

Response to Request for
Monitor Application

Consent Decree Entered
April 7, 2017 regarding the
Police Department of
Baltimore City

JULY 8, 2017

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RFA ¶ 32: EXECUTIVE SUMMARY

We appreciate the opportunity to be considered for the position of Independent Monitor under the April 7, 2017 Consent Decree between the United States, the City of Baltimore, and the Baltimore Police Department. We respectfully submit this response to the Request for Applications.

The Consent Decree arrives at a critical time for Baltimore. The City faces a crossroads, and the Monitor will serve an important role in helping the citizens of Baltimore achieve a new relationship with the Police Department. We have assembled a diverse, local team with the experience, credentials, credibility, and dedication to Baltimore to help the Police Department comply. We are a multidisciplinary team led by Peter E. Keith, a former Department of Justice monitor, former prosecutor with the Maryland Attorney General's Office, former impeachment counsel for the United States House of Representatives, and a partner at Gallagher Evelius & Jones LLP. Our law firm has served as counsel to a monitor for the Department of Justice, and has been appointed several times as receiver and counsel to receivers by Maryland state courts and the United States District Court for the District of Maryland. We have substantial experience with law enforcement, internal investigations, constitutional legal requirements, and applicable federal and state law. We also have significant experience with effecting organizational change and institutional reform. Every day, we work closely with government agencies, community stakeholders, and non-governmental entities.

We have more than just the experience and qualifications to help make the Consent Decree work. Baltimore is our home. We live here, work here, and worship here. We own homes here. We raise our children and send them to school here. We sit on boards of community and charitable organizations throughout Baltimore. We are deeply invested in Baltimore and its success. Baltimore's future is our future. When the Consent Decree ends, we will still be here. We have a stake in the success of the Consent Decree.

Baltimore is a city of distinct neighborhoods, where many citizens remain skeptical of change. Conditions and resources vary here, block by block. In a real sense, Baltimore's neighborhoods are defined by unique communities that do not exist in other cities. With Baltimore in our blood, we are ready to start immediately. We will not need time to learn the unique aspects of this City. We will not stumble on roadblocks or work inefficiently because of an unfamiliarity with Baltimore's unique culture. Local conditions that could hinder others' efforts will not stand in our way.

The Consent Decree provides an opportunity for transformational change. We would be honored to be part of that change. We will be neutral and fair. We go in with our eyes open. We are not afraid to make tough decisions. We served as a Department of Justice monitor under a deferred prosecution agreement involving a 30,000-employee healthcare company

with offices throughout the country. We know the Monitorship will not be easy and will be subject to public scrutiny and criticism. We are prepared to dedicate ourselves to this project, including committing hundreds of hours each year of unpaid pro bono work in service to the City.

Recognizing the sensitivity of the community's relationship with law enforcement, and the need to build trust in the reforms, we have built a diverse, local team focused on effective implementation and communication of the Consent Decree.

Our team includes:

- **Peter E. Keith, Esq., Monitor, & Mark S. Saudek, Deputy Monitor.** As the Monitor and the leader of the Monitor team, Mr. Keith would draw on his extensive investigative, auditing, monitoring, and law enforcement experience. Mr. Keith has resided continuously in Baltimore for nearly 40 years. The Deputy Monitor would be Mr. Saudek, a partner with Gallagher who presently serves as the President of the Federal Bar Association. Mr. Keith and Mr. Saudek have a combined more than fifty years' experience resolving complex matters in Baltimore, conducting internal investigations, and advising businesses, organizations, governmental agencies, and individuals.
- **Nationally-recognized statisticians and sociologists from UMBC.** The Monitoring team will include three professors from the Sociology Department of the University of Maryland, Baltimore County, each of whom has a background in statistics. Dr. Tyson King-Meadows studies African-American political behavior and attitudes, identity politics, race and representation, Congress, and elections. He is particularly interested in exploring the impact of black political engagement, civil rights law, identity group politics, and racial representation on the black socioeconomic condition from the latter part of the twentieth century to present day. Dr. Cedric Herring has published 8 books and over 80 articles in journals such as the *American Sociological Review*, the *American Journal of Sociology*, and *Social Problems*. His most recent book is *Diversity in Organizations: A Critical Examination*. He was awarded the Joseph S. Himes Lifetime Achievement Award for his scholarship on topics such as workplace diversity, race and public policy, stratification and inequality, and jobs and economic development. Dr. Loren Henderson's interests include diversity issues, stratification and inequality, health disparities, and race, class, gender, and sexuality. Dr. Henderson is coauthor of *Diversity in Organizations: A Critical Examination*, a book that offers an examination of organizational

characteristics, recruitment and retention factors, and employment practices and job benefits that are associated with the racial and gender composition of organizations in the United States. In addition, she has published research that looks at various forms of social inequality that revolve around issues of identity difference.

- **Retired respected law enforcement officers.** We recognize that the City, the Police Department, and the Department of Justice already have dedicated thousands of hours investigating City law enforcement and agreeing on the terms of the Consent Decree. We have retained two retired law enforcement officers who will be able to help immediately with review of policies, training, and hiring, as well as implementation of the Consent Decree: Detective James Diggs and Detective Lakeesha Thomas. Det. Diggs is a retired detective of the Police Department and former Chief of Security of the Motor Vehicle Administration. He retired as a Sergeant First Class from the Maryland Army National Guard. Det. Thomas would draw on her 20-year career in law enforcement, having served as a detective in the Force Investigations Team and the Equal Opportunity and Diversity Section of the Baltimore Police Department. She has a thorough understanding of the Police Department, as well as extensive experience in categorical use of force incidents and investigations of discrimination within the department. We have consulted a number of nationally prominent law enforcement leaders but have elected to defer to the City, the Police Department, and the Department of Justice as to recommendations of national experts whose approach and philosophy are most closely aligned with the Consent Decree. We would expect to engage one or more national experts upon the recommendation of the City, the Police Department, the Department of Justice, and the community. To engage a national expert without consultation of these stakeholders would be, in our view, premature and potentially detrimental to the effective implementation of the Consent Decree.
- **Nationally recognized experts in Criminal Justice & Criminology.** Dr. Natasha Pratt-Harris of Morgan State University teaches community-based corrections, criminology, jails and prisons, juvenile delinquency, police and society, social problems, the sociology of deviance and law, and statistics. Dr. Pratt-Harris has researched and written on disproportionality based on race and gender at each stage of the juvenile and adult criminal justice system. Dr. Jeffrey Ian Ross of the University of Baltimore is a scholar, professor, and criminologist specializing in the fields of policing, corrections,

political crime, violence, abnormal-extreme criminal behavior, and crime and justice in American communities. In the field of policing, Dr. Ross has examined the challenges facing police departments operating in both western and non-western communities; how incidents of police violence/excessive force come to public attention, and whether this sets an agenda for the police organization to change; and community policing. Dr. Ross has written two books in this area: *Making News of Police Violence* (Praeger, 2000), and *Policing Issues: Challenges and Controversies* (Jones and Bartlett, 2011).

- **Prominent local and national experts in race relations and police monitorships.** We recognize the benefit of engaging a range of civic leaders to provide formal and informal feedback on our efforts. We would expect to assemble an advisory group of prominent civic leaders who care about our city and would offer their support concerning implementation of the Consent Decree. Among those with whom we would consult are business leaders, non-profit leaders, religious leaders, community leaders, K-12 educators, and deans and presidents of local universities and professional schools. In addition, we have consulted with and would continue to consult periodically with Department of Justice Consent Decree police department monitors for other cities, such as Ferguson, Missouri (Clark Ervin, Esq.), and Newark, New Jersey (Peter C. Harvey, Esq.).
- **Professional staff.** The team would include senior partner Ward B. Coe and four associates with Gallagher who have experience in internal investigations, implementation of government orders, federal litigation, and criminal law. Mr. Coe served as counsel to the special legislative committee investigating personnel practices of a former governor of the State of Maryland. He has conducted numerous internal investigations of publicly and privately held companies involving potential financial fraud restatements and personnel matters. He served as deputy investigator, appointed by the Governor of Maryland to investigate the savings and loan crisis. After an extensive investigation, Ward was the primary author and editor of a 457-page report to the Governor and General Assembly which formed a basis for numerous successful criminal prosecutions and civil lawsuits that resulted in substantial recoveries for the State. Mr. Coe serves as chair of the Maryland Court of Appeals Standing Committee on Pro Bono Legal Service and is the recipient of numerous honors and awards for his pro bono efforts, including the American Bar Association's Pro Bono Publico Award. Mr. Coe is a Fellow of the American College of Trial Lawyers. Junior members of our team

served prestigious clerkships with the United States Court of Appeals for the Fourth Circuit and the United States District Court for the District of Maryland. In addition, they have represented clients in Maryland state courts, the United States Supreme Court, the United States Court of Appeals for the Fourth Circuit, and the United States District Court for the District of Maryland. They are familiar with a spectrum of constitutional, federal, and state laws, and they would provide the team with expertise in a number of areas that are specified in the Consent Decree, including assessing legal sufficiency and compliance with constitutional and other legal requirements, and appearing in court as counsel.

- **Technology and IT staff.** Our team will be supported by the technology staff at Gallagher, at no additional charge to the City. The Monitor's technology staff will provide state-of-the art technological capacity through internal networks and secure cloud-based computing in the following areas: data storage, data review, cybersecurity, comprehensive confidentiality protections, records management, network management, software management, and database administration. The Monitor's IT staff regularly handles confidential business and medical information and has implemented security protocols to protect the confidentiality of this information.
- **Administrative staff.** Our team will be supported by a full team of administrative staff at Gallagher, at no additional charge to the City. The administrative staff will provide all secretarial and administrative support to the Monitor.
- **Office space.** Our office is in downtown Baltimore, where it has been for more than 50 years. All of the Monitor team members live and work in Baltimore and its surrounding areas. No Consent Decree funds will be used to rent office space or provide lodging or meals. All Consent Decree funds will go directly toward implementation of the Consent Decree.

We believe that, collectively, our team has the experience and expertise to impartially and effectively monitor the Police Department's compliance with the Consent Decree. Having personally served as a Department of Justice monitor, Mr. Keith understands the responsibility to serve as an independent, aggressive, and objective evaluator of performance and will ensure compliance with the terms of the Consent Decree. As officers familiar with the Police Department, Det. Diggs and Det. Thomas fully understand the daily challenges of street-level crime fighting, as well as how to carry out law enforcement duties in accordance with the law and in a manner conducive to a positive relationship with a racially and ethnically diverse

community. The team's academics will provide guidance on the preparation and implementation of policing policy, procedures, and training. The sociologists will employ data to evaluate compliance with the Consent Decree, and will assist in the preparation, administration, and interpretation of community surveys.

In sum, we commit to bringing to bear our expertise, abilities, and dedication to doing our absolute best to monitor the compliance of the Police Department and to help achieve the very worthy goals of the Consent Decree. Our work will be on time and on budget.

RFA ¶ 33: SCOPE OF WORK

On August 16, 2016, the Department of Justice issued findings following a lengthy investigation prompted by the April 2015 death of Freddie Gray. The findings highlighted a number of Police Department practices that the Department of Justice asserted violate the First and Fourth Amendments to the Constitution, as well as federal anti-discrimination laws. Among the findings, the Department of Justice concluded that the Police Department conducts stops, searches, and arrests without the required justification. The Department of Justice further concluded that the Police Department uses enforcement strategies that unlawfully subject African Americans to disproportionate rates of stops, searches, and arrests; uses excessive force; and retaliates against individuals for their constitutionally-protected expression. The Department of Justice found that the patterns and practices outlined in the findings resulted from systemic deficiencies that have persisted within the Police Department for many years and have exacerbated community distrust of the police, particularly in the African-American community. These findings culminated in the Consent Decree and the numerous reforms committed to by the City, the Police Department, and the Department of Justice.

Our team will rely on our substantial collective experience to carry out our responsibilities under the Consent Decree. We will work to effect meaningful, lasting, and appropriate change in the following areas, in accordance with the Consent Decree:

1. Community Oversight Task Force. The City has agreed to establish a task force to recommend reforms to the current system of community oversight.

2. Community Policing. The Police Department has agreed to increase positive interactions with people of color and to implement more community-oriented policies, such as training officers in how to work with communities to set public safety and crime prevention priorities, encouraging officers to become familiar with the areas they serve and the community leaders, and encouraging officers to participate in community meetings.

3. Stops, Searches, and Arrests. The Police Department has committed to conduct all searches, seizures, and arrests in a constitutional manner. This includes not making investigatory stops without reasonable suspicion; not making pretextual stops for loitering or trespassing; not initiating a traffic stop without probable cause; and, when appropriate, prioritizing alternatives to arrest, such as warnings or citations.

4. Impartial Policing. The Police Department has committed to not consider race or any demographic category when taking or refraining to take a law enforcement action. The Police Department will implement training on non-discriminatory police practices.

5. Responding to People with a History of Substance Abuse or Mental Disabilities in Crisis. The Police Department commits to protect the civil rights of these individuals and respond in a way that contributes to their overall health and welfare. The Police Department will implement crisis training and implement a policy of diverting these people to behavioral health service systems rather than to jail or the emergency room.

6. Excessive Force. The Police Department will require officers to use de-escalation techniques whenever possible before resorting to force. Officers will use force only as it becomes necessary and will only use the amount of force necessary to control the person and immediately reduce force as the threat diminishes.

7. Improving Interactions with Youths. The Police Department commits to approaching all interactions with youth in a manner that takes into account the individual characteristics of the youth, including size, age, and disability status. The Police Department commits to using alternatives to arrest when appropriate.

8. Transportation of People in Custody. The Police Department will ensure that every person in custody in a vehicle for transportation is secured by a fastened seatbelt and will periodically check on the person in custody. The Police Department also will report specific details of the transportation, such as locations and arrival times.

9. First Amendment Protected Activities. The Police Department will not interfere with a person's right to protest and will permit members of the public to peacefully photograph or record police officers performing law enforcement duties in public.

10. Handling Reports of Sexual Assault. The Police Department agrees to implement policies and training to strengthen the response to claims of sexual assault. Reports of sexual assault will be assigned to investigators and thoroughly investigated in consultation with medical and forensic examiners.

11. Updated Technology. Officers will be provided the technology necessary to carry out the Consent Decree. The Police Department will develop a plan for identifying and adopting that technology.

12. Supervision. Officers will be properly trained and the Police Department will implement a comprehensive policy regarding training. The Police Department also will provide and appropriately train supervisors.

13. Misconduct Allegations and Discipline. The Police Department will have to create and implement comprehensive procedures for the Office of Professional Responsibility to independently receive, investigate, and adjudicate allegations of police misconduct. The Police Department will ensure that effective mechanisms are in place to determine and carry out the appropriate penalties for misconduct. All mechanisms should have a public aspect and shall not involve anyone related to or involved in the allegations.

14. Coordinate with School Police Departments. The Police Department will assess law enforcement departments at local schools, determine areas for improvement, and implement those improvements.

15. Recruitment and Hiring. The Police Department will revise its hiring policies to ensure that it attracts and hires a diverse group of qualified individuals, including outreach to a broad reach of stakeholders and the ability to submit applications online.

16. Performance Evaluations. The Police Department will use a formalized system to document annual performance reviews, including quarterly reviews for probationary employees.

17. Officer Assistance and Support. The Police Department will provide no- or low-cost counseling and mental wellness services to officers.

Our team will bring to these areas an array of relevant experience, covering such areas as above and the following:

- constitutional use of force;
- constitutional search and seizure techniques;
- policing that ensures that all interactions with community members are carried out in a manner that is respectful wherever practicable and does not vary based on any protected classifications;
- statistical analysis of police department activities and interactions;

- hiring, training, supervision, evaluation, and incentivization of police officers;
- rapid response teams for immediate and effective crisis response;
- community surveys;
- community relations, including mediation and community policing models; and
- community engagement.

We will work to help the Police Department ensure that all officers engage consistently in effective, constitutional, and safe law enforcement practices. We will work to ensure that the Police Department implements the Consent Decree in the most expeditious and efficient manner possible. The sooner effective change is implemented, the sooner Baltimore will benefit. We believe this change is achievable within the time constraints of the Consent Decree. We have no reason to believe the Consent Decree need be extended beyond its current expiration of April 2020.

RFA ¶ 8: The Monitor will assist the Court and the Parties in evaluating the Baltimore Police Department’s and the City’s implementation of the Consent Decree. The Monitor will provide thorough, objective assessments of whether the Baltimore Police Department and the City have obtained Full and Effective Compliance with the Material Requirements of the Consent Decree.

We will scrupulously review stop, search, and arrest reports, use of force reports, internal investigations files and disciplinary records to determine whether the anticipated policy revisions will produce measurable improvements. We also will apply rigorous, scientifically accepted methods to gather and analyze statistical data to measure whether improvements are being made. We will engage with community members to gauge public perceptions about the Police Department and the efficacy of the reforms the Consent Decree contemplates. We will produce comprehensive, readily accessible public reports explaining our findings.

A number of members of our firm have extensive experience with this type of work. As monitor for the Department of Justice in a healthcare fraud criminal prosecution between 2011 and 2013, Peter E. Keith supervised the compliance of Maxim Healthcare Services, Inc. with a deferred prosecution agreement, a related corporate integrity agreement between Maxim and the Office of the Inspector General of the United States Department of Health and Human Services, criminal and civil laws and regulations, and corporate best practices. Mark S. Saudek served as counsel for the monitor, working with other attorneys at Gallagher Evelius & Jones LLP. Our work included review and recommendations concerning corporate policies, education and training, staffing, compensation, hiring and firing of personnel, management structure, and

field operations. We interacted daily with corporate management, in-house counsel, and compliance staff. We issued written reports to the Department of Justice quarterly, describing the company's compliance with the terms of the government agreements and identifying any areas of concern. We participated in numerous meetings and conference calls between the Department of Justice and the company during the monitorship.

Our service as monitor included development and oversight of a rapid response process, by which the company responded on an expedited basis to serious issues with a team assigned to investigate the issues, perform a root cause analysis, identify and implement corrective actions, analyze the success of those actions, and consider regional- or company-wide implementation of lessons learned so the company's compliance progressed.

We planned, attended, and critiqued meetings and trainings sessions with employees to help change corporate culture and foster a culture of compliance with governmental agreements and applicable laws and regulations. We performed many unannounced field visits to observe employees at work and assess their conduct and level of compliance. We monitored internal and external communications, use of technology, quality of the Company's operations, employee morale, public satisfaction with the Company's services, and involvement of Company employees within the communities where field offices were located. Our work also included interaction with auditors, accountants and outside consultants.

RFA ¶ 9: The Monitor will assist in achieving compliance with the Consent Decree by offering technical assistance, issuing recommendations, soliciting information from and providing information to members of the public, and preparing public reports on the Consent Decree's implementation.

Our Monitoring team has extensive investigative, auditing, monitoring, and law enforcement experience, including substantial experience conducting internal investigations and advising businesses, organizations, governmental agencies, and individuals with respect to civil actions and government investigations. We will provide real-time technical assistance to the Police Department and engage in open, continuous dialogue with all stakeholders, including the distinct neighborhoods in every area of the Baltimore community. Our goal will be to ensure that everyone has a common understanding of what progress and compliance entails and what has been achieved.

RFA ¶ 10: The Monitor will work closely with the Baltimore Police Department and its staff, in a cost-effective and collaborative manner, to ensure both Full and Effective Compliance under the Consent Decree and positive, constructive, and long-lasting change for Baltimore Police Department, and the community at large.

To be as cost-effective as possible, our team anticipates using a variety of resources to help implement the monitoring plan. First, because this is a public interest position, all of the lawyers on our team will serve at reduced hourly rates. Our lawyers also will volunteer a significant amount of time pro bono. For example, our lawyers will not bill for time spent traveling within city limits, attending certain community meetings, meeting with certain members of the community, or meetings with certain interested community organizations. Second, as a local law firm, there will be minimal costs associated with travel or rental space. Third, UMBC graduate students will assist Dr. Tyson King-Meadows, Dr. Cedric Herring, and Dr. Loren Henderson with data collection and analysis. Finally, we will contract with local, minority- and family-owned businesses for web design, printing, and other services, if those services are needed.

RFA ¶ 11: As set forth in Paragraphs 442-488 of the Consent Decree, to realize these objectives, the Monitor must assume certain concrete responsibilities. Responses to the RFA must address, in detail, how candidates will meet these responsibilities.

We are fully prepared to meet each of the responsibilities set forth in the Consent Decree, including conducting compliance reviews, conducting outcome assessments and reassessments, developing a monitor plan, making recommendations and offering technical assistance, and issuing periodic reports. Our responsibilities will include the following:

A. Compliance Reviews

Our team, in close collaboration and consultation with the Parties, will systematically assess whether the changes by the Police Department ultimately have real-world outcomes. We also will spend significant time on the ground and in communities throughout Baltimore to gauge in real-time how the implementation of new policies and procedures is affecting the Police Department and the community.

B. Outcome Assessments and Data Analysis

Our team members understand the importance of using appropriate statistical data and evidence to properly measure police agency performance. Our statistical experts have worked on other projects that have used comparable data before. Moreover, we have the requisite

data management skills, experience, and technology to compile and interpret data from various sources that will be needed to create a comprehensive database and provide appropriately comprehensive reports. We will deliver periodic systematic reporting on the degree to which the Police Department can establish its thorough, bias-free, and constitutionally compliant policing efforts. We will do so by using rigorous, data-driven statistical methods to gauge whether the Police Department is engaged in racial profiling, disparate treatment of residents of any particular communities, or any other practices that undermine constitutional rights, such as due process.

- We will scrupulously **gather, review, and analyze stop, search, and arrest reports, use of force reports, internal investigations files and disciplinary records** to determine whether policy revisions are producing measurable improvements.
- We also will **use rigorous, scientifically accepted methods to gather and analyze the necessary new statistical data** to measure whether the Police Department is making improvements.
- We also will **interact with community residents in community meetings and focus groups, and through surveys** to measure changing perceptions about the Police Department and the effectiveness of reforms.
- We will **interview both rank-and-file officers and supervisors**, as well as officers charged with responsibility for implementing new policies.
- We will **establish benchmarks** (*e.g.*, on use of force incidents) **from available data, and then measure future conduct against those benchmarks.**
- We will **collect and analyze data on officer activities, discipline for misconduct, and execution of law enforcement policies, training, and supervision.**
- We will **analyze sociodemographic data from Baltimore neighborhoods** to determine whether any correlation exists in changes in them and changes in police practices, so we can provide context and insight into any changes.
- We will **create and follow a schedule for conducting all outcome assessments and compliance reviews**, taking into account that the data and technology necessary to conduct the assessments or reviews may be currently unavailable.

- We also will **develop a process for sharing the results of all outcome assessments and compliance reviews** with the parties, including all source data and information analysis, and a complete and detailed explanation of any conclusions.
- We also will **provide formal and informal feedback, technical assistance, training, and guidance** to law enforcement agencies.
- We will regularly **produce comprehensive but accessible public reports** that explain our findings for diverse audiences.

We generally anticipate that our statistical methods will be inferential and will use both bivariate and multivariate methods. We cannot fully determine the precise statistical methods we will use because that will depend on the kind and quality of information available. While statistical analysis is essential, it is not the only tool we will use for assessing compliance. As mentioned above, we also will rely on some qualitative techniques such as in-depth interviews and focus groups to understand the quality of efforts and evolving community perceptions. Finally, because we understand the burden of large data requests, we will keep requests to a minimum necessary to do our job, so we will not hinder the ability of the Police Department to make progress in implementing its policy changes.

C. Monitor Plan

We believe that an essential first step in the monitoring process is to listen. Before drafting the initial monitoring plan, we will meet in every quadrant of Baltimore to hear from the public. This will lay the groundwork for reaching a complete understanding of where the Police Department and the Baltimore community stand as the implementation of the Consent Decree begins. We also will need to understand the current policies, training, and systems implicated by the Consent Decree so we can know the precise ways that the Police Department's current systems should be reformed.

Following the initial assessment, and within the first 90 days, we will formulate detailed short-term and medium-term monitoring plans that include our core responsibilities under the Consent Decree, as well as additional monitoring tasks that have a high priority based on the information gathered during our initial assessment. To interested parties with common expectations about when and how the work will be accomplished and changes should be implemented, the monitoring plan will provide separate deadlines by which any discussions about, or revisions to, the material should be complete before final approval or disapproval. The monitoring plan also will identify intended timetables for conducting compliance reviews, audits, and qualitative and quantitative outcome assessments of the Police Department's compliance efforts.

Peter E. Keith would lead the monitoring team during this process. The other members of the team would include Mark S. Saudek and other legal support personnel from Gallagher Evelius & Jones LLP. In addition, we have assembled a group of police practices experts who are invested in Baltimore to ensure that our team is second to none in terms of local law enforcement expertise. We seek to ensure through this experience with the Baltimore Police Department that the changes required by the Consent Decree are effectively, efficiently, and timely implemented.

D. Monitor Recommendations and Technical Assistance

In reference to Paragraph 468 of the Consent Decree, our team is well-equipped to make recommendations to the Parties regarding measures necessary to ensure timely full and effective compliance. As members of a monitor team for the Justice Department, Peter E. Keith and Mark S. Saudek provided feedback, technical assistance, and guidance to a 30,000-employee healthcare company. As a private consultant, Dr. Jeffrey Ian Ross regularly provides technical assistance to various agencies on policing and law enforcement. Dr. Cedric Herring also has extensive consulting experience, including consulting with the Chief Justice of the Circuit Court of Cook County to provide training to judges in order to help reduce bias in the courts.

E. Comprehensive Re-Assessment

Under Paragraph 469 of the Consent Decree, the Monitor is required to conduct a Comprehensive Re-assessment every two years. As described in Sections 11.A–D above, our team is team is equipped to handle this requirement.

F. Monitor Reports

To carry out the requirements of Paragraph 471 of the Consent Decree, as noted above, Peter E. Keith as a monitor and receiver, and Mark S. Saudek as a member of those teams, personally wrote or edited scores of inspection, audit, and investigative reports. The audience for the reports was the court, the subject entity, and, where permissible, the general public. The remaining members of our team collectively have published hundreds of books and articles with intended audiences for students, academics, law enforcement officials, and the public.

G. Communication Between the Monitor, the Parties, the Court, and the Public

Some segments of the community doubt that this endeavor will be a success. We must gain their trust. Our team has an excellent grasp of the court system, as well as the neighborhoods and communities on both the West side and the East Side of Baltimore. We will

establish a communications system to facilitate the flow of information that will connect members of the monitoring team to each another, and to the Police Department and City. We also will have a clear presence across Baltimore so the community can connect with us. For example, we will establish a publicly available email address and phone number for receiving questions, concerns and other public input. Moreover, community, religious, and school groups also will be effective at helping us reach the public. We will partner with Baltimore community organizations to reach every neighborhood, so members of the community can communicate directly with people whom they trust.

In addition, members of our firm serve or have served on the boards of numerous charitable, religious, and community organizations based in Baltimore, including: Associated Catholic Charities, Baltimore Cultural Alliance, Baltimore Design School Board of Trustees, Catholic Community Foundation, Community Mediation Program, Foundation for the Baltimore Leadership School for Young Women, Health Care for the Homeless, House of Ruth Maryland, Maryland Legal Aid, Public Justice Center, Teach for America* Baltimore, The Loading Dock, the University System of Maryland Board of Regents, and countless others.

H. Public Statements, Testimony, Records, and Conflicts of Interest

As required by Paragraph 476 of the Consent Decree, members of the monitoring team will not make any public statements, issue findings, disclose non-public information, or testify in any unrelated matter with regard to any act or omission by the Parties or their agents.

RFA ¶ 12: The Monitor must develop and implement annual monitoring plans for implementing the Consent Decree. The Monitor must develop the monitoring plan within 90 days of appointment by the Court.

Peter E. Keith would lead the monitoring team in developing comprehensive monitoring plans that include the core responsibilities under the Consent Decree, as well as additional monitoring tasks that have a high priority based on the information gathered during our initial and recurring assessments. Please also see Section 11.C above regarding the development of the initial monitoring plan and ongoing monitoring plans.

RFA ¶ 14: The Monitor must communicate with the public and receive public input, which shall include quarterly in-person meetings with different Baltimore neighborhoods. The Monitor shall also maintain a public website and will post its proposed budget and accounting to that website. The Monitor is also expected to conduct outreach to and maintain open channels of communication with Baltimore Police Department officers and organizations representing officers.

We are a local law firm with exceptionally strong and deep Baltimore ties. Recognizing that every neighborhood is important, whether on the East Side or West Side, we will hold meetings across the entire city to seek public input and feedback. We will partner with a female- or minority-owned company for website services, and, with the assistance of our former law enforcement officers, will maintain an open line of communication with the Police Department. For more information, please see Section 11.G above regarding communications with the public and public outreach.

RFA ¶ 15: The Monitor shall provide technical assistance to the City and Baltimore Police Department, including recommending strategies to ensure that the City and the Baltimore Police Department are effectively implementing the Consent Decree.

As members of a monitor team for the Justice Department, Peter E. Keith and Mark S. Saudek provided feedback, technical assistance, and guidance to a 30,000-employee healthcare company. Members of the Monitor team are private consultants that regularly provide technical assistance to various agencies on policing and law enforcement, and training to government agencies. Please also see Section 11.D above regarding recommendations and technical assistance.

RFA ¶ 16: The Monitor shall make recommendations to the Parties regarding measures necessary to ensure Full and Effective Compliance with the Consent Decree, which may include recommendations to change, modify, or amend a provision of the Consent Decree, recommendations for additional training in an area unrelated to the Consent Decree, or a recommendation to seek technical assistance.

Every member of the Monitor team is prepared to make recommendations to the Parties to ensure full and effective compliance with the Consent Decree, based on our understanding of the Police Department, expertise in policy and training, and evaluation of the relevant data.

RFA ¶ 17: The Monitor shall formulate outcome measures and compliance assessments and conduct qualitative and quantitative assessments of progress under the Consent Decree.

Our team of previous monitors, former law enforcement officers, and policy experts, in close collaboration and consultation with the Parties, will systematically assess whether the changes by the Police Department ultimately have real-world outcomes. We will do so by using rigorous, data-driven statistical methods to gauge whether the Police Department is engaged in racial profiling, disparate treatment of residents of any particular communities, or any other practices that undermine due process.

RFA ¶ 18: The Monitor shall regularly produce reports to the public and the Court.

In his previous experience as monitor for the Department of Justice, Peter E. Keith, Mark S. Saudek, and several members of Gallagher Evelius & Jones LLP issued written reports to the Department of Justice each quarter, describing the compliance of the subject entity with the terms of the governmental agreements involved and identifying areas of concern. For more information, please see Section 11.F above regarding monitor reports.

RFA ¶ 19: Two years after the date the Consent Decree is entered by the District Court of Maryland, and every two years thereafter, the Monitor shall conduct a comprehensive reassessment to determine whether and to what extent the material requirements of the Consent Decree have been achieved. This reassessment shall include areas of greatest achievement as well as areas of greatest concern, as well as strategies and technical assistance for achieving compliance.

Our team of statisticians, law enforcement officers, and policy experts will rely on appropriate statistical data and evidence, as well as significant public feedback, to properly measure police agency performance on a continuing basis. For more information, please see Sections 11.A–D above.

RFA ¶ 20: The Monitor shall prepare and submit annual budgets for monitoring the Consent Decree.

As leaders within law enforcement agencies, academics who have served as university department chairs, independent consultants, and lawyers, our Monitor team members routinely have developed and worked within budgets. Our work will be on time and on budget.

RFA ¶ 21: The Monitor shall regularly communicate with the Parties regarding the status of the implementation of the Consent Decree.

Members of the Monitor team are lawyers with previous monitor experience who have maintained regular contact with the parties involved in their cases.

RFA ¶ 22: The Monitor shall, on a regular basis, meet with community members and Baltimore Police Department officers to inform them about the Consent Decree implementation process and to listen to their questions, concerns, and suggestions regarding its implementation.

We will meet regularly with the Police Department and the community, and we will establish a communications system to facilitate the flow of information. We also will have a clear presence across Baltimore so the community can connect with us. Please also see Section 11.G above regarding communicating with the public.

RFA ¶ 23: The Monitor shall make public statements only to the extent permitted by the terms of the Consent Decree, and shall testify in proceedings only as provided in the Consent Decree.

Members of the monitoring team will not make any public statements, issue findings, disclose non-public information, or testify in any unrelated matter with regard to any act or omission by the Parties or their agents.

RFA ¶ 24: The Monitor shall maintain the highest ethical standards.

As leaders within law enforcement agencies, academics who have served as university department chairs, independent consultants, and lawyers, our Monitor team will undoubtedly maintain the highest ethical standards.

RFA ¶ 34: PERSONNEL AND CURRENT TIME COMMITMENTS

RFA ¶ 34a: Individuals and subcontractor consultants who would comprise the team

Our monitoring team would consist of Peter E. Keith as the Monitor, assisted principally by Mark S. Saudek as the Deputy Monitor. They will be assisted by these and potentially other lawyers from Gallagher Evelius & Jones LLP: Ward B. Coe, Matthew A. Haven, Lindsey N. McCulley, Brandon K. Moore, and Anatoly Smolkin.

The academic and policy experts are Dr. Natasha Pratt-Harris, associate professor and coordinator of the Criminal Justice program at Morgan State University; and Dr. Jeffrey Ian

Ross, a professor in the School of Criminal Justice, College of Public Affairs at the University of Baltimore. The law enforcement officers are Detective James Diggs and Detective Lakeesha Thomas.

The academic experts include an accomplished team of statisticians from UMBC. The primary statistician team members will be Dr. Cedric Herring, director of the Language, Literacy, and Culture Ph.D. Program; and Dr. Loren Henderson, assistant professor in the Department of Sociology, Anthropology and Health Administration and Policy. Dr. Herring and Dr. Henderson will be assisted by a group of talented UMBC graduate students. In addition, Dr. Tyson King-Meadows, an associate dean of the College of Arts, Humanities and Social Sciences, will provide oversight, strategic expertise, and support.

RFA ¶ 34b: A summary of the relevant background of each team member.

Monitor and Deputy Monitor



Peter E. Keith will serve as Monitor. Mr. Keith is a partner at Gallagher Evelius & Jones LLP and joined the firm following several years of public service. From 1985 to 1988, Mr. Keith served as a Special Assistant United States Attorney, and Chief of the Criminal Savings and Loan Division at the Maryland Attorney General's Office. In that role, he served the public as a white-collar prosecutor, investigated the workings of a \$1 billion savings and loan industry in Maryland, and handled complex jury trials resulting in convictions and the recovery of more than \$25 million in stolen funds. He also served as Special Counsel to the United States House of Representatives, leading an investigation and impeachment of the then Chief Judge of the United States District Court in Mississippi. Since joining Gallagher in 1989, Mr. Keith has completed internal investigations for two major Maryland health care systems involving fraud and medical staff issues, and he was appointed by Maryland's Attorney General to investigate and mediate claims of racial discrimination in a state law enforcement agency. He also has been appointed by the United States District Court for the District of Maryland to serve as receiver in several Federal Trade Commission cases involving companies that engaged in deceptive marketing and business practices. In those roles, his duties included operation of aspects of the business for a period of time, marshaling assets, pursuing claims, making

payments and disbursements from the receivership estate as necessary to carry out the Court's orders, and liquidating the business.

Mark S. Saudek will serve as Deputy Monitor. Mr. Saudek is a partner at Gallagher with significant experience in complex commercial litigation and extensive trial experience. He has represented clients in complex civil matters in state and federal courts across the United States, and has tried jury trials and bench trials in state and federal court. Mr. Saudek has represented clients in state and federal courts of appeals, including the United States Court of Appeals for the Fourth Circuit and the United States Supreme Court. On a number of occasions, he has served as counsel to receivers appointed by the United States District Court for the District of Maryland and the Circuit Court of Maryland, and he has worked on a Department of Justice monitor team. He is a permanent member of the Fourth Circuit Judicial Conference and a member of the American Bar Association and the Maryland State Bar Association, serves as president of the Board of Governors of the Federal Bar Association-Maryland Chapter, and is a Fellow of the Foundation of the Federal Bar Association. Mr. Saudek serves as a member of the United States District Court for the District of Maryland Bench-Bar Liaison Committee and currently chairs the Committee on the Appointment of Pro Bono Counsel for the United States District Court for the District of Maryland. He is a 2015 recipient of the Daily Record's Leadership in Law award.

Statistics and Data Analysis



Dr. Tyson King-Meadows is an Associate Professor of Political Science and Associate Dean, Research & College Affairs. He also serves as an affiliate of the Maryland Institute for Policy Analysis and Research (MIPAR), an affiliate of the Department of Public Policy, and a Faculty Fellow of the Honors College. His primary research interests concern African American political behavior and attitudes, identity politics, race and representation, Congress, and elections. Dr. King-Meadows is particularly interested in exploring the impact of black political engagement, civil rights law, identity group politics, and racial representation on the black socioeconomic condition from the latter twentieth century to present day. For example, see the recently-released book *When the Letter Betrays the Spirit: Voting Rights Enforcement and African American Participation from Lyndon Johnson to Barack Obama* (Lexington Books, 2011).

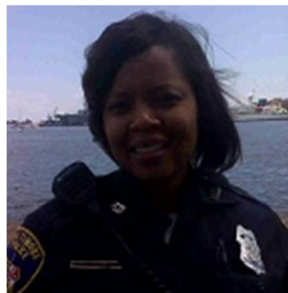
This book draws from government data, legislative history, Supreme Court decisions, survey results, and the 2006 reauthorization debate to examine how executive and judicial discretion facilitates violations of the Voting Rights Act. While challenging the executive-centered model of leadership on voting rights, this book puts forth a Congress-centered leadership model that would satisfy the goals of the black civil rights movement and give fuller support to the Fifteenth Amendment. Dr. King-Meadows is also co-author with Thomas F. Schaller of *Devolution and Black State Legislators: Challenges and Choices in the Twenty-First Century* (State University of New York Press, 2006). His next book (forthcoming from the University of Minnesota Press) examines contemporary racial identity politics and the senatorial and gubernatorial candidacies of black federal representatives.

Dr. Cedric Herring is Professor of Sociology and Public Policy, a Hrabowski Innovation Fellow, and Director of the Language, Literacy, and Culture PhD Program at UMBC. He has published 8 books and over 80 articles in journals such as the *American Sociological Review*, the *American Journal of Sociology*, and *Social Problems*. His most recent book is *Diversity in Organizations: A Critical Examination*. Dr. Herring was the Founding Director of the Institute for Research on Race and Public Policy at the University of Illinois and the former national President of the Association of Black Sociologists. He was awarded the Joseph S. Himes Lifetime Achievement Award for his scholarship on topics such as workplace diversity, race and public policy, stratification and inequality, and jobs and economic development. He has received support from the National Science Foundation, the Ford Foundation, the MacArthur Foundation, and others. He has shared his research in community forums, in newspapers and magazines, on radio and television, before government agencies, business organizations, non-governmental organizations and at the United Nations. Dr. Herring has served as an expert witness and consultant on several projects: National Statistical Consultant to the American Civil Liberties Union (ACLU); served as a statistical expert in several discrimination lawsuits; served as an expert before the Illinois Commerce Commission; served as an expert for the City of Chicago in its efforts to maintain its affirmative action program in the construction industry; provided a briefing on “African American Interests in Global Perspective” to national and international opinion leaders at the United Nations; worked with the Chief Justice of the Circuit Court of Cook County Illinois to provide training to judges in order to help reduce bias in the courts; and expert for Interest Arbitration Hearings on Residency Requirements for Public Safety Officers in Cicero, Illinois.

