



# **Investigative Report of Jonathan Jarvis**

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This is a version of the report prepared for public release.

## **SYNOPSIS**

We initiated this investigation in June 2015 after receiving a memorandum from U.S. Department of the Interior (DOI) Chief of Staff Tommy Beaudreau informing us that Jonathan Jarvis, Director of the National Park Service (NPS), wrote and published a book without consulting DOI's Ethics Office. The book, titled "Guidebook to American Values and Our National Parks," was published by Eastern National, a nonprofit that operates stores and sells merchandise in numerous national parks.

We focused our investigation on whether Jarvis used his public office for private gain by seeking a book deal with Eastern National and whether he misused any U.S. Government resources in the process. We also examined Jarvis' involvement in Eastern National matters at NPS around the time of his book deal, and we reviewed Jarvis' decision not to seek ethics advice from the Ethics Office for the book.

We found that although Jarvis wrote in a note to DOI Secretary Sally Jewell that Eastern National had asked him to write the book, it was in fact Jarvis who contacted George Minnucci, Eastern National's Chief Executive Officer, to see if Minnucci would be interested in publishing it.

According to Jarvis and Eastern National, Jarvis did not receive any money for his book, but he did ask that any royalty he would be due as the author go to the National Park Foundation, a nonprofit that fundraises for NPS. As NPS Director, Jarvis is designated by statute to serve as a Foundation board member. Eastern National and Foundation employees stated that no money has been donated thus far.

Some DOI officials expressed concerns about Jarvis' retention of the book's copyright, as well as the use of the NPS arrowhead logo on the cover and Jarvis' title in some places, giving the appearance of Government endorsement. While Eastern National officials said that it was uncommon to have an NPS employee hold the copyright to one of its books, Jarvis said that he asked to have the copyright placed in his name so that he could later donate it to the Foundation. He said that he had no intention of receiving any money from the book in the future by retaining the copyright.

We found that Jarvis approved Eastern National's use of the arrowhead logo on the book cover, believing that one of the nonprofit's cooperating association agreements with NPS allowed this. We did not find any verbiage in these agreements, however, that permitted Eastern National to use the arrowhead logo on its publications. No one at Eastern National or NPS could pinpoint a specific approval process for using the logo in this way, although numerous Eastern National publications have featured it and NPS officials have the authority to approve its use.

Two areas in the book reference Jarvis' Government title: his biography in the back, which highlights various positions that he has held at NPS, and the book's preface, written by writer and producer Dayton Duncan. Jarvis stated that he purposely tried to downplay his Government position in the book by limiting the use of his title and using a photo of himself not wearing his NPS uniform. During his interview, Duncan stated that he, not Jarvis, had included the reference

to Jarvis' title in the preface; he also said that he did not feel any pressure when asked to write the preface.

Jarvis acknowledged that he wrote the book on his Government iPad. We found that for the most part, however, his work on the book occurred outside office hours. We also found that after receiving 50 copies of the book from Eastern National, Jarvis had his assistant mail 21 autographed copies of the book back to Eastern National, and he did not pay for the 29 he kept.

While we found that Jarvis signed renewals for both of Eastern National's cooperating association agreements with NPS around the time of his book discussions with Minnucci, staff involved in the agreements said that the book did not influence the agreements.

Jarvis stated that he knew he risked "[getting] in trouble" by not seeking advice on his book from the Ethics Office. He felt, however, that if he had involved the Ethics Office and other DOI officials, the book would probably never have been published due to what he viewed as a lengthy approval process and some content that he believed was controversial.

## **DETAILS OF INVESTIGATION**

On June 26, 2015, we initiated this investigation after receiving a request from U.S. Department of the Interior (DOI) Chief of Staff Tommy Beaudreau. Beaudreau notified us that Jonathan Jarvis, Director of the National Park Service (NPS), had written a book titled “Guidebook to American Values and Our National Parks” and had it published by Eastern National, a nonprofit that operates stores and sells merchandise in numerous national parks. Beaudreau and other DOI officials were concerned because Jarvis wrote the book and had it published without consulting DOI’s Ethics Office first.

We focused our investigation on whether Jarvis used his public office for private gain by seeking a book deal with Eastern National, specifically how the book’s proceeds were handled; why Jarvis obtained the copyright for the book in his name; Jarvis’ request to writer and producer Dayton Duncan to write the preface for the book; Jarvis’ approval to use the NPS arrowhead logo, and the logo for NPS’ 2016 centennial, on the book cover and to have references to his U.S. Government title in the book; and Jarvis’ receiving copies of the book from Eastern National.

We also examined whether Jarvis used Government property, his own official time, the time of his subordinates, or nonpublic information for his book. We further reviewed Jarvis’ involvement in Eastern National matters at NPS around the time of his book deal, including Eastern National’s cooperating association agreements and Eastern National Chief Executive Officer George Minnucci’s receipt of two NPS awards. Finally, we investigated Jarvis’ decision not to seek advice about the book from the Ethics Office.

### **How DOI Officials Learned About Jarvis’ Book**

According to Beaudreau and members of his staff, they became aware of Jarvis’ book at a staff meeting on Friday, June 19, 2015, after Ed Keable, Deputy Solicitor for General Law, relayed the issue. Keable had found out about the book in early 2015 when Jarvis’ chief of staff, Maureen Foster, approached him about it.

