

**Congress of the United States**  
**Washington, DC 20510**

December 18, 2012

**VIA ELECTRONIC TRANSMISSION**

The Honorable B. Todd Jones  
Acting Director  
Bureau of Alcohol, Tobacco, Firearms, and Explosives  
U.S. Department of Justice  
99 New York Avenue, NE  
Washington, DC 20226

Dear Acting Director Jones:

On October 15, 2012, we wrote Attorney General Eric Holder asking about the rift between the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and the U.S. Attorney's Office for the District of Nevada (USAONV) in Reno. We recently received a response from the Department of Justice informing us that a prosecutor from outside the District of Nevada is independently reviewing the ATF cases that USAONV had declined or dismissed as a result of the rift. We are pleased that the Justice Department has taken this matter seriously.

However, we still have questions about how the situation was allowed to deteriorate to the point that it did. An editorial last month in the Reno Gazette-Journal that described the situation noted: "U.S. Senator Charles Grassley . . . sent letters demanding answers from ATF; the request went unanswered."<sup>1</sup> Senator Grassley's first letter to you on this matter was sent over 13 weeks ago on September 17, 2012. Similarly, Senator Heller sent you a letter on September 26, 2012, asking for a copy of your answers to the same questions. Among other things, the Senators asked you to describe the reasons ATF agents had wanted to be transferred out of ATF's Reno Field Office. They also requested that you provide all transfer request memoranda written by Reno ATF agents.

We have since obtained copies of the transfer request memos, which we attach to this letter. The memos are from four different ATF agents, one the former Resident Agent in Charge. All are dated from April 2012.

According to one of the special agents' memos, "If proper action had been taken by ATF San Francisco Field Division management when they were first notified of potential issues with the USAO, this would have likely been resolved long ago." Similarly, another special agent wrote: "I feel that if proper action had been initially taken by ATF San Francisco Field Division management dating back to August of 2011,

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<sup>1</sup> Editorial, *Justice Department must resolve Reno dispute now*, RENO GAZETTE-JOURNAL (Nov. 19, 2012), available at <http://www.rgj.com/article/20121120/oped01/311200033/justice-department-must-resolve-reno-dispute-now>.

then this would have been resolved long ago.” A third special agent wrote: “This lack of action by ATF management has seriously and gravely tarnished my reputation as an ATF agent . . . .”

Each one of the memos indicated that it was written as a result of a meeting with Ronald Turk, ATF Assistant Director for Field Operations. Clearly ATF leadership was aware of the problems in Reno at least as early as April 2012, and yet apparently took no action to resolve the issues. Instead, the agents in Reno were simply told to submit transfer requests—all of which were honored, leaving the ATF Reno office with only two agents to cover one of the largest field office areas in the country.

In addition to requesting the transfer memos, Senator Grassley’s September 17, 2012, letter also asked a series of questions to which you have thus far failed to respond, despite Senator Heller asking on September 26, 2012, for your answers to the same questions. Therefore, we respectfully request that you provide full and complete answers to those questions, which follow:

- 1) When did ATF’s San Francisco Field Division first become aware of the problems between Reno ATF and the USAONV? What actions were taken to resolve these issues at that time?
- 2) When did ATF Headquarters first become aware of the problems between Reno ATF and the USAONV? What actions were taken to resolve these issues at that time?
- 3) How many ATF agents are currently assigned to Reno ATF? How many ATF agents were assigned to Reno ATF between 2006 and 2011? Provide a breakdown for each year.
- 4) How many cases has Reno ATF initiated to date in the year 2012? How many cases did Reno ATF initiate between 2006 and 2011? Provide a breakdown for each year.
- 5) What was the total cost to transfer agents out of Reno ATF?


Please also answer the following additional questions:

- 6) Is ATF considering transferring additional agents back into Reno? If so, what would the approximate cost be of transferring agents to Reno?
- 7) What steps, if any, did ATF leadership take to inform Justice Department headquarters of these issues when first learning of them?
- 8) Why was ATF leadership more willing to incur the cost of moving these agents than it was to attempt to resolve the underlying issues with the USAONV?

We would appreciate a response to this letter no later than January 2, 2013. If you have any questions concerning this matter, please contact Tristan Leavitt of Senator Grassley's staff at (202) 224-5225, Hayley Douglas of Senator Heller's staff at (202) 224-6244, or Candice Hance of Representative Amodei's staff at (202) 225-6155.

