

(3) [Ms. Adams] was not authorized by NAVINSGEN or ONR to release this information.

(4) The preponderance of the evidence determined the allegation that [Ms. Adams] improperly provided official information regarding a Department of Navy Inspector General Hotline Investigation to a member of the public in violation of CPI 752 and SECNAV Instruction 5370.5B is substantiated.

d. Recommendation. Forward to higher authority for review.

e. Disposition. Forward to higher authority for appropriate administrative and/or corrective action.

THIRD ALLEGATION (EMERGENT). That ([Ms. Adams] [redacted] between 2006 through 2009 failed to follow local or higher level policy as required by CPI 752 while conducting oversight of the scientific misconduct investigation of [Dr. Rusi Taleyarkhan] [redacted], to wit: [she] failed to remain objective and impartial. **Substantiated**.

a. Facts

(1) CPI 752 lists the following as a punishable offense: "Disobedience to constituted authorities; deliberate refusal or failure or delay in carrying out any proper order, work assignment or instruction; insubordination, including failure to follow local or higher level policy."

(2) DODI 7050.01, Defense Hotline Program, Enclosure 1, Reference F, President's Council on Integrity and Efficiency, "Quality Standards for Investigations," December 2003 lists independence as a standard for investigators: In all matters relating to investigative work, the investigative organization must be free, both in fact and appearance, from impairments to independence; must be organizationally independent; and must maintain an independent attitude.

(3) The Naval Inspector General Investigations Manual, July 1995, states the following:

0518 Complainants: In most cases, complainants should be notified as soon as the decision to conduct an investigation is made. ...Complainants may be told they will be advised of the general results of the investigation upon its conclusion.... Complainants need

not be provided status reports, but there is nothing wrong with advising them that an investigation is still in progress or of the expected timeframe for its completion, since they will be provided that information if they file a FOIA request before the investigation is completed.

0537 Requests for Advice: Sometimes an interviewee may request advice from the investigator. Investigators should decline to provide such advice except as it relates to their rights and duties in connection with the investigation, or the procedures relating to the interview.

0541 Losing impartiality: Investigators must be especially careful to avoid situations which may make it appear they are not impartial.

(4) The current [investigator?] conducted a targeted e-mail search of [Ms. Adams]' NMCI e-mail using the search terms "Purdue, [Taleyarkhan], [Tsoukalas], Krivit, and STIB" as part of a Preliminary Inquiry.

(5) Results of the search produced 42 e-mails between [Ms. Adams] and [Dr. Lefteri] [Tsoukalas], the [complainant] in the scientific misconduct investigation against [Dr. Taleyarkhan], between January 2007 and October 2009. The majority of e-mails, 31 of the 42, occurred between March 2008 and September 2008.

(6) On 13 February 2008, 9:08 a.m., Subject: RE: Meeting with Investigation Committee, [Ms. Adams] e-mailed [Dr. Tsoukalas]. In response to [Dr.] [Tsoukalas]' complaint involving Purdue attorney [William Kealey], [Ms. Adams] tells [Dr.] [Tsoukalas] that "[Kealey] is making a fool of himself."

(7) On 3 March 2008, 9:04 a.m., Subject: RE:[Fwd:Email], [Ms. Adams] e-mailed [Dr.] [Tsoukalas]. In response to [Dr.] [Tsoukalas]' complaint that Purdue University was intercepting his e-mail and that a particular e-mail was selected to provide to the Investigation Committee, [Ms. Adams]' replies:

Dear [Dr.] [Tsoukalas],

The University President was Martin Jischke.

I have a scheduled "phone" appointment tomorrow with [Dr.] [Dunn], the University President, and [Mr.] [Kealey] (Esq.). I will have some of my own experts on this side of the line, as well.

I am printing out your email and, if there is a chance, I will ask the question.

They called the meeting to find out what sanctions, if any, we can impose on someone who commits scientific research misconduct. SO, we'll see how it goes. You may share this information with everyone ... If they want a particular question answered, I might be able to fit it in.

