

**RESPONSE TO
REQUEST FOR APPLICATIONS
TO SERVE AS
INDEPENDENT MONITOR/TEAM MEMBER**

TO

CITY OF FERGUSON

AND

**THE UNITED STATES
DEPARTMENT OF JUSTICE**

BY

Walter Mack

**Doar Rieck Kaley & Mack
217 Broadway, Suite 707
New York, New York 10007
(212) 619-3730 [Tel.]
(212) 962-5037 [Fax]
wmack@doarlaw.com**

Date: June 9, 2016

**Response to Request For Applications As
INDEPENDENT MONITOR/TEAM MEMBER
City of Ferguson**

A. Executive Summary

Team: Walter Mack and Don Sobocienski

1. Experience: Walter Mack:

- a. Military Police Company Commander
- b. Assistant United States Attorney, SDNY
- c. Deputy Commissioner, Internal Affairs Bureau, NYCPD
- d. Integrity Monitor for Federal District Courts, Southern District of New York and Eastern District of New York

2. Experience: Don Sobocienski:

- a. Compliance Project Manager
- b. Crime Analyst
- c. Investigator

Proposed Cost: \$175,000 - \$200,000 Annually

B. Personnel and Current Time Commitments

Monitor and/or Team Membership

1. Mack: Background as above,

- Responsible for all as Monitor or As Assigned by Monitor;
- Currently employed as integrity monitor, Criminal Justice Act and otherwise as criminal defense counsel, and civil litigator - able to control schedule within reason subject to Court commitments.

2. Sobocienski - Ongoing integrity monitorship project management; investigative and report writing obligations; able to control schedule.

C. Qualifications

Mack - Direct experience as Marine MP Company Commander, and Supervising Assistant United States Attorney, Integrity Monitor and Internal Affairs Deputy Commissioner have required me to perform all the qualifications listed with the following exceptions:

- a. Direct familiarity with Ferguson local issues and conditions;
- b. Familiarity with Missouri; and Local laws;
- c. My Spanish is primarily reading only;
- d. My experience in actually conducting street law enforcement training was several years ago;
- e. My municipal budget experience is limited to my time working as a New York City Employee.

Sobocienski -

Has worked with me as Project Manager, report writing teammate and investigator for 16 years.

Whether as Monitor or Team Member, we would expect to hire or appoint outstanding teammates with the consent of the identified stakeholders to overcome the skill and experience deficiencies listed above.

D. Prior Experience and References

Doar Rieck Kaley & Mack's Compliance Practice Group is a specialized group that designs compliance programs, monitors organizations to ensure that they comply with relevant laws and regulations, and conducts internal investigations for corporate, government, and not-for-profit clients. **Walter Mack** founded the Compliance Practice Group at Doar Rieck Kaley and Mack in 1995. He has served as District Court-appointed monitor for United States District Court Judges Jed S. Rakoff, Charles S. Haight, Jr. and Dennis Hurley. **Donald Sobocienski** has been an integral member of virtually all monitor assignments since 1996.

Those monitoring assignments to which Walter Mack was appointed within the last ten years are as follows:

Disciplinary System Monitor: Chairman, NYC District Council of Carpenters Trial Committee. Appointed by Review Officer Dennis Walsh under the aegis of Judge Richard Berman of the Southern District of New York, Mr. Mack was responsible for administration and integrity compliance of the Union's Trial Committee along with Vice-Chairman James Zazzali, former Chief Justice of the New Jersey State Supreme Court. Responsibilities included oversight of all disciplinary and member v. member litigation and disputes. Legal and factual issues included construction, labor, security, safety, investigations, financial, forensic auditing and compliance subjects.

James Zazzali, Esq.
Gibbons Law
One Gateway Center
Newark, NJ 07102
973-596-4589
jzazzali@gibbonslaw.com

Independent Integrity Monitor: Breeze National, Inc. The City University of New York appointed Mr. Mack as the Integrity Monitor for a demolition project at Brooklyn College awarded to Breeze National, a company that had reportedly been associated with organized crime. Duties include creating a Code of Ethics, training employees in the Code of Ethics, examination of books and records, physical presence on the job site, and

contractor compliance with all federal, state and local laws and regulations. Mr. Sobocienski was the chief investigator for this assignment.

