



MILITARY DEPARTMENT  
OFFICE OF THE ADJUTANT GENERAL  
9800 Goethe Road  
Sacramento, California 95827-3561

NGCA-DAG

2 June 2022

MEMORANDUM FOR Brigadier General Jeffrey W. Magram

SUBJECT: Proposed Disciplinary Action for Career Status Service Member

1. In accordance with California Military Department Regulation (CMDR) 600-1, Chapter 9-5, I am proposing that you be separated from State Active Duty (SAD). Your conduct has caused me to lose faith, trust, and confidence in your ability to continue serving as an SAD Senior Leader in the California Military Department (CMD).
2. This proposed action is based on the findings and evidence contained in two Inspector General (IG) reports of investigation, as well as the results of a sensing session conducted 4 - 17 March 2021 among Air Division staff regarding concerns of command leadership and unit morale (*see enclosures*).

#### **AFIG Investigation**

3. The first IG investigation, conducted by the Inspector General of the Department of the Air Force (SAFIG), substantiated by a preponderance of evidence the following allegations:
  - a. That on several occasions between 2013 and 2020, you wrongfully encouraged or requested subordinates to perform activities other than those required in the performance of official duties in violation of the JER [DoD Joint Ethics Regulation]; and
  - b. That in or around October 2020, you failed to comply with annual information assurance training requirements in violation of DoD 8570.01-M, *Information Assurance Workforce Improvement Program*, 19 December 2005.
4. SAFIG found that you violated the JER between 2013 and 2020 when you had subordinates transport you to personal appointments and run personal errands on multiple occasions. Some of these instances occurred after you were warned in 2017 to not use subordinates in this manner. One of the instances involved you having subordinates stay with you in military lodging at Travis AFB over the course of two days to monitor your medical condition post-operation. Since your subordinates were not on official travel, they had to cover their food and transportation costs associated with monitoring you at their own expense. Another instance involved you having subordinates take your mother grocery shopping and drive you to a local credit union to withdraw cash. Additionally, you requested or allowed a subordinate to spend official duty time reconciling your personal travel reward points. Your own written statements confirm a pattern of behavior where you requested, encouraged, or allowed subordinates to perform personal tasks for you that were not part of their official duties. Your actions placed these subordinates in a difficult position where they

did not feel free to decline your requests, with one stating "my job is to take care of the Airmen in the State of California and not be a chauffeur for a general officer."

5. SAFIG also found that you allowed a subordinate to complete a portion of your required annual Cyber Awareness training on your behalf. Witnesses corroborate your own statement that you did not personally complete this annual training as required, but instead let a subordinate click through the training questions and obtain a certificate of completion for you while you performed other tasks.

6. Your substantiated misconduct led the Air Force Vice Chief of Staff to issue you a letter of admonishment, stating "[y]ou let down your subordinates and failed to demonstrate the judgment expected of a senior officer in the Air Force," and "you must treat your subordinates with dignity and respect and not place them in the untenable position of agreeing or refusing to serve you in a personal capacity."

### **MDIG Investigation**

7. The second IG investigation, conducted by the Military Department Inspector General (MDIG), substantiated by a preponderance of evidence the following allegation:

a. That you misused California Military Department (CMD) personnel for personal gain on several occasions between December 2016 and October 2018 in violation of DoD 5500.07-R, *Joint Ethics Regulation (JER)*, 17 November 2011, which is made applicable to CMD personnel in an SAD status through CMVC sections 100 and 101, and paragraph 12-1 of CMDR 600-1.

8. The MDIG determined that you asked or encouraged several subordinates on multiple occasions over a period of years to drive you to and from automobile repair facilities to obtain service for your personally owned vehicle. Your own statement provided to the MDIG admitted how you took "three or four rides in the period between Dec 2016 and Oct 2018" from subordinates to repair facilities, and your supplemental statements identify additional occasions when subordinates provided you with transportation to repair facilities. These rides had no official purpose, and your statement acknowledges that you were aware of commercial for-hire transportation that could perform the same service without involving your subordinates. These instances of misuse of personnel investigated by MDIG are separate and distinct from the instances investigated by SAFIG.

