
Committee Meeting

of

NEW JERSEY LEGISLATIVE SELECT OVERSIGHT COMMITTEE

“The Committee will take testimony from invited guests”

LOCATION: Committee Room 4
State House Annex
Trenton, New Jersey

DATE: January 25, 2019
10:30 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Loretta Weinberg, Co-Chair
Assemblywoman Eliana Pintor Marin, Co-Chair
Senator Kristin M. Corrado, Co-Vice Chair
Assemblywoman Nancy F. Muñoz, Co-Vice Chair
Senator Fred H. Madden, Jr.
Senator M. Teresa Ruiz
Senator Steven V. Oroho
Assemblywoman Angela V. McKnight
Assemblywoman Nancy J. Pinkin
Assemblywoman Verlina Reynolds-Jackson
Assemblywoman BettyLou DeCroce
Assemblywoman Holly T. Schepisi



ALSO PRESENT:

Rosemary Alito, Esq.
Michael Critchley, Sr., Esq.
Joseph A. Hayden, Jr., Esq.
Special Counsels

Stephanie M. Wozunk
*Office of Legislative Services
Committee Aide*

Alison Accettola
Senate Majority
Brian Quigley
*Assembly Majority
Committee Aides*

Michael R. Molimock
Senate Republican
Kevin Logan
*Assembly Republican
Committee Aides*

***Meeting Recorded and Transcribed by
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LORETTA WEINBERG
Co-Chairwoman
ELIANA PINTOR MARIN
Co-Chairwoman

KRISTIN M. CORRADO
Co-Vice Chairwoman
NANCY F. MUNOZ
Co-Vice Chairwoman

SANDRA B. CUNNINGHAM
FRED H. MADDEN JR.
M. TERESA RUIZ
STEVEN V. OROHO

GORDON M. JOHNSON
PAMELA R. LAMPITT
ANGELA V. MCKNIGHT
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BETTYLOU DECROCE
HOLLY T. SCHEPISI



New Jersey State Legislature
NEW JERSEY LEGISLATIVE SELECT OVERSIGHT
COMMITTEE
STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

STEPHANIE M. WOZUNK
Office of Legislative Services
Committee Aide
(609) 847-3890
(609) 777-2998 fax

COMMITTEE NOTICE

TO: MEMBERS OF THE NEW JERSEY LEGISLATIVE SELECT OVERSIGHT COMMITTEE

FROM: SENATOR LORETTA WEINBERG, CO-CHAIR AND ASSEMBLYWOMAN ELIANA PINTOR MARIN, CO-CHAIR

SUBJECT: COMMITTEE MEETING - JANUARY 25, 2019

The public may address comments and questions to Stephanie M. Wozunk, Committee Aide, or make bill status and scheduling inquiries to Kristi L. Cannella, Secretary, at (609)847-3890, fax (609)777-2998 or e-mail: OLSAideLSOC@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The New Jersey Legislative Select Oversight Committee will meet on Friday, January 25, 2019 at 10:30 AM in Committee Room 4, 1st Floor, State House Annex, Trenton, New Jersey.

The committee will take testimony from invited guests.

Issued 1/18/19

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SENATOR LORETTA WEINBERG (Co-Chair): Good morning, Mr. Parikh.

If you would just introduce yourself and the two people who are accompanying you.

RAJIV D. PARIKH, Esq.: Good morning, Senator.

Thank you.

Rajiv Parikh, of Genova Burns LLC.

To my right -- to your left -- is my partner and my Counsel, Angelo Genova; and to my left and your right is our colleague and our Co-Counsel, Justine Abrams.

Behind us, behind Ms. Abrams, is David Mell, who is also with our office.

SENATOR WEINBERG: Okay. And we will ask OLS to outline--

Oh, roll call; thank you very much for the reminder.

Roll call, please.

MS. WOZUNK (Committee Aide): Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: Here.

MS. WOZUNK: Assemblywoman DeCroce.

ASSEMBLYWOMAN DeCROCE: Here.

MS. WOZUNK: Assemblywoman Reynolds-Jackson.

ASSEMBLYWOMAN REYNOLDS-JACKSON: Here.

MS. WOZUNK: Assemblywoman Pinkin.

ASSEMBLYWOMAN PINKIN: Present.

MS. WOZUNK: Assemblywoman McKnight.

ASSEMBLYWOMAN McKNIGHT: Here.

MS. WOZUNK: Assemblywoman Lampitt. (no response)

Assemblyman Johnson. (no response)

MS. WOZUNK: Senator Oroho.

SENATOR OROHO: Here.

MS. WOZUNK: Senator Ruiz.

SENATOR RUIZ: Here.

MS. WOZUNK: Senator Madden.

SENATOR MADDEN: Here.

MS. WOZUNK: Senator Cunningham. (no response)

Co-Vice Chair Muñoz.

ASSEMBLYWOMAN NANCY F. MUÑOZ (Co-Vice Chair): Here.

MS. WOZUNK: Co-Vice Chair Corrado.

SENATOR KRISTIN M. CORRADO (Co-Vice Chair):
Here.

MS. WOZUNK: Co-Chair Pintor Marin.

ASSEMBLYWOMAN ELIANA PINTOR MARIN (Co-Chair): Here.

MS. WOZUNK: Co-Chair Weinberg.

SENATOR WEINBERG: Here.

MS. WOZUNK: We have a quorum.

SENATOR WEINBERG: Thank you.

And now will you please read the rules of engagement.

(laughter)

MS. WOZUNK: Good morning.

Your testimony is being recorded that it may be transcribed, and it may be used in other proceedings. Do you understand that?

MR. PARIKH: I do, thank you.

MS. WOZUNK: Please know that all of your responses should be verbal; we cannot record a head shake or a nod. If you do not understand a question, please ask for clarification. Otherwise, the Committee will assume that you understand the question and that your answers are responsive to that question.

Do you understand those directions?

MR. PARIKH: I do, thank you.

MS. WOZUNK: Do you understand that if the statements you make today are willfully false, if you fail to answer a pertinent question or commit perjury, you may be subject to penalties under the law?

MR. PARIKH: I do.

MS. WOZUNK: Do you understand that you have certain rights under the Code of Fair Procedure, including the right to have your Counsel submit proposed questions on your behalf?

MR. PARIKH: Yes.

MS. WOZUNK: Does your Counsel have any questions to submit today?

A N G E L O J. G E N O V A, Esq.: I have none.

MS. WOZUNK: You are entitled to a copy of the transcript of your testimony, at your expense, when such copy is available.

Do you understand that?

MR. PARIKH: Yes.

MS. WOZUNK: You have the right to file a brief, sworn statement relevant to your testimony, for the record, at the conclusion of your appearance today.

Do you understand that?

MR. PARIKH: I do, thank you.

MS. WOZUNK: Before the Committee proceeds with the oath, do you have any questions?

MR. PARIKH: I do not.

SENATOR WEINBERG: Mr. Parikh, please stand and raise your right hand.

(Senator Weinberg administers the oath)

Thank you; you may be seated.

Thank you; do you have an opening statement?

MR. PARIKH: I do.

SENATOR WEINBERG: Please proceed.

MR. PARIKH: Thank you.

SENATOR WEINBERG: Do we have copies of the--

ASSEMBLYWOMAN PINTOR MARIN: Mr. Parikh, can you do me a favor? Can you just bring the mike a little closer to you? For some reason-- I don't know if anyone else is having a little bit of a hard time hearing each other today.

MR. PARIKH: Better?

ASSEMBLYWOMAN PINTOR MARIN: Much better; thank you.

SENATOR WEINBERG: Yes, the acoustics in this room are not great.

So would everybody please speak loudly and into the microphones.

Thank you.

Now you may go ahead.

MR. PARIKH: Thank you.

Good morning.

As you know, my name is Rajiv Parikh.

I would like to thank the panel for allowing me to provide an opening statement.

It is my hope that this statement will provide answers and context to many of your questions.

By way of background, I have been an attorney since 2005. After graduating from law school in that year, I spent two years as a law clerk for a Federal Judge here in Trenton. Following my clerkship, I joined Genova Burns LLC as an associate, and was elected partner in 2015.

My practice is primarily focused on complex business litigation, constitutional litigation, crisis management, and election law and campaign finance.

Since being admitted to the bar I have been, among other things, very active as a member of a variety of bar associations, including serving as the Vice President of the South Asian Bar Association of North America; and in leadership roles in the Association of the Federal Bar of New Jersey, the Asian Pacific American Lawyers Association of New Jersey, and the South Asian Bar Association of New Jersey.

In mid-September 2017, I had a meeting with Matt Platkin and Jose Lozano to discuss the possibility of me providing some legal assistance

to then-Ambassador Murphy's Transition Team, if he were fortunate enough to win the November 2017 general election. Following the election, Chief of Staff designee Pete Cammarano, Chief Counsel designee Matt Platkin, and Transition Executive Director Jose Lozano asked if I would serve as Senior Counsel to Governor-elect Phil Murphy and Lieutenant Governor-elect Sheila Oliver's Transition Team. I accepted, and my role was announced about a week or so following Election Day.

The Transition consisted of two groups: the Transition Advisory Committees and the Transition staff. There were 14 separate Transition Advisory Committees. Each had multiple co-chairs, members, and volunteer coordinating staff. I believe there were over 600 individuals involved in these purely volunteer roles, who took time from their regular jobs to craft recommendations, via reports, to the incoming Murphy Administration. Each Transition Advisory Committee held two in-person meetings.

The second group is what has been referred to as the *Transition staff*. The Transition staff was a group of individuals who worked full time for the Transition, five or more days per week, from a few days after Election Day through Inauguration Day. Inside of the Transition staff there were, from my perspective, a number of informal teams focused on a variety of tasks including the inauguration ceremony, management of the Transition Advisory Committee policy, review and selection of Cabinet members, the Administration's 100-day agenda, personnel, seeking resignations of appointees from the Christie Administration, office operations, and others.

Members of the Transition staff included paid staff, volunteers, and, to my knowledge, a few individuals who were on mobility from their existing positions in other departments in State government.

As you have already heard, Ms. Brennan was a part of the volunteer Transition Advisory Committee group, while Mr. Alvarez was a part of the paid Transition staff.

In my view, the employment-related processes for the Transition can be characterized into four main categories: review and selection of Cabinet members; formation of the front office; review and distribution of individuals who identified themselves as interested in working in the Administration; and review and sign off on any requests for resignation, termination, or personal hardships of existing Christie Administration Senior Executive Service employees.

I was involved in several discussions regarding the design of the processes for the review of individuals interested in working in the Administration, and the resignation or termination of existing employees.

The general process for reviewing interested candidates was designed to cover all positions, from entry level positions to senior positions, such as Deputy Commissioners. Prior to complete deployment, there were several meetings and discussions regarding this process, legal questions for which advice was requested and provided, and form documents which were drafted and circulated to the Transition Team.

During our discussions of process, the Transition was informed that an application for employment, verification of a right to work, and standard criminal or employment background checks would be conducted

through the regular State process, following the transition of government. This process was set forth in the form offer letter that our office generated.

In general, the Transition's process was for résumés to be submitted via a web portal into an electronic résumé bank. Members of staff would go through résumés and segregate them into roles, areas, or agencies. Qualified candidates were asked to meet with Transition staff for a screening interview. Following the interview, some individuals would receive a Transition questionnaire for completion, which upon return would be sent to me for a public records search to be conducted. The results of the public records search would be discussed with the leadership team, and was color-coded as identified on the legend page of the summaries that were provided.

Green indicated that there were no issues found with the searches conducted; *yellow* indicated that there were issues found, or further searches were recommended; and *red* indicated that there were large, possibly disqualifying issues found.

While these searches were colloquially referred to as *background checks*, they were not criminal or standard employment background checks. Rather, they were public records searches which included searches on legal databases, the Internet, social media sites, and some deep web searches.