Vincent Green
Director, Dept. of Vendor Integrity and Investigations
City University of New York
555 West 57th Street, Suite 1325
New York, NY 10019
212-541-0438
vincent.green@mail.cuny.edu

Mr. Mack was subsequently appointed by the New York City Department of Investigation, the New York City School Construction Authority and the Port Authority of New York & New Jersey as Breeze's Integrity Monitor, responsible for continued oversight of the company regarding all contracts with the city, the SCA and the PANY&NJ. Mr. Sobocienski has administered the monitoring process on these assignments.

Gregory Cho
Inspector General
NYC Department of Investigation
80 Maiden Lane
New York, NY 10038
212-825-3238
gcho@doi.nyc.gov

Gerard McEnroe
First Assistant Inspector General
Office of Inspector General
NYC School Construction Authority
188 West 230th Street
Bronx, NY 10463
718-901-6677
gmcenroe@scaoig.org

Robert Joyce
Office of the Inspector General
Port Authority of New York and New Jersey
5 Marine Plaza, Suite 502
Hoboken, NJ 07030
973-565-4349
rjoyce@panynj.gov

Integrity Monitor: Eagle One Roofing Contractors, Inc. The Port Authority of New York and New Jersey retained Walter Mack as Integrity Monitor for Eagle One's contracts with the Authority. Mr. Mack's duties were to audit, examine, and monitor the implementation of a corruption prevention program; examine and audit the books and records of Eagle One; conduct investigations; insure the company's compliance with local, state and federal laws; and ensure that Damien Sabatino, a convicted felon and the father of the company's current owners, did not participate or influence, in any way, the business, operations or management of Eagle One. Our monitorship of Eagle One was subsequently expanded by the New York City School Construction Authority Inspector General to include school construction projects. Mr. Sobocienski administered the monitoring process on this assignment.

Robert Joyce
Office of the Inspector General
Port Authority of New York and New Jersey
5 Marine Plaza, Suite 502
Hoboken, NJ 07030
973-565-4349
rjoyce@panynj.gov

Mr. Mack was subsequently appointed by the New York City Department of Investigation, the New York City School Construction Authority, the City University of New York, the Dormitory Authority of the State of New York and the Metropolitan Transit Authority as Eagle One's Integrity Monitor, responsible for continued oversight of the company regarding all contracts with the city, the SCA, CUNY, DASNY and the MTA. Mr. Sobocienski has administered the monitoring process for these assignments.

Gregory Cho
Inspector General
NYC Department of Investigation
80 Maiden Lane
New York, NY 10038
212-825-3238
gcho@doi.nyc.gov

Gerard McEnroe
First Assistant Inspector General
Office of Inspector General
NYC School Construction Authority
188 West 230th Street
Bronx, NY 10463
718-901-6677
gmcenroe@scaoig.org

Vincent Green
Director, Dept. Of Vendor Integrity and Investigations
City University of New York
555 West 57th Street, Suite 1325
New York, NY 10019
212-541-0438
vincent.green@mail.cuny.edu

Dennis Monahan
Chief of Internal Affairs
Dormitory Authority of the State of New York
Queens College
65-30 Kissena Blvd.
Flushing, NY 11367
718-997-4979
dmonahan@dasny.org

Mark Chersevani
Chief, Construction Fraud Unit
MTA Office of Inspector General
2 Penn Plaza, 5th Floor
New York, NY 10121
212-878-0099
mchersevani@mtaig.org

Independent Auditing Firm: Vardaris Tech. The New York City School Construction Authority (SCA) retained Mr. Mack as an Independent Auditing Firm (IAF) for Vardaris Tech, Inc., to ensure that Vardaris and its subcontractors were compliant with all SCA procedures and protocols at the eight schools where Vardaris was the prime contractor. The total value of the contracts exceeded \$33 million. Investigators led by Mr. Sobocienski made routine visits to the job sites, interviewed workers; and reviewed payroll, banking and union records to ensure that all workers were being recorded in the certified payrolls and paid the proper trade classification with benefits for all hours that they worked.

Gerard McEnroe
First Assistant Inspector General
Office of Inspector General
NYC School Construction Authority
188 West 230th Street
Bronx, NY 10463
718-901-6640
gmcenroe@scaoig.org

Integrity Monitor: Bronx Biodiesel LLC. Mr. Mack was appointed Monitor by the New York City Business Integrity Commission for Bronx Biodiesel, a startup company whose ownership had reportedly maintained past associations with organized crime. Mr. Mack was tasked with ensuring that the company and its key personnel complied with the terms of the licensing order. Mr. Sobocienski administered the monitoring process for this assignment.

