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Former council aide indicted in Synagro bribery scandal



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Robert Brignall
Detroit Crime Examiner

February 10, 2011

Predictions that the federal corruption probe would bring indictments even after its centerpiece, the RICO case against former mayor Kwame Kilpatrick and others, was filed, proved accurate. Yesterday John Clark, former chief of staff to city councilman Ken Cockrel Jr, was indicted for accepting bribes in the Synagro sludge contract mess, then lying to the FBI about them.

When Synagro Technologies had a \$1.2 billion sludge remediation deal before the Detroit city council, it's agents began passing out bribe money in city hall to help get the contract

approved. When the feds targeted Synagro Vice President James Rosendall as the chief conduit for the bribe money, Rosendall turned informant in exchange for a sentence of less than one year on a bribery indictment. Rosendall's information and other evidence formed the basis for indictments against those who had received the bribes. Here is what John Clark is accused of:

1. Accepting \$2,000 from Rosendall in February 2008 to assist the contract generally;
2. Accepting another \$1,000 on March 11, 2008 to help get tax abatements for Synagro;
3. Lying to FBI agents twice during a June 2008 interview. First, Clark denied taking any bribe money at all. The feds had a surveillance video of Clark accepting money from Rosendall, and likely showed it to him. Later in the same interview, Clark had to change his story; he admitted taking the money but then said that he returned it. Another lie, according to the indictment.

The indictment filed against Clark Wednesday also demands forfeiture of the \$3,000.

Each bribery count is punishable by up to 10 years in federal prison, and each of the two counts of lying to investigators could get Clark up to five years.

According to the US Attorney there is no evidence that Ken Cockrel was involved or knew anything about the bribes to his chief of staff. Indeed, John Clark had to resign in June 2008 after federal agents showed Cockrel the damning surveillance video.

The federal corruption probe has already netted 16 felony convictions. US Attorney Barbara McQuade hopes the indictments will deter such conduct in the future. "Charges like this should warn public officials against using their positions for personal profit," she said. "The public deserves honest services."

John Clark may appear in court as early as Friday.

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A time line of the Synagro bribery scandal

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BY Moses Harris
FREE PRESS ARTIST

The people involved in the sludge scandal and how the deals went down.

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James Rosendall Jr.	Kwame Kilpatrick	Bernard Kilpatrick	Rayford Jackson	Monica Conyers	Sam Riddle
	Synagro representative is now in prison for bribery conspiracy.	Detroit mayor received lavish perks from Synagro.	Mayor's father allegedly vowed to kill deal if not paid.	Synagro representative in prison for spreading bribes in Detroit.	City councilwoman to enter prison after trading her Synagro vote



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for cash.

HOW IT WENT DOWN

1999: Synagro Technologies of Houston hires Grand Rapids businessman James Rosendall Jr. for Michigan operations.

2001: Rosendall gives state lawmaker Kwame Kilpatrick, running for Detroit mayor, several bundled campaign checks as Synagro pursued a city contract.

2002: Rosendall teams with Pamela Racey of Synagro's Baltimore office to pursue Detroit sludge-hauling contract.

Sept. 12, 2003: Rosendall charts private jet to take now-Mayor Kilpatrick, aide Derrick Miller, and others to Las Vegas for a boxing title fight. The trip cost Synagro about \$25,000, records show.

Early 2004: Kilpatrick directs Rosendall to work with his father, Bernard Kilpatrick. Synagro executives initially decide against that, prompting Bernard Kilpatrick to refer them to businessman Rayford Jackson, records show.

April 1, 2004: Rosendall charts a private jet to take Miller and others to Las Vegas; that trip cost as much as \$18,000, with Synagro picking up about \$4,000, records show.

Jan. 29, 2007: Carlyle Group announces it is buying Synagro for \$772 million. The deal closes that spring, records show.

June 2007: Detroit Water and Sewerage Department commissioners approve Synagro contract, clearing the way for a City Council vote. Synagro has four solid yes votes and needs a fifth; Monica Conyers' vote is in play.

July 2007: Jackson sends a courier to City Hall to deliver a bribe payment of an unknown amount to Conyers' aide Sam Riddle. Conyers is waiting in a car 50 feet away.

Oct. 4, 2007: Jackson sends a courier to deliver a \$7,000 bribe to Conyers in the parking lot of a Mr. Fish restaurant. Jackson says in a wiretapped call that Conyers was "tryin' to kill our deal today."