Beaudreau stated that at the staff meeting, Secretary Jewell’s administrative assistant overheard the conversation about Jarvis’ book and informed the group that Jarvis had left a copy of it with a note for the Secretary. The Secretary’s assistant then retrieved the book from the Secretary’s office, he said, but could not find the note. He said that the book appeared to be finished and ready to be published, and that with the NPS arrowhead logo displayed on the cover and the content referencing national parks, it looked like a Government publication. Beaudreau said that a host of ethical issues “leaped” to his mind, in addition to his “profound disappointment” that this was the first time he was made aware of the book.

Beaudreau said that he wondered what arrangement Jarvis had with Eastern National and whether he had cleared it with the Ethics Office. He said that he also wondered if there was a way to “put the brakes” on publishing the book. That day, he said, he spoke with Keable, who agreed to have his staff, including Designated Agency Ethics Official Melinda Loftin, review the matter.

The following Monday, Beaudreau said, Kate Kelly, Senior Advisor to the Secretary, received Eastern National's press release on the book, which confirmed that the book had already been published.

Beaudreau said that he spoke with the Secretary, who gave him the note that Jarvis had left with the book. When asked if the Secretary said anything about the book itself or recalled receiving it, Beaudreau said that she did not. He said that the Secretary agreed the situation raised some ethical concerns, and he told her that the issue might need to be referred to the Office of Inspector General (OIG).

Beaudreau provided us with a copy of Jarvis' book, the note that Jarvis had written to Secretary Jewell, and Eastern National's press release.

We reviewed the book, which highlights 52 American values, including bravery, hard work, integrity, and patriotism, and describes specific parks to visit that demonstrate these attributes. The cover of the book includes the outline of the NPS arrowhead logo; the logo also appears on the back cover along with the centennial logo. Dayton Duncan, the Emmy-Award-winning writer and co-producer of the documentary "The National Parks: America's Best Idea," which aired on PBS, wrote the preface for the book. Jarvis' position as the Director of NPS is referenced twice: in Duncan's preface and in a biography at the back. The dedication section of the book includes a statement that all proceeds from the sale of the book would go to NPS programs through Eastern National and the National Park Foundation, another nonprofit that fundraises for NPS. The book also notes that Eastern National is the publisher of the book, but Jarvis holds the copyright.

The note from Jarvis to the Secretary read:

Sally,

This book stems from a talk I developed over the last decade around American values. I wrote the book at the request of Eastern National, our largest cooperating association. I wrote it on my own time (snow days!) and all proceeds come back to NPS thru [sic] Eastern and the Foundation, so there are no ethics issues [emphasis in original].

In many ways it reflects how we both feel about the NPS, and our role in helping the Nation live up to its ideals.

The press release from Eastern National stated that the book was published in cooperation with NPS and that Jarvis wrote the manuscript for the book on his personal time and donated it to Eastern National. The chief operating officer (COO) of Eastern National was quoted in the press release as stating that Eastern National was "pleased to have been asked" to work on the project.

We interviewed Keable, who appeared to have known about Jarvis' book well before Beaudreau and others. He said that in early 2015, Jarvis' chief of staff, Maureen Foster, informed him that Jarvis was writing a book and asked if this was permissible. Keable said he told Foster that Jarvis should contact the Ethics Office to get clearance for the work. According to Keable, he did not

hear anything more about Jarvis' book until late June, when Foster stopped by Keable's office and handed him a printed copy of it. He said she told him that she did not think that Jarvis had spoken with the Ethics Office about the book, but she had told him he needed to. Keable said that he informed Deputy Chief of Staff Ben Milakofsky about the issue and that he contacted Loftin, who confirmed that Jarvis had not consulted with the Ethics Office about the book.

Keable was concerned that Jarvis publishing the book could have posed a conflict of interest, explaining that because Eastern National, which managed NPS bookstores and facilities, was involved, the issue "needed to be sorted through." Another question, he said, was whether Jarvis—who was presidentially appointed and Senate confirmed (and thus might be required to be always "on duty")—even had his "own time" in which to write the book.

We also interviewed Loftin, who recalled Keable giving her a copy of Jarvis' book to review on June 19, 2015. Loftin noted that the book was selling for \$7.95, with \$1 of that amount being donated to the Foundation. She questioned the potential tax implications of this for both Jarvis' income and his charitable donations. She said that she had many other concerns about Jarvis writing the book, including him potentially misusing his position as well as Government resources and time. She noted that Duncan, who had worked with filmmaker Ken Burns on a documentary series on the national parks, wrote the preface for Jarvis' book, and she was concerned that Jarvis used a relationship that had sprung from his Government position to further his own personal interests.

Loftin also noted that the press release for the book stated that Eastern National was "pleased to have been asked" to work on the project, which to her implied that Jarvis had asked Eastern National to undertake the book's publication. She said that it would be a problem if the Director of NPS was asking a nonprofit that had agreements with NPS to publish a book for which he ultimately held the copyright.

We also interviewed Foster, who said that in 2014 or early 2015, Jarvis mentioned to her informally that he was going to take a speech that he had written on how parks tied into American values (the "values speech") and turn it into a book. After she approached Keable about the book, she said, she told Jarvis that he should speak with Loftin and the Ethics Office. Foster could not recall Jarvis' exact response to her, but he appeared concerned about the amount of time it would take to get an ethics opinion and that his work would be edited. She said that Jarvis gave her a copy of the book upon its publication, and she brought it to Keable.

