



U.S. Department of Justice

**Ronald C. Machen Jr.**  
*United States Attorney for the  
District of Columbia*

*Judiciary Center  
555 Fourth St. N.W.  
Washington, D.C. 20530*

---

## **PRESS RELEASE**

---

**FOR IMMEDIATE RELEASE**

Tuesday, March 1, 2011

**For Information Contact:**

**Public Affairs**

(202) 252-6933

[http://www.usdoj.gov/usao/dc/Press\\_Releases/index.html](http://www.usdoj.gov/usao/dc/Press_Releases/index.html)

### **Former Background Investigator for Federal Government Pleads Guilty to Making a False Statement**

WASHINGTON - Thomas S. Fitzgerald, a former Special Agent of the U.S. Office of Personnel Management (OPM), pled guilty today to a charge stemming from his falsification of work on background investigations of federal employees and contractors.

The guilty plea, which took place in U.S. District Court for the District of Columbia, was announced by U.S. Attorney Ronald C. Machen Jr. and Patrick E. McFarland, Inspector General for the Office of Personnel Management.

Fitzgerald, 48, of Crofton, Md., pled guilty to one count of making a false statement. He appeared this morning before the Honorable Judge Reggie B. Walton. Fitzgerald is scheduled to be sentenced on June 10, 2011, and could face up to 18 months in prison under federal sentencing guidelines.

As part of his guilty plea, Fitzgerald, who worked for OPM's Federal Investigative Services, admitted that he falsified work on background investigations of federal employees and contractors. Between March 2005 and May 2006, in more than two dozen Reports of Investigations on background investigations, Fitzgerald represented that he had interviewed a source or reviewed a record regarding the subject of the background investigation when, in fact, he had not conducted the interview or obtained the record.

All of these reports were utilized and relied upon by the agencies requesting the background investigations to determine whether the subjects were suitable for positions having access to classified information, for positions impacting national security, or for receiving or retaining security clearances.

Fitzgerald's false representations have required OPM's Federal Investigative Services to reopen and rework numerous background investigations that were assigned to him during the time period of his falsifications, at an estimated cost of \$106,711 to the U.S. government.

As part of his guilty plea, Fitzgerald agreed to pay that amount in restitution to Federal Investigative Services.

This is one of several cases prosecuted by this office in the last three years involving false representations by background investigators and record checkers working on federal background investigations. Six background investigators and two record checkers previously were convicted of charges.

Federal Investigative Services, formerly known as the Center for Federal Investigative Services or the Federal Investigative Services Division, through its workforce of approximately 7,300 investigators, is responsible for conducting background investigations for numerous federal agencies and their contractors, on individuals either employed by or seeking employment with those agencies or contractors. Federal Investigative Services processed approximately 2 million investigations in the 2010 fiscal year.

In conducting background investigations, the investigators conduct interviews of individuals who have information about the person who is the subject of the review. In addition, the investigators seek out, obtain, and review documentary evidence, such as employment records, to verify and corroborate information provided by either the subject of the background investigation or by persons interviewed during the investigation. After conducting interviews and obtaining documentary evidence, the investigators prepare a Report of Investigation containing the results of the interviews and document reviews, and electronically submit the material to OPM in Washington, D.C. OPM then provides a copy of the investigative file to the requesting agency, which can use the information to determine an individual's eligibility for employment or a security clearance.

"Background investigations are an important tool for safeguarding classified information and our national security," said U.S. Attorney Machen. "With today's plea, seven background investigators have been convicted for intentionally misrepresenting facts involving investigations they conducted. These prosecutions demonstrate how seriously we take the integrity of the background investigation process."

In announcing the guilty plea, U.S. Attorney Machen and Inspector General McFarland praised the hard work of Special Agent Shantel Robinson, OPM, Office of the Inspector General, and Philip Kroop, Chief of Quality and Integrity Assurance, OPM-Federal Investigative Services. Mr. Machen and Mr. McFarland also acknowledged the efforts of Assistant U.S. Attorneys Ellen Chubin Epstein and Thomas E. Zeno, who investigated and prosecuted this matter.