



U.S. Immigration  
and Customs  
Enforcement

September 13, 2005

Mr. Robert MacLean  
Federal Air Marshal  
Los Angeles Field Office

Subject: Proposal to Remove

Mr. MacLean:

In accordance with the provisions of the Transportation Security Administration (TSA) Human Resource Management Letter 752-1, Interim Policy for Addressing Performance and Conduct Problems, this is a notice I propose to remove you from your position as a Federal Air Marshal (FAM), and from the Federal service. If this action is found to be warranted, it will not be made effective sooner than 30 calendar days from the date you receive this proposed notice. The reasons and specifications for this action are:

Reason 1: Unauthorized Media Appearance

Specification 1: On or about September 9, 2004, you appeared on the NBC Nightly News television broadcast as the subject shown wearing a hood and identified only as FAM "Mike." You had no prior permission from the Federal Air Marshal management to appear on the aforementioned television newscast. At that time you were aware of Agency policy Directive ADM 3700 that regulated and prohibited your unauthorized contact with the media. You admitted and acknowledged the foregoing during an official, administrative inquiry regarding your conduct.

Reason 2: Unauthorized Release of Information to the Media

Specification 1: During 2004 you informed the media of the content of the FAMS Las Vegas Field Office (LAS FO) e-mails issued during July and August 2004 mandating that LAS FO FAMS compose one Surveillance Detection Report each month. You had no authorization to release this information to the media. Your conduct violated Directive ADM 3700, FAMS Employee Responsibilities and Conduct. You admitted and acknowledged the foregoing during an official, administrative inquiry regarding your conduct.

Reason 3: Unauthorized disclosure of Sensitive Security Information

Specification 1: On July 29, 2003, you disclosed Sensitive Security Information in an unauthorized manner. Specifically, you informed the media that all Las Vegas FAMs were sent a text message to their government issued mobile phones that all RON (Remain Overnight) missions up to August 9<sup>th</sup> would be cancelled, or words to that effect. You admitted and acknowledged the foregoing during an official, administrative inquiry regarding your conduct.

The media person to whom you disclosed this information is not a covered person within the meaning of the SSI regulations, 49 C.F.R. Part 1520. The information you improperly disclosed concerned RON deployments. Such information is protected as SSI pursuant to 49 C.F.R. 1520.5(b)(8)(ii) which safeguards "Information concerning the deployments, numbers and operations of... Federal Air Marshals..." The disclosure of this SSI had the potential to reveal vulnerabilities in the aviation security system, and as such, was extremely dangerous to the public we serve.

As a FAM, you are in a high profile position with significant responsibility for the lives and property of others, and, as such, you must preserve the public's confidence in these critical areas. As a law enforcement officer, you are held to a higher standard of conduct than non-law enforcement Government employees. Most importantly, as a law enforcement officer, you have an affirmative obligation to act properly and responsibly. Your unauthorized media appearance and unauthorized release of information to the media raise serious doubts about your honesty, fitness for employment, reliability, and trustworthiness.

In considering the proposed penalty, I took into account that, as a FAM, you are aware of the importance of upholding and defending local, state, and Federal laws, and your prior law enforcement experience. Due to the nature and totality of your offenses, I have lost confidence in your judgment when making important decisions, and your integrity when dealing with management, airport security, and the public.

You have the right to reply orally, in writing, or both, and to furnish affidavits and other documentary evidence in support of your reply. If you disagree with this proposed removal, your reply should support why you feel the action should not take place. You should submit your reply to Mr. Frank Donzanti, Special Agent in Charge (SAC), Los Angeles Field Office within ten (10) calendar days beginning the date after you receive this letter. Consideration will be given to extending your time to reply if you submit a written reply to Mr. Donzanti stating your reasons for requiring more time. If you desire to reply in person, you should contact Mr. Donzanti on (949) 282-5101 to schedule an appointment to provide your oral reply. Due consideration will be given to any explanation(s), fact(s), affidavit(s), or rebuttal you furnish. You are entitled to be represented in this matter by a representative of your choice unless your choice of representative would cause a conflict of interest or position, unreasonable costs to the Government (TSA will not pay travel expenses for your representative), or a conflict with the priority needs of the Government. Before a representative may act on your behalf on this matter, however, you must designate that person to Mr. Donzanti in writing.

You and your representative are entitled to review the material relied upon to support this proposed action. Please contact me if you wish to review the material.

As soon after I receive your reply, or after expiration of the 10-day limit if you do not reply, a written decision on the proposed removal will be issued. If you have any questions concerning this letter, or

your rights or procedures regarding this action, you may contact Carolyn Donohue, Manager Employee Relations Branch on (609) 625-2360.

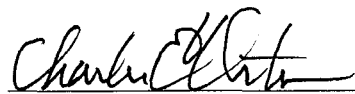
For your information, the Employee Assistance Program (EAP) is available to you and members of your family to deal with difficult situations. You may request assistance by contacting the EAP toll free number, 1-800-222-0364, which is answered 24 hours a day. Any assistance you seek through this program is confidential.

Sincerely,

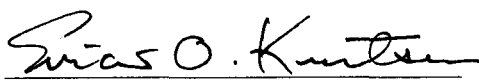


Charles E. Ortman  
Assistant Special Agent-in-Charge  
Los Angeles Field Office

This memorandum was hand-delivered to the employee on 9/13/05.



Supervisor's Signature



Supervisory Witness's Signature

CHARLES E. ORTMAN

Printed Name

EINAR O. KNUITSEN

Printed Name

I received a copy of this memorandum to keep.



Employee Signature

09/13/2005

Date Received

ROBERT JAMES MACLEAN

Printed Name

U.S. Department of Homeland Security  
P.O. Box 51522  
Irvine, CA 92618



U.S. Immigration  
and Customs  
Enforcement

September 13, 2005

Mr. Robert MacLean  
Federal Air Marshal  
Los Angeles Field Office

Dear Mr. MacLean:

This letter is to inform you that a decision has been made to place you on administrative leave commencing upon your receipt of this letter. You will remain on administrative leave for a period of sixty (60) days or until a decision has been reached on your proposed removal. Administrative leave places you in a paid non-duty status.

While on administrative leave you are required to provide the Los Angeles Field Office with a current phone contact number and a current mailing address where you can be reached. If you wish to leave the Los Angeles Field Office commuting area, you will be required to provide an alternative phone number and address contact.

For your information, the TSA Employee Assistance Program (EAP) is available to you and members of your family to assist with difficult situations. You may contact EAP 24-hours a day toll free at 800-222-0364. When calling EAP you should request the Law Enforcement Network. Any assistance you seek through this program is confidential.

If you have any questions concerning this letter, you should contact me.

Sincerely,

A handwritten signature in black ink that reads "Charles E. Ortman". The signature is fluid and cursive.

Charles E. Ortman  
Assistant Special Agent In-Charge  
Los Angeles Field Office