### **Use of Public Office for Personal Gain**

We reviewed Jarvis' potential use of public office for private gain while writing and publishing the book. We specifically examined his seeking the book deal with Eastern National, directing how the book's proceeds were handled, obtaining the copyright for the book in his name, and having an Emmy-Award-winning writer and producer on the subject of national parks write the book's preface. We also reviewed Jarvis' receiving copies of the book from Eastern National and using the NPS arrowhead and centennial logos and his Government title in the book.

### *Relevant Laws and Regulations*

According to 5 C.F.R. § 2635.101, “Basic Obligation of Public Service,” and 5 C.F.R. § 2635.702, “Use of Public Office for Private Gain,” Federal employees cannot use public office for their personal benefit. Employees must also “endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards.”

Also, 5 C.F.R. § 2635.807, “Teaching, Speaking, and Writing,” states that Government employees cannot receive compensation for teaching, speaking, or writing that relates to their duties. Receiving compensation includes designating funds to be paid to someone else, such as a charitable organization. A related regulation, 5 C.F.R. § 2635.804, “Outside Earned Income Limitations,” states that presidential appointees cannot receive outside earned income from any employment or activities.

In addition, 18 U.S.C. § 209, “Salary of Government Officials,” is a criminal prohibition against a Federal employee’s receiving any salary as compensation for services as an officer or employee of the executive branch from a source other than the Government.

Finally, according to 5 C.F.R. part 2635, subpart B, “Gifts From Outside Sources,” Federal employees in general must not solicit or accept gifts from prohibited sources or gifts given because of their official position.

### *The Origin of the Book Deal*

Jarvis’ June 11, 2015 note to the Secretary stated that Eastern National requested that he write the book. Similarly, two emails from Minnucci to Jarvis made it appear as though Eastern National made the request. On January 27, 2015, Minnucci emailed Jarvis: “Jon, I have an idea for a centennial publication that I would like to discuss with you. If you have some time please give me a call.” The following day, Minnucci emailed Jarvis that his staff had noticed a “void” in its centennial publications. He said that the publications group was lacking a manuscript that educated the public on the “intrinsic importance” of the national parks, and he could think of only one person to author such a book. He asked if Jarvis had “any free time away from the office” and would be interested in writing a book based on his values speech, which Minnucci had heard.

Minnucci provided us with an earlier email, however, which indicated that Jarvis actually initiated the book conversation with Eastern National. Jarvis had emailed Minnucci on January 22, 2015, informing him that he was “strongly considering” authoring a book on how the parks represented core American values, and he wondered if Eastern National would be interested in publishing it. He noted that there was some “outside interest” in publishing the book, but he thought first of Eastern National. Before his first interview, Jarvis had given us copies of his emails related to the book, but he did not provide the January 22 email.

During Jarvis’ first interview, he said that he wrote his values speech in October 2012 during a conference at the Grand Canyon that he attended in his capacity as NPS Director. He said that one of his “pillars” as the Director was connecting NPS to the next generation in a relevant way,

and he wanted to remind the American public that parks were more than a tourist destination and represented a “deeper American set of values.” Jarvis said that when he began giving the speech many people requested copies of it, so he placed a copyright symbol at the top of the document to dissuade anyone from republishing it, although he never actually registered a copyright for it.

Jarvis said that the operator of the company Historic Tours of America began to “pester” him about turning his speech into a book and offered to fund the project. Jarvis said that he declined, as it would have been inappropriate to work with someone in the private sector, but he nonetheless began thinking about trying to reach a broader audience with his message by writing a book.

Jarvis stated in his first interview that he called Minnucci, whom he had known for 20 to 25 years, in December 2014 or January 2015 and asked if he was interested in his book concept, and Minnucci said that he was. He said that Minnucci told him he would send Jarvis a letter, which he later did via email, to formalize the arrangement, and, according to Jarvis, to “keep it clean.” Jarvis explained that Minnucci was giving him the chance to “respond with something more formal than just a phone call.”

When we interviewed Minnucci, we showed him the January 22, 2015 email in which Jarvis told him about his desire to author a book, and Minnucci recalled it as the first contact he had with Jarvis specifically about the book. Minnucci said that none of the other books that Eastern National had been working on for the NPS centennial would be ready and available for sale in 2015 as he had hoped, so he decided that Jarvis’ book could fill that void. Minnucci said that at no time did he feel pressured to publish Jarvis’ book.

Minnucci said that it cost Eastern National approximately \$11,000 or \$12,000 to print, publish, and distribute 2,500 copies of the book, which was being sold through various NPS park stores (for \$7.95), but only 228 copies had sold. Minnucci said that while the book was very well written, he did not think that Eastern National would make its money back on it.

We showed Minnucci his January 27, 2015 email to Jarvis stating that he had a publication idea. We explained to him that the email read as though it was Minnucci who had thought of the idea for Jarvis to write a book, not the other way around. Minnucci said that this email was intended to serve as his “internal approval” to his staff. He explained that he wanted to have an internal record for the Eastern National staff that they were going to be working on Jarvis’ book at Minnucci’s direction. According to Minnucci, he later forwarded the January 27 email to his staff. When asked if Jarvis had requested that Minnucci send him an email to make it look like the book was Minnucci’s idea, Minnucci said: “Not that I remember.”