Dr. Loren Henderson is an Assistant Professor of Sociology and a Hrabowski Innovation Fellow at UMBC. Her research interests include diversity issues, stratification and inequality, health disparities, and race, class, gender, and sexuality. Dr. Henderson is coauthor of *Diversity in Organizations: A Critical Examination*, a book that offers an examination of organizational characteristics, recruitment and retention factors, and employment practices and job benefits that are associated with the racial and gender composition of organizations in the United

States. In addition, she has published research that looks at various forms of social inequality that revolve around issues of difference. She is the author of “Credit Where Credit is Due? Race, Gender, and the Credit Scores of Business Startups” (*The Review of Black Political Economy*). She is coauthor of “Wealth Inequality in Black and White: Cultural and Structural Sources of the Racial Wealth Gap” (*Race and Social Problems*); and “Separate and Unequal: The Impact of Socioeconomic Status, Segregation and the Great Recession on Racial Disparities in Housing Values” (*Sociology of Race and Ethnicity*). She is the author of “Mass Incarceration, Residential Segregation, and Racial Disparities in HIV” (*Journal of AIDS and HIV Research*). She has made presentations of her research before government agencies, in the media, and at the United Nations. Dr. Henderson also has used quantitative and mixed methods to conduct research on racial and gender disparities in health outcomes. She previously worked as a research analyst in the School of Public Health at the University of Illinois in Chicago where she conducted quantitative research for a federally funded study to prevent HIV/AIDS among juvenile offenders. She also has served as Project Manager of the “Depression in Low-Income, Single African American Mothers in the Hidden America” Research Project in Chicago. In addition, she was a Computational Genomics Fellow at the University of Illinois.

Law Enforcement Community



James Diggs is a retired detective of the Police Department and former Chief of Security of the Motor Vehicle Administration. He retired as a Sergeant First Class from the Maryland Army National Guard. He currently serves as a background investigator for the Maryland Lottery & Gaming Control Agency.

Lakeesha Thomas recently retired after a 20-year career with the Police Department, most recently as a detective on the Force Investigations Team. While there, Det. Thomas responded to scenes of categorical use of force incidents, including police-involved shootings, and then assumed control of the investigations. She established crime scenes, identified the officers involved in the incidents, and solicited witnesses. She also coordinated with the Baltimore City State’s Attorney’s Office in cases that resulted in criminal charges against the accused officer. She has extensive investigatory experience regarding whether an officer’s actions are in accordance with departmental policies, as well as experience conducting

thorough, confidential, and impartial investigations. Det. Thomas previously served in the Baltimore Police Department's Equal Opportunity and Diversity Section, reviewing and investigating allegations of discrimination within the Police Department, based on age, race, color, religion, national origin, sexual orientation, gender, disability, and sexual orientation. Detective Thomas recently obtained her bachelor's degree from Morgan State University, in Sociology, with a concentration in criminal justice.

Academic Community



Dr. Natasha Pratt-Harris is an associate professor and coordinator of the Criminal Justice program in the Department of Sociology, Anthropology, and Criminal Justice with Morgan State University. Dr. Pratt-Harris is the only black, female criminologist who grew up in Baltimore, attended K-12 public schools in Baltimore, and is a full-time, tenured professor teaching in Baltimore. Dr. Pratt-Harris has published in the *African Journal of Criminology and Justice Studies*. She is writing a book, *Racism, Criminal Justice Reform, and the Vulnerable Black Male Juvenile: A Case Study Analysis of Wrongful Convictions*, based on decades of qualitative research about black males who report that they have wrongful convictions on their criminal records, charged as adults as juveniles. Together with an interdisciplinary team of authors, she has published an article, "Police-involved homicides of unarmed Black males: Observations by Black scholars in the midst of the April 2015 Baltimore uprising" in the *Journal of Human Behavior for the Social Environment (JHBSE)*. The article critically assesses police-involved homicides of unarmed black males. It will be issued in a text entitled, "Police and the Unarmed Black Male Crisis: Advancing effective prevention strategies" to be released by Routledge in September 2017. Dr. Pratt-Harris collaborates on grants that involve addressing pressing crime problems and the realities of policing in urban areas. She is an evaluator for the Safe Streets Hospital-Based Violence Intervention Program Evaluation, funded by the Department of Justice. Dr. Pratt-Harris is also on the Grant Team for the Morgan State's Community Mile, Community-Policing Privately Funded Grant. During the 2016-17 academic year, Dr. Pratt-Harris collaborated with an interdisciplinary reading group at Morgan State that critically assessed the Department of Justice's Report on the Police Department and Consent Decree.

Dr. Jeffrey Ian Ross is a professor in the School of Criminal Justice, College of Public Affairs, and a Research Fellow with the Center for International and Comparative Law, and with the Schaefer Center for Public Policy at the University of Baltimore. Dr. Ross currently serves as a visiting professor with the Department of Kriminologie, Kriminalpolitik, Polizeiwissenschaft at Ruhr-Universität Bochum in Germany. He has researched, written, and lectured for over two decades primarily on corrections, policing, political crime, and crime and justice in American communities. Dr. Ross's work has appeared in many academic journals and books, as well as popular media. He is the author, co-author, editor, or co-editor of several books including, *Making News of Police Violence: A Comparative Study of Toronto and New York City* (2000) and *Policing Issues: Challenges & Controversies* (2011). The former book won the Society for the Study of Social Problems, Crime and Juvenile Delinquency Division Outstanding Scholar Award, 2001/2002. Ross is a respected subject matter expert for local, regional, national and international news media. He has performed consulting services for Westat, CSR, United States Department of Defense, Office of Juvenile Justice and Delinquency Prevention, Department of Justice; The National Institute of Justice, Department of Justice; United States Department of Homeland Security, and Intel Science Talent Search; and most recently for the Maryland Department of Probation and Parole. From 1995 to 1998, Dr. Ross was a Social Science Analyst with the National Institute of Justice, a division of Department of Justice. From 2005 to 2006, Dr. Ross was a member of the Prisoner Advocate Liaison Group for the Institute of Medicine (part of the National Academy of Sciences). He is chair of the Division on Critical Criminology and Social Justice of the American Society of Criminology. Dr. Ross worked close to four years in a correctional institution.

Professional Staff



Ward Coe is a veteran attorney at Gallagher with more than four decades of experience representing corporations, individuals, and government entities in complex commercial litigation and in response to government investigations and criminal proceedings. He has considerable experience leading major internal investigations. Mr. Coe served as counsel to the special legislative committee investigating personnel practices of a former governor of the State of Maryland. He has conducted numerous internal investigations of publicly and privately held companies involving potential financial fraud restatements and personnel matters. In 1985 and 1986, Mr. Coe served as deputy investigator with Wilbur D. Preston, Jr., who was appointed by the Governor to investigate the savings and loan crisis. After an extensive investigation, Mr. Coe was the primary author and editor of a 457-page report to the Governor and General

Assembly which formed a basis for numerous successful criminal prosecutions and civil lawsuits that resulted in substantial recoveries for the State.

Matthew Haven is a member of Gallagher's litigation group, representing entities and individuals in complex commercial litigation and business disputes. During law school, Mr. Haven was a member of the National Moot Court Team and was recognized as runner-up in the Myerowitz Moot Court Competition. Before joining the firm, Mr. Haven served a judicial clerkship with the Hon. Stephanie Gallagher of the United States District Court for the District of Maryland.

Lindsey McCulley is a member of Gallagher's litigation group, where she represents entities and individuals in complex commercial litigation and business disputes. She has government experience at the federal and state level. Prior to joining the firm, Ms. McCulley served as a judicial law clerk to the Hon. George J. Hazel of the United States District Court for the District of Maryland and the Hon. Robert A. Zarnoch of the Maryland Court of Special Appeals. In addition to her work at the firm, Ms. McCulley was appointed in 2016 to the Alumni Board of the University of Maryland Francis King Carey School of Law. She also serves as an adjunct professor for the law school, as a head coach for the school's National Trial Team.

Brandon Moore is a member of Gallagher's litigation group, representing clients in commercial litigation, business disputes, and professional malpractice matters. Mr. Moore's federal government experience includes three federal clerkships. He clerked on the United States Court of Appeals for the Fourth Circuit for the Hon. Andre M. Davis, who soon will assume the role of Baltimore City Solicitor. He also clerked for the Hon. Theodore D. Chuang and the Hon. George L. Russell, III, of the United States District Court for the District of Maryland. Brandon serves on the Alumni Board of Towson University and served two years in the AmeriCorps before going to law school.

Anatoly Smolkin is a member of Gallagher's litigation group. He represents entities and individuals in complex commercial litigation and business disputes. He also represents Gallagher's real estate development clients on construction and property management issues. Mr. Smolkin's government experience includes two federal clerkships. Before joining the firm, Mr. Smolkin served as a law clerk to the Hon. J. Frederick Motz of the United States District Court for the District of Maryland and then as a law clerk to the Hon. Stephanie D. Thacker of the United States Court of Appeals for the Fourth Circuit.

RFA ¶ 34c: The internal organization of the team, including the areas of responsibility for each member.

Peter E. Keith would serve as the Monitor and lead the monitoring team. As such, he would be the principal liaison between the City, Police Department, and Department of Justice

on the one hand, and the other members of the monitoring team on the other. In consultation with all relevant parties, he would develop the work plan that the team would follow during the course of the engagement, and he would be primarily responsible for the execution of that plan. He would take the lead on producing public reports regarding the Police Department's progress in implementing the terms of the Consent Decree. He would be responsible for testifying in proceedings and making any public statements. Drawing upon his monitor and receivership background expertise, Mr. Keith would take the lead on reviewing use of force and misconduct investigations to assess their quality, reliability, and adherence to the requirements of the Consent Decree.

Mark S. Saudek would serve as the Deputy Monitor, charged with project management and coordination across substantive areas of oversight of timely, effective implementation of the consent decree; communication and collaboration with stakeholders; and development of the Team's monitoring plans and written reports. He will be significantly assisted by Ward B. Coe, Matthew A. Haven, Lindsey N. McCulley, Brandon K. Moore, and Anatoly Smolkin.

Det. James Diggs, Det. Lakesha Thomas, Dr. Natasha Pratt-Harris, and Dr. Jeffrey Ian Ross would assist Mr. Keith by working with him to review and comment on the policies, training, and initiatives developed by the Police Department in accordance with the terms of the Consent Decree.

Dr. Cedric Herring and Dr. Loren Henderson would assist Mr. Keith by working with him to develop methodologies for conducting reliable audits and reviews of the Police Department's compliance with the Consent Decree; recommend and review metrics for assessing police practices and their effects; conduct reliable assessments to determine whether policing in Baltimore has improved; conduct, analyze, and report on methodologically sound surveys of both police officers and community members regarding the Police Department's practices; and provide or facilitate technical assistance to the Police Department, including recommending strategies to enhance the Police Department's implementation of the Consent Decree. Dr. Tyson King-Meadows would provide support and expertise.

RFA ¶ 34d: A description of all other current employment, projects, or other professional undertakings for each team member, noting the team member's time commitments for each.

Peter E. Keith, Mark S. Saudek, Ward B. Coe, Matthew A. Haven, Lindsey N. McCulley, Brandon K. Moore, and Anatoly Smolkin are lawyers in litigation group at Gallagher Evelius & Jones LLP. As partners in the firm, Mr. Keith, Mr. Saudek, and Mr. Coe devote a minimum of 1750 hours annually to the practice of law, and represent a variety of clients in a variety of complex matters. The associates devote a minimum of 1750 hours per year to the practice of law, as well. If our team is selected as the Monitor, this engagement would be within our

annual hourly practice commitment, not in addition to it. We would devote such time as is necessary to properly perform his duties as Monitor.

Det. James Diggs currently serves as a background investigator for the Maryland Lottery & Gaming Control Agency. His duties are such that he could devote at least the minimum time reflected in the attached proposed budget.

Det. Lakeesha Thomas is retired after a lengthy career with the Police Department, and she recently completed academic studies at Morgan State University. Therefore, she can prioritize her overall commitments such that she could devote at least the minimum time reflected in the attached proposed budget.

Dr. Natasha Pratt-Harris is an associate professor and coordinator of the Criminal Justice program in the Department of Sociology, Anthropology, and Criminal Justice with Morgan State University. Her teaching and research duties are such that she could devote at least the minimum time reflected in the attached proposed budget.

Dr. Jeffrey Ian Ross is a professor in the School of Criminal Justice, College of Public Affairs, and a Research Fellow with the Center for International and Comparative Law, and with the Schaefer Center for Public Policy at the University of Baltimore. Dr. Ross currently serves as a visiting professor with the Department of Kriminologie, Kriminalpolitik, Polizeiwissenschaft at Ruhr-Universität Bochum in Germany. His teaching and research duties are such that he could devote at least the minimum time reflected in the attached proposed budget.

Dr. Tyson King-Meadows, Dr. Cedric Herring, and Dr. Loren Henderson have ongoing academic and research responsibilities at UMBC. Dr. King-Meadows, in particular, is the associate dean of the College of Arts, Humanities and Social Sciences. Their teaching and research duties are such that they could devote at least the minimum time reflected in the attached proposed budget.

RFA ¶ 34e: Team members' status, if any, as a small, local, woman-owned, or minority-owned business, and what percentage of the Monitor's total work for which they will be responsible. If any team members have received certification or official confirmation of such status, they should specify the agency or authority that has granted certification.

Our team represents the racial and gender diversity of Baltimore, including many members who were raised and educated in Baltimore, and currently live and raise families in Baltimore. For more information about the team members, please see Exhibit 1.

Wherever practicable, we will contract with local, minority- and women-owned businesses for web design, printing, and all other third-party services to the monitorship.

RFA ¶ 35: QUALIFICATIONS

RFA ¶ 26a: Monitoring, auditing, evaluating, or otherwise reviewing performance of organizations such as law enforcement agencies, including experience monitoring settlements, consent decrees, or court orders.

As the leaders of either law enforcement agencies or major units within such agencies, all of the law enforcement leaders on our team have monitored, audited, investigated and reviewed organizational performance.

The vast majority of our team members also have worked on investigations/litigation, consent decrees, settlement agreements or consultation engagements that required an examination of the performance of various entities, including the investigation and review of a healthcare company's practices over a two-year period as monitor in the District of New Jersey; investigation of fraud and cooperation with law enforcement as a court-appointed receiver of home loan mortgage and related companies in the District of Maryland; and as counsel to the special legislative committee investigating personnel practices of a former governor of the State of Maryland.

RFA ¶ 26b: Law enforcement practices, including community policing and engagement; use of force and force investigations; practices for conducting and reviewing pedestrian and vehicle stops, frisks, searches, and seizures; practices for conducting and reviewing arrests; crisis intervention and de-escalation techniques; bias-free policing, First Amendment protected speech and public assembly and related rights; intake, investigation, and adjudication of complaints of officer misconduct; civilian oversight; police-youth interactions; and policy development and officer and staff training.

Every team member has experience with law enforcement practices as a law enforcement officer, academic, or lawyer. Although everyone will contribute in all aspects of the monitoring, some team members will give particular focus to some substantive areas in which they have particular expertise or experience, as follows:

Areas of Focus	Team Members
Community policing and engagement	Natasha Pratt-Harris

Areas of Focus	Team Members
Use of force and force investigations	Mark Saudek James Diggs Lakeesha Thomas
Practices for conducting and reviewing pedestrian and vehicle stops, frisks, searches, and seizures	Jeffrey Ross James Diggs Lakeesha Thomas
Practices for conducting and reviewing arrests	Jeffrey Ross James Diggs Lakeesha Thomas
Crisis intervention and de-escalation techniques	Natasha Pratt-Harris Jeffrey Ross
Bias-free policing, First Amendment protected speech and public assembly and related rights	Mark Saudek James Diggs Lakeesha Thomas Jeff Ross Tyson King-Meadows Cedric Herring Loren Henderson
Intake, investigation, and adjudication of complaints of officer misconduct	James Diggs Lakeesha Thomas
Civilian oversight	Mark Saudek Tyson King-Meadows Cedric Herring Loren Henderson
Police-youth interactions	Natasha Pratt-Harris Lakeesha Thomas

Areas of Focus	Team Members
Policy development and officer and staff training	Jeff Ross James Diggs Lakeesha Thomas

RFA ¶ 26c: Assessing legal sufficiency and compliance with constitutional and other legal requirements.

The lawyers on the Monitor team are familiar with a spectrum of constitutional, federal, and state laws, and they would provide the team with expertise in legal sufficiency and compliance with constitutional and other legal requirements.

RFA ¶ 26d: Familiarity and understanding of local issues and conditions, including local experience and expertise with Baltimore’s diverse communities, and issues and challenges facing those communities.

We are a local law firm with exceptionally strong Baltimore ties. We will partner with a female- or minority-owned company for third-party services as needed, and, with the assistance of our law enforcement officers, will maintain an open line of communication with the Police Department. For more information, please see Section 11.G above regarding communications with the public and public outreach.

RFA ¶ 26e: Criminology and statistical analysis, including internal and external benchmarking techniques, regression analysis, and other relevant statistical methods.

All of our team members understand the vital need to use statistical data to measure police agency performance, and most of us, including those who have worked on other monitoring teams, have employed complex statistical data before. Our statistical experts have worked on other projects that have used such data before. Moreover, we have the requisite data management skills, technology, and experience to compile and collate data from various sources that will be needed to create a comprehensive database and provide wide-ranging reports. We will deliver systematic reporting on the degree to which the Police Department has attained bias-free and constitutionally mandated policing.

RFA ¶ 26f: Familiarity with federal, state, and local laws.

Lawyers at Gallagher Evelius & Jones LLP are familiar with federal, state, and laws, with practice areas that range from law enforcement and constitutional rights, health care,

employment and education, to corporate and real estate transactions, commercial lending, civil litigation, renewable energy, creditors' rights and bankruptcy.

RFA ¶ 26g: Evaluating organizational change and institutional reform, including by applying qualitative and quantitative analyses to assess progress, performance, and outcomes.

The law enforcement leaders on our team have implemented and routinely evaluated change and reform within their own departments. Moreover, all team members who have worked on monitoring teams or evaluated compliance have experience assessing the success of court-ordered reforms. In addition, as consultants and expert witnesses, Dr. Jeffrey Ian Ross, Dr. Natasha Pratt-Harris, Dr. Tyson King-Meadows, Dr. Cedric Herring, and Dr. Loren Henderson have experience establishing quantitative, empirically derived assessments of law enforcement or criminal justice practices.

RFA ¶ 26h: Working with government agencies, including municipalities, elected officials, civilian oversight bodies, collective bargaining units, and other stakeholders interested in policing issues.

Peter E. Keith, Mark S. Saudek, and Ward B. Coe have oversight experience, as well as experience conducting internal investigations, and advising businesses, organizations, governmental agencies, and individuals.

RFA ¶ 26i: Engaging effectively with diverse community stakeholders to promote civic participation, strategic partnerships, and community policing.

Dr. Natasha Pratt-Harris has worked with and engaged diverse communities throughout Baltimore to promote dialogue regarding a range of community policing issues. She speaks regularly throughout the community on issues involving interactions between law enforcement officers and youth, has coordinated opportunities for communities to discuss safety issues of concern, and has facilitated partnerships between organizations involved in criminal justice and juvenile justice issues.

RFA ¶ 26j: Mediation and dispute resolution, especially mediation of police complaints and neighborhood mediation.

Our firm is very much involved in these efforts. For example, a member of the firm serves on the board of Community Mediation Program, which mediates community-based disputes that come from diverse referral sources, such as community organizations, police, faith-based institutions, courts, community members, government agencies, and the center's outreach activities.

RFA ¶ 26k: Use of technology and information systems, including data collection and management, and analytical tools, to support and enhance law enforcement practices.

Our team anticipates working with information technology specialists, particularly specialists with the Police Department, to refine the department's data systems so they receive, store and process the data required to measure performance. Dr. Tyson King-Meadows, Dr. Cedric Herring, and Dr. Loren Henderson have worked routinely with data systems to perform statistical analyses regarding organizational performance. Additionally, our law enforcement officers have experience with emerging technology and policy.

RFA ¶ 26l: Appearing in court as a judge, monitor, counsel, or expert witness, or providing other types of testimony.

Our team includes law enforcement officers and academics who have served as expert witnesses. Several litigators also are on the team. Collectively, we have made hundreds of appearances in state and federal courts. Many of these appearances have addressed issues related to police practices.

RFA ¶ 26m: Writing complex reports for dissemination to diverse audiences.

Every team member has written reports for a broad variety of audiences. The team's lawyers routinely provide internal investigation reports and audits to clients with the expectation that they may also be shared with the government; prepare court filings intended to persuade judges (and often the public); and author broadly distributed publications. The team's law enforcement experts also have authored reports for an array of audiences. In addition, Dr. Natasha Pratt-Harris, Dr. Jeffrey Ian Ross, Dr. Tyson King-Meadows, Dr. Cedric Herring, and Dr. Loren Henderson have written accessible, research-based publications throughout their lengthy careers.

As deputy investigator during the savings and loan crisis, Ward B. Coe was the primary author and editor of a 457-page report to the Governor and General Assembly that formed a basis for numerous successful criminal prosecutions and civil lawsuits that resulted in substantial recoveries for the State. Effective writing is a skill our team members collectively possess.

RFA ¶ 26n: Providing formal and informal feedback, technical assistance, training, and guidance to law enforcement agencies.

As a consultant, Dr. Jeffrey Ian Ross advised organizations and governmental agencies, such as the Department of Justice, Office of Community Policing Services, and the United States

Department of Defense. He is a former chair of the Task Force on Policing Education of the Academy of Criminal Justice Sciences. The law enforcement leaders on our team also have experience providing technical assistance within their respective departments.

RFA ¶ 26o: Reviewing policies, procedures, manuals, and other administrative orders or directives, and training programs related to law enforcement practices.

The law enforcement leaders on our team have extensive experience with law enforcement policies and training practices. In addition, Dr. Jeffrey Ian Ross has experience reviewing the efforts of police departments to recruit, hire, and train diverse applicants. He consults and teaches regularly on police administration and managing police organizations.

RFA ¶ 26p: Municipal budgets and budgeting processes.

We have substantial experience representing clients with respect to municipal budgets and budgeting processes. In addition, in instances in which we have litigated on behalf of or against municipalities, including the City of Baltimore, we have gained experience with municipal budgets and budgeting processes. We have substantial experience with the Baltimore City procurement process and the Board of Estimates.

RFA ¶ 26q: Completing projects within anticipated deadlines and budgets.

As leaders within law enforcement agencies, academics who have served as university department chairs, independent consultants, lawyers and members of other monitoring teams, the members of our team have routinely confronted and worked within deadlines and budgets.

RFA ¶ 26r: Any other qualifications the Monitor candidates believe are pertinent to fulfilling the duties of Monitor under the Consent Decree.

This response to request for application describes the primary qualifications of the Monitor and his proposed team. As the Monitor stated above, he remains open to retaining nationally-recognized retired law enforcement officials whose views are consistent with the terms of the Consent Decree, upon the recommendation of the City, the Baltimore Police Department, or community organizations. Should any stakeholder have any further questions, the Monitor looks forward to responding.

RFA ¶ 36: PRIOR EXPERIENCE AND REFERENCES

Our firm has experience in ensuring compliance with court-monitored consent decrees, receivership actions, settlement agreements, and corporate integrity agreements arising out of official misconduct, business and financial fraud, Ponzi schemes, and fraud and abuse and

Medicare reimbursement. The following are examples of recent representative monitorships, receiverships, and related governmental appointments, followed by references for each:

Maxim Healthcare Services, Inc. – deferred prosecution agreement with Department of Justice

Jacob Elberg, Esq.
Chief, Health Care & Government Fraud Unit
Office of the United States Attorney for the District of New Jersey
970 Broad Street #806
Newark, NJ 07102
(973) 645-2700

Federal Trade Commission vs. Midway Industries, et al.

Case No. JFM 14-CV-2312, United States District Court for the District of Maryland

Harris A. Senturia, Esq.
Federal Trade Commission
1111 Superior Avenue
Suite 200
Cleveland, OH 44114
(216) 263-3420

Sean R. Delaney, Esq.
Office of the United States Attorney for the District of Maryland
36 S. Charles Street
Baltimore, MD 21201

Federal Trade Commission vs. Residential Relief Foundation

Case No. JFM-10-CV-3214, United States District Court for the District of Maryland

Gregory Ashe, Esq.
Federal Trade Commission
600 Pennsylvania Avenue NW
Room No. NJ 3162
Washington, DC 20850

Lubin v. Williams, et al.

Case no. 07-28543, Circuit Court for Prince George's County

Raymond, J. Peroutka, Jr.
Verity, LLC
9690 Deereco Road, Suite 500
Timonium, MD 21093

RFA ¶ 37: BUDGET

A detailed estimate of costs, along with estimates of time to be allocated to each initiative described in this Proposal, is set forth in Exhibit 2.

RFA ¶ 38: COLLABORATION AND COST EFFECTIVENESS

RFA ¶ 27: Monitor candidates shall demonstrate an ability to work collaboratively with the City, Baltimore Police Department, and Department of Justice to enable Baltimore Police Department to reach compliance with the Consent Decree, and the ability to do so in a cost-effective manner.

Our team includes lawyers who have worked with government agencies and courts to ensure compliance with Department of Justice-directed reforms, as well as law enforcement officers who are familiar with the Police Department. We will also take a number of measures to be as cost-effective as possible, including (1) the lawyers will serve at reduced hourly rates and volunteer a significant amount of time pro bono; (2) there will be minimal costs associated with travel or rental space; (3) UMBC graduate students will assist Dr. Tyson King-Meadows, Dr. Cedric Herring, and Dr. Loren Henderson with data collection and analysis; and (4) we will contract with local, minority- and family-owned businesses for web design, printing, and other services, if those services are needed.

RFA ¶ 39: POTENTIAL CONFLICTS OF INTEREST

a. Current or former employment contracts or grants with the City of Baltimore, Baltimore Police Department, the State of Maryland, or the United States.

None.

b. Any involvement in the last ten years with a claim or lawsuit by or against the City of Baltimore or Baltimore Police Department, the State of Maryland, the United States, or any of their officers, agents, or employees.

Proposed Deputy Monitor Mark S. Saudek represented the Mayor and City Council of the City of Baltimore, the Law Department and its attorneys, and the Baltimore City Police Department in the case styled, *Howard B. Hoffman v. Baltimore City Police Department, et al.*, Case no. WMN-04-cv-3072, in the United States District Court for the District of Maryland. Plaintiff Hoffman asserted claims based on alleged unlawful employment discrimination. The matter was resolved through a settlement in 2009, and Mr. Saudek has had no further involvement in the matter since that time.

Lawyers at Gallagher Evelius & Jones LLP are counsel in *Greater Baltimore Center For Pregnancy Concerns, Inc. v. Mayor and City Council of Baltimore*, Case No. 16-2325, pending in the United States Court of Appeals for the Fourth Circuit. If selected for Monitor, no lawyer on the Monitor team would also work on this matter.

Peter E. Keith has not worked on either of these cases in any capacity. Neither of these cases presents a conflict that would preclude selection of Mr. Keith as Monitor.

Mr. Keith serves as an Investment Committee Member and Trustee of the Baltimore Fire and Police Retirement System. Mr. Keith does not consider this to present a conflict. Should any other party consider this to be an irreconcilable conflict, Mr. Keith is prepared to resign from this position.

c. Any close, familial, or business relationship with any of the mentioned entities.

The proposed Monitor team has identified several relationships that do not establish conflicts of interest but which the proposed Monitor team discloses, in the interest of full transparency. These relationships are as follows:

- Monitor team member Brandon Moore, from August 2015 to September 2016, served as law clerk to the incoming Baltimore City Solicitor, the Honorable Andre M. Davis, who currently serves as a judge of the United States Court of Appeals for the Fourth Circuit.
- Judge Davis previously was a client of Gallagher Evelius & Jones LLP, which performed a small amount of estate planning work for him between 2009 and 2014.

-
- Monitor team member Mark Saudek serves as President of the Federal Bar Association, Maryland Chapter, of which Acting City Solicitor David E. Ralph serves as a member of the Board of Directors.
 - Gallagher Evelius & Jones LLP has represented the Baltimore City Board of School Commissioners on a pro bono basis with respect to its acquisition of certain real property.

None of these relationships presents a conflict of interest that would bar any member of the proposed Monitor team from serving in this matter fully, fairly, and impartially.

d. Any member of the monitoring team who has been the proponent or subject of any complaint, claim, or lawsuit alleging misconduct.

None.

* * * * *

We appreciate the opportunity to submit this response to request for application.

Exhibit 1



Practice Areas

- Education
- Employment
- Health Law
- Litigation

Education

- University of Virginia, BA, 1976
Phi Beta Kappa
- University of Virginia School of Law, JD, 1980

Court Admissions

- Maryland State Courts
- United States Supreme Court
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Sixth Circuit
- United States District Court for the District of Maryland
- United States District Court for the Eastern District of Michigan
- United States Tax Court

Bar Admissions

- Maryland

Peter E. Keith

Partner

Peter has been a member of Gallagher Evelius & Jones LLP since 1989. He joined the firm following several years of public service, first as a white collar criminal prosecutor at the Attorney General's Office and then as trial counsel for the U.S. House of Representatives in an impeachment of a federal judge.

Peter concentrates his practice in trial and appellate litigation in state and federal courts. He has handled many complex jury trials and appeals during the course of his career. Peter regularly represents the firm's hospital, college, banking, and governmental clients in a wide range of cases including health care, estates and trusts, education, constitutional and civil rights, employment, environmental and professional malpractice matters. He has also conducted special investigations for corporations, nonprofit institutions, and governmental clients.

Peter has taught civil litigation as an adjunct professor at the University of Maryland Law School since 1990. Peter was selected for inclusion in "Best Lawyers®" in the United States in the areas of Commercial Litigation, Litigation--Banking & Finance, Litigation--Labor & Employment, and was selected "Best Lawyers®" 2013 Baltimore Litigation Trusts & Estates "Lawyer of the Year." He is also regularly listed in Maryland Super Lawyers.

Bar and Professional Memberships

American College of Trial Lawyers, Fellow
American Bar Association, Litigation Section
American Health Lawyers Association
Bar Association of Baltimore City
Federal Bar Association
Maryland State Bar Association, Litigation Section

Civic and Charitable Service

Baltimore Fire and Police Retirement System, Current Chair, Investment Committee
Member and Trustee of \$2.3 billion public pension fund
Independent College Fund of Maryland, Board of Directors and former Board Chair
Friends of Gallagher Services, Board of Directors (1998 - 2007)
Maryland Legal Aid Bureau, Equal Justice Council



Practice Areas

- Litigation

Education

- Wesleyan University, BA, with honors, 1989
- University of Maryland School of Law, JD, with honor, 1995

Court Admissions

- United States Supreme Court
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the District of Columbia Circuit
- United States District Court for the District of Maryland
- United States District Court for the District of Columbia
- Maryland State Courts
- District of Columbia Courts

Bar Admissions

- Maryland
- District of Columbia

Mark S. Saudek

Partner

Mark Saudek handles a broad range of complex commercial litigation and general civil litigation in federal courts and administrative tribunals, as well as in the state courts for Maryland and the District of Columbia. His wide-ranging litigation practice focuses on commercial contract disputes, business torts, noncompetition, trade secret, intellectual property, estate and trust, and fiduciary disputes. Mark also has extensive experience litigating and counseling clients in employment-related matters, including defending against class actions and FLSA collective actions. He has significant experience conducting internal investigations and is a Certified Electronic Discovery Specialist. In 2015, Mark was recognized by *The Daily Record* as a Leadership in Law award winner.

Mark engages in extensive pro bono work including handling civil rights and constitutional law cases involving the First, Fifth, Eighth, and Fourteenth Amendments to the US Constitution.

From 1995 to 1996, Mark served as law clerk to the Honorable Catherine C. Blake of the United States District Court for the District of Maryland. Before law school, Mark taught high school English and Economics.

Bar and Professional Memberships

Federal Bar Association-Maryland, President
Fourth Circuit Judicial Conference, Permanent Member
American Bar Association
Maryland State Bar Association
American Health Lawyers Association

Civic and Charitable Service

United States District Court for the District of Maryland Bench-Bar Liaison Committee
United States District Court for the District of Maryland Pro Bono Lawyers Appointment Committee Chair
Open Doors to the Federal Court Program Chair
Teach for America * Baltimore
The Loading Dock
U.S. Lacrosse Youth Rules Committee



Practice Areas

- Litigation
- Land Use and Government Affairs

Education

- Princeton University, BA, 1967
- University of Maryland School of Law, JD, 1973

Court Admissions

- Maryland State Courts
- United States Supreme Court
- United States Court of Appeals for the Federal Circuit
- United States Court of Appeals for the Fourth Circuit
- United States District Court for the District of Maryland

Bar Admissions

- Maryland

Military Service

- Captain, U.S. Marine Corps, 1967-1970

Ward B. Coe III

Partner

Known for his defense work in high profile class action cases, Ward Coe is a veteran attorney with more than three decades of experience representing corporations in complex commercial litigation. In addition to his versatile litigation practice involving antitrust, ERISA, land use litigation, and intellectual property matters, Ward has considerable experience leading major internal investigations.

Ward began his legal career at Anderson, Coe & King in 1973 and served as an assistant attorney general in Maryland from 1974 to 1977. He served as the managing partner of Whiteford Taylor & Preston from 1994 to 2000, and as the chair of its litigation practice from 2002 to 2006.

Ward served as counsel to the special legislative committee investigating personnel practices of a former governor of the State of Maryland. He has conducted numerous internal investigations of publicly and privately held companies involving potential financial fraud restatements and personnel matters.

In 1985 and 1986, Ward served as deputy investigator with Wilbur D. Preston, Jr., who was appointed by the Governor to investigate the savings and loan crisis. After an extensive investigation, Ward was the primary author and editor of a 457-page report to the Governor and General Assembly which formed a basis for numerous successful criminal prosecutions and civil lawsuits that resulted in substantial recoveries for the State.

As chair of the Maryland Court of Appeals Standing Committee on Pro Bono Legal Service, Ward has been instrumental in expanding a pro bono effort throughout the region. He is the recipient of numerous honors and awards for his pro bono efforts, including the American Bar Association's Pro Bono Publico Award.

Ward is a Fellow of the American College of Trial Lawyers and an active member of the American Bar Association. For more than ten years, he has consistently appeared in the annual publication, *The Best Lawyers of America*.

Bar and Professional Memberships

American Bar Association, Antitrust and Intellectual Property Sections
American College of Trial Lawyers, Fellow; State Committee
Fourth Circuit Judicial Conference, Permanent Member
Maryland Bar Foundation, Fellow
Maryland State Bar Association



Practice Areas

- Litigation

Education

- University of Maryland, BA, magna cum laude, 2009
- University of Maryland School of Law, JD, magna cum laude, 2012
Order of the Coif

Court Admissions

- Maryland State Courts
- United States Court of Appeals for the Fourth Circuit
- United States District Court for the District of Maryland

Bar Admissions

- Maryland

Matthew A. Haven

As a member of the firm's litigation group, Matt Haven represents entities and individuals in complex commercial litigation and business disputes. He also represents Gallagher's real estate development clients on construction and property management issues.

Before joining the firm, Matt served a judicial clerkship with the Honorable Stephanie Gallagher of the United States District Court for the District of Maryland. He began his practice in the Baltimore office of a regional law firm.

During law school, Matt was a member of the National Moot Court Team and was recognized as runner-up in the Myerowitz Moot Court Competition. He also served as Editor-In-Chief of the Maryland Journal of Race, Religion, Gender, and Class.

Bar and Professional Memberships

Federal Bar Association
Maryland State Bar Association



Practice Areas

- Litigation

Education

- Juniata College, BA, magna cum laude, 2009
- University of Maryland School of Law, JD, magna cum laude, 2012
Order of the Coif

Court Admissions

- Maryland State Courts
- United States Court of Appeals for the Fourth Circuit
- United States District Court for the District of Maryland

Bar Admissions

- Maryland

Lindsey N. McCulley

As a member of the firm's litigation group, Lindsey McCulley represents entities and individuals in complex commercial litigation and business disputes, disputes involving property management, and the defense of medical malpractice claims.

Before joining the firm, Lindsey served as a judicial law clerk to the Honorable Robert A. Zarnoch of the Maryland Court of Special Appeals and to the Honorable George J. Hazel of the United States District Court for the District of Maryland.

During law school, Lindsey was a member of the National Trial Team. She was a regional champion and national finalist in the 2012 Student Trial Advocacy Competition. She also served as a Notes and Comments Editor of the Maryland Law Review.

In addition to her work at the firm, Lindsey was appointed in 2016 to the Alumni Board of the University of Maryland Francis King Carey School of Law. Lindsey also serves as an adjunct professor for the law school, as a head coach for the school's National Trial Team.

Bar and Professional Memberships

American Bar Association
Federal Bar Association
Maryland State Bar Association
Bar Association of Baltimore City



Practice Areas

- Litigation

Education

- Towson University, BS, cum laude, 2008
- University of Maryland School of Law, JD, cum laude, 2013

Court Admissions

- Maryland State Courts
- United States District Court for the District of Maryland
- United States Court of Appeals for the Fourth Circuit

Bar Admissions

- Maryland

Brandon K. Moore

As a member of the firm's litigation group, Brandon Moore represents the firm's clients in commercial litigation, business disputes, and professional malpractice matters.

Before joining the firm, Brandon clerked for the Honorable Andre M. Davis of the United States Court of Appeals for the Fourth Circuit. Brandon also completed one-year clerkships with the Honorable Theodore D. Chuang and the Honorable George L. Russell, III, of the United States District Court for the District of Maryland.

During law school, Brandon was the Managing Editor of the Maryland Law Review. He also interned for the Honorable Robert M. Bell, Chief Judge, of the Court of Appeals of Maryland and worked as a Writing Fellow in the School of Law's Legal Writing Center.

In addition to his work at the firm, Brandon serves on the Board of Directors of the Towson University Alumni Association.

Bar and Professional Memberships

Maryland State Bar Association
Asian Pacific American Bar Association of Maryland



Practice Areas

- Litigation

Education

- Stevenson University, BS, summa cum laude, 2009
- University of Maryland School of Law, JD, summa cum laude, 2012
Order of the Coif

Court Admissions

- Maryland State Courts
- United States Court of Appeals for the Fourth Circuit
- United States District Court for the District of Maryland

Bar Admissions

- Maryland

Anatoly Smolkin

Anatoly Smolkin is an associate at Gallagher Evelius & Jones, where he is a member of the firm's litigation practice group and creditors' rights & bankruptcy practice group. Anatoly's practice focuses on commercial and business litigation, construction disputes, and bankruptcy litigation. He also represents clients through loan workouts, recovery of collateral and assets, and other financial disputes.

Anatoly also engages in significant pro bono work, representing individuals in state and federal post-conviction proceedings and in civil rights litigation. In 2015, Anatoly was selected to serve on the Discretionary Panel of the United States Court of Appeals for the Fourth Circuit. Members of the Discretionary Panel are appointed by the Fourth Circuit to represent indigent parties on appeal in civil, civil rights, habeas corpus, and bankruptcy cases, among others.

Before joining the firm, Anatoly completed two judicial clerkships, serving first as a law clerk to the Honorable J. Frederick Motz of the United States District Court for the District of Maryland and then as a law clerk to the Honorable Stephanie D. Thacker of the United States Court of Appeals for the Fourth Circuit.

During law school, Anatoly was an associate editor of the *Maryland Law Review* and a member of the Moot Court Board. He also worked as a Writing Fellow in the School of Law's Legal Writing Center.