Oct. 17, 2007: Jackson hands Sam Riddle an unspecified amount of cash at Detroit Metro Airport, and Riddle gives the money to Conyers. Minutes later, Racey asks Jackson: "How's Monica?" He responds: "She's happy. We got a game plan."

Nov. 20, 2007: Council approves the Synagro contract 5-4, with Conyers casting the deciding vote. Also voting yes were Barbara-Rose Collins, Martha Reeves, Alberta Tinsley-Talabi and Sheila Cockrel. Voting no were Kenneth Cockrel Jr., Kwame Kenyatta, Brenda Jones and JoAnn Watson. Shortly after, Jackson sends a courier to give Conyers \$3,000 cash.

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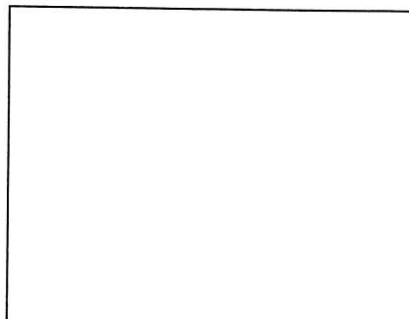
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Dec. 4, 2007: Bernard Kilpatrick demands cash for his role in the deal. Jackson's courier delivers \$3,000 to Conyers in a McDonald's parking lot.

Dec. 20, 2007: Bernard Kilpatrick tells Rosendall in a parking lot he will kill the deal if he isn't paid. Rosendall gives him thousands of dollars, hidden in a pack of gum, and a case of Cristal champagne.

Jan. 29, 2008: Rosendall, now cooperating with the feds, secretly tape-records a meeting with Bernard Kilpatrick and his associate, Akunna Olumba, at a Detroit restaurant. Kilpatrick confirms his threat to kill the deal by finding a way to delay city permits for the Synagro project.

June 29, 2008: Free Press breaks the story of a federal investigation of the Synagro contract and Conyers. The company says Synagro is not a target and is prepared to fully cooperate.

Jan. 26, 2009: Rosendall pleads guilty to conspiracy to commit bribery; he's later sentenced to 11 months in prison.

Jan. 29, 2009: City and Synagro agree to terminate sludge-hauling deal, citing the widening scandal.

June 15, 2009: Jackson pleads guilty to conspiracy to commit bribery, but won't cooperate. He later receives five years in prison.

June 26, 2009: Conyers pleads guilty to conspiracy to commit bribery. She will get 37 months in prison, but is now seeking to withdraw her plea. A federal judge has ordered her to report to prison Sept. 10.

June 15, 2010: Rosendall enters federal prison in Elkton, Ohio.

Sources: Court records and Free Press reporting

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The Daily Docket: Synagro Enters Bankruptcy

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By MELANIE COHEN

Waste processor Synagro Technologies Inc. filed for Chapter 11 bankruptcy protection Wednesday with an offer in hand to be acquired by an affiliate of Swedish private-equity firm EQT. Read the Daily Bankruptcy Review article [here](#).

(Daily Bankruptcy Review and DBR Small Cap are daily newsletters with comprehensive coverage and analysis of emerging and in-progress insolvencies and turnarounds. For a two-week trial, visit our homepage, scroll to the bottom and click "try for free.")

With top executives' pay a hot-button topic, some companies in Chapter 11 are simply keeping the information out of the view of creditors and anxious employees. Read the DBR article via [The Wall Street Journal](#).

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If Detroit filed for bankruptcy, its credit ratings would get even lower, [Reuters](#) reports.

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Write to Melanie Cohen at melanie.cohen@dowjones.com. Follow her on Twitter at [@MelanieLisa](#).

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A Closer Look at the Synagro Technologies Bankruptcy

By Jason Cornell on May 2, 2013

Introduction

On April 24, 2013, Synagro Technologies ("Synagro") and various affiliates filed chapter 11 petitions for bankruptcy in the United States Bankruptcy Court for the District of Delaware. Synagro recycles biosolid and organic materials generated by municipal and industrial waste water treatment centers. The company describes its services to include "drying and pelletization, composting, incineration, alkaline stabilization, land application, collection and transportation, regulatory compliance, dewatering, facility cleanout services and product marketing." See Synagro's Declaration in Support of Chapter 11 Petitions and First Day Pleadings (the "Decl.") at *3-4.

