



## National Credit Union Administration

### Office of Inspector General

**TO:** Executive Director Mark A. Treichel  
Cherie Freed, Regional Director, Region V

**FROM:** Inspector General James W. Hagen

A handwritten signature in black ink, appearing to read "Jim W. Hagen".

**SUBJ:** Report of Investigation (Case #17-CI-R5-02)

**DATE:** March 20, 2017

Attached for your review and appropriate action is the Office of Inspector General (OIG) Report of Investigation of (b)(6);(b)(7)(C), Examiner (Region  ), National Credit Union Administration, (b)(6);(b)(7)(C). No portion of this report may be photocopied, duplicated, or disseminated without the express permission of the Inspector General or Director of Investigations.

Please return this report within 45 days. If you have any questions or we may be of assistance, please contact me or (b)(6);(b)(7)(C), Director of Investigations at 703-518-(b)(6);(b)(7)(C).



National Credit Union Administration

Office of Inspector General

## REPORT OF INVESTIGATION

(b)(6),(b)(7)(C)

Case Number 17-CI-R5-02





NATIONAL CREDIT UNION ADMINISTRATION
Office of Inspector General
Office of Investigations

REPORT OF INVESTIGATION

CASE NUMBER: 17-CI-R5-02
DATE: March 20, 2017
CASE TITLE: (b)(6);(b)(7)(C)
CASE STATUS: Closed - pending
VIOLATIONS: Official Misconduct

PREDICATION

On February 21, 2017, (b)(6);(b)(7)(C), Homewood Suites by Hilton, Phoenix Tempe ASU Area, contacted the Office of Inspector General (OIG) concerning allegations against National Credit Union Administration (NCUA) Examiner (b)(6);(b)(7)(C), Region (C). (b)(6);(b)(7)(C) alleged that on February 21, when attempting to check into the Homewood Suites, (b)(6);(b)(7)(C) verbally abused and berated several hotel employees.

SUBJECT INFORMATION

(b)(6);(b)(7)(C), Examiner (Region (C)), Tempe, AZ, (b)(6);(b)(7)(C) is a current NCUA employee.

DISTRIBUTION:

Mark A. Treichel
Executive Director

CASE AGENT:

(b)(6);(b)(7)(C)
Director of Investigations

APPROVED:

Sharon Separ
Asst. Inspector General for
Investigations

(b)(6);(b)(7)(C)
(Signature)

(Signature)

This report is furnished on an official need to know basis and must be protected from dissemination which may compromise the best interests of the National Credit Union Administration Office of Inspector General. This report shall not be released or disseminated to other parties without prior consultation with the Office of Inspector General. UNAUTHORIZED RELEASE MAY RESULT IN CRIMINAL PROSECUTION.

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## DETAILS

### A. (b)(6)

On February 22, 2017, the Reporting Agent (RA) interviewed (b)(6) General Manager, Homewood Suites by Hilton, Phoenix Tempe ASU Area, in connection with this investigation. (b)(6) emailed the OIG on February 21 regarding (b)(6);(b)(7)(C) conduct when (b)(6);(b)(7) attempted to check into the Homewood Suites. (**Exhibit 1**)

According to (b)(6);(b)(7)(C), on February 21, 2017, at approximately 6:00 PM, (b)(6);(b)(7) attempted to check into the hotel; however, (b)(6) room was not ready. (b)(6) was not at the hotel when the initial incident occurred, but (b)(6) front desk staff, (b)(6);(b)(7)(C) and (b)(6);(b)(7)(C) told (b)(6) what happened.

(b)(6);(b)(7)(C) related that one of the front desk staff told (b)(6);(b)(7) that (b)(6) room was not ready as they were running behind, at which point (b)(6);(b)(7) responded: "If you would hire fucking Americans instead of fucking illegals, maybe my fucking room would be ready on time." (b)(6);(b)(7)(C) stated that according to (b)(6);(b)(7) was screaming and demanded to see a manager. The manager on duty, (b)(6);(b)(7)(C), who was in the area behind the front desk, came out and told (b)(6);(b)(7) that (b)(6) room would be ready in 45 minutes. At this point, (b)(6);(b)(7)(C) left the hotel. (b)(6);(b)(7) called (b)(6);(b)(7)(C) and told (b)(6) the details of the incident.