In addition to his work at Gallagher, Anatoly serves on the board of Court Appointed Special Advocates (CASA) of Baltimore City. Anatoly is also an adjunct professor at Stevenson University, where he teaches criminal procedure to undergraduate students.

Bar and Professional Memberships

American Bar Association
Bankruptcy Bar Association for the District of Maryland
Federal Bar Association
Maryland State Bar Association
Bar Association of Baltimore City



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Events

Nothing to show at this time.

News

Keisha Allen: Postdoctoral Fellow, Education
February 10, 2016 7:56 AM

Gloria Chuku, Professor of Africana Studies
December 18, 2015 8:18 AM

Dr. Shawn Bediako
October 21, 2015 12:09 PM

Dr. Renetta G. Tull Associate Vice Provost
October 21, 2015 11:31 AM

Michelle R. Scott, Associate Professor, History
April 6, 2015 10:10 AM

Tyson King-Meadows

Associate Professor of Political Science and Affiliate Faculty in the departments of Public Policy and Africana Studies, the Honors College and the Maryland Institute for Policy Analysis and Research.

Research focus is on Congress, African American Politics, Electoral Behavior, Public Opinion, Representation, Identity Politics and Political Parties. Named to the 2012-2013 class of the American Political Science Association's (APSA) Congressional Fellows. Published *When the Letter Betrays the Spirit: Voting Rights Enforcement and African American Participation from Lyndon Johnson to Barack Obama* (2011). Was a Spring 2012 Visiting Scholar at the Johns Hopkins University Center for Africana Studies. Elected President of the National Conference of Black Political Scientists (2011-2013). Co-Chair of the CAHSS Black Faculty Committee and member of the Executive Committee on the Recruitment, retention and Advancement of Underrepresented Minority Faculty.



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RESUME

CEDRIC HERRING

SUMMARY: Dr. Cedric Herring is a Professor of Sociology and Public Policy and Director of the Language, Literacy, and Culture Doctoral Program specializing in labor force issues, workforce diversity in organizations, race and public policy, discrimination, and jobs and economic development.

ADDRESS:

8103 Patterson Way
Ellicott City, MD 21043
Telephone: (410) 271-5613
Fax: (410) 379-0895
email: herringuic@gmail.com
website: <http://herringuic.wixsite.com/mysite>

EDUCATION:

University of Michigan-Ann Arbor. PhD in Sociology, 1985.

University of Michigan-Ann Arbor. MA in Sociology, 1981.

University of Houston-University Park. BA in Sociology, 1980.

PROFESSIONAL EXPERIENCE:

Director. Language, Literacy, and Culture Doctoral Program, University of Maryland, Baltimore County.
2015- Present.

Professor of Sociology and Public Policy. Language, Literacy, and Culture Doctoral Program, University of Maryland, Baltimore County.
2014- Present.

Professor of Sociology and Public Policy. Department of Sociology, University of Illinois at Chicago; Institute of Government and Public Affairs, University of Illinois.
1995-2014.

Founding Director. Race and Public Policy Program. Institute of Government and Public Affairs, University of Illinois.
2007-2013.

Acting Head. Department of Sociology, University of Illinois at Chicago.
2008-2009.

Founding Director. Institute for Research on Race and Public Policy, University of Illinois at Chicago.
1996-1998.

Associate Professor. Department of Sociology, University of Illinois at Chicago; Institute of Government & Public Affairs, University of Illinois.
1990-1995.

Assistant to Associate Professor. Department of Sociology, Texas A&M University.
1985-1990.

PUBLICATIONS:

Books:

Herring, Cedric and Loren Henderson. 2015. *Diversity in Organizations: A Critical Examination*. New York: Routledge.

Betancur, John and Cedric Herring. (eds.). 2013. *Reinventing Race, Reinventing Racism*. Leiden, Netherlands: Brill Academic Publisher.

Herring, Cedric. (ed.). 2011. *Combating Racism and Xenophobia: Transatlantic and International Perspectives*. Chicago and Urbana-Champaign: Institute of Government and Public Affairs.

Herring, Cedric. (ed). 2006. *The State of the State of Illinois, 2006*. Chicago and Urbana-Champaign: Institute of Government and Public Affairs.

Herring, Cedric, Verna Keith, and Hayward Derrick Horton (eds.). 2004. *Skin Deep: How Race and Complexion Matter in the "Color-Blind" Era*. Chicago and Urbana-Champaign: IRRPP and University of Illinois Press.

Herring, Cedric, Michael Bennett, Doug Gills, and Noah Temaner Jenkins (eds.). 1998. *Empowerment in Chicago: Grassroots Participation in Economic Development and Poverty Alleviation*. Chicago and Urbana-Champaign: Great Cities Institute and University of Illinois Press.

Herring, Cedric. (ed.). 1997. *African Americans and the Public Agenda: The Paradoxes of Public Policy*. Thousand Oaks, CA: Sage Publications.

Herring, Cedric. 1989. *Splitting the Middle: Political Alienation, Acquiescence, and Activism Among America's Middle Layers*. New York: Praeger Publishers.

Articles and Chapters:

Herring, Cedric. Forthcoming (2017). "Is Diversity Still a Good Thing?" *American Sociological Review*.

- Thomas, Melvin E., Cedric Herring, and Hayward Derrick Horton. Forthcoming. "Race and the Accumulation of Wealth: Racial Differences in Net Worth over the Life Course, 1989-2009." *Social Problems*.
- Horton, Hayward Derrick, Kecia R. Johnson, Melvin E. Thomas, and Cedric Herring. Forthcoming (2017). "Do Guys Just Want to Have Fun? Racial Differences in Cohabitation and Marriage among Men." *Issues in Race and Society: An Interdisciplinary Global Journal*.
- Herring, Cedric and Anthony Hynes. Forthcoming. (2017). "Race, Skin Tone, and Wealth Inequality in America." In *Color Struck: How Race and Complexion Matter in the "Color-Blind" Era*. Horton, Hayward Derrick, Lori Latrice Martin, Cedric Herring, Verna Keith, and Melvin Thomas (Eds.). Rotterdam, Netherlands: Sense Publishers.
- Herring, Cedric and Loren Henderson. 2016. "Wealth Inequality in Black and White: Cultural and Structural Sources of the Racial Wealth Gap." *Race and Social Problems* 8:4-17.
- Henderson, Loren, Cedric Herring, Hayward Derrick Horton, and Melvin Thomas. 2015. "Credit Where Credit is Due? Race, Gender, and Discrimination in the Credit Scores of Business Startups." *The Review of Black Political Economy* 42: 459-479.
- Herring, Cedric, Hayward Derrick Horton, and Melvin Thomas. 2015. "Life at the Edge: Racialized Precarity and Economic Insecurity in the United States." *Research in Race and Ethnic Relations* 19:125-143.
- Henderson, Loren, Cedric Herring, Hayward Derrick Horton, and Melvin Thomas. 2015. "Credit Where Credit is Due? Race, Gender, and Discrimination in the Credit Scores of Business Startups." *The Review of Black Political Economy*.
- Herring, Cedric, Hayward Derrick Horton, and Melvin Thomas. 2015. "Life at the Edge: Racialized Precarity and Economic Insecurity in the United States." *Research in Race and Ethnic Relations* 19:125-143.
- Herring, Cedric. 2014. "Diversity and Departmental Rankings in Chemistry." Pp. 225-236 in *Careers, Entrepreneurship, and Diversity: Challenges and Opportunities in the Global Chemistry Enterprise*. H. N. Cheng, Sadiq Shah, and Marinda Li Wu. (Eds.). Washington, DC: American Chemical Society Books.
- Herring, Cedric, Loren Henderson, and Hayward Derrick Horton. 2014. "Race, the Great Recession, and the Foreclosure Crisis: From American Dream to Nightmare." Pp. 95-110 in *Re-Positioning Race: Prophetic Research in a Post-Racial Obama Age*. Sandra L. Barnes, Zandria Robinson and Earl Wright, II.

(Eds.). Albany, NY: SUNY Press.

Herring, Cedric. 2013. "Critical Diversity and Departmental Rankings in Sociology." *American Sociologist* 44:267–281.

Henderson, Loren and Cedric Herring. 2013. "Does Critical Diversity Pay in Higher Education? Race, Gender, and Departmental Rankings in Research Universities." *Politics, Groups, and Identities: Journal of the Western Political Science Association* 1(3): 299-310.

Hughes, N. Michelle and Cedric Herring. 2013. "Fairness on the Job: Skin Tone, the Beauty Myth, and the Treatment of African American Women at Work." Pp. 177-198 in *Reinventing Race, Reinventing Racism*. J. Betancur and C. Herring. (eds.). Leiden, Netherlands: Brill Academic Publisher.

Horton, Hayward Derrick, Melvin Thomas, and Cedric Herring. 2013. "After the Storm: Race and Victims' Reactions to the Hurricane Katrina Aftermath." Pp. 105-124 in *Reinventing Race, Reinventing Racism*. J. Betancur and C. Herring. (eds.). Leiden, Netherlands: Brill Academic Publisher.

Herring, Cedric. 2013. "Casualties of War: The War on Drugs, Prisoner Re-entry and the Spread of HIV/AIDS and Hepatitis C in Chicago's Communities." Pp. 299-310 in *Reinventing Race, Reinventing Racism*. J. Betancur and C. Herring. (eds.). Leiden, Netherlands: Brill Academic Publisher.

Mascarenas, Angela and Cedric Herring. 2013. "Marching in March: Early Participation in Chicago's Immigrant Mobilizations." Pp. 311-334 in *Reinventing Race, Reinventing Racism*. J. Betancur and C. Herring. (eds.). Leiden, Netherlands: Brill Academic Publisher.

Herring, Cedric and Loren Henderson. 2012. "From Affirmative Action to Diversity: Toward a Critical Diversity Perspective." *Critical Sociology* 38:629-643.

Herring, Cedric. 2012. "Critical Diversity in America: Changing Meanings, Public Opinion, and Critical Policy Directions." Pp. 35-43 in *Agenda for Social Justice: Solutions 2012*. Glenn Muschert, Kathleen Ferraro, Brian Klocke, JoAnn Miller, Robert Perrucci, and Jon Shefner (Editors). Knoxville, TN: Society for the Study of Social Problems.

Herring, Cedric. 2012. "Diversity Equals Dollars: Gender Diversity in Latin America." *Americas Quarterly* 6(3) 68-72.

Thomas, Melvin, Cedric Herring, and Hayward Derrick Horton. 2011. "Perceptions of Social Justice: The Racial Divide in the Obama Era." *Research in Race & Ethnic Relations* 16:177-192.

- Herring, Cedric. 2011. "From American Dream to Nightmare: The Mortgage Crisis and Foreclosures in Illinois and the U.S., 2007-2010." Pp. 50-59 in *The Illinois Report, 2011*. Chicago and Champaign, IL: University of Illinois, Institute of Government and Public Affairs.
- Herring, Cedric. 2011. "Combating Racism and Xenophobia on Both Sides of the Atlantic." Pp. 1-13 in *Combating Racism and Xenophobia: Transatlantic and International Perspectives*. Cedric Herring (Editor). Chicago and Urbana-Champaign: Institute of Government and Public Affairs.
- Herring, Cedric and Alice Palmer. 2011. "America's Human Development Report on Race." Pp. 141-181 in *Combating Racism and Xenophobia: Transatlantic and International Perspectives*. Cedric Herring (Editor). Chicago and Urbana-Champaign: Institute of Government and Public Affairs.
- Mastracci, Sharon and Cedric Herring. 2010. "Nonprofit Management Practices and Work Processes to Promote Gender Diversity." *Nonprofit Management and Leadership* 21:155-175.
- Herring, Cedric. 2010. "Race and the Great Recession: How the Economic Downturn Has Differentially Affected Residents of Illinois." Pp. 38-46 in *The Illinois Report, 2010*. Chicago and Champaign, IL: University of Illinois, Institute of Government and Public Affairs.
- Herring, Cedric. 2009. "Does Diversity Pay? Race, Gender, and the Business Case for Diversity." *American Sociological Review* 74: 208-224.
- Herring, Cedric and Loren Henderson. 2008. "Diversity in Illinois: Changing Meanings, Demographic Trends, and Policy Preferences." Pp. 79-85 in *The Illinois Report, 2008*. Chicago and Champaign, IL: University of Illinois, Institute of Government and Public Affairs.
- Semyonov, Moshe and Cedric Herring. 2007. "Segregated Jobs or Ethnic Niches? The Impact of Racialized Employment on Earnings Inequality." *Research in Social Stratification and Mobility* 25: 245-257.
- Herring, Cedric and Christopher Herring. 2007. "Demography and Politics of Immigration Policy in Illinois." Pp. 44-49 in *The Illinois Report, 2007*.
- Herring, Cedric. 2006. "Hurricane Katrina and the Racial Gulf: A Du Boisian Analysis of Victims' Experiences." *Du Bois Review: Social Science Research on Race* 3:129-144.

- Pichardo, Nelson A. and Cedric Herring. 2006. "Sacrificing for the Cause: Participation in High Risk Political Activism Within Beneficiary Populations." *Race & Society* 7:113-129.
- Herring, Cedric. 2006. "State of the State: Critical Issues Facing Illinois." Pp. 1-15 in *State of the State of Illinois, 2006*. C. Herring (Ed.). Chicago and Urbana-Champaign: Institute of Government and Public Affairs.
- Herring, Cedric. 2006. "Race, the Digital Divide, and Workforce Readiness." Pp. 165-176 in *State of the State of Illinois, 2006*. C. Herring (Ed.). Chicago and Urbana-Champaign: Institute of Government and Public Affairs.
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- Herring, Cedric. 1982. "Inside and Outside the For-Profit Nursing Home." *Journal of Sociology and Social Welfare* 9:49-71.

Monographs and Policy Reports:

- Herring, Cedric and Loren Henderson. 2011. "Don't Bank on It: Chicago's Minority and Women's Business Enterprise Program and Discrimination in Business Credit Markets." *Policy Forum* 24: 1-6.
- Blanchflower, David G., Anna Aparicio, Cedric Herring, and Yvonne M. Lau. 2009. *Report on the City of Chicago's MWBE Program*. City of Chicago: Chicago. 241 pages.
- Herring, Cedric and Loren Henderson. 2009. *Barriers to the Utilization of Targeted Program Contractors: Results from Interviews of African American Contractors*. City of Chicago: Chicago. 24 pages.

- Herring, Cedric. 2004. "Defending the United Nations: Levels of Public Support for the United Nations in Eight Countries." Briefing paper prepared for the United Nations, February 19, New York, NY.
- Herring, Cedric. 2003. "African American Interests in Global Perspective." Briefing paper prepared for presentation at the United Nations, October 7, New York, NY.
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- Herring, Cedric. 1992. *Vulnerable Generations: An Assessment of the Quality of Life in Five High-Poverty Community Areas in Chicago*. Report submitted to Families with a Future.
- Herring, Cedric. 1991. "Race, Sex, and Underemployment in Chicago." *Policy Forum* 4:1-4.
- Wilson, Cynthia, James Lewis, and Cedric Herring. 1991. *The 1991 Civil Rights Act: Restoring Basic Protections*. Chicago: Urban League.

Book Reviews and Editorial Essays:

- Herring, Cedric. 2013. "The Business Case for Diversity in Higher Education."

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Herring, Cedric. 2012. "Let the (Right) People Vote: Do Voter Identification Laws Reduce Fraud, or Do They Reduce Minority Voter Turnout?" *Chicago Sun-Times*; September 3, 2012, p.4. (Reprinted in the *Champaign News-Gazette*, the *Peoria Journal Star*, the *Springfield State Journal-Register*, and the *Rock Island Argus/Moline Dispatch*.)

Herring, Cedric. 2006. "The Digital Divide: Race and Ethnicity are Factors that Determine Which Illinoisans are the 'Haves' in the Age of Information Technology." *Illinois Issues* (June) 30: 32-33.

Herring, Cedric. 2004. "African Americans Give Bush Thumbs Down." *New African* (September) 432: 56-59.

Herring, Cedric. 2002. "Why There Is No Freedom in Africa," Review of *Listen Africans: Freedom Is under Fire*", by Emma S. Etuk. *ForeWord Reviews*.

Herring, Cedric. 2001. "Saving African American Males from the Penal System: A Review of *State of Emergency: We Must Save African American Males*, by Jawanza Kunjufu. *ForeWord Reviews*.

Herring, Cedric. 2000. Review of *Being Black, Living in the Red: Race, Wealth, and Social Policy in America*, by Dalton Conley. *Contemporary Sociology* 29:349-351.

Bonilla-Silva, Eduardo and Cedric Herring. 1999. "'We'd Love to Hire Them But' ...: The Underrepresentation of Sociologists of Color and Its Implications." *American Sociological Association's Footnotes* (March): 6-7.

Herring, Cedric. 1996. "Declaring War on the Poor." Commentary in the *Chicago Sun-Times*, August 3, 1996, p.16.

Herring, Cedric. 1991. Review of *Race and the Decline of Class in American Politics* by Robert Huckfeldt and Carol Weitzel Kohfeld. *Journal of Politics* 53:554-556.

Herring, Cedric. 1990. Review of *Western Capitalism and State Socialism: An Introduction* by Howard Davis and Richard Scase. *Sociological Inquiry* 60:208-209.

Herring, Cedric. 1990. "Deja Vu All Over Again: A Discussion of Wilson's Analysis of the 'Underclass.'" *Association of Black Sociologists Newsletter* 17:4-5.

Herring, Cedric. 1986. Review of *Black American Politics: From the Marches on Washington to Jesse Jackson* by Manning Marable. *Contemporary Sociology* 15:639-640.

SELECTED CONFERENCE PAPERS:

Henderson, Loren, Tymofey Wowk, Cedric Herring, and Marie desJardins. 2017. "Gender and Intentions to Persist in Computing and Engineering: The Role of Student Characteristics, Academic, Psychosocial, and Institutional Factors." Paper presented at the annual conference of the Eastern Sociological Society in Philadelphia, PA.

Herring, Cedric and Loren Henderson. 2016. "Wealth Inequality in Black and White: Cultural and Structural Sources of the Racial Wealth Divide" Paper presented at the Poverty, Inequality, and Global Conflict Conference at the United Nations, New York, NY.

Herring, Cedric and Anthony Hynes. 2016. "Race, Skin Tone, and Wealth Inequality in America." Paper presented at the annual meeting of the Association of Black Sociologists in Memphis, TN.

Herring, Cedric. 2013. "Critical Diversity and Rankings in Chemistry." Paper presented at the American Chemical Society National Meeting in Indianapolis, IN.

Herring, Cedric, Moshe Semyonov, Hayward Derrick Horton, and Melvin Thomas. "Race and the Journey to Wealth: Racial Differences in Net Worth over the Life Course, 1989-2009." Paper presented at the annual meeting of the American Sociological Association in New York, NY.

Herring, Cedric. 2013. "Critical Diversity and the Business Case." Paper presented at the National Society of Hispanic MBAs in Minneapolis, MN.

Herring, Cedric. 2013. "Critical Diversity: The New Case for Inclusion and Equal Opportunity." Paper presented at the Southern Sociological Society in Atlanta, GA.

Herring, Cedric. 2012. "Critical Diversity: The New Case for Inclusion and Equal Opportunity." Paper presented at the Ford Fellows Annual Conference in Irvine, CA.

Herring, Cedric. 2011. "Race, the Great Recession, and the Foreclosure Crisis, 2007-2010: From American Dream to Nightmare." Paper presented at the Jane Addams Hull House Association in Chicago, IL.

- Henderson, Loren and Cedric Herring. 2011. "Racial and Gender Differences in the Determinants and Outcomes of Creditworthiness among Business Startups." Paper presented at the Academy of Management Conference in San Antonio, TX..
- Thomas, Melvin, Cedric Herring, and Hayward Derrick Horton. 2010. "Perceptions of Social Justice: The Racial Divide in the Obama Era." Paper presented at the annual meeting of the Association of Black Sociologists in Atlanta, GA.
- Herring, Cedric. 2009. "Diversity, Inclusion and Corporate Social Responsibility." Paper presented at the Seventh Inter-American Congress on Corporate Social Responsibility in Punte del Este, Uruguay.
- Herring, Cedric. 2008. "Beyond the Bradley Effect: Race, Racism, and the 2008 Presidential Election." Paper presented at the Race and the 2008 Presidential Election Forum in Washington, DC.
- Herring, Cedric. 2008. "From Affirmative Action to Diversity: Toward a 'Critical Diversity' Perspective." Paper presented at the Reinventing Race, Reinventing Racism: The 40th Anniversary of the Kerner Commission Conference in Chicago, IL.
- Herring, Cedric. 2008. "Diversity and Segregation in the Chicago Metropolitan Area." Paper presented at the Association of Collegiate Schools of Planning (ACSP) and the Association of European Schools of Planning Conference in Chicago, IL.
- Herring, Cedric and Nicole Michelle Hughes. 2005. "Fairness on the Job: Skin Tone, the Beauty Myth, and the Treatment of African American Women at Work." Paper presented at the annual meeting of the American Sociological Association in Philadelphia, PA.
- Herring, Cedric. 2004. "Multiracial Democracy." Presentation at the Social Justice and Social Science, April 13, Urbana-Champaign, IL.
- Herring, Cedric. 2004. "Affirmative Action: Historical Perspectives and Contemporary Issues." Presentation at the 50th Anniversary of *Brown v. Board of Education: Looking Back and Moving Forward* Series, Chicago, IL, March.
- Herring, Cedric. 2003. "African American Interests in Global Perspective." Presentation at the United Nations, New York, NY, October.
- Herring, Cedric. 2003. "African American Interests in Global Perspective: Preliminary Findings from the National Survey of African American Opinion Leaders." Presentation at South Suburban College, IL, June.

2002. "Racial Profiling and Social Justice in 21st Century America." Presentation at the Annual Luncheon for the Human Relations Foundation and the Human Relations Commission of Chicago.
2002. "Bleaching Out the Color Line?: The Skin Color Continuum and the Tripartite Model of Race." Paper presented at the annual meeting of the Black Studies Association in Chicago, IL.
2002. "Race and Human Development in America's Cities." Paper presented at the annual meeting of the Black Studies Association in Chicago, IL.
2001. "Race Into the Digital Age: The Digital Divide and Workforce Readiness in Illinois." Paper presented at the Critical Issues Facing Illinois Conference, Urbana-Champaign, IL.
2001. "The Future of Affirmative Action: DOA?" Paper presented at the annual meeting of the Association of Black Sociologists in Anaheim, CA.
2001. "The Sociology of Quasi-Whites: Non-Hispanic, Non-European Whites and the Meaning of Race in America." Paper presented at the annual meeting of the American Sociological Association in Anaheim, CA (With Hayward Derrick Horton and Verna Keith).
2000. "Race Traitors, Self-Haters, or Equal Opportunists?: Explaining Support for Unpopular Views' on Affirmative Action." Paper presented at the annual meeting of the American Sociological Association in Washington, DC. (With Hayward Derrick Horton, Verna Keith, and Melvin Thomas).
2000. "For Richer, For Poorer, Whether Dark or Light: Skin Tone, Self-Esteem, and Spouses' Earnings." Paper presented at the annual meeting of the Association of Black Sociologists in Washington, DC. (With Korie Edwards and Katrina Carter).
2000. "Not by the Color of Their Skins: Skin Tone Variations and Discrimination Against People of Color." Paper presented at the annual meeting of the Association of Black Sociologists in Washington, DC. (With Katrina Carter and Korie Edwards).
1999. "Perceptions of Social Justice: The Racial Divide." Paper presented at the annual meeting of the American Sociological Association in Chicago, IL (With Melvin Thomas and Hayward Derrick Horton).
1999. "Race into the New Millennium: How Will Things Be Different?" Paper presented at the annual meeting of the Association of Black Sociologists in Chicago, IL.

1998. "Falling Without a (Safety) Net: Plight of the Working Poor in the Post Welfare Reform Era." Paper presented at the annual meeting of the American Sociological Association in San Francisco, CA.
1998. "Lost in the Storm: The Sociology of the Black Working Class, 1850-1990." Paper presented at the annual meeting of the American Sociological Association in San Francisco. (With Hayward Derrick Horton, Melvin Thomas, and Beverlyn Allen Lundy).
1997. "The Effects of Work and Training Programs in High Poverty Areas of the Inner City." Paper presented at the "Globalization and Local and Regional Policy" Conference, September 15-19, Chicago, IL.
1997. "Welfare Reform and the Changing Relationship Between Work and Poverty." Paper presented at the African American Studies Association Conference, April 17-20, Chicago, IL.
1997. "African Americans and the Public Agenda: A Focus on Affirmative Action." Paper presented at North Carolina State University, Raleigh, NC, January.
1996. "A Tale of Two Cities?: Profiles of Chicago's Empowerment Zone Residents and Non-Zone Residents." Paper presented at the "Metropolis and Politics: Hamburg and Chicago" Conference in Hamburg, Germany, November 11-13, 1996.
1996. "Racial Competition, Scarce Jobs, and the Decline of Marriage Among Men." Paper presented at the annual meeting of the American Sociological Association in New York.
1995. "The Economic Context of Welfare Reform: New Paradoxes in the Relationship Between Work and Poverty." Paper presented at the Chicago Assembly in Chicago, IL.
1995. "African Americans, the Public Agenda, and the Paradoxes of Public Policy: A Focus on the Controversies Surrounding Affirmative Action." Presidential Address presented at the annual meeting of the Association of Black Sociologists in Washington, DC.
1994. "Inner-City Entrepreneurship: Is Self-Employment a Cure for Poverty?" Paper presented at the annual meeting of the Association of Black Sociologists in Los Angeles.
1993. "Ethnic Notions About Alien Nations: American Ethnic Groups' Changing Sentiments Toward Foreign Countries." Paper presented at the 31st International Congress of the International Institute of Sociology at the Sorbonne, Paris, France.

1993. "Affirmative Action in America: A Provisional Assessment of Who Benefits and Who Sacrifices." Paper presented at annual meeting of the Midwestern Sociological Society in Chicago.
1992. "Stopping the Revolving Door: Toward an Understanding of Recruitment and Retention of African American Faculty." Paper presented at the annual meeting of the Association of Black Sociologists in Pittsburgh.
1992. "Who Represents the People?: Results from a Social Survey of Chicago Residents and Their Elected Representatives." Paper presented at the Annual Black Studies Conference in Chicago.
1991. "Unwed Mothers, Labor Force Participation, and Poverty: A Look at Some of the Gaps Between Evidence and New Calls for Action." Invited paper presented at the Opportunities for Action: Policies for Addressing Repeat Births to Teens and Single Young Mothers Conference, Urbana, IL.
1989. "Deja Vu All Over Again: Wilson's Analysis of the Black `Underclass.'" Invited paper presented at the annual Heman Sweatt Symposium on Civil Rights, Austin, TX.
1989. "Political Responses to Underemployment Among African Americans." Paper presented at the annual meeting of the National Conference of Black Political Scientists, Baton Rouge, LA.
1988. "Monitoring the Monitors: The Study of Racially Based Changes in Political Alienation." Paper presented at the American Sociological Association Meetings, Atlanta, GA.
1988. "A Marriage Made in Heaven?: The Friedman-McAdam Synthesis of Structural and Rational Choice Theories of Collective Action." Paper presented at the Frontiers in Social Movement Theory Workshop, Ann Arbor, MI.
1987. "Class-Based Reactions to Political Alienation." Paper presented at the American Sociological Association Meetings, Chicago, IL.
1986. "Squeezing the Middle: Understanding the Declines in Trust in the American Political System." Paper presented at the American Sociological Association Meetings, New York, NY.
1983. "Political Alienation and State Delegitimation." Paper presented at the annual meeting of the Committee on Institutional Cooperation, Madison, WI.

1982. "Caste by Certification: External Determinants of Power Arrangements in a Competitive Labor Market Setting." Paper presented at the annual meeting of the North Central Sociological Association, Detroit, MI.

RESEARCH GRANTS:

2016-2018. "The Baltimore Metropolitan Area Study on Race, Inequality and the City: A Graduate Student Survey Research and Training Program." (With Loren Henderson). The Hrabowski Fund for Innovation. Funded for \$25,000.

2012-2013. "Americans' Support for Workplace Interventions for Combating Racial and Gender Bias: The Impact of Policy Justifications and Inequality Beliefs." (With William Bielby and Maria Krysan). Time- Sharing Experiments in the Social Sciences (TESS), funded by the National Science Foundation. Funded for \$50,000.

2012-2013. "Redeploy Illinois Expansion: Policy Recommendations Project." (With Laura Kunard). Proposal funded by the Illinois Criminal Justice Information Authority. Funded for \$202,000.

2008-2012. "Rethinking Race and Affirmative Action in the U.S. and South Africa." (With William Bielby, Zimitri Erasmus, Maria Krysan,, Marcelo Paixao, Crain Soudien, and Paul Tiyambe Zeleza). Ford Foundation. Funded for \$250,000.

2005-2007. "The Pulse of Black America Survey, the Civil Society League, and the People's Assembly." (With Alice Palmer and Bobby Austin). Ford Foundation. Funded for \$214,000.

2003-2005. "Collaborative Research on Race and Rust Belt Revitalization: What Determines Who Lives Where?" (With Maria Krysan, Reynolds Farley, Phillip Bowman, Mick Couper, and Tyrone Forman.) National Science Foundation. Funded for \$503,855.

2002-2003. "Race, Ethnicity and Residential Segregation." (With Philip Bowman, Tyrone Forman, and Maria Krysan.) UIC Campus Research Board. Funded for \$15,000.

2001. "The Changing Terrain of Race: Theory, Methods, and Public Policy." (With Philip Bowman, Sharon Collins, Tyrone Forman, Maria Krysan, Amanda Lewis, and Stephen Warner). Russell Sage Foundation. Funded for \$35,000.

2001. "Race and Human Development in the United States: A Proposal to Create *America's Human Development Report on Race*." University of Illinois at Chicago Great Cities Seed Fund. Funded for \$7,500.

2001. "The Changing Terrain of Race: Theory, Methods, and Public Policy." (With Philip Bowman, Sharon Collins, Tyrone Forman, Maria Krysan, Amanda Lewis, and Stephen Warner). American Sociological Association's Fund for the Advancement of the Discipline. Funded for \$5,000.
- 1997-1999. "The Community Capacity Network." (With Adriana Ballen, John Betancur, and Doug Gills). John D. and Catherine T. MacArthur Foundation. Funded for \$600,000.
- 1995-1998. "The National Empowerment Zone Action Research Project." (With Michael Bennett and Doug Gills). John D. and Catherine T. MacArthur Foundation. Funded for \$200,000
- 1995-1996. "Citizen Participation in Empowerment Zones in the Midwest." (With Michael Bennett and Doug Gills). Beatrice Joyce Foundation. Funded for \$70,000
- 1994-1995. "Evaluating Empowerment Zones." (With Michael Bennett and Doug Gill). University of Illinois at Chicago Great Cities Initiative Seed Fund. Funded for \$12,000
- 1992-1993. "Jobs and Housing in the Metropolitan Chicago Region." (With Robert Katz). Greater Chicagoland Housing Foundation. Funded for \$50,000
- 1990-1991. "Working but Poor: Underemployment in America." Ford Foundation. Funded for \$25,000.
- 1987-1989. "Racial Differences in the Causes of and Responses to Political Alienation." National Science Foundation. Funded for \$15,000
1986. "From Acquiescence to Activism: Discrete Behavioral Reactions to Political Alienation." Summer Research Award, Texas A&M University, College of Liberal Arts. Funded for \$5,000
- 1983-1984. "Political Alienation and the Legitimacy Crisis of the State." American Sociological Association Minority Fellowship Program. Funded for \$3,500

TEACHING AND RESEARCH EXPERIENCE:

- *Stratification and Inequality (Graduate and Undergraduate Levels)
- *Diversity: Race, Class, Gender, and Sexuality (Graduate and Undergraduate Levels)
- *Race and Public Policy/Sociology of African Americans (Graduate and Undergraduate Levels)
- *Social Policy/Political Sociology (Graduate and Undergraduate Levels)
- *Labor Force Issues and Policies (Graduate and Undergraduate Levels)
- *Research Methods (Graduate and Undergraduate Levels)

TECHNICAL SKILLS:

- *Research Design and Implementation
- *Survey Research Methods
- *Qualitative Research Methods
- *Program Evaluation and Assessment
- *Statistics and Data Analysis/Data Management

MEDIA APPEARANCES:

2014. Guest on *Oprah's LifeClass* to discuss colorism.
2013. Quoted in the National Edition of the *Deseret News* in "The economic argument for racial equity."
2012. Featured Guest on CAN-TV's *Book Talk TV* to discuss *Critical Diversity: The New Case for Inclusion and Equal Opportunity*.
2012. Featured in an article in *Science Magazine* entitled "Diversity: Promoting New Perspectives."
2012. Featured Guest on WTTW-TV's *Chicago Tonight* to discuss "The Absence of Congressman Jesse Jackson, Jr."
2012. Featured Guest on WTTW-TV's *Chicago Tonight* to discuss "Averting Defunding of FEMA."
2012. Quoted in "The Faces of the '1 percent'" in the January/February edition of the *Chicago Reporter*.
2011. Featured Guest on WTTW-TV's *Chicago Tonight* to discuss "The Obama Presidency."
2011. Featured Guest on WTTW-TV's *Chicago Tonight* to discuss "Averting a Government Shutdown."
2011. Guest on WILL Radio (Central Illinois) concerning "From American Dream to Nightmare: The Mortgage Crisis and Foreclosures in Illinois and the U.S., 2007-2010."
2011. Guest on Vocalo Radio Chicago concerning "Race, the Great Recession, and the Foreclosure Crisis, 2007-2010: From American Dream to Nightmare."

2009. Featured in “The Diversity Factor: Businesses Look to Add More Culture to the Workplace.” *New Jersey Star-Ledger*, March 3, 2010
2009. Research on diversity in the workplace was featured in the Fall edition of the *Stanford Social Innovation Review*.
2009. Research on diversity was featured in *The Diversity Executive Magazine*
2008. Guest on WILL-TV concerning the 2008 election, October, 2008.
2008. Panelist on CAN-TV concerning new racism, June, 2008.
2007. Guest on WBBM-Radio concerning the presidential candidacy of Barak Obama, January 2007.
2007. Guest on *Hispanics Today* (a nationally syndicated show) concerning the impact of diversity on business performance, January 2007.
2007. Featured in several newspapers and magazines (including *Washington Post*, *Cincinnati Post*, *Anchorage Daily News*, *The Journal Times* (Racine, WI), *The Miami Herald*, *The South Bend (IN) Tribune*, *The Sarasota (FL) Herald-Tribune*, *The Arizona Republic*, *Diverse News in Higher Education*, and *Workplace Diversity News*) concerning the impact of diversity on business performance, January and February of 2007..
2006. Cited by *DiversityInc. Magazine* as having conducted one of the five best research efforts on the impact of diversity, December 2006.
2006. Featured Guest on WTTW-TV’s *Chicago Tonight* to discuss the race for Illinois Governor, Cook County politics, and Sen. Barack Obama’s trip to Africa, August 2006.
2006. Featured guest on WILL-Radio to discuss “*The State of the State of Illinois, 2006.*”
2006. Featured in *The Society for Human Resource Management Magazine* concerning the benefits from diversity, August, 2006.
2006. Featured in a University of Illinois News Bureau story about how changes in diversity in Illinois are likely to affect the state’s policy choices, May, 2006.
2006. Quoted extensively in a story in the *Memphis Commercial Appeal* about race and skin complexion as a political wedge, February, 2006.

2004. Featured in a story entitled “Study: Blacks, Whites Differ on Foreign Policy” in the *Chicago Defender*, May 10, 2004.
2004. Mentioned prominently in a story entitled “Why the United Nations is Important and Why We Must Join with Others to Defend It” in the *Chicago Defender*, March 13, 2004.
2004. Featured in a story entitled “Defending the United Nations: Levels of Public Support for the United Nations in Eight Countries” in the *IATP (Institute for Agriculture and Trade Policy) Trade Observatory*, March 9, 2004.
2004. Featured in a story entitled “Successful Blacks in Position to Help Close Wage Gap” in the *Chicago Sun-Times*, January 8, 2004.
2003. Featured in a story entitled “Sociologist Provides Briefing at the United Nations” in the *American Sociological Association’s Footnotes*, December 2003.
2003. Featured in a front page story entitled “Crossing the Color Line” in the *Winston-Salem Chronicle*, October 9, 2003.
2003. Featured Guest on WVON Radio in Chicago to discuss “African American Interests in Global Perspective.”
2003. Featured Guest on WUPC-TV in Chicago on “Community Connection” to discuss *Skin Deep: How Race and Complexion Matter in the “Color-Blind” Era*.
2003. Featured Guest on WBEZ-Radio in Chicago on “Where We Stand: Cities, Challenge, and Change.”
2003. Featured Guest on WBBM Radio on “At Issue: Affirmative Action.”
2003. Featured Guest on WVON Radio in Chicago to discuss “African American Interests in Global Perspective.”
2002. Featured Guest on WVON Radio in Chicago to discuss “The Trans-Atlantic Survey of African American Opinion Leaders.”
2002. Featured in “Health Crisis Can Heal or Hurt a Couple” in the *Chicago Tribune*; Chicago, Ill.; Dec 4, 2002; pg. 2 of C Edition; Kevin McKeough, Special Contributor to the *Chicago Tribune*.
2002. Quoted in “Minority Faculty Finish Last on Tenure Track” in *The Chicago Reporter*, Chicago, IL, November 2002; Rupa Shenoy, Feature Writer for *The Chicago Reporter*.

2002. Featured Guest on "The Michael Reagan Show" on nationally syndicated radio to discuss "Is Job Discrimination Dead?"
2002. Featured Guest on "America's Independent Voice" on WAOK-Radio in Atlanta to discuss "Is Job Discrimination Dead?"
2002. Interviewed for an article concerning the impact of unemployment on families in the *Chicago Tribune*.
2002. Interviewed for an article about derogatory racial terms in *The Chicago Reporter*.
2001. Featured Guest on Fox 32 TV News Series and Special Report: "Experiment in Black and White" Series on race relations.
2001. Guest on WGN Radio's Extension 720: "Racial Politics in America."
2000. Featured Guest on WTTW-TV's *Chicago Tonight* about "Racial Profiling and Discrimination."
2000. Interviewed on National Public Radio in a story about the Audiobook Publishing Industry.
1999. Guest on Fox 32 TV News about "Racial Hate Groups."
1999. Guest on WBEZ Radio about "Racism as a Psychiatric Condition."
1998. Guest on BBC Radio 4's series on "African American Politics, Affirmative Action, and Class Inequality."
1998. Guest on WBEZ Radio about "Color Blindness in Race Relations."
1998. Guest on WBEZ Radio about "Racial Hate Crimes."
1997. Guest on WTTW Channel 11 TV's *Chicago Tonight* "Tight Labor Markets and Welfare Reform."
1997. Guest on WBBM Radio about "The President's Apology for Slavery."
1997. Guest on WAMC Radio (Albany, New York) Vox Pop Show about "African Americans and the Public Agenda."
1997. Guest on WBBM Radio about "The Gallup Poll on Racial Perceptions (the Social Audit)."

