

Department of Veterans Affairs Office of Inspector General

Administrative Investigation Misuse of Position and Failure to Disclose and to Satisfy Financial Obligations Veterans Benefits Administration VA Regional Office, Philadelphia, PA

Redacted



DEPARTMENT OF VETERANS AFFAIRS Office of Inspector General Washington, DC 20420

TO: Veterans Benefits Administration Eastern Area Director

SUBJECT: Administrative Investigation, Misuse of Position and Failure to Disclose

and to Satisfy Financial Obligations, Veterans Benefits Administration (VBA), VA Regional Office (VARO), Philadelphia, PA (2014-04494-

IQ-0001)

Summary

We substantiated that Ms. Lucy Filipov, Assistant Director, Philadelphia VARO, while as the Acting Director, misused her position for the private gain of a subordinate and his spouse, misused her title to endorse the private enterprise, and invited subordinates to her home to take part in psychic readings. We also found that she had a less-than-arm'slength relationship with subordinates whom she characterized as friends. As a senior leader, she is held to a higher standard and should set the tone for her subordinates to follow, and establishing personal relationships with a select group of employees within her chain of authority gives the appearance of preference for those few employees. Although we found no actual preference, just the appearance of preference diminishes her position and authority as a senior leader. Further, we found that Mr. Gary Hodge, Manager of the Pension Management Center (PMC), failed to report his spouse's income on his 2013 and 2014 Confidential Financial Disclosure Reports, Office of Government Ethics (OGE) Forms 450, which he certified as true, complete, and correct. We made a criminal referral of the false statements to the U. S. Department of Justice (DOJ), but they declined to criminally prosecute in favor of administrative actions. Mr. Hodge also failed to claim that same financial gain on his and his spouse's income tax returns. We referred the failure to report income to the Internal Revenue Service (IRS) and the Pennsylvania State Department of Revenue.

Introduction

The VA Office of Inspector General (OIG) Administrative Investigations Division investigated an allegation that Ms. Filipov hosted a social function at her home featuring a psychic, Mr. Hodge's spouse, and charged her subordinate employees a fee to attend and have a reading by the psychic. Mr. Hodge is a GS-15 employee who directly reports to Ms. Filipov, and he has supervisory responsibilities for some of the VA employees who attended the social function. To assess this allegation, we interviewed Ms. Filipov,

Mr. Hodge, and other VA employees. We also reviewed email and personnel records, as well as applicable Federal laws and regulations and VA policy.

Background

The Philadelphia VARO is one of the largest VBA field stations, providing the full range of VA benefits and services to more than 903,349 Veterans residing in the eastern 40 counties of Pennsylvania and the 7 southern counties of New Jersey. Their Pension Management Center serves constituents residing in the 19 eastern states of the United States, Puerto Rico, and all foreign countries with the exception of Central and South America. During Fiscal Year 2012, the VARO disbursed over \$4.1 billion in Compensation and Pension benefits.

Philadelphia VARO in the News and Previous Investigations

In 2014, the VARO became the subject of Congressional hearings as a result of broad whistleblower allegations which exposed veteran benefit claim backlogs, program mismanagement, and manipulation of data. Whistleblower complaints resulted in a VA OIG Benefits Inspection Division review of the alleged Philadelphia VARO claims backlog and mishandled documents. During their review, multiple misconduct and facility condition complaints arose which resulted in the OIG Administrative Investigations Division issuing a July 23, 2014, Management Implication Notification (2014-03650-IQ-0127) to the Under Secretary for Benefits, notifying her of safety and health issues at the VARO National Call Center in Philadelphia, PA. On April 15, 2015, VA OIG Office of Audits and Evaluations issued report number 14-03651-203, Review of Alleged Data Manipulation and Mismanagement at the VA Regional Office, Philadelphia, PA. In their review of a number of allegations, they found, among other things, that VARO staff had a serious mistrust of VARO management and felt that they were not treated fairly or with respect. www.va.gov/oig/pubs/VAOIG-14-03651-203.pdf.