If the public records search resulted in a yellow or red designation, those issues were discussed with Mr. Cammarano, Mr. Platkin, and/or Mr. Lozano; and additional review was completed, if possible, and again discussed with members of that group.

I know that this panel has been seeking an answer to its question of who hired Mr. Alvarez. Unfortunately, I do not know the

answer to that question, nor would I have ever known the answer to that question. I had no authority in placement recommendations made during the Transition. While I may have made suggestions in meetings when personnel matters were discussed, I did not have any discussions regarding the Schools Development Authority or Mr. Alvarez's placement there. In fact, I do not believe that I knew that Mr. Alvarez was hired by the Schools Development Authority as its Chief of Staff until the fall of 2018.

As part of my role as Senior Counsel, the Transition's senior leadership team requested that I coordinate training on ethics and training on workplace harassment and discrimination for the Transition staff. And again, that is the 50 or 60 individuals who came to the Transition office, full time, on a daily basis.

This resulted in ethics training provided by the State Ethics Commission, and a separate training session on workplace harassment and discrimination provided by the State EEO Director, even though the State EEO policy did not apply to most of the Transition staff.

During each weekly staff meeting, as well as these training sessions, the Transition staff was reminded that any issues, including ethics, conflicts, or workplace matters, no matter how big or how small, could always be brought to the attention of me; Lynn Haynes, who was the Director of Personnel; Mr. Lozano, Mr. Platkin, or Mr. Cammarano.

On the morning of December 1, 2017, Justin Braz reached out to me on my cell phone. Mr. Braz said that he was calling because he needed some advice. He stated that he had received some information in confidence from a friend about something that could be bad for the Governor-elect.

He went on that he was not sure whether to share the information or not. I told Mr. Braz that I could not tell him what to do. I told him that he needed to decide whether to keep his friend's confidence or not; but that he should balance that against his role as a member of the coordinated campaign and as a part of the Transition. I also noted that as a lawyer for the Transition, I would like to know of any issues that could impact the Team.

I also reminded Mr. Braz that he had spent significant time working on the coordinated campaign to elect Governor Murphy and others throughout the state, and that if he believed that it was impactful information, then he may want to share it.

Mr. Braz then told by me that he had been told by one of his female friends that Al Alvarez was going to be arrested for sexual assault. He went on to tell me that this friend had told him about the alleged sexual assault quite some time ago, before Mr. Braz was even involved on the Campaign. He added that his friend had gone to law enforcement and sought to press charges against Mr. Alvarez.

Mr. Braz indicated that in between his friend telling him of the assault, and the call where she told him that an arrest was about to happen, he had heard nothing further about the incident and assumed that nothing else had happened.

I asked Mr. Braz whether he could identify his friend. He declined to do so. Mr. Braz again asked me what he should do, and if we needed to discuss the matter with anyone else to prepare for the fallout of Mr. Alvarez being arrested.

Because Mr. Braz told me that an arrest was imminent, I told him that he should discuss this matter with Mr. Cammarano, and that I would connect with them shortly.

That morning, I had subsequent discussions with Mr. Braz and Mr. Cammarano, and this information was relayed to Mr. Cammarano. I believe that Mr. Cammarano also asked whether Mr. Braz could identify the accuser, and Mr. Braz again declined, noting that she did not want anyone to know.

I advised both Mr. Cammarano and Mr. Braz that they should not discuss the matter with anyone, and recommended the Transition should not take any action whatsoever at that time. I noted that once Mr. Alvarez was arrested, or we were informed of the charges or arrest, or surrender by him, we would discuss next steps regarding what the Transition would need to do.

This advice was not to keep key people in the dark or to insulate or protect anyone. Instead, I believed there should be absolutely no interference with an imminent law enforcement arrest. We did not know what Mr. Alvarez knew about allegations, his pending arrest, or related matters; and I did not want my client in a position where it could be seen as potentially obstructing justice.

Once Mr. Alvarez was arrested, I intended to suggest a broader discussion with the Transition Team regarding all aspects of the situation, including protections for the victim, Mr. Alvarez's employment status, and related legal and non-legal matters.

Later that day, Mr. Cammarano and I had additional discussions with Mr. Braz, who told us that his friend called him and said

that the Prosecutor was not going to press charges against Mr. Alvarez. We again asked Mr. Braz if he would identify his friend, and he again declined, noting that he was not supposed to discuss the matter with anyone.

We thanked him for the update. Mr. Cammarano and I agreed that we would chat further over the weekend.

During the course of my discussions with Mr. Braz on December 1, he also told me that his friend was not a part of the Transition staff; but that she was a volunteer with a Transition Advisory Committee, and that she was planning on seeking a role in the Administration, albeit in a different area than Mr. Alvarez.

On Sunday, December 3, 2017, I followed up with Mr. Cammarano via phone to discuss the matter further. We initially did not connect, so I sent him a text message. Later that day we had a brief telephone discussion, and Mr. Cammarano asked me to advise what legal obligations the Transition had, noting that the Transition was going to do whatever was legally required. I told Mr. Cammarano that I wanted to confer with my colleagues who regularly deal with employment matters, and that we would discuss next steps within a few days.

Later that evening I sent an e-mail to employment lawyers at my law firm reciting the factual information I had at the time, outlining some of the legal issues I had identified, and requesting their thoughts and input on what guidance we should provide to the client. This e-mail has, at times, been referred to as a *memo* by this panel, and has received scrutiny in press reports. However, most of what I have seen reported about this e-mail is a mischaracterization of its content and its intent. This e-mail was an internal document of my law firm. It was me seeking advice from other

lawyers in my office who focus 100 percent of their time on employment law. This e-mail was never shared beyond my office with anyone from the Transition. To be explicitly clear, other than its production in these proceedings, this e-mail was never seen by anyone other than my colleagues at Genova Burns. More importantly, the content of my e-mail did not include the ultimate advice I provided to the Transition. Instead, it contained the information necessary for full consideration of every legal route available to the client so that I could provide them with the best advice under the circumstances.

Yes, it considered a wide breadth of options, from terminating Mr. Alvarez, to doing nothing until the situation played out further.

While some of the options on that spectrum may not be personally or politically palatable, they are all options within legal bounds; and as an attorney, I would be doing a disservice for my clients if I did not consider the options and the potential outcomes of those options before rendering advice and guidance.

I should also note that none of the three possible options noted in my e-mail were ever relayed to the Transition as a recommended course of action.

Ultimately, I believe that this panel is interested in understanding what advice I provided to the Transition regarding the protection of Mr. Braz's unidentified friend. First, as I mentioned earlier, I had discussions regarding these issues with Mr. Cammarano. I also had discussions with Mr. Lozano regarding this matter. While I do not recall the timing of when Mr. Cammarano and I informed Mr. Lozano about

what Mr. Braz relayed to us, I do recall Mr. Cammarano I and sitting in Mr. Lozano's office and recounting all of the information we had from Mr. Braz.

There were several incremental discussions over a few weeks, as well as attempts to get additional information such as through a public records search. Ultimately, the advice I provided to the Transition Team was based upon the limited information available to us at the time.

For the most part, what I knew is as follows:

I knew that a female friend of Mr. Braz had accused Mr. Alvarez of sexual assault.

I knew that the sexual assault happened before the summer of 2017.

I knew that she had gone to law enforcement to report the sexual assault and press charges.

I knew that the Prosecutor's Office declined to press charges in December 2017.

I knew that Mr. Braz was breaking her confidence in telling us about the allegation.

I knew that she wanted to remain anonymous.

I knew that she was a volunteer on a Transition Advisory Committee.

I knew that she was interested in seeking a position in the Murphy Administration in an area different than what Mr. Alvarez was interested in.

I did not know who she was; I did not know how she knew Mr. Braz; I did not know where she lived; I did not know whether or where she worked.

I did not know whether she knew Mr. Alvarez prior to the alleged sexual assault.

I did not know what law enforcement agency she reported the sexual assault to.

I did not know which Prosecutor's Office the case was being handled by.

I did not know what Transition Advisory Committee she was involved with.

I did not know what role in the Administration she was planning on pursuing.

And finally, I knew that employers in New Jersey must take action to prevent harassment or retaliation in the workplace.

Following several discussions with the client and with my employment law partners at my firm, I recommended a course of action that would prevent any retaliation against Mr. Braz's unknown friend.

To reach our ultimate recommendations, my colleagues and I went through a variety of questions and scenarios including, among others, whether I should confront Mr. Alvarez, whether we should conduct an employment investigation, or interview Transition Advisory Committee members. Each of those concepts were ultimately not recommended, because each created a situation where the unknown individual, the unknown accuser, could have been identified against her will; or because it would have created a greater risk of retaliation in an environment that would have been difficult for us to manage or control.

Our ultimate recommendation to the Transition, to ensure that there was no retaliation against the unknown accuser, was that the

Transition limit Mr. Alvarez's authority to make placement decisions; and that as personnel department-related work slowed down, he be shifted to assist on inauguration-related matters.

I also suggested that we should not inform Mr. Alvarez of this shift in his responsibilities which, in my opinion, would have created additional risk of retaliation against who we now know is Ms. Brennan. Instead, this prophylactic remedy was to be implemented by Mr. Alvarez's direct supervisor, Lynn Haynes, and would be messaged simply as a change in process, given the tremendous amount of work left for the Transition Team in, at that point, what were a few remaining weeks.

I discussed this recommendation with the client, who agreed that this was the best course of action. I was asked to discuss the prophylactic measure with Ms. Haynes so that it could be implemented.

One evening, after most of the Transition staff had left, I went to Ms. Haynes' office and sat down to discuss this matter with her. I advised Ms. Haynes that there was an issue raised about Mr. Alvarez; and that while she did not need to know the details of the allegations, we needed to implement some restrictions on Mr. Alvarez's role. I noted that she should prohibit him from taking placement action with respect to any individuals who were seeking positions within the Administration.

Ms. Haynes noted that Mr. Alvarez was already not making any final placement decisions on his own, and that she had essentially curtailed what her team was doing because there was limited time left on the Transition, key staffing decisions for priority agencies were not yet made, and there were too many individuals interested in being placed.

She also noted that she had received recommendations from Mr. Alvarez that made her pause, because the individuals did not appear to be qualified or suited for the suggested role. She advised that, at this point, her staff was not making independent judgements on any candidates, but were essentially just creating packets of résumés, on an agency-by-agency basis, to provide to Cabinet nominees for their review and consideration.

From my perspective, Ms. Haynes nonetheless understood that Mr. Alvarez should not be making any determinations on placement or hiring on his own.

I advised the Transition leadership team, following my discussion with Ms. Haynes, that the recommended measures were put in place.

I also understand that one of the focuses of this Committee is to determine whether there are recommendations to changes in policy or law that would clarify how situations, such as the one presented here, should be handled. I would be happy to discuss such recommendations with you in detail, but have a few relatively simple suggestions related specifically to gubernatorial transitions.

First, the Gubernatorial Transition Act should be amended so that the State EEO laws and policy are applicable to all individuals working on a transition, and not just those who serve on mobility from other State agencies.

Next, each gubernatorial transition should be provided with a full-time Civil Service-based Human Resources professional, who can serve as the Transition's EEO Officer.

In addition, I would respectfully suggest that there is funding provided for a set number of transition staff to be hired as temporary government employees outside of the general appropriations allocation for transitions, which I believe has not changed in almost 30 years.

Finally, the Committee could consider whether both major party candidates should be provided with funding for some transition activity to commence at a designated point in advance of Election Day, so processes, structure, and operations can be established ahead of time.

Thank you again for the opportunity to provide you with this opening statement, which I hope was informative. I would be happy to answer any follow-up questions that you may have.

SENATOR WEINBERG: Thank you very much, Mr. Parikh.

I'm going to start off with a few questions, I think based on the testimony that you just gave us.

You said in your opening remarks -- talking about the Transition staff -- that they were "a group of individuals who worked fulltime, five or more days per week," etc., on the "inauguration ceremony, management of the Transition Advisory Committee policy, selection of Cabinet members, the Administration's 100-day agenda, and personnel."

