

July 13, 2018

Office of the Inspector General
Complaint Intake Unit, Mail Stop 7886
1401 Constitution Ave NW
Washington, DC 20230

Dear Madam/Sir,

Ms. Sherry Chen forwarded the attached June 25 letter from your office to my attention at the Sherry Chen Legal Defense Fund (the Fund). Your letter questions the standing of the Fund and cites a “general practice” that the Inspector General “does not open an investigation or a review into matters that are the subject of active litigation.” The Fund requested an investigation in a June 5 letter to Inspector General Gustafson¹.

This letter (1) addresses the status of the Fund, (2) requests a separate investigation based the whistleblower letter, and (3) requests an exemption from your general practice to start an investigation on the use of and justifications for such use of public funds on the Sherry Chen case.

1. **Status of the Fund.** The Sherry Chen Legal Defense Fund was established by a trust agreement on November 20, 2015. The agreement was prepared by Arent Fox LLP, located at 1717 K St NW, Washington, DC 20006. Our Employer Identification Number is 81-6765150. Our email address is Dfundschen2016@gmail.com. The Fund maintains a website at <https://www.sherrychensdefensefund.org/>. I serve as the Trustee for the Fund.
2. **Whistleblower Letter Investigation.** The whistleblower letter was sent to the Fund after the Merit Systems Protection Board (MSPB) hearing on Sherry Chen’s case in March 2017.

It is not part of the MSPB process. The sender self-identifies as a Department of Commerce (DOC) employee with knowledge about DOC internal operations. The letter alleges abuse of authority and targeting of Ms. Chen and individuals of Asian ancestry in DOC, including credible citations and evidence.

Delay in addressing this alleged practice may cause harm or injury to additional innocent employees in DOC.

There is no active litigation on the issue of discrimination against Asian Americans other than Sherry Chen’s employment complaint, which is appealed by DOC. There is no reason that the whistleblower complaint cannot get started right away.

¹ Sherry Chen Legal Defense Fund (2018). **Letter to Commerce Inspector General Peggy E. Gustafson.** https://www.sherrychensdefensefund.org/uploads/9/9/2/8/99280080/oigletter_20180605.pdf.

With this letter, I request a separate full and complete investigation of the allegations provided in the whistleblower letter with appropriate oversight to ensure integrity of this highly sensitive matter. Requisite precaution and protection must also be followed.

3. **Use of Public Fund Investigation.** The Fund requested the DOC Inspector General in its June 5 letter to conduct an investigation (or review) of the public resources and funds that DOC has already spent on the Sherry Chen case at four different stages in the last six years.

These public resources and funds have already been expended and cannot be materially changed with or without any litigation. The Fund requests a full factual accounting and justifications for these expenditures in accordance to stated purpose of the Inspector General Act². In particular, the Inspector General is charged to “promote economy, efficiency, and effectiveness in the administration of” and “to prevent and detect fraud and abuse in the programs and operations” of federal departments and agencies including DOC.

Your justification of not conducting an investigation at this time is described as a general practice. It is not based on law or stated policy. There is no public explanation about this general practice. The Fund requests an exemption from your general practice and your initiation of the investigation (or review) without further delay.

Very Respectfully,



Jeremy S. Wu, Ph. D.
Trustee
Sherry Chen Legal Defense Fund
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www.sherrychendefensefund.org

CC:

The Honorable Peggy E. Gustafson, Inspector General, Department of Commerce
The Honorable Judy Chu, Chair, Congressional Asian Pacific American Caucus
The Honorable Henry Kerner, Special Counsel, Office of Special Counsel

² Council of the Inspectors General on Integrity and Efficiency. *Inspector General Act of 1978*.
<https://www.ignet.gov/content/ig-act>.