***Agent’s Note:** A member of Minnucci’s staff provided an email showing that Minnucci forwarded her a copy of the January 28, 2015 email that he sent Jarvis suggesting that he write the book.*

We also showed Minnucci his January 28, 2015 email to Jarvis, in which the language once again appeared to state that the book was Minnucci’s idea, not Jarvis’. Minnucci reiterated that



Jarvis did not ask him to write the email, and that it was strictly for Minnucci's staff. Minnucci said that he wanted his staff to think the book was his idea and that it was "a CEO decision."

We reinterviewed Jarvis about Minnucci's emails, and he said that during an initial telephone conversation with Minnucci about the book, Minnucci suggested sending Jarvis a request to write it, but Jarvis did not ask why he wanted to do this. Jarvis said that Minnucci told him: "I've been doing this a long time. Let me send you a request." He surmised that Minnucci was trying to "protect" him and that Minnucci might have had some concern that it would have appeared inappropriate for Jarvis to approach Minnucci about the book. He further opined that Minnucci did not want it to appear that Eastern National was publishing the book only because Jarvis was the Director of NPS.

Jarvis acknowledged that the two emails that Minnucci sent him, making it appear as if the book idea was Minnucci's, did not accurately reflect what happened. He stated, however, that he never asked Minnucci to write them, and he did not know what Minnucci planned to do with them.

We informed Jarvis that it appeared that his note to the Secretary, which stated that Eastern National had asked him to write the book, was not accurate, and he replied: "I guess that's true." He said that he was "following the path that was laid out" in Minnucci's emails.

We showed Jarvis the January 22, 2015 email in which he asked Minnucci if he would be interested in publishing the book, and Jarvis maintained that he spoke with Minnucci about the book by phone prior to this email. We asked Jarvis if he had failed to provide the email to us in an attempt to maintain the illusion that Minnucci had been the one to come to him about writing the book. He stated that not providing the email "wasn't purposeful," adding that he had searched his emails but did not find this one.

### *The Book's Proceeds*

In a January 31, 2015 email to Minnucci, Jarvis stated that he wanted any royalty due to him as the author of the book to go to the Foundation. A June 1, 2015 email to Foundation employees from Eastern National's COO stated that Eastern National would donate to the Foundation \$1 per copy of each book sold, paid quarterly.

During his interview, Jarvis said he told Minnucci that he wanted all proceeds from the book to go to the Foundation, but Minnucci said that he still had to cover his costs. Jarvis said he then told Minnucci that he wanted any money that would normally come to him as the author to go to the Foundation, and he wanted Eastern National and the Foundation to work out how that would occur.

Jarvis explained that the Foundation was established by Congress as a fundraising charity for NPS, and, by law, he and the Secretary were members of its board. He said that board members were required to donate at least \$25,000 per year to the Foundation, but the board did not require him to do so since he was a career Federal employee who could not afford it. Jarvis said that because he was not able to donate money to the Foundation, he wanted the book to essentially be

a gift to the group. When asked, Jarvis said that he had no intention of claiming the money provided to the Foundation through the sale of his book as a donation on his tax return.

According to Jarvis, he received no money or anything of value related to the book, and he and Eastern National did not have a formal contract or agreement in place for him to write it. He also said that because of the way NPS' cooperating association agreement was set up with Eastern National, 12 to 17 percent of the profits from the book would go back to NPS.

Minnucci and Eastern National's COO confirmed that Jarvis was not compensated for writing the book and that he did ask for some of the book's proceeds to go to the Foundation. The COO said that no money had been donated to the Foundation thus far, but the plan was to make a quarterly donation by check. He said that normally Eastern National would not "funnel money to the Foundation" unless someone had requested it. He also said that when Federal employees wrote books for Eastern National during work hours, they did not normally receive a royalty, but individuals in the private sector who wrote books sometimes received a one-time payment, and then Eastern National owned the manuscript.

We interviewed two Foundation employees involved in donation discussions with Eastern National. The employees said they were aware that Jarvis requested that proceeds from his book go to the Foundation, but they had not yet received any money. They said that while there was no written agreement on the structure of the donation, it would be recorded as coming from Eastern National, not Jarvis. Neither of the employees said that they felt, or knew of anyone feeling, pressured to promote Jarvis' book.

***Agent's note:*** On October 30, 2015, Minnucci confirmed that as of that date Eastern National had not made or planned any donations to the Foundation from the book's sales.

According to 5 C.F.R. § 2635.807, Government employees cannot receive compensation from outside sources for teaching, speaking, or writing that relates to their official duties. This prohibition extends to funds paid directly to a charitable organization at the employee's request.

### *The Book's Copyright*

Jarvis emailed Minnucci on March 15, 2015, stating that he assumed the copyright for the book would remain in his name and Eastern National would get "first publication rights."

Jarvis said that he asked Minnucci what Eastern National normally did about copyrights for publications, and Minnucci told him that it normally held them. He said he told Minnucci that he wanted the Foundation to have the copyright because it could be of value to that organization over time, and Minnucci responded that he could register the copyright in Jarvis' name, and then Jarvis could donate it to the Foundation. Jarvis said that he agreed to this, and the copyright was ultimately filed in his name.