I think I can speak for this Committee, though; we are somewhat confused about what the hiring policy -- or how one actually got hired in this Administration. The only testimony that we've heard thus far -- if I remember correctly -- from both Mr. Cammarano and Mr. Platkin, was that -- and Mr. Lozano -- that they were only involved in Cabinet-level. How were other personnel vetted, recommended, or any other thing, during the Transition time? If you could share that with us.

MR. PARIKH: Yes, I'll do my best, Senator.

And I believe what you're asking about is the placement of individuals into the Administration, not how people were hired for Transition staff?

SENATOR WEINBERG: Yes; the placement of people in the Administration. Mr. Cammarano testified that hundreds -- if I remember; and I think I remember it right -- hundreds of people were placed the week of the Inauguration. Where did those hundreds of people come from; were they vetted; and if so, how?

MR. PARIKH: So with respect to those people, Senator, I understand it as how the process was set up. And pretty early on in the Transition we had set up a process, because we thought that the Transition was going to be able to place people who were going to be Staff Assistants, all the way up to Deputy Commissioners.

I think as we -- as the Transition solicited résumés, which was done through a web portal, the volume was much greater than anyone, I think, may have anticipated that it would be. And I believe it became impossible to try to fill every single one of those roles.

So as I understand it, the résumés would have been submitted through this web portal. Staff -- Transition staff were going through the web portal. It allowed you to-- And I never used it myself, but what I understood was it allowed you to identify people either by topic area, by agency, by credentials. So for example, if someone is an attorney, it would identify that. And then those were then segregated and essentially, by the point in time in the Transition -- probably around the holidays in late December -- those résumés were being put into folders or binders so they

could be given to the Cabinet appointees or nominees for their consideration of how they wanted to build out their staffs.

And so the process was, the résumés would go in -- and I think I talked about this a little bit in my opening -- the résumés would go in; I believe they were segregated by the system where people were able to self-identify where they wanted to be; staff would then take that--

I don't know how it was determined whether someone would be brought in for a screening interview or not. What I do know is that, in some circumstances, those individuals who would have had a screening interview were then given a Transition questionnaire, which they would fill out; which was then sent to me or folks in my office, and then we ran a public records search.

Then the public records search results were shared with the leadership team on the Transition staff; and I don't know how hiring decisions were made thereafter.

SENATOR WEINBERG: Do we have a copy of that Transition questionnaire?

(confers with staff)

Okay; thank you.

Okay, so if I follow what I-- I'll try a little bit of logic.

Most of these résumés were sent to the Cabinet member designees to fill out their own staffs?

MR. PARIKH: I believe so.

SENATOR WEINBERG: Okay.

MR. PARIKH: I think there may have been-- You know, I think for the Governor's Office, for example, I think that was handled by

Mr. Cammarano and Mr. Platkin. But for agencies-- So for example, the Secretary of State staff, I would presume, based upon what I observed, that she was given a binder with résumés.

SENATOR WEINBERG: Okay; and the Authorities Unit?

MR. PARIKH: I don't know how the Authorities were dealt with.

SENATOR WEINBERG: Okay; so the Transition employment screening just has the name, position applied for, and asks a few brief questions: Are you employed by a New Jersey casino? Do you currently have a contractual relationship with any New Jersey (indiscernible)? That's the extent of the Transition Employment Screening Questionnaire.

Now, background checks. We've heard the term here, I think, that -- supposedly, that was quoting you: *special background checks*. Is there such a thing as a special background check?

MR. PARIKH: I do not know what that phrase referred to, Senator. Each of the -- what was called a *background check* or *public record searches* -- we used legal databases that we have access to; we searched on the Internet. You know, that part of the process was designed to be after an initial screening interview, because of the Opportunity to Compete Act. So we had -- when we were planning out what was going to be the overall process, there were a variety of discussions with respect to making sure that we were complying with the law in that process.

SENATOR WEINBERG: Other than the senior Transition officials who we talked about -- Mr. Lozano, Mr. Cammarano, and Mr. Platkin -- was anybody from outside the immediate Transition committee involved in any of these discussions about potential applicants?

MR. PARIKH: Not that I'm aware of.

SENATOR WEINBERG: Okay, thank you.

Now, again, you said, "The general process for reviewing interested candidates was designed to cover all positions, from entry level to senior positions, such as Deputy Commissioners." So was this kind of a background check -- was that done on all of the employees, from senior level -- at least for those, however many there were -- Mr. Cammarano's words, *several hundred* -- who were ready to move into place on the day of the Inauguration?

MR. PARIKH: The only individuals who we did public records searches for were the individuals who we had a Transition questionnaire back from. So within the process -- I don't know how it was decided whether someone should get a Transition questionnaire or not; but once one came in, one of the staffers would usually email it to me. I think later in December--

SENATOR WEINBERG: Wait a minute; just slow down there a minute. Once one came in from what; from whom?

MR. PARIKH: So once the *candidate* -- I guess I'll call him -- filled out the Transition questionnaire form and provided it to someone on the Transition staff -- I believe they may have been people in the Personnel Department, but I'm not sure -- that would get e-mailed to me usually. So I would get the questionnaire via e-mail, and then I would then send that off to some folks at my office who would run public record searches on those people. They would generate, usually, a two-page -- I think it was called a *vetting report*, essentially, that had bullet points-- It had the person's name at the top; it had bullet points, with respect to certain categories of

searches; and if there were any results that came from the searches, the public records searches we ran, those would be in that document. And then I would review that document.

SENATOR WEINBERG: Okay.

Now, I'm moving on to, again, your testimony on Transition trainings: workplace harassment and discrimination training was provided by the State EEO Director, "even though State EEO policy did not apply to most of the Transition staff."

Why did you make that conclusion?

MR. PARIKH: The Gubernatorial Transition Act specifically states that members of the Transition, even if they are paid by the State -- other than those individuals who are there on mobility -- are not considered State employees. And the only law that applies to them is the State Conflicts of Interest law, and the laws and regulations related to the Public Employees' Retirement System.

SENATOR WEINBERG: The law says that the only laws that apply to them are what you just outlined?

MR. PARIKH: So yes, Senator, if I can read for you.

The citation is New Jersey Statutes Annotated 52--

SENATOR WEINBERG: I'm sorry; two conversations going on--

Go ahead, Mr. Parikh.

MR. CRITCHLEY (Special Counsel): Counsel, who's the *them*? I'm just saying, I missed-- Who's the *them* you're referring to, that the Conflict of Interest law applies to?

MR. PARIKH: The Conflicts of Interest law and the State Public Employees' Retirement System regulations apply to, from my reading of the statute, all members of the Transition staff.

MR. CRITCHLEY: Thank you.

SENATOR WEINBERG: Okay; now, continue. I'm sorry we interrupted you.

MR. CRITCHLEY: I'm sorry.

MR. PARIKH: That's okay.

So I think, Senator, you were asking me where I've drawn this conclusion from.

SENATOR WEINBERG: Right.

MR. PARIKH: So the statute is, New Jersey Statutes Annotated, 52:15A-3, sub part (2). And I'll read-- I'm sorry; it's (a)(2). I will read just the last sentence of that statute.

It says, "Notwithstanding any other law, persons receiving compensation as members of office staffs under this subsection," which is members of the Transition staff, "other than those detailed from agencies, shall not be held or considered to be employees of the State Government except for purposes of the Public Employees' Retirement System and the 'New Jersey Conflicts of Interest Law.'"

SENATOR WEINBERG: Okay, so if they were not considered State employees -- which seems pretty clear in what you just read -- what about that part of the EEO policy that says this policy covers any applicants for positions in State government, or anyone doing business with the State of New Jersey. Could that not be construed as governing Transition employees?

MR. PARIKH: That's a good question, Senator.

You know, what I would say is that this is a statute which, as a lawyer, usually a statute always trumps a policy, because it is the law. In addition-- You know, with respect to the question about applicants, I agree that applicants are entitled to protections under the State EEO policy. My reading and my judgement on the policy is that it applies to applicants as it relates to their involvement in the application and the interviewing process. So it's not that if I applied for a job at the Attorney General's Office, and then I had a racial epithet thrown at me by a State employee in some other context, that I would then be able to avail myself of all of the processes and rights under the State EEO policy; because the policy -- as to me as an applicant -- applies to my application, making sure I'm protected through the interview process, and making sure that I have equal treatment under the law and within the policy as respect to my application.

And Senator, if I could just add--

SENATOR WEINBERG: Yes, go ahead.

MR. PARIKH: --that's why one of the recommendations that I would suggest is clarifying this language in the Gubernatorial Transition Act so that transitions have a very clear roadmap with respect to the application of the State policy.

SENATOR WEINBERG: I'm glad that you brought that up, and I think it's another point that we will need to address when this Committee finally makes its recommendations.

Now, you talked about your conversations with Mr. Braz, Mr. Cammarano. Did you at any time advise them that confidentiality meant a blanket confidentiality; that they were not to tell anybody?

MR. PARIKH: No. The only time that I had that type of language that I used with them was after the first phone call from Mr. Braz, because I wanted to ensure that the Transition, as my client, was not going to be put in a position of obstructing justice.

So subsequent to Mr. Braz advising us that charges were not going to be pressed, we had subsequent discussions about, for example, talking to Mr. Lozano; and, you know, that confidentiality was meant to-- It shouldn't have been something that should have been talked about amongst the entire Transition staff; but at no time did I direct that other members of the senior team should not know.

SENATOR WEINBERG: Did you have any discussions with them about whether they should tell the Governor, or the Governor-elect at that point?

MR. PARIKH: I do not believe I had conversations with them about telling the Governor. I think at most, Senator -- and this is obviously 13 months ago, or more -- it would have been a conversation that they needed to decide whether or not they wanted to tell the Governor.

SENATOR WEINBERG: At most, it would have been a conversation with them of whether or not they wanted to tell the Governor?

MR. PARIKH: Right. The choice-- From my perspective, the choice was theirs as to whether or not they wanted to discuss this matter with the Governor -- or any matter, for that fact.

SENATOR WEINBERG: Okay.

Together with Mr. Cammarano and, I guess, Mr. Platkin, it was decided -- and you had this conversation with Ms. Haynes -- that Mr.

Alvarez would not be in any position to place anyone in the new Administration, correct?

MR. PARIKH: If I can just correct a few things, Senator.

First, I don't believe that I had a conversation with Mr. Platkin about that.

SENATOR WEINBERG: Okay.

MR. PARIKH: I don't recall specifically, but I believe that the conversation was likely with Mr. Cammarano and Mr. Lozano. And the conversation was that our advice -- which they had agreed to -- was that Mr. Alvarez should not be in a position to make hiring decisions on his own.

SENATOR WEINBERG: All right. Let me go back and clarify one thing.

At any point did you direct any of the aforementioned not to tell the Governor?

MR. PARIKH: I did not.

SENATOR WEINBERG: Okay.

Now, let's go back to the process of removing Mr. Alvarez from any *placement* -- I think you used; and then you went to visit Ms. Haynes to kind of clarify that?

MR. PARIKH: I did. We had-- Our recommendation was that we should not discuss the matter with Mr. Alvarez because there was a risk of Mr. Braz's friend being retaliated against if Mr. Alvarez knew what we knew about the allegation against him.

And so it was decided that Ms. Haynes, as his direct supervisor, the person who was kind of in charge of that effort of parsing through

résumés, would be the person who could implement the change in the best manner, without it seeming out of the ordinary.

SENATOR WEINBERG: Okay; I realize that your responsibility was to the Transition and not the new Administration. But did you have any discussion or-- How did you anticipate that this was going to be carried out, if in fact Mr. Alvarez was placed in a senior position in the new Administration? And as a matter of fact, his application was for the CEO of the Schools Development Authority.

So did you anticipate, or were you able to advise anybody on how this prohibition would follow him into State government?

