

Mark G. Mastroianni

January 6, 2014

The Honorable Patrick Leahy, Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire that I previously filed in connection with my nomination to be a United States District Judge for the District of Massachusetts. Incorporating the additional information below, I certify that the information contained in those documents and items is, to the best of my knowledge, true and accurate.

12(c):

December 13, 2013: Letter announcing the findings of an investigation into a Police Department paying a civilian employee for hours not worked. Copy supplied.

12(d):

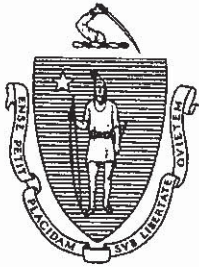
November 6, 2013: Guest Speaker at a community event sponsored by Hampden District Attorney's Office, the Hampden County Sheriff Department, and Learn to Cope, Springfield, Massachusetts. The event was meant to raise awareness, educate, and provide resources for individuals and their families affected by substance abuse. I have no notes, transcript or recording. The address of the Hampden District Attorney's Office is 50 State Street, Springfield, MA 01103.

I am also forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,


Mark G. Mastroianni

cc: The Honorable Charles Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510



MARK G. MASTROIANNI
DISTRICT ATTORNEY

COMMONWEALTH OF MASSACHUSETTS
HAMPDEN DISTRICT
HALL OF JUSTICE

50 STATE STREET
SPRINGFIELD, MASSACHUSETTS 01102-0559

OFFICE OF THE DISTRICT ATTORNEY

SUPERIOR COURT OFFICE
TEL: 413-747-1000
FAX: 413-781-4745

SPRINGFIELD DISTRICT COURT OFFICE
TEL: 413-747-1001
FAX: 413-747-5628

December 13, 2013

Chief Russell Sienkiewicz
Northampton Police Department
29 Center Street
Northampton, Massachusetts 01060

RE: Captain Scott Savino and
Administrative Employee Marianne Keating

Dear Chief Sienkiewicz:

The State Police Detective Unit assigned to this office has been conducting a work-related financial investigation of Marianne Keating, a civilian employee of the Police Department, and Police Captain Scott Savino. This matter was referred to the Hampden District Attorney's Office due to a potential conflict raised by the Hampshire District Attorney's Office. The investigation included a review of the financial compensation system for civilian employees of the Police Department. Interviews were conducted of both civilian employees and officers within the Department; additionally records were reviewed and an accounting was conducted of the salary and payment history for Marianne Keating. As the Northampton Police Department utilizes a "flex time" compensation system, the inherent flexibility of that system was specifically reviewed relative to how hours worked are monitored and recorded so that actual pay reflects actual time worked. The system of supervisory oversight as well as the signing and verifying of actual time worked was examined.

It is the determination of this office, after full review, there were clear improprieties relative to the compensation realized by Marianne Keating for the hours that she actually worked since January 2011. While she had a fixed salary that was not exceeded, the investigation focused on her actual hours working not adding up to the time required to justify the salary amount realized. Under the "flex system" any set hours established for her could be substituted

Chief Russell Sienkiewicz
Northampton Police Department
December 13, 2013
Page 2

by her coming to work at varying hours as long as the total hours required to be worked every week were satisfied and a supervisor verified in writing that she was actually on the job. The internal process of paying administrative employees and verifying or proving if hours were actually worked under the "flex system" is not a completely clear or concise one. There are facts present which potentially could be proven to support criminal charges relative to a larceny scheme where Ms. Keating was paid for hours that were actually not worked. Captain Savino of the Northampton Police Department was involved and he was responsible for knowingly verifying a small portion of the unworked hours at issue for Ms. Keating. The remainder of pay for unworked hours was realized through Ms. Keating having payments processed without verification of actual work. The total amount for unworked hours being paid to Ms. Keating has been determined to be \$18,000.00.

