



U.S. Department of Justice

Washington, D.C. 20530

SEP 30 2010

Robert I. Cusick
Director
Office of Government Ethics
Suite 500
1201 New York Avenue, NW
Washington, DC 20005-3919

Dear Mr. Cusick:

In accordance with the provisions of Title I of the Ethics in Government Act of 1978 as amended, I am forwarding the financial disclosure report of William B. Berger. President Obama has announced his intent to nominate Mr. Berger to serve as the United States Marshal for the Middle District of Florida. We have conducted a thorough review of the nominee's report and have counseled him on the government ethics rules.

As required by 18 U.S.C. § 208(a), Mr. Berger will not participate personally and substantially in any particular matter that would have a direct and predictable effect on his own financial interests or those of any other persons whose interests are imputed to him, unless he first obtains a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualifies for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). Mr. Berger understands that the interests of the following persons are imputed to him: his spouse; minor children; any general partner of a partnership in which he is a limited or general partner; any organization in which he serves as officer, director, trustee, general partner or employee; and any person or organization with which he is negotiating or has an arrangement concerning prospective employment.

Upon confirmation, Mr. Berger will resign from his positions with the following entities: the City of Palm Bay Police Department; Forfeiture Support Associates; Capella University; People's Credit Union; AJS Consulting Associates; Brevard Cystic Fibrosis Society; the International City/County Management Association; and the Palm Bay Chamber of Commerce. Mr. Berger has already resigned from the Easter Seals of Brevard. For a period of one year from his resignation from each of these entities, he will not participate personally and substantially in any particular matter involving specific parties in which any of these entities is a party or represents a party, unless he is first authorized to participate pursuant to 5 C.F.R. § 2635.502(d). He has been advised that his participation in particular matters involving specific parties in which the Palm

Bay Police Department is a party or represents a party will be authorized pursuant to 5 C.F.R. § 2635.502(d). Mr. Berger will also resign from his positions with the Stetson Law School and the International Association of Chiefs of Police.

Mr. Berger engages in consulting as the President of a limited partnership, doing business as Berger and Associates. Upon confirmation, Mr. Berger will withdraw from the partnership and the company will remove his name. As a United States Marshal, he will not participate personally and substantially in any particular matter involving specific parties in which this company is a party or represents a party, unless he is first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). In addition, he will not participate personally or substantially in any particular matter involving specific parties in which a former client is a party or represents a party, for a period of one year after last providing service for that client, unless he is first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

Finally, Mr. Berger understands that as an appointee he is required to sign the Ethics Pledge (Exec. Order No. 13490) and that he will be bound by the requirements and restrictions therein in addition to the commitments he has made in this and any other ethics agreement.

Based on the above agreements and counseling, I am satisfied that the report presents no conflicts of interest under applicable laws and regulations and that you may so certify to the Senate Judiciary Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee J. Lothus", is written over the typed name.

Lee J. Lothus
Assistant Attorney General
for Administration and
Designated Agency Ethics Official

Enclosure

NOMINEE STATEMENT

I have read the attached Ethics Agreement signed by Lee Loftus, Assistant Attorney General for Administration and Designated Agency Ethics Official on 9/30, 2010, and I agree to comply with the conflict of interest statute and regulations, and to follow the procedures set forth in the agreement. In addition, I understand that as an appointee I am required to sign the Ethics Pledge (Exec. Order No. 13490) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this and any other ethics agreement.

W.B. Berger
William B. Berger

Date: 9/30, 2010