David Mandell
Deputy General Counsel for Regulatory Enforcement

NYC Business Integrity Commission
100 Church Street, 20th Floor
New York, NY 10007
212-676-6296
dmandell@bic.nyc.gov

Independent Investigator: United States v. District Council of New York City and Vicinity of the United Brotherhood of Carpenters and Joiners of America 90 Civ 5722 (CSH) (S.D.N.Y.) Walter Mack was appointed by the Hon. Charles S. Haight, Jr., United States Senior District Judge, as Independent Investigator to investigate allegations of wrongdoing concerning the operation of the union's job referral system and/or related corruption or violations of federal, state or local law by officials or members of the union. Assisted by Mr. Sobocienski and, occasionally, an additional attorney, Mr. Mack's duties included operating the Carpenters' Union Anti-Corruption Hot Line and evaluating the Union's Anti-Corruption Program. Mr. Mack conducted numerous investigations pertaining to contractors who had violated the Collective Bargaining Agreement by paying carpenters in "cash" without benefit funds remittances. His investigative findings were provided to the United States Attorney for criminal prosecution. The core project team was assisted by other members of the Compliance Practice Group on specific investigative matters. Mr. Mack submitted detailed reports to the Court which are part of the public record and are available upon request

AUSA Benjamin Torrance
Southern District of New York
86 Chambers Street, 3rd Floor
New York, NY 10007
212-637-2703
benjamin.torrance@usdoj.gov

E. No Potential Conflicts or Bias Issues

F. Estimated Costs

- Projected Budget

Monitorship Team Complete	- \$300,000 Yearly
Monitor plus Sobocienski	- \$200,000 Yearly
Team Member/dependent on duties	- \$75,000 - 125,000 Yearly

- Hourly

Mack - \$275
Sobocienski - \$200

- Travel at cost - approximately \$15,000/yearly

Lodging and office overhead - will seek to be donated by Stakeholder in Ferguson


Mack and Sobocienski: would perform all described tasks except in deficiency areas described above. Plan to hire Missouri-base team members with requisite expertise and experience to fulfill technical assistance, local law familiarity, and language/community interaction support.

Twenty to Forty percent of work could be off-site.

Office space and inexpensive over-night lodging hopefully could be provided as a stakeholder commitment. Office supplies and Monitor Administrative personnel hopefully at a Ferguson Market rate of \$20-60,000 a year.

Thank you for your consideration.

Respectfully submitted,



Walter Mack

Walter Mack

Doar Rieck Kaley & Mack
217 Broadway, Suite 707
New York, New York 10007
(212) 619-3730 wmack@doarlaw.com

PROFESSIONAL EXPERIENCE

Doar Rieck Kaley & Mack, New York, NY

Managing Partner

2002-present

Partner

1996-2003

Of Counsel

1995

Established the Compliance Practice Group which handles monitorships and other compliance-related projects. In addition, represents clients in a wide range of matters including white-collar criminal defense and complex commercial litigation.

New York City Police Department, New York, NY

1993-1995

Deputy Commissioner, Internal Affairs Bureau

Responsible for all investigations of corruption and criminal brutality matters, interaction with the Mollen Commission, and modification of corruption methodologies within the Department.

Shearson-Lehman Brothers, New York, NY

1990-1993

Associate General Counsel, Senior Vice President

Manager of in-house attorneys groups which provided retail securities, employment and investigatory litigation services to the firm. Participated in management, systems and litigation enhancement task forces.

United States District Court, Southern District of New York, New York, NY

1974-1990

Assistant United States Attorney

- Senior Litigation Counsel, 1984-1990. Indicted and tried U.S. v. Paul Castellano, et al. and U.S. v. Anthony Gaggi, et al. Co-chaired Grand Jury investigation of Castellano-Bilotti homicides.
- Chief, Strike Force Against Organized Crime, 1981-1984. Supervisory responsibility for development of major organized crime investigations and prosecutions.
- Deputy Chief, Criminal Division, 1980-1981. Responsible for training of first year Assistant U.S. Attorneys in investigative and trial practice as well as arrest and warrant authorizations for the Southern District.
- Member, Criminal Division, Narcotics and Business Frauds Unit, 1977-1980. Co-counsel U.S. v. Harold Gleason and U.S. v. Michele Sindona involving the Franklin National Bank.
- Member, Civil Division, 1974-1977. Responsible for cases involving federal tort claims, false claims, tax refund and assessment, environmental and energy entitlement programs.

