

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

Jorge Alejandro Rojas,

Plaintiff,

v.

Federal Aviation Administration,

Defendant.

No. CV-16-03067-PHX-GMS

DECLARATION OF BRADLEY K. OLSON

I, Bradley K. Olson, declare as follows:

1. I am employed as a Special Agent for the Federal Aviation Administration, Department of Transportation (FAA or Agency) in the Office of Security and Hazardous Materials Safety (ASH) with a duty location in Washington, D.C. I am assigned to the Office of Investigations, Investigations Standards & Policy Division, AXI-200. I have held this position since October 2017. I have been an employee and a Special Agent with the FAA since August 2014. I make the statements herein based on my personal knowledge as well as knowledge and information acquired in the performance of my official duties.

2. 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. One of the primary functions of the Office of Investigations is managing the FAA 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.

3. The following statement describes the process I used to find documents related to paragraphs 1 and 2 of Freedom of Information Act (FOIA) request (2015-009570) that was processed and responded to by ASH.

4. On September 25, 2015, Plaintiff filed a FOIA request (2015-009570) in which he sought the following information:

“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 to Frank A. LoBiondo.”

5. The information requested in items 1 and 2 of this FOIA request is related to internal investigations that were conducted by ASH, regarding possible cheating involving FAA employees on the Agency’s Air Traffic Control biographical assessment questionnaire. An ASH

investigation into the matter was initiated on May 21, 2015 and was closed on September 16, 2015. Subsequently, on May 31, 2016, ASH reopened the matter for investigation upon receiving information additional relevant evidence may be available. ASH closed the investigation on June 15, 2016. Additionally, ASH initiated a related investigation into this matter on August 13, 2015; this investigation was closed on October 9, 2015.

6. An ASH Report of Investigation (ROI) is a report prepared by an ASH investigator that describes the final results of an investigation. It documents the matter investigated and all of the steps that were conducted during the course of the investigation, such as interviews, records checks, document reviews, and other relevant activities. Each investigative step contains relevant attachments, such as written statements or applicable documents. The investigative case file contains everything in the ROI, plus agent's notes, internal coordination, and additional materials that are obtained by the investigator during the course of an investigation.

7. In the instant case, the ROIs and the investigative files contain interviews, written statements, document reviews, requests for assistance (lead requests), internal coordination, case updates, agent's notes, background information on the biographical questionnaire, and changes to the Air Traffic Control hiring procedures.

8. In April, 2017, I was asked by the FAA Office of Chief Counsel to prepare a list of responsive documents. The documents that are responsive to items 1 and 2 of the FOIA request are contained within ASH's Report of Investigation (ROI) and investigative case files on the matters described above in paragraph 5. These files were already set-aside, because they were being held in response to a litigation hold notice received by my office on October 4, 2016. I searched through the hard-copy investigative files, as well as the electronic investigative files

that were set aside, and created a Vaughn Index of responsive documents. This document was attached to my affidavit, dated May 2017.

9. On June 20, 2017, during an office clean-up, I discovered the hard-copy case file for the investigation opened on August 13, 2015, and closed on October 9, 2015, was not set-aside with the other hard-copy case files. I set this file aside to be saved with the rest of the investigative files.

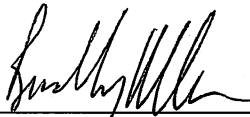
10. Mr. Daniel Maggard retrieved the responsive emails based on specific search terms. I provided Mr. Maggard with these search terms based on my knowledge of the investigations and investigation file.

11. In January 2018, I was asked once again by the FAA Office of Chief Counsel to prepare a list of documents responsive to this FOIA and start preparing the material for release due to ongoing litigation. Once again, I searched through the investigative materials that were set aside in response to the litigation hold notice.

12. In February 2018 and March 2018, as part of my review, I identified multiple duplicate emails and documents. For duplicate documents that were included in both the hard copy case files and the electronic files, I did not include multiple copies of the same document. Similarly, for documents that were already contained in the ROIs, I did not include multiple copies of the same document. I did not remove the duplicate emails, as I was informed Plaintiff requested the duplicates. Initially, it appeared that some of the documents gathered between April 2017 and January 2018, might not be responsive. After a more careful review, all are responsive.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Sworn to and signed this 9th day of March, 2018



Bradley K. Olson
Washington, D.C.