Subsequently, (b)(6);(b)(7)(C) stated that (b)(6);(b)(7)(C) called (b)(6);(b)(7)(C) (b)(6);(b)(7)(C) drove to the hotel so (b)(6) could be there when (b)(6);(b)(7) returned. Additionally, (b)(6);(b)(7)(C) said (b)(6);(b)(7)(C) called the Hilton Diamond phone number since (b)(6);(b)(7) was a Hilton Diamond member to see if there was a room available at another hotel for (b)(6);(b)(7). (b)(6);(b)(7)(C) reported that Hilton Diamond told (b)(6) that if a customer was belligerent that (b)(6) could refuse them a room.

(b)(6);(b)(7)(C) stated that (b)(6);(b)(7) returned between 6:00 PM – 7:00 PM at which time (b)(6);(b)(7)(C) introduced (b)(6);(b)(7) to (b)(6);(b)(7) (b)(6) said (b)(6) apologized to (b)(6);(b)(7) for the delay in getting a room and added that (b)(6);(b)(7) should not speak to the front desk staff as (b)(6) had. According to (b)(6);(b)(7)(C) (b)(6);(b)(7) replied with vulgar language saying that "If (b)(6) hired fucking Americans and not illegal immigrants, (b)(6) wouldn't have this problem." (b)(6);(b)(7)(C) informed that (b)(6) asked (b)(6);(b)(7) to leave the hotel to which (b)(6);(b)(7) responded that (b)(6) was not leaving. (b)(6);(b)(7)(C) then stated (b)(6) was going to call the police, at which point (b)(6);(b)(7) left the hotel and yelled back at (b)(6) that (b)(6) was "fucking horrible."

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B. (b)(6);(b)(7)

On February 28, 2017, the RA interviewed (b)(6);(b)(7). Prior to the interview, the RA gave (b)(6);(b)(7) a Kalkines Warning. (Exhibit 2)

(b)(6);(b)(7) related that on February 21, 2017, (b) left the NCUA office around 4:00 PM and arrived at the Homewood Suites around 6:00 PM after stopping at the grocery store. (b)(6);(b)(7) said that the service at the Homewood Suites was not the best during (b)'s previous stay but (b) already had the reservation and decided to keep it.

(b)(6);(b)(7) stated that upon arriving at the hotel one of the front desk clerks told (b) that (b)'s room was not ready. (b)(6);(b)(7) said (b) told one of the clerks that (b) had been up since 2:30 AM but got no response from the clerk. (b)(6);(b)(7) said at that point (b) had a breakdown and acted unprofessionally and said this was "fucking unacceptable" but still did not get a response. (b)(6);(b)(7) said (b) asked to speak to management. The assistant manager on duty told (b) that housekeeping was behind and therefore (b)'s room was not ready, and would not be ready for another 45 minutes. (b)(6);(b)(7) added that during (b)'s previous stay (b) overheard some of the housekeeping staff say they were worried about getting deported so (b) figured there must be illegal immigrants working at the hotel. (b)(6);(b)(7) added (b) did say if the hotel hired more Americans and less illegals then there would not be this problem. (b)(6);(b)(7) admitted that (b) should not have said this.

(b)(6);(b)(7) said that (b) was very upset when (b) left the hotel and called Hilton to complain about what happened. (b)(6);(b)(7) stated (b) drove to a nearby Target store parking lot, used (b)'s computer and found two other hotels in the area with available rooms. (b)(6);(b)(7) related that (b) did not make a reservation with either hotel because (b) already had a reservation at the Homewood Suites and was concerned that (b) would be charged if (b) cancelled (b)'s room.

(b)(6);(b)(7) stated that (b) called the Homewood Suites around 7:00 PM and was told (b)'s room was ready. (b)(6);(b)(7) said (b) arrived at the Homewood Suites to check in but a front desk clerk told (b) that the manager wanted to speak to (b). (b)(6);(b)(7) stated when the manager came out (b) recognized (b) as (b) ((b)(6)), a (b)(6);(b)(7) who (b) had seen previously working at an Embassy Suites. (b)(6);(b)(7) said that (b) made (b) wait a few minutes and then came out and chastised (b) for speaking to (b)'s staff the way (b) did. (b) told (b)(6);(b)(7) that (b) needed to leave and could not stay there. At that point, (b)(6);(b)(7) said (b) (b)(6);(b)(7) was going to call Hilton Corporate. (b)(6);(b)(7) said that (b) threatened to call the Tempe Police, so (b) left the hotel. After leaving the hotel, (b)(6);(b)(7) said (b) called (b) manager, (b)(6);(b)(7)(C) and told (b) what happened. (b)(6);(b)(7) said that when (b) made the comment about the "fucking illegals" (b) was speaking in generalities and not directing (b) comment to any particular employee. (b)(6);(b)(7) added that (b) had a breakdown and wanted to make a good impression on