MR. PARIKH: Our prophylactic remedy, Senator, was not something that would have followed Mr. Alvarez. Mr. Braz had informed us-- Even though he declined to provide us with the identity of his friend, he had informed us that his friend was interested in pursuing a position in the Administration that was different than where Mr. Alvarez was interested in.

And so from our perspective, we looked at it from a perspective of ensuring that there was no harassment, or no risk of harassment, within the Transition workspace; and ensuring that there was no retaliation against Mr. Braz's unknown friend, which we thought the risk of that would have been in the hiring process if she had applied at some point during the Transition.

So the prophylactic remedy related to ensuring that if Ms. Brennan -- as we know now -- had applied for a role during the Transition, that Mr. Alvarez couldn't have taken her résumé and just thrown it in the garbage so that nobody knew about it.

SENATOR WEINBERG: And you just mentioned, it was also to make sure that there was no workplace harassment. Well, if there was-- At this point, there was not a great deal known about the incident, about the alleged incident; could anybody guarantee that there would be no workplace harassment on the part of somebody who had been accused of rape?

MR. PARIKH: So I think there are two different things I'll provide to you, Senator, in response to that question.

First, we knew from Mr. Braz that while we didn't know Ms. Brennan's identity at the time, we knew that she was a volunteer for the Transition Advisory Committee. And obviously we knew that Mr. Alvarez was part of the Transition staff. The Transition Advisory Committee and Transition Staff-- The Transition Advisory Committee members were never in the Transition staff offices, and the only individuals --

SENATOR WEINBERG: I'm sorry; I missed that -- the last sentence.

MR. PARIKH: Yes, the Transition Advisory Committee members -- that was the 600 or so volunteers -- they were really never in the Transition office. When they had their two meetings, one was held at the War Memorial, and the other was held at an East Brunswick hotel; I think the Hilton. And so there was-- And then, on the Transition staff, the individuals responsible for the Advisory Committees-- Mr. Alvarez was not involved in that process. So we knew, from the limited information we had been provided from Mr. Braz, that his unknown friend -- who was on the Advisory Committees -- on the one hand; and Mr. Alvarez, on the other hand, would likely not have any interaction at all during the Transition

process. And so we didn't see there being a high level of risk of workplace harassment as it related to the Transition, because of that separation and that barrier.

SENATOR WEINBERG: So am I to understand that besides the Governor, somebody else who was not given information was Mr. Alvarez himself?

MR. PARIKH: We did not discuss the matter with Mr. Alvarez because, as we were going through our options, what we knew is that Mr. Braz's friend did not want any of us to know -- did not want anyone to know about her sexual assault claim, and she did not want anyone to know her identity. And the entire measure that we put in place was to continue to protect that, to ensure that she wasn't re-victimized in any way.

And so by talking to Mr. Alvarez about it, it would have, from my judgement at the time, put a target on her back.

SENATOR WEINBERG: Do you know if Mr. Lozano or Mr. Cammarano ever spoke to Mr. Alvarez?

MR. PARIKH: I do not know whether or not they did. But I did advise them, through our discussions, that we should not discuss the matter with Mr. Alvarez.

And this is all, Senator, during the Transition period, which is the time that I was involved.

SENATOR WEINBERG: Well, obviously, Mr. Alvarez was offered a position during the Transition, because he was there, I think, within 24 hours after the Governor -- the new Governor's inauguration. So I'm assuming that during the course of the Transition-- Well, we do know that; he told Mr. Lozano that he had a position.

So you also said in your opening statement that, “I knew that she,” although you didn’t know who she was at that point, “was interested in seeking a position in the Murphy Administration in an area different than what Mr. Alvarez was interested in.”

How did you know that?

MR. PARIKH: That was something that Mr. Braz relayed to me. I don’t know whether he relayed that to me -- or I don’t recall whether he relayed that to me during our first conversation on the morning of December 1, or whether it was the last conversation on that day. But it was something that he relayed to me on that day.

SENATOR WEINBERG: Okay. And when you said that you suggested that we should not inform Mr. Alvarez of the shift in his responsibilities, was that put in writing anyplace, that suggestion?

MR. PARIKH: The advice to the Transition Committee was not put in writing anywhere.

SENATOR WEINBERG: Okay. Was there, in your mind, any time limit, in terms of what Mr. Alvarez’s responsibilities would be, of a curtailment of those responsibilities? Did you have a time limit on that in your mind?

MR. PARIKH: In terms of when it should start, Senator, or when it should end?

SENATOR WEINBERG: If he was being removed from any position where he could place somebody in the new Administration, was there an end to that prohibition, in your mind? I mean, you might not have; your responsibility was to Transition. But I’m wondering if anybody thought beyond that, in terms of how he’d be functioning.

MR. PARIKH: So I think the answer to that, Senator, is that the prohibition, or the prophylactic remedy that we had put in place, would have ended with the Transition, because that's where we were concerned about potential retaliation. You know, we tried to get more information; we did a public records search, for example, to see if we could find out anything more about this allegation, since Mr. Braz was-- I will say, I was very struck in my conversations with Mr. Braz about the fact that his friend, from what he relayed to us, did not want us to know anything about this. Not only who she was, but that she didn't want us to know at all. And we asked him, several times, to provide us with information, and the information he gave us is the information I relayed before.

So we relied on that information. We actually presumed it was true. We didn't know anything about the allegation, but we put the prophylactic remedy in place during the Transition to ensure that there was no retaliation against Mr. Braz's friend by Mr. Alvarez.

SENATOR WEINBERG: Okay, I appreciate how clear your opening statement was, and what your input was here. But I'm bothered, I guess, by one thing, that none of -- neither you-- We don't know whether Mr. Cammarano or Mr. Lozano ever went to Mr. Alvarez and said, "Somebody is accusing you of a dreadful crime. Do you know who it is? Can we get information about this issue from you?" That was never done?

MR. PARIKH: No, we did not do that because our understanding, from the outset, was that this information was being provided to us against the directives of Mr. Braz's friend. It's not just that she did not want us to know who she was; she did not want anyone to know, period. And so--

SENATOR WEINBERG: She didn't want anyone to know--

MR. PARIKH: At all.

SENATOR WEINBERG: --about the allegation?

MR. PARIKH: That's right. So my takeaway from my conversations with Mr. Braz on December 1 was that he was breaching her trust and her confidence in a secret in telling us about this.

SENATOR WEINBERG: Okay.

MR. PARIKH: And that the reason he was doing so was because he thought there was going to be this imminent arrest of Mr. Alvarez, and that it was something that would need to be handled.

SENATOR WEINBERG: Okay, thank you.

I have no further questions at this time.

MR. PARIKH: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Good morning, Mr. Parikh.

I just have a few questions.

MR. PARIKH: Good morning.

ASSEMBLYWOMAN PINTOR MARIN: When you talk about, in your statement, the Transition staff, who picked those individuals?

MR. PARIKH: I don't know the answer to that question.

When I arrived at the Transition offices, which was probably a few weeks, maybe a week-and-a-half or so, after Election Day, there was already a variety of people who were there. Many were individuals who worked on the Campaign, but I am not certain how people were selected.

ASSEMBLYWOMAN PINTOR MARIN: So I would say it's probably safe to assume that, being there were people that worked on the Campaign -- assuming maybe that the Governor and whoever worked on his Campaign picked these individuals to start the process of really getting his Administration together?

MR. PARIKH: I doubt that the Governor would have selected people to be on the Transition staff. You know, there were also people there who were not part of the Campaign. So I just don't know how individuals for the Transition staff were selected.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

On page 2 of your testimony, down at the bottom, when you were talking about the public records search that was discussed in leadership, and how you color-coded the individuals who obviously came up with red for issues, yellow for maybe a warning -- for those who were on yellow and red, were those an automatic "no" for the positions that they were searching?

MR. PARIKH: No. These public records searches that we run are notoriously filled with errors often, especially with people who have very common names, or common last names.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

MR. PARIKH: So, you know, by way of example, there could have been someone who had listed on their public records report that they were selling heroin; which, obviously, you know, if it was a conviction would have been a red flag. But if we dug a little bit deeper into that, we determined that that wasn't, in fact, the same person we were talking about.

It was some other person in some other state, some other time. And it was just a false positive on the records report.

ASSEMBLYWOMAN PINTOR MARIN: So once you received those records, there was additional scrutiny taken on the names of any individuals who came up with any type of flag; obviously besides the ones with the green flag.

MR. PARIKH: Right. If there was something that popped up, we would either try to find additional information about it, you know, and then see if that changed our assessment, essentially.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

Going to your opening statement, on page 5, when you talk about the internal e-mail that you read; and you were requesting information from, obviously, the attorneys in your office who mostly deal with employment cases. And then you said, at the bottom, that even after you read what some of the suggestions -- correct me if I'm wrong -- you did not go back and tell Mr. Cammarano and everyone else those particular suggestions? You felt that you kind of wanted to wait a little bit further to hear what was going on? Can you clarify that a little bit?

MR. PARIKH: Sure.

So on Friday, December 1, Mr. Cammarano and I had left it -- and maybe Mr. Lozano; I don't remember whether he knew on December 1 or after.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

MR. PARIKH: But the way we had left it is, we'll talk on the weekend. And that was Sunday, December 3; Mr. Cammarano and I spoke. He said, you know, "Let's figure out what the legally appropriate thing is to

do in this situation.” You know, it was a very unique circumstance; we didn’t have a complaint from someone. There was like a subtle difference here, where we had somebody breaching the confidence of a friend telling us information. And I put all of the information I had at that time -- all of the facts, as well as what I spotted as potential issues -- being a non-employment lawyer -- and what I thought were, perhaps, potential avenues of resolution -- and I sent that e-mail to my colleagues so that I could get their thoughts, their guidance, and their advice on what to do.

So we had, within our office, as well with the client, I had several, I think, additional meetings or conversations until we kind of agreed upon the final recommendation, which was probably a week, or a week-and-a-half or so, later.

ASSEMBLYWOMAN PINTOR MARIN: Later; okay.

Going back to page 7 on your implementation of your recommendations, when you had a conversation with Ms. Haynes -- were you a little concerned that she was not telling you certain things that she was concerned about with Mr. Alvarez, in some of the suggestions that he was making?

MR. PARIKH: I don’t know that I would say I was *concerned*. I mean, I think that in any workplace you can criticize employees. You know, I didn’t view what Ms. Haynes was telling me as being something that she thought was a terminable flaw. It was just, I think, her expressing to me that, “I understand what you want me to do; but basically, we’re already doing that already.”

ASSEMBLYWOMAN PINTOR MARIN: Did you-- So this was still early on -- correct? -- when you had a discussion with Ms. Haynes? Do you remember, more or less, a timeline?

MR. PARIKH: I don't remember the exact date, but I believe my conversation with Ms. Haynes was after the announcement of the Attorney General nominee, which I think happened at some point in mid-December. It may have been December 12 or 13; around then. So the conversation would have been after that date, but around that time frame.

ASSEMBLYWOMAN PINTOR MARIN: And at any point did you know, while you were still heavily working on the Transition, where Mr. Alvarez was going? I think that you said that you only found out late fall. So before that time, you had no idea, no other discussions with anyone -- Pete, Matt, Mr. Lozano -- anyone else with regards to what happened with Mr. Alvarez; or no?

MR. PARIKH: So I don't think I was heavily involved in the Transition at that time period. I think my-- For example, I was still going to court for other clients, and I had other things going on. It was, I believe-- My recollection is that closer to the holidays is when I started going to the Transition office on an almost daily basis.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

MR. PARIKH: And my focus, at that point in time, was looking at Civil Service lists, and looking for appointees, and requesting resignations, and going through this very massive data-heavy process to do that.

So I don't believe that I had any other conversations with anyone about Mr. Alvarez's potential role. I think between the time I

talked to Ms. Haynes and the day that I received Mr. Alvarez's questionnaire, I don't believe I would have had any conversations about him or his role.