Sincerely,

  
\_\_\_\_\_  
Senator Charles E. Grassley

  
\_\_\_\_\_  
Senator Dean A. Heller

  
\_\_\_\_\_  
Representative Mark E. Amodei

Attachments

cc: The Honorable Michael E. Horowitz, Inspector General  
U.S. Department of Justice

The Honorable Daniel G. Bogden, U.S. Attorney for the District of Nevada  
U.S. Department of Justice



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives  
200 S. Virginia St. – Suite 600  
Reno, NV 89501

www.atf.gov

April 3, 2012

786030:SMC

MEMORANDUM TO: Acting Special Agent in Charge, Scot Thomasson  
San Francisco Field Division

THRU: Resident Agent in Charge, [REDACTED]  
Reno Field Office

FROM: Special Agent [REDACTED]  
Reno Field Office

SUBJECT: Request for Transfer

Per our meeting with Assistant Director Ronald Turk, I am formally requesting an immediate transfer to the Tucson Field Office, Phoenix Field Division. The current situation between the United States Attorney's Office in Reno, Nevada (USAO) and the ATF Reno Field Office has progressively deteriorated over the last eight months. If proper action had been taken by ATF San Francisco Field Division management when they were first notified of potential issues with the USAO, this would have likely been resolved long ago. Unfortunately, this did not occur and the USAO's eagerness to poison ATF's relationships with federal, state and local agencies without refute has caused irreparable damage to the Reno Field Office and professional reputation of its assigned agents.

At this point, I am unable to work in the state of Nevada, per USAO and ATF management. My only goal is to return to working significant cases as I had been accustomed to prior to this unfortunate circumstance. I feel that my only option is to relocate outside of the Judicial District of Nevada in order to begin working again.

I recognize that it is the USAO's responsibility to hold its own personnel accountable for their improper actions, however I do expect a vigorous defense from ATF counsel should the USAO neglect to fulfill its role in this matter and their personnel attempt to perpetuate their unfounded, unprofessional and improper dialogue with their peers in other judicial districts.

Respectfully submitted,

[REDACTED]



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

200 S. Virginia St. – Suite 600  
Reno, NV 89501

www.atf.gov

April 3, 2012

786030:JBD

MEMORANDUM TO: Acting Special Agent in Charge, Scot Thomasson  
San Francisco Field Division

THRU: Resident Agent in Charge, [REDACTED]  
Reno Field Office

FROM: Special Agent [REDACTED]  
Reno Field Office

SUBJECT: Request for PCS Transfer

Based on our meeting last week with Assistant Director Ronald Turk, it has become apparent that the ATF Reno Field Office issues with the Reno United States Attorney's Office (USAO) will not be resolved anytime soon, and that continuing to work in the Reno Field Office could jeopardize several of our careers based on AUSA Sue Fahami's unprofessional behavior and actions over the past eight months. The current situation between the Reno Field Office and the Reno USAO has progressively gotten worse, and the damage that has been caused by the USAO to my career locally is irreparable. I feel that if proper action had been initially taken by ATF San Francisco Field Division management dating back to August of 2011, then this would have likely been resolved long ago. Unfortunately, this did not occur, and the situation has only continued to deteriorate. There has been no indication that anyone within DOJ is going to hold AUSA Fahami or anyone from the Reno USAO accountable for their intentional misrepresentation and slanderous allegations against agents from the ATF Reno Field Office. For the past several months, I have been unable to work in the entire state of Nevada, per the USAO and ATF management. Per Assistant Director Turk's direction, I respectfully submit the following field offices that I am willing to relocate to within the Los Angeles Field Division;

**Preference #1: Long Beach (CA) Field Office**

**Preference #2: Santa Ana (CA) Field Office**

There are several benefits to relocating to either field office. [REDACTED]



Special Agent in Charge  
San Francisco Field Division

[REDACTED] I believe that I will be able to quickly forge successful working relationships with local law enforcement officers and detectives assigned to investigate firearms trafficking, gang activity, and other types of violent crime. [REDACTED] I believe that I will be able to have an immediate impact on ATF's mission of combating violent crime by means of cultivating informants, participating in UC deals, and generating a variety of cases involving firearms trafficking and other violent crime. [REDACTED]

My seven years here in the Reno Field Office have been very rewarding, and I have been fortunate enough to work with hard working agents on a variety of successful long term, proactive cases. I believe my experience working as the case agent or a UC during such complex investigations will be an asset to the Long Beach or Santa Ana field offices.