(8) On 4 March 2008, no time or subject line contained, [Ms. Adams] responds to [Dr. Tsoukalas'] statement that [Dr. (7)(C) Dunn] had not responded to [Dr. Tsoukalas'] objection to Purdue's e-mail interception with the following:

Interestingly enough, [Dr. Dunn] cancelled his meeting with me, today. Hmhmhmhm. I guess they need to regroup.

(a) [Dr. Tsoukalas] responds that he received no answer from [Dr. Dunn] about the interception.

(b) On 5 March 2008, 7:34 a.m., Subject: RE: [Taleyarkhan investigation], [Ms. Adams] replies with the following:

Before I confirmed [Dr. Dunn's] appt, I asked if there had been significant changes from the inquiry results to the investigation results. He said he didn't know, yet. I told him that if so, there may be no reason to talk.

Then, a week later, they canceled the phone call meeting and asked for a one-month extension. Sounds to me like there may be some strategic wordsmithing going on. Fortunately, I'm alert to that kind of tactic and will settle for nothing less than straight forward answers.

(9) When questioned about the previous e-mails, [Ms. Adams] stated she saw nothing wrong with these conversations with [Dr. Tsoukalas]; he worked very closely with [her], asked a lot of questions, and she responded. When asked if she could remain objective while working very closely with [the complainant], [Ms. Adams] stated she believed so.

(10) On 6 March 2008, 6:39 p.m., Subject: Fwd: [Fwd: Re: Email], [Dr. Tsoukalas] informs [Ms. Adams] that [Dean Jamieson] authorized interception of his e-mail and states:

I would like to request a copy of [Jamieson's] authorization to intercept my email. I would also like to send the attached letter requesting that it is forwarded to the Investigations Committee but I do not wish Purdue to make excuses and delay the investigation or

delay sending you their report. Any advice will be appreciated.
Can we talk on the phone at your convenience?

(11) [Ms. Adams] stated [she] didn't remember whether [she] responded to that e-mail.

(12) On 6 March 2008, 23:43, Subject: Concerns, [Dr. Tsoukalas] asks many questions related to Purdue University's interception of his e-mail. He again states he would like to ask Purdue University for a copy of the written approval and request made by [Dr. Tsoukalas], "But, again, I do not wish to give [attorney Kealey] and [Dr. Dunn] any excuse to delay."

(a) On 7 March 2008, no time or subject indicated, [Ms. Adams] replies:

I agree. It may be best to wait it out for a week or two. I'll probably be called again for a phone meeting.

(b) On 7 March 2008, 7:45 a.m., Subject: Re: Concerns, [Dr. Tsoukalas] responds:

Thank you [Holly]. I will not send anything to Purdue until further notice. Thank you very much. [Lefteri c]

(13) When [Ms. Adams] was asked about advising [Dr. Tsoukalas] regarding his complaints concerning Purdue University's investigation, [Ms. Adams] stated [she] did not see a problem with [her] response to [Dr. Tsoukalas].

(14) On 7 April 2008, 1:08 p.m., Subject: RE: Analysis of precision in [Xu?] et al, [Ms. Adams] replies to [Dr. Tsoukalas]:

Thank you! I hope to get the finished investigative report by the 15th. There will be no additional extensions.

I have kept everything you have sent me to compare against the report. It will be a chore, and a welcome one!

(15) When [Ms. Adams] was asked why [she] intended to compare Purdue University's final investigative report to the information provided to [her] by [Dr. Tsoukalas], [she] stated it was to make sure that Purdue University had accurately represented the evidence and that "there hadn't been anything that was altered or changed" by them.

(a) On 7 April 2008, 11:49 a.m., Subject: Developments, [Dr. Tsoukalas] writes to [Ms. Adams]:

In the summer of 2007, Revankar, another professor in the school, filed a research integrity complaint against Tsoukalas with Purdue.