ASSEMBLYWOMAN PINTOR MARIN: Mr. Parikh, were you surprised that no one told the Governor?

MR. PARIKH: I don't know that *surprise* would be the right word. At the time, during the Transition, and then looking back at that time now, we really had a very limited amount of information. And my advice, and the focus I think of the client at the time, was really to try to make sure that we protected Ms. Brennan's desire -- that was expressed to us at the time -- to be anonymous and to not have anyone know about the allegations.

So whether to tell what I would view as the -- if you put it into a private context -- the Chairman of the Board about a personnel matter is a pretty subjective decision. So I don't know that I was surprised.

ASSEMBLYWOMAN PINTOR MARIN: Were you surprised that after the Transition no one still told the Governor? And now, both of these people are employed and could potentially, at this point -- even though they weren't -- one was at an Authority and one was Chief of Staff somewhere else -- that there could potentially be a problem? Were you surprised, I guess, to learn at that point-- Well, now, knowing that -- at that point, still, after Transition, no one had a discussion?

MR. PARIKH: Again, I don't know that *surprised* would be the right word. I mean, I think that I didn't have all of the factual information that Mr. Cammarano and Mr. Platkin would have had. Even as I sit here today, I don't think I know everything that they know, or all of the factual

situations. So I think it's a subjective decision, and it was one that was theirs to make, with the information that they had.

ASSEMBLYWOMAN PINTOR MARIN: Well, I think we appreciate that because, at some point, it was told to us -- conveyed to us that it was told that this shouldn't be told to the Governor. And I think that when you have a piece of information like this, I think any employer would want to know what's going on with some of their employees.

Thank you.

MR. PARIKH: Thank you.

Vice Chair Muñoz.

SENATOR WEINBERG: Wait--

ASSEMBLYWOMAN PINTOR MARIN: Oh, I'm sorry.

SENATOR WEINBERG: I am going to read you a little bit of a snippet of testimony from Mr. Cammarano's testimony; and I think this goes back to January 10.

And first, it's page 14, where I said, speaking to Mr. Cammarano, "You also said, 'The Counsel advised us not to speak to Mr. Alvarez about the matter, and to keep the matter confidential and not share the information with anyone else.'

"Was that a decision of the Transition Counsel; is it a policy or a procedure that you were following? What was your impression?"

And Mr. Cammarano's answer was, "It was based on the advice of our legal counsel; and generally we do try to follow that advice. I don't know exactly what he based it on, but he was pretty clear in his instructions."

And there is another point in here -- give me just a moment to find it -- where I asked Mr. Cammarano, "Did you ask the Transition Counsel if you could disclose it to the Governor?" "I don't remember if I did or not. Either way, the answer was we could not disclose it to anybody."

That's Mr. Cammarano's testimony that, based on instructions from you, he was not -- he had no ability to disclose this information to anybody, which he assumed also meant the Governor. I just want to put that on the record that that is his testimony.

(confers with Counsel)

Well I think I asked you once -- did you give that advice to him? And I thought your answer was no, you did not.

MR. PARIKH: That is correct, Senator.

SENATOR WEINBERG: Correct?

MR. PARIKH: With the one exception being that I did advise him and Mr. Lozano not to discuss the matter with Mr. Alvarez.

SENATOR WEINBERG: Right; thank you.

Okay; Vice Chair Muñoz.

ASSEMBLYWOMAN MUÑOZ: Thank you very much.

You know, you testified-- First of all, thank you for coming today.

You testified that you do not know who hired Mr. Alvarez. But do you know who could have hired Mr. Alvarez?

MR. PARIKH: I don't. You know, my involvement with the hiring process was in setting it up. Once we figured out what the process was going to be, then my involvement really was with-- When the

questionnaires came to me, we would do a public records search, and then I would discuss the results, if there were any flags, with either Mr. Lozano, Mr. Platkin, and/or Mr. Cammarano, depending on who was around.

ASSEMBLYWOMAN MUÑOZ: You also stated that the information was sent -- like, their folders were sent to the heads of the-- In other words, the information would have been sent to Mr. McKenna, who was the head of the SDA. Was he given this information about Mr. Alvarez?

MR. PARIKH: So I don't believe I said it would have been sent to Mr. McKenna; and I don't know what Mr. McKenna would have gotten it or not. What I observed myself was that there were -- for Cabinet members -- so the Secretary of State, the Treasurer -- that they were given binders, essentially, or folders with résumés for people who could have been a Chief of Staff, or a Communications Director, or a Legislative Liaison.

I have a vague recollection that because so much time had gone by, and we were into December already, that instead of trying to place everyone from the staffer all the way up to the Deputy Commissioner, that there was a discussion about making sure that five or six key Cabinet agencies had the right members. And there were also discussions on making sure that each Cabinet-level agency had, obviously, the Cabinet nominee; as well as a Chief of Staff and, perhaps, in some of the Cabinet agencies, Deputy Commissioners.

ASSEMBLYWOMAN MUÑOZ: So this process did not apply to the Authorities, is what you're saying?

MR. PARIKH: I don't know whether it was applied to the Authorities or not.

ASSEMBLYWOMAN MUÑOZ: Do you think it should have been applied to the Authorities?

MR. PARIKH: You know, the way it was designed was to apply to anybody seeking a job. We were clearly very ambitious when we started with the process. And there was a tremendous volume, as I understood it, of résumés that came in; thousands of résumés. So I-- You know, I've never worked in State government; I don't know, other than just generally speaking, how the government itself operates with the Authorities, other than knowing that some of them are *in* but not *of* State agencies. So I don't know that I could answer that question properly as to whether the Authorities should have been part of this process or not.

ASSEMBLYWOMAN MUÑOZ: You were the Transition attorney. Would this be something that you felt that you should have known?

MR. PARIKH: Well, what I did understand is that, you know, for example, we couldn't terminate people, or we couldn't request resignations from certain Authorities, because the Authorities are managed on their own. So for example, New Jersey Transit is managed by the Board. The Governor, I don't believe, has the authority to actually terminate someone in a senior -- in the equivalency of a senior executive service position at New Jersey Transit. So I think that's the way I would answer that question.

ASSEMBLYWOMAN MUÑOZ: Did anyone consult you at all before Mr. Alvarez was hired?

MR. PARIKH: In what respect?

ASSEMBLYWOMAN MUÑOZ: Were you given-- Besides Mr. Braz telling you, were you given any other information about Mr. Alvarez in regard to this situation; or was that the only information you had?

MR. PARIKH: The only information we had was from Mr. Braz. Through our discussions, we had conducted a public records search to see, for example, if we could identify a charge or the charging agency, or anybody. But we found absolutely nothing.

ASSEMBLYWOMAN MUÑOZ: You found nothing.

MR. PARIKH: There was no publicly available record of anything that reflected who or where this was being looked into. So for example, when Mr. Braz told us that the Prosecutor declined to press charges, I had no idea whether it was a Federal Prosecutor, whether it was a State prosecutor, or a Municipal Prosecutor; I didn't know what county. Frankly, I didn't even know whether it was in New Jersey or not, although I presumed it was. And we tried to get that information, and couldn't find anything.

ASSEMBLYWOMAN MUÑOZ: And you didn't ask that question?

MR. PARIKH: We asked-- I don't remember what specific questions I asked Mr. Braz. We did ask for information, and all he provided to us is what I've laid out in my opening statement.

ASSEMBLYWOMAN MUÑOZ: Were you curious about the process at that point? I mean, this is a serious allegation; it is an allegation of rape. And you knew that; and when Mr. Braz shared this information

with you, you're testifying today that you didn't ask who was -- which agency was looking into the allegation?

MR. PARIKH: I'm not saying that I didn't ask that. I don't recall whether or not I asked that. What I do know is that he never told me who it was. You know, in addition, just to be clear -- and I'm not trying to play word games here -- he didn't say to us that there was an allegation of *rape*; he said it was an allegation of *sexual assault*. I understand that may be a distinction without a difference; but just to make sure I'm responding fully to your question, I want to point that out.

ASSEMBLYWOMAN MUÑOZ: Well that is-- You know, we keep hearing this over and over again from many of our -- the people who have testified here -- that it's an allegation of sexual assault and not rape. And I would agree that it's -- they're both serious allegations; and they are certainly both crimes.

Did you ever meet Mr. Alvarez?

MR. PARIKH: Have I ever met Mr. Alvarez?

ASSEMBLYWOMAN MUÑOZ: Yes.

MR. PARIKH: Yes.

ASSEMBLYWOMAN MUÑOZ: Okay. And what were your interactions with Mr. Alvarez?

MR. PARIKH: So I don't recall when I first met Mr. Alvarez, but I believe it was either when he was working at a prior Administration or, more likely, when he was an attorney at a law firm, and our interactions were professional.

I did meet him when he was part of the Campaign.

ASSEMBLYWOMAN MUÑOZ: You said you did?

MR. PARIKH: I did, yes.

ASSEMBLYWOMAN MUÑOZ: You did.

MR. PARIKH: I did meet him. You know, Al and I have known each other for years. I wouldn't say we're *friends*, but I would say he's a professional acquaintance.

ASSEMBLYWOMAN MUÑOZ: So you've known him for years. It wasn't just during the Campaign that you met Mr. Alvarez.

MR. PARIKH: That's correct, yes. I mean, I think the first time I ran into him would have been either as adversaries on a legal matter or, you know, working on a legal case together.

ASSEMBLYWOMAN MUÑOZ: And you're testifying that you had not a social relationship with him?

MR. PARIKH: Not really. I have never gone out with Mr. Alvarez on plans of our own. I mean, I would see him at events, and I would say hello. If I saw him on the street, I would know who he is. But I wouldn't characterize it as more than a professional relationship.

ASSEMBLYWOMAN MUÑOZ: And did he assist you on the Transition Team?

MR. PARIKH: I don't think he assisted me. You know, I kind of was being asked for a lot of different things from a lot of different people. But all of the requests that came to me for legal advice during the Transition basically came through either Mr. Lozano, or Mr. Cammarano, or Mr. Platkin; and those are the three individuals to whom I provided my legal advice or guidance.

ASSEMBLYWOMAN MUÑOZ: So was your advice that he not be told; but it was also-- Who made the decision that he would no

longer be part of the hiring process? Was that your decision, or was that someone else's decision?

MR. PARIKH: That was a recommendation by me, the legal advice we provided, to ensure that there was not retaliation against Mr. Braz's unknown friend. And it was agreed to by the client; and then they asked me to be the one--

ASSEMBLYWOMAN MUÑOZ: The *client* being-- Wasn't the client the Transition Team?

MR. PARIKH: Correct.

ASSEMBLYWOMAN MUÑOZ: Okay.

MR. PARIKH: Right; my client was the Transition Committee.

ASSEMBLYWOMAN MUÑOZ: Okay. So when you recommended that he not be told, and then he was told that he would no longer be involved in the hiring decisions, do you have any, either opinions or facts, how Mr. Alvarez responded to that? Did he ask why?

MR. PARIKH: I don't believe that Mr. Alvarez was told that he was not going to be involved in the hiring process. I think what Ms. Haynes had told me at the time was she was essentially curtailing that process anyway because we were already in mid-December and there were too many résumés to go through. So she was trying to lighten the load on the Transition Team-- The impression I had was that she was trying to lighten the load on the Transition Team by providing résumé packets to the Cabinet members, so that they could sort through and filter through who it was they wanted to interview and who it was that they did not.

And part of our-- I'm sorry.

ASSEMBLYWOMAN MUÑOZ: No, I'm listening; but I-- What you just said, then, is that it was recommended that he no longer be part of the hiring process, but you're saying that Ms. Haynes never told him that?

MR. PARIKH: So the advice wasn't that he shouldn't be part of the hiring process; it's that he should not have had final authority or decision-making authority to be able to say, "Yes, this person's résumé should be considered," or, "No, this person's résumé should not."

ASSEMBLYWOMAN MUÑOZ: And that was because you did not know who the victim was at this point.

