

**Daniel L. Zelenko**

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Practice Areas

- White Collar & Regulatory Enforcement
- Antitrust
- Complex Litigation
- Latin America Practice

Daniel L. Zelenko is a partner in Crowell & Moring's White Collar & Regulatory Enforcement Group in the firm's New York office. He focuses on securities enforcement investigations, white collar criminal defense, corporate internal investigations, criminal antitrust matters and complex civil litigation.

Prior to joining Crowell & Moring in 2008, Dan spent almost nine years in the SEC's Division of Enforcement and as a federal prosecutor with the Department of Justice. Most recently, Dan served as a Branch Chief in the SEC's New York Office, where he was lead counsel and supervised attorneys, accountants and investigators on several high profile investigations and enforcement proceedings.

Recent representations include:

- A registered investment adviser in connection with an SEC examination and an industry-wide SEC investigation related to Collateralized Debt Obligations;
- Several registered broker-dealers in connection with various SEC enforcement investigations related to insider trading and market manipulation;
- A government contractor in connection with a public corruption and Foreign Corrupt Practices Act investigation by the Department of Justice;
- A senior officer of a publicly-traded corporation in a securities fraud investigation by the Department of Justice and the SEC;
- Several senior executives of a publicly-traded pharmaceutical company in an accounting fraud investigation based on allegations of improper revenue recognition; and
- A senior executive in a criminal antitrust investigation conducted by the Department of Justice

Representative cases while at the SEC include:

- the largest ever mutual-to-stock bank conversion scheme involving more than 65 banks and multiple defendants (*SEC v. Fingerhut, et. al*)
- subprime mortgage portfolio accounting practices at a major financial institution
- stock option backdating practices at a *Fortune 100* company
- a settled enforcement action involving an investment bank that aided and abetted hedge funds engaged in deceptive mutual fund market timing
- a scheme involving a registered representative who defrauded a 9/11 widow out of more than \$250,000 (*SEC v. Dunn*)
- abuses of finite reinsurance products by several corporations and their top executives
- an administrative trial that resulted in a lifetime industry bar for a registered representative in connection with a securities offering fraud

In addition, during 2007 Dan served as co-lead counsel and Special Assistant United States Attorney in a criminal jury trial involving the manipulation of multiple publicly-traded companies. The trial resulted in a conviction on all counts.

Before joining the SEC in 2004, Dan was a Trial Attorney in the National Criminal Enforcement Section of DOJ's Antitrust Division where he conducted investigations of international corporations and their executives for price fixing, bid rigging, market allocation conspiracies and related federal crimes. He was the lead prosecutor on several grand jury investigations, including the prosecution of an international cartel that provided transportation services to the Department of Defense. While at DOJ, Dan was also appointed Special Assistant United States Attorney in the Eastern District of Virginia where he successfully prosecuted several felony and misdemeanor cases and assisted the terrorism prosecution team after 9/11 in *United States v. Zacarias Moussaoui*.

Dan has been a panelist and faculty member at bar association and industry conferences; and he has provided training to multiple law enforcement organizations on securities enforcement and white collar crime. He also co-edited a chapter in the *ABA Handbook on Antitrust Grand Jury Investigations*.

Upon graduation from law school, Dan clerked on the United States Court of Appeals for the Eleventh Circuit. Dan is active in the American Bar Association and has previously served as an officer of the Criminal Justice Section of the Federal Bar Association. He is also a Barrister in the New York American Inn of Court and a member of the New York State Bar Association White Collar Crime Committee.

Education

- Emory University, B.A. (1993)
- American University Washington College of Law, J.D. (1997) *summa cum laude*, editor of the *American University Law Review*

Affiliations

Admitted to practice

New York

Publications

- Book: *Understanding DOJ Discovery Policies: Leading Lawyers Analyze the New Discovery Guidelines Affecting White Collar Cases (Inside the Minds)*, Thomson Reuters - Aspatore Books (January 2011). Co-Author: Daniel L. Zelenko.
- "Context, Context, Context: Don't Judge an Email by its Cover," American Bar Association National Institute on White Collar Crime (2010). Authors: Daniel L. Zelenko and Shamiso Maswoswe.
- *ABA Handbook on Antitrust Grand Jury Investigations* (2002). Contributing Editor: Daniel L. Zelenko.

Alerts & Newsletters

- "Eighth Circuit Approves Use of Fraud Guidelines for Antitrust Crimes," *White Collar Alert* (May 3, 2012). Contacts: Daniel L. Zelenko, Stephen M. Byers, Jeffrey Blumenfeld, Daniel A. Sasse, Jeffrey H. Rutherford, Kyler E. Smart, Shamiso Maswoswe.
- "UK Bribery Act – Ready or Not, Here It Comes," *White Collar Alert* (June 30, 2011). Contacts: Gerallt Owen, Janet Levine, Thomas A. Hanusik, Alan W. H. Gourley, Kelly T. Currie, Daniel L. Zelenko, Femi Dekalu-Thomas, Simi Kaur Grewal.
- "Ineffective Insider Traders Avoid Double Whammy of a Failed Trade and Civil Penalties," *White Collar Alert* (June 14, 2011). Contacts: Daniel L. Zelenko, Thomas A. Hanusik, Shamiso Maswoswe.
- "The New Bounty Hunters: Congress Creates New Incentives to Report Securities and Commodities Fraud," *White Collar Alert* (July 15, 2010). Contacts: Michael W. Lieberman, Thomas A. Hanusik, Daniel L. Zelenko.
- "Sarbanes-Oxley Survives but Supreme Court Bolsters Discretion to Remove PCAOB Members," *White Collar Alert* (June 30, 2010).

