

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Jorge Alejandro Rojas,

Plaintiff,

v.

Federal Aviation Administration,

Defendant.

CV-16-03067-PHX-GMS

DECLARATION OF DANIEL MAGGARD

I, Daniel Maggard, declare as follows:

1. I am the Program Manager for the Cyber Investigations Unit within the Federal Aviation Administration, Department of Transportation (Agency or FAA). I have been employed in this position for 5 years and 7 months. I have over 16 years of digital forensic experience with the Defense Intelligence Agency, Naval Criminal Investigative Service and Defense Computer Forensics Laboratory as well as in the private sector.
2. The Cyber Investigations Unit provides support to FAA's Office of Security and Hazardous Materials (ASH) through consultation services, expert testimony, and the forensically sound collection and analysis of digital data, while maintaining the highest level of professionalism and standards of excellence.
3. ASH provides services to ensure and promote aviation safety in support of national security and the National Airspace System (NAS). ASH is focused on enhancing national security and aviation safety. ASH is responsible for the FAA's critical infrastructure protection, emergency operations, contingency planning, and the safe transportation of hazardous materials in air commerce. In recognition of the impact

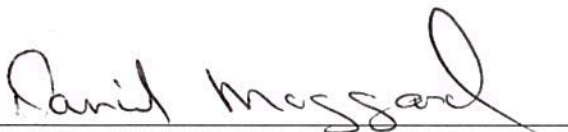
that the NAS has on the United States transportation infrastructure, ASH develops and implements policy to protect our employees, contractors, facilities, and assets.

4. One of the primary functions of ASH is managing the FAA's internal investigations program. This involves initiating and conducting administrative and regulatory investigations on FAA employees, contractors, and certificated airmen suspected of violating FAA orders and regulations.
5. The purpose of this declaration is to provide information as to the adequacy of the search conducted for e-mails responsive to Freedom of Information Act (FOIA) request number 2015-009570. I make the following statements based upon my personal knowledge and information made available to me in my official capacity.
6. In FOIA Request 2015-009570, dated September 25, 2015, Plaintiff sought the following:
 1. Documents, reports, summaries, emails, chats, files, briefing items, memoranda, etc., concerning an inquiry done by ASH concerning the allegations cited in media reports by Fox News and other sources, concerning changes to the FAA hiring process, allegations of cheating, and allegations of misconduct by Human Resources and other employees. This request includes notes and documents concerning interviews of 29 individuals, cited in an August 21, 2015 letter to Frank A. LoBiondo by Michael Huerta. This includes any notes taken during the interview, and any reports regarding the investigation sent forward.
 2. All information related to inquiries regarding cheating allegations or other potential misconduct by Shelton Snow from June 2013 to the date of the request.
 3. A complete "Avery" listing/record and any other similar listing of the concurrence pathway of the August 21, 2015 letter sent by Michael Huerta to Frank A. LoBiondo. Avery is an electronic program used by the agency to keep track of congressional correspondence. The letter was in response to the May 29th congressional letter. This request includes any concurrence

sheets used to keep track of the signatures of the approving/reviewing individuals of the letter.

4. Documents used in the preparation of the August 21, 2015 letter sent by Michael Huerta
7. On October 6, 2017, I was requested by Special Agent Bradley Olson to perform a search within the email archives of Olson, Bradley for the following terms: "2015-009570" OR "9570. The search resulted in 118 responsive emails. Results were provided to Special Agent Bradley Olson.
8. On October 27, 2017, Special Agent Bradley Olson requested a search within the email within the email archives of Olson, Bradley for the following term: "Snow" OR "Shelton" OR "CTI" OR "Rojas" OR "Pearson" OR "Brigida" OR "Fox" OR "Shapiro". The search resulted in 591 responsive emails. Results were provided to Special Agent Bradley Olson.
9. Outlook emails are retrieved from the FAA's current email archiving application—Proofpoint. As a Cyber Investigator, I have administrative access to the Proofpoint archive application and am able to recover FAA employee email. The FAA retains all email inbound, outbound and deleted for up to 5 years before removal from the Proofpoint application

Sworn to and signed this 7th Day of March, 2018


Daniel Maggard

Washington, D.C.