



U.S. Customs Service

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Commissioner of Customs

December 5, 2000

Dorene A. Kulpa-Friedli
12729 Mill Heights Court
Herndon, Virginia 20171

Dear Ms. Kulpa-Friedli:

As you are aware, Treasury's Office of the Inspector General conducted an additional investigation into the circumstances surrounding the death of your husband, U. S. Customs Special Agent Gary Friedli. Subsequent to the receipt of the Inspector General's report, I requested a thorough review of that report. These results were provided to the Discipline Review Board (DRB) along with all the previous investigative materials. The DRB was tasked to review and assess the entire case. However, after consultation with the Office of Chief Counsel, it was found that further action in this matter was prohibited because disciplinary action had already been taken.

The discipline of Federal employees is guided by statutes, rules, regulations, and in large part case law established by independent, outside entities such as the Merit Systems Protection Board (MSPB). These case decisions have the force of law, and agencies are required to follow them. The MSPB has ruled that an agency may not discipline an employee twice for the same misconduct.

In an effort to provide you with the information upon which our decision was based, we are enclosing a redacted copy of U.S. Customs Service Report of Investigation dated July 14, 2000. We are releasing the redacted copy in order to withhold the identities of third parties and/or other investigative personnel who were involved in the case.

I know that the untimely death of your husband was a painful and life altering situation that does not bring any easy answers or solutions. The death of any Customs employee is tragic and heartrending, regardless of the circumstances. The effect of your husband's death cannot be measured; his contribution to the Customs Service will never be forgotten.

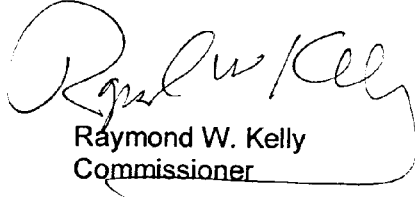
TRADITION

SERVICE

HONOR

While this may be of little comfort to you and your family, I can assure you that we've done everything possible to review all the evidence and the decisions made in this case. In the end, I am constrained by the law to take no further action.

Yours truly,



Raymond W. Kelly
Commissioner