wearing extremely short cut black shorts, onto the escalator leading to the street and placed an illuminated cell phone in close proximity to the bottom of VW-3's shorts.

July 7, 2016, approximately 8:23AM, Mendoza exited McPherson Square Metro, followed VW-4 towards the escalators, stepped onto the escalator behind VW-4 with an illuminated cell phone in his hand and placed the phone in close proximity to VW-4's dress. VW-4 is observed pulling her skirt close to her legs. VW-4 was contacted by Detective (b)(6) (b)(7)(c) and VW-4 indicated she knew why Detective (b)(6) (b)(7)(c) was contacting her. VW-4 acknowledged the incident and provided that the same male (described as taller white or Latino man with glasses and a pony tail), two weeks prior, used his cell phone to film her underwear while she rode the train.

July 7, 2016, approximately 6:19PM, Mendoza was at the Virginia Square Metro station (3600 Fairfax Drive, Arlington, VA) standing directly below a video surveillance camera wherein he unlocks a cell phone and accesses a stored video, which depicted the lower half of a woman's body with her undergarments visible from underneath a white skirt. The video appeared to have been surreptitiously filmed in a store's dressing room.

July 8, 2016, approximately 9:25AM, Mendoza exited the paid area of Farragut West Metro (837 17th Street NW) followed VW-5, who wore a maroon dress, onto the escalators where he placed an illuminated cell phone near the bottom of her dress while immediately behind her. After completion of this action, Mendoza turned around, walked down the escalator at Farragut West and returned to the unpaid area of the station. Mendoza waited in this area for approximately 1 minute before following VW-6 as she exited the station via escalator. VW-6 wore a blue dress. Mendoza stood behind VW-6 on the escalator and placed an illuminated cell phone near the bottom of her skirt and a bright light appeared which was consistent with a "flash" associated with a camera.

When examining the above listed hours claimed and the Smartrip transit benefit account number assigned to Mendoza in relation to Mendoza's actions reported and/or captured on video, it is evident that Mendoza was engaging in or attempting voyeuristic acts/potential criminal conduct while utilizing government benefits and/or on scheduled/claimed work time.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

United States of America
Vs.

JUDGMENT IN A CRIMINAL CASE
(Probation)

WILLIAM M MENDOZA

DOB: (b)(6) (b)(7)

Case No. **2016 CF2 019133**

PDID: **718138**

DCDC No:

THE DEFENDANT HAVING BEEN FOUND GUILTY ON THE FOLLOWING COUNT(S) AS INDICATED BELOW:

Count Court Finding

1 Found Guilty - Plea

Attempted Voyeurism - Privacy - Misdemeanor

SENTENCE OF THE COURT

Count 1 Attempted Voyeurism - Privacy Misdemeanor. Sentenced to 90 day(s) incarceration, execution of sentence suspended as to all, *Supervised Probation for 1 year(s), \$100.00 VVCA, VVCA Due Date 02/10/2017

Defendant is hereby ordered placed on probation - See-Page 2 of this Order for Conditions of Probation; *upon release from either the courtroom or incarceration, Defendant must report to 300 Indiana Avenue, NW, **Room 2070**, Washington, DC, by the next business day after release from jail or prison.*

Total costs in the aggregate amount of \$ **100.00** have been assessed under the Victims of Violent Crime Compensation Act of 1996, and ☐ have ☒ have not been paid. ☐ Appeal Rights Given ☐ Gun Offender Registry Order Issued ☐ Sex Offender Registration Notice Given ☐ Domestic violence notice given prohibiting possession/purchase of firearm or ammunition ☐ In addition to any condition of probation, restitution is made part of the sentence and judgment pursuant to D.C. Code § 16-711.

1/13/2017

Date

Entered by Clerk pursuant to Criminal Rule 32(f)

1/13/2017

Date



Handwritten signature of Marisa J. Demeo.

MARISA J DEMEO

Judge

Handwritten signature of Veda Rasheed.