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(b)(6) management so that is why (b)(6) took an early flight that morning. (b)(6);(b)(7) said that (b)(6) made poor choices that day and acted irrationally at the hotel.

### C. Homewood Suites Employees

On February 27, 2017, the RA interviewed (b)(6);(b)(7)(C), Homewood Suites by Hilton, Phoenix Tempe ASU Area, in connection with this investigation. **(Exhibit 3)**

(b)(6) related that on February 21, 2017 between 5:00 PM – 6:00 PM, (b)(6);(b)(7) arrived at the hotel to check in but (b)(6) room was not ready. (b)(6) was working the front desk when (b)(6);(b)(7) entered the hotel. (b)(6) said (b)(6) apologized for the room not being ready and offered to upgrade (b)(6) room. (b)(6);(b)(7) stated that (b)(6);(b)(7) responded with multiple curse words, including saying “fuck” many times.

(b)(6) said that (b)(6);(b)(7) asked to speak to a manager. (b)(6) stated that (b)(6);(b)(7) who was working in the back behind the front desk, came out and explained to (b)(6);(b)(7) that Housekeeping was behind and therefore (b)(6) room was not ready. (b)(6);(b)(7) was still upset and used the same vulgar language. According to (b)(6) (b)(6);(b)(7) said something to the effect that if more Americans worked here, there would not be a problem.

(b)(6) said that (b)(6);(b)(7) left the hotel and came back later. (b)(6) related that by the time (b)(6);(b)(7) returned, (b)(6);(b)(7) the hotel general manager, had arrived on-site. (b)(6) stated that (b)(6);(b)(7) took (b)(6);(b)(7) aside and spoke to (b)(6). (b)(6) added that the nightly hotel social was going on and there were about 30-40 guests in the general area of (b)(6);(b)(7) and (b)(6);(b)(7) (b)(6) said (b)(6);(b)(7) could hear (b)(6);(b)(7) continuing to use the same vulgar language that (b)(6) previously used. (b)(6) said that after speaking to (b)(6);(b)(7) (b)(6);(b)(7) left the hotel.

On February 27, 2017, the RA interviewed (b)(6);(b)(7) (b)(6);(b)(7) (b)(6);(b)(7)(C), Homewood Suites by Hilton, Phoenix Tempe ASU Area, in connection with this investigation. **(Exhibit 4)**

(b)(6);(b)(7) stated that on February 21, 2017 at approximately 6:00 PM, (b)(6) was in the area behind the front desk and heard someone yelling out front that they needed to speak to a manager. (b)(6);(b)(7) said that (b)(6) Front Desk Service Representative, came back and told (b)(6) that (b)(6) was needed out front. (b)(6);(b)(7) said that (b)(6) met with (b)(6);(b)(7) the customer who was yelling, and told (b)(6) that (b)(6) room was not ready. Additionally, (b)(6);(b)(7) said (b)(6) apologized to (b)(6);(b)(7) for the delay and said that (b)(6) room would be ready in 40 minutes. (b)(6);(b)(7) stated that (b)(6);(b)(7) said that was “fucking unacceptable.” (b)(6);(b)(7) said (b)(6) told (b)(6);(b)(7) there was no reason to use that language. (b)(6);(b)(7) said that (b)(6);(b)(7) then said, “If you didn’t hire fucking illegals and hired Americans, the rooms would be ready.”

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(b)(6);(b)(7) said that (b)(6);(b)(7) then left the hotel. At this point, (b)(6);(b)(7) said (b)(7) telephoned (b)(6);(b)(7);(b)(7)(C), for guidance because (b)(6);(b)(7)(C) was out sick.