1997. Guest on WILL Radio (Central Illinois) Afternoon Magazine about "African Americans and the Public Agenda."
1997. Guest on WVON Radio about "The Institute for Research on Race and Public Policy and African Americans and the Public Agenda."
1997. Guest on WBBM Radio about "Race Relations among Youth."
1997. Guest on Univision Television (Channel 66) about "Disproportionate Incarceration Rates for Minorities."
1997. Guest on WBEZ Radio about "Increasing Minority Entrepreneurship in America."
1996. Guest on WBEZ Radio about "Welfare Reform in the United States."
1996. Guest on WVON Radio about "Welfare Reform in Illinois and Wisconsin."
1995. Guest on WTTW Channel 11 TV on "Chicago Tonight: Racial Divide in Chicago: A Comparison of Chicago's Black and White Middle Class."
1995. Guest on WJJD Radio about "Chicago's Black and White Middle Class."
1995. Guest on WGN Radio about "Chicago's Black Middle Class."
1995. Guest on WVON Radio about "The Racial Divide in America."
1995. Guest on WBEZ Radio about "The Possible Presidential Candidacy of General Colin Powell."
1995. Guest on WTTW Channel 11 TV on "Chicago Tonight: The Possible Presidential Candidacy of General Colin Powell."
1995. Interview on WVON Radio about "African Americans, the Public Agenda, and the Paradoxes of Public Policy."
1994. Featured Guest on WLS Channel 7 TV on "Face to Face: The General Agreement on Trade and Tariffs, Deindustrialization, and the Likely Impact on Employment Prospects."
1994. Featured Guest on WFLD Channel 32 TV on "32 This Week: Racial Hate Crimes."
1994. Interview on WPNT Radio about "The Illinois Governor's Race."

1993. Featured Guest on WBBM Channel 2 TV on "Different Drummers: Racial Stereotypes and African Americans."
1993. Featured Guest on WFLD Channel 32 TV on "32 This Week: Discrimination and the Labor Market."
1992. Interview on WPNT Radio about "Institutional Discrimination and the Labor Market."
1992. Featured Guest on WBBM Channel 2 TV on "Different Drummers: Youth Values and Presidential Politics."
1992. Interview on WMAQ Channel 5 TV about the Illinois U. S. Senate Race.
1992. Guest on WVON Radio. "Color and Inequality in the Black Community."
1992. Interview on WLS Channel 7 TV on Poverty and Policy in Chicago in the 1990s.
1992. Guest on WVON Radio. "The Jesse Jackson Legacy in American Politics."
1991. Guest on WVON Radio. "Affirmative Action in America."
1988. Guest on NBC Radio. "The Super Tuesday Elections."
1988. Guest on the National Black Network. "The Jackson Factor in the Democratic Primary."
1988. Guest on Radio Station KAMU and the Texas Radio Network's "Perspectives: Political Alienation; Political Participation: The 1988 Vote."
1988. Guest on several radio stations across the nation to discuss the effects of political alienation on the 1988 presidential elections.

EXPERT TESTIMONY AND TASK FORCE SERVICE:

- 2016-Present. Served as National Statistical Consultant to the American Civil Liberties Union (ACLU).
- 2016-Present. Served as Statistical Expert in discrimination lawsuit *Agerbrink v. MSA Models and Levine*.
- 2016-2017. Served as Statistical Expert in discrimination lawsuit *Garcia v. New York*.

2016. Served as Statistical Expert in *Lewis v. State of Alabama, Civil Action No. 2:16-cv-690*.
2014. Testified as an Expert before the Illinois Commerce Commission on “The Business Case for Supplier Diversity in Regulated Utilities in Illinois,” January 22, 2014.
2009. Testified as an Expert before the City of Chicago Council in the City’s efforts to maintain its affirmative action program in the construction industry, June 10, 2009.
2005. Served as Expert witness (by video deposition) for discrimination lawsuit: *Grace THOMAS, Joycelyn Willis, Jacques Willis, and Mary Shefton, Plaintiffs v. FREEWAY FOODS, INC., and Waffle House, Inc., Defendants, United States District Court, North Carolina Middle District Court, Case No. 1:04CV00525*.
2005. Served as Expert witness (by video deposition) for discrimination lawsuit: *Andre Edwards et al., Plaintiffs v. Waffle House, Inc., Defendant, United States District Court, North Carolina Eastern District Court, Case No. 4:05-CV-137-H(4)*.
2004. Provided a briefing on “The Global Compact and Defending the United Nations” to national and international opinion leaders at the United Nations.
2003. Provided a briefing on “African American Interests in Global Perspective” to national and international opinion leaders at the United Nations.
2001. Worked with the Chief Justice of the Circuit Court of Cook County to provide training to judges in order to help reduce bias in the courts.
- 1998-1999. Expert Witness for Interest Arbitration Hearings on Residency Requirements for Public Safety Officers in Cicero, IL.
1998. Worked with the Chief Justice of the Circuit Court of Cook County to provide training to judges in order to help reduce bias in the courts.
1997. Expert Witness for Illinois General Assembly on Jobs and Welfare Reform.
1996. Expert Witness for Illinois Advisory Committee to the U.S. Civil Rights Commission Hearings on Affirmative Action.
1993. Expert Witness for Illinois House of Representatives' Jobs Summit.
1993. Guest Speaker for the Illinois Minority Graduate Incentive Program and Illinois Consortium for Educational Opportunity Program, Chicago, IL.

1992. Expert Witness for State Attorney General Burriss' Task Force on African American Males.

1992. Member of State Senator Palmer's Task Force on Social Problems in the Englewood Community.

1991-1993. Member of the Community Development Needs Assessment Committee of the United Way of Chicago.

1990-1997. Advisory Council for Research, Chicago Urban League.

RESUME

LOREN HENDERSON

SUMMARY: Dr. Loren Henderson is an Assistant Professor of Sociology and Hrabowski Innovation Fellow at the University of Maryland, Baltimore County specializing in quantitative and mixed research methods in three broad areas: (1) health disparities focusing on race, class, gender, and sexuality; (2) diversity issues; and (3) social stratification and inequality.

ADDRESS:

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Fax: (410) 379-0895
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website: <http://lorenhenderson77.wixsite.com/mycv>

EDUCATION:

University of Illinois at Urbana-Champaign. PhD in Sociology. May 2014.

University of Illinois at Chicago. MA in Sociology. December 2008.

Northeastern Illinois University. BA in Sociology. December 2006.

PROFESSIONAL EXPERIENCE:

Assistant Professor. Department of Sociology and Anthropology. University of Maryland, Baltimore County. August 2014-Present

Project Manager. Department of Sociology. University of Illinois at Urbana-Champaign. August 2013- May 2014

Adjunct Faculty. Department of Sociology. Northeastern Illinois University. January 2013- May 2013.

Teaching Assistant. Department of Sociology, University of Illinois at Urbana-Champaign. August 2011-December 2012.

Research Specialist. School of Public Health, University of Illinois at Chicago. March 2011- August 2011.

Adjunct Faculty. Department of Social Science. Wright College. August 2010-May 2011.

PUBLICATIONS:

Book:

Herring, Cedric and Loren Henderson. 2015. *Diversity in Organizations: A Critical Examination*. New York: Routledge.

Articles and Chapters:

Thomas, Melvin, Richard Moye, Loren Henderson, and Hayward Derrick Horton. Forthcoming. "Separate and Unequal: The Impact of Socioeconomic Status, Segregation and the Great Recession on Racial Disparities in Housing Values." *The Sociology of Race and Ethnicity*.

Henderson, Loren, Barbara Scott, and Ruby Mendenhall. Forthcoming (2017). "Involving Urban Single Low-Income African American Mothers in Genomic Research: Giving Voice to How Place Matters in Health Disparities and Prevention Strategies." *Issues in Race and Society: An Interdisciplinary Global Journal*.

Herring, Cedric and Loren Henderson. 2016. "Wealth Inequality in Black and White: Cultural and Structural Sources of the Racial Wealth Gap." *Race and Social Problems* 8 (1): 4-17.

Henderson, Loren; Cedric Herring; Hayward Horton; and Melvin Thomas. 2015. "Credit Where Credit is Due?: Race, Gender, and the Credit Scores of Business Startups." *The Review of Black Political Economy* 42 (4):459-479.

Rockquemore, Kerry Ann and Loren Henderson. 2015. "Inter-Racial Families in Post-Civil Rights America." Pp. in *Families as They Really Are, Second Edition*. B. Risman (ed.). New York: W. W. Norton & Company.

Henderson, Loren. 2015. "Racial Isolation and Chlamydia Rates in U.S. Counties." *Race and Social Problems* 7(2): 111-122.

Henderson, Loren. 2015. "Tying the Knot Across the Color Line: An Intersectional Analysis of Getting Married Interracially." *Issues in Race and Society: An Interdisciplinary Global Journal* 2 (2):62-85.

Mendenhall, R., Lemons, R., Andrade, F. C., Greenlee, A. J., Kramer, K. Z., Henderson, L., DeStefano, L., Larrison, C. T., Akresh, I. A., & Franklin, K. 2015. Chicago Earned Income Tax Credit Periodic Payment Pilot Final Evaluation. Champaign, IL: University of Illinois at Urbana-Champaign.

- Henderson, Loren and Cedric Herring. 2013. "Does Critical Diversity Pay in Higher Education?: Race, Gender, and Departmental Rankings in Research Universities." *Politics, Groups, and Identities: Journal of the Western Political Science Association* 1 (3): 299-310.
- Henderson, Loren. 2013. "From Political Novice to Veteran: Youth Participation in the Immigrant Mobilization." Pp. 335-350 in *Reinventing Race, Reinventing Racism*. J. Betancur and C. Herring (eds.) Leiden, Netherlands: Brill Academic Publisher.
- Herring, Cedric and Loren Henderson. 2012. "From Affirmative Action to Diversity: Toward a Critical Diversity Perspective." *Critical Sociology* 38:629-643.
- Herring, Cedric and Loren Henderson. 2011. "Don't Bank on It: Chicago's Minority and Women's Business Enterprise Program and Discrimination in Business Credit Markets." *Policy Forum* 24: 1-6.
- Rockquemore, Kerry Ann and Loren Henderson. 2010. "Inter-Racial Families in Post-Civil Rights America." Pp. 99-114 in *Families as They Really Are*. B. Risman (ed.). New York: W. W. Norton & Company.
- Henderson, Loren. 2009. "Between the Two: Determinants of Bisexual Identity among African Americans." *Journal of African American Studies*.
- Herring, Cedric and Loren Henderson. 2008. "Diversity in Illinois: Changing Meanings, Demographic Trends, and Policy Preferences." Pp. 79-85 in *The Illinois Report, 2008*. Chicago and Champaign, IL: University of Illinois, Institute of Government and Public Affairs.

SELECTED CONFERENCE PAPERS:

- Henderson, Loren, Tymofey Wowk, Cedric Herring, and Marie desJardins. 2017. "Gender and Intentions to Persist in Computing and Engineering: The Role of Student Characteristics, Academic, Psychosocial, and Institutional Factors." Paper presented at the annual conference of the Eastern Sociological Society in Philadelphia, PA.
- Henderson, Loren. 2016. "Former Incarceration Status and the Sexual Health of African American and White Men." Paper presented at the Annual Meeting of the Eastern Sociological Society. (Refereed)
- Herring, Cedric and Loren Henderson. 2016. "Wealth Inequality in Black and White: Cultural and Structural Sources of the Racial Wealth Divide" Paper presented at the Poverty, Inequality, And Global Conflict Conference at the United Nations, New York, NY. (Invited)

- Henderson, Loren. 2015. "Incarceration, Ex-Offender Reentry, and Disparities in STDs by Racial Composition of Counties." Paper presented at the Annual Meeting of the Eastern Sociological Society. (Refereed)
- Henderson, Loren. 2014. "Racial Isolation and Chlamydia Rates in U.S. Counties." Paper presented at the Association of Black Sociologists Annual Conference, Charlotte, NC. (Refereed)
- Mendenhall, Ruby, James Brooks, Barbara Scott, Lisa Butler, Loren Henderson, Lashuna Mallett, Laura Reed, Andrew Greenlee, Gene E. Robinson, Brent Roberts, Sandra Rodriguez-Zas, and Christy Lleras. 2014. "Involving Urban Low-Income Single African American Mothers in Genomic Research: Giving Voice to How Place Matters in Health Disparities and Prevention Strategies." Paper presented at the Annual Conference to Eliminate Health Disparities in Genomic Medicine, Washington, DC. (Refereed)
- Henderson, Loren, Cedric Herring, and Hayward Derrick Horton. 2014. "Credit Where Credit Is Due?: Race, Gender, and the Credit Scores of Business Startups" Paper presented at the Annual Conference of the American Sociological Association, San Francisco, CA. (Refereed)
- Henderson, Loren. 2013. "Tying the Knot Across the Color Line: An Intersectional Analysis of Getting Married Interracially." Paper presented at the Association of Black Sociologists Annual Conference, New York, NY. (Refereed)
- Henderson, Loren and Cedric Herring. 2011. "Credit Where Credit Is Due?: Race, Gender, and the Credit Scores of Business Startups" Paper presented at the Academy of Management Meetings, San Antonio, TX.
- Henderson, Loren. 2009. "The Latino Paradox: The Role of Assimilation in the Decline of Healthiness of Latinos." Paper presented at the "Faces of a Healthy Future National Conference to End Health Disparities, II" Conference, Winston-Salem, NC.
- Krysan, Maria, Allyson Holbrook, Timothy Johnson, and Loren Henderson. 2009. "Race of Interviewer Effects on Reports of Political Attitudes and Participation: Results of a New Experiment." Paper presented at the American Association of Public Opinion Research, Hollywood, Florida.
- Herring, Cedric and Loren Henderson. 2009. *Barriers to the Utilization of Targeted Program Contractors: Results from Interviews of African American Contractors*. City of Chicago: Chicago.

Henderson, Loren. 2008. "Beyond Binary: Determinants of the Sexual Identities of African American Women Who Have Sex With Women." Paper presented at the American Sociological Association Conference, Boston, MA.

Henderson, Loren. 2008. "Between the Two: Determinants of Bisexual Identity among African Americans." Paper presented at the Association of Black Sociologists Conference, Boston, MA.

Henderson, Loren. 2008. "From Political Novice to Veteran: Youth Participation in the Immigrant Mobilization." Paper presented at the Reinventing Race, Reinventing Racism: The 40th Anniversary of the Kerner Commission Report" Conference, Chicago, IL.

Henderson, Loren. 2008. "Beyond Binary: Determinants of the Sexual Identities of African American Women Who Have Sex With Women." Paper presented at the Race, Sex, and Power Conference, Chicago, IL.

Henderson, Loren. 2007. "Butch and Femme Identity Expression among African American Lesbians." Paper presented at the Annual Meeting of the Midwest Sociological Society, Chicago, IL.

Henderson, Loren. 2006. "Butch and Femme Identity Expression among African American Lesbians." Paper presented at the Ronald McNair Scholarship Conference, Denton, TX.

RESEARCH GRANTS:

2016-2018. "The Baltimore Metropolitan Area Study on Race, Inequality and the City: A Graduate Student Survey Research and Training Program." (With Cedric Herring). The Hrabowski Fund for Innovation. Funded for \$25,000.

2013-2014. "Earned Income Tax Credit (EITC) Periodic Payment Pilot." (With Dr. Ruby Mendenhall, Principle Investigator). Center for Economic Progress (CEP) and the City of Chicago, Co-Investigator. Funded for \$180,000.

HONORS AND AWARDS:

Alpha Kappa Delta Fellowship Recipient, \$500, 2014.

University of Illinois at Urbana-Champaign, Computational Genomics Fellow, 2013-2014.

National Survey of Family Growth Conference Travel Grant Recipient, 2012 .

Travel Grant Recipient. The Marion Kauffman Foundation, 2011.

Fellowship Winner. Brauner Fellowship, 2009.

Fellowship Winner. Abraham Lincoln Fellowship, 2009.

First Prize Winner, David P. Street Master's Paper Award, 2009.

First Prize Winner, Association of Black Sociologists Graduate Student Paper Competition, 2008.

Fellowship Recipient, Diversifying Higher Education Faculty in Illinois (DFI), 2008-2009.

Winner, Bernard Brommel Doctoral Scholarship, 2008.

Winner, Alumni Award of Excellence from Northeastern Illinois University, 2008.

Scholarship Winner, Ronald McNair Scholars Program, 2005-2006.

TEACHING AND RESEARCH EXPERIENCE:

- *Stratification and Inequality
- *Health and Social Policy
- *Race, Class, and Gender, and Sexuality
- *Social Stratification
- *Marriage and the Family
- *Diversity in Organizations
- *Qualitative and Quantitative Research Methods

TECHNICAL SKILLS:

- *Research Design and Implementation
- *Survey Research Methods
- *Qualitative Research Methods
- *Statistics and Data Analysis/Data Management

MEDIA APPEARANCES:

2017. Featured in *WalletHub* story about "2017's Most Diverse Cities in America."

2014. Featured Guest on WHUR's *The Daily Drum* for an interview about "Gender Expectations and the Family Context."

EXPERT TESTIMONY:

2014. Testified as an Expert before the Illinois Commerce Commission on "The Business Case for Supplier Diversity in Regulated Utilities in Illinois," January 22, 2014.

Lakeesha Thomas
3315 Mary Avenue, Baltimore 21414
Blakeesha9@aol.com

Education

Morgan State University, Baltimore Maryland
Bachelor of Psychology Degree

Baltimore City Police Department
Detective

**Detective 03/95-
04/15 retired
74,000**

Force Investigations Team

Respond to scenes of Categorical Use of Force incidents to include Police Involved Shootings, and then assume control of the investigation. Establish a crime scene. Identify the officers involved in the incident. Solicit witnesses for the incident being investigated. Gather physical evidence that can be used to help determine if the force used was reasonable under Maryland Common Law and federal constitutional standards. Conduct interviews of the identified witnesses. Conduct interviews and interrogations of the involved officers. Utilize law enforcement databases designed to furnish information relevant to the investigation. Coordinate with the States Attorney's office in such cases that may incur criminal charges against the accused member. Create a casebook that displays the contents of the investigation which is used to determine if the member's actions are in accordance with departmental policies. Compose a Power Point Presentation to be presented to the Police Commissioner and a Review Board. Ensure that the investigation is completed in a timely manner.

Key Contributions:

- **Conduct a thorough, confidential, and impartial investigation**
- **Provide a 24 hour report that includes the basic facts surrounding the incident**
- **Compose a Power Point Presentation that encompasses the details of the case to be investigated**
- **Present the Power Point Presentation to the Police Commissioner followed by a Review Board**

Equal Opportunity and Diversity Section

Review and investigate allegations of discrimination within the department, based on age, race, color, religion, national origin, sexual orientation, gender, disability, and sexual orientation. Review and interpret investigative documents to determine if sufficient evidence exists for the allegation to be deemed a violation of EEOC policies and

procedures. Gather physical and written evidence relevant to the investigation. Solicit civilian witnesses who may have witnessed the incident. Conduct interviews of potential witnesses. Interview and interrogate the accused member. Maintain a record of tasks completed in reference to the investigation. Utilize law enforcement databases designed to furnish information relevant to the investigation. Compose casebooks that display the contents of the investigation which is used to determine if the member's actions are in accordance with federal and state laws. Ensure that the investigation is completed in a timely manner.

Key Contributions:

- Conduct a thorough, confidential, and impartial investigation
- Interview members associated with the allegations
- Gather evidence relevant to the investigation
- Conduct interviews and Interrogations of the accused members
- Determine if the member's actions are in accordance with federal and state laws

Internal Affairs Division

Review and investigate allegations of misconduct made against members of the Baltimore Police Department. Search for civilian witnesses who may have witnessed the incident Interview members of the agency associated with the allegations. Gather physical and written evidence relevant to the investigation. Conduct interviews of potential witnesses. Determine if the member's actions are in accordance with departmental policies and existing laws. Interview and interrogate the accused member. Work with the States Attorney's office in such cases that may incur criminal charges against the accused member. Maintain a record of tasks completed in reference to the case. Use programs and databases designed to furnish information relevant to the investigation. Create a casebook that displays the contents of the investigation. Render a finding for the allegation.

Key Contributions:

- Conduct a thorough, confidential, and impartial investigation
- Interview members associated with the allegations
- Gather evidence relevant to the investigation
- Conduct interviews and Interrogations of the accused members
- Determine if the member's actions are in accordance with federal and state laws

Missing Person Liaison for the Northern District

Act as a Missing Person Liaison for the Missing Persons Unit for district level missing person's cases. Gather information and make notifications in reference to missing persons. Utilize law enforcement databases designed to furnish information relevant to the investigation. Gather information relevant to the person who was reported missing. Make all notifications relevant to the person reported missing. Search for witnesses who may have information regarding the incident. Conduct interviews of potential witnesses. Conduct Follow-up investigation to gather pertinent information that will aid in finding the missing person. Create Fliers containing pertinent information about the missing person and then post them in various areas. Ensure that members of the department are following guidelines and proper procedures when reporting the missing person. Maintain records of the Missing Person Reports.

Key Contributions:

- Make all notifications relevant to the person reported missing
- Search for witnesses who may have information regarding the incident
- Ensure that members of the department are following guidelines and proper procedures when reporting the missing person
- Maintain records of the Missing Person Reports
- Use programs and databases designed to furnish information relevant to the investigation

Police Athletic League Officer

Provide a structural, recreational, and educational environment for youths in the community, while maintaining a positive relationship with the community and its youths. Plan and organize educational programs for PAL members. Plan and organize sporting events for PAL members. Organize trips for PAL members. Provide a designated area for PAL members to complete homework, while providing assistance when needed. Plan and organize various activities within the Police Athletic League's facility such as cooking class and arts and crafts. Act as a positive role model for the PAL members.

Key Contributions:

- Assure that the mission of the Police Athletic League is carried out in accordance with the department's goals and mission
- Plan and organize programs that are not only recreational but also educational.
- Plan field trips for the youths
- Provide leadership for the youths
- Organize and coach several sports activities
- Provide a safe haven for the youths within the community

Patrol Officer

Protect the lives and property of the citizen of Baltimore City. Deter Crime while targeting high crime areas. Patrol the streets of Baltimore City to deter and target crime. Respond to dispatched call where police service is needed. Investigate and determine if police action is needed. Locate suspects involved in crime. Locate potential witnesses. Gather information relevant to the incident. Make arrest when warranted. Prepare reports relevant to the case to be forwarded to the States Attorney's officer for prosecution. Obtain warrants for specified cases.

Key Contributions:

- Maintain order and peace within the city
- Locate suspects and make arrests when warranted
- Arrest violent offenders
- Document and report all incidents that violate of the law
- Respond to calls of service that require police services
- Conduct preliminary investigations after responding to 911 calls
- Work with the States Attorney in such cases that may incur criminal charges against suspects

Unites States Army National Guard Reserves
Soldier

Soldier 07/92-
01/98

I Served as an Automated and Logistical Specialist. Performed duties and task given to me as a soldier of the Army National Guard Reserves. I attended various trainings.

Completed Trainings

The Reid Technique of Interviewing and Interrogation

Advanced Course on the Reid Technique of Interviewing and Interrogation

Conducting Officer Involved Shooting and In-Custody Death Investigations

The Internal Investigation Training

Field Force Command and Planning

Total Appendage restraint Instructor

Excited Delirium and Agitated Chaotic Events Instructor

DWI Detection and Standardized Field Sobriety Testing Course

References

Freda Sheppard

Gary Brown

Elfago Moye

Baltimore City Police Department

University of Maryland

Baltimore City Police Department (retired)

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NATASHA C. PRATT-HARRIS

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EDUCATION

Howard University, Ph.D. Sociology, Social Control/Deviance & Urban Track, 2009
Dissertation: “Graduation and release: Kwanzaa as a reference group, An exploratory case study of Black male college graduates and Black male jail releasees from Baltimore City”

University of Baltimore, M.S., Criminal Justice Administration, 2000
Thesis: “A new approach in evaluating the employment experiences of former prisoners”

University of Maryland College Park, B.A., Journalism/ Criminology & Criminal Justice, 1996
Independent Study Paper: “Employment Opportunities for Ex-offenders”

PROFESSIONAL EXPERIENCE

Department of Sociology and Anthropology, Morgan State University, Baltimore, MD

Associate Professor (Tenured) April 2014 – present
Criminal Justice Program Coordinator August 2009 - present
Assistant Professor August 2009 – April 2014
Lecturer August 2007 – August 2009

Committee Member and Adviser/Chair Dissertations and Theses

Doctoral Dissertation, School of Community Health and Policy, MSU: George Anyumba, “Predictors of Juvenile Recidivism among African American Youth who Reside in Baltimore City, Maryland USA” (Committee Member, Fall 2015 – Spring 2016)

Master’s Thesis, Dept of Sociology and Anthropology, MSU: Ronita Hicks, “Exploring Black Male-Female Relationships: A Content Analysis of Love and Hip Hop Atlanta” (Committee Member, Fall 2015 – Spring 2016)

Master’s Thesis, Dept of Sociology and Anthropology, MSU: Zakia Sterrett, “An Exploratory Study on the Influence of Song Lyrics Referencing Marijuana, Heroin, and/or Ecstasy: Perceptions of Maryland College Students” (Committee Member, Fall 2014 – Spring 2015)

Master’s Thesis, Dept of Sociology and Anthropology, MSU: Alyssa Smith, “Sexualization and Objectification of Females: Rape Culture or Pop Culture” (Advisor, Fall 2013 - Spring 2014)

Master’s Thesis, Dept of Sociology and Anthropology, MSU: Felicia Veale-Buckson, “African American College Educated Women’s Perceptions of Marriage” (Committee chair, Fall 2010 - Spring 2012)

Researcher Summer Transportation Institute Alumni Survey Research Summer 2010
National Transportation Center, Morgan State University, Baltimore, MD

Office of Institutional Research, Wilmington University, New Castle, DE

Director January 2006 – July 2007

Managed the institutional research office of an open access university in New Castle, Delaware. Supervised a senior research analyst and research assistant and provided data and reports about the university as part of federal and state reporting requirements. Presented data to the campus community, state, and federal agencies

Office of Institutional Research, Morgan State University, Baltimore, MD

Director January 2002- January 2006

Senior Research Analyst October 2000 – December 2001

Worked under the direction of a university vice-president students and national/state and local organizations (including the Maryland Higher Education Commission) to compile, analyze and disseminate research data about Morgan State University including student enrollment, demographics, credit hours, degrees awarded, as well as student, faculty and staff characteristics. This involved report writing, the design of surveys, web site design, evaluation of instruments, the analysis and management of data, with extensive use of SPSS. Member of the Enrollment Management Committee, extensive work with the Office of Student Retention, and committees to enhance the mission of the university. Five years of membership with the Maryland Association of Institutional Research/Maryland Association for Higher Education, attended several conferences including MDAIR Fall/Spring Workshops, Association for Institutional Research Conferences, Conference on Institutional Research in Historically Black Colleges and Universities Higher Education Research Institute Conference (UCLA), and The Alliance for Equity in Higher Education Summer Academy (Salt Lake City, Utah).

Criminology, Criminal Justice and Social Policy, University of Baltimore, Baltimore, MD

Adjunct Professor August 2005 – December 2005, Graduate Statistics

Taught a graduate level statistics course for criminal justice administration masters students. Presented a weekly lecture, training students on the use of the statistical package for the social sciences (SPSS), graded assignments, presentations, and tests.

Department of Social Sciences, Coppin State University, Baltimore, MD

Adjunct Professor August 2000 – December 2000, Introduction to Sociology

Taught an introduction to sociology course for undergraduate students. Presented lectures three times per week, graded assignments, tests, and quizzes.

DHR, Child Support Enforcement Administration, Baltimore, MD

Statistician V May 1999 – October 2000

Work in the Program Review Unit for Maryland's Child Support Enforcement Agency. Provided statistical reports based on audits of local child support enforcement offices.

Baltimore Women's Health Study, UMBC, Maryland Institute for Policy Analysis and Research and NIH/ NIDA Baltimore, MD

Research Assistant December 1997 – April 1999

Worked under the direction of a University of Maryland Baltimore County professor on a longitudinal study, investigating the impact of violence on drug use and HIV risk, sponsored by the National Institute on Drug Abuse. Assist in the development of the data collection

instrument, assist in the training and hiring of interviewers, collect data through qualitative and quantitative interview techniques, screen potential respondents, conduct interviews, write qualitative summary statements, track hard to locate respondents and take relative field notes. Analyze BWHS data through the transcription of qualitative interviews, acquisition and review of literature, construction of variables, running statistical procedures, including regression, ANOVA, and longitudinal techniques. Assist in the preliminary development of a proposed intervention.

PUBLICATIONS

Pratt-Harris, Natasha, et.al. "Police-involved homicide of unarmed Black males: Observations by Black scholars in the midst of the April 2015 Baltimore uprising." *Journal of Human Behavior in the Social Environment*, Spring 2016, Volume 26, Issue 3-4: 377-389. Online and Print.

Pratt-Harris, Natasha (7th author). "Scholarly Productivity of Social Work Faculty at Historically Black Colleges and Universities: Are h-Index Scores a Suitable Measure?" *Journal of Social Work Education*, Spring 2016, Volume 52, Issue 1: 95-107. Online and Print.

Pratt-Harris, Natasha. "Disproportionate Minority Contact." *Encyclopedia of Diversity and Social Justice*. Rowman and Littlefield, Spring 2014.

Pratt-Harris, Natasha. "Happy Kwanzaa? An Afrocentric Worldview Comparison of Black Male College Graduates and Black Male Jail/ Prison Releasees." 2013. *African Journal of Criminology and Justice Studies*,7(1 and 2): 1-23.

Pratt-Harris, Natasha. "Disproportionate Minority Contact for the 21st Century Classroom." *Academy of Criminal Justice Sciences Today*, Volume XXXVIII, Issue 5, November 2013. Electronic.

Pratt-Harris, Natasha. "Good Times and Social Problems." *Everyday Sociology Blog*. W.W. Norton Publishing, August 30, 2013. Electronic.

Pratt-Harris, Natasha. "Pedagogy and Trayvon Martin." *Journal of Blacks in Higher Education*. Features July 21, 2013. Electronic.

CONFERENCE PAPERS

"Police Involved Homicide of Unarmed Black Males: Observations of Black Scholars, in the midst of the April 2015 Baltimore Uprising." Paper to be presented at the annual meeting of the Eastern Sociological Society, Boston, MA, March 2016.

"Social Control, Deviance, and The Way They Came: The Immigrant's Physical Journey to the United States." Paper presented at the annual meeting of the Eastern Sociological Society, New York, NY, March 2015.

“Social Problems through the Lens of Good Times and Temporary Layoffs.” Paper presented at the annual meeting of the Society for the Study of Social Problems, New York, NY, August 2013.

“Health Disparities among the Falsely Accused.” Paper presented at the annual meeting of the Association for Black Sociologists, New York, NY, August 2013.

“Access to Justice and Disproportionate Minority Contact, A Meta-analysis 1961 - 2011.” Paper presented at the annual meeting of the Academy of Criminal Justice Sciences, New York, NY, March 2012.

“Pardon Me: An Introduction to a Case Study Series of the ‘Falsely’ Accused Black Male Juvenile, Charged as an Adult.” Paper presented at the annual meeting of the Eastern Sociological Society, New York, NY, February 2012.

“Graduation and Release: The Intersection of Race, Gender, Socioeconomic Risk, & Culture.” Paper presented at the annual meeting of the Eastern Sociological Society, Philadelphia, PA, February 2011.

LECTURES

“Juvenile Delinquency in the Criminal Justice System.” Virtual (Skype) Guest Lecture Juvenile Forensics. Trinity Washington University, Washington, D.C., September 2015.

“Critiquing the Innocence Movement.” Guest Lecture Juvenile Forensics. Trinity Washington University, Washington, DC, September 2013.

“Racial Disparities in the Juvenile Justice System.” Community Lecture. Part 1 of 4 of the Disproportionate Minority Contact Lecture Series and Lecture 3 of the Psychometrics Guest Lecture Series, Morgan State University, December 2011.

“Keeping them in their Place: Social Control and The Black Male Research Agenda.” Lecture for the Department of Sociology & Anthropology Lecture Series, November 2009.

POSTER AND RESEARCH PRESENTATIONS WITH STUDENTS (select)

Harris, Aajah. 2016. From Daughter to Mentee: Exploring Race and Justice Issues With Mom.” Poster to be presented at the annual meeting of the Eastern Sociological Society. Boston, MA.

Chisolm, Dakarai; Black, Jenae; Belote, Lashaya and Highsmith, Raykyle. 2015. “Problems Associated with African American Men, Youth, and Incarceration.” Oral presentation presented during the Undergraduate and Graduate Research Symposium, Morgan State University, Baltimore, MD.

Stewart, Janelle. 2015. “Hazing, Hierarchy, and the HBCU Marching Band.” Poster presented during the Undergraduate and Graduate Research Symposium, Morgan State University, Baltimore, MD.

Young, Alahyo. 2015. "Urban Family Foodways." Oral presentation presented during the Undergraduate and Graduate Research Symposium, Morgan State University, Baltimore, MD.

Chisolm, Dakarai. 2015. "Black Lives Matter as the Back Drop for a Study on the Wrongfully Convicted Black Male Juvenile." Poster presented during the Undergraduate and Graduate Research Symposium, Morgan State University, Baltimore, MD.

Stokes, Temple; Seward, Catherine; and Hall, Carolina. 2015. "Crime, the Perception of Crime, and Injustice." Oral presentation presented during the Undergraduate and Graduate Research Symposium, Morgan State University, Baltimore, MD.

Smith, Alyssa. 2013. "Sexualization and Objectification of Females: Rape Culture or Pop Culture?" Presented during the Undergraduate and Graduate Research Symposium, Morgan State University, Baltimore, MD.

Miles, Corey. 2013. "The 'N-Word' Beyond Black and White." Presented during the Undergraduate and Graduate Research Symposium, Morgan State University, Baltimore, MD.

Brown, Laquicha. 2013. "Juveniles Falsely Accused of a Crime and Charged as Adults, A Case Study Series: My Experience as a Research Assistant." Presented during the Undergraduate and Graduate Research Symposium, April 16, 2013.

Moore, Isiah. 2012. "Disproportionate Minority Contact amongst Juveniles in the Adult Criminal Justice System, A Research Proposal." Presented during the Undergraduate and Graduate Research Symposium April 19, 2012.

Community Service (select)

- Morgan State University and Coppin State University Freddie Gray, One Year Later Executive Planning Team Fall 2015 – present
- Attendee, Congressman Elijah Cummings' forum on "Policing in the Community", April 20th, 2015, Bon Secours Community Works, Baltimore, MD
- Panelist, "Where do we go from here? Cointelpro and The 45th Anniversary of the Assassination of Dr. Martin Luther King, Jr. From Dreams to Nightmares and Prison Bars: Not Just A New Jim Crow But an Old and Continued Enslavement." Morgan State University, Baltimore, MD, April 4, 2013.
- Panelist, Black Victims of Violence Video Conference with Dr. Jay Carrington Chunn and the National Black Crime Victims Services Coalition, April 8, 2011, Communications Building, Morgan State University
- Member, History Committee, Historic St. Francis Xavier Catholic Church 150 Year Anniversary 2012 – 2013
- Campus Organizer, Disproportionate Minority Contact Conference, Morgan State University 2011-2012
- Partnership Facilitator, Governor's Office of Crime Control and Prevention/ Juvenile Grant Planning and Review Council and the Department of Sociology and Anthropology, Morgan State University

- Coordinator, Disproportionate Minority Contact in Maryland, Lecture Series Morgan State University, Coppin State University, Bowie State University, Anne Arundel Community College (Fall 2011 – Spring 2012):
 1. (Lecturer) “Racial Disparities in the Juvenile Justice System” Community Lecture. Part 1 of 4 of the Disproportionate Minority Contact Lecture Series and Lecture 3 of the Psychometrics Lecture Series, Morgan State University, December 1, 2011.
 2. (Discussant) “Disproportionate Minority Contact (DMC): Addressing Racial Disparities in the Juvenile Justice System.” Part 2 of 4 of the Disproportionate Minority Contact Lecture Series Baltimore, MD Coppin State University, February 29, 2012.
 3. (Discussant) “Racial Disparities in the Juvenile Justice System” Community Lecture.” Part 3 of 4 of the Disproportionate Minority Contact Lecture Series Bowie, MD Bowie State University, April 3, 2012.
 4. (Discussant) “Disproportionate Minority Contact in Maryland: An Engaged Scholarship Forum” Part 4 of 4 of the Disproportionate Minority Contact Lecture Series Hanover, MD Anne Arundel Community College, May 2, 2012.
- Baltimore International Academy, Board Member 2011 – present
Partnership facilitator Morgan State University’s Department of World Languages and the Baltimore International Academy July 2009 – present
- Baltimore Police Department Invitation Luncheon with former Commissioner Fred Bealefeld Attendee August 22, 2011
- National Institute of Justice Conference Attendee July 2007, July 2008, June 2009, June 2010, June 2011, Arlington, VA
- Office of Juvenile Justice and Delinquency Prevention Conference Attendee October 2011
- Creator of the “In the Light Survey”, Historic St. Francis Xavier Catholic Church, Summer 2009
- Prisoners AID Association of Maryland, Board Member 2007-2011
- Pioneer City Evaluation, UMBC, Maryland Institute for Policy Analysis and Research and Maryland’s Department of Juvenile Services 1997-1999

Media (select)

<http://www.afro.com/an-open-letter-to-sheriff-jim-deweese/>

<http://www.afro.com/battle-for-police-reform-handgun-penalties-begins/>

<http://613728-web2.afro.com/tonight-afros-first-edition-with-sean-yoes-tuesday-february-23/>

<http://afro.com/little-melvin-williams-and-the-cries-of-baltimore/>

<http://www.blogtalkradio.com/myndtalk-with-dr-pamela-brewer/2015/09/10/myndtalk--what-now-what-next>

<http://www.afro.com/the-power-of-an-apology-forgiveness-and-an-end-to-police-threatening-or-harming-our-teens/>

<http://www.afro.com/baltimore-let-not-your-heart-be-troubled-neither-let-it-be-afraid-john-1427/>

<http://imixwhatilike.org/2015/05/06/no-hooks-and-the-hip-hop-chronicles-talks-media-coverage-of-baltimores-uprisings/>

<http://www.pbs.org/newshour/bb/staggering-arrest-rates-strain-baltimore-community-relations-police/>

<http://onpoint.wbur.org/2015/04/28/freddie-gray-funeral-violence-police>

<https://kpfa.org/player/?audio=113423>

<http://www.steinershow.org/podcasts/racism/disproportionate-victimization-of-african-americans/>

<http://www.transformingnetworkinfrastructure.com/news/2013/11/05/7521525.htm>

<http://www.afro.com/community-concerned-curfew-will-spur-violence-between-cops-and-kids/>

<http://www.jbhe.com/2013/07/pedagogy-and-trayvon-martin/>

<http://www.steinershow.org/podcasts/january-7-2013-hour-1/>

<http://www.steinershow.org/podcasts/october-1-2012-segment-1/>

April 30, 2017

CURRICULUM VITAE

JEFFREY IAN ROSS, Ph.D.

PERSONAL

Permanent Home Address:
2447 Tunlaw Rd. N.W., Washington, DC, 20007

Work Address, phone number, fax, and Internet:
School of Criminal Justice, College of Public Affairs, University of Baltimore, 1420 N. Charles St.,
Baltimore, MD, 21201, office (410) 837-6086; jross@ubalt.edu

Cell: (202) 607-5661

Website: www.jeffreyianross.com

Social Media: www.facebook.com/jeffreyianross; www.twitter.com/jeffreyianross.com;
www.linkedin.com

Languages Spoken and Fluency: English (fluent), French (full professional proficiency), Spanish
(limited working proficiency)

Citizenship: Canadian and American

EDUCATION

Formal Education

University of Colorado-Boulder, Ph.D., 1993
Dissertation: "The Politics and Control of Police Violence in New York City and Toronto"
(Supervised by Ted Robert Gurr) (External: Austin T. Turk)

University of Baltimore, M.B.A., August 2012-present
(AACSB Accredited)

University of Colorado-Boulder, M.A., 1988
Thesis: "Domestic Political Terrorism in Canada, 1960-1985: An Empirical Analysis"
(Supervised by Ted Robert Gurr)

University of Toronto, B.A., 1985

Workshops

American Bar Association/Law and Society Association, Workshop for Graduate Students, June 7-8,
1988, Vail Colorado.