Veda Rasheed

Deputy Clerk

Case: 2016 CF2 019133



00060433615
Dkt: CRJ30

CASE NUMBER: 2016 CF2 019133
DEFENDANT: WILLIAM M MENDOZA



The Defendant is hereby placed on *Supervised Probation for a term of 1 year(s).

GENERAL CONDITIONS OF PROBATION

1. Obey all laws, ordinances, and regulations.
2. Report to CSOSA today and then for all appointments scheduled by your Community Supervision Officer (CSO).
3. Permit your CSO to visit your place of residence.
4. Notify your CSO within one business day of (A) an arrest or questioning by a law enforcement officer, (B) a change in your residence, or (C) a change in your employment.
5. Obtain the permission of your CSO before you relocate from the District of Columbia.
6. Do not illegally possess or use a controlled substance or any paraphernalia related to such substances (you may take lawfully prescribed medication). You must not frequent a place where you know a controlled substance is illegally used or distributed.
7. You must drug test at the discretion of CSOSA. In the event of illicit drug use or other violation of conditions of probation, participate as directed by your CSO in a program of graduated sanctions that may include periods of residential placement or services.
8. Participate in and complete CSOSA's employment/academic program, if directed by your CSO.
9. Participate in and complete other CSOSA's programs as identified through CSOSA's risk and needs assessment.
10. Satisfy all court imposed financial obligation(s) (fines, restitution, Victim of Violent Crime Act assessments, etc.) to which you are subject. You must provide financial information relevant to the payment of such a financial obligation that is requested by your CSO. A payment plan will be established by your CSO so that you will be in a position to pay your court imposed financial obligation(s) within 90 days prior to the termination of your probation.

SPECIAL CONDITIONS OF PROBATION

1. Cooperate in seeking and accepting medical, psychological or psychiatric treatment in accordance with written notice from your CSO.
2. Restitution of \$ _____ in monthly installments of \$ _____ beginning _____
☐ The Court will distribute monies to: _____
3. ☐ You are to stay away from the person(s) and or address(es) listed below:

☐ You are to stay away from the following places or area (s): _____

You are not to have contact with any of the persons named above. You must remain at least 100 yards away from them, their home, and/or their places of employment. You are not to communicate, or attempt to communicate with any of these persons, either directly or through any other person, by telephone, written message, electronic message, pager, or otherwise, except through your lawyer.

4. **Other Special Conditions:** The court is permitting the defendant to live in Montana or South Dakota. The defendant shall submit to CSOSA by either fax or email regular updates of reports of sessions with a mental health expert professional with expertise in sexual behavior issues.

**SUPERIOR COURT
OF THE
DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

CRIMINAL NO.: 2016 CF2 19133

v.

JUDGE DEMEO

WILLIAM MENDOZA

INFORMATION

1. On or about July 7, 2016, within the District of Columbia, the defendant, William Martin Mendoza, attempted to intentionally capture an image of a private area of (b)(6) (b)(7)(C) under circumstances in which (b)(6) (b)(7)(C) had a reasonable expectation of privacy, without her express or informed consent. (Attempted Voyeurism) in violation of 22 D.C. Code, Sections 3531(d) and 1803 (2001 ed.)).

Respectfully submitted,

CHANNING D. PHILLIPS
UNITED STATES ATTORNEY

(b)(6) (b)(7)(C)

Assistant United States Attorney

Case: 2016 CF2 019133



UNITED STATES
DEPARTMENT OF EDUCATION



OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATION SERVICES
REPORT OF INVESTIGATION CONCERNING

CLOSING ROI

CASE NO:

15-110426

REPORT OF:

(b)(6) (b)(7)(c)

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Submitted By

(b)(6) (b)(7)(c)

Date Submitted

12/05/2016

Approved By

ROBERT MANCUSO

Approved Date

12/05/2016

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF INSPECTOR GENERAL
INVESTIGATION SERVICES



PREPARED BY:

(b)(6) (b)(7)(C)

DATE:

12/05/2016

DISTRIBUTION:

File

OFFICE:

REGION 11 - TCD

NARRATIVE

This investigation was predicated by a referral from the U.S. Department of Education (Department) Office of the Chief Information Officer (OCIO). The referral alleged that (b)(6) (b)(7)(C) used (b)(6) assigned government-owned computer to search for sexually explicit child exploitation material while at work. The investigation revealed that (b)(6) (b)(7)(C) performed several searches for this type of material over a period of several days, and artifacts resulting from those searches were found on one government-owned computer issued to (b)(6) (b)(7)(C). This investigation was presented for prosecution to the U.S. Attorney's Office (USAO) in both the Eastern District of Virginia (EDVA) and the District of Columbia (DC), but was declined due to (b)(6) (b)(7)(C).

(b)(6) (b)(7)(C) was employed by the Department as an (b)(6) (b)(7)(C). (b)(6) (b)(7)(C) was assigned the duties of an (b)(6) (b)(7)(C) in the Office (b)(6) (b)(7)(C) for the Department. In this role, (b)(6) (b)(7)(C) was the (b)(6) (b)(7)(C) for all (b)(6) (b)(7)(C) matters and (b)(6) matters within (b)(6) (b)(7)(C).

On September 22, 2014, the Department's IT Security Operations Center detected an alert from a malware sensor on the Department's network. The alert information indicated (b)(6) (b)(7)(C) and was possibly infected with malware. Department records revealed the computer was a U.S. Government issued computer assigned to (b)(6) (b)(7)(C). Preliminary review of network logs by Department personnel revealed that at the time of the alert the subject computer was being used to search for and view pornography through the Internet search engine Bing (Attachment 1).

Per Department policy, in order to determine whether the subject computer was infected with malware and the source of the infection, Department IT Security personnel from the Office of the Chief Information Officer (OCIO) retrieved the computer from (b)(6) (b)(7)(C) work space to obtain a forensic image of the hard drive and for the purpose of determining whether it was infected with undetected malware that generated

the detected traffic. During the forensic examination of the computer, multiple anti-virus scans of the computer with different anti-virus products found potentially malicious files, but the creation date of those files significantly pre-dated the date on which the traffic that alerted the malware sensor occurred. In order to determine the cause of the malware detection, OCIO began a review of web history and browser artifacts on the subject computer. During this review, on December 3, 2014, OCIO recovered from the browser cache on the computer graphic photo images of nude and nearly nude children as well as graphically drawn images of children engaging in sexual acts with adults. Upon discovering images that could be construed as child exploitation, OCIO immediately ceased the review of the computer and notified the Technology Crimes Division (TCD) of the Office of Inspector General for the Department of Education (ED OIG).

On December 3, 2014, TCD reviewed the material discovered by OCIO and determined it to be nearly identical to material from another investigation that resulted in prosecution for possession of child exploitation images. TCD took possession of the forensic image as well as the hard drive from the computer, which had been retained by OCIO personnel.

A second forensic image of the computer hard drive was obtained and examined by TCD. The digital forensic examination was completed on April 15, 2015 (Attachment 2). The examination revealed thirteen images of apparent minors and possibly pre-pubescent children in various levels of undress, including one engaged in sexual activity, in temporary Internet files of the user profile (b)(6) (b)(7)(C). Additionally, the following Internet searches were conducted using the (b)(6) (b)(7)(C) profile between October 19, 2014, and October 22, 2014:

Very+Young+Little+Girls
Lola+Pre+Very+Young+Surprised+Girl
Lola+Pre+Very+Young+Baby+Girl
Lola+Pre+Very+Young+Thai+Girls
lola+pre+very+young+surprised+girl
Very+Young+Girl+Old+Man
Naked+Toddler+Sucking+Cock
Very+Young+Little+Girls+Sucking
Lola+Pre+Very+Young+Boys
Very+Young+Pre+Lola+Girls
Pre+Girls+Sucking+Dick
Too+Young+Boy
VK+Boy+Suck+It
Vintage+Nudist+Boys
Boys+Only+Nudist+Camp
Little+Boy+Nudists+But
boys+fucking+animals+xxx
animal+loving+boys+xxx
dennis+the+menace+xxx

Department records revealed (b)(6) (b)(7)(C) was assigned a Government furnished laptop computer and that (b)(6) (b)(7)(C) did have a telework agreement in place.