Jarvis also said he was concerned that if he left the book without a copyright, the material would be "lost." He said that everything that NPS published was in the public domain and was "usable"

by anyone.<sup>1</sup> He provided an example of an NPS brochure that a nonprofit had taken and republished with few changes. Jarvis said that these types of situations bothered him.

We asked Jarvis whether he planned to receive any future proceeds related to the book, given that he held the copyright. He repeated that he planned to grant all publishing rights and proceeds to the Foundation.

Minnucci said that Jarvis preferred to retain the copyright for the book because Jarvis did not know what he wanted to “do with the material in the future.” Minnucci said that based on Jarvis’ request, Eastern National filed a registration of the copyright in Jarvis’ name. He said that filing for the copyright cost \$55, and he planned to send Jarvis the bill. He said that Eastern National normally retained the copyright on books authored by NPS employees. Minnucci could not recall Jarvis ever expressing a desire to have the book copyrighted under the Foundation, which Minnucci said he would not have done anyway.

According to 5 C.F.R. § 2635.804, presidential appointees cannot receive “outside earned income” for outside employment or activities. This includes “constructive” receipt of income that is paid to a third party; however, per the regulation, copyright royalties and fees are not considered income.

### *The Book’s Preface*

Jarvis said that he was friends with filmmaker Ken Burns and writer Dayton Duncan, who produced a television series on the national parks. He said that he asked Burns if he would write the preface for the book and Burns agreed, but when Jarvis later spoke with Burns’ staff, they told him that Burns did not have the time to write it. They suggested that Jarvis contact Duncan to write it instead, he said, so he did. He said that Duncan wrote the preface and Jarvis submitted it to Eastern National. When asked if he ever informed Duncan about how the proceeds for the book were being handled or that he was working on the book on personal (versus official) time, Jarvis said that he did not.

Duncan said that he met Jarvis a couple of times beginning in 2005, when Jarvis was an NPS regional director and Duncan was working on the TV documentary “The National Parks: America’s Best Idea.” Duncan said that he also interacted with Jarvis more recently at five or six meetings for an advisory committee on the NPS centennial, of which Duncan was a member. Duncan said that he would consider Jarvis to be a friend, although the only times they had interacted involved park issues.

Duncan said that he first heard of Jarvis’ book when he received an email about it in the spring of 2015. He said Jarvis sent an email to Burns about the book and asked if Burns would write the preface, but because Burns was busy, Duncan agreed to do it. Duncan said that he was in favor of doing anything to promote the NPS centennial. He noted that he had written forewords and prefaces for other books relating to national parks. According to Duncan, he did not feel

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<sup>1</sup> There is no copyright protection for a work of the Federal Government, which is defined as a work prepared by an officer or employee of the Government as part of that person’s official duties (17 U.S.C. § 101).

pressured to write the preface because of Jarvis' position. Duncan said that he wrote the preface quickly and submitted it by email to Jarvis on April 6, 2015.

During his second interview, Jarvis said he did not think that asking Burns or Duncan to write the preface posed a conflict of interest, despite having only met them in his Government capacity, because he was not benefiting financially from the book.

#### *Use of NPS Logos on the Book Cover*

On March 15, 2015, Jarvis emailed Minnucci and stated that he had checked with his office, and Eastern National had the right to use both the NPS arrowhead and centennial logos on its publications, so he wanted them to be used for his book.

During his interview, Jarvis said that he did not recall actually obtaining advice regarding the use of the NPS logo, but he believed that Eastern National could use it under its cooperating association agreement with NPS. He said that while Eastern National could not sell clothing with the arrowhead logo to anyone but NPS employees, it could use the logo on publications. He said that, as far as he knew, his publication with Eastern National "just fell under the parameters" of the agreement. He also stated that the NPS centennial logo, which also appeared on the cover of the book, was owned by the Foundation, and Eastern National and other NPS cooperating associations were able to use it on products.

Minnucci and Eastern National's COO said that Eastern National had used the NPS arrowhead logo on many of its publications and normally worked with the superintendents of individual parks to obtain permission to use it. According to Minnucci, since Jarvis was the NPS Director and he had approved the cover design for the book, which included the logo, Jarvis had therefore approved the use of the logo. We asked Minnucci how, since Jarvis allegedly wrote the book in his personal capacity, he could also function as the NPS employee who approved the use of the logo. Minnucci said: "You know what, that's a good question," but had no additional response.

We examined Eastern National's October 7, 2014 cooperating association agreement with NPS to operate stores in various parks and its February 2, 2015 agreement to produce merchandise bearing the arrowhead logo for NPS employees and volunteers to purchase. Neither addressed Eastern National's use of the arrowhead logo on publications.

According to 36 C.F.R. § 11.2, "Arrowhead and Parkscape Symbols," and NPS Special Directive 93-07, the arrowhead logo may be approved by the Director of NPS for uses that will contribute to education and conservation as they relate to NPS programs. All other uses of the arrowhead logo are prohibited. NPS Director's Order 52D provides procedures under which lower-level NPS officials may approve the use of the logo.