Ms. Lucy Filipov, (GS-15) Assistant VARO Director

The Philadelphia VARO Leadership website reflects that Ms. Filipov began her VA career in 1987 as a Management Analyst for the Accounting Section of the Finance Division and that she became the Assistant Chief of the Accounting Section in 1989. Between 1991 and 2005, she held a number of VARO positions; became the Pension Maintenance Center Manager in January 2005; oversaw the Maintenance Center's transition into the Pension Management Center in 2008; and in March 2011, she became the Assistant VARO Director. Ms. Filipov told us and personnel records reflected that she served as the Acting VARO Director from January to April 2012, from June to July 2014, and during a number of other short term assignments.

Mr. Gary Hodge, (GS-15) PMC Manager

The Philadelphia VARO Leadership website reflects that Mr. Hodge began his career in the Philadelphia Veterans Service Center in 1993 as a Veterans Claims Examiner. He was promoted a number of times, became the Pension Maintenance Center Assistant Manager in 2005, and the PMC Manager in August 2011. Mr. Hodge told us that Ms. Filipov scheduled his spouse, who is a practicing psychic-medium, to come to her home for a gathering of VA employees and others on June 6, 2014.

Psychic vs. Medium

VA employees and open source information used both the terms psychic and medium interchangeably, although some internet websites defined them as separate, distinct abilities. In general, a psychic is someone with the ability to see future events or discern someone's fate, whereas a medium communicates with deceased spirits. Mr. Hodge's spouse's website refers to her as a medium; however, a newsletter announcing a fund raiser, in which Mr. Hodge's spouse participated, defined the fund raiser as a "psychic fair." Therefore, in the absence of a clear definition and based on records and testimony, we refer to Mr. Hodge's spouse as both a psychic and a medium within this report.

Results

Issue 1: Whether Ms. Filipov Misused Her Position

Standards of Ethical Conduct for Employees of the Executive Branch state that employees shall act impartially and not give preferential treatment to any individual and shall avoid any actions creating the appearance that they are violating the law or the ethical standards. 5 CFR § 2635.101(b)(8) and (14). It further states that an employee shall not use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity or in a manner intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity. It also states that an employee shall not use or permit the use of his Government position or title in a manner that could reasonably be construed to imply that his agency or the Government sanctions or endorses his personal activities or those of another. Id., at § 2635.702.

Ms. Filipov and other managers and employees told us that a number of them gathered in Mr. Hodge's office for lunch most Fridays, over a period of years, and that during one of these lunches, they learned that Mr. Hodge's spouse (the spouse) was a practicing medium. Ms. Filipov told us that over the years the spouse joined them at VA holiday functions and that she began to casually practice psychic readings of the employees.

Mr. Hodge said that he invited his spouse to a number of VA holiday parties and dinners, and she and Ms. Filipov were friendly with one another. Ms. Filipov told us that she had dinner with the spouse several times and socialized with her at VARO family day events.

Employees told us that as the lunch group became more aware of the spouse's abilities and Mr. Hodge confirmed that his spouse provided services as a medium for the public, the group began to talk about holding a psychic-themed gathering at Ms. Filipov's home. Ms. Filipov told us that the group that typically gathered for lunch on Fridays consisted of her, Mr. Hodge, an Assistant PMC Manager, a PMC Assistant Manager, a PMC Congressional Liaison, a PMC Coach, and others that came and went at lunchtime.

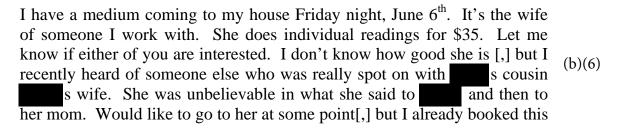
Records associated with the spouse's psychic-medium business reflected that on April 18, 2014, at 1:40 p.m., the Assistant PMC Manager initiated a social media communication with the spouse inquiring about the spouse's availability and other logistics. Later that day, the spouse affirmatively responded with two open dates, one being May 30 and the other on June 6. Email records reflected that on that same day, at 2:15 p.m., the Assistant PMC Manager told Ms. Filipov and the PMC Coach of the spouse's dates of availability. The email chain reflected an ensuing discussion among the three about possible conflicts for the proposed gathering dates, whereupon Ms. Filipov replied, "Okay, let's do the 6th," and asked the Assistant PMC Manager, "Can you ask her about the details, how many people she would suggest, how do we pay her, per person, etc."