(b)(6);(b)(7) related that (b)(7) told (b)(6);(b)(7) did not want (b)(6);(b)(7) to stay at this hotel. Moreover, after (b)(6);(b)(7) called the Hilton Diamond Desk, a Hilton Diamond representative told (b)(7) that it was (b)(7) decision as to whether (b)(6);(b)(7) received a room. (b)(6);(b)(7) related further that (b)(6) called the hotel and said (b)(7) was coming in to deal with (b)(6);(b)(7)

(b)(6);(b)(7) stated that when (b)(6) arrived at the Homewood Suites, (b)(6);(b)(7) had not yet returned. (b)(6);(b)(7) said that when (b)(6);(b)(7) returned, (b)(6);(b)(7) spoke with (b)(7). (b)(6);(b)(7) said that (b)(6);(b)(7) told (b)(6);(b)(7) that that (b)(7) was not welcome to stay at this hotel to which (b)(6);(b)(7) replied that (b)(7) never come back. (b)(6);(b)(7) added that when (b)(6);(b)(7) left, (b)(7) could be heard screaming outside the hotel.

### D. (b)(6) email

On March 6, 2017, the RA received an email from (b)(6);(b)(7)(C) Homewood Suites, by Hilton, Phoenix, Tempe, ASU, in connection with this investigation. **(Exhibit 5)**

(b)(6);(b)(7) forwarded the RA an email that (b)(6);(b)(7) sent to the Hilton Hotel. In the email, (b)(6);(b)(7) described (b)(7) first stay at the hotel from February 6 – 16, 2017 stating that the front desk was not very friendly; housekeeping was inconsistent; and the breakfast was “okay”. Moreover, in (b)(7) email, (b)(6);(b)(7) related that on the morning of February 21, 2017, (b)(7) woke up at 2:30 AM for a flight to Phoenix and later that day did a mobile check in at the hotel and received a message stating the room would be ready. After leaving work at 4:00 PM, (b)(6);(b)(7) indicated that said (b)(7) went to the grocery store and arrived at the hotel around 6:00 PM. Upon arriving at the hotel, (b)(6);(b)(7) related that that (b)(7) would have to wait 45 minutes to an hour for a room to be available. (b)(6);(b)(7) said the front desk staff did not apologize to (b)(7). (b)(6);(b)(7) related to the hotel staff that this was unacceptable and this “caused my complete meltdown in the hotel lobby.” According to the email, (b)(6);(b)(7) used the “f” word during (b)(7) communication with the staff. (b)(7) said that (b)(7) meltdown got worse and (b)(7) began to utter hateful remarks.

(b)(6);(b)(7) related that (b)(7) left the hotel and later called back to the Homewood Suites at 7:00 PM and was told (b)(7) room was ready. Upon arriving at the hotel, (b)(6);(b)(7) was told that the manager wanted to speak to (b)(7). (b)(6);(b)(7) related that the manager, (b)(6);(b)(7) told (b)(7) that (b)(7) would not tolerate (b)(7) speaking to (b)(7) staff the way (b)(7) did and that (b)(6);(b)(7) needed to leave. In addition, (b)(6);(b)(7) stated that (b)(7) threatened to call the Tempe Police and the NCUA and advise them of (b)(7) behavior.

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(b)(6);(b)(7) went on further in (b)(7) email, indicating (b)(7) had spoken to other people and was told that it is not standard industry practice for managers to call a guest's place of employment. (b)(6);(b)(7) added that (b)(7) did not damage the hotel or threaten any employee but admitted that (b)(7) responded irrationally and acted unprofessionally by using profanity.

### CONCLUSION

This investigation developed evidence that (b)(6);(b)(7) repeatedly used profanity and vulgar language when speaking to several employees of the Hilton Homewood Suites and uttered inappropriate and insensitive epithets concerning the immigration status of hotel employees. During an interview with (b)(6);(b)(7), (b)(6);(b)(7) admitted that (b)(7) had a meltdown, made poor choices that day, and acted irrationally. (b)(7) admitted that (b)(7) should not have used such language.

The OIG plans no further action in this matter at this time. In reviewing the circumstances surrounding (b)(6);(b)(7) conduct and determining whether disciplinary action is warranted, due consideration should be given to the “Douglas” factors.<sup>1</sup> The “Douglas” factors are the pertinent mitigating and aggravating factors that responsible agency official(s) must consider before proposing or deciding on a particular disciplinary measure or penalty.

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<sup>1</sup> See Douglas v. Veteran's Administration, 5 MSPR 280, 5 MSPB 313 (1981).