Workshop on Designing Courses for Significant Learning," Virginia Lee, Facilitator, University of
Baltimore Jan. 15, 2009

NSF Grant Training Seminar, Grant Training Center, Arlington, VA, June 24, 2013

POSITIONS

Visiting Professor, Kriminologie, Kriminalpolitik, Polizeiwissenschaft, Ruhr-Universität Bochum, Germany (supported by Deutscher Akademischer Austausch Dienst - DAAD), 4/17-8/17.

Full Professor, School of Criminal Justice, College of Public Affairs, University of Baltimore, 3/27, 2012-present.

Provostal Fellow in Undergraduate Research, University of Baltimore, 01/01/2013-09/01/2013

Associate Professor, School of Criminal Justice, University of Baltimore, 4/16/2003-3/27/2012.

Provostal Fellow, Office of the Provost, University of Baltimore, 5/2006-6/07.

Assistant Professor, Division of Criminology, Criminal Justice, and Social Policy, University of Baltimore, 9/2000-4/15/2003.

Visiting Assistant Professor, Division of Criminology, Criminal Justice, and Social Policy, University of Baltimore, 8/98-8/2000.

Faculty Fellow, Schaefer Center for Public Policy, College of Public Affairs, University of Baltimore, 9/2013-present.

Research Fellow, Center for International and Comparative Law, School of Law, University of Baltimore, 9/98-present.

Social Science Analyst, National Institute of Justice, Department of Justice, 9/95-6/98.

Senior Research Associate, Center for Communitarian Policy Studies, George Washington University, 5-95-9/95.

Assistant Professor, Criminal Justice Studies, Kent State University, 8/94-8/95.

Assistant Professor, Department of Political Science, University of Lethbridge, 8/91-7/94.

Research Associate, Centre international de criminologie comparée (International Centre for Comparative Criminology), Université de Montréal (University of Montréal), 9/90-6/91.

Research Associate, Center for Comparative Politics, University of Colorado-Boulder, 9/86-8/90.

Instructor, Division of Continuing Education, University of Colorado-Boulder, 5/87-8/2010.

Head Teaching Assistant, University of Colorado-Boulder, 8/87-12/87.

Teaching Assistant, University of Colorado-Boulder, 9/86-12/87.

Research Assistant, Center for Comparative Politics, University of Colorado-Boulder, 9/85-8/86.

Psychiatric Assistant, Metro Toronto Forensic Services, Clarke Institute of Psychiatry, 5/82-8/85.

COURSES TAUGHT

UG = Undergraduate

G = Graduate

A. CRIMINOLOGY/CRIMINAL JUSTICE

"Advanced Seminar and Field Work in Criminal Justice" (UG)

"Contemporary Criminal Justice System" (UG)

"Corporate Crime" (UG)

"Crime and Delinquency" (UG)

"Crimes of the Powerful" (UG)

"Criminal Justice Planning" (G)

"Cultural Criminology" (UG)

"Deviant Behavior" (UG)

"Global Crime and Criminal Justice" (UG/G)

"Graffiti and Street Art" (UG)

"Introduction to Criminal Justice" (UG)

"Social Justice in the Urban Community" (UG)

"Urban Street Crime" (UG)

B. POLICING/LAW ENFORCEMENT

"Managing Police Organizations" (G)

"Police Administration" (UG)

"Police Role" (UG)

"Special Problems in Policing" (UG)

"The Politics of Policing" (UG)

"Varieties of Police Work" (UG)

C. CORRECTIONS

"Crime and Corrections" (G)

"Critical Perspectives in Corrections in the United States" (G)

"Managing Correctional Organizations" (G)

"Penology and Corrections/Contemporary Corrections" (UG and G)

"Probation and Parole/Community Corrections" (UG and G)

"Special Problems in Corrections" (UG)

D. POLITICAL CRIME

"Political Crime" (UG)

"Political Terrorism" (UG)

"State Crime" (UG)

E. POLITICAL SCIENCE

"American Politics" (UG)

"Canadian Political Parties" (UG)

"Canadian Politics and Government" (UG)

"Comparative Political Studies" (UG)

"Developed (European) Political Systems" (UG)

"Introduction to Political Studies" (UG)

"International Law and Organizations" (UG)

“International Relations” (UG)
“Middle East Politics” (UG)
“National and International Security” (UG)
“Native American Community Development in the 21st Century” (UG)
“Political Behavior” (UG)
“Political Violence” (UG)
“Public Opinion and Propaganda” (UG)
“Scope and Methods” (UG)
“Urban Politics and Government” (UG)

DOCTORAL DISSERTATION COMMITTEE SERVICE

Cheryl-Ann Beattie Repetti, George Washington University, 10/96 (external member)
Karen Nancy Brown, Simon Fraser University, 4/11 (external member)
Favian Martin, Old Dominion University, 12/11 (external member)

MASTERS THESIS COMMITTEE SERVICE

LaToya A. Getz, University of Baltimore, 10/06-4/2012
Antoinette Chin, University of Baltimore, 4/2005-1/2007

UNDERGRADUATE INDEPENDENT STUDIES/HONORS STUDENTS SUPERVISION

Numerous students. List available on request.

PUBLICATIONS

Books-Sole-Authored

Ross, Jeffrey Ian. (2016). *Key Issues in Corrections*. Bristol, England: Policy Press.

Ross, Jeffrey Ian. (2012). *An Introduction to Political Crime*, Bristol, England: Policy Press.

Ross, Jeffrey Ian. (2012). *Policing Issues: Challenges and Controversies*, Sudbury, MA: Jones and Bartlett.

Ross, Jeffrey Ian. (2009). *Cybercrime*, New York, NY: Chelsea House/Facts on File.

Ross, Jeffrey Ian. (2008). *Special Problems in Corrections*, Upper Saddle, NJ: Prentice Hall.

Ross, Jeffrey Ian. (2006). *Will Terrorism End?* Northborough, MA: Chelsea House Publishers.

Ross, Jeffrey Ian. (2006). *Political Terrorism: An Interdisciplinary Approach*, New York: Peter Lang Publishers.

Ross, Jeffrey Ian. (2003). *The Dynamics of Political Crime*, Thousand Oaks, CA: Sage Publications.

Ross, Jeffrey Ian. (2000). *Making News of Police Violence: A Comparative Study of Toronto and New York City*, Westport, CT: Praeger.

* Society for the Study of Social Problems, Crime and Juvenile Delinquency Division Outstanding Scholar Award, 2001/2002

Books-Co-Authored

Ross, Jeffrey Ian and Stephen C. Richards. (2009). *Beyond Bars: Rejoining Society after Prison*. Indianapolis: Alpha Books.

Ross, Jeffrey Ian and Stephen C. Richards. (2002). *Behind Bars: Surviving Prison*, Indianapolis: Alpha Books.

Books-Edited -Sole

Ross, Jeffrey Ian. (Ed.) (2016). *Routledge Handbook on Graffiti and Street Art*. New York: Routledge Publishers.

Ross, Jeffrey Ian. (Ed.) (2014). *American Indians at Risk*. Santa Barbara, CA: ABC-CLIO. (2 vols.). Named to the American Library Association's 2015 Outstanding References Sources List

Ross, Jeffrey Ian. (Ed.) (2013). *The Globalization of Supermax Prisons*, New Brunswick, NJ: Rutgers University Press. Awarded a 2013 "Choice Outstanding Academic Title award." *Choice Magazine* January 2014.

Ross, Jeffrey Ian. (Ed.) (2009). *Cutting the Edge: Current Perspectives in Radical/Critical Criminology and Criminal Justice, (Second Edition)*. New Brunswick, NJ: Transaction Publishers.

Ross, Jeffrey Ian. (2004). *Violence in Canada: Sociopolitical Perspectives, (Second Edition)* New Brunswick, New Jersey: Transaction Publishers.

Ross, Jeffrey Ian. (Ed.) (2000). *Varieties of State Crime and Its Control*, Monsey, NY: Criminal Justice Press.

Ross, Jeffrey Ian. (2000). *Controlling State Crime: An Introduction, (Second Edition)*. New Brunswick, NJ: Transaction Publishers.

Ross, Jeffrey Ian. (Ed.) (1998). *Cutting the Edge: Current Perspectives in Radical/ Critical Criminology and Criminal Justice*, Westport, CT: Praeger.

Ross, Jeffrey Ian. (Ed.) (1995). *Violence in Canada: Sociopolitical Perspectives*, Toronto: Oxford University Press.

Ross, Jeffrey Ian. (Ed.) (1995). *Controlling State Crime: An Introduction*, New York: Garland Publishing. *Nominated for the 1996 ACJS Outstanding Book.

Books-Co-Edited

Ross, Jeffrey Ian and Larry Gould. (Eds.) (2006). *Native Americans and the Criminal Justice System: Theoretical and Policy Perspectives*. Boulder, CO: Paradigm Publishers.

Ross, Jeffrey Ian and Stephen C. Richards. (Eds.). (2003). *Convict Criminology*. Belmont, CA: Wadsworth Publishing.

Books- Encyclopedia

Ross, Jeffrey Ian. (Ed.) (2013). *Encyclopedia of Street Crime in America*. Thousand Oaks, CA: Sage Publications. Selected for Booklist Editors' Choice: Reference Sources of 2013, December 2013.

Ross, Jeffrey Ian. (Ed.) (2010). *Religion and Violence: An Encyclopedia of Faith and Conflict from Antiquity to the Present*. Armonk, NY: M.E. Sharpe. Three-volume set with 131 entries.

Articles (*Student)

Ross, Jeffrey Ian and Richard Tewksbury (2017). "The challenges of conducting research on supermax prisons: Results from a survey of scholars who conduct research on this type of correctional facility," *The Prison Journal*, (forthcoming).

Ross, Jeffrey Ian and *Vickie Sneed (2017). "How American-based Television Commercials Portray Convicts, Correctional Officials, Carceral Institutions, and the Prison Experience," *Corrections: Policy, Practice and Research*, (forthcoming).

Ross, Jeffrey Ian (2017). "Protecting Democracy: a parsimonious, dynamic and heuristic model of controlling crimes by the powerful," *Criminal Justice Studies* (forthcoming) DOI:10.1080/1478601X.2017.1318132)

Ross, Jeffrey Ian, Richard S. Jones, Mike Lenza, and Stephen C. Richards (2016). "Convict Criminology and the struggle for Inclusion," *Critical Criminology: An International Journal*, Vol. 24, No. 4, pp. 489–501

Ross, Jeffrey Ian, Richard Tewksbury and *Shawn M. Rolfe (2016) "Inmate Responses to Correctional Officer Deviance: A Model of its Dynamic Nature," *Corrections: Policy, Practice and Research* (forthcoming). DOI: 10.1080/23774657.2016.1178082.

Ross, Jeffrey Ian, Richard Tewksbury, and *Miguel Zaldivar. (2015). "Analyzing For-profit Colleges and Universities that Offer Bachelors, Masters and Doctorates to inmates incarcerated in American Correctional Facilities," *Journal of Offender Rehabilitation*, Vol. 54, No. 8, pp. 585-598. DOI:10.1080/10509674.2015.1087442.

Ross, Jeffrey Ian (2015). "The cartography of responses to state crime: Understanding the linkages among state abuses/crimes/deviance/harms/ illegalities/wrongs, resistance/control, and state organizational reactions," *Criminal Justice Studies*, Vol. 28, No. 4, pp. 357 - 377. DOI:10.1080/1478601X.2015.1057282

Ross, Jeffrey Ian. (2015). "Graffiti goes to the movies: American Fictional Films Featuring Graffiti Artists/Writers and Themes," *Contemporary Justice Review*, Vol. 18, No. 3, pp. 366-383. DOI: 10.1080/10282580.2015.1057677

Ross, Jeffrey Ian. (2015). "Varieties of Prison Voyeurism: An Analytic/Interpretive Framework," *Prison Journal*, September, Vol. 95, No. 3, pp. 397-417. DOI: 10.1177/0032885515587473

Rowe, Michael and **Jeffrey Ian Ross** (2015). Comparing the recruitment of ethnic and racial minorities in police departments in England and Wales with the United States. *Policing: A Journal of Policy and Practice*, Vol. 9, No. 1, pp. 26-35.

Ross, Jeffrey Ian, *Miguel Zaldivar, and Richard Tewksbury (2015) "Breaking out of prison and into print? Rationales and strategies to assist educated convicts conduct scholarly research and writing behind bars," *Critical Criminology: An International Journal*. Vol. 23, No. 1, pp. 73-83.

Ross, Jeffrey Ian, Sacha Darke, Andy Aresti, Greg Newbold, and Rod Earle, (2014). "The Development of Convict Criminology Beyond North America," *International Journal of Criminal Justice*, Vol. 24, No.2, pp. 121-133.

Ross, Jeffrey Ian and Benjamin Wright. (2014). "I've got better things to worry about": Police perceptions of graffiti and street art in a large mid-Atlantic city," *Police Quarterly*, Vol. 17, No 2, June, pp. 176-200. DOI 10.1177/1098611114531491.

Newbold, Greg, **Jeffrey Ian Ross**, Richard S. Jones, Stephen C. Richards, and Mike Lenza. (2014). "Prison Research from the Inside: The Role of Convict Auto-Ethnography," *Qualitative Inquiry*, Vol. 20, No. 4. pp. 439-448, DOI:10.1177/1077800413516269

Ross, Jeffrey Ian. (2012). "Debunking the Myths of American Corrections," *Critical Criminology*, Vol. 20, No. 4. pp. 409-421. DOI: 10.1007/s10612-012-9158-z

Pollock, Jocelyn M, Nancy Hogan, Eric Lambert, **Jeffrey Ian Ross**, and Jody Sundt. (2012). "A Utopian Prison: Contradiction in Terms?" *Journal of Contemporary Criminal Justice*. Vol. 28, No. 1, pp. 60-76. DOI: 10.1177/1043986211432194

Ross, Jeffrey Ian. (2012). "Why a Jail or Prison Sentence is increasingly like a Death Sentence," *Contemporary Justice Review*, Vol. 15, No. 3, pp. 309-322.

Ross, Jeffrey Ian. (2012). "Touring Imprisonment: A Descriptive Statistical Analysis of Prison Museums," *Tourism Management Perspectives*. Vol. 4, No. 1, pp. 113-118.

Stephen C. Richards, **Jeffrey Ian Ross**, Greg Newbold, Michael Lenza, Richard S. Jones, Daniel S. Murphy, and Robert S. Grigsby. (2012). "Convict Criminology, Prisoner Reentry, and Public Policy Recommendations," *Journal of Prisoners on Prisons*, Vol. 21, No. 1, 16-35.

Ross, Jeffrey Ian and Mengyan Dai. (2012). "The Dissemination of Criminological and Criminal Justice Knowledge and Practice: A Profile of People's Republic of China Scholars who earn doctorates in the United States," *Asian Journal of Criminology*, Vol. 17, No. 3, pp. 225-236.

Rothe, Dawn L and **Jeffrey Ian Ross**. (2012). "How States Facilitate Small Arms Trafficking in Africa: A Theoretical and Juristic Interpretation," *African Journal of Criminology and Justice Studies*, Vol. 5, No. 1 & 2, pp. 1-18.

Ross, Jeffrey Ian. (2011). "Challenges of Reporting on Corrections: An Exploratory Study Derived from Interviews with American Reporters Who Cover Jails and Prisons," *Corrections Compendium*. Vol. 36, No. 1, Spring, pp. 7-13.

Ross, Jeffrey Ian. (2011). "Moving Beyond Soering: US Prison Conditions As an argument against extradition to the United States," *International Criminal Justice Review*, Vol. 21, No. 2, pp. 156 - 168.

Ross, Jeffrey Ian. (2011). "From the McDonald Report to the Kelly Committees: The Government Research and Policy Making Process Connected to Oppositional Political Terrorism in Canada," *Journal of Homeland Security and Emergency Management*, Vol. 11, No. 1, pp. 1-23.

Ross, Jeffrey Ian, Stephen C. Richards, Greg Newbold, Richard S. Jones, Michael Lenza, Daniel S. Murphy, Richard Hogan, and G. David Curry. (2011). "Knocking on the Ivory Tower's Door: The Experience of Ex-Convicts Applying For Tenure-Track University Positions," *Journal of Criminal Justice Education*, Vol. 22, No. 2, pp. 267-285.

Ross, Jeffrey Ian. (2010). "Resisting the Carceral State: Prisoner Resistance From the Bottom Up," *Social Justice*, Vol. 36, No. 3, pp. 28-45.

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Ross, Jeffrey Ian. (2001). "How Did I Get into this Mess Anyway: Editing Books in Criminology and Criminal Justice," *ACJS Today*, Vol. 21, No. 2, May/June, pp. 6-9.

Forewords for Books

Foreword to Laura Finley. *Hawking Hits on the Information Highway*. New York: Peter Lang (2007).

Foreword to Dawn Rothe and Chris Mullins. *Blood, Power and, Bedlam: Violations of International Criminal Law in Post-Colonial Africa*. New York: Peter Lang. (2008).

Foreword to Kevin Whiteacre. *Drug Court Justice: Experiences in a Juvenile Drug Court*. New York: Peter Lang (2008).

Foreword to Edith Linn. *Arrest Decisions: What Works for the Officer?*, New York: Peter Lang (2008).

Foreword to K. C. Wong, *Chinese Policing: History and Reform*. New York: Peter Lang (2008).

Book Reviews

Numerous book reviews. List available on request.

POPULAR

Articles

"Jailhouse Blues," www.forbes.com 4/18/2006; reprinted as "Prisons are Not Beneficial to Society," in Lauri S. Friedman (Ed.). 2008. *Prisons: Opposing Viewpoints*. New York: Greenhaven Press.

"Is the end in sight for Supermax prisons," www.forbes.com 4/18/2006

"Canada's Radical Right-wing Violence," *Canadian Security* January, 1997, pp. 48-49.

"International Terrorism in Canada-Statistics Don't Support The Threat," *Canadian Security* March, 1990.

"Citizen Crime Fighters: Are they a help or hindrance?," *Cavalier* December 1984, pp. 35-36, 90-91.

"Crime Stoppers: A solution or a threat to civil liberties," *Hamilton Cue* April 1984, pp. 62-70.

"Canada's Information Act: Is it Working?," *The Varsity* March 14, 1984, pp. 6-8.
 "Police Abuse Increasing Says CIRPA," *The Varsity* February 29, 1984.
 "Jail dehumanizing say abolitionists," *Now* June 2-8, 1983, p. 5.
 "Who are the Guardian Angels?," *the Mike* April 7, 1983, pp. 8-9.
 "Angels of the Night," *The Varsity* March 16, 1983.
 "The Gay Patrol: Cruising T.O. for Crime," *The Varsity* March 16, 1983.
 "Are Cabs on Patrol Invaluable or Inefficient?" *The Varsity* March 9, 1983, p. 6.
 "Are Emergency Measures Necessary?" *The Varsity* March 2, 1983, p. 8
 "Kickboxing Banned... Is the Sport too Dangerous?" *Fighting Stars* Sept. 1983, pp. 22-26.
 "Peace trial film timely but sloppy," *Toronto Clarion*, January 15, 1983
 "Guardian Angels," *Toronto Clarion*, November 5, 1982.

Op Eds

"Security Questions Follow Orlando Shootings" *Maryland Daily Record*, June 24, 2016
 "In gun control debate, improved access control is best short-term solution," *The Hill*, November 16, 2015.
 "Arming our Campuses is Not the Answer," *Inside Higher Ed*, October 12, 2015.
 "Always Talking Trash about Baltimore," *Maryland Daily Record*, January 8, 2015.
 "Dropping 'Redskins' Is Smart Business," *Indian Country Today Media Network*, May 11, 2014
 "Native American's Past informs their future," *The Baltimore Sun*, November 10, 2014
 "Ending mass shootings: It's not just about more or better laws," *The Baltimore Sun*, September 22, 2013
 "Drones are Different" *The Baltimore Sun*, (reprinted in *Boston Herald*) June 2012.
 "How About a Small Bank Specializing in Loans to Ex-Cons?" *Prison Legal News*, (with Stephen C. Richards, Ph.D. and Nicholas Vasquez, M.D.) September 2009.
 "No Prison Guinea Pigs," (with Allen Hornblum), *The Baltimore Sun*, February 3, 2009 (reprinted in *Prison Legal News*, February 2009, Vol. 20, No. 2, p. 55.
 "Moving Beyond Talking Points," *Baltimore Examiner*, May 28, 2007
 "Small Step toward voting booth could be big step for felons," (*Maryland*) *Gazette*, April 6, 2007
 "Beyond the Fry Bread and Native Regalia," balitimore.indymedia.org/newswire, January 3, 2007
 "Be Careful what you ask for.." *Baltimore Examiner*, October 4, 2006
 "State of Prisons Report not tough enough," (*Maryland*) *Gazette*, August, 4, 2006
 "Gambling, Native Americans, and Abramoff," *Baltimore Examiner*, June 29, 2006
 "Let's Reward our Children more creatively," *Baltimore Examiner*, May 30, 2006
 "Close Juvenile Boot Camps," *Tampa Tribune*, February 19, 2006
 "Packing prisons, squandering Lives," *The Baltimore Sun*, October 21, 2005
 "London Calling Once Again," balitimore.indymedia.org/newswire, July 12, 2005
 "Running From Eric Robert Rudolph," baltimore.indymedia.org/newswire, May 4, 2005
 "Maryland's Struggle to Recognize its Native Tribes," *The Daily Record*, June 17, 2005; reprinted in *Native Times*, August 2, 2005
 "Can Martha Stewart Reform Prisons?" *The New Criminologist*, March 10, 2005
 "The Myth of Minimum-Security Prisons," *The Daily Record*, Sept. 26, 2003
 "Norris Needs Room to Implement his Mandate," *The Baltimore Sun*, July 3, 2001, Pg 13A,
 "City's anti-terror focus raises questions," *The Baltimore Sun*, November 5, 2001 Pg. 9A,

Blog Posts

"Reporting the Crisis: Baltimore, #FreddieGray, and the news and social media reaction," in *Political Violence @ a Glance*. May 7, 2015.

Letters to the Editor

"No evidence that cameras on cops are effective," *The Baltimore Sun*, September 28, 2014
"Times Editorial re presidential power of clemency," *New York Times*, August 22, 2014
"Rehab and Re-entry," *US News and World Report*, January 9, 2008
"Voting Rights should never be taken away from Felons," *Baltimore Examiner*, April 2, 2007
"In prison for the rest of one's life," *New York Times*, October 6, 2005
"Prison Blues," response to article on the D.C. Jail in *Washington City Paper*, June 11, 2004
"Bar Scan" response to article about the Baltimore City Jail in *City Paper* (Baltimore), June 2, 2004
"Chief Charles Moose's book," www.reason.com "Hit and Run" section, July 23, 2003.
"Jail Bait," (about deplorable conditions at Washington, D.C. Jail) *Washington City Paper*, June 27, 2003
"Chief Charles Moose's book," *The Gazette*, (Montgomery County, MD), June 6, 2003
"Threat Response also important," *The Hill*, April 23, 2003, p. 17
"More Context could clarify prison crisis," *The Baltimore Sun*, April 14, 2003.
"Penalty Shot," in connection with article that was written on the prosecution of the Beltway Snipers, *Washington City Paper* November 29, 2002.
Response to Michelle Cottle's article on the relationship between gentrification and the increase in aggressive police tactics in Cincinnati, *The New Republic*, June 11, 2001, pp. 6, 53.
Response to Kent Williams' article on films about terrorism, *City Paper* (Baltimore), January 9, 2002, p. 5.

CONFERENCE & PANEL ACTIVITIES/PAPERS PRESENTED

Numerous papers delivered, and panels in which I participated as a chair, discussant and/or organizer. Participated in several conferences where I acted as an organizer, co-organizer, or section organizer. List available on request.

EDITORIAL SERVICES

Editor

Book Series Editor, Criminology and Criminal Justice Book Series, Transaction Publishers, March 1, 2013 – present.

Book Series Editor, New Perspectives in Criminology and Criminal Justice, Peter Lang Publishing, March 1, 2005 –December 30, 2009. (five books published)

Canadian Association for Security and Intelligence Studies, Newsletter, 5/93-9/94.

Editorial Advisory Board

African Journal of Criminology and Justice Studies, 06/13-present

American Journal of Criminal Justice, 03/15

Annual Editions, Criminal Justice, 3/08-present

Critical Criminology, 2/13-present

Journal of Criminal Justice Education, 7/07-6/09

Journal of Human Justice, 11/91-12/95 (ceased publication)

Journal of Crime and Justice, 1/98-2001?

Journal of Prisoners on Prison, 5/2013-present

Journal of Transportation Security, 11/07-present

Justice Quarterly, 10/97-12/00

Low Intensity Conflict & Law Enforcement, 10/91-2002 (ceased publication).

Police Practice and Research: An International Journal, 3/98-2002.
Radical Criminology, 10/2012-present
The Prison Journal, 3/2013-present
Street Art & Urban Creativity Scientific Journal, 4/2016-present
Violence and Terrorism, Annual Editions, 10/91-12/93.

Reviewer-Journal Articles

African Journal of Criminology & Justice Studies, 6/11; 8/15; 5/16
American Indian Culture and Research Journal, 5/03
American Journal of Criminal Justice, 8/93
American Journal of Police/Policing: An International Journal of Police Strategies and Management, 1/97
American Journal of Sociology, 9/97
American Political Science Review, 4/06; 4/07
Asian Journal of Criminology, 1/11; 4/11

BANWA: A Multidisciplinary Journal, 1/13

Canadian Journal of Criminology and Criminal Justice, 4/08, 3/16
Canadian Journal of Political Science, 9/95
Canadian Journal of Urban Research, 9/94
Citizenship Studies, 1/07
Comparative Political Studies, 7/13
Conflict Quarterly/Journal of Conflict Studies, 2/97; 10/10
Contemporary Justice Review, 7/12; 11/12; 9/14; 9/15
Crime, Law and Social Change, 12/11
Crime, Media and Culture, 8/06; 12/07; 5/09; 8/11; 2/14; 2/15; 3/15
Criminal Justice and Behavior, 4/15
Criminal Justice: The International Journal of Policy and Practice, 8/00; 10/03
Criminal Justice Review, 11/2010; 7/2011; 6/12; 8/13; 3/14; 8/16
Criminal Justice Policy Review, 1/14
Criminal Justice Studies, 4/13; 3/15; 5/15; 8/15
Criminology, 3/06
Critical Criminology: An International Journal, 9/02; 5/07; 4/08; 2/09; 9/09; 4/10; 10/10; 2/13; 5/13; 7/13; 3/14; 12/14; 8/16; 4/17
Critical Sociology, 3/13; 11/13
Critical Studies on Terrorism, 9/13

European Journal of Cultural and Political Sociology, 9/15

International Journal of Comparative and Applied Criminal Justice, 9/10;
International Criminal Justice Review, 10/05; 5/2010; 1/12; 3/13; 8/13; 3/14
International Criminal Law Review, 1/16; 4/16
International Journal of Offender Therapy and Comparative Criminology, 3/06; 1/07; 6/09; 4/11; 2/12; 6/12; 7/13
International Political Science Review, 11/07; 7/09; 7/11
International Studies Quarterly, 10/05; 8/06; 3/07; 9/08; 5/10

Journal of Applied Social Psychology, 4/97
Journal of Conflict Resolution, 1/10
Journal of Contemporary Criminal Justice, 9/98.
Journal of Correctional Health Care, 3/11; 11/11; 6/13
Journal of Crime and Justice, 3/95; 5/98; 2/13; 8/13

Journal of Criminal Justice Education, 1/89 (numerous reviews; list avail. on request), 8/99; 12/99; 6/11; 2/12; 1/13; 3/17
Journal of Criminal Law and Criminology, 6/11
Journal of Offender Rehabilitation, 9/15; 1/16
Journal of Peace Research, 7/93
Journal of Prisoners on Prison, 12/12; 12/16
Journal of Qualitative Criminal Justice and Criminology, 1/16
Journalism, Theory, Practice and Criticism, 1/13
Justice Professional, 12/90 (numerous reviews; list available on request)
Justice Quarterly, 10/94 (numerous reviews; list available on request), 1/99; 5/99; 12/99; 10/08; 2/09; 7/09; 11/10; 5/11; 9/11; 08/15

Legal and Criminological Psychology, 6/12

Nationalism and Ethnic Politics, 4/14

Oxford Bibliographies, 10/16

Peace and Change, 11/91
Peace and Conflict: Journal of Peace Research, 2/99
Police Practice and Research: An International Journal, 7/98; 11/99; 10/13
Police Quarterly, 5/98; 6/05; 1/06; 1/07; 12/07; 7/11; 7/12
Police Studies, 7/95
Policing: An International Journal of Police Strategies & Management, 10/00; 7/04; 4/05; 11/13; 1/15
Policing & Society, 2/15; 12/16; 4/17
Polity, 5/95
Political Violence and Terrorism, 4/07
Politics and Gender, 12/12
Prison Journal, 8/14; 8/15
Professional Studies Review, 7/05

Race and Justice, 1/11

Science and Engineering Ethics, 5/13
Social Forces, 6/98; 8/99
Social Justice, 3/03
Social Problems, 8/98
Societies, 8/16; 12/16
Sociology of Religion: A Quarterly Review, 12/15; 9/16; 1/17
Street Art & Urban Creativity Scientific Journal, 5/16; 6/16

Terrorism and Political Violence, 9/13
The Social Science Journal, 1/06; 10/08; 5/09; 12/09; 4/10; 10/12; 8/13; 10/13; 3/14
The Sociological Review, 3/14
The Sociological Quarterly, 12/16

Urban Studies, 11/94

Violence and Victims, 3/15; 1/16

Western Criminological Review, 9/09

Reviewer-Book Proposals/Manuscripts

Brooks/Cole Publishing Company, 9/88
Butterworth-Heinemann, 5/95.

Cambridge University Press, 11/07
Cornell University Press, 3/16

Longmans, 2002,
Lexington Books, 10/05

Pearson/Prentice Hall, 5/98; 5/09; 7/09
Policy Press, 12/12; 12/13

Routledge, 6/09; 2/17
Roxbury, 8/01; 2/06
Rutgers University Press, Spring 2003; Spring 2006

Sage Publications, 5/2002-present
State University of New York Press, 1/95

University of Calgary Press, 2/09
University of Minnesota Press, 8/02
University of Wisconsin Press, 10/14

Wadsworth, 3/05

Review- Proposals

National Science Foundation, 3/2006

Review- Miscellaneous

Oxford Research Encyclopedia of Criminology and Criminal Justice. Oxford University Press
Chapter reviewer, 4/16

GRANTS, AWARDS, AND HONORS

University of Baltimore, College of Public Affairs, Summer Research Grant, "Police Use of Excessive Force in Baltimore," June 2016.

American Indians at Risk, named to the American Library Association's 2015 Outstanding References Sources List (January 2015).

Awarded a 2013 "Choice Outstanding Academic Title award." *Choice Magazine*, for *The Globalization of Supermax Prisons*, January 2014.

Encyclopedia of Street Crime in America selected for Booklist Editor's Choice: Reference Sources of 2013. December 2013.

University of Baltimore Foundation, Grant to put on Conference Contesting Urban Space in Baltimore and edit scholarly book (\$17,000), December 2012. (Provost declined)

Sabbatical, Research Project: *The Globalization of Supermax Prisons*, (Spring 2010) approved February 11, 2009.

10-Year Service Certificate of Appreciation University of Baltimore, Fall 2008.

University of Baltimore, Yale Gordon College, Summer Research Grant "Close Supervision Centres," June 2004.

5 Year Service Certificate of Appreciation University of Baltimore, Fall 2003

University of Baltimore nominee for state of Maryland regents award in research, December, 2003.

Distinguished Chair in Research, University of Baltimore, May 2003

Hoffberger Center for Professional Ethics, University of Baltimore, June 2002

Society for the Study of Social Problems, Crime and Juvenile Delinquency Division Outstanding Scholar Award for *Making News of Police Violence*, 2001/2002

Hoffberger Center for Professional Ethics, University of Baltimore, June 2001

Yale Gordon College of Liberal Arts Grant, May 18, 1999 (\$2480)

Office of Justice Programs Performance Award, 10/96; 11/97

American Political Science Association Research Grant, 4/92.

University of Lethbridge Research Fund Award, 12/91.

Society for the Psychological Study of Social Issues, Grants-in Aid, 6/90.

University of Colorado Graduate School Dean's Small Grant Award, 4/90.

Student Peace Project Award (Essex, Great Britain), 4/89.

University of Colorado Cultural Diversity Grant, 8/88-5/89.

University of Colorado Graduate Assistantships, 8/85-8/87.

Innis College Award for Academic Excellence and Outstanding Contribution to the College, 4/85.

CONSULTING ACTIVITIES

Consulting, Office of Community Policing Services, review of grant applications, 7/15.

Consulting, Office of Community Policing Services, Review of final report, 3/15

Consultant, Maryland Department of Corrections/Schaefer Center, 03/14-3/15

Reviewer for American Institutes of Research, Prisoner related submission, 3/2014

Reviewer, of a nomination of candidate for renewal the Canada Research Chairs Program (www.chairs-chaires.gc.ca), 3/2014.

Senior Researcher, Canadian Incident Database (CIDB), 11/2013-4/2015.

Reviewer, United States Department of Justice, Office of Community Policing Services, Curriculum Document, 12/2012.

Reviewer, (as part of College of Reviewers) of a nomination of candidate for the Canada Research Chairs Program (www.chairs-chaire.gc.ca), 1/2012.

Grant Reviewer, National Institute of Justice, 5/2011

Grant Reviewer, Department of Education, Alaskan Native and Native Hawaiian-Serving Institutions Grants, 8/2010

Grant Reviewer, Department of Education, Institute for Public Policy Research Grants, 6/2009

Consultant, Gerson Lehrman Group, June 18, 2008. Parole services and Electronic Monitoring.

Consultant, Westat, Bureau of Justice Statistics, "2007 and 2008 Annual Survey of Jails in Indian Country," 9/2007-present.

Consultant, CSR, Office of Juvenile Justice and Delinquency Prevention, "Tribal Youth Program, Process Evaluation," 9/2007-present.

Subject Matter Expert. U.S. Department of Defense, Strategic Command, 6/ 2007-7/2007.

Consultant, Native Nations Law and Policy Center, University of California, Los Angeles, National Institute of Justice, Study of "Justice Administration in Indian Country," 1/2006-8/2009.

Office of Juvenile Justice and Delinquency Prevention, Tribal Youth Program, Final Product reviews, 4/2006

U.S. Department of Homeland Security, Commercial Equipment Direct Assistance Program, CEDAP proposal reviewer 2/06; 11/06; 2/07; 8/07.

Intel Science Talent Search/Society for Science and the Public, 12/02; 12/03; 12/2004; 12/05; 12/06; 12/07; 12/08; 12/09; 12/10; 12/12; 12/13

National Institute of Justice, (Peer Review Panels, Reviewing Final Reports), 8/98; 6/05; 3-4/08; 4/09; 6/09

Admiral José Garcia-Castaños, Chief of Information, Peru, Ministry of Defense, 8/26/88.

C.G. Management & Communications Inc. (Toronto), 12/86-12/87.

Lead witness for the "Special Committee of the Senate on Terrorism and Public Safety," Senate of Canada, 12/86.

SERVICE, ADMINISTRATIVE, AND LEADERSHIP EXPERIENCE

Departmental

Undergraduate Program Director, School of Criminal Justice, 8/14-9/15.

Member, Faculty Recruitment Search Committees. Actively involved in the search of new hires. (various dates).

Faculty Advisor, Criminal Justice Association, 9/2010-present.

Committee, Progress to Tenure Evaluation of Andrea Cantora, Tara Richards, and Gabriela Wasileski, 5/16

Committee, Progress to Tenure Evaluation of Tara Richards and Andrea Cantora, 5/15

Masters student comprehensive grading, 11/98-5/14

Chair, Promotion and Tenure committees, Dr. Renita Seabrook and Dr. Heather Pfeifer, 9/14-12/14

Chair, post-tenure review committee, Dr. Debra Stanley, and Dr. Heather Pfeifer, 4/12-6/12.

Departmental Representative, CLA Senate as the Division rep on the Executive Committee, Sept. 2008- Dec. 2009.

Departmental Representative, First Year Accepted Student Day, April 11, 2008.

Member of post-tenure review committees for Dr. Nicole Benokraitis and Dr. Kathy Block.

Chair of post-tenure review committee for Dr. Benjamin Wright, 9/05-3/06.

Webmaster, Division of Criminology, Criminal Justice, and Social Policy, University of Baltimore, 8/99-2002.

Parents Day Coordinator, Criminal Justice Studies, Kent State University, 8/94-8/95.

Career Coordinator, Criminal Justice Studies, Kent State University, 8/94-8/95.

Member of the Chair Selection Committee, Department of Political Science, University of Lethbridge, 10/92-10/93.

Member of the Undergraduate Curriculum Committee, Department of Political Science, University of Colorado, 1/87-2/89.

College

Organizer, Fall 2017 Speaker Series, 4/17-12/17

Member, College Promotion and Tenure Review Committee, 9/15-12/15 (Reviews of Spencer and Molinari)

Member, CPA Research Council, 3/016-present.

Chair, College of Public Affairs, Speakers Series, 9/13-5/14

Member, Committee to develop a strategic plan for the Schaeffer Center, 6/12-9/12

Member, Helen P. Denit Committee, 10/10-9/2011

Prepared proposal on Intelligence Analytics Program, 9/10

Member, Search Committee for new Dean of the College of Public Affairs, 10/10-4/11.

Member, Executive Committee of the College of Public Affairs, 9/10-6/12

President, Senate of the College of Public Affairs, 9/10-6/12.

Member, Bachelors in International Studies Degree Committee, 8/09-9/11.

Member, Recruitment Committee for Academic Assessment Coordinator, 10/07-6/08.

Member, Liberal Arts Curriculum (LAC) Committee of YGCLA, 9/06-5/07.

Member, Strategic Planning Committee of YGCLA, 11/05-12/06.

Member, Executive of YGCLA Senate, 5/05-9/06; 9/08-present.

Secretary, Senate of the Yale Gordon College of Liberal Arts, 9/2001-9/03.

Marshall, University of Baltimore Commencement, January 7, 2001, Sept. 2001, January 13, 2002, May 24, 2002, January 12, 2003, May 2003, January, 2004.

Member, Senate of the Yale Gordon College of Liberal Arts, 4/2000- present.

Prepared report "The Viability of a Reverse Bachelors, Technology and Professional Studies, and Technology and Society Programs," for the Yale Gordon College of Liberal Arts, Summer/2000.

Member, Strategic Planning Task Force, Yale Gordon College of Liberal Arts, 5/99-9/2000.

Member, Strategic Planning Committee, Yale Gordon College of Liberal Arts, 2/99-5/99.

Member, Helen P. Denit Honors Program Advisory Committee, Yale Gordon College of Liberal Arts, 2/99-9/2000.

External Member of the Chair Selection Committee, Department of Economics, University of Lethbridge, 10/91-10/93.

Political Economy Course Union representative on the Political Behaviour Committee, University of Toronto, 9/83-5/84.

Executive member of the Arts and Science Students' Union, University of Toronto, 9/82-4/83.

Vice-President of the Psychology Students' Association, University of Toronto, 9/81-4/83.

