

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ORGANIZATION FOR)	
COMPETITIVE MARKETS,)	
)	
Plaintiff,)	
)	Civil Action No. 14-1902 (EGS)
v.)	
)	
OFFICE OF INSPECTOR)	
GENERAL, USDA,)	
)	
Defendant,)	
and)	
NATIONAL CATTLEMEN’S BEEF)	
ASSOCIATION,)	
)	
Defendant-Intervenor.))	
_____)	

INDEX OF EXHIBITS

Exhibit Number	Description
1	Sept. 17, 2012: Email from Journalist to OIG
2	Dec. 20, 2012: “Unofficial Official Draft” to AMS
3	Jan. 8, 2013: AMS Email “LOT of heartburn” over the report as written
4	Feb. 26, 2013: OIG Email “Beef Board Finding Reboot”
5	March 7, 2013: OIG Letter Releasing Official Draft—States Revision Based on Dec. 6 Exit Conference
6	MoC: OIG Questions NCBA about Checkoff-Funded Travel to DC for 20 staffers
7	July 1, 2016 Email re Indexing AMS Comments on Draft Report

Exhibit 1

Non Responsive

From: PFEIL, DONALD
Sent: Tuesday, September 18, 2012 2:38 PM
To: MICKIEWICZ, JOSEPH; KEATING, PAUL
Subject: RE: "K.C. Star" Has Q's & Interest in Beef Checkoff Program Report

Not that I see.

From: MICKIEWICZ, JOSEPH
Sent: Tuesday, September 18, 2012 2:37 PM
To: KEATING, PAUL; PFEIL, DONALD
Subject: FW: "K.C. Star" Has Q's & Interest in Beef Checkoff Program Report

Any change in the Final Report date?

From: FEENEY, PAUL
Sent: Monday, September 17, 2012 1:50 PM
To: HARDEN, GIL; RICKRODE, STEVEN; MICKIEWICZ, JOSEPH; HENDERSON, WILLIAM; SLAMOWITZ, CHRISTY
Cc: FONG, PHYLLIS; GRAY, DAVID
Subject: "K.C. Star" Has Q's & Interest in Beef Checkoff Program Report

(b)(6) (b)(6) of *The Kansas City Star* has contacted us about a number of issues over the past 6-7 years.

Today Mr. (b)(6) called and made the following comments about 2 issues in which OIG is involved:

1. The Beef Checkoff Program Audit

- o I'm doing a big, 4-part series about the Beef Industry, to be published in December: "I've been working on it all year."
- o I'm interested in when your beef checkoff program report will be done. (b)(5)
(b)(5) *ACP*
- o I'm sure you're aware of the litigation that has been filed involving the Nat'l Cattlemen's Beef Assoc'n (NCBA);
- o In June I was at the NCBA meeting in Nashville; I walked into one of the smaller mtngs and there was discussion about OIG's ongoing audit. An AMS official made some comments that, *'OIG's made some pretty strong statements that we don't like ... and "we've gotten OIG to water them down."*

Exhibit 2

Non Responsive

From: HENDERSON, WILLIAM
Sent: Friday, December 21, 2012 3:03 PM
To: MICKIEWICZ, JOSEPH; KEATING, PAUL; PFEIL, DONALD
Subject: FW: Beef Board unofficial official draft
Attachments: 01099-0001-21_OD unofficial.docx

Bob and Frank want to know when they have to get their comments back to us. I'm going to tell them Tuesday 1/8/13.

Thanks,
Bill H.

From: MICKIEWICZ, JOSEPH
Sent: Thursday, December 20, 2012 10:47 AM
To: Woods, Frank - AMS (AMS); (b)(6)
Cc: HENDERSON, WILLIAM; RICKRODE, STEVEN; KEATING, PAUL; PFEIL, DONALD
Subject: Beef Board unofficial official draft

Frank (b)(6)

Attached is a copy of the unofficial official draft you asked to give comments on before we release the official draft. Please be aware that this version is subject to change based on OIG management approval of the edits AMS provided to the audit team on Tuesday. A quick turnaround would be greatly appreciated. Thank-you.

There was a minor edit made to the version I sent earlier and recalled.

Joseph E. Mickiewicz, CIA

Director

Food, Nutrition, Marketing and Development Division

Phone (202) 720-6703

email: Joseph.mickiewicz@oig.usda.gov

 UNITED STATES DEPARTMENT OF
AGRICULTURE

Exhibit 3

I can request that Steve Rickrode, Deputy Assistant Inspector General for Audit and Gil to attend. I'll let you know if they can make it.

Thanks,
Bill H.

From: Woods, Frank - AMS [<mailto:Frank.Woods@ams.usda.gov>]
Sent: Tuesday, January 08, 2013 9:41 AM
To: HENDERSON, WILLIAM
Subject: RE: AMS Milk Marketing Audit Guide

I'll check with them Bill. Do you anticipate any senior folks from your side being able to attend (i.e. Gil...)?

