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Matter No. OIG-509

Telephone Interview with Silvestre Fontes, former Branch Chief, Division of Enforcement, Boston District Office/current Senior Trial Counsel, Boston Regional Office

David Fielder and David Witherspoon:

Tuesday, April 7, 2009

On Tuesday, April 7, 2009, David Fielder and David Witherspoon called Silvestre Fontes in BRO where he is Senior Trial Counsel. He was a Branch Chief in the Division of Enforcement in BDO prior to becoming Trial Counsel.

A March 12, 2001 e-mail from Fontes to Ed Manion with the subject "Madoff," stated, "Talked to Grant about this; I'll look for you and we can discuss." The primary purpose of the call was to see whether Fontes remembered talking to Grant Ward in March 2001 about Madoff. Ward claimed in his March 31, 2009 on-the-record interview with Fielder and Witherspoon that he did not recall ever meeting Harry, and did not recall a meeting with Harry and Ed Manion in May 2000. He also did not recall having anything to do with the Madoff matter, but indicated that he likely would have referred the matter to NERO had it been brought to his attention.

Because the March 12, 2001 e-mail suggested that Ward may have known something about Madoff, it was necessary to follow up with Fontes to see what he recalled about the e-mail or any discussions with Ward. Fontes recalled neither sending the e-mail to Manion, nor talking to Ward. Fontes was confident that the email's reference to "Grant" must have been a reference to Ward. He stated that he and Manion talked fairly regularly, and that he considers Manion a friend. He did not recall ever talking to Manion about Madoff.