#### *Use of Jarvis' Title*

Two areas of Jarvis' book reference his title as NPS Director: the preface written by Duncan and a biography at the back. Duncan's preface states: "In these pages, Jonathan Jarvis, the 18th

Director of the National Park Service, adds a new chapter in the evolution of the national park idea.” Jarvis’ biography states:

Jonathan B. Jarvis began his career with the National Park Service during the U.S. Bicentennial in 1976. He has served as ranger, biologist, or superintendent in Prince William Forest Park, Guadalupe Mountains National Park, Crater Lake National Park, North Cascades National Park, Craters of the Moon National Monument, Wrangell-St. Elias National Park and Preserve, and Mount Rainier National Park. From 2002 to 2009, he served as the regional director for the Pacific West Region of the NPS, overseeing all of the national parks in Washington, Oregon, Idaho, California, Nevada, Hawaii, and the Pacific Islands. In 2009, he was confirmed by the Senate as the 18th director of the National Park Service.

Jarvis stated that he purposely tried to downplay his Government position in the book, minimizing the references to his current title and using a photo of himself not in uniform.

Jarvis provided a biography that he had written in January 2013 for the preface of a book by a former colleague, which he said the Ethics Office had approved. The biography was similar to the one in Jarvis’ book; it talked about his NPS experience and positions held.

Duncan confirmed that he, not Jarvis, had included the reference to Jarvis’ title in the preface.

According to 5 C.F.R. § 2635.702(b), “Use of Public Office for Private Gain: Appearance of governmental sanction,” when teaching, speaking, or writing in a personal capacity, individuals may refer to their official position as one of several biographical details when the information is given to identify them in connection with their activity.

#### *Jarvis’ Receipt of Books*

In a June 9, 2015 email, Minnucci told Jarvis that he sent him 50 copies of the published book. The following day, Jarvis emailed Minnucci that he had received the books, had signed 21 copies, and would have them mailed back.

When interviewed, Jarvis acknowledged that he had kept 29 copies of the book, some of which he passed out to his staff, and the rest were sitting in his closet. He said that he did not pay Eastern National for the ones he kept.

#### **Use of Government Resources**

We investigated whether Jarvis used Government property, his official time and the time of subordinate employees, and nonpublic information for his book.

#### *Relevant Laws and Regulations*

According to 5 C.F.R. § 2635.704, “Use of Government Property,” Government employees must protect and conserve Government property and not use it for purposes other than those

authorized by law or agency regulation. The DOI manual authorizes “limited personal use” of Government equipment so long as it occurs on nonduty time, does not interfere with official business, is of negligible cost, and is not a “commercial gain activity.” Commercial gain activity is defined as relating to buying, selling, advertising, soliciting, leasing, or exchanging products or services for personal profit.

In addition, 5 C.F.R. § 2635.705, “Use of Official Time,” states that unless otherwise authorized by law or regulation, an employee must use official time in an honest effort to perform official duties; presidential appointees are also obligated to “expend an honest effort and a reasonable proportion” of time in performance of official duties. This regulation also prohibits employees from encouraging or requesting subordinates to use their official time to perform nonofficial activities.

According to 5 C.F.R. § 2635.703, “Use of Nonpublic Information,” Federal employees must not allow the improper use of nonpublic information to further their own private interest or that of another. Nonpublic information is defined as information that employees gain through their Federal employment that the employee knows, or reasonably should know, has not been made available to the general public.

#### *Use of Government Equipment, Official Time, and Nonpublic Information*

On January 31, 2015, Jarvis emailed Minnucci that he planned to work on his book on his “own time,” and he would use “sources readily available to the public.” Jarvis later stated in his June 11, 2015 note to the Secretary that he had worked on his book on “snow days.”

On the last page of Jarvis’ book, photos that appeared throughout the book were credited to numerous people, 13 of whom appeared to work for NPS in some capacity.

During his first interview, Jarvis said that he worked on his book on weekends and “snow days” in February when DC-area Government offices were closed. He said that he chose to communicate with Minnucci via personal email and work on the book outside the office instead of on official time because he did not want the book to be subjected to editing by DOI. He explained that he thought portions of the book were controversial, including sections on immigration, women’s rights, and civil rights. Jarvis said that had he written the book on official time, it would have gone through a review process by higher-level officials, and it probably never would have been published. He acknowledged using his Government iPad to work on the book.

We later analyzed Jarvis’ Government iPhone and iPad, his Government laptop, and a personal thumb drive, and we confirmed that most of Jarvis’ work on the book occurred outside office hours, including weeknights, weekends, and holidays. It appears, however, that in nine instances, Jarvis either emailed Minnucci or accessed files related to the book on weekdays when he was not on leave and Government offices were open.

Jarvis said that no Government employees assisted him with writing the book. He said that the book’s content came from his personal knowledge of the parks and from public websites,

including park sites and Wikipedia. He said that he was not involved in obtaining or choosing the photos for the book.

Minnucci and Eastern National's COO said that they were not aware of any NPS employee involvement in the book, and the photos used came from Eastern National's collection of images. According to Minnucci, Jarvis wanted to communicate through his personal email because he did not want to "get in trouble internally" and thought any contact about the book should not take place during work hours. He said that Jarvis informed him that he would be writing the book during his personal time, and after the book was published, Minnucci recalled the need to emphasize this.