Records reflected that the Assistant PMC Manager replied to the spouse via social media and said, "Great, let's do the 6th. Can you give me details...?" The spouse responded:

OK well it depends on the type of party – individual readings are \$35.00, minimum of 6, maximum of 10 people. Gallery (everyone in the same room) is \$30 per person and minimum of 10-15 people or more. Galleries 2 hours – individual readings are 15-20 minutes long."

Email records reflected that the Assistant PMC Manager then contacted Ms. Filipov and the PMC Coach with the details, and Ms. Filipov replied, "How about the individual readings. Do you all know if anyone else would be interested?" The Assistant PMC Manager responded with the names of three other VA employees.

Email records reflected that after Ms. Filipov arranged the gathering for June 6, she reached out to personal friends in an April 29, 2014, email, and said,



person. Let me know if you're interested, it will be a little bit of a girl[']s night too.

The signature block at the end of her email contained her VA position title, Assistant Director, and VA organization, VARO Philadelphia. One of Ms. Filipov's friends replied, "I've always been leery about them," and Ms. Filipov responded, "This is supposed to be more like Teresa the *Long Island Medium*, less a psychic and more a talk to dead people kind of thing..." The friend then told Ms. Filipov to not send it to another friend, as "it may be too soon for her," after the loss of a loved one. Ms. Filipov then said, "From what I understand, if you believe this stuff, when most people come through, they just do so to tell everyone they are okay."

In a June 3, 2014, email, Subject: This Friday Night, Ms. Filipov told her subordinate employees, two GS-14s, three GS-13s, two GS-12s, and one GS-9:

Just checking in for Friday night kiddies!

My address is [street address, city] NJ. Very easy to get to...if you need directions, let me know.

I'll have munchies, wine/beer/vodka. If you would like something else to drink, let me know.

[The spouse] will be doing private readings, they are \$35. We had to guaranty a minimum of 6 but I think we have those numbers. If you would like to bring someone with you please feel free. They don't have to have a reading but could hang out and enjoy happy hour.

In another June 3, 2014, email, Ms. Filipov asked the Assistant PMC Manager, "Should I contact [the spouse] with time? Do you have her number?" The Assistant PMC Manager replied, "I don't have her phone number, her email is [email address]. Gary's [Hodge] not around to ask for the #." Ms. Filipov then told the Assistant PMC Manager, "Ok, send her a quick email...I am getting excited!" The Assistant PMC Manager said, "Me too, this should be fun!"

We interviewed all VA employees who attended the social gathering at Ms. Filipov's home for the psychic readings, as well as an employee who helped plan the event but did not attend. The employees told us of their reticence with their paid psychic participation, and said that they generally wanted to participate, but exhibited some reservation. For instance, a GS-12 employee remarked that the party's purpose was to meet the medium for readings, that she paid \$30–\$35 for the reading, but did not value the experience. A GS-14 manager told us that she paid \$30 for the reading and that the spouse foretold events that would happen in the future. The manager said that once the reading was over, she immediately left, because it was getting late, about 10 p.m. Another GS-14 manager

told us that she placed \$30 on Ms. Filipov's kitchen table, and the spouse used a crystal and said a "prayer" before and after the reading. She said that she left as soon as the reading was completed to avoid driving on dark roads during a more than 1-hour drive home. One employee told us that he and his wife each paid \$20, yet another said they paid \$15 for a reading.