### **MDIG Sensing Session**

9. MDIG's summary of the Air Division sensing session, dated 6 May 2021, concluded that Air Division Servicemembers experienced significant issues with unit cohesion, good order, and military discipline because of your conduct. Servicemembers described the leadership of Air Division's General Officers (GOs), including yourself, as "counterproductive to the organization," and expressed a "perception of divisive teams within Air Division" which "seems to have further eroded the cohesiveness and trust of members within that organization." These Servicemembers "indicated that the GO's have fostered an environment of distrust among its members, particularly as it relates to command staff," and

"that the GO's have relationships with their subordinates that has created the perception of favoritism for two members in particular."

### **Improper Gifts**

10. Your statements made to SAFIG and MDIG indicate that some of the improper services you requested, encouraged, or allowed your subordinates to perform – for example, providing you with rides to vehicle repair facilities – may have been done on a voluntary or willing basis. However, assuming these services were rendered voluntarily and were not influenced by your authority as a superior, your acceptance of them without paying adequate compensation to your subordinates would still constitute an improper gift to a superior in violation of federal ethics regulations and state law. 5 CFR § 2635.302(b) states "an employee may not, directly or indirectly, accept a gift from an employee receiving less pay than himself unless: (1) The two employees are not in a subordinate-official superior relationship; and (2) There is a personal relationship between the two employees that would justify the gift." Federal ethics regulations provide an example similar to the conduct documented in the two IG reports to illustrate this very point:

Example 1: An employee of the Department of Housing and Urban Development may not ask his secretary to type his personal correspondence during duty hours. Further, directing or coercing a subordinate to perform such activities during nonduty hours constitutes an improper use of public office for private gain in violation of § 2635.702(a). Where the arrangement is entirely voluntary and appropriate compensation is paid, the secretary may type the correspondence at home on her own time. Where the compensation is not adequate, however, the arrangement would involve a gift to the superior in violation of the standards in subpart C of this part (5 CFR § 2635.705(b)).

While not considered by the IGs in their respective reports, the findings made by SAFIG and MDIG conclusively show that you accepted personal services from your subordinates without paying them adequate compensation, which constitutes receipt of an improper gift. Moreover, the two IG reports describe how your subordinates incurred unreimbursed direct costs in providing these gifted services to you (e.g., food, vehicle, and fuel costs).

11. CMDR 600-1 Para 9-2 (c) identifies several factors to consider when determining the appropriate level of adverse administrative action to take regarding misconduct by SAD Servicemembers, including: the effect of the Servicemember's continued retention on military discipline, good order, and morale; the seriousness of the events or conditions that form the basis for disciplinary action; whether the actions of the Servicemember resulted or are likely to result in an adverse impact on accomplishment of unit missions; and the Servicemember's potential for further SAD service. I find that the factors listed in Para 9-2 (c) weigh against your continued service in an SAD status, especially as a Senior Leader.

12. In accordance with CMD Regulation 600-1, paragraph 9-5 (e), you have 15 calendar days from receipt of this letter to submit written statements on your behalf and/or request

a Disciplinary Action Board to review facts and basis for this proposed disciplinary action. Your rebuttal will be considered by the Disciplinary Action Board if so requested.

13. If your rebuttal and/or request for a Disciplinary Action Board is not received within 15 days of receipt of this notification, it will be presumed that you have waived these privileges and the proposed disciplinary action will be forwarded to the approval authority for final determination. In accordance with CMDR 600-1, paragraph 9-5 Table 2, and paragraph 9-6 (i), the approval authority for this action is The Adjutant General and there is no appeal authority.

14. Service members do not have a right to representation at a Disciplinary Action Board per CMDR 600-1, paragraph 9-6 (d), but may consult with legal counsel at their own expense.

15. This notice pertains only to your status as a full-time member on SAD. If separated from SAD, you will remain in active drilling status with your respective active militia component. Any potential administrative action by your active militia component will be processed under appropriate regulations governing your active militia component.

16. Your point of contact for this memorandum is LTC Fritz Roggow, Director, State Personnel, at (916) 854-3708.



MATTHEW P. BEEVERS  
Major General  
Deputy Adjutant General

3 Encls

1. SAFIG ROI, September 2021
2. MDIG ROI, 11 May 2022
3. Sensing Session Summary