Both Foster and Jarvis' deputy, Peggy O'Dell, also said that they were unaware of any NPS staff assisting Jarvis with his book. Jarvis' assistant acknowledged during her interview that Jarvis had her ship Eastern National the signed copies of his book. Although Eastern National included a return UPS shipping label in the package of books that it sent to Jarvis, she said, she used the Government FedEx account so that it would ship faster. During his second interview, Jarvis acknowledged asking his assistant to send the signed books back to Eastern National, but he assumed she had used the return label Eastern National had provided.

During our investigation, some DOI officials noted that Jarvis, as a presidentially appointed and Senate-confirmed official, might have more-stringent restrictions for conducting outside activities on "personal" time. Some questioned whether Jarvis was essentially "always on the clock" as a presidentially appointed official. We contacted human resources officials with the Office of the Secretary, who stated that although Jarvis was presidentially appointed, he had retained his Federal career benefits after he was appointed Director; thus, he continued to accrue and take leave.

### **Jarvis' Involvement in Eastern National Matters**

We reviewed Jarvis' involvement in Eastern National matters at NPS around the time of his book deal, including Eastern National's cooperating association agreements with NPS and Minnucci's receipt of two NPS awards.

#### *Relevant Laws and Regulations*

According to 5 C.F.R. § 2635.402, "Disqualifying Financial Interests," Federal employees are prohibited by criminal statute (18 U.S.C. § 208) from "participating personally and substantially in an official capacity in any particular matter" in which they or "any person whose interests are imputed to [them]" has a financial interest, if the particular matter will have a "direct and predictable effect on that interest."

In addition, 5 C.F.R. part 2635, subpart E, § 2635.501, "Impartiality in Performing Official Duties – Overview," states that there may be circumstances in which employees should not perform their official duties in order to avoid the appearance of a loss of impartiality.

### *Renewal of Cooperating Association Agreements*

On October 7, 2014, Jarvis signed a cooperating association agreement between NPS and Eastern National, allowing Eastern National to continue running 138 of NPS' park stores. The agreement, which was not set to expire until 2015, was thus renewed early, but it appears to have been signed before Jarvis' and Minnucci's discussions about the book began.

Jarvis signed another cooperating association agreement with Eastern National on February 2, 2015, allowing the organization to produce merchandise bearing the arrowhead logo for purchase by NPS employees and volunteers. This agreement was signed after Jarvis' and Minnucci's initial email discussions about publishing the book.

Jarvis told us that neither agreement was related to his book deal. He said that both agreements came to him for his signature, and he simply signed them. He said that he did not know why the October 7, 2014 agreement was renewed early.

NPS' coordinator of agreements with cooperating associations said that Eastern National had been working under cooperating association agreements with NPS for at least 50 years. She said that the agreements were unrelated to Jarvis' book deal. She said that Minnucci requested that the October 7, 2014 agreement be signed early so that Eastern National could work with its lenders in preparation for the centennial. She brought the renewal to Jarvis to sign, and that was the extent of his involvement as far as she was aware. When asked if Jarvis signed any other agreements related to Eastern National since January 2015, the coordinator provided a copy of a June 2, 2015 memo showing that Jarvis approved a request for Virgin Islands National Park to change cooperating associations from Eastern National to Friends of Virgin Islands National Park.

Minnucci and Eastern National's COO confirmed that the October 7 agreement was renewed early because Eastern National was obtaining a line of credit with its bank.

We learned during our investigation that on August 7, 2015, Loftin wrote a memorandum to Jarvis recommending that he recuse himself from matters involving Eastern National pending the outcome of our investigation. Jarvis subsequently signed a recusal to this effect.

### *Minnucci's Receipt of NPS Awards*

On June 9, 2015, NPS presented Minnucci with the James V. Murfin Award for the "significant and lasting contribution" he made to NPS and cooperating associations over time. Then, on June 23, 2015, Minnucci received an honorary park ranger award from NPS.

Jarvis said that he knew Minnucci had received the honorary park ranger award, which Jarvis had approved, because Minnucci was retiring. Jarvis said that Minnucci's receipt of the ranger award had nothing to do with his book. He did not recall Minnucci receiving the Murfin award.

O'Dell said that the NPS office that oversees cooperating association agreements presented the Murfin award to Minnucci as a way to honor his years of service, and the honorary park ranger



award was her idea. She said that she sought and received Jarvis' approval for the ranger award, but Jarvis' book deal with Eastern National did not affect Minnucci's receipt of the awards.

NPS' cooperating agreement coordinator said that the NPS Midwest Region nominated Minnucci for the Murfin award, and she and two other managers approved the nomination. She said that Jarvis "had no influence" on Minnucci's nomination or receipt of the award.

Minnucci said that he had "no clue" whether Jarvis had anything to do with his awards and referred to them as the "kiss of death award[s]," saying he received them because he was getting ready to retire. He said that he received a plaque for the Murfin award and a park ranger hat for the honorary park ranger award.

### **Jarvis' Decision Not To Seek Ethics Advice**

We interviewed an Ethics Office attorney-advisor regarding her concerns about the book, and discussed with Jarvis his decision not to seek advice about the book from the Ethics Office.