Several employees recalled similar things. A GS-13 Director said, based on her religion, she didn't believe in mediums but that she paid \$30 for a reading "out of curiosity." A GS-12 supervisor said he gave a \$30 "donation," had the first reading, did not want to stay late, and had a long drive home. He also said that guests "bickered" over the order of the readings so that they could get them done earlier. A GS-9 Executive Assistant said that the psychic medium was the purpose of the gathering and that she did not have a reading, due to it getting late and wanting to go home. She also said that before the party, Ms. Filipov told her that she was having a "card reader" to her home, and the employee should bring her spouse who, she said, attended and had a psychic reading. A GS-13 Reviewer told us that she paid \$30 and had a reading during which the spouse said a prayer before and afterwards. She said she left immediately after the reading, because she wanted to get home.

We found that nearly all the employees could not remember if they paid a \$35 fee for their reading, the price Ms. Filipov quoted in her June 3 email, but they all told us that they put their money in Ms. Filipov's kitchen. Ms. Filipov told us that "the money was kind of piled up in a place in the kitchen," where she told the attendees to put it. She also said that she collected the cash for the spouse and handed it to the spouse at the end of the evening. Employees told us that they left Ms. Filipov's home almost immediately after their readings, due to the late hour and long drive home and that they were generally not enamored of the psychic experience.

Ms. Filipov told us that she did not seek ethics guidance from the Office of General Counsel or ethics official prior to involving her subordinate employees in this particular matter. Further, when we referred to the employees as Ms. Filipov's subordinates, she told us, "I felt strongly the people that were on this list, you know, while you're terming them subordinates, I term them as friends. I felt confident that I was inviting them to my home for a private function...It was a private affair in my home. It was not advertised to the thousands of people that work in this building. These were friends. You keep calling them subordinates and direct reports, but they're my friends." One employee who attended told us the event at Ms. Filipov's home was just "friends together after work."

Conclusion

We found that Ms. Filipov misused her position when she instructed a subordinate to reach out to the spouse to make preliminary arrangements, such as gather details, number of attendees, and prices; improperly endorsed the services of the spouse when she used her VA-assigned email, which contained her position title, to email to her personal

friends; and invited subordinates to attend a gathering at her home for a \$35 fee to be paid to the spouse for her services. When Ms. Filipov realized the spouse required a minimum of six attendees to pay for readings, she immediately began recruiting her subordinates and personal friends. When one friend expressed skepticism about psychics and mediums, Ms. Filipov compared the spouse to a reality television personality to pique her interest and get her to attend.

Although Ms. Filipov defined the gathering as a private social function with VA subordinate employees she considered "friends," we found that her subordinates who attended the function did not stay to socialize but instead left her home immediately after their readings concluded. One employee told us he ensured he had his reading first, as he knew the readings were long and did not want to stay too late. Others "bickered" about their place in line, because they didn't want to be there too late either.

Further, we found that Ms. Filipov planned a social function at her home, and she hand-picked specific subordinate employees to invite. Ms. Filipov's less-than-arm's-length relationship with this group of employees, who she described not as subordinates within her chain of authority but as friends, may create an appearance of preferential treatment of those employees selected to spend personal time with her. This is further demonstrated in Ms. Filipov's own words when she described the employees as friends, as well as in her June 3, 2014, email, when she referred to them as "kiddies." As the VARO Assistant Director and when acting as the VARO Director, some or all subordinate VARO employees fall within her chain of authority, and in those positions, she is held to a higher standard. Maintaining a friendship, or less-than-arm's-length relationship, with employees within her chain of authority gives the appearance of preference and diminishes her authority as a senior leader. She is not only held to a higher standard but she sets the tone for VARO subordinate employees.

Recommendation 1. We recommend that the Eastern Area Director confer with the Offices of General Counsel (OGC) and Human Resources (OHR) to take appropriate administrative action, if any, against Ms. Filipov.

Recommendation 2. We recommend that the Eastern Area Director confer with OGC and OHR to ensure that Ms. Filipov receives refresher ethics training.