Respectfully submitted

[REDACTED]



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

200 S. Virginia St. – Suite 600  
Reno, NV 89501

www.atf.gov

April 3, 2012

786030:TRW

MEMORANDUM TO: Acting Special Agent in Charge, Scot Thomasson  
San Francisco Field Division

THRU: Resident Agent in Charge, [REDACTED]  
Reno Field Office

FROM: Special Agent [REDACTED]  
Reno Field Office

SUBJECT: Request for PCS Transfer

Based on our meeting last week with Assistant Director Ronald Turk, it has become apparent that issues with the Reno United States Attorney's Office (USAO) will not be fixed anytime soon, and that continuing to work in the Reno Field Office could further jeopardize my career with ATF. The current situation between the Reno Field Office and the Reno USAO has progressively gotten worse, and the damage that has been caused by the USAO to my career locally is irreparable. There has been no indication that anybody within DOJ is going to hold AUSA Fahami or anybody from the USAO accountable for their intentional misrepresentation and slanderous allegations against agents from the ATF Reno Field Office. Furthermore, there has been no attempt by ATF management to reach out to our local Reno area law enforcement counterparts to inform these agencies that what is being submitted by the USAO as fact is absolutely inaccurate and false. This lack of action by ATF management has seriously and gravely tarnished my reputation as an ATF agent, a reputation I have spent my past 11 years building and maintaining to better my career. For the past several months, I have been unable to work in the entire state of Nevada, per the USAO and ATF management. Per Assistant Director Turk's request, I respectfully request an immediate transfer to the Stockton Field Office, San Francisco Field Division.

Respectfully submitted,

[REDACTED]



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives  
5601 Arnold Road, Suite 400  
Dublin, California 94568

April 10, 2012.

www.atf.gov

786030: ED

MEMORANDUM TO: Acting Special Agent in Charge, Scot Thomasson  
San Francisco Field Division

FROM: Resident Agent in Charge, [REDACTED]  
Reno Field Office

SUBJECT: Request for PCS Transfer

Per ATF Assistant Director Ronald Turk's meeting (AD Turk), I respectfully request a transfer to the Stockton Field Office, San Francisco Field Division, upon the departure of the current RAC when he reports to his new post of duty. On March 27, 2012, AD Turk met with agents of the ATF Reno Field Office concerning the unresolved issues with the Reno, Nevada United States Attorney's Office (USAO). As a result of this meeting and a subsequent meeting AD Turk had with United States Attorney for the District of Nevada, Daniel Bogden, it is apparent that the USAO in Reno is unwilling to resolve any issues they allegedly have with ATF Reno agents, to include myself.

Upon reporting to Reno as the RAC in mid January 2012, I have made numerous efforts to meet with local and federal counterparts to address any concerns they may have with ATF in Reno. Every single agency representative I met with stated that neither they nor their agency have any issues or problems with ATF, but were aware of issues between ATF and the USAO in Reno. Several individuals stated that they had heard of these issues directly from Assistant United States Attorney Sue Fahami. Over the course of the last several months, it has become apparent that AUSA Fahami has intentionally misrepresented numerous issues regarding ATF agents in Reno to numerous law enforcement agencies in Washoe County as well as the District Attorney's Office. These inaccurate, false and slanderous allegations made by AUSA Fahami have had a devastating effect on ATF agents' careers in Reno. Agents' integrity, honesty, and professionalism have come into question to the point where the USAO and the local DA's office will not accept any ATF cases for prosecution, and other law enforcement agencies have elected not to work with ATF agents in Reno until the alleged issues are resolved between ATF and the USAO.

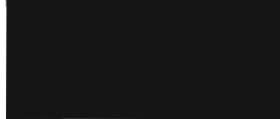
I recently received information from a local FBI agent in Reno who informed me that five weeks ago, their ASAC from Las Vegas met with the FBI Reno agents and directed them not to work with ATF Reno agents until the issues are resolved between ATF and the USAO. The agent



stated that the ASAC did not provide any further information; however, he stated that AUSA Fahami personally told him that she was "disappointed" in RAC Diaz.

Prior to becoming the RAC in Reno and serving a period of time in ATF Headquarters, I was an agent in Reno for twelve years and worked closely with fellow law enforcement agencies in Northern Nevada. Unfortunately, due to this current situation I have not been able to effectively supervise the Reno Field Office nor learn and grow as a first-line supervisor. The alleged issues with the USAO in Reno do not appear that they will be resolved in the near future, and I feel myself and the other agents in the office are put at risk for potential civil and criminal exposure as long as this problem continues. I do not own a home and am currently renting so I will not be required to sell a residence.

Respectfully submitted

A solid black rectangular redaction box covering the signature of the sender.