Member of the External and University Government Commissions of the Students' Administrative council at the University of Toronto, 9/81-4/82.

University

Moderator public forum and panel discussion, "Policing the Community: Know Your Rights," Sponsored by BMALE program, University of Baltimore, February 25, 2015

Provost's Fellow on Undergraduate Research, 1/2013-9/2013.

UFS representative on University Work-Life Committee, 1/2013-8/2013

Alternate Member, University Faculty Senate, 9/12-present.

Chair, Committee To Examine Criteria For The Assessment Of Scholarship Across The Range Of Disciplines Represented At The University Of Baltimore, 5/12-10/12.

Referee, Inspired Discoveries: Symposium of Undergraduate Research & Creative Works, UB, 4/2012; 4/201

Chair, University of Baltimore Council on Research, Scholarship, and Creative Activity (aka Research Council), 10/11-present.

Member, University Faculty Senate, 9/11-5/12

Co-Vice Chair, University of Baltimore Academic Plan Committee, 8/06-12/07

Member, Pandemic Flu Committee, 10/06-6/08

Featured in University of Baltimore Points of Pride Campaign, 4-06-11/06

Member, team of professors crafting a section University of Baltimore Middle States self evaluation document, 9/2005-4/2006.

Panelist, discussion entitled, "Are We Getting More or Less Safe? Experts Critique the Administration's policies Against Terrorism." 10/21/04 (sponsored by UB law school)

Chair, Langsdale Library Director Search Committee, 08/03-7/04

Member, University wide Strategic Planning Committee, 4/03-9/03.

"Post 9/11: Are we any safer Now?" University of Baltimore, Sponsored by Helen P. Denit Honors Society, April 30, 2002

Presentation "Deconstructing State Crime," Hoffberger Center for Ethics, March 6, 2002.

Discussant on panel on terrorism for "We the people in a brave new world." Sponsored by Helen P. Denit Honors Society. February 12, 2002.

Coordinated Presentation by Judith Sachwald, Director, Maryland Division of Parole and Probation, November, 2000.

Presentation "Achieving Justice? Native Americans and the Criminal Justice System," part of the Office of Diversity Education Native American Month, November 9, 2000.

"Compstat: An Overview," for Yale Gordon College of Liberal Arts and Helen P. Denit Honors Program Public Program on Zero-Tolerance Policing, April, 7, 1999.

Member, Arts and Sciences Academic Mainframe Computer Users Committee, University of Lethbridge, 4/93-8/94.

Faculty Advisor, Malaysian Singaporean Club, University of Lethbridge, 9/92-10/93.

Professional/ Organizational

External Referee, Seattle University, Candidate Conversion from Assistant to Associate Professor with tenure, 10, 2016.

Chair, Division on Critical Criminology, American Society of Criminology, 11/15-present

External Referee, Bowling Green University, Candidate Conversion from Assistant Professor to Associate Professor with tenure, 9/2014.

Co-Chair, Division on Critical Criminology, American Society of Criminology, 11/13-11/15.

External Referee, Ohio University, Zanesville, Candidate Conversion from Assistant Professor to Associate Professor with tenure, 11/2013.

External Referee, University of Regina, Candidate Conversion from Associate Professor to Full Professor with tenure, 12/2012.

External Member, Ph.D. Dissertation, Favian Martin, Old Dominion University, 5/2012-6/2013.

Chair of the Publications Committee, Academy of Criminal Justice Sciences, 6/2012-4/2013.

Executive Member, Division on Critical Criminology, 9/11-11/13.

Deputy Chair of the Publications Committee, Academy of Criminal Justice Sciences, 5/2011-5/2012.

External Member, Ph.D. Dissertation, Karen Nancy Brown, Simon Fraser University 4/2011

External Reviewer, Grant Application Fonds de recherche sur la société et la culture Québec, 1/15/2011

External Referee, University of Ottawa, Candidate Conversion to Associate Professor and tenure, 12/2010.

Chair, Constitution Revision Committee, Division of Critical Criminology, 10/2009-9/2010

Interviewed about the state of corrections for the international competition for www.sociodesignfoundation.org, Sept. 25, 2008

Advisory Board, National Museum on Crime and Punishment, April 1, 2008-present.

Section Organizer, American Society of Criminology, 2007 Annual Meeting, 10/06-10/07.

External Referee, Johns Hopkins University, Candidate Conversion to tenure, 4/05

Member, Board of Trustees, Horowitz (Irving Louis) Foundation for Social Policy, December, 2005-present.

Member of the Prisoner Advocate Liaison Group, Institute of Medicine (part of the National Academy of Sciences), 3/05-7/06.

Local Arrangements Chair, 2006, ACJS meeting, January 1, 2005-April 1, 2005

Chair, ACJS Student Affairs Committee, March 1, 2004-March 1, 2005

Member, ASC Ethics Committee, March 1, 2004 – March 1, 2005

Chair, Strategic Planning Committee, Academy of Criminal Justice Sciences, Sept. 2001-March, 2003.

Candidate, for Executive Counselor, American Society of Criminology, April-July, 2001

Chair, Task Force on Policing Education, Policing Section, Academy of Criminal Justice Sciences, 4/00-4/01.

Trustee-at-Large, Policing Section, Academy of Criminal Justice Sciences, 1/98-1/2000.
External Member, Ph.D. Dissertation, Cheryl-Ann Beattie Repetti, George Washington University, 10/96

Member of International Division, Academy of Criminal Justice Sciences, 5/96-5/98.

Member of Scientific Advisory Board, Center for Criminal Justice Studies (Washington, DC), 6/95-10/96.

Chair, "Anderson Outstanding Student Paper Award Committee," for the Academy of Criminal Justice Sciences, 7/93-3/94.

Member, Documentation Plan Working Group, Legal Archives Society of Alberta, 3/93-8/94.

Member of the Board of Directors of the Harold Innis Foundation, 3/84-9/85.

Community

Designed and maintained website for Maximum Velocity Propulsion (MVP Dolphins), (a parent-run summer swim team for swimmers from 6 to 18 competing in the A Division of the Prince-Mont Swim League), 9/10-7/12.

Chair, Strategic Planning Committee, Washington Latin School, 9/2006-5/2007.

Volunteer, St. Lukes Shelter, Monthly meal program, 8/1996-present.

Co-Director/Facilitator of the Implementation of Community Policing in Picture Butte, Alberta, 10/93-8/94.

Member of the Educational Committee of the American Civil Liberties Union (Colorado Division), 5/87-3/88.

CONTACTS WITH NEWS MEDIA

Numerous interviews with local, regional, national and international television stations, radio stations, magazines and newspapers (list available on request)

Exhibit 2

Budget for Proposed Monitorship - Year 1

		Hourly Rate	Hours	Cost	Pro Bono Hours	Value of Pro Bono Hours
Monitor team	(Rates from L.R. Appendix B)					
	Paraprofessional	\$150	500	\$75,000	50	\$7,500
	1-5 years (BKM, LNM, MAH)	\$225	600	\$135,000	50	\$11,250
	5-8 years (AS)	\$300	150	\$45,000	20	\$6,000
	9-14 years	\$350	50	\$17,500	12	\$4,200
	15-19 years	\$425	0	\$0		\$0
	20+ (PEK)	\$475	500	\$237,500	100	\$47,500
	20+ (MSS)	\$460	600	\$276,000	100	\$46,000
	Subtotal		2400	\$786,000	332	\$122,450
Legal	(Rates from L.R. Appendix B)					
	Paralegal	\$150	50	\$7,500		
	1-5 years (BKM, LNM, MAH)	\$225	100	\$22,500		
	5-8 years (AS)	\$300	100	\$30,000		
	9-14 years	\$350	50	\$17,500		
	15-19 years	\$425	0	\$0		
	20+ (WBC)	\$475	50	\$23,750		
	20+ (MSS)	\$460	200	\$92,000		
	Subtotal		550	\$193,250		
Expert consultants	(Rates approximate)					
	Law enforcement	\$225	1000	\$225,000		
	Academic	\$225	400	\$90,000		
	Statistician	\$225	500	\$112,500		
	Junior statistician	\$125	300	\$37,500		
	Other	\$200	50	\$10,000		
	Subtotal		2250	\$475,000		
	Total		2800	\$1,454,250	332	\$122,450

Budget for Proposed Monitorship - Year 2

	Hourly Rate	Hours	Cost	Pro Bono Hours	Value of Pro Bono Hours
Monitor team (Rates from L.R. Appendix B + 5%)					
Paraprofessional	\$158	500	\$78,750	75	\$11,813
1-5 years (BKM, LNM, MAH)	\$236	500	\$118,125	60	\$14,175
5-8 years (AS)	\$315	100	\$31,500	30	\$9,450
9-14 years	\$368	50	\$18,375	12	\$4,410
15-19 years	\$446	0	\$0		\$0
20+ (PEK)	\$499	500	\$249,375	75	\$37,406
20+ (MSS)	\$483	600	\$289,800	60	\$28,980
Subtotal		2250	\$785,925	312	\$106,234
Legal (Rates from L.R. Appendix B + 5%)					
Paralegal	\$158	50	\$7,875		
1-5 years (BKM, LNM, MAH)	\$236	100	\$23,625		
5-8 years (AS)	\$315	100	\$31,500		
9-14 years	\$368	50	\$18,375		
15-19 years	\$446	0	\$0		
20+ (WBC)	\$499	50	\$24,938		
20+ (MSS)	\$483	150	\$72,450		
Subtotal		500	\$178,763		
Expert consultants (Rates approximate)					
Law enforcement	\$225	800	\$180,000		
Academic	\$225	300	\$67,500		
Statistician	\$225	300	\$67,500		
Junior statistician	\$125	200	\$25,000		
Other	\$200	50	\$10,000		
Subtotal		1650	\$350,000		
Total		2150	\$1,314,688	312	\$106,234

Budget for Proposed Monitorship - Years 3-5

	Hourly Rate	Hours	Cost	Pro Bono Hours	Value of Pro Bono Hours
Monitor team (Rates from Year 2 + 5%)					
Paraprofessional	\$165	400	\$66,150	75	\$12,403
1-5 years (BKM, LNM, MAH)	\$248	400	\$99,225	60	\$14,884
5-8 years (AS)	\$331	75	\$24,806	30	\$9,923
9-14 years	\$386	50	\$19,294	12	\$4,631
15-19 years	\$469	0	\$0		\$0
20+ (PEK)	\$524	500	\$261,844	75	\$39,277
20+ (MSS)	\$507	600	\$304,290	60	\$30,429
Subtotal		2025	\$775,609	312	\$111,545
Legal (Rates from Year 2 + 5%)					
Paralegal	\$165	50	\$8,269		
1-5 years (BKM, LNM, MAH)	\$248	50	\$12,403		
5-8 years (AS)	\$331	50	\$16,538		
9-14 years	\$386	50	\$19,294		
15-19 years	\$469	0	\$0		
20+ (WBC)	\$524	50	\$26,184		
20+ (MSS)	\$507	100	\$50,715		
Subtotal		350	\$133,403		
Expert consultants (Rates approximate)					
Law enforcement	\$225	800	\$180,000		
Academic	\$225	200	\$45,000		
Statistician	\$225	250	\$56,250		
Junior statistician	\$125	200	\$25,000		
Other	\$200	50	\$10,000		
Subtotal		1500	\$316,250		
Total		1850	\$1,225,261	312	\$111,545

Exhibit 3

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MIDWAY INDUSTRIES LIMITED
LIABILITY COMPANY, *et al.*,

Defendants.

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Case No. 14-CV-2312 JFM

Filed under seal

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INITIAL REPORT OF
TEMPORARY RECEIVER PURSUANT TO
JULY 21, 2014 TEMPORARY RESTRAINING ORDER

Respectfully submitted,

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September 22, 2014

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The Temporary Receiver, by undersigned counsel, pursuant to the Court's July 21, 2014 Temporary Restraining Order (Document 9), respectfully submits this Initial Report. Because the Court has not yet addressed the pending Motion for Preliminary Injunction and the receivership is only temporary in nature, this Initial Report is being filed under seal, with service on counsel of record for all parties. The Temporary Receiver has no objection to making this Initial Report public, if the Court determines that it should be unsealed.

I. Introduction

On July 21, 2014, the Court entered an Ex Parte Temporary Restraining Order in this case (hereinafter the "TRO"). The TRO included an asset freeze concerning the Defendants and related entities. Peter E. Keith was appointed as Temporary Receiver for the Receivership Defendants defined in the TRO as the twelve corporate defendants and "any of their affiliates, subsidiaries, or divisions, including but not limited to Anita Elaine Real Estate LLC, Benjamin Jones Real Estate LLC, Gisk Real Estate LLC, Stillman Real Estate LLC, and Delray Beach Apartments, LLC." TRO Section XI at 21 & Definitions at 8.

In the TRO, the Court directed the Temporary Receiver to take control of the Receivership Defendants and their assets and documents; secure the business premises; conserve, hold, and manage all assets; prepare a written inventory of assets; prevent possible injury to consumers, and manage and administer the business on an interim basis as the Temporary Receiver saw fit. The TRO authorized the Temporary Receiver to engage consultants, attorneys, and personnel

to carry out the tasks of the Receivership. The Court authorized the Temporary Receiver to make payments as needed to carry out the Order. However, the TRO requires the Temporary Receiver to apply to the Court to pay any debts or liabilities incurred prior to entry of the TRO, except for items such as rent that may be necessary to secure the receivership assets.

From July 21, 2014 through the date of this Initial Report, the Temporary Receiver has endeavored to carry out the instructions of the Court as set forth in the TRO. The Temporary Receiver has done his best to follow the TRO in an impartial manner, without prejudice to any of the parties and as efficiently as possible. On all significant matters regarding receivership business, assets, and obligations, the Temporary Receiver has sought to involve and seek the input of all parties. The Temporary Receiver views this as of particular importance because this remains a temporary receivership, with no contested hearing yet having occurred. Given the complexity and breadth of the business operations of the Receivership Defendants, the Temporary Receiver does not have complete knowledge of all the details of the entities. Should any inaccuracies appear in this Initial Report, the Temporary Receiver welcomes the input of any of the parties and will file an Amended Report, noting any errors or necessary changes.

II. Steps Taken By the Temporary Receiver

After entry of the TRO, the FTC advised the Temporary Receiver that he had been appointed by the Court and provided the Temporary Receiver with the

Complaint, supporting materials, and the TRO. The Temporary Receiver met with the FTC to discuss service of the TRO and commencement of the Receivership. Thereafter, the Temporary Receiver engaged the law firm of Gallagher Evelius & Jones LLP (“GEJ”) to serve as counsel to the Temporary Receiver, with Mark S. Saudek to serve as lead counsel. The Temporary Receiver also engaged the firm of ParenteBeard LLC to provide financial, accounting, forensic, and administrative support for the Receivership. Raymond J. Peroutka, Jr. leads the ParenteBeard team. A receivership team was created that included personnel from GEJ and ParenteBeard with substantial experience in receiverships, business operations, accounting, IT, and investigations. The Temporary Receiver will be happy to provide the Court with the names and credentials of the full receivership team should the Court desire that information.

On July 23, 2014, the FTC and the receivership team entered the Defendants’ places of business, accompanied by local law enforcement, to serve the TRO and commence the receivership. This occurred at the company headquarters in Reisterstown, Maryland, and at telemarketing call centers in Delray Beach, Florida and West Palm Beach, Florida. The receivership team took control of the Receivership Defendants’ business locations and has maintained control of the business as directed by the TRO through the current date.

After assuming control of the premises at the Reisterstown and Florida locations, the receivership team endeavored to carry out the terms of the TRO as

directed by the Court. To date, Defendants, Defendants' employees, and the FTC all have fully cooperated with the receivership team in carrying out the required duties, without significant incident. The receivership is complex, since it involves many different business entities, three locations, approximately 140 employees *in toto*, and a business enterprise that pre-receivership was generating significant revenue.

Over the past two months, the receivership team has dealt with a wide variety of issues associated with the business operations, including, *inter alia*, ensuring premises security; providing premises access to Defendants, employees, and the FTC; securing and arranging for the permanent treatment of a number of company-owned vehicles; resolving Receivership Defendants' insurance issues; gathering and securing cash and gift cards located on the Receivership Defendants' premises; dealing with the Receivership Defendants' accountants; conducting land record and other searches regarding assets; interviewing employees; negotiating with and contacting vendors and creditors; collecting, sorting, and reviewing mail; dealing with employees' requests for assistance in unemployment claims and job searches requiring an explanation of the cessation of business operations; overseeing building repairs and maintenance; communicating with Bank of America and its counsel regarding indebtedness of the companies; and communicating with the FTC and Defendants and their counsel on a variety of issues.

Initially, the receivership team secured both premises, changed locks and security codes, assisted the FTC in disabling the computer system and website, and secured documents and assets as directed by the TRO. The receivership was announced and explained to the principals, their counsel, and employees. A substitute website was created. Files were made available to the FTC and the Defendants for copying and inspection. Information was gathered concerning the Receivership Defendants' business operations, assets, liabilities, revenue and expenses.

A. Cessation of Business Operations

One initial and important decision involved whether to cease the Receivership Defendants' business operations. Based upon the allegations of the FTC Complaint, and a preliminary review of the Defendants' business, it became apparent that most of the employees were involved in sales efforts. After obtaining access to the premises and examining operations, the Temporary Receiver decided to cease the sales and collections portions of the Receivership Defendants' operations, pending the outcome of the preliminary injunction hearing, based upon the findings of this Court in the TRO, the allegations in the FTC Complaint and supporting pleadings, and a preliminary investigation of the Receivership Defendants' operations.

B. Employees

All of the employees of the Receivership Defendants were laid off because of the cessation of business operations. Several administrative employees were consulted for information important to the receivership. The Temporary Receiver advised all employees working at the direction of the Temporary Receiver that they would be paid out of receivership funds for their work since the beginning of the receivership, and those employees are being paid for their post-receivership work out of receivership assets. These employees have cooperated fully with the Temporary Receiver. All employees have been advised that under the TRO, the Temporary Receiver could not pay wages earned for periods prior to the receivership without a Court order. *See* TRO Section XI.I at 23. Many employees have complained about not receiving their pre-receivership wages. Wages owed to employees for work performed prior to the receivership are estimated to be approximately \$232,000. The Temporary Receiver has paid no pre-receivership wages to date.

C. Key Vendors and Creditors

The Temporary Receiver has contacted key vendors and creditors. One principal vendor, Del Vel Chem Co., based in Medford, New Jersey, provided the light bulbs and cleaning solutions sold by the Receivership Defendants and also arranged for product shipments. Del Vel Chem Co. agreed to cease shipments immediately at the request of the Temporary Receiver. Del Vel Chem Co. was paid

on a periodic basis by Midway Industries, and currently asserts that it is owed \$64,000 for pre-receivership shipments of the Receivership Defendants' products. The Temporary Receiver has not paid this pre-receivership debt. The Temporary Receiver has advised all vendors and entities that contracted with the Receivership Defendants that under the TRO, no pre-receivership debts may be paid without Court approval. The Temporary Receiver is working to continue essential services necessary to secure assets, by paying vendors and contracting entities but on a going-forward basis only.

The Receivership Defendants' principal secured creditor is Bank of America, which loaned Midway Management \$3.5 million in August 2013 to partially fund the buyout by Individual Defendant Brian K. Wallen of much of Individual Defendant Eric A. Epstein's interests in some of the Receivership Defendants. The loan is secured by equipment, inventory and receivables. The Receivership Defendants appear to have advanced payments on the loan, and the Temporary Receiver has been advised that the current outstanding balance due to Bank of America is approximately \$1 million. Bank of America is in the process of producing loan documents and other materials to the FTC and the Temporary Receiver, and has engaged counsel to address receivership issues: Daniel Flores, Esq. of the New York office of Wilson Elser Moskowitz Edelman & Decker LLP, who has been in contact with the Temporary Receiver.

D. Receivership Account

The Temporary Receiver also pursued financial issues associated with the asset freeze and control of the companies' operations. The receivership team interviewed key accounting and administrative employees concerning assets and business operations. Pursuant to Section XVI of the TRO (at 31-32), Bank of America cooperated with the Temporary Receiver in turning over all monies contained in frozen bank accounts held in the name of the Receivership Defendants. By letter dated July 30, 2014, Bank of America advised the FTC and the Temporary Receiver that some twenty-five separate bank accounts existed in the names of the Receivership Defendants. Bank of America froze all of those accounts in compliance with the TRO. After discussions with Bank of America and M&T Bank, pursuant to Section XI.O of the TRO (at 25), the Temporary Receiver opened a receivership operating account at M&T Bank and arranged the transfer of all the funds of the Receivership Defendants held by Bank of America. A total of \$1,455,681.17 was transferred from Bank of America and deposited into the receivership account on August 7, 2014. In compliance with Section XI.O of the TRO, the Temporary Receiver has served copies of the monthly receivership account statement on all parties.

The Temporary Receiver has used the funds transferred into the receivership account for various expenses. One example is to pay employee health insurance through September 30, 2014. Several employees expressed concern about

scheduled surgeries, pregnancies, and medical issues, leading the Temporary Receiver to conclude, with the consent of all parties, that the Receivership Defendants' health, vision, and dental health care insurance plans should be continued for two months to allow employees and their families to deal with medical issues and obtain alternative health insurance coverage. During these two months, the Temporary Receiver has continued to pay the employer and employee portions of health, vision, and dental insurance plan premiums. To date, receivership funds also have been used to pay employees who have worked for the receivership, property and casualty insurance to protect the Reisterstown premises, and an installment loan on a vehicle owned by the companies. The Temporary Receiver anticipates similar expenses going forward to secure, protect, and optimize assets of the Receivership Defendants, including building maintenance repairs, lawn care and premises upkeep, insurance on vehicles, rent, mortgage payments, telephone and internet equipment operating expenses, utilities, and similar expenses authorized to be paid under the TRO. As of the date of this Initial Report, the receivership operating account has a balance of \$1,398,219.97.

E. Incoming Checks and a Dispute between the Parties

The Temporary Receiver also has gathered and inventoried incoming receivables sent by consumers after commencement of the receivership. As of September 22, 2014, 1,258 checks totaling \$1,077,313.62 have been inventoried by the receivership team, as follows:

Entity	Number of checks received	Total face value of checks received
Commercial Industries LLC	230	\$159,694.49
Environmental Industries LLC	237	\$212,839.55
Essex Industries LLC	11	\$22,964.42
Hansen Supply LLC	53	\$71,310.01
Johnson Distributing LLC	26	\$23,691.65
Mid Atlantic Industries LLC	162	\$118,861.57
Midway Industries LLC	148	\$160,046.67
National LLC	322	\$221,662.37
Standard Industries LLC	55	\$66,245.75
State Power & Lighting LLC	14	\$19,997.14
TOTAL	1,258	\$1,077,313.62

The Temporary Receiver and his counsel have had several discussions with counsel for the parties concerning these incoming payments. To date, the FTC has taken the position that incoming checks received after initiation of the temporary receivership should not be negotiated or deposited. The FTC believes that at least some of these consumers may be victims of the acts or practices alleged in the Complaint, such that to negotiate and deposit these checks would consummate illegal practices. In contrast, the defendants and their counsel have urged the Temporary Receiver to deposit these monies into an escrow account, so

that the checks are at least negotiated and the funds can be controlled by the Temporary Receiver, pending the outcome of the preliminary injunction hearing.

Under the Temporary Restraining Order, the companies themselves are enjoined and prohibited from “attempting to collect payment for nondurable office and cleaning supplies,” TRO Section IV, at 12, and from “cashing any checks or depositing or processing any payments from customers,” TRO Section V.C, at 13. The Order also directs that “the Receiver shall not attempt to collect any amount from a consumer if the Receiver believes the consumer was a victim of the unfair or deceptive acts or practices alleged in the Complaint in this matter, without prior Court approval.” TRO Section XI.B, at 22.

Given the significant number and total dollar amount of the incoming checks (more than \$1 million), and the Court’s instructions in the TRO, the Temporary Receiver conducted an investigation to determine if there was reason to believe that the consumers who sent these checks were “victim[s] of the unfair or deceptive acts or practices alleged in the Complaint. . . .” TRO Section XI.B, at 22. The results of that preliminary investigation appear in this Initial Report. That investigation included a survey of consumers who sent incoming checks; a review of sales practices; the discovery of non-consensual telephone recordings; and a review of complaints brought to the Temporary Receiver’s attention by the Better Business Bureau. Based on this investigation, the Temporary Receiver found reason to believe that a significant number of consumers who mailed checks since the onset of

the receivership, reflecting sales efforts that took place during the period prior to commencement of the receivership, may have been subject of the practices alleged in the Complaint. The Temporary Receiver therefore has decided not to deposit these checks, unless and until ordered to do so by the Court. Counsel for the Temporary Receiver made all parties aware of his position in a conference call and by letter of September 3, 2014. To date, no party has filed a motion or otherwise sought direction from the Court relating to these checks.

The Temporary Receiver would appreciate any guidance the Court might offer about whether to deposit the incoming checks into escrow. The Court may wish to permit the parties to brief their respective positions before any ruling, so the Court is fully informed.

This Initial Report represents the receivership team's best efforts to inform the Court about the affairs of the Receivership Defendants, based upon current information and in advance of the preliminary injunction hearing now scheduled for October 30, 2014. A number of people may attend the preliminary injunction hearing. Many employees expressed concern about losing their jobs and not being paid for salary earned pre-receivership. Some employees have expressed a desire to attend the preliminary injunction hearing, although the TRO does not contemplate live testimony unless sought by motion and ordered by the Court. *See* TRO Section XXVIII, at 39. It is unclear as of the date of this report how many employees have found alternative employment arrangements, and how many will

still be interested in attending the October 30, 2014 hearing. Like the TRO, the Court's Order scheduling the hearing will be posted on the receivership website for review by consumers, vendors, and creditors, some of whom have inquired about the lawsuit and the schedule of Court proceedings. Some of these persons also may decide to attend the hearing.

III. Corporate Structure and Business of Receivership Defendants

Midway Management and its affiliated companies are engaged in the sale of nondurable office and cleaning supplies, such as light bulbs and cleaning products, through interstate telephone calls. The Receivership Defendants conduct telemarketing businesses through locations in Reisterstown, Maryland and Florida. At the time the temporary receivership was instituted, the Receivership Defendants had 73 employees at their Reisterstown, Maryland location and 60 to 65 employees in Florida. All of the Receivership Defendants are owned and/or controlled by Mr. Epstein or Mr. Wallen.

As of the date of the receivership, the Receivership Defendants were organized as shown in the accompanying organizational chart, attached as Exhibit 1. This chart was derived from a similar chart prepared by the Receivership Defendants pre-receivership and maintained at the Reisterstown headquarters.

A. Summary Description of Entities

Midway Industries, LLC is the main operating entity. Midway Industries makes direct sales to consumers, and collects management fees from its affiliated sales companies,¹ whose activities are controlled by the individual Defendants through Midway. All of the Maryland employees are employed by Midway Industries. In addition to employee costs, Midway Industries incurs all of the Maryland operating expenses and general corporate expenses, to include product costs, rent, shipping and delivery, telephone and utilities, office expenses and professional fees.

Prior to 2011, Standard Industries, LLC was a sales company. After 2010, Standard Industries became an operating company;² it has employees and incurs operating expenses for the Florida location. In addition to its sales revenues, Standard receives a management fee from Midway Industries to cover payroll and operating expenses. Any profits remaining in Standard Industries are paid to Midway Management as a management fee.

¹ For purposes of this report, a “sales company” is an entity whose sole function is invoicing sales generated by the employees of Midway Industries. The sales companies represent a brand, but lack substance in that there are no employees, inventories or other assets normally associated with a functioning business. Further, substantially all of the enterprise’s operating income is paid to Midway Industries in the form of management fees.

² For purposes of this report, an “operating company” is an entity with employees and other assets normally associated with an operating entity.

Since at least 2010, and continuing thereafter, Midway Industries, LLC, Commercial Industries, LLC, Essex Industries, LLC, Johnson Distributing, LLC, National, LLC, and Standard Industries, LLC (all except Midway Industries referred to as sales companies) have been engaged in telemarketing sales. Only Midway Industries incurred operating expenses associated with the conduct of the business activities (with the exception of bank charges, credit card fees, and collection expenses that were incurred by the sales companies). Because the sales companies generated revenues but incurred no costs, the sales companies reported significant operating profits. Operating profits of these sales companies were offset by management fees paid to Midway Industries, such that the sales companies therefore reported negligible net profits.

In 2011, State Power and Lighting, LLC and Hansen Supply, LLC began sales operations. As with the other sales companies, State Power and Hansen incurred no operating expenses with the exception of bank charges, credit card fees and collection expenses. Profits were offset by management fees paid to Midway Industries.

Through the above-described structure, the profits earned from the telemarketing activities of the sales companies are consolidated and paid to Midway Industries.

In August 2012, Midway Industries, which at the time was owned solely by Mr. Epstein, sold its assets to Mr. Wallen for \$15 million. According to the

Receivership Defendants' records, the purchase price was paid in three parts as follows:

Sources of Purchase Price	
Proceeds of a loan from Bank of America to Midway Management	\$2,500,000
Loans payable to Epstein from	
Note #1	\$3,750,000
Note #2	\$8,750,000
Total of notes to Epstein from Wallen	\$12,500,000

Subsequent to the purchase, Mr. Wallen's obligation to Mr. Epstein was reduced by an additional borrowing from Bank of America and also by distributions from Midway Industries and Midway Management, as follows:

Balance of Purchase Price owed to Epstein	
Total of Notes to Epstein from Wallen	\$12,500,000
Proceeds of a second loan from Bank of America	(\$3,500,000)
Distributions to Epstein by Midway Industries	(\$419,393)
Distributions to Epstein by Midway Management	(\$1,665,762)
Balance of note to Epstein	\$6,914,845

Mr. Wallen contributed the purchased assets to Midway Management, LLC³ in exchange for a 96% ownership interest in Midway

³ Midway Management was originally organized in Maryland but subsequently organized in Florida.

Management. At the same time, the seven sales companies and Midway Industries assigned their assets to Midway Management in exchange for each entity's receiving a 0.5 percent interest in Midway Management.

On August 5, 2013, Mr. Wallen transferred his interest in Midway Management to B & E Industries, LLC, which is wholly owned by Mr. Wallen. It appears that in 2014, the seven sales entities and Midway Industries surrendered their interests in Midway Management, leaving B & E Industries as the sole owner of Midway Management.

Environmental Industries, LLC was incorporated on November 2, 2011 but did not begin operations until 2013. Mid-Atlantic Industries, LLC which was organized on March 26, 2013 also began operating as a sales company in 2013.

Champion Industries, LLC was formed on August 1, 2013. There were no sales by Champion in 2013. In 2014, Champion began paying management fees, which indicates that it made sales in 2014, but we are unable to confirm this from the records made available to date.

As of the date of the Temporary Receivership, all of the sales companies were paying management fees to Midway Management. Midway Management distributes its profits to B & E Industries, which then distributes profits to Mr. Wallen. Mr. Wallen uses the distributions in part to pay his debt to Midway Industries, which in turn makes distributions to Mr. Epstein.

B. Entities most closely related to and responsible for the conduct alleged

The telemarketing activities alleged in the Complaint were conducted by the affiliated companies, including those originally owned by Mr. Epstein: Midway Industries, Commercial Industries, Essex Industries, Johnson Distributing, National, Standard Industries, Hansen Supply, and State Power and Lighting, and those formed by Mr. Wallen: Environmental Industries, Mid-Atlantic Industries, and Champion Industries.

C. Entities that perform services related to the conduct at issue in the Complaint

Sales activities as alleged in the Complaint were conducted by the operating and sales entities to include Midway Industries, Commercial Industries, Essex Industries, Johnson Distributing, National, Standard Industries, Hansen Supply, and State Power and Lighting, Environmental Industries, and Mid-Atlantic Industries.

D. Entities that were intended to perform services related to the conduct at issue in the Complaint, but which had not yet provided material services

Champion Industries, LLC was formed on August 5, 2013,⁴ but it appears Champion had little if any sales activities through the initiation of the Temporary Receivership. We were advised that Pacific Supply is an entity that may be intended to be involved in future sales.

⁴ This is the same date that B & E Industries, LLC was formed.

E. Entities that did not perform services directly related to the conduct at issue in the Complaint

Although not directly involved in sales activities, Midway Management was the recipient of the net proceeds of the sales activities in the form of management fees from each of the sales and operating entities. Midway Management has no employees but is the owner of certain intangible assets material to the operation of the sales and operating entities, including the purchased goodwill and a covenant not to compete by Mr. Epstein. B & E Industries did not participate in sales activities directly but is the conduit through which the net profits of the sales activities are distributed to Mr. Wallen, who in turn paid at least a portion of them to Mr. Epstein.

Each of the following four real estate LLCs are owned by Mr. Epstein. They own the buildings in Reisterstown from which the sales companies conduct their telemarketing activities in Maryland. These entities have entered into triple net leases with Midway Industries, as follows:

Leases			
Sole Member LLC	Property Address	Date Property Acquired	2013 Rent Collected
Anita Elaine Real Estate LLC	452 Main Street	November 30, 2009	\$39,000
Benjamin Jones Real Estate, LLC	448 Reisterstown Road	February 22, 2008	\$36,000
Gisk Real Estate LLC	438 Reisterstown Road	January 6, 2006	\$60,000
Stillman Real Estate LLC	444 Main Street	December 28, 2007	\$36,000
Total			\$171,000

Another receivership entity, Delray Beach Apartments, LLC, is solely owned by Mr. Epstein. The sole asset of Delray Beach Apartments, LLC is a three unit apartment building acquired in 2013. Several employees who work for the companies in Florida live at the Delray Beach Apartments.

IV. Financial Analysis of the Receivership Defendants

A. Balance Sheet Analysis

The historical tax basis balance sheets of the consolidated Receivership Defendants, exclusive of the real estate entities, as of December 31, 2010 through 2013, and as of July 23, 2014, are summarized in Exhibit 2. This chart also shows the same time periods in a common-size format (expressed as a percentage of total assets). On July 23, 2014, total assets were reported as \$20,690,079; total liabilities were reported as \$1,258,787; and reported equity was \$19,431,292. These reported

figures, though, include the Epstein “buy-out” transaction. From the Temporary Receiver’s perspective, the assets of the Receivership Defendants that could be liquidated currently are significantly less.

1. Assets

As of July 23, 2014, the Receivership Defendants’ records show that combined assets consist principally of cash in the amount of \$1,372,897, loans due from employees in the amount of \$121,259, net tangible personal property of \$414,202, loans due from owners in the amount of \$7,106,635, and “goodwill” of \$11,684,342.

2. Liabilities

As of July 23, 2014, the Receivership Defendants’ liabilities of \$1,258,787 consisted principally of vehicle loans in the amount of \$109,890 and bank debt associated with the buy-out of Mr. Epstein in the amount of \$1,015,555. Assuming that all assets were realizable at their stated values, the companies’ combined net worth, the measure of total assets less total liabilities, as of July 23, 2014 would be \$19,431,292, excluding accounts receivable from consumers of \$5,692,384.

At the time the TRO was signed, the Receivership Defendants were paying their recorded financial obligations on a timely basis.

B. Income Statement Analysis

Exhibit 3 presents the Receivership Defendants' historical tax basis income statements for the years ended December 31, 2010 through 2013 and for the period ended July 23, 2014.

C. Distributions to individual defendants

The Receivership Defendants' consolidated general ledger records contain accounts that record the total contributions by and distributions to Messrs. Wallen and Mr. Epstein. These accounts do not provide a clear picture, though, of these activities, for several reasons. First, the Receivership Defendants does not record these transactions in a consistent way. For example, in some time periods, distributions to Mr. Epstein are recorded as such, but in other periods they are first recorded as distributions to Mr. Wallen. Second, many of the transactions have been recorded and then subsequently re-characterized, such that they do not consistently match documents relating to the transaction. Because of these inconsistencies, the receivership team's work to complete the analysis of distributions is not yet complete.

To date, an analysis of the Receivership Defendants' books and records shows the following total of annual distributions, wages, loans, and rents to Messrs. Epstein and Wallen:

Distributions to Principals		
Year	Epstein	Wallen
2005	\$64,782	
2006	\$180,987	
2007	\$419,854	
2008	\$817,210	
2009	\$465,584	
2010	\$247,411	
2011	\$479,595	
2012	\$4,625,483	\$117,374
2013	\$7,194,709	\$7,459,561 ⁵
Total	\$14,495,615	\$7,576,935

Work is also ongoing to identify amounts paid to vendors that do not appear to represent normal operating expenses, but instead may represent benefits to principals. Examples of these include:

- Browns Interior (interior design, Jupiter, FL) (\$134,000)
- Obsessions In Time (jeweler, Miami, FL) (\$12,100)
- Raymond Lee Jewelers (jeweler, Palm Beach Gardens, FL) (\$14,000)

⁵ A payment of \$5,020,761 to Mr. Epstein in 2013 is an example of the re-characterization of transactions. This amount initially was characterized as a dividend to Mr. Wallen. The re-characterization of this transaction may have resulted in a double-counting of the amount.

D. Sales Adjustments

Daryl White, the Receivership Defendants' Chief Financial Officer, advised the receivership team that in his view, a significant portion of the currently-recorded accounts receivable would not be collectable. Of the \$5.5 million in accounts receivable open on the books as of July 23, 2014, Mr. White estimated that only \$1 million would likely be recovered without collection efforts. Mr. White's estimate is consistent with the actual incoming checks inventoried by the Temporary Receiver to date, which occurred without any collection efforts. Mr. White also told the receivership team that, based on historical performance of the Receivership Defendants, even with the Receivership Defendants' full collection efforts, only about 50% of the outstanding accounts receivable would be received. This suggests that prior to the receivership, leadership of the Receivership Defendants recognized that half of the consumers invoiced for "sales" ultimately would refuse to pay for transactions reported as "sales" by the sales team, despite the Receivership Defendants' active efforts to collect.

Mr. White's input about the Receivership Defendants' ordinarily collecting a low amount of accounts receivables led the receivership team to review write-offs by the Receivership Defendants, as part of the overall financial analysis. The accounting records show a history of significant write-offs of accounts receivable, but the records did not reveal the nature or cause for most of the billings reduced to zero. Subsequent discussions with employees revealed that these

reductions resulted from consumers' not paying for approximately 50% of the invoices issued by the Receivership Defendants.

When a sale was said to have occurred, the documentation and accounting process included: (i) input of the purchase order into the Receivership Defendants' systems; (ii) generation of an invoice; (iii) posting the invoice on the accounts receivable ledger; (iv) ordering materials for shipment, and (v) mailing the invoice to the customer. Ordinarily, the next step in a business operation is to credit the invoice or remove it from the accounts receivable ledger, based upon payment, return of the purchased goods by the customer, acknowledgement of a dispute by the company, or recognition of an unauthorized purchase by a company (when a consumer disputes that the employee who purportedly placed the purchase order had authority to do so).

There are various methods typically used by businesses for adjusting accounts receivable to account for such occurrences. One method is the issuance of a credit to the corresponding invoice debit, through a Credit Memorandum. Another method is to "void" the transaction, thereby eliminating the original invoice debit. This can be done by use of journal entries leaving detail as to the reason for the void, which typically is captured in the journal entry record.

The Receivership Defendants' standard method of adjusting accounts receivable appears to be the use of journal entry voids. An analysis of the accounting records shows that from the start of business operations, significant

numbers of voids have been entered into the Receivership Defendants' books, thereby reducing reported sales and open accounts receivable. The Receivership Defendants also used, to a lesser extent, other adjusting entries which can be characterized as Deleted Transactions, Discounts Following Consumer Receipt of Invoices, and Credit Memoranda.