On 4/30/2015, this investigation was presented to the USAO in EDVA. The investigation was accepted in order support the obtaining of search warrants for further investigation. Search warrants for (b)(6) (b)(7)(C) home and office were obtained from EDVA and DC, respectively (Attachment 3 and 4).

TCD executed a search warrant on the residence and office of (b)(6) (b)(7)(C) on 08/05/2015. Four government-owned computers were seized from these locations.

(b)(6) (b)(7)(C) was interviewed during the search warrant execution. During the interview (b)(6) (b)(7)(C) did not state that (b)(6) (b)(7)(C) recalled using the described search terms. (b)(6) (b)(7)(C) said (b)(6) (b)(7)(C) was testing the website blocking protocols employed by the Department, and some of the images that (b)(6) (b)(7)(C) found during (b)(6) (b)(7)(C) browsing and searching might be considered Child Exploitation material (Attachment 5).

The Department indefinitely suspended (b)(6) (b)(7)(C) without pay on (b)(6) (b)(7)(C)/2015, pending the results of this investigation (Attachment 6). On (b)(6) (b)(7)(C)/2015, the Department notified TCD that (b)(6) (b)(7)(C) had retired from civil service (Attachment 7).

On 12/07/2015, digital evidence forensic examiners from TCD searched three of the seized computers for additional evidence. No child exploitation material was located as a result of the search (Attachment 8). The fourth seized computer was encrypted and could not be accessed for search.

On 05/20/2016, TCD provided the hashes of all pornographic images found on (b)(6) (b)(7)(C) computer to the National Center for Missing and Exploited Children (NCMEC) in order to compare those hashes to hashes of images previously submitted to NCMEC for examination. A successful match in this comparison only indicates that NCMEC has seen the image previously and not that NCMEC has determined the image to be child exploitation material. Only one of the submitted hashes matched and it was not one of the suspected thirteen Child Exploitation images (Attachment 9).

On 06/30/2016, TCD received a verbal declination of prosecution from the Eastern District of Virginia due to (b)(6) (b)(7)(C).

On 08/16/2016, TCD met with a prosecutor from DC and reviewed the thirteen possible Child Exploitation images found on (b)(6) (b)(7)(C) computer. DC declined this investigation for prosecution due to (b)(6) (b)(7)(C).

As this investigation has been declined for prosecution and (b)(6) (b)(7)(C) has retired from federal service, this investigation is closed.

SUBJECT

Index Name

(b)(6) (b)(7)(C)

Index Code

Individual

SSN

(b)(6) (b)(7)(C)

Birth Date

(b)(6) (b)(7)

Individual Address

Street1

(b)(6) (b)(7)(C)

City

(b)(6) (b)(7)(C)

State

(b)(6)

Zip Code

(b)(6)

(b)(7)

Country

USA

Individual Telephone

(b)(6) (b)(7)(C)

Prosecutive Status

Declined Criminal Action

Index Name

(b)(6) (b)(7)(c)

Declined Date

06/29/2016

Declined Reason

Minimal Federal Interest or no Deterrent Value

Declined Attorney Code

US Attorney

Declined Assistant Attorney

(b)(6) (b)(7)(c)

Declined Venue

Virginia, Eastern District (Federal)

DOCUMENT FILENAME

(b)(6) (b)(7)(C) _EDSERdocx.docx
Forensic Report.pdf
(b)(6) _home_warrant_signedpdf.pdf
(b)(6) _office_warrant_signedpdf.pdf
(b)(6) (b) _suspension_letterpdf.pdf
(b)(6) (b) _retirement_notice_emailpdf.pdf
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NCMEC_reports.zip
EDVA_declinationpdf.pdf
declination_emailpdf.pdf
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