Contacts: Daniel L. Zelenko, Melanie Natasha Henry, Thomas A. Hanusik.

- "New Amendments to Corporate Sentencing Guidelines: Important Changes in Requirements for Effective Compliance and Ethics Programs," *White Collar Alert* (May 3, 2010). Contacts: Daniel L. Zelenko, Shamiso Maswoswe, Stephen M. Byers, Philip T. Inglima, Janet Levine, John S. Crouchley.
- "DOJ Appoints New Prosecutors and FBI Agents to Fight IP Crime," *White Collar Alert* (April 27, 2010). Contacts: Stephen M. Byers, Michael J. Songer, Douglas W. Sullivan, Janet Levine, Melanie Natasha Henry, Daniel L. Zelenko.
- "DOJ Allows Hiring of Foreign Official under the FCPA," *White Collar Alert* (April 23, 2010). Contacts: Thomas A. Hanusik, Alan W. H. Gourley, Janet Levine, Daniel L. Zelenko, Martinique Busino.
- "Hedge Funds and Antitrust Compliance: Antitrust Division Investigates Hedge Funds Shorting Euro," *Antitrust Law Alert* (March 5, 2010). Contacts: Daniel L. Zelenko, Olivier N. Antoine, Kathleen Clair.
- "President Creates Interagency Financial Fraud Enforcement Task Force," *White Collar Alert* (November 19, 2009). Contacts: Janet Levine, Thomas A. Hanusik, Daniel L. Zelenko.
- "Pushing the Envelope on Insider Trading," *White Collar Alert* (July 23, 2009). Contacts: Thomas A. Hanusik, Daniel L. Zelenko, Justin P. Murphy.

Speaking Engagements

- "Fundamentals of Criminal Antitrust: Sentencing of Individual Defendants," American Bar Association Cartel and Criminal Practice Committee's Fundamentals Audio Program Series (July 15, 2011). Speaker: Daniel L. Zelenko.
- "Government Investigations after Dodd-Frank: Are Paid Whistleblowers a Game Changer?" American Conference Institute's Advanced Forum on Whistleblower Enforcement & Compliance (March 30, 2011). Panelist: Daniel L. Zelenko.
- "Enforcement Update: Review of Regulatory Actions, Accounting Enforcement SEC/PCAOB," Accounting for Lawyers 2: Beyond the Balance Sheet, Red Flags 2010, New York, NY (October 22, 2010). Co-Speaker: Dan Zelenko.
- "What Every Outside Regulatory Counsel Should Know: A View From the Inside," ABA's Fifth Annual National Institute on Securities Fraud, New Orleans, LA (October 7, 2010). Panel Moderator: Dan Zelenko.
- "Fundamentals of White Collar Investigations," American Bar Association 24th National Institute on White Collar Crime, Miami, FL (February 2010). Panelist: Dan Zelenko.

- "Channel-Stuffing & Revenue Recognition: How Stale Are Those Doughnuts?," Accounting for Lawyers: Beyond the Balance Sheet - Recognizing the Red Flags of Fraud, New York City Bar Center (October 7, 2009). Speaker: Dan Zelenko.
- "Update and Overview of Current Financial Regulatory Investigations Worldwide," Inhouse Presentation, New York (September 24, 2009). Presenters: Nilam R. Sharma, Zainab Charchafchi, Dan Zelenko.
- "Implications of Foreign Corrupt Practices Act of 1977 ('FCPA') on D&O Insurance," Professional Indemnity Agency (September 23, 2009). Speaker: Dan Zelenko.
- "Antitrust Update," ABA Antitrust Section Teleconference, sponsored by the Corporate Counseling Committee (May 2009). Co-Presenters: Jeffrey Blumenfeld, Christine L. White, Shawn R. Johnson, Daniel L. Zelenko and Sean-Paul Brankin.
- "Current Accounting and Reporting 'Hot Buttons' and SEC Enforcement Perspectives," 29th Annual FASB / SEC Accounting Institute, Las Vegas, NV (November 19-20, 2008). Speaker: Dan Zelenko.
- "Primer: Representing witnesses during SEC testimony," The Third Annual National Institute on Securities Fraud, Arlington, VA (October 2-3, 2008). Speaker: Dan Zelenko.
- Kinetic Partners' Operational Risk Breakfast, New York, NY (September 17, 2008). Guest Speaker: Dan Zelenko.
- "Dealing with Whistleblowers in International Investigations: Government, In-House, and Outside Counsel Tactics and Ethics," American Bar Association Section of Antitrust Law and the ABA Center for Continuing Legal Education, Teleconference (June 26, 2008). Speaker: Dan Zelenko.
- "Update on Damages in the Regulatory and Enforcement Setting," Law Seminars International, Boston, MA (May 5, 2008). Speaker: Dan Zelenko.
- "The Grand Jury," George Washington University Law School Scholarship Roundtable, Washington, DC (March 21, 2008). Roundtable Participant: Dan Zelenko.