Operations

Synagro began in 1986 as RPM Marketing, Inc. Although the company is currently headquartered in Houston, Texas, Synagro is moving its headquarters to White Marsh, Maryland. Synagro operates four divisions - facilities, services, rail and drilling. The facilities division provides waste water residuals management at fifteen different locations throughout the United States. Decl. at *4. Synagro's services division provides waste treatment services at facilities owned by individual customers. Decl. at *5. The company recently acquired a drilling division that provides waste management services to oil and gas production companies. Finally, Synagro's rail division operates a fleet of rail cars and containers that dispose of over 500,000 tons of waste per year. Decl. at *6.

Reasons for Bankruptcy

In April of 2007, Synagro entered into a \$390 million first lien credit agreement and \$150 million second lien credit agreement. Decl. at *9-10. In early 2012, the company realized it was unlikely to meet its debt ratio requirements under the first and second lien agreements. Decl. at *15. According to Synagro, its high debt ratios were the result of "a challenging operating environment in late 2011 and early 2012." *Id.* During the latter part of 2012, Synagro began negotiations with its lenders to see if an out of court restructuring was possible. It was during these negotiations that the company realized that a traditional sale of assets would not satisfy its obligations under the second lien agreement and that a sale under section 363 of the Bankruptcy Code was necessary. Decl. at *16.

Objectives in Bankruptcy

Synagro started the sale process in November of 2012. Over one hundred potential purchasers were contacted to generate interest in purchasing the company. Of those contacted, five provided written indications of interest. Decl. at *17. On April 23, 2013, Synagro and EQT Infrastructure II Limited Partnership ("EQT") entered into an asset purchase agreement. The EQT purchase agreement is subject to better and higher offers and must comport with section 363 of the Bankruptcy Code. Decl. at *19. The company hopes to sell substantially all of its assets through a court-approved bankruptcy sale.

The Synagro bankruptcy is before the Honorable Brendan L. Shannon of the United States Bankruptcy Court for the District of Delaware. This case is proceeding under case no. 13-11041(BLS). Synagro is represented by the law firm Skadden, Arps, Slate, Meagher & Flom LLP.

Jason Cornell is an equity partner with the law firm Fox Rothschild LLP. Jason is a creditors' rights attorney who is admitted and practices before the United States Bankruptcy Court for the District of Delaware and the United States Bankruptcy Court for the Southern District of Florida. You can reach Jason at 302 427 5512 or jcornell@foxrothschild.com.

Below are some additional posts Jason has written on Delaware bankruptcy litigation:

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Public Justice Joins Lawsuit against Synagro in Pennsylvania

Feb 25, 2010

A "huge loophole" in environmental regulations and inadequate enforcement has left 37 Pennsylvania residents exposed to dangerous sewage sludge from neighboring farm fields in York County, said an attorney for Public Justice, which recently joined two lawsuits on behalf of the residents.

The suits were filed in July 2008 against Synagro Central LLC and Synagro Mid-Atlantic, Inc., which supplied the sludge, and the two owners of the Hilltop Farm, where the sludge was applied. Houston-based Synagro is the nation's largest sludge hauler.

"Public Justice is joining this case because the land application of sewage sludge is an issue of national importance," said Jim Hecker, Public Justice's environmental enforcement director. "States and EPA have created a huge loophole allowing sludge to be applied close to homes with inadequate safeguards to protect public health. This case is intended to compensate the victims of this dangerous practice and create a financial incentive for corporations and sewage treatment plants to use safer disposal methods."

Sewage sludge, or "biosolids," is the viscous brown chemical byproduct of municipal wastewater treatment systems. According to Public Justice, it contains bacteria, viruses, pathogens, heavy metals, prescription drugs, and toxic chemicals from both domestic and industrial wastes. The U.S. generates over seven million tons of sludge per year, mostly from plants in heavily urbanized areas, and about half of that is dumped on land as fertilizer.

