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March 28, 2012

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Mr. David P. Berry
Inspector General
National Labor Relations Board
1099 14th Street, NW, Room 9820
Washington, DC 20570

Dear Inspector General Berry:

I am writing in reference to an investigative report issued by your office on March 19, 2012, concluding that Board Member Terence Flynn “violated the provisions of the Standards of Ethical Conduct for Employees of the Executive Branch.”¹ The report describes efforts by Mr. Flynn to provide two former Board Members—Peter Schaumber and Peter Kirsanow—with “deliberative, pre-decisional information that was protected from disclosure and considered by the NLRB to be the most confidential of Agency information.”

Based on your office’s report, it does not appear that you conducted interviews of Mr. Schaumber or Mr. Kirsanow. Your report also notes it was based primarily, but perhaps not exclusively, on “e-mail records from May 2011 forward that remained on the NLRB e-mail server through the period of this investigation.”

In order to obtain a more complete picture of the facts that you have uncovered, I request that you provide a briefing to my staff on your findings, as well as copies of all documents relevant to your investigation. Please contact Claire Coleman at (202) 225-5051 to arrange for this briefing and the production of documents. Thank you for your assistance.

Sincerely,


Elijah E. Cummings
Ranking Member

cc: The Honorable Darrell E. Issa, Chairman
Committee on Oversight and Government Reform

¹ National Labor Relations Board, Office of Inspector General, *Report on Investigation* (OIG-I-468) (Mar. 19, 2012).