Rogers & Wells, New York, NY

1971-1974

Litigation Associate

United States Marine Corps

1965-1968

Captain

Infantry Company Commander in the Republic of South Vietnam

EDUCATION

Columbia University, School of Law, New York, NY

J.D.

1971

Jerome Michael Finalist – Student Advisor

Harvard College, Cambridge, MA

A.B., cum laude

1965

BAR ADMISSIONS

- New York 1973
- United States District Courts, Southern and Eastern Districts of New York 1974

PROFESSIONAL MEMBERSHIPS

- American Bar Association
- New York State Bar Association
- New York City Bar Association
- New York County Lawyers Association
- International Association of Private Sector Inspectors General

Donald T. Sobocienski

Doar Rieck Kaley & Mack
217 Broadway, Suite 707
New York, New York 10007
(212) 619-3730 dsobocienski@doarlaw.com

PROFESSIONAL EXPERIENCE

Doar Rieck Kaley & Mack, New York, NY 1996-present

Chief of Investigative Services

Responsible for coordinating and performing investigative and analytic work for the firm's monitoring assignments and compliance projects. Responsibilities include directing the investigative and auditing components, performing books and records examinations, and designing and implementing strategies to insure adherence to the specified monitoring/compliance mandates and procedures.

New York State Organized Crime Task Force, White Plains, NY 1981-1996

Strategic Analyst

Responsible for addressing organized crime problems and developing control strategies. Prepared assessments and studies to describe and analyze the nature and extent of organized crime or racketeering in illicit or licit marketplaces for the purpose of setting investigative priorities and advancing remedial approaches to the identified problems. Assisted in the development and furtherance of complex cases and investigations undertaken by the Task Force. Projects included:

- Design and implementation of the Task Force information storage and retrieval system to include staffing requirements, data evaluation standards, collation and data access procedures, and data purging and dissemination criteria.
- Development of analytical assessment of the Long Island waste disposal industry which contributed to study prepared by Rand Corporation entitled *Racketeering in Legitimate Industries: A Study in the Economics of Intimidation* by Peter Reuter, 1987.
- Contributed to research, development and analysis of various sections of Task Force study, *Corruption and Racketeering in the New York City Construction Industry*, interim and final reports, 1987, 1989.
- Responsible for research, analysis and report preparation for study describing organized crime and racketeering influence in newly evolving specialized waste disposal markets. Study funded through research grant from National Institute of Justice.
- Project Coordinator: responsible for research, analysis and findings for a multi-state project involving the state commissions of investigations from New York, New Jersey and Pennsylvania as well as a Byelorussian police officer on loan to the project for a two-year period, to address the problem of Soviet emigre organized crime in the tri-state region and elsewhere in the United States. Principal author of concluding report entitled *An Analysis of Russian-Emigre Crime in the Tri-State Region*, 1996. Project research was augmented by a National Institute of Justice research grant received by Rutgers University School of Criminal Justice.

Pennsylvania Crime Commission, Conshohocken, PA 1987-1988
Consultant

Evaluated and assessed the strengths and weaknesses of the Crime Commission's intelligence capability with the aim of enhancing the overall intelligence program.

New Jersey Department of Law and Public Safety, West Trenton, NJ 1977-1981
Division of State Police, Intelligence Bureau

Research Analyst

Responsible for strategic and tactical planning. Prepared and presented problem identifications, policy assessments and resource allocation recommendations based on primary and secondary research.

EDUCATION

Seton Hall University, South Orange, NJ 1984
M.B.A.
Concentration: Marketing

Kings College, Wilkes-Barre, PA 1977
B.A.
Major: Criminal Justice

LICENSE

- Private Investigator, New York State
- Private Detective, State of New Jersey

PUBLICATION

An Analysis of Russian-Emigre Crime in the Tri-State Region,
New York State Organized Crime Task Force, 1996