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April 7, 2015

**VIA ELECTRONIC TRANSMISSION**

The Honorable Sally Quillian Yates  
Acting Deputy Attorney General  
United States Department of Justice

Dear Acting Deputy Attorney General Yates:

On March 19, 2015, I sent a letter to your office expressing concern regarding whistleblower allegations of improper contracting practices within the Asset Forfeiture Division (AFD) of the United States Marshals Service (USMS). Specifically, I wrote that according to information obtained by the Committee, “Director Stacia A. Hylton personally recommended Donald Lenzie for the contract position of Senior Forfeiture Financial Specialist (SFFS), and . . . Kimberly Beal, then Deputy Assistant Director of the USMS Asset Forfeiture Division (AFD), influenced subordinates to waive contract qualification requirements in order to hire him.”

First, I appreciate the timeliness of the Department’s reply of March 26, 2015, but accuracy is as important as timeliness. Contrary to the conclusory tone of Mr. Kadzik’s letter, USMS officials informed committee staff via telephone on March 30th that the USMS is actually still in the process of conducting a more comprehensive internal review of the issues raised in my letter. This review includes requests for USMS employee email correspondence and other information relating to the hiring of Mr. Lenzie. Accordingly, it is unclear how the Office of Legislative Affairs could conclude that no *quid pro quo* occurred before USMS has gathered all the facts.

Second, the Department’s reply implies that no *quid pro quo* occurred because Mr. Lenzie was ultimately hired as a Forfeiture Financial Specialist (FFS) rather than a Senior Forfeiture Financial Specialist (SFFS) and because Mr. Lenzie’s hiring was subject to the

impartial assessment of a four-person panel of experts. However, documents obtained by the Committee indicate that USMS was not seeking an individual to fill an FFS role in Boston at the time Mr. Lenzie was hired, that Ms. Beal was a member of this hiring panel, and that she travelled to Boston at Government expense in order to interview Mr. Lenzie. USMS officials also informed committee staff on March 30 that USMS employees are not so thoroughly involved in all cases in the recruitment and hiring of USMS contractors, which raises concerns regarding Ms. Beal's substantial efforts during the hiring process.

Third, the Department notes the almost three years that passed between the hiring of Lenzie and Ms. Beal's appointment to the Senior Executive Service to suggest that no exchange of favors took place. But, the Committee is aware of a number of personnel actions that occurred, allegedly at the request of Director Hylton, much closer to the time of Lenzie's hiring and which clearly benefited Ms. Beal's candidacy for the position of Assistant Director of the AFD. For example, the Committee has obtained evidence that Director Hylton made Ms. Beal the Acting Assistant Director of the AFD on January 25, 2012, shortly after Mr. Lenzie was hired. It is also alleged that the Assistant Director position was reclassified from 1811 (Criminal Investigator) to 0301 (Administrator) specifically to accommodate Ms. Beal's lack of qualifications.

To further clarify the circumstances of Mr. Lenzie's recruitment and hiring, please provide written responses to the following questions by Wednesday, April 22, 2015:

1. Please provide the monthly invoices from the contractor in question, Forfeiture Support Associates (FSA), for all FSA positions supporting the USMS from the period two months prior to Mr. Lenzie's hiring through two months following the termination of his employment with FSA.
2. Please provide all USMS employee email correspondence concerning the hiring, onboarding, and resignation of Donald Lenzie as a contract employee with FSA.
3. Did an open position for a Forfeiture Financial Specialist (FFS) exist in or around the Boston area at the time Mr. Lenzie interviewed?
4. How many other FFS candidates did the panel interview for the position Mr. Lenzie eventually occupied?
5. Please provide the names and titles of the individuals who sat on the four-member panel that interviewed Mr. Lenzie.

6. Please provide the USMS policy outlining the role of USMS officials in recruiting, interviewing, and hiring contract positions. Please include the titles and positions of USMS officials involved in those hiring processes, as well as under what circumstances and in what capacities those officials participate in the hiring process for positions that are in fact employed by USMS contractors.

Should you have questions, please contact DeLisa Lay of my Committee staff at (202) 224-5225. Thank you.

Sincerely,



Charles E. Grassley  
Chairman  
Committee on the Judiciary

Cc: The Honorable Michael E. Horowitz  
Inspector General  
Office of the Inspector General

The Honorable Patrick J. Leahy  
Ranking Member  
Committee on the Judiciary