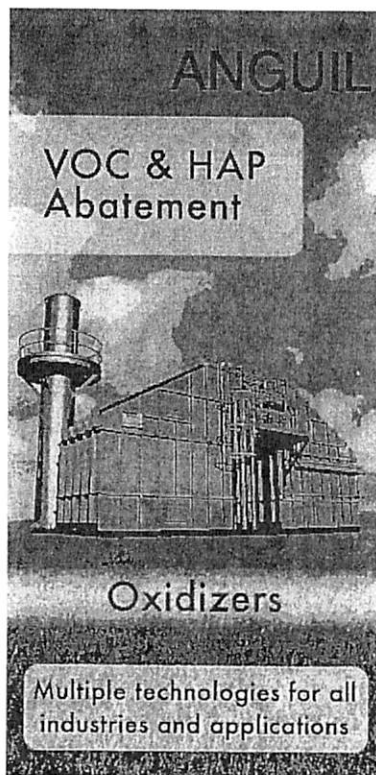
People breathing the fouled air near these dumping grounds are complaining of terrible odors and health problems, consistent with a 2007 study that found "an increased risk for certain respiratory, gastrointestinal, and other diseases among residents living near farm fields on which the use of biosolids was permitted."

The Pennsylvania plaintiffs in *Gilbert v. Synagro* and *Jasinski v. Synagro* allege that the defendants' sludge-related activities have been conducted negligently and have interfered with the use and enjoyment of their property. Many of the 37 residents complain that they have experienced sore throats, irritated eyes, skin rashes, nausea and difficulty breathing. They are seeking an order to prevent the dumping and an award of compensatory and punitive damages.

In October 2009, the York County Court of Common Pleas denied Synagro's preliminary objections to the complaint. As a result, the plaintiffs will continue discovery in the case and preparation for trial.

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Synagro accused of illegal dumping



The Water Department contractor is the subject of a lawsuit filed by two former supervisors.

By Mark Fazlollah, Inquirer Staff Writer

POSTED: November 09, 2012

Two former supervisors for a city waste contractor have alleged in a lawsuit that the firm illegally dumped chemicals, violated antipollution laws, and supplied misinformation for inspections.

The suit, filed Tuesday in Common Pleas Court in Philadelphia, says the problems occurred at the local plant of Houston's Synagro Technologies Inc., which has a \$590 million contract with the Philadelphia Water Department to turn human waste into fertilizer and fuel.

It alleges that Synagro's actions caused "risks of chemical exposure and explosions" at the plant near Philadelphia International Airport.

Specifically, it said the plant was "engaging in unlawful dumping of waste and chemicals."

Instead of using required chemicals in antipollution scrubbers, it said, the plant simply ran water through the devices. And when there was air-quality testing, it provided inaccurate information, the suit said.

Synagro spokeswoman Jamie Kinder rejected those allegations.

"Our Philadelphia plant is a state-of-the-art facility that provides tremendous benefits to the city and has always operated in full compliance with all applicable regulations," she said in a statement. "We deny the accusations made by the plaintiffs and will vigorously defend ourselves to the full extent of the law."

Attorneys for the former supervisors, Anthony Chaney and Christopher Kennedy, declined to discuss the case.

According to the suit, Chaney and Kennedy, both from Delaware, were fired "for refusing to engage in criminal acts" at the company's direction. In addition to Synagro, the firm's local affiliate, Philadelphia Biosolids L.L.C., is listed as a defendant.

The suit said Kennedy and Chaney complained to Synagro's local managers about the problems in July. A month later, it said, they were laid off.

It said that no one else was laid off and that the two eventually were fired.

The suit said Synagro violated the Pennsylvania Whistleblower Act, which prohibits retaliation because employees report "incidents of wrongdoing."

The Philadelphia plant, which replaced a city-run facility, for years was a source of political controversy.

City Council's 2008 approval of Synagro's contract was an especially heated event.

In an unrelated earlier suit against Synagro, a federal judge wrote that the company's actions in obtaining the approval were "a primer on how to procure multimillion-dollar service contracts with the city."

In a recent opinion, U.S. District Judge Stewart Dalzell described how money flowed from Synagro consultant Hiram Hicks to a community activist who rounded up homeless people to cheer on Council as it approved the firm's contract.

"The entire day was a scene of chaos," wrote Dalzell, who is overseeing Hicks' suit against the waste company. Hicks was to receive \$9 million for his work, including helping win Council approval.

Before Mayor Nutter approved Synagro's 23-year contract, he cut the total contact price by the \$9 million.



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Nutter spokesman Mark McDonald did not respond to requests for comment. loading...

Synagro is the nation's largest processor of sludge and waste, operating in about 600 municipalities in 36 states.

Before Synagro won its Philadelphia contract, it was tainted by a 2007 bribery scandal that sent former Detroit city officials to prison.

The scandal involved the firm's effort to win a \$1.2 billion contract. Among those who went to prison was former City Councilwoman Monica Conyers, wife of U.S. Rep. John Conyers.

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