The level of proof required to pursue criminal charges is more substantial than what is necessary for addressing this matter administratively and/or by means of a civil action. An agreement has been reached between the City and the two individuals being investigated which included full payback of money lost and also what was spent by the City in dealing with this matter. The agreement also addresses the employment consequences for the individuals involved. No other individuals were found to be implicated to any degree as being involved in this matter. I believe that administrative handling is appropriate under the circumstances and, therefore, decline to further pursue the possibility of this factual scenario supporting the standard of proof necessary for pursuing criminal charges.

Sincerely,



Mark G. Mastroianni
Hampden District Attorney

lcd

**FINANCIAL DISCLOSURE REPORT
NOMINATION FILING**

*Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)*

1. Person Reporting (last name, first, middle initial) Mastroianni, Mark G.	2. Court or Organization U.S. District Court for the District of Massachusetts	3. Date of Report 01/06/2014
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) United States District Judge	5a. Report Type (check appropriate type) ☒ Nomination Date 01/06/2014 ☐ Initial ☐ Annual ☐ Final	6. Reporting Period 01/01/2013 to 12/15/2013
	5b. ☐ Amended Report	
7. Chambers or Office Address Hall of Justice Superior Court District Attorneys Office 50 State Street Springfield, Massachusetts, 01103		
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

POSITION

NAME OF ORGANIZATION/ENTITY

1. Board of Trustees member	American International College
2.	
3.	
4.	
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☐ NONE (No reportable agreements.)

DATE

PARTIES AND TERMS

1. 2011	Massachusetts SERS DEFERRED BENEFIT PENSIONPLANS (NO CONTROL)
2.	
3.	

FINANCIAL DISCLOSURE REPORT

Page 2 of 6

Name of Person Reporting

Mastroianni, Mark G.

Date of Report

01/06/2014

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2013	COMMONWEALTH OF MASSACHUSETTS SALARY	\$142,545.81
2. 2012	COMMONWEALTH OF MASSACHUSETTS SALARY	\$145,733.16
3.		
4.		

B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, complete this section.*(Dollar amount not required except for honoraria.)*☐NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2013	Law office of Attorney Susan McFarlin Wages
2.	
3.	
4.	

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. EXEMPT				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

Page 3 of 6

Name of Person Reporting

Mastroianni, Mark G.

Date of Report

01/06/2014

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

☐ NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	EXEMPT		
2.			
3.			
4.			
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*

☒ NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.			
2.			
3.			
4.			
5.			

FINANCIAL DISCLOSURE REPORT

Page 4 of 6

Name of Person Reporting

Mastroianni, Mark G.

Date of Report

01/06/2014

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)☐

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. UNITED BANK CASH ACCOUNTS	A	Interest	L	T					
2. FIDELITY UFUND COLLEGE SAVINGS PORTFOLIO 2012	A	Int./Div.	J	T					
3. FIDELITY UFUND COLLEGE SAVINGS PORTFOLIO 2015	A	Int./Div.	J	T					
4. T. ROWE PRICE RETIREMENT 2030 FUND	D	Int./Div.	M	T					
5. T. ROWE PRICE RETIREMENT STRATEGIC INCOME FUND	A	Int./Div.	J	T					
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

FINANCIAL DISCLOSURE REPORT

Page 5 of 6

Name of Person Reporting

Mastroianni, Mark G.

Date of Report

01/06/2014

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

FINANCIAL DISCLOSURE REPORT

Page 6 of 6

Name of Person Reporting

Mastroianni, Mark G.

Date of Report

01/06/2014

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ **Mark G. Mastroianni**

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		66	732	Notes payable to banks-secured (autos)		28	394
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		231	739	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due		7	376
Due from relatives and friends		25	000	Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – personal residence		159	890
Real estate owned – personal residence		450	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		85	000				
Cash value-life insurance							
Other assets itemize:							
Massachusetts SERS		46	634				
				Total liabilities		195	660
				Net Worth		709	445
Total Assets		905	105	Total liabilities and net worth		905	105
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

Fidelity UFund College Savings Plan Portfolio 2015	\$ 1,594
T. Rowe Price Retirement 2030 Fund	217,142
T. Rowe Price Strategic Income Fund	13,003
Total Listed Securities	\$ 231,739