



TULLY RINCKEY PLLC
ATTORNEYS & COUNSELORS AT LAW

815 CONNECTICUT AVE NW, SUITE 720
WASHINGTON, DC 20006
PHONE: (202) 787-1900
WWW.FEDATTORNEY.COM
EMAIL: INFO@FEDATTORNEY.COM

March 12, 2018

VIA PRIORITY MAIL AND FACSIMILE

The Honorable Alex M. Azar, II
U.S. Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, DC 20201

Re: Leo Scanlon and Maggie Amato

Dear Secretary Azar,

My name is I. Charles McCullough, III, and I am a law partner at the Washington, D.C. office of Tully Rinckey, PLLC. The law firm has been retained to represent the interests of Health and Human Services (HHS) employee Leo Scanlon and former HHS employee Maggie Amato. Mr. Scanlon is your Deputy Cybersecurity Information Officer (DCISO) and HHS Senior Advisor for HPH Cybersecurity, and Ms. Amato was recently constructively terminated from her position as your Director of the Healthcare Cybersecurity Communications and Integration Center (HCCIC). I am writing to call your attention to significant irregularities and possible violations of law carried out by your agency in the treatment of these employees.

Mr. Scanlon and Ms. Amato were abruptly and without warning removed from their positions on September 6 by your Chief Information Security Officer (CISO) Chris Wlaschin. By memorandum, he reassigned them to “unclassified temporary duties...in order to permit the agency time to review allegations raised against the Office of the Chief Information Officer (OCIO) Office of Information Security.” The day of the reassignments, literally minutes later, the CIO and the CISO informed HHS staff (including the CISO Council) that the reassignments were permanent. Mr. Wlaschin told staff that Mr. Scanlon and Ms. Amato were “gone for good.” Mr. Wlaschin and Chief Information Officer (CIO) Beth Killoran have both stated under oath that the allegations against Scanlon and Amato were being investigated by the HHS Office of Inspector General.

On September 19, Mr. Scanlon and Ms. Amato reported these and numerous other agency-related improprieties to the United States Congress, and made your office and their chain-of-command aware of this protected communication. Despite their status as Whistleblowers and the protections that provides, Ms. Amato was thereafter subjected to a series

of increasingly hostile and retaliatory acts which forced her resignation. On the day after Ms. Amato was driven out, Mr. Scanlon was placed on Administrative Leave with no explanation.

The law limits the use of administrative leave to a maximum of 120 days—that limit was exceeded on February 18, and Mr. Scanlon remains on paid administrative leave to this day. As you are no doubt aware, Principal Deputy Assistant Secretary for Administration Cordova was recently placed on administrative leave and reinstated well within statutory limits, after admitting to and apologizing for an actual infraction. Mr. Cordova is responsible for overseeing the day-to-day operations of the Office of Human Relations, Office of the Chief Information Officer, Equal Employment Opportunity Compliance and played a part in the decision making and approval of the actions taken against my clients.

Mr. Wlaschin has stated that my clients were removed from their positions in order to protect an ongoing OIG investigation. You can, therefore, imagine the shock and surprise of my clients when *they were both recently advised, unequivocally and categorically, by senior investigators from the HHS OIG, that neither of them are currently or were at any time in the past under investigation by the OIG.* Given this revelation, we are baffled as to why Mr. Scanlon remains on administrative leave.

My clients hereby request a brief in-person appearance with you. After the hell they and their families have been through, they certainly deserve that much. I believe that, when you hear their story, you will feel as strongly about their situation as everyone else who hears it. If you choose not to meet with them, I will seek resolution of this matter through several cognizant Congressional committees, some of whose Members have already expressed interest. I will also immediately begin to pursue remedies available to them through the OIG, EEO, and the Office of Special Counsel.

Thank you for your consideration of our request. Please do not hesitate to contact me to schedule a meeting.

Yours Respectfully,

A handwritten signature in black ink, appearing to read "I. Charles McCullough, III". The signature is written in a cursive style with a horizontal line at the end.

I. Charles McCullough, III
Partner