Issue 2: Whether Mr. Hodge Failed to Disclose Income on His Confidential Financial Disclosure Report and to the Internal Revenue Service

Failure to Disclose Income

The OGE Form 450, Confidential Financial Disclosure Report, states that the purpose of the report is to assist employees and their agencies in avoiding conflicts between official duties and private financial interests or affiliations. It further states that falsification of information or failure to file or report information required to be reported may subject

employee to disciplinary action by their agency or other authority and that knowing and willful falsification of information required to be reported may also subject the employee to criminal prosecution. Part I of the form requires an employee to report for his spouse: (1) all sources of salary, fees, commissions, and other earned income greater than \$1,000, and (2) honoraria greater than \$200. Once completed, an employee must certify that "the statements I have made on this form and all attached statements are true, complete, and correct to the best of my knowledge." Federal law states that whoever knowingly and willfully makes any materially false, fictitious, or fraudulent statement or representation or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined, imprisoned, or both. 18 USC § 1001.

In a review of Mr. Hodge's completed OGE Forms 450 for 2013, 2014, and 2015, which covered each previous calendar year—for example the 2013 form covered the period of January 1 to December 31, 2012—we found that he did not report his spouse's income on the ones he certified and submitted for 2013 and 2014. However, he reported her income on the one he submitted on February 10, 2015, which he completed after we questioned him about her income in our interview 3 months earlier. Initially Mr. Hodge told us that he was not involved in his spouse's company and was not aware of her earnings; however, he later told us that his spouse earned \$6,960.00 in 2012; \$12,850.00 in 2013; and \$13,955.00 in 2014 for her services as a medium. On his most recent OGE Form 450 submission, he reported that his spouse was "self-employed" for "personal services" in Philadelphia, PA.

Mr. Hodge told us that he knew that Ms. Filipov and his subordinates planned a party featuring his spouse to perform readings. He said that he told them "whatever you choose to do is your business" and that he purposefully stayed out of his wife's business, especially if it involved VA. Mr. Hodge described his spouse's talent as being able to talk to people and angels surrounding them. He said that she began her business about 2 years ago and that she operated it from their Philadelphia home. Mr. Hodge explained that his spouse did not advertise but that she used business cards to garner customers for the enterprise. He said his spouse deposited money earned from her business into her bank account, which lists her as the primary and Mr. Hodge as a joint owner, and they paid for their vacation last year from his spouse's considerable earnings. Mr. Hodge told us that the 2014 tax year will be the first time they declared her income on their returns.

Failure to Satisfy Just Financial Obligations

Federal law states that any person who willfully attempts in any manner to evade or defeat any tax imposed by this title or the payment thereof shall...be guilty of a felony. 26 USC § 7201. Standards of Ethical Conduct for Employees of the Executive Branch state that employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those, such as Federal, State, or local taxes, that are

imposed by law, and shall endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards. 5 CFR § 2635.101(b)(12) and (14).

Although Mr. Hodge told us that his spouse provided readings for money for "about a year or two maybe, I'm not sure," we found that she was in business for much longer. Mr. Hodge said she performed paid readings at customers' homes, restaurants, and other sites, including, a fund raiser, where she appeared along with other mediums at a now defunct South Philadelphia restaurant. We found an organization's newsletters on the internet announcing 2012 and 2013 fund-raising events in Pennsylvania called "Psychic Nights." An organization representative, who co-chaired these events, confirmed that the spouse participated in them. The representative told us that each attendee paid \$25 for a psychic reading and that the organization got half and the psychic got half of the \$25.

Mr. Hodge told us that his spouse was self-employed, and in years past, her business was done "sporadically" to determine if it was "worthwhile." He said that they did not include her earned income on their previous Federal income tax returns, \$6,960.00 in 2012 and \$12,850.00 in 2013; however, the IRS Form 1040 signature block states, "Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete." Mr. Hodge told us that he planned to report his spouse's income of \$13,955.00 for the 2014 tax year. A website associated with the spouse reflected, under her name and title of "Medium," that she worked as a medium for 9 years, from 2006 to present. It also reflected that her specialty was "communicating with deceased loved ones, spirit, intuitive counseling and messages from the angels." The IRS website, under the subject matter of "Business or Hobby," stated that the IRS presumed that if an activity made a profit for at least 3 of the last 5 years, including the current year, it was considered a business for tax purposes.