#### *Relevant Laws and Regulations*

According to 5 C.F.R. § 3501.105, "Outside Employment and Activities," a DOI employee who wishes to engage in outside employment or an outside activity with a prohibited source—defined in part to include any person or organization doing, or seeking to do, business with DOI—must obtain approval from an agency ethics counselor beforehand. DOI's regulation covers activities done with or without compensation, and specifically includes "writing done under an arrangement with another person for production or publication of the written product." It excludes "participation in the activities of a nonprofit charitable . . . organization" if no compensation is received for the employee's professional services or advice.

#### *Ethics Office's Concerns Over Jarvis' Decision*

We interviewed an attorney-advisor in the Ethics Office who reviewed the issues surrounding Jarvis' book before Beaudreau requested that we open our investigation. She stated that Jarvis was required to obtain ethics approval before engaging in an outside employment activity with a prohibited source, even if there was no compensation. She noted that if Jarvis was receiving royalties from the book and diverting them to the Foundation, this might have violated the conflict-of-interest law (18 U.S.C. § 208). The attorney-advisor said that even if Jarvis was not personally receiving money from the sale of the book, having his name associated with it could create the appearance that he was using his official position for personal gain.

#### *Jarvis' Explanation of His Decision*

During his interview, Beaudreau said that he met with Jarvis after referring the information about the book to us. He said that Jarvis told him that he did not consult with the Ethics Office on the book because doing so would have taken too long, and with NPS' centennial approaching, the book would be "really powerful."

On January 22, 2015, Jarvis emailed Minnucci about his book idea and stated that he had never written a book before and would have to “clear” the issue with “ethics.” On January 28, 2015, he emailed the historical tours operator who had contacted him about writing a book to say that he would be working with Eastern National instead; he added that authoring a book on his “own time,” while the Director of NPS, involved “some complex ethics issues” that he was working through.

Jarvis stated during his first interview that Foster had advised him that he should obtain advice from the Ethics Office on the book, but he never did. Jarvis explained that he was frustrated with the Ethics Office for not being able to approve “very, very simple things.” As an example, he explained that a thank-you letter to a donor from him and the Foundation took 6 weeks for the office to approve, which led him to believe that approving the book was going to be a problem.

Jarvis said that he knew many NPS employees had written books for Eastern National over the years, and no ethical concerns existed. “So, I felt that there was nothing wrong with it as long as I did this on my own time,” he said. He acknowledged that the other NPS employees who wrote for Eastern National probably did so on their official time, as Government employees.

We asked Jarvis if he had ever thought about the fact that Eastern National could be considered a prohibited source for him as far as working on an outside activity, given that he was signing its cooperative association agreements. He said that he never had. Jarvis said that he believed that the historical tours operator was a prohibited source because this operator had concessions with NPS, but Eastern National had a long history of producing books with NPS. He added: “I tried to design this as with all intentionality that I would get nothing from this.”

Jarvis said that he left the note for the Secretary and a copy of the book in his outbox, which was typically how he sent items to the Secretary. Jarvis said that he did this because he “figured this book’s going to come out,” and the Secretary “doesn’t like surprises.” When asked if he had had any conversations with the Secretary about the book, Jarvis indicated that he had not.

We asked Jarvis whether, looking back, he would have done anything differently. He said:

Would I have done the same thing? Probably . . . I think I knew going into this there was a certain amount of risk. I’ve never been afraid of a risk. . . . I’ve gotten my ass in trouble many, many, many times in the Park Service by . . . not necessarily getting permission . . . I’ve always pushed the envelope. . . . And I felt that this values analysis . . . could be a very, very powerful tool to not only connect to the next generation but to resonate across political spectrums. . . . And it could be a little bit of something that I could give back to the Park Service, to the Foundation, sort of set the bar in a place that I feel that it needs to be for our second century. . . . And I felt, again, that if I wrote this on the job, subject to all of the review, all [of] the input, . . . all of the machinations that goes on in here, the Department, Communications, Solicitor’s Office . . . [it] wouldn’t happen. . . . So I took the risk knowingly, I guess.

When asked what risk he was referring to, Jarvis replied that he would “probably get in trouble.” When asked to clarify this, he said that he knew DOI officials would be upset that he did not “ask for permission.” He later stated: “And from my view, from my experience, in the ethics world, having been an SES [Senior Executive Service employee] for almost a decade, I did not feel like I was violating any ethics issues because I set this up [with] no personal benefit, nothing gained for me personally. What I was trying to prevent is having it edited.”

We asked Jarvis if the book somehow served his own self-interest, and he said that Minnucci was a good businessman who would not publish a book that would not sell. He said that in early discussions with Minnucci, Jarvis told him: “If this is something that you’re interested in, then go for it. If you’re not interested in it, that’s fine.” Jarvis said that the book “wasn’t about” him; it was about what he was trying to accomplish in his tenure as Director. He said that he “somewhat naively tried to set it up as cleanly as possible.”

Jarvis acknowledged during his second interview, however, that he should have obtained ethics advice on the book. We asked Jarvis whether, given his position as Director of NPS, he could ever fully separate himself from that position and publish a book in his personal capacity through an NPS cooperative partner, and he replied: “Probably not.”

### **SUBJECT**

Jonathan Jarvis, Director, National Park Service.

### **DISPOSITION**

We provided this report to Michael L. Connor, Deputy Secretary of the Interior, for review and action.