MR. PARIKH: Correct; and so--

ASSEMBLYWOMAN MUÑOZ: And you were -- may I assume that you were concerned that, as you said previously, that he may throw that application or that résumé in the trash? So that there wouldn't be a problem--

I think you just answered my question.

MR. PARIKH: Right, so the concern of retaliation was that, you know, Mr. Braz's friend -- who we now know is Ms. Brennan--

ASSEMBLYWOMAN MUÑOZ: Yes.

MR. PARIKH: --if Ms. Brennan had submitted her résumé through the system and it somehow ended up in Mr. Alvarez's hands, that he could have thrown it in the garbage. And because of the way the process was set up, nobody would have known it. Nobody would have known that Ms. Brennan had applied for this position and that Mr. Alvarez had thrown her résumé in the garbage.

And so what we did was -- the recommendation was Mr. Alvarez can't throw any résumés in the garbage; he can't do that anymore. He's going to, just -- you know, he's not going to have a final authority to say, "This person is qualified to be considered for this role," or "They are not." And so that way if Ms. Brennan had applied -- which, I think, now we've heard, she didn't; but if she had applied -- that her résumé would have had to have been included in the packet. And that was a -- it would have been a blanket change for every résumé that Mr. Alvarez touched, because we had no idea who Mr. Braz's friend was.

ASSEMBLYWOMAN MUÑOZ: But basically-- So that would be a retaliation; and that would be subject to-- One of the EEO concerns was that Mr. Alvarez would retaliate against the unnamed, at that time, person. And yet you state that there was no authority for the EEO involvement because they weren't State employees?

MR. PARIKH: So the-- I think there are two different issues here. One is whether the State EEO policy applies, so that the State EEO process would have to be undertaken. And pursuant to the statute that I cited earlier, the State EEO policy does not apply, from my perspective, to Transition staff, other than those on mobility.

I think what you're asking me is whether there was an obligation on the Transition to prevent any retaliation. And the answer to that is yes; that's a part of New Jersey State and Federal law, which is that an employer has to abate the condition. They have to stop any workplace harassment, discrimination, or retaliation. In this situation, as I said earlier, we didn't believe there was a risk of harassment because there was no interaction between the Transition Advisory Committees and the

Transition staff. But because of the uniqueness of the Transition, the fact that we knew from Mr. Braz that his friend was going to be, or was interested in, pursuing a position in the Administration, and because of Mr. Alvarez's role in the Personnel Department, we were concerned about potential retaliation. Which is why the prophylactic remedy was put in place to maintain not only Ms. Brennan's anonymity, and the fact that she didn't want anybody to know about these allegations, but also that Mr. Alvarez, without anyone's knowledge, could not possibly retaliate against her.

ASSEMBLYWOMAN MUÑOZ: So you were worried about retaliation -- potential retaliation in the hiring process. Were you ever worried about potential retaliation once both of them were hired?

I know you didn't know who she was at the time; however, you knew that she was looking for a position. So now we're going-- I know that you were Transition Counsel. But you're stating a concern that there was potential for retaliation then. What about once they were both hired, and they were both hired for the same position, just at two different Authorities. But you didn't know that at the time.

MR. PARIKH: I didn't know that at the time. What I knew was from Mr. Braz, who knew both people. And he said that she was interested in a position in a different area than Mr. Alvarez. So that, to us, to me, meant-- And I don't recall whether I asked further questions about that. I may have; but the clear impression that I had from Mr. Braz was that they would be working in separate spaces, essentially.

ASSEMBLYWOMAN MUÑOZ: Well, separate spaces, yes, within the same Administration.

MR. PARIKH: Absolutely.

ASSEMBLYWOMAN MUÑOZ: Okay; so there is a possibility that there could be retaliation. In your mind, did you see that?

MR. PARIKH: Well, I--

ASSEMBLYWOMAN MUÑOZ: I mean, it's a small world that we live in down here, obviously.

MR. PARIKH: Of course.

ASSEMBLYWOMAN MUÑOZ: I mean, we may not be sitting next to each other at all times, but there's -- it's a relatively small world within the Administration. So did that concern you at all?

MR. PARIKH: Well, I think, you know, I don't know if *concern* is the right word. But once people were employees of the State, then we knew the State EEO policy would apply; and that the processes set forth in the State EEO policies could be utilized by anybody, or any State employee, who felt as though they faced harassment, intimidation, retaliation, discrimination, etc.

ASSEMBLYWOMAN MUÑOZ: Did you ever advise Transition to conduct an investigation into the allegations made against Mr. Alvarez?

MR. PARIKH: I did not. As you may know, employers don't get bonus points for doing investigations. An employer's obligation is to ensure that any harassment, discrimination, or retaliation is stopped. And as I think I mentioned in my opening statement, we considered whether an investigation should be undertaken; we looked for public records to see if we could find any information. But our conclusion, with the limited amount of facts provided to us at the time, was that doing an investigation

would have consisted of going and talking to Mr. Alvarez, which would have then, essentially, outed Mr. Braz's friend against her wishes.

And so to maintain her anonymity, to ensure that there was no retaliation, we decided not to do an investigation.

ASSEMBLYWOMAN MUÑOZ: Looking back now, do you think you should have informed Mr. Alvarez at the time?

MR. PARIKH: No, I do not believe we should have.

ASSEMBLYWOMAN MUÑOZ: You still-- You are completely comfortable with making that decision not to do that -- to talk to -- to inform Mr. Alvarez?

MR. PARIKH: I am comfortable with the advice that we provided to the Transition to not discuss the matter with Mr. Alvarez, correct.

ASSEMBLYWOMAN MUÑOZ: We heard -- we've heard from several of the other witnesses that there was a special background check done with Mr. Alvarez. Do you know what that entailed?

MR. PARIKH: I don't know what that phrase refers to. What I would suspect, because of the language that was used during the Transition, is that we ran a public records search on Mr. Alvarez outside of the hiring process to see if we could find any information about this allegation, and about the investigating agencies, or anything like that. That was done, I think, mid-December; maybe December 10, 11 -- something like that. So *special*, I would suspect, may have just referred to the fact that it was not within the course of what a regular public records search would have been during the Transition, in that it was just done to see if we could find more information.

ASSEMBLYWOMAN MUÑOZ: Would that investigation -- or not investigation; but would that (indiscernible) thing, that process that you went through to look into whether there were public records -- would that have included the fact that Ms. Brennan had filed -- had gone to the Prosecutor's Office in Hudson County? Or that information would not be-- Would that information be public knowledge at that point?

MR. PARIKH: At the time, I did not know, which is why I searched. So, you know, there--

ASSEMBLYWOMAN MUÑOZ: You did not know *what*?

MR. PARIKH: I did not know whether or not there would be any information. The reason we searched was to see if we could find some. So I did not know who it was that Ms. Brennan had gone to; what agency. I did not know whether they had filed anything with the court; whether there was Grand Jury. I didn't know anything about what was going on at the time.

So the resource we had was to do a public records search. If, for example, there was a-- If it was a municipal matter, for example, where Ms. Brennan had gone to the police and they had filed a complaint and a summons, then there could have been a record of that, even if the Prosecutor at the time decided that they weren't going to find probable cause or pursue the charges.

So because we had such a limited amount of information, we viewed that as being one of very, very few tools, with virtually nothing to go on, to see if we could find out anything more to help aid us in ensuring that we were protecting the anonymity of Ms. Brennan, and that we were meeting the obligations in providing the advice to our client, the Transition,

to ensure there was no harassment, discrimination, or retaliation in the workplace.

ASSEMBLYWOMAN MUÑOZ: The fact that the Hudson County Prosecutor's Office had the case, was that public -- was that-- Would you have been able to get that information?

MR. PARIKH: So I don't know the answer to that question. What I do know is that the public records search that we ran came up with nothing.

ASSEMBLYWOMAN MUÑOZ: Okay.

Were you part of the decision to green-light the hires?

MR. PARIKH: Right. So I think as I alluded to in my opening statement -- or as I stated in my opening statement -- *green-light*, from my end, meant that there was no negative, or nothing of question that came up on the public records searches that we conducted. So in e-mails -- if there are lists of individuals who had gotten green lights, it was simply a statement that a public records search had been run on the person, and that we had not gotten any information through the public records search.

ASSEMBLYWOMAN MUÑOZ: And yet you had information that nobody -- that only several other people had--

MR. PARIKH: Yes.

ASSEMBLYWOMAN MUÑOZ: --which was this information that had been given to you by Mr. Braz, which you shared with Mr. Cammarano and Mr. Lozano. And as far as you know, and you knew about the green-light process, was there any way for you to be involved in the green-light process because of what -- this knowledge that you had?

MR. PARIKH: There was no *green-light process*. I mean, I think what you're referring to is that at the time -- I think it was, probably, in January where offer letters were being generated -- there were other staffers who were trying to see whether a public records search had been run on somebody. The process was, as I said, résumé in; interview; questionnaire; public records search; results of the public records search; then hiring decision; and then if somebody, you know, was selected for placement, then an offer letter would have been generated.

ASSEMBLYWOMAN MUÑOZ: So let me ask -- repeat the question.

MR. PARIKH: Sure.

ASSEMBLYWOMAN MUÑOZ: Did you have any part in that process -- in the green-light process?

MR. PARIKH: My part in that process was that when I received one of the Transition questionnaires -- that I think Senator Weinberg had referred to earlier -- that I would take that information; we would run a public records search; we would generate, usually, a two-page report that was a summary; it would go -- a name would go onto a chart that we were maintaining. And if there were -- if the person had no issues that had come up on their background, on their public records search -- the *background check*, as everybody calls it -- then they would have been highlighted in green, or they would have been referred to as somebody who has been *green-lighted*. And if it was yellow, then it was that there was an issue that came up; and if it was red, it was that there was something we really needed to look at.

ASSEMBLYWOMAN MUÑOZ: And yet, you had access to information that most people didn't have. And yet there was nothing that you could do, or you felt that you could do, to take Mr. Alvarez off of that list of green-lighted individuals?

MR. PARIKH: So the client knew about the allegations against Mr. Alvarez. Mr. Cammarano and Mr. Lozano both knew about the allegations. They knew that there was no other information we could find out about it; they knew that Mr. Braz had declined, on numerous occasions, to provide us with any identifying information about his friend, and that he was insistent that his friends did not want us to know anything about this.

And so, you know, that was information that they had. If what you're asking me is, you know, did they ever ask me for my legal opinion as to whether or not Mr. Alvarez could not be hired, they did not. I will say that if they had asked me at the time whether they could not hire Mr. Alvarez, based upon the information that we had, I would have advised them that not hiring Mr. Alvarez based solely on the allegation could have been a violation of State or Federal law.

ASSEMBLYWOMAN MUÑOZ: Did it trouble you to know the allegations about Mr. Alvarez and that he was on the green-light list?

MR. PARIKH: So I don't know that I would use the word *troubled*. You know, I, as a lawyer, have to often divorce my personal feelings about things from the legal advice I provide my clients. And that's what I did in this situation, as I do with most of my other clients -- or all of my other clients.

ASSEMBLYWOMAN MUÑOZ: Let me be clear. Did you--

SENATOR WEINBERG: Assemblywoman, excuse me one minute.

ASSEMBLYWOMAN MUÑOZ: Yes.

SENATOR WEINBERG: But we'll just put on the record -- we're going to break for a brief lunch at 12:30 for a half-hour.

Following Assemblywoman Muñoz is Senator Corrado, the other Vice-Chair.

ASSEMBLYWOMAN MUÑOZ: Did you personally conduct the background check on Mr. Alvarez?

MR. PARIKH: I don't think I-- Well, as I said, it wasn't a background check; it was a public records search.

ASSEMBLYWOMAN MUÑOZ: Okay.

MR. PARIKH: But I believe that one of the associates in our office would have run the search on the legal database. I may have run a deep web search or a Google search, but I don't recall.