Mr. Hodge told us and records confirmed that the spouse's business, although conducting business out of Philadelphia, was not registered with the Philadelphia Office of Licenses and Inspections. The spouse's representative told us that the business was "not a registered business" and that the spouse did not have any documentation related to reported income or appropriate Federal tax returns related to her business for tax years 2010 to the present. The City of Philadelphia internet website reflected that any person conducting for profit activity in the city must obtain a business tax number, file an annual return, regardless if profit was earned, and pay tax on the earnings accordingly. Although he was aware of his spouse's earnings, Mr. Hodge told us that he was not aware of his spouse's obligation to pay business taxes, file a return with the City of Philadelphia, and he did not get involved in his spouse's business.

Conclusion

We concluded that Mr. Hodge failed to disclose his spouse's self-employment and earnings on the 2013 and 2014 Confidential Financial Disclosure Reports he completed

for VA, falsely certifying them being true, complete, and correct. We also found that he failed to report his spouse's earned income on their annual income tax returns for the years prior to 2014. Although Mr. Hodge initially told us that he did not know how much his spouse earned and failed to report and pay taxes on this income, he was later able to tell us how much his wife earned for those tax years, and although he said that he did not get involved in his spouse's business, he admitted that they had a joint bank account where she deposited her earnings, and they used those funds to pay for a recent family vacation.

It was not until we questioned Mr. Hodge about his spouse's self-employment and income earnings that he reported it on his Confidential Financial Disclosure Report for 2015 and told us that he intended to claim her income on their 2014 income tax return. We referred the failure to report income to the Internal Revenue Service and the State of Pennsylvania Department of Revenue.

Recommendation 3. We recommend that the Eastern Area Director confer with the Offices of General Counsel (OGC) and Human Resources (OHR) to take appropriate administrative action, if any, against Mr. Hodge.

Recommendation 4. We recommend that the Eastern Area Director confer with OGC and OHR to ensure that Mr. Hodges receives refresher ethics training.

Recommendation 5. We recommend that the Eastern Area Director confer with OGC to ensure Mr. Hodge's Confidential Financial Disclosure Reports for past years are reviewed and any necessary action is taken as a result of that review.

Comments

The VBA Eastern Area Director was responsive, and his comments are in Appendix A. We will follow up to ensure the recommendations are fully implemented.

JAMES J. O'NEILL
Assistant Inspector General for
Investigations

Appendix A

Eastern Area Director Comments

Department of Veterans Affairs

Memorandum

Date: April 30, 2015

From: Mr. Willie Clark, VBA Eastern Area Director

Subject: Administrative Investigation, Misuse of Position and

Failure to Disclose and to Satisfy Financial Obligations,

VBA, VARO, Philadelphia, PA

To: Assistant Inspector General for Investigations

I have contacted both Lucy Filipov and Gary Hodge and verified their association and activities as outlined in this report. I will confer with OGC and OHR, and after doing so take the appropriate administrative and/or disciplinary action, if any, against one or both individuals. I will also ensure that both Ms. Filipov and Gary Hodge receive refresher ethics training. Additionally, I will also ensure Mr. Hodge amends his Confidential Financial Disclosure Reports for past years as appropriate and as required. Lastly, I also told both individuals this type activity will not be condoned or tolerated in this agency.

Eastern Area Director's Comments to Office of Inspector General's Report

The following Eastern Area Director's comments are submitted in response to the recommendations in the Office of Inspector General's Report:

OIG Recommendations

Recommendation 1. We recommend that the Eastern Area Director confer with OGC and OHR to take appropriate administrative action, if any, against Ms. Filipov.

Comments: See page 11

Recommendation 2. We recommend that the Eastern Area Director confer with OGC and OHR to ensure that Ms. Filipov receives refresher ethics training.

Comments: See page 11

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Comments: See page 11

Appendix B

Acknowledgments

OIG Contact	For more information about this report, please contact the Office of Inspector General at (202) 461-4720.
Acknowledgments	William Tully

Appendix C

Report Distribution

VA Distribution

Deputy Secretary (001) Chief of Staff (00A) Executive Secretariat (001B) VBA Eastern Area Director

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