I wonder if we could have any litigation support from ONR. With the significant out of pocket legal expenses of last summer [Purdue's] (c) and [Revankar's] allegations against us in which we were forced to retain counsel) our resources are severely depleted ("we are broke" in plain English).

(b) On 7 April 2008, 2:43 p.m., [Ms. Adams] replies:

Hmmmmmm. Let me think if there are any angles we can use. There may be, depending on the results from the final report. That may be the catalyst for us to get more involved.

(16) [Ms. Adams] stated [she] contacted [her? supervisor?], [Mr. Cline?] and asked whether there was anything the government could do to "keep that kind of thing from happening or to provide support for witnesses who were being, in my opinion, were being exploited by the subject of this complaint..."

(17) When asked how the results of the final report could be a catalyst for ONR to get more involved, [Ms. Adams] had no response.

(18) On 18 April 2008, 11:14 a.m., Subject: Defamation lawsuit filed by Purdue [Researcher] [www.jconline.com] Journal and Courier. In response to a query from [Dr. Tsoukalas] on whether Purdue University had sent their report of investigation to [her] office, [Ms. Adams] replied:

They just sent it.... Later next week, I'll have more info.

(19) When asked what additional information [Ms. Adams] would have 'later next week', [Ms. Adams] stated perhaps [the University] was waiting for a date when there would be a final report completed.

(20) On 12 August 2008, 6:20, [Dr. Tsoukalas] e-mails [Ms. Adams], "Thank you for your letter and report..."

(21) When questioned about this e-mail, [Ms. Adams] stated [she] did not provide [Dr. Tsoukalas] a report.

The report refers to the April 18, 2008 Purdue C-22 Investigation Committee Final Report.

On Sept. 1, 2008, five days after Purdue issued sanctions against Taleyarkhan, Tsoukalas e-mailed Adams and said the SNE faculty was very disappointed with the Purdue sanctions and wanted to meet with her. Later that month, Adams visited the Purdue SNE and met with members of the faculty (except Taleyarkhan and Revankar).

(22) On 1 September 2008, 14:07, Subject: NE faculty wishes to meet with you, Dr. Tsoukalas e-mails Ms. Adams:

I know that retaliations are not within the IG's area, and hence do not know if this is appropriate, or even possible, but maybe something to discuss, no?

(a) Ms. Adams replied on 2 September 2008:

Dear Lefteri,

Let me have a day to catch up, here, and, let's talk. There may be some strategies available that we haven't explored.

(b) When questioned about what 'strategies' she was referring to, Ms. Adams stated that she didn't recall due to the two year period that had elapsed since the e-mail in question.

(23) On 22 October 2009, Dr. Tsoukalas provided Ms. Adams a letter of recommendation for graduate studies. Dr. Tsoukalas' letter states:

I have known Ms. Adams over the past several years in her capacity as Inspector General of the Office of Naval Research and have collaborated with her in discerning a very difficult case of research integrity. She did an outstanding investigation upholding the highest standards of objectivity and professionalism. The reasoning and analytical skills that she brought to bear on the investigation would be envied by any great research scientist.

When questioned about this letter of recommendation, Ms. Adams stated she did not think it was improper to request a letter of recommendation from Dr. Tsoukalas. she requested the letter of recommendation after Purdue University closed their investigation into scientific misconduct by Dr. Taleyarkhan. At the time of her request, Ms. Adams was no longer working as the ONR IG, she had been reassigned as the FOIA officer at ONR. Ms. Adams believed that Dr. Tsoukalas would have written her a letter of recommendation even if allegations against Dr. Taleyarkhan were unsubstantiated. Ms. Adams stated she did not agree that Dr. Tsoukalas "collaborated with her in discerning a very difficult case of research integrity". she did, however, accept the letter of recommendation as written.

(24) Ms. Adams stated her objectivity of this investigation was not compromised at any time and, had it been, there would have been "additional substantiation of allegations".