ASSEMBLYWOMAN MUÑOZ: Based on what you -- because you knew of the allegation? Is that why you would have done it?

MR. PARIKH: So actually that's a great question, and that refreshes my memory.

I definitely would have run some searches. You know, the folks in my office who were running those reports -- I did not share with them what the allegations were about Mr. Alvarez. I just asked them to run a public records search on Mr. Alvarez to see if anything came up; and they came back to me saying that they could not find anything about him, other than, I think, some donations, or something like that.

ASSEMBLYWOMAN MUÑOZ: Was he the only individual who you did a deep records search on?

MR. PARIKH: We did deep web searches--

ASSEMBLYWOMAN MUÑOZ: You personally; that you personally did that you--

MR. PARIKH: No, I ran deep web searches and other searches on a variety of people. I mean, I think that our office probably, during the, you know, seven or eight weeks of the Transition, must have run public records searches on over a thousand people. This was not some small undertaking; it was very large. And I had people in my office, as well as myself, who were working a lot on trying to run these searches and find information.

ASSEMBLYWOMAN MUÑOZ: But did you feel inclined that you should do the deep public records search because you knew of the allegation against Mr. Alvarez?

MR. PARIKH: I don't know if I felt inclined; I know that I, you know -- and I appreciate you refreshing my memory -- that I definitely did run some searches with respect to Mr. Alvarez. But again as I said, we could not find anything about these allegations, any information that would have helped us get more information.

ASSEMBLYWOMAN MUÑOZ: Did you use any law enforcement entity to help you conduct the deep records search?

MR. PARIKH: We did not.

ASSEMBLYWOMAN MUÑOZ: You did not.

Did you use the same four-way background check on Mr. Alvarez that you used on perspective Cabinet members?

MR. PARIKH: I did not use a four-way background check for anyone. I do not believe that a four-way background check was done for anyone other than Cabinet members, but I was not involved in that process. It was-- I knew there were four-way background checks because -- just being around the office; but I wasn't involved in that process.

ASSEMBLYWOMAN MUÑOZ: Do you think it would have been feasible to do one on Mr. Alvarez, based on the allegations?

MR. PARIKH: I don't know if it would have been feasible. I understand -- as I understand those background checks that are done by the State Police, they are expensive and very time-consuming to do. You know, I have a recollection that there was already some push-back because there were a number of checks that were being done at the time. And because there was such a compressed time frame for the Transition, multiple searches or multiple four-way checks were being done at the time. So I don't know whether there would have been the opportunity to do that or not; but again as I said, not something that I knew about.

ASSEMBLYWOMAN MUÑOZ: Well, based on the allegation against Mr. Alvarez, you know, would you agree that this would be a special circumstance where you might have considered it?

MR. PARIKH: I don't know. Again, we had very limited information at the time. I do think it's something that this Committee could consider, in terms of having those resources made available to Transitions, you know, as a potential policy recommendation or change in the law, moving forward.

ASSEMBLYWOMAN MUÑOZ: Were you curious about the impact that this incident would have on the Governor if there were any investigations?

MR. PARIKH: I'm sorry, what type of investigations?

ASSEMBLYWOMAN MUÑOZ: No, if we did a further investigation into Mr. Alvarez, were you concerned at all about any impact this would have had on the Governor?

MR. PARIKH: No; I mean, we did what we could, in terms of public records searches, to try to get more information about this. Again, you know, I just want to highlight that the mindset that we approached this from was that we had somebody who had gone to law enforcement about a sexual assault, and she didn't want any of us to know about it; she didn't want anybody to know about it. We didn't want to re-victimize her; we didn't want her to be outed against her wishes -- or whatever it may be -- by telling Mr. Alvarez, by conducting an investigation, etc.

But we did -- before the recommendation was made for the prophylactic measure -- we did try to find out more information to help guide us and to help, at least me, as the attorney -- help me get more information, if possible, to be able to give the best advice to my client.

Unfortunately, we got no information additional to what Mr. Braz presented to us.

ASSEMBLYWOMAN MUÑOZ: Did you receive any information from Jonathan Berkon regarding complaints made during the Campaign, about which he testified? Three to five incidents of -- where there were incidents of people complaining about a work environment?

MR. GENOVA: If I might-- Madam Chairwoman, my concern with the question is-- I studied carefully the Resolution establishing the authority of this Committee and the scope of the inquiry. And to the extent that the question speaks to the Campaign, or any connection to the Campaign, I think that's beyond the scope. Am I to understand the question as being directed to activities in the Campaign?

SENATOR WEINBERG: I appreciate your legal advice.

However, I think -- and either one of the lawyers can correct me -- the Assemblywoman is talking about testimony that this Committee received from the Campaign attorney; because it was to the Campaign attorney that the Governor forwarded the e-mail from Ms. Brennan. So that was put on the record. I didn't suggest to the Governor that he forward the e-mail to the Campaign attorney, but that's how it was brought before the Committee.

If there's any other--

MR. CRITCHLEY: No. In addition, in terms of Mr. Parikh's testimony, much of his testimony dealt with what took place during "the Transition" as it related to Campaign activities. The alleged assault took place during the Campaign; and the advice that Mr. Parikh was giving to people associated with the incoming Administration related to Campaign-related activities.

So I think to the extent that that is contextually relevant, I think it's important. Obviously, we're not going to delve deep into the Campaign; but in terms of context, I think those types of questions are at a surface level that require to be asked. Otherwise, the question by itself would have no significance or context.

MR. GENOVA: So why don't we take it a question at a time. I understand the Chairwoman's correlation between the question and the prior testimony. I want to reserve on this issue and at least alert the Committee to the concern I have that -- given the fact that Mr. Parikh's participation was devoted principally to activities during the Transition, a period that stemmed from the Election Day in November through the Inauguration on or about January 16.

SENATOR WEINBERG: That's fair enough.

MR. PARIKH: So--

SENATOR WEINBERG: But go ahead.

Assemblywoman, and--

ASSEMBLYWOMAN MUÑOZ: Would you like to answer the question?

MR. PARIKH: I'm happy to answer it the best I can.

If I understand your question--

ASSEMBLYWOMAN MUÑOZ: Did you receive any information from Mr. Berkon regarding complaints made during the Campaign; and were those ever considered in the decisions to hire individuals?

MR. PARIKH: My interactions with Mr. Berkon during the Transition were very few. During the Transition period I think we may have had some discussions right after Election Day; and as we moved further away from Election Day, the only conversations I had with Mr. Berkon were Campaign finance-related, wholly unrelated to the Transition.

So to answer your question, Mr. Berkon and I did not discuss any of those types of issues, or the issue with respect to Mr. Alvarez during the Transition period.

ASSEMBLYWOMAN MUÑOZ: Did you ever receive any complaints from Julia Fahl, Julie Roginsky, or Allison Kopicki?

SENATOR WEINBERG: Assemblywoman, now you are getting over the line.

ASSEMBLYWOMAN MUÑOZ: Okay, okay.

So I'll move on to the next.

Did you advise the Transition to use nondisclosure agreements?

MR. PARIKH: I don't know if I advised them to do so. I did help draft both a Code of Conduct, as well as the nondisclosure agreement, for Transition Advisory Committee members. If I recall correctly, it was myself and Mr. Berkon who had put together the nondisclosure agreement, probably right around Election Day. I believe we also put together a Code of Conduct, which was reviewed by both of us, as well as the Transition Ethics Counsels, which were Justice Stein and Justice Zazzali. And those Codes of Conduct and nondisclosure agreements were executed by the members of the Transition Advisory Committees. I believe copies of those nondisclosure agreements were released to the press back in November of 2017, probably a day or two after they were put out. And I haven't reviewed them recently, but the intention of those nondisclosure agreements was to ensure that the members of the 16 Transition Advisory Committees -- who were all people who were in private employment; some who were competitors of each other, some who were on opposite sides of an issue -- could have a free flow and exchange of ideas, without concern of

discussions going outside of the room, so that they could come up with the best Transition report.

SENATOR WEINBERG: Excuse me, Assemblywoman.

We are going to, certainly, make a request. I do not believe we have those nondisclosure agreements; I guess everybody knows, at least I have a bias against them; and we have passed a bill through Senate outlawing them.

But I'm not going to get into a debate with you about free-flowing ideas having to be subject to nondisclosure agreements.

MR. PARIKH: Senator, if I--

SENATOR WEINBERG: Excuse me a minute.

(confers with counsel)

Will you provide us with copies of those nondisclosure agreements?

MR. GENOVA: Certainly we'll provide them. And as this proceeding goes on, if there is any other information you require, we can deal with it on a--

SENATOR WEINBERG: Thank you.

ASSEMBLYWOMAN MUÑOZ: Did those nondisclosure-- We haven't seen them yet, but do those nondisclosure agreements -- were they limited to simply policy statements, or did it go beyond policy?

MR. PARIKH: The only people that I recall signing nondisclosure agreements during the Transition were members of the Transition Advisory Committee. I don't recall specifically what it restricted; I do believe there was a term on those, so they may be expired by their own language at this point in time. But they were geared towards the

intellectual property rights of the Transition Advisory Committees and the Transition, for example; and the ability of the Transition members to have a free exchange of ideas -- policy ideas to be able to come up with the best Transition reports possible.

I'm not aware -- if I could just point out -- I'm not aware of there being a nondisclosure agreement -- or I don't recall there being a nondisclosure agreement for Transition staff.

ASSEMBLYWOMAN MUÑOZ: You just talked about intellectual property. Does that include, like, people making allegations of a hostile work environment in the nondisclosure agreement?

MR. PARIKH: So as I said, I haven't looked at that agreement in quite some time. I would suspect that that would not have been a restriction in the Transition Advisory Committee nondisclosure agreement, because those individuals were all volunteers; they weren't part of the Transition staff. And again, the nondisclosure agreement was really towards making sure the policy committees could come up with the best ideas for the reports that they were going to give to the incoming Administration.

ASSEMBLYWOMAN MUÑOZ: So in your job, as Transition attorney, you -- as an attorney -- I'm not an attorney -- you would agree that beyond intellectual property, any other discussions should be disclosed, should be able to be discussed; any -- regarding specifically a hostile work environment?

MR. PARIKH: That's a question that's-- If you're asking me a general question--

ASSEMBLYWOMAN MUÑOZ: I am.

MR. PARIKH: --I think, you know, again, as I said, I have lawyers who I work with, partners in my office, who are employment lawyers 100 percent of the time. It's not something I do 100 percent of the time. I think, on an employer-by-employer basis, they come up with what makes sense for their business. I don't know that there's a one-size-fits-all solution, with respect to the question that you're asking me, as a matter of law.

ASSEMBLYWOMAN MUÑOZ: Well, can you give us what you would recommend -- what your opinion is?

MR. PARIKH: You know, I'm here to testify about facts and about my role as part of the Transition. Again, my opinion, my legal opinion, would be based upon the specific circumstances of the client that I'm dealing with.

So if I had a company, for example, that has 5 employees, versus a company that has 500,000 employees globally, the advice is going to be different with respect to any type of workplace policies, or whatever there may be, based upon what the clients' needs are and how their business operates.

ASSEMBLYWOMAN MUÑOZ: Who decided to inform Mr. Lozano about the allegations against Mr. Alvarez?

MR. PARIKH: I don't know; I think it was probably a joint decision by me and Mr. Cammarano. As I said in my statement, I don't recall the timing of when we told Mr. Lozano. This was, obviously, 13-plus months ago; and there were so many, you know, unscheduled, I will say, meetings during the Transition between me, and Mr. Lozano, and Mr. Cammarano that they all kind of run together at this point.

So I can't answer that question specifically; but I do know that Mr. Cammarano and I both (indiscernible) for Mr. Lozano about the allegations against Mr. Alvarez.

ASSEMBLYWOMAN MUÑOZ: Why did you make that decision to inform him?

MR. PARIKH: He was the Executive Director of the Transition. He was part of what I viewed as the *client team*; and so, you know, it was something that made sense to discuss with him.