If we're talking with Don, (b)(5)
Frank

From: HENDERSON, WILLIAM [<mailto:WILLIAM.HENDERSON@oig.usda.gov>]
Sent: Tuesday, January 08, 2013 8:31 AM
To: Woods, Frank - AMS
Subject: RE: AMS Milk Marketing Audit Guide

Joe is back today, and he has time any time after 3pm. Does 3:15 work for your team?

Thanks,
Bill H.

From: Woods, Frank - AMS [<mailto:Frank.Woods@ams.usda.gov>]
Sent: Monday, January 07, 2013 1:05 PM
To: HENDERSON, WILLIAM
Subject: RE: AMS Milk Marketing Audit Guide

Thanks Bill!

On another note.....the Beef Board audit. Tomorrow is January 8th, which Joe had indicated was the date he'd expect a reply from AMS before the official draft is issued. There is still a LOT of heartburn over the report as written, and I'm afraid it will reflect poorly on USDA (as a whole) if released as is.

Let's talk about next steps....

Thanks,
Frank

Exhibit 4

[b6]

]]

From: KEATING, PAUL
Sent: Tuesday, February 26, 2013 10:05 AM
To: [b6]]
Subject: Beef Report
Attachments: beef board finding reboot.docx

Exhibit 5



United States Department of Agriculture
Office of Inspector General
Washington, D.C. 20250



DATE: March 7, 2013

AUDIT
NUMBER: 01099-001-21

TO: David Shipman
Administrator
Agricultural Marketing Service

ATTN: Frank Woods
Audit Liaison Officer
Planning and Accountability Staff
Compliance and Analysis Program

FROM: Gil Harden
Assistant Inspector General for Audit

SUBJECT: Beef Research and Promotion Board Activities

Attached is the official draft report on the subject audit. The report was revised, based on the exit conference with your staff on December 6, 2012. Please provide a written response within 30 days of the date of this transmittal. Your response should specifically address the action planned or taken on each recommendation and the proposed or actual completion date for implementation of each action. Your complete written response will be included in the final report.

If you have any questions concerning this report, please contact me at (202) 720-6945, or have a member of your staff contact Joseph Mickiewicz, Director, Food, Nutrition, Marketing, and Development Division, at (202) 720-5907.

Attachments

Exhibit 6

MEMO OF CONVERSATION

Phone
 Visit
 Conference
 Other

Date:
Time:
Audit File No.: 01099-0001-HY
Filename: NCBA DC Travel

Purpose: To document conversations with Cattlemen's Beef Board and National Cattleman's Beef Association officials concerning NCBA travel to meet with OIG in Washington D.C.

Participants: (b)(6) CBB (b)(6)
(b)(6) NCBA (b)(6)

Conclusion: NCBA decided to embark on two trips to Washington D.C. bringing with them on one trip 8 people and on another trip 12 people and charging the travel costs of the trip to check-off fund expenses in the overhead application pool without prior approval from the CBB for such a questionable trip. NCBA at first claimed OIG requested NCBA come to Washington, then they claimed it was part of ARs, then, when they could not point to a specific AR that the cost should belong to NCBA stated that they would place the costs in the overhead pool applied to all check-off projects.

(b)(5)

Details of Discussion: NCBA, requested time to meet with OIG and discuss issues with the Beef Check-off program on December 6th 2010 and March 8th, 2011. Neither of these meetings was initiated by OIG. We agreed to them if they were in Washington but conveyed to them that we would meet them at their location in Denver in the normal course of the audit.

When we did get to Denver we were confronted by the (b)(6) of the CBB who asked us if OIG had initiated contact and requested the NCBA travel to Washington to brief OIG on the state of the check-off program. We informed her that OIG did not request NCBA travel to meet with us as that is not how we do business. We were told that the NCBA (b)(6) (b)(6) justified the travel expenses to visit OIG as check-off related and necessary since OIG requested the meeting.

OIG then questioned the NCBA (b)(6) about this in a series of emails, when questioned about whether NCBA obtains approval to spend money on trips like these NCBA replied that they, and not the BPOC or CBB, decide what expenses are included as check-off

governance expenses and will be included in the overhead application and paid by the check-off funds.

Signature:

Exhibit 7

Matthew Penzer

From: Campbell, Rhonda (USADC) <Rhonda.Campbell@usdoj.gov>
Sent: Friday, July 01, 2016 4:07 PM
To: Matthew Penzer
Subject: OCM v OIG

From OIG:

Re: the Vaughn index, we are planning to provide 190 randomly sampled pages of w/held or redacted b5 (that are not draft audit reports). Also, re: the remaining index, we are working on indexing about 13 items that reflect AMS comments or input on the draft audit reports.

Also, on the referral records, I heard from AMS yesterday. They are making progress on processing and represented to me that they expect to "release 250 pages within the month". I am getting further input on what the nature of these pages is and when exactly they'd produce. Also, I am trying to focus them on processing e-mail between OIG and AMS first.