The sales adjustments for 2010-2014 were analyzed. Using the QuickBooks general ledger records maintained by the Receivership Defendants, ParenteBeard developed reports related to the various adjustments to accounts receivable that are summarized in the attached schedule. Schedule of Sales Adjustments, attached as Exhibit 4.

E. Voided Transactions (2010—2014)

Sale adjustments using the "void" method of reporting accounted for most of the adjustments in sales activities. For the years reviewed, "voids" accounted for 86% of adjustments to the accounts receivable ledger. The average void during this period was \$758.00, which appears to approximate an average consumer sale by the Receivership Defendants. Reductions in sales for these periods due to voided invoices are reflected in the following schedule:

Voided Transactions				
Year	Transactions	Total Voids	Total Sales⁶	Void %
2010	6,002	\$4,530,453	\$10,261,539	44%
2011	7,518	\$5,757,505	\$15,143,383	38%
2012	25,125	\$18,664,997	\$31,908,142	58%
2013	20,576	\$16,304,742	\$34,905,665	47%
2014	14,311	\$11,547,834	\$24,725,489	47%
Total	73,532	\$56,805,532	\$116,944,218	49%

As the above schedule demonstrates, during the period reviewed, almost 50% (roughly half) of all sales originally posted by the Receivership Defendants were voided. Most of the journal entries lack specificity and provide few details regarding the cause or reason for the adjustment to sales.

F. Deleted Transactions (2010-2014)

Deleted Transactions accounted for approximately 5% of the transactions that reduced sales and accounts receivables. These were not recorded with a corresponding amount, and therefore had no impact on the amount of sales or accounts receivables posted by the Receivership Defendants. Given the limited number of these transactions and correspondingly low relative impact, these entries have not yet been analyzed in depth.

⁶ Total Sales is equal to the total reduction adjustments, increased by the posted accounts receivable invoices paid or remaining open during the period.

G. Discounts (2010-2014)

This type of adjustment appears to reflect reductions in invoice amounts that the Receivership Defendants agreed to, following complaints from consumers about product cost after receipt of an invoice. Overall, these adjustments account for 8% of the adjusting transactions with an average adjustment of \$154.

H. Credit Memoranda (2010-2014)

This type of adjustment accounts for less than 1% of the transactions reducing sales and accounts receivable, and just over 1% of the corresponding total dollar amount. However, the average adjustment amount based on a Credit Memorandum was \$2,136, which is higher than the other adjustment methods used.

I. Total Sales

Determining the Receivership Defendants' Total Sales can be calculated by combining the total sale adjustments discussed above and the accounts receivable invoice postings that remained unadjusted during the period.

The Total Sales for the years 2010 through 2014 are as follows:

Sales				
Year	Total Adjustments	Recorded Sales	Total Sales	Sales Adjustment % to Total Sales
2010	\$4,795,941	\$5,465,598	\$10,261,539	47%
2011	\$6,324,813	\$8,818,570	\$15,143,383	42%
2012	\$19,082,068	\$12,826,074	\$31,908,142	60%
2013	\$16,675,447	\$18,230,218	\$34,905,665	48%
2014	\$11,778,100	\$12,947,388	\$24,725,489	48%
Total	\$58,656,369	\$58,287,849	\$116,944,217	50%

Thus, on average the Receivership Defendants reduced recorded sales by 50% during the accounting periods reviewed. A significant portion of these adjustments were recorded in a manner that makes it difficult to determine the purpose of the adjustment.

J. Consumer Refunds

Ordinarily in a retail sales entity, when a customer has paid an invoice but later disputes the charge, returns the goods purchased, or makes a warranty claim, a business will issue a payment to the customer as a refund of the purchase (a “consumer refund”). These transactions typically then are recorded as a deduction to the cash account and a reduction to sales on the business’s Income Statement.

During 2010-2014, the Receivership Defendants recorded the following consumer refunds:

Refunds			
Year	Consumer Refunds	Total Sales	Consumer Refunds to Sales %
2010	\$11,093	\$10,261,539	0.11%
2011	\$64,729	\$15,143,383	0.43%
2012	\$23,911	\$31,908,142	0.07%
2013	\$26,208	\$34,905,665	0.08%
2014	\$24,492	\$24,725,489	0.10%
Total	\$150,434	\$116,944,218	0.13%

The amount of consumer refunds recorded by the Receivership Defendants during the period analyzed is less than 1% of Total Sales.

K. Solvency of Receivership Defendants

Based on the Receivership Defendants' internal financial statements as of July 23, 2014, the Receivership Defendants had a combined net worth of 25,123,676, including accounts receivable from consumers of \$5,692,384. The Receivership Defendants' net worth, though, includes stated "goodwill" in the amount of \$11,684,342. In reality, the Receivership Defendants' "goodwill" represents the amount paid by Mr. Wallen in excess of the identifiable tangible and intangible assets and liabilities acquired in the purchase of the Receivership

Defendants in 2012. “Goodwill” traditionally is defined as “that intangible asset arising as a result of name, reputation, customer loyalty, location, products, and similar factors not separately identified.” This is the definition used by the *International Glossary of Business Valuation Terms*, which is adopted by most major appraisal organizations. “Goodwill” is based on an assumption of the Receivership Defendants’ continuing as a going concern.

Based on the books and records, the Receivership Defendants’ tangible net worth as of July 23, 2014 is \$13,439,334, consisting principally of loans receivable from Mr. Wallen in the amount of \$7,106,635 and accounts receivable from consumers in the amount of \$5,692,384. Mr. Wallen’s principal asset based on disclosures provided to the FTC is his investment in the Receivership Defendants. It is the position of the FTC that accounts receivable from consumers are the product of improper business practices, and the Receivership Defendants’ Chief Financial Officer has suggested that the true cash value of the receivables is \$1 million. Aside from the loan to Mr. Wallen and the accounts receivable, the books and records show a remaining tangible net worth of \$640,315, an amount that is far below the size of the potential claims asserted by the FTC.

V. Investigation to Analyze Incoming Receivables

To evaluate whether to deposit incoming checks, as directed by the Court in the TRO, the receivership team analyzed the Receivership Defendants’

sales practices and conducted a survey of a sample of consumers who recently mailed checks. TRO Section XI.B, at 22.

A. Sales Scripts

In the cubicles or offices where members of the sales team sit, the receivership team found scripts pinned to the walls or on desks. The scripts were all substantially the same and, based on interviews with employees and audio recordings of sales calls, appear to have been regularly used by sales personnel to solicit sales. In the summary below, scripts are quoted verbatim, and all bold, highlighted or capitalized language appears in the original documents.

Numerous copies of a “canvassing” script were found in the Receivership Defendants’ office space. Examples of the script are attached as Exhibit 5. The thrust of each script is to obtain the name of the person who is in charge of maintenance for the call recipient’s business. The script assumes that the “cold call” will result in a secretary/receptionist answering the call. After an “ice breaker,” the scripts provide suggestions to get the secretary/receptionist to reveal the maintenance person’s name and telephone number. Examples of the scripted language include:

- 1. “Is this the building on (address)? GREAT!
- 2. I’m trying to get back in touch with the maintenance supervisor for that building,
- 3. **WHAT WAS HIS NAME AGAIN? PAGE HIM TO THE PHONE FOR ME.”**

- “I’m trying to get back in touch with the guy my boss spoke to last week in charge of maintenance for the building, what was his name again? GUYS NAME. That’s him! Do me a favor page him to the phone.”
- “Hey (Insert Secretary name) is this the building on (Address)? Okay great! Who’s in charge of building maintenance over there? Yeah (Guys Name) page him for me. Thank you!”
- “It’s [sales name] at commercial one of the electric guys. This is the building over at [address]. Okay, for some reason this is the only contact # I had for the building. Do me a favor what is the Property Management’s # I will give them a shout.”
- “This is Ashley, I’m calling for my boss, for some odd reason, this is the only # popping up for the building, what’s the property managements #?”
- “I’m trying to get back in touch with the . . . (1) Maintenance Supervisor (2) Shop Foreman (3) Detail/Kitchen Manager. What was his name again??? **PAUSE** Do me a favor page him to the phone for me. . . .”
- “I’m supposed to get **BACK** in touch with the gentleman in charge of maintenance for the building, what’s his name **AGAIN.**”

The scripts provide responsive language if the call recipient asks who specifically is calling, asks about the nature of the call, or states the potential customer does not have a maintenance supervisor. Examples of such language include:

- “Oh, I’m sorry its (**YOUR SALES NAMES**) from **COMPANY NAME**. I’m one of the electricians. What was his name again?”
- “Ma’am, I’m one of the electric guys from (our company), I’m calling him back from last week.”

- “Oh, I’m sorry its (YOUR SALES NAMES) from Johnson. I’m one of the electricians. I just needed to get a part number from him, transfer me to him....”
- “Oh, I’m sorry its (YOUR SALES NAMES) from COMPANY NAME my boss is the electric guy. What was his name again?”
- “I understand there’s no Maintenance Supervisor. What I meant to say was the manager who handles most of the maintenance issues.”

The scripts offer Company employees language to use if the call recipient cannot page the maintenance person, or if the sales representative is transferred to the maintenance person’s voicemail or is asked to leave a message or callback number. The scripts instruct the telemarketer to attempt to get the maintenance person’s cell phone number, using language such as:

- “I got (GUYS NAME) voicemail. I’m at the warehouse right now and need to get a part number from him. Do me a favor, give me his cell number. I’ll get him on that. THANK YOU!”
- “Listen, I’m at the parts warehouse right now for him picking something up; didn’t bring my size chart with me. GIVE ME his cell phone, I’ll try him on that, thank you.”
- “No, that’s not gonna work, my boss [is] at the warehouse right now and needs to pick something up for him. Do me a favor, give me his cell number. I’ll get him on that. THANK YOU!”

One version of the script directs the user to **“DON’T ASK ‘NO’ QUESTIONS & BE AGGRESSIVE!”** Many versions of the script contain the following warning at the bottom of the page: **“REMEMBER YOU ARE NOT A SALESMAN, NEVER MENTION LIGHTS OR PRODUCT TO THE SECRETARY.”**

The Temporary Receiver is not aware of any facts supporting the assertions in the scripted language that (1) the telemarketer or the telemarketer's boss had spoken to the call recipient's maintenance person previously, (2) the telemarketer or his or her boss was an electrician or the company's "electric guy", (3) the telemarketer was calling from the warehouse or his or her boss was at the warehouse,⁷ and (4) the telemarketer is not a salesperson.

Once the sales representative connects with the call recipient's maintenance person or similar staff person, additional scripts are used. Numerous copies of the scripts attached as Exhibit 6 were found in the Receivership Defendants' office space. These scripts sometimes are labeled at the top with the words: "Actual Script Must Be Followed Word for Word as Written." The script directs that the sales representative must introduce him/herself with a false name and state they are associated with one of the Receivership Defendants. *Id.* at 1 ¶ 1. The script then provides a dialogue in which a promotion and personal thank-you gift are discussed with the call recipient, and then a light bulb sales catalog is mentioned.⁸

⁷ The Receivership Defendants do not have a "warehouse." While there are several storage garages on the Reisterstown property, all products sold by the Receivership Defendants are drop-shipped from Del Vel Chem Co., a third party distributor located in New Jersey.

⁸ It appears that the thank you gift—*e.g.*, a hunting knife—is shipped directly to the recipient's home address, with extra money provided to salespeople for each home address obtained during a call. Exhibit 7.

Under a section labeled “(CLOSE: THIS IS A COMMAND)”, the script calls for the Receivership Defendants’ salesperson to discuss promotional thank-you gift cards again and advise that he/she is marking the call recipient down for “nothing much, something small”— a small order of light bulbs. This script section is followed by a section entitled, “HOW TO CLOSE LIKE A BOSS,” in which the script directs the telemarketer to mention the catalog, a thank you gift, and a “small order” of light bulbs being sent to the recipient shortly. The script provides options for trying to obtain a purchase order number, with alternatives including obtaining the call recipient’s date of birth to use as a purchase order number or simply marking the order to the call recipient’s attention for payment.

At the bottom of the script section entitled “HOW TO CLOSE LIKE A BOSS” is a boldface typed paragraph that reads: **“I don’t have exact figures in front of me. I know for a fact you get the corporate discount. If you have any problems with the figures, give me a call and I will take care of it personally, OKAY?”** A version of the script which is labeled “New Salesman” at the top uses the title “Price Blow-off” for this final paragraph. Script (Ex. 6). Other versions of the script have the words “Price blow off” handwritten above the paragraph. *Id.*

In contrast, a copy of a different script dated October 1, 2005 was found in the Receivership Defendants’ office space. The script had similar overall language to the scripts found throughout the office space, but did not include the

“Price Blow-off” paragraph. Instead, this script closed with the following boldfaced typed and underlined sentence: “**Failure to Disclose the Total Cost of The Goods And The Quantity is inappropriate if the customer asks you must tell him whatever he wants to know.**” Script (Ex. 6). However, this script did not appear to be widely distributed or in use throughout the telemarketing team.

The Temporary Receiver is not currently aware of any facts supporting the scripted statement that a “corporate discount” was provided to consumers. According to the script, every consumer gets the “corporate discount,” which leads to the question of whether a “discount” truly is provided if everyone receives it.

The “Price Blow-off” scripted language raises the concern that sales representatives were directed to intentionally avoid revealing the cost of products to potential customers. The cost of the items sold is an issue worthy of consideration. Prior to the receivership, the Receivership Defendants’ website contained a catalog, but no prices were advertised on the website or in the catalog and no online shipments could be ordered. Records reflect that the average invoice/sale was in the \$750.00 range, yet the Temporary Receiver has been told that the products shipped through Del Vel cost the Receivership Defendants far less: typically under \$50.00, including shipping. The difference between the wholesale cost of the light bulbs and cleaning products shipped by the Receivership Defendants, and the price charged on invoices, may shed light on why so many consumers refused to pay, why total

recorded “sales” were reduced by 50%, why receivables are uncollectable, and why there have been complaints by consumers.

If the telemarketer’s sales pitch is met with the response that the recipient has no need for light bulbs, there is a scripted page of “Rebuttals.” script titled, “Rebuttals,” attached as Exhibit 8. The script attempts to get the recipient to take a smaller amount of light bulbs—e.g., “a half box.” Part of the rebuttal script includes representing that taking a small amount will result in the consumer being placed on “preferred pricing.” The Temporary Receiver to date has not found any evidence that the Receivership Defendants utilized “preferred pricing.”

A script entitled “Re-Close” was also found in the sales offices. A typical example of this script is attached as Exhibit 9. The script calls for the user to employ a “Nonchalant” attitude. The words “Diversion- Anything but the lights” appear at the top of the script. The script has the salesperson mention sending the call recipient a catalog and personal gift. The salesperson is to indicate that the prospective customer is getting gift cards in about a month or so and he/she “definitely won’t forget about [the call recipient]!” The script closes with the salesperson stating that he/she is marking the call recipient down for “the smallest ½ box of degreaser or APC [all-purpose cleaner]” to get the consumer “on the books.”⁹ A version of this scripted page that includes scripted “Rebuttals” language

⁹ The cleaning chemicals appear to represent the fallback sale or, in some cases, the secondary sale, following a successful sale of light bulbs. The light bulb

also instructs the salesperson to follow up the reclose with a “full close.” Script, attached as Exhibit 10.

Various scripts were found in the Receivership Defendants’ office space with language apparently intended to deal with consumers after they had received an invoice. Typical examples of this script are attached as Exhibit 12. One scripted page contains language for explaining the business’s “Verification Process.” The script addresses situations when the consumer states that the person who is listed on the invoice isn’t authorized to order goods, the boss of the person listed on the invoice is questioning the order, or the consumer states that the product was not ordered.

The script provides a “Verification example”— an example of dialogue between a consumer and the employee:

Customer- “I didn’t know I was going to be billed for anything. I thought we buy lights from you guys all the time, and really I’m not in charge of buying anything. I just want to ship them back, because I wasn’t supposed to buy them, and the guy said they were free!”

You- “Sir I definitely understand your frustration. I’d like to go over some information with you and assist in resolving any concerns you have. Firstly, no order gets shipped without being verified. Do you remember speaking to the clerk at the loading dock? There were a few points he asked you:

- 1.) Are you authorized to purchase?

sales appear to have a higher profit and sales commission rate. See Script, attached as Exhibit 11.

- 2.) The ship to and bill to address
- 3.) The product is correct
- 4.) What purchase order # should be attached to the bill?
- 5.) Was given a direct # for any questions and thanked for the order

You – “These points were purposely discussed/asked of your employee or of yourself prior to shipping anything. Now the best I can do to resolve this is, since the product is already there, and we know you can get use out of them. I’ll reduce your warranty to a seven year with a 25% discount, ok. Now please give me a fax or email to forward the new invoice.”

Once the verification process is explained, the employee is directed to “GO RIGHT INTO YOUR PROGRESSION!”

Scripted pages entitled “Progressions” have language to explain the “quality” of and guaranties associated with the light bulb and cleaning supply products. *Id.* at 2-6. A section entitled “Revision Progression” is to be used if the consumer “is NOT irate or threatening BBB/AG.” *Id.* at 3. The script instructs the user to “Listen for Key Words” from the consumer, including price, did not order, not authorized, wrong product, BBB/Attorney General. *Id.*

The script provides a chart for negotiating a revised price with a consumer who disputes an invoice. For light bulbs, the script provides a negotiation range of a 10-15% “courtesy discount” to reduce the invoice amount. *Id.* For cleaning supplies, there are two negotiation instructions: (1) a 10-15% discount accompanied by the language, “The invoice in full is retail cost, I’ll give you a 12% discount to get you out of that bracket”; and (2) a 20-30% discount accompanied by

the language “is my limit, and that would put you in as a Contractor Rate cost.” *Id.* at 4.

The script states that if the consumer does not agree to the above price “revisions,” they should be put on hold while the employee does the math on what a 35-55% price reduction would equal. *Id.* The script provides that once the employee makes this calculation and restarts the telephone call, he or she should state, “Sir/Ma’am I received the approval from my manager to reduce your invoice down to our ‘Close out Tier’ which will qualify you for a 50% discount. Once this invoice is paid, your account will be closed.” *Id.*

If all negotiations have failed, and the employee is about to issue a “call tag” to accept return of the product, the script provides language for the employee to explain that he/she can change the consumer’s invoice to a “damaged shipment,” which means that because UPS damaged the product in shipment, the Receivership Defendants can “close you out at \$149.00.” *Id.* The script has the employee explain that “[o]bviously your shipment wasn’t damaged,” but changing the invoice in this manner “allows us to discount you so low.” The script instructs that if the consumer still resists, a call tag for return of the product is issued. *Id.*

Under the heading “When to Issue a Call tag?”, the script lists the following:

- Threatening BBB/AG/FTC
- You’ve gone through the Progression and they’re still saying DNW!

- If you offered revisions/local price match and they are offering anything under \$100
- If you've applied every effort with the details on the order sheet and/or notes from previous collector and you're getting nowhere.

Id. at 6.

B. The Better Business Bureau (BBB)

The Better Business Bureau has repeatedly contacted the Temporary Receiver since the beginning of the receivership, indicating that the BBB has an extensive archive of consumer complaints against the Receivership Defendants. Regarding Midway Industries, LLC, for example, the BBB provided the following summary:

“A complaint history review performed in December 2012 on the complaints filed against this company found a pattern of misleading sales practices alleging:

- Consumer receive unordered merchandise
- Orders were placed under the names of individuals who were unauthorized to make a purchasing decision and/or with an invalid Purchasing Order number
- Sales phone calls were made alleging that representative of the consumer's company simply need to 'verify an order' and/or implied a previous purchasing relationship when no previous order or relationship existed
- Sales phone calls offered gifts/promotional items in exchange for a representative updating contact information and/or signing up for a mailing list. Later, unordered merchandise and invoices were received.
- Once an invoice is received, complainants expressed a concern about the prices charged for materials received

- Difficulty returning the unordered products

BBB does state publicly that all individual complaints filed against this company are answered promptly, professionally, and generally to the satisfaction of the complainants by offering to issue a UPS pick-up order for the materials, close the account and/or place the business on a 'Do Not Call' list.

See <http://www.bbb.org/greater-maryland/business-reviews/office-supplies-sale-by-deceptive-telemarketing/midway-industries-in-cockeyville-md-19010693/complaints>.

The BBB reports “similar patterns of complaints” and over 500 complaints against the Receivership Defendants in the last three years. See <http://www.bbb.org/greater-maryland/news-events/news-releases/2014/07/bbb-ftc-investigation-results-in-action-against-maryland-companies-by-federal-court/>; <http://www.bbb.org/greater-maryland/business-reviews/office-supplies-sale-by-deceptive-telemarketing/standard-industries-in-butler-md-90163626>. The BBB created separate Business Reviews for several of the Receivership Defendants, and has rated each Entity an “F” on a scale of “A+” to “F.”¹⁰

¹⁰ Midway Industries LLC (<http://www.bbb.org/greater-maryland/business-reviews/office-supplies-sale-by-deceptive-telemarketing/midway-industries-in-cockeyville-md-19010693/complaints>); Standard Industries Inc. (<http://www.bbb.org/greater-maryland/business-reviews/office-supplies-sale-by-deceptive-telemarketing/standard-industries-in-butler-md-90163626>); Commercial Industries (<http://www.bbb.org/greater-maryland/business-reviews/office-supplies-sale-by-deceptive-telemarketing/commercial-industries-in-butler-md-90104125>); National Industries (<http://www.bbb.org/greater-maryland/business-reviews/office-supplies-sale-by-deceptive-telemarketing/national-in-glyndon-md-90163030>); Essex

The BBB added that it brought the pattern of complaints to the Receivership Defendants' attention in February 2013. <http://www.bbb.org/greater-maryland/business-reviews/office-supplies-sale-by-deceptive-telemarketing/environmental-industries-in-lutherville-timonium-md-90238534>. According to the BBB, Mr. Wallen responded by stating that several changes had been instituted within the company, particularly with respect to making it easier to return products. *Id.* The BBB reports that its records thereafter indicate "that the changes made by the business have increased their ability to return an unordered product, but has yet to alter the fundamental pattern of complaints that are filed alleging deceptive sales practices." *Id.* Records from the BBB reviewed by the Temporary Receiver show that 237 BBB complaints were lodged against the Receivership Defendants from March 2013 (the month after the BBB raised the pattern of complaints with the Receivership Defendants) through July 2014.

Industries (<http://www.bbb.org/greater-maryland/business-reviews/office-supplies-sale-by-deceptive-telemarketing/essex-industries-in-owings-mills-md-90175051>); Johnson Distributing (<http://www.bbb.org/greater-maryland/business-reviews/office-supplies-sale-by-deceptive-telemarketing/johnson-distributing-limited-liability-company-in-owings-mills-md-17011932>); Hansen Supply (<http://www.bbb.org/greater-maryland/business-reviews/office-supplies-sale-by-deceptive-telemarketing/hansen-supply-in-owings-mills-md-90180484>); State Power (<http://www.bbb.org/greater-maryland/business-reviews/office-supplies-sale-by-deceptive-telemarketing/state-power-and-lighting-in-cockeyville-md-90191720>); Environmental Industries (<http://www.bbb.org/greater-maryland/business-reviews/office-supplies-sale-by-deceptive-telemarketing/environmental-industries-in-lutherville-timonium-md-90238534>); Mid-Atlantic Industries (<http://www.bbb.org/greater-maryland/business-reviews/office-supplies-sale-by-deceptive-telemarketing/mid-atlantic-industries-in-lutherville-timonium-md-90259657>).

C. Audio Recordings

The Receivership Defendants have recorded a large number of telephone conversations. Company records contain more than 3 million audio recordings. We have been told these audio recordings reflect telephone calls by employees with consumers, whether sales calls, “sales verification” calls, or otherwise.

The Temporary Receiver has concerns that the act of recording and any possible subsequent use or disclosure of the contents of these recordings may violate state and/or federal wiretap laws. One or all of the parties in this lawsuit may wish to move for an order concerning the audio recordings as the case unfolds. Should the Court wish to review any of the audio recordings *in camera* or in an open session, the Temporary Receiver will of course provide the recordings to the Court.

The FTC alleges that the Receivership Defendants have claimed to have audio recordings of their phone calls with consumers. A letter purportedly signed by Mr. Wallen, a principal of Midway, asserts that “[a]ll sales calls and verification calls are recorded for quality control purposes.” Signed Dec. of Hannah Long, submitted in support of Mem. in Support of Mot. for Temporary Restraining Order, PX 2 at 25. The Temporary Receiver’s review of complaints filed against the Receivership Defendants with the Better Business Bureau of Maryland indicates that the Receivership Defendants repeated this claim in responses to at least two complaints filed with the BBB.

An external hard drive obtained from the Reisterstown headquarters appears to contain 3,244,268 files, organized into folders dated January 2012 through June 22, 2014. Although the Temporary Receiver has not devoted the time and expense to review each recording, each file appears to contain an audio recording of an outgoing call placed by Midway employees, as well as some incoming messages. The naming convention applied to the individual recording files on the hard drive appears to indicate the telephone numbers associated with both a direct phone number of a Midway employee and the phone number of a consumer.

As discussed below at pages 50-54, the Temporary Receiver has conducted an survey of consumers based on a random selection of 34 checks received during the Receivership. As a part of that survey, a search on the hard drive of all telephone numbers listed on any of the selected checks was performed, resulting in discovery of 58 recordings. Each of the 58 recordings begins with the sound of dialing, followed by ringing. The recordings appear to record the entire ensuing phone call. Fifty-two of the 58 recordings contain audio of a live conversation between a Midway employee and an employee of the consumer. Of those 52 recordings of a live conversation, none contained a statement that the call was being recorded or gave any other indication that the consumer knew that the call was being recorded. None of those 52 recordings reviewed by the receivership team indicate that the consumer affirmatively consented to the recording.

In correspondence, counsel for Mr. Wallen advised us that some of the audio recordings contain statements to the consumer that the call was being recorded. However, in our survey of consumers, none of the 52 conversations reviewed by the receivership team give any indication that the call was being recorded. To date, the receivership team has not heard any audio recording in which the Receivership Defendants provided notice to a consumer that the call was being recorded, but given the total of 3 million recordings, it is certainly possible that some include a statement that the call is being recorded.

The Courts and Judicial Proceedings Article of the Maryland Code includes the Maryland Wiretap Act. Md. Code Ann., Cts. & Jud. Proc. §§ 10-401 *et seq.* The Maryland Wiretap Act prohibits both the “interception” of wire, electronic or oral communications and the use or disclosure of the contents of those communications with knowledge or reason to know that the information was obtained in violation of the Act. *Id.* § 10-402(a). The Act defines “wire communications” to include telephone conversations and calls between a landline telephone and a cell phone. Md. Code Ann., Cts. & Jud. Proc. § 10-401(18); *Miles v. State*, 365 Md. 488, 781 A. 2d 787, 801 (2001); *Fearnow v. Chesapeake & Potomac Telephone Co. of MD, et al.*, 104 Md. App. 1 655 A.2d 1 (1995). “Contents” includes the existence of the communication, as well as “any information concerning the identity of the parties to the communication or the . . . substance, purport, or meaning of that communication.” Md. Code Ann., Cts. & Jud. Proc. § 10-401(4).

The Maryland Wiretap Act includes several exceptions, including instances in which both parties to the call consent to the recording. *Id.* § 10-402(c).

Florida law also requires two party consent. Florida, like Maryland, prohibits the interception of wire communications outside the law enforcement context unless both parties consent. Fla. Stat. §§ 934.03(1) & (2)(a)(3)(d).

The relevant federal statute, 18 U.S.C. §§ 2510 *et seq.* (the “Wiretap Act”), unlike the Maryland and Florida statutes, requires that only one party consent. A recording of a telephone conversation is unlawful under the federal Wiretap Act only if no party to the call has consented to the recording. 18 U.S.C. § 2511(1)(a)(1), (2)(d). Accordingly, it would appear that only if the Receivership Defendants’ employees did not consent would the Midway Recordings violate the federal Wiretap Act. The Temporary Receiver notes that employee consent might be found to exist by virtue of equipment user agreements, employment-related documents, or by company consent on behalf of the employees.

Violations of the wiretap acts constitute felonies and create civil liability. A person who violates the Maryland Wiretap Act “is guilty of a felony and is subject to imprisonment for not more than five years or a fine of not more than \$10,000, or both.” Md. Code Ann., Cts. & Jud. Proc. § 10-402(b). The Act also creates a civil cause of action for any person whose communication is intercepted, disclosed, or used in violation of the act. *Id.* § 10-410(b). Florida similarly makes it a felony to violate its Wiretap Act, unless certain conditions apply that reduce the

act to a misdemeanor. Fla. Stat. § 934.03(4). Intentional violators of the federal Wiretap Act “shall be fined...or imprisoned not more than five years, or both.” 18 U.S.C. § 2511(4). The federal wiretap act also creates a civil cause of action. *Id.* §2520.

The FTC alleges that Company employees informed some complaining consumers that audio recordings of the sales calls existed, in order to persuade the consumer to pay an invoice. Complaint at 10-11 ¶30 (“In many instances, Defendants, directly or through their telemarketers, make further attempts to deceive consumers into paying for unordered merchandise. In some instances, Defendants have responded by representing that they have an audio recording of the conversation in which the order was placed.”). The Temporary Receiver is concerned that this conduct, if it occurred, may have violated the Maryland and Florida Wiretap Acts’ prohibition on using or endeavoring to use the contents of an unlawful recording. *See, e.g.*, Md. Code Ann. § 10-402(a)(3).

The Maryland, Florida and federal wiretap acts present complex legal and factual issues that the Temporary Receiver has not exhaustively investigated or researched. The Temporary Receiver felt it important to raise this issue for the benefit of the Court and the parties. Both the FTC and counsel for Receivership Defendants have requested and received from the Temporary Receiver access to the audio recordings. There may be questions raised about the legality of these recordings or their admissibility in future proceedings in this case. The Temporary

Receiver's review of the audio recordings as part of the survey of consumers, and the discovery that consumers were not told the calls were recorded, are additional factors which have led the Temporary Receiver to decide not to deposit incoming checks.

D. Consumer Surveys

The Temporary Receiver received and inventoried 1,258 consumer checks totaling \$1,077,313.62 through September 22, 2014 (the "Consumer Checks"). These checks reflect payment of recent invoices sent by the Receivership Defendants prior to the onset of the receivership. The TRO requires the Temporary Receiver to refrain from collecting any amount "if the Receiver believes the consumer was a victim of the unfair or deceptive acts or practices alleged in the Complaint in this matter, without Court approval." TRO Section XI.B at 22. In an effort to determine whether depositing the Consumer Checks would be appropriate under the TRO, the Temporary Receiver has conducted a limited survey of selected consumers.

The Temporary Receiver contacted 30 distinct consumers (the "Surveyed Consumers"), who submitted a total of 33 checks received by the Temporary Receiver. Three of the 33 checks appear to be additional payments from the same company, which we treat as one distinct consumer; another three were from different divisions of the same company, which we treat as three distinct consumers. Of the 30 consumers contacted, 20 completed the survey process; two

resulted in partial surveys in which someone in accounts payable gave information but the person responsible for ordering has not yet completed the survey; seven resulted in only voicemail messages or requests for the appropriate person to call back; and one survey effort was abandoned, based on the unwillingness of the person in charge of paying the check to answer any questions, because of the death of the person that had been responsible for ordering the product.

The Temporary Receiver selected the Surveyed Consumers randomly and based solely on them having mailed a check. All of the Surveyed Consumers were asked, at the end of the survey, if they ever had submitted a complaint about the Receivership Defendants to any third party. None had done so. Prior to conducting the survey, the Temporary Receiver had nothing to indicate that the Surveyed Consumers were anything other than satisfied, paying customers of the Receivership Defendants. The results of this survey indicate that some of the incoming Consumer Checks may have resulted from acts or practices similar to the type alleged in the Complaint.

The receivership team spoke to people in charge of sending the recent Consumer Checks, as well as the people authorized to order product for the consumers. The survey revealed that there was some degree of separation between the person paying the invoices and the person authorized to place orders. The majority of people in the accounts payable departments that the Temporary

Receiver contacted indicated they had paid the invoice simply because they received it.

For the two partial surveys, the Temporary Receiver spoke only with a person in accounting and attempted to reach the person responsible for ordering product. The Temporary Receiver made the following findings regarding those two survey responses:

- One recalled receiving the invoice and indicated that she had disputed the invoice with a Receivership Defendant, and that the person in charge of ordering, whose name was listed on the invoice, denied ordering the product; and
- One did not recall any details regarding the payment.

For five of the companies that completed the survey process, the person in charge of ordering did not remember speaking with a Receivership Defendant. On those five survey responses:

- Two companies indicated they had received unordered shipments from a Receivership Defendant;
- One recalled placing only one order, five to six months before the check; the recent check, however, indicates the consumer was invoiced for an order sent on June 10, 2014, six weeks before the check; the check thus could be for a different order than the only order the consumer recalls placing;
- One consumer indicated that the order had been placed and was legitimate;
- One consumer did not recall any details of his transactions with a Receivership Defendant but believes the transaction was legitimate.

From the remaining 15 companies that completed surveys, the receivership team learned the following:

- Eleven out of fifteen agreed to place an order with a Receivership Defendant at some point in time; three others agreed to receive a shipment based on the belief that the order had already been placed by someone else and that they were merely confirming it; one consumer indicated both that he agreed to place an order and also that he believed that in doing so he was merely confirming an order previously placed; one indicated a Receivership Defendant representative called to say he was sending some product to him but that it was not requested or authorized by the consumer;
- Of the 11 consumers that agreed to place at least one order with a Receivership Defendant:
 - One was told a price on the call, and indicated he was charged a higher price that was not a fair price and was not what he expected to pay;
 - Four indicated that they were not told the price at the time of the order, and that they do not believe the price was fair or what they expected to pay;
 - One indicated the price was unfair and not what he expected to pay;
 - One was told the price at the time of the order but did not recall the price on the invoice;
 - Three were not told the price at the time of the order and indicated that the price on the invoice was fair and what they expected to pay. Of these three, one indicated he agreed to one order and the price was fair, and a second, unordered shipment came, and that price was not fair. Another of these three appeared to confuse the Receivership Defendant with another company, as he indicated that he received conveyor belt parts from a Receivership Defendant for a fair price, but also received unordered light bulbs from them, yet no Receivership Defendant sells or delivers conveyor belt parts;

- Ten out of fifteen indicated that, aside from any order they may have agreed to place, they have received at least one unordered shipment from a Receivership Defendant; one other did not recall receiving an unordered shipment, but indicated that the recent payment was not for any authorized order; one indicated that a Receivership Defendant attempted to “confirm” an order that was not placed; three indicated no issues regarding unordered shipments;
- Nine out of fifteen indicated that they believed someone from a Receivership Defendant made false or misleading statements to him or her.

Based on the survey conducted as part of the investigation, the receivership team found that a majority of the Surveyed Consumers, who had not submitted any complaint to a third party and were, up until the time of the survey, paying customers, appear to believe they are victims of the type of allegations described in the Complaint.

VI. Possible Options Regarding Receivership Assets and Liabilities

The future of the receivership will depend upon the details of the Court’s ruling on the pending Motion for Preliminary Injunction, and upon any outcome on the merits. Depending upon the outcome of this case, possible future scenarios include:

(i) the Court could end the Temporary Receivership and allow the Receivership Defendants to continue in operation without any restrictions. Existing customers who have complaints would need to seek relief on their own under this option;

(ii) the Court could end the Temporary Receivership and allow the Receivership Defendants to continue in operation, but with such restrictions regarding sales and other practices as the Court sees fit. Should the Court find the Receivership Defendants' sales practices to be improper, the Court could require that the Receivership Defendants (or an independent monitor appointed at the expense of the Receivership Defendants) provide periodic reports to the Court until the Court is satisfied that the Receivership Defendants have complied with the law and are engaging in appropriate practices. Existing customers who have complaints would need to seek relief on their own under this option;

(iii) the Court could convert the receivership to a liquidating receivership, in which a Permanent Receiver would be authorized to discontinue all operations of the Receivership Defendants, provide notice for potential claimants to file a claim for any losses they may have suffered, and seek recovery of assets from those parties or entities responsible for those losses, including recovery from the Defendants and related entities or individuals. The Court could decide to add any affiliated entities to the Receivership that may be intertwined financially and operationally with the activities of the Receivership Defendants;

(iv) due to the financial status of the Receivership Defendants, the Court could also seek to have the companies placed into a bankruptcy proceeding. This would necessitate the appointment of a Bankruptcy Trustee.

VII. Conclusion

The Temporary Receiver, undersigned counsel, and ParenteBeard hope this Initial Report is helpful to the Court in understanding the operations and financial status of the Receivership Defendants. We welcome any comments the parties may offer on this Initial Report. Should errors or inaccuracies be noted, we will advise the Court of any new or different information prior to the October 30, 2014 preliminary injunction hearing.

The receivership team will provide any additional information or respond to any specific questions the Court might have about the receivership. We appreciate the opportunity to serve the Court in this matter.

Date: September 22, 2014

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of September 2014, a copy of the foregoing Initial Report of Temporary Receiver Pursuant to the Temporary Restraining Order was served by email, pursuant to agreement of the parties, with hard copies to follow, on:

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Counsel for:
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Commercial Industries LLC
National LLC
State Power & Lighting LLC
Standard Industries LLC
Essex Industries, LLC
Johnson Distributing LLC
Hansen Supply LLC
Eric A. Epstein

**EXHIBIT LIST
TO THE INITIAL REPORT OF
TEMPORARY RECEIVER PURSUANT TO
JULY 21, 2014 TEMPORARY RESTRAINING ORDER**

1. Organizational chart
2. Historical Balance Sheet Analysis
3. Historical Income Statement Analysis
4. Schedule of Sales Adjustments
5. Sample scripts
6. Script
7. Script titled, "Home Address"
8. Script titled, "Rebuttals"
9. Script titled, "Re-close"
10. Script titled, "Stocked"
11. Script titled, "Lights"
12. Script explaining verification process

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

**MIDWAY INDUSTRIES LIMITED
LIABILITY COMPANY, *et al.*,**

Defendants.

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Case No. 14-CV-2312 JFM

Filed under seal

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**SUPPLEMENT TO INITIAL REPORT OF
TEMPORARY RECEIVER PURSUANT TO
JULY 21, 2014 TEMPORARY RESTRAINING ORDER**

Respectfully submitted,

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October 16, 2014

The Temporary Receiver, by undersigned counsel, pursuant to the Court's July 21, 2014 Temporary Restraining Order (Document 9), respectfully submits this Supplement to address several points raised by the parties following his September 22, 2014 Initial Report (Document 49). Because the Court has not yet addressed the pending Motion for Preliminary Injunction and the receivership is only temporary in nature, this Supplement is being filed under seal, with service on counsel of record for all parties. The Temporary Receiver has no objection to making this Supplement public, if the Court determines that it should be unsealed.

The Temporary Receiver's Initial Report invited all parties to note any errors or changes they deemed necessary. The FTC identified by telephone three areas in which it believed clarification was appropriate. Defendants Brian K. Wallen, Environmental Industries LLC, Mid Atlantic Industries LLC, and B & E Industries LLC (the "Wallen Defendants") provided comments in the letter attached to this Supplement as Exhibit 1. The Temporary Receiver did not receive comments from Defendants Eric A. Epstein, Midway Industries LLC, Commercial Industries LLC, National LLC, State Power & Lighting LLC, Standard Industries LLC, Essex Industries, LLC, Johnson Distributing LLC, and Hansen Supply LLC.

This Supplement addresses each area noted by the FTC and the Wallen Defendants.

I. Ownership and control of Receivership Defendants

The FTC questioned whether Exhibit 1 to the Interim Report is intended to show ownership of the Receivership Defendants. It is not. Ownership

and control of the Receivership Defendants does not appear to be in dispute. For the sake of clarity, ownership of the Receivership Defendants is as follows:

A. Entities owned by Eric A. Epstein

Based upon information currently available and reviewed by the Temporary Receiver, Eric A. Epstein owns and, until the date of the receivership, controlled the following Receivership Defendants (listed in alphabetical order):

Sales/Telemarketing entities:

- Commercial Industries LLC
- Essex Industries LLC
- Hansen Supply LLC
- Johnson Distributing LLC
- National LLC
- State Power & Lighting LLC

Operating entities:

- Midway Industries LLC
- Standard Industries LLC

Real Estate Entities:

- Anita Elaine Real Estate LLC
- Benjamin Jones Real Estate LLC
- Delray Apartments LLC
- Gisk Real Estate LLC
- Stillman Real Estate LLC

Mr. Epstein's ownership and control are established by, among other materials, the following:

- An organization chart prepared by the Receivership Defendants and presented to the Temporary Receiver, titled, "Current Business Structure," and a second chart prepared by the Receivership Defendants, titled "The Buyout," each attached as Exhibit 2;
- Mr. Epstein's August 2014 financial disclosure, made under oath pursuant to the July 21, 2014 Temporary Restraining Order;
- 2013 tax returns filed by these entities; and
- State regulatory filings for these entities, including the following:
 - Mr. Epstein filed forms with the Maryland State Department of Assessments and Taxation in June 2014 as the authorized representative of Champion Industries LLC, Commercial Industries LLC, Essex Industries LLC, Hansen Supply LLC, Johnson Distributing LLC, Midway Industries LLC, National LLC, State Power & Lighting LLC, and Stillman Real Estate LLC; and
 - Mr. Epstein filed a form as manager of Standard Industries with the applicable Florida corporations agency in January 2014.

The Temporary Receiver reviewed documents establishing that through 2013 Mr. Epstein maintained sole voting control over Midway Management. A representative of the Receivership Defendants asserted to the Temporary Receiver that in 2014 Mr. Epstein transferred to Mr. Wallen his voting control over Midway Management. The Temporary Receiver has not reviewed documents that evidence this asserted transfer of interest.

B. Entities owned by Brian K. Wallen

Based upon information currently available and reviewed by the Temporary Receiver, Brian K. Wallen owns and, until the date of the receivership, controlled the following Receivership Defendants:

Management Entities:

- B&E Industries LLC
- Midway Management LLC (Mr. Wallen owned at least 96%, and we have been told that the additional 4% was transferred)

Sales/Telemarketing Entities:

- Champion Industries LLC
- Environmental Industries LLC
- Mid-Atlantic Industries LLC¹

Mr. Wallen's ownership and control are established by, among other materials, the following:

- An organization chart prepared by the Receivership Defendants and presented to the Temporary Receiver, titled, "Current Business Structure," and a second chart prepared by the Receivership Defendants, titled "The Buyout," each attached as Exhibit 2;
- Mr. Wallen's August 2014 financial disclosure, made under oath pursuant to the July 21, 2014 Temporary Restraining Order;
- 2013 tax returns for each of these entities; and

¹ The ownership of an entity identified in the Initial Report, Pacific Supply LLC, is not apparent from documents reviewed by the Temporary Receiver.

- State regulatory filings for each of these entities, including the following:
 - Mr. Wallen filed forms with the Maryland State Department of Assessments and Taxation on behalf of Midway Management in March 2014, on behalf of B&E Industries in May 2014, and on behalf of Environmental Industries and Mid-Atlantic Industries in June 2014.

II. Distributions to Principals in 2014

The Temporary Receiver has gathered information to supplement the table contained on page 23 of the Initial Report, to include reported distributions to principals for the year 2014. Between January and July 22, 2014, Mr. Epstein received distributions totaling \$98,000, and Mr. Wallen received distributions totaling \$4,568,641.

The following is an updated table reflecting distributions to principals, as reported in the books and records of the Receivership Defendants:

Reported Distributions to Principals		
Year	Epstein	Wallen
2005	\$64,782	
2006	\$180,987	
2007	\$419,854	
2008	\$817,210	
2009	\$465,584	
2010	\$247,411	
2011	\$479,595	
2012	\$4,625,483	\$117,374

Reported Distributions to Principals		
Year	Epstein	Wallen
2013 ²	\$5,554,201	\$7,237,425
2014 ³	\$98,000	\$4,568,641
Total	\$12,953,107	\$11,923,440

As stated in the Initial Report, this table reflects distributions identified as such in the books and records of the Receivership Defendants. The Temporary Receiver does not certify the accuracy of these figures or that they reflect all actual distributions. To the contrary, the increase in reported distributions beginning in 2012, the year of the transaction by which Mr. Wallen was to obtain ownership of Midway Management, raises questions about the reliability of these figures.

III. Net Assets including Real Estate Entities

The Initial Report's solvency analysis tracked the books and records of the Receivership Defendants and therefore presented the Receivership Defendants' assets and liabilities without including the Real Estate Entities (Anita Elaine Real Estate LLC, Benjamin Jones Real Estate LLC, Delray Apartments LLC, Gisk Real Estate LLC, and Stillman Real Estate LLC). The Real Estate Entities are, however, included within the Temporary Restraining Order's definition of

² The 2013 distributions have been amended to reflect information gained since the filing of the Initial Report.

³ Includes transactions through July 22, 2014.

“Receivership Defendants.” Moreover, the Temporary Receiver has determined that the Real Estate Entities were an integral part of the Receivership Defendants’ enterprise. The Real Estate Entities were funded substantially if not entirely by money derived from the Defendants’ telemarketing business; they existed solely to serve the Receivership Defendants’ telemarketing functions, whether by providing office space or housing employees; and they appear to serve no purpose outside the Receivership Defendants’ telemarketing business. Accordingly, the Real Estate Entities are properly included within the Receivership Estate and should be included in the solvency analysis of the Receivership Defendants.

The following is a revision of the solvency analysis of the Receivership Defendants, to include the assets and liabilities of the Real Estate Entities. This replaces subsection IV(K) of the Initial Report (pp. 30-31)⁴:

K. Solvency of Receivership Defendants

The Receivership Defendants’ internal financial statements as of July 23, 2014 do not include information from the Real Estate Entities, and show a combined net worth of approximately \$25,124,000. The Temporary Receiver believes that this fails to accurately reflect the financial position of the Receivership Defendants for at least two reasons: (i) it fails to include the value of the Real

⁴ The “Balance Sheet Analysis” section of the Initial Report (pp. 20-21) presents information entirely from the Receivership Defendants’ internal balance sheets. The assets and liabilities stated in this section do not include those of the Real Estate Entities because the Receivership Defendants omitted them. For the reasons stated in this Supplement, any accurate presentation of the Receivership Defendants’ assets and liabilities must include those of the Real Estate Entities.

Estate Entities; and (ii) it includes assets that are substantially overvalued or have no value.

1. Real Estate Entities.

Based on disclosures by Mr. Epstein and estimates provided by real estate professionals, the Temporary Receiver has estimated the market value of the real estate owned by the five Real Estate Entities at \$1,865,000. This figure includes the value of the real property with the street address 452 Main Street. The Temporary Receiver understands that the ownership of this property may be in dispute. According to a disclosure made by Mr. Epstein to Bank of America on April 15, 2014, the total debt outstanding against the Real Estate Entities was approximately \$810,000. Therefore, the receivership team estimates the net worth of the Real Estate Entities to be \$1,055,000.

Accordingly, including the net worth of the Real Estate Entities in the Receivership Defendants' stated Net Worth increases their total net worth to approximately \$26,179,000.

2. Assets overvalued or with little to no value.

Based upon information currently available and reviewed by the Temporary Receiver, the Receivership Defendants' stated net worth includes assets that are overvalued or have little to no value. First, the stated net worth includes unadjusted accounts receivable from consumers of \$5,692,384. It is the position of the FTC that accounts receivable from consumers are the product of improper business practices and therefore should not be pursued. The Temporary Receiver

found reason to believe that a significant number of consumers who mailed checks since the onset of the receivership may have been subject of the practices alleged in the Complaint. The Temporary Receiver therefore has decided not to deposit these checks, unless and until ordered to do so by the Court. No party has challenged this position before the Court.

The Receivership Defendants' Chief Financial Officer represented that the cash value of the receivables is approximately \$1 million. The Temporary Receiver notes that the Chief Financial Officer's representation is consistent with the Temporary Receiver's receipt of \$1,077,314 with respect to accounts receivable.

For purposes of the Temporary Receiver's solvency analysis, the value of the accounts receivable is either \$0, if the accounts receivable are determined to have resulted from violations of the law, or approximately \$1,000,000, if the accounts receivable are determined to be valid.

Second, the Receivership Defendants' stated net worth includes asserted "goodwill" in the amount of \$11,684,342. The Receivership Defendants' asserted "goodwill" is a makeweight that represents the difference between (i) the agreed purchase price for the sale from Mr. Epstein to Mr. Wallen and (ii) the Receivership Defendants' identifiable tangible and intangible assets and liabilities to be transferred. "Goodwill" is defined as "that intangible asset arising as a result of name, reputation, customer loyalty, location, products, and similar factors not separately identified." This is the definition used by the *International Glossary of Business Valuation Terms*, which is adopted by most major appraisal organizations.

“Goodwill” is based on an assumption of the Receivership Defendants’ continuing as a going concern. The Temporary Receiver finds no basis for placing any value on “goodwill” of the Receivership Defendants.

Third, the Receivership Defendants include the principal of loans receivable from Mr. Wallen, in the amount of \$7,107,000. Mr. Wallen’s principal asset, as determined based on disclosures provided under oath to the FTC, is his interest in the Receivership Defendants, which has little recognizable net value.

The remaining tangible net worth of the Receivership Defendants is \$1,696,000 if the accounts receivable are deemed unlawful, or \$2,696,000, if the accounts receivable are deemed lawful. In either instance, the Receivership Defendants’ remaining tangible net worth is far below the size of the potential claims asserted by the FTC and other known creditors.

IV. Accounting of Loan from Mr. Wallen

The Wallen Defendants make two contentions: (i) the books and records of the Receivership Defendants are inaccurate to the extent they reflect a loan receivable from Mr. Wallen to the Receivership Defendants; and (ii) the Temporary Receiver’s decision not to deposit any post-receivership checks from consumers means that no accounts receivable should be included in the net worth calculation. The Temporary Receiver presents these contentions for the Court’s consideration.

The Wallen Defendants concede that “the books and records of the Receivership Defendants may in fact reflect a loan receivable from Brian Wallen.”

Nonetheless, they assert that this treatment is inaccurate. The Wallen Defendants assert that “the loan receivable on the corporations’ internal financial statements does not represent funds that Brian Wallen received from any of the Receivership Defendants, nor does it represent any funds that are due the Receivership Defendants.” October 2, 2014 letter from I. Oring to M. Saudek, attached as Exhibit 1, at 2.

The Wallen Defendants’ assertion as to the loan, if accurate, does not change the Temporary Receiver’s conclusion as to the tangible net worth of the Receivership Defendants. The Temporary Receiver’s net worth calculation assigns no net value to the loan, thereby canceling any effect it may have on net worth.

With respect to the treatment of accounts receivable, the Temporary Receiver acknowledges the possibility that the Court could order that some or all of the checks received from consumers post-receivership be deposited. Were that to occur, the Receivership Defendants’ net worth likely would increase. The solvency conclusion, however, would not change because the potential claims asserted by the FTC and other known creditors far exceed the remaining tangible net worth of the Receivership Defendants.

V. Results of Consumer Survey

The Temporary Receiver seeks to correct an editing error contained on page 53 of Initial Report, in the fourth sub-bullet point. That portion of the Initial Report summarizes the results of the Receivership Team’s survey of 30 consumers

that submitted checks to the Receivership Defendants during the Temporary Receivership. Sub-bullet point 4 on page 53 on the Initial Report reads:

- One was told the price at the time of the order but did not recall the price on the invoice;

That text should be replaced with the following:

- Two were told the price of the product and believed based on representations made during the call that the Receivership Defendant had a pre-existing relationship with either the customer or an affiliate; of these two, one thought the price was fair and what he expected to pay; the other thought the price was higher than standard prices but believed that was part of the pre-existing relationship;

The remaining text on page 53 accurately summarizes the survey results.

VI. Receivership Premises

The Initial Report accurately states that the Receivership Defendants operated out of three facilities, located in Reisterstown (consisting of several buildings), Delray Beach, and West Palm Beach. The first line on page 5 of the Initial Report, however, inaccurately references these as “both premises.” That reference should have been to “all three premises.”

* * * * *

We appreciate the opportunity to serve the Court in this important matter.

Respectfully submitted,

/s/

Peter E. Keith
Federal Bar No. 01483
*Court-Appointed Temporary
Receiver*

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*Attorneys for Court-Appointed
Temporary Receiver*

Date: October 16, 2014

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16TH day of October 2014, a copy of the foregoing Supplement to Initial Report of Temporary Receiver Pursuant to the Temporary Restraining Order was served by email, pursuant to agreement of the parties, with hard copies to follow, on:

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Brian K. Wallen

/s/

Mark S. Saudek

**EXHIBIT LIST
TO THE SUPPLEMENT TO INITIAL REPORT
OF TEMPORARY RECEIVER PURSUANT TO
JULY 21, 2014 TEMPORARY RESTRAINING ORDER**

1. October 2, 2014 Letter from Ira L. Oring to Mark S. Saudek
2. Charts titled “Current Business Structure” and “Buyout Plan”

Exhibit 4



Policy Forum

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Don't Bank on It:

Chicago's Minority and Women's Business Enterprise Program and Discrimination in Business Credit Markets

By Cedric Herring and Loren Henderson

In 2009, Chicago extended its Minority and Women's Business Enterprise (MWBE) program in construction. It did so to "remedy ongoing discrimination and the effects of past discrimination against women and minority groups, so as not to be a passive participant in such discrimination."¹ Extension of this program was controversial. Opponents of the city's MWBE program argued that claims of discrimination against women and minority groups were exaggerated. Proponents of the MWBE program, in contrast, argued that minority-owned and women-owned firms face unfair credit constraints that make it difficult for them to obtain bonding and working capital.

New and small businesses usually face critical challenges that revolve around financing. Indeed, few things are as crucial to the health of a small business operation. Owners' personal resources are often used to launch small businesses, and most likely the owner must look to the credit market for financial help in expanding operations. However, most lenders—especially banks—are conservative in granting business loans. According to a report from the Federal Reserve Bank of New York, more than 75 percent of new and small businesses that applied for loans during the first half of 2010 were rejected for at least a portion of their loan request.² Thus, obtaining credit can be a difficult process for many new business owners.

But above and beyond these normal concerns about lack of access to financing,

¹ City of Chicago. 2004. *MWBE Substitute Ordinance*.

² Federal Reserve Bank of New York. 2010. "Access to Credit: Poll Evidence from Small Businesses." *Facts & Trends*. Federal Reserve Bank of New York.

many women and minority business owners are concerned that they receive less favorable treatment from lenders that is unrelated to their creditworthiness. Despite protections against unlawful discrimination under the Equal Credit Opportunity Act, it is possible that women and minority applicants—groups covered under Chicago's MWBE program—are more likely than other applicants to be denied loans or receive less favorable terms due to their race and/or gender.

This edition of *Policy Forum* provides an overview of Chicago's MWBE Program. It then provides some results from the Chicago Survey of Discrimination in the Local Credit Market. Finally, it uses data from a national survey of business startups to show (1) the degree to which lenders' decisions are influenced by racial and gender-related factors that go beyond would-be borrowers' creditworthiness and (2) creditworthiness as a determinant of business startups' ability to secure credit lines. It concludes with several policy recommendations.

Overview of Chicago's MWBE Program in Construction

Chicago has maintained an affirmative action program in construction since 1985. This Minority and Women's Business Enterprise (MWBE) Program has been controversial since its inception. In 2004, the city adopted a program that sought to award at least 24 percent of the annual value of all construction contracts to Minority Business Enterprises (MBEs) and at least 4 percent to Women-owned Business Enterprises (WBEs).

About the Authors

Cedric Herring is Professor of Sociology and Public Policy at the University of Illinois at Chicago and in the Institute of Government and Public Affairs. Dr. Herring is former national President of the Association of Black Sociologists. He publishes on topics such as race and public policy, stratification and inequality, diversity, and jobs and economic development. He has published six books and more than 60 scholarly articles in outlets such as *The American Sociological Review*, *The American Journal of Sociology*, and the *Du Bois Review*. He has received support for his research from the National Science Foundation, the Ford Foundation, the MacArthur Foundation, the Joyce Foundation, and others. In addition, he has shared his findings in community forums, in newspapers and magazines, on radio and television, before government officials, and at the United Nations.

Loren Henderson is an Adjunct Faculty Member in the Department of Social Science at Wright College. Her research has focused on race, class, gender, sexuality, and the changing meanings and controversies surrounding diversity. Her work has been published in the *Journal of African American Studies*, *Families as They Really Are*, and *The Illinois Report*.

Table 1: Percentage Distribution of Construction Firms by Number of Employees

Number of Employees	Chicago	USA
1-4	67.5%	65.1%
5-9	15.1%	16.6%
10-19	9.1%	9.7%
20-49	5.7%	5.9%
50-99	1.6%	1.7%
100-249	0.8%	0.8%
250-499	0.2%	0.2%
≥500	0.1%	0.1%
N	24,214	787,672

The program was available to businesses located within the region of Illinois that includes Cook, DuPage, Kane, Lake, McHenry and Will counties.³

Still, 80 percent of African American contractors stated that they found it difficult to participate in the MWBE program because it is difficult to acquire the necessary working capital.⁴ Typically, they said that they had to start their businesses out of their own pockets. Moreover, they generally believed that their economic woes are compounded by race. While they believed the declining economy was difficult on all businesses, they believed that such circumstances were even more difficult for minority-owned businesses. Indeed, the largest single factor explaining racial disparities in business-creation rates are differences in asset levels.⁵ Lower levels of assets among blacks account for 15.5 percent of the difference between the rates of business creation among whites and blacks.

The vast majority of firms in construction are small.

Table 2: Percentage of Firms Experiencing Discrimination by Selected Characteristics

African Americans	17%
Hispanics	7%
Asian/Pacific Islanders	0%
Native Americans	14%
White females.	11%
White males	0%

³Blanchflower, David G., Anna Aparicio, Cedric Herring, and Yvonne M. Lau. 2009. Report on the City of Chicago's MWBE Program. City of Chicago: Chicago.

⁴Herring, Cedric and Loren Henderson. 2009. *Barriers to the Utilization of Targeted Program Contractors: Results from Interviews of African American Contractors*. City of Chicago: Chicago.

⁵Blanchflower, David G., Anna Aparicio, Cedric Herring, and Yvonne M. Lau. 2009. Report on the City of Chicago's MWBE Program. City of Chicago: Chicago.

Table 3: Percentage of Firms Having Difficulty Obtaining Working Capital by Selected Characteristics

African Americans	63%
Hispanics	37%
Asian/Pacific Islanders	33%
Native Americans	57%
White males	14%
White females	15%
Certified MWBEs	40%

According to County Business Patterns data for 2005, 65 percent of all US construction establishments had less than five employees.⁶ The percentage of firms in the Chicago metropolitan area with fewer than five employees was slightly higher at 67.5 percent (See Table 1).

Chicago Survey of Discrimination in the Local Credit Market

In order to determine whether there was discrimination in the credit market for small businesses in Chicago, the city commissioned a survey consistent with the national Survey of Small Business Finances. It is apparent from the survey that women-owned and many minority-owned firms had difficulty accessing credit. Respondents were asked whether their business had been discriminated against on the basis of race or gender. Table 2 presents the percentages of selected groups reporting that their firms had experienced discrimination.

Table 4: Percentage of Firms Citing "Financing and Interest Rates" as the Most Important Problem Facing Their Business by Selected Characteristics

African Americans	34%
Hispanics	12%
Asian/Pacific Islanders	20%
Native Americans	14%
White males	4%
White females	3%
Certified MWBEs	12%

In addition, respondents were asked whether requirements for obtaining working capital made it harder to obtain a city contract or subcontract. Minorities were especially likely to report difficulties with obtaining the necessary working capital (see Table 3).

Firm owners were also asked about the most important problem facing their businesses. The percentage of selected

⁶See <http://censtats.census.gov/cgi-bin/cbpnaic/cbpsel.pl>

Table 5: Percentage of Firms Saying They Were also used on Projects Without MWBE Program Goals by Selected Characteristics

African Americans	59%
Hispanics	35%
Asian/Pacific Islanders	50%
Native Americans	0%
White females	56%
Overall	50%

Table 6: Credit Application Denial Rates by Selected Characteristics

African Americans	47.4%
Hispanics	13.6%
Asian/Pacific Islanders	16.7%
Native Americans	33.3%
White males	12.0%
White females	10.0%
Certified MWBEs	22.9%
Total	15.5%

groups saying that “financing and interest rates” was the most important problem is presented in Table 4.

MBEs and WBEs were asked if prime contractors who hired them as a subcontractor on public sector projects with MBE/WBE participation goals also used them on projects without such goals. Table 5 (on page 3) suggests that if participation goals were removed or lowered, the utilization of MWBEs would likely fall sharply, as only half of MWBEs that serve as subcontractors in the public sector are asked to do so on private projects.

Approximately half of respondents applied for a loan in the preceding three years. Table 6 (on page 3) provides credit application denial rates calculated from the Survey of Discrimination in the Local Credit Market. The results show that denial rates are substantially higher for minorities, especially for African Americans.

The Equal Credit Opportunity Act makes discrimination in access to credit illegal. A well-functioning credit market should not have racial nor gender disparities. But is it possible that credit evaluators use factors such as race and gender anyway? Do women and minority applicants have reason to be concerned that they receive even less favorable treatment from lenders, unrelated to their creditworthiness?

To examine these questions, we used credit scores from startup businesses in the United States. The Kauffman Firm Survey (KFS) collected information from a nationally representative sample of 4,928 startup firms. KFS also has a subset of confidential data on these firms, including

such sensitive information as business credit scores, access to credit, levels of capitalization, levels of indebtedness, and sources and amounts of equity. The businesses in the sample are all startups (i.e., less than a year old). Thus, it is more possible than usual to treat the “history” of each business as a constant, at least inasmuch as they all had less than one year of credit history at the time of the survey. We also took into consideration firm characteristics such as the number of employees in the company, business net worth or equity, whether a firm was home-based, and whether the firm had a competitive advantage. We were also able to take into consideration the human capital characteristics of the primary owners such as their education, age, and years of experience in the industry.

Does creditworthiness for business startups differ according to the race and gender of the primary owners? Figure 1 (on page 4) shows that credit scores do differ by race. On average, startup businesses with Asian and White owners have higher than average credit scores. Those startups with African American and Latino primary owners have lower credit scores. Startups owned by Whites have Paydex Scores of 35.8 on average. Those owned by Asians have average credit scores of 39.5. In contrast, new businesses owned by African Americans have credit scores of 31.1 on average. And those nascent firms owned by Latinos have business credit scores of 32.9 on average. African American-owned businesses are significantly lower than average, and White- and Asian-owned firms are significantly higher than the overall average. Figure 1 also shows that startups owned by women have significantly lower credit scores (33.2) than do new firms owned by men (35.9).

What if Black-owned startups’ credit scores were determined in the same fashion as those of their White counterparts? To address this question, we used a Blinder-Oaxaca decomposition. This technique decomposes differentials into two components: a portion that arises because two comparison groups, on average, have different qualifications or credentials (e.g., size of firm and labor market experience of primary owner) when both groups receive the same treatment (explained component), and a portion that arises because one group is more favorably treated than the other given the same characteristics (unexplained component).

Figure 2 (on page 4) shows that the credit score gap between businesses where the primary owner is White and those where the primary owner is African American would shrink substantially. Indeed, the gap would close by more than half (from 4.7 credit points to 2.3 credit points) if the credit scores of Black-owned and White-owned businesses were determined in the same fashion.

But do racially-based differences in credit score determination translate into differences in access to credit? Figure 3 (on page 5) shows that credit lines differ by race of the primary owner. On average, startup businesses with

Figure 1: Average Business Credit Scores by Race of Primary Owner and by Gender of Primary Owner

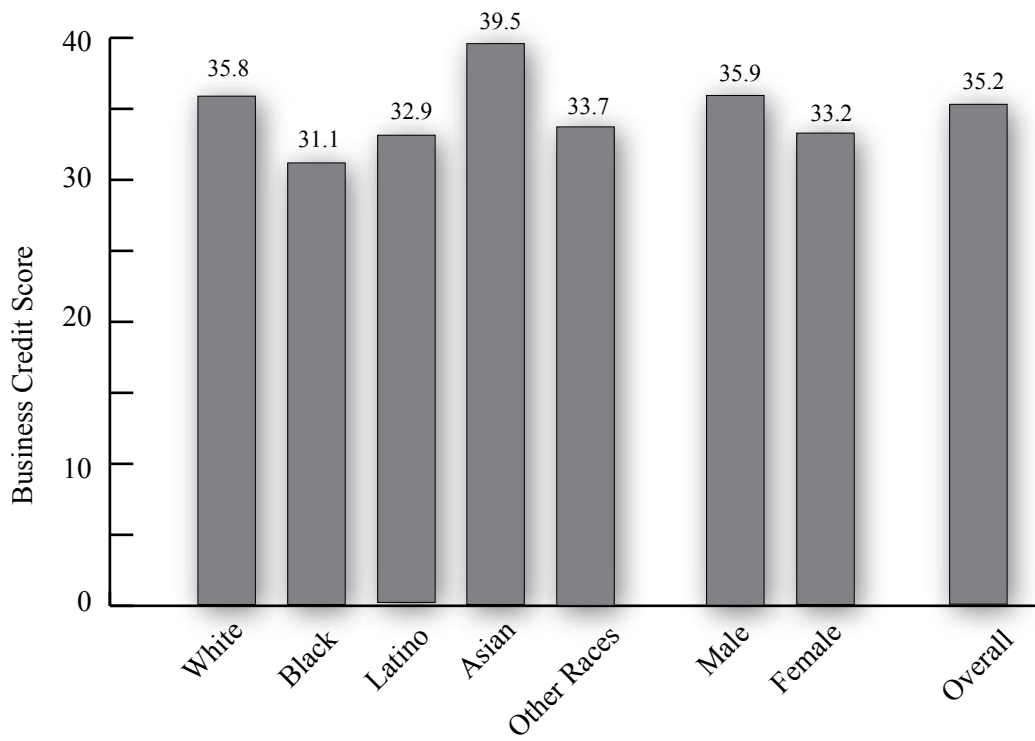


Figure 2: Average Business Credit Scores by Race of Primary Owner and by Gender of Primary Owner If Treated Like Whites and Men

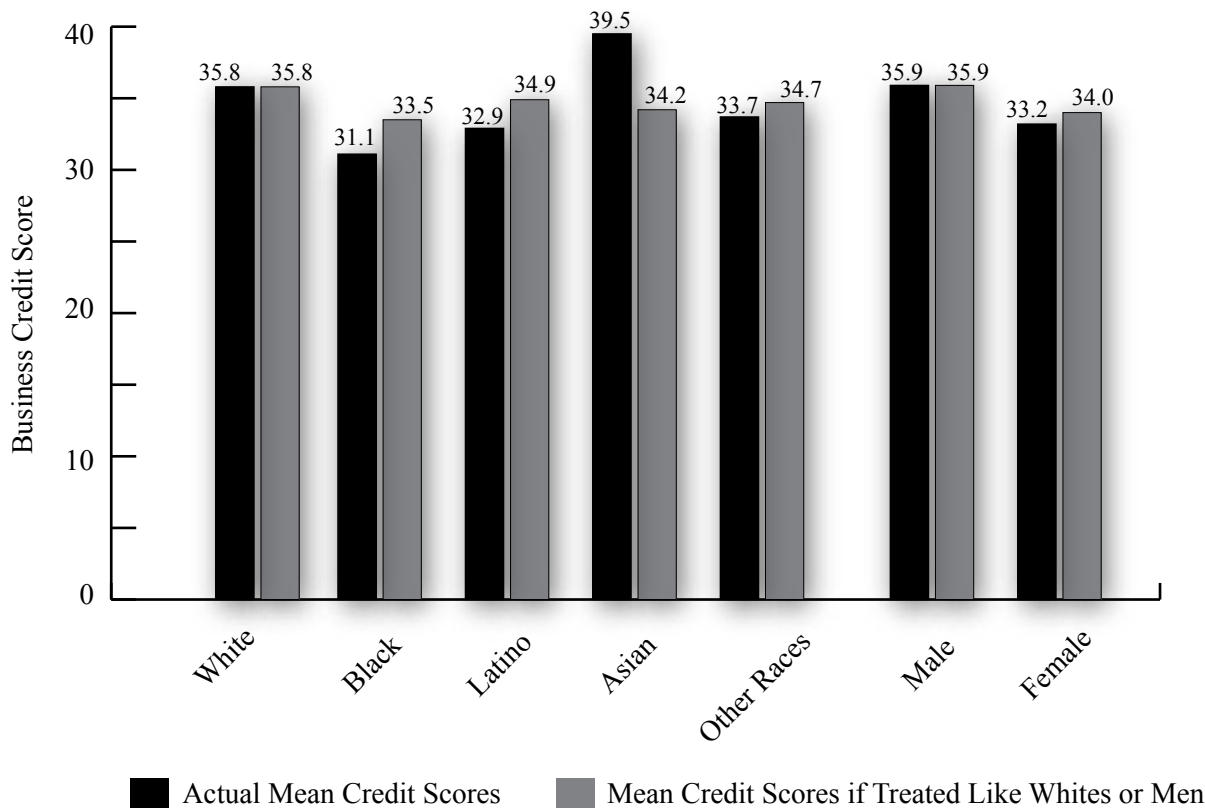
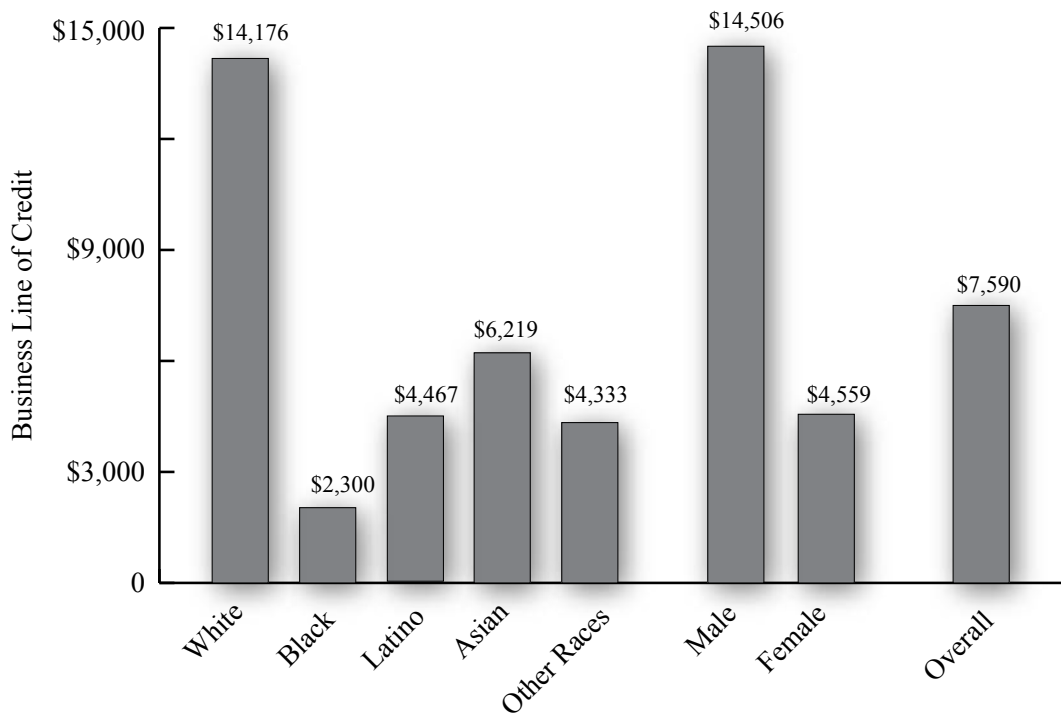


Figure 3: Average Business Credit Scores by Race of Primary Owner and by Gender of Primary Owner



White owners have higher than average credit lines. Those startups with African American, Latino, and Asian primary owners have lower credit lines. Startups owned by Whites have credit lines of \$14,176 on average. In contrast, those owned by Asians have average credit lines of \$6,219. New businesses owned by African Americans have credit lines of \$2,033 on average. And those new firms owned by Latinos have business credit lines of \$4,467 on average. Figure 3 also shows that startups owned by women have significantly lower credit lines (\$4,559) than do new firms owned by men (\$14,506).

We again used the Blinder-Oaxaca decomposition to estimate what business lines of credit would be if they were determined in the same way as those for businesses owned primarily by Whites and by men (see Figure 4 on page 6). In the case of Black-owned businesses, the credit lines would more than double (from \$2,033 to \$4,847). For Latino-owned businesses, lines of business credit would nearly triple (from \$4,467 to \$13,321). And for Asian-owned businesses, lines of credit would more than triple (from \$6,219 to \$21,457). If credit lines for women-owned businesses were determined like those where the primary owners are men, the lines of credit would be more than twice as large (from \$4,559 to \$9,251). In short, there are both substantial racial and gender differences in access to credit, net of creditworthiness.

Conclusions and Recommendations

Our findings suggest that not only do women-owned and minority-owned businesses report that they are being discriminated against, but also that they appear to

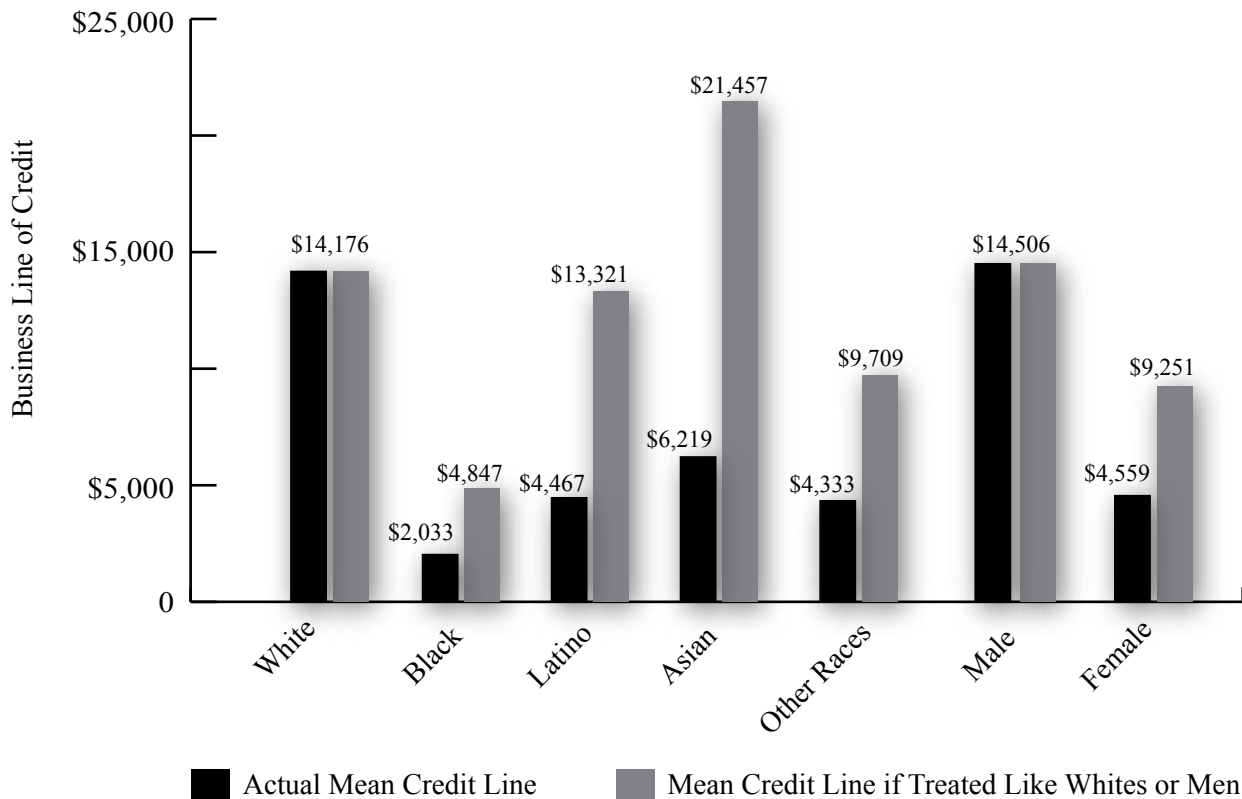
suffer discrimination both at the point of determining creditworthiness and at the point of lenders' lending decisions. We found that differences in the characteristics of the firms do not account for business credit score differences between Black-owned and White-owned startups. And when factors such as work experience, experience in the industry, age, and education are taken into account, the Black-White gap in credit scores for new businesses actually widens.

We also found that there are both racial and gender differences in access to credit, net of creditworthiness. When credit scores are taken into account, racial and gender differences in access to credit generally become more pronounced rather than less pronounced among new firms. In other words, not only do credit scores fail to explain racial and gender differences in credit lines, they appear to mask the size and significance of such differences. Net of credit scores, firm characteristics, and other owner characteristics, race and gender have a statistically significant effect on access to credit.

Needless to say, our results suggest that the determination of credit for new businesses is not colorblind. And perhaps even more disheartening is the idea that even with the same credit scores as Whites and men, people of color and women will receive significantly less access to credit. In other words, minorities appear to be penalized in the determination of creditworthiness and then again in access to credit lines.

Credit conditions have tightened due to the current economic crisis. There is a good deal of evidence to suggest that minority-owned firms continue to struggle to obtain loans. There is reason to be concerned that the tightening of credit will affect the rate of new firm formation and will deter

Figure 4: Average Business Line of Credit by Race of Primary Owner and by Gender of Primary Owner if Treated Like Whites and Men



employment growth. This will probably disproportionately affect MWBEs because they have a difficult time accessing credit, even when their creditworthiness is comparable to that of their white counterparts.

Is there anything Chicago can do to help new and small businesses, especially MWBEs, get through this crisis? While continuation of Chicago’s MWBE Program can help combat discrimination, there are other effective things that can be done to ameliorate the effects of lack of access to credit.

First, Chicago should maintain its construction activity in order to offset the declines in private sector construction. Second, Chicago can try to ensure that it does not delay payments to contractors because doing so will deprive firms much needed injections of cash. The city could establish a program in which local banks serve as intermediary or escrow agents and/or direct payers to subcontractors in order to facilitate quicker payments to subcontractors. The arrangement would allow MWBE subcontractors to take advantage of the city’s prime lending rate without being concerned about racialized or gendered creditworthiness. This program could also be instituted in a race-neutral and gender-neutral way to all subcontractors, perhaps up to a maximum value of \$50,000.

A further possibility would be for the city to immediately implement a “direct pay” policy whereby it directly pays subcontractors in a race- and gender-neutral way without using prime contractors as intermediaries. Short of this, the city could simply require that prime contractors pay subcontractors within specified days of receipt of payment from the city or where necessary, by directly issuing payments to subcontractors.

These proposals are intended to help level the playing field for the city’s subcontractors who are being hit particularly hard by the credit crunch and the decline in the private construction industry. Such programs will give MWBEs and small business owners an opportunity to invest in their future. By offsetting the tightening of credit to new and small businesses, we can also begin to address high unemployment rates and create new jobs by providing additional capital.