ASSEMBLYWOMAN MUÑOZ: And yet you said it was -- you wanted to keep it confidential. Do you think that it was violating that confidentiality to tell Mr. Lozano?

MR. PARIKH: I don't ever believe I ever said that we wanted to keep it confidential. I think what I said was that when Mr. Braz told us there was an imminent arrest, I advised him and Mr. Cammarano not to discuss it with anyone because we wanted to ensure that there was no obstruction of justice.

ASSEMBLYWOMAN MUÑOZ: So you felt that Mr. Lozano had a legitimate need to know?

MR. PARIKH: You know, I've heard that term used in these discussions. I, again, have never been a State employee. I've not studied the State EEO policy in-depth; I don't know whether that's a term of art.

From my perspective, Mr. Lozano was part of the client team. He was one of the individuals who requested legal advice from me, to whom I provided legal advice. There was an attorney-client privilege between -- in the communications perhaps. And so it was something that we discussed with him.

ASSEMBLYWOMAN MUÑOZ: Do you think the Governor had a legitimate need to know?

MR. PARIKH: Again, I don't know what that phrase means; and I wouldn't be able to opine on it, because I don't understand what that term of art -- if it is a term of art -- refers to.

SENATOR WEINBERG: Assemblywoman, are you getting towards the end?

ASSEMBLYWOMAN MUÑOZ: That's my last question.

SENATOR WEINBERG: My timing was perfect.

ASSEMBLYWOMAN MUÑOZ: Perfect; yes.

SENATOR WEINBERG: Senator Corrado, we are going to break for lunch.

SENATOR CORRADO: Okay.

SENATOR WEINBERG: Do you want to wait, or do you want to start?

SENATOR CORRADO: That's fine; we can do that. That's okay.

SENATOR WEINBERG: If it's agreeable with all of you -- thank you -- we will have a half-an-hour lunchbreak, and we'll be back promptly.

It is now about 12:20, so we will be back no later than--

MR. PARIKH: Thank you.

(Committee recesses)

(Committee reconvenes)

SENATOR WEINBERG: Are you ready, Mr. Parikh?

You are still under oath, obviously.

MR. PARIKH: I am; thank you.

SENATOR WEINBERG: And we will begin with Senator Corrado.

SENATOR CORRADO: Thank you.

MR. GENOVA: If I might, Chairwoman Weinberg.

SENATOR WEINBERG: I'm sorry; yes.

MR. GENOVA: During the break I've provided Mr. Hayden with a link on the Internet to the NDA that you requested.

SENATOR WEINBERG: We've got them; thank you.

MR. GENOVA: Okay.

SENATOR WEINBERG: Thank you.

Okay, Senator.

SENATOR CORRADO: Good afternoon.

MR. PARIKH: Good afternoon, Senator.

SENATOR CORRADO: You testified that you served as Senior Counsel to Governor-elect Phil Murphy and Lieutenant Governor-elect Sheila Oliver's Transition Team.

Were there other attorneys who were on the Transition Team?

MR. PARIKH: There were a number of lawyers or law firms that were part of a Transition Advisory Committee, I believe. There were also lawyers and law firms that were named as Transition Counsels.

SENATOR CORRADO: In addition to you?

MR. PARIKH: Yes.

SENATOR CORRADO: So who else was Transition Counsel?

MR. PARIKH: I don't recall. I was the only outside lawyer that was in the Transition Office on a regular basis.

SENATOR CORRADO: Was your firm paid for serving as Transition Counsel?

MR. PARIKH: We were not.

SENATOR CORRADO: Who was your client?

MR. PARIKH: My client was the Transition Committee.

SENATOR CORRADO: And when you say *Transition Committee*, who does that encompass?

MR. PARIKH: So unlike what I understand happened in prior gubernatorial transitions, the Transition Committee here was structured with what I could call a *senior team*, which was Mr. Lozano, who was the Executive Director; Mr. Cammarano, who was the Chief of Staff designee; and Mr. Platkin, who was the Chief Counsel designee. All of the legal questions that I was asked to look into, or all of the advice I was asked for, was asked of me from those three people, or through those three people. And all the legal advice that I provided was to them.

SENATOR CORRADO: So those three gentlemen who you just named -- they're the ones who you interacted with on the most regular basis?

MR. PARIKH: I think I interacted with a lot of people on a regular basis. But from the perspective of who asked me for legal guidance, or who I provided legal guidance to, it was primarily those three people.

SENATOR CORRADO: Did you interact at all with Governor-elect Murphy?

MR. PARIKH: Not with respect to legal advice, no.

SENATOR CORRADO: With any other role that you filled as Transition Counsel?

MR. PARIKH: I'm sorry, was there any other role I filled as Transition Counsel?

SENATOR CORRADO: Well, the different responsibilities that you had as day-to-day Transition Counsel.

MR. PARIKH: And in those, did I have other interactions with the Governor?

I mean, we would say hello to each other, and we would chat sometimes about sports or whatever it may be. But from the perspective of what legal guidance I was asked for, the Governor never asked me directly for any legal advice, and I never provided any to him.

SENATOR CORRADO: Okay.

And you referred a couple of times to the Transition Team, or *they*. Can you tell me who you considered to be the Transition Leadership Team?

MR. PARIKH: Right, as I mentioned, I think it's Mr. Cammarano, who was the Chief of Staff designee; Mr. Platkin; and Mr. Lozano.

Depending on if there was-- In certain-- I think as I mentioned in my opening statement, there were what I would consider to be the *informal teams*. So, for example, if there was-- I recall there was something that -- it was either the Policy Team or the 100-day Agenda Team was working on when the Federal government had eliminated or capped out SALT deductions. And so I had helped with that, and had worked with

some of the other Transition Counsels, I'll say, where people were doing research and things like that.

SENATOR CORRADO: And in your role as Transition Counsel, were you dealing with anyone from outside either the Transition Leadership Team or the Transition Committee?

MR. PARIKH: Yes; I was-- And I was dealing with the Transition staff; I had dealt with some of the Transition Advisory Committee Chairs, the Co-Chairs; I sometimes dealt with some of the Transition Advisory Committee staff; I was dealing with some of the other lawyers and law firms that were assisting as Transition Counsel. I may have had some interaction with folks who were part of the Department of Treasury at the time; people who were in the IT infrastructure; people at the Ethics Commission; people who were -- as I think I mentioned, the EEO Director. So there were interactions with a variety of people outside of the Transition Team.

SENATOR CORRADO: And was this your first time that you served as Transition Counsel?

MR. PARIKH: It is.

SENATOR CORRADO: And you had served as Campaign Counsel in the past?

MR. PARIKH: I have served as Counsel to a number of campaigns in the past, yes.

SENATOR CORRADO: Okay; and how are the roles different?

MR. PARIKH: This was a very short period of time; very intense, very few resources, and a lot of work that had to be done. And it was a very interesting and educational experience for me as a lawyer.

SENATOR CORRADO: When you served as Campaign Counsel, who was your client?

MR. PARIKH: I'm sorry, for which campaign?

SENATOR CORRADO: Which one-- Well, tell us the ones that you served for.

MR. PARIKH: I have, along with my colleagues at Genova Burns, served as Counsel to, I would say, maybe five dozen campaigns over the course of my career and the firm's history. If you're referring, specifically to the 2017 elections, I was Counsel to the Democratic State Committee; and also Counsel, in that role, to the Coordinated Democratic Campaign.

SENATOR CORRADO: And on the Transition, the people who've you mentioned so far -- did everybody have a defined role, where there were expectations of what their responsibilities were?

MR. PARIKH: So as to Mr. Cammarano, Mr. Platkin, and Mr. Lozano in particular?

MR. PARIKH: Yes, we'll start with them.

MR. PARIKH: Okay. So I don't know that there would be a defined role; but, you know, everybody was working on different things that, from my perspective, fall into those buckets that I had identified earlier in my opening. You know, for example, I know that Mr. Lozano, Mr. Cammarano, and Mr. Platkin were heavily involved in interviewing individuals for Cabinet positions. Mr. Lozano, as the Executive Director, also dealt with ordering paper. So the tasks -- it wasn't clearly defined; it was, everybody was chipping in.

SENATOR CORRADO: Was there an organizational chart for the Transition?

MR. PARIKH: I don't know.

SENATOR CORRADO: Okay. And I believe you testified earlier that you don't know who hired Mr. Alvarez for the Transition Team?

MR. PARIKH: Correct. I do not know how anybody was given a role, volunteer or otherwise, on the Transition Team.

SENATOR CORRADO: So you wouldn't know who set their salaries either.

MR. PARIKH: I would suspect that it was Mr. Lozano, but I do not know for sure.

SENATOR CORRADO: Okay.

And the paid Transition employees on the Transition Team, they were State employees at the time.

MR. PARIKH: No, I do not believe they were

SENATOR CORRADO: I believe they were; I believe they were under the Department of Treasury at the time.

MR. PARIKH: So they were individuals who were paid for -- who were paid their compensation by the State government?

SENATOR CORRADO: Right.

MR. PARIKH: But in the section that I referenced earlier, the Gubernatorial Transition Act specifically states that they are not State employees.

SENATOR CORRADO: Even though they were receiving State funds.

MR. PARIKH: It's what it says.

SENATOR CORRADO: So the EEO policy would not apply to -- an individual being paid with State funds on the Transition?

MR. PARIKH: So if you just give me one second, Senator.

SENATOR CORRADO: Sure.

MR. PARIKH: I want to pull up that -- or look at that statute again.

(refers to notes)

All right, it says -- and I'm paraphrasing -- persons receiving compensation as members of office staffs -- and I'll put in "of the Transition" -- shall not be held or considered to be employees of the State government.

SENATOR CORRADO: Okay; thank you.

MR. PARIKH: Yes.

SENATOR CORRADO: So we know that Mr. Alvarez was on the Transition Team and was paid. And I believe he reported directly to Lynn Haynes; would that be correct?

MR. PARIKH: I believe that that's correct.

SENATOR CORRADO: Did he report to anyone else that you know of?

MR. PARIKH: I don't know.

SENATOR CORRADO: Okay.

And how many women would you say were in senior leadership positions on the Transition Team?

MR. PARIKH: That's a good question. There were, I would say, if we exclude-- You're talking about the Transition staff?

SENATOR CORRADO: On Transition staff, people in leadership roles that had decision-making ability. We've had five or six days of testimony, and we've only heard men named so far: Jose Lozano, Pete Cammarano, Matt Platkin.

MR. PARIKH: I understand.

So Ms. Haynes, obviously, was someone who was in a leadership position. There were individuals on the Policy Team who were in leadership positions. Obviously, there was also the Lieutenant Governor and her staff which, I think, were primarily female. The First Lady had some staffers assigned to her, also female. There were female -- I think there may have been a female attorney; there were definitely Transition Counsels who were females. I believe more than 50 percent of the chairs of the Transition Advisory Committees were females.

So depending on what type of leadership positions you're talking about, I would say, roughly, it was probably close to 50-50.

SENATOR CORRADO: Would it be fair to say that people you were dealing with -- the guys who were making the decisions were Pete Cammarano, Matt Platkin, and Jose Lozano?

MR. PARIKH: So I would say that the people who I dealt with, in terms of legal advice, primarily, as I said, were Mr. Lozano, Mr. Cammarano, and Mr. Platkin. And I think that's as it relates to the issues that we're here talking about. There were other people, male and female, who I dealt with on the Transition related to a variety of other issues.

SENATOR CORRADO: Okay.

When Justin Braz called you on December 1, did you believe what he was telling you?

MR. PARIKH: Yes, I had no reason to doubt what Mr. Braz was telling me.

SENATOR CORRADO: Did you ever ask him if he believed the person who had told him about the allegation?

MR. PARIKH: I don't recall whether I asked him that question. I think, as I said earlier, because of the unique circumstances-- And maybe I should back up one step.

So I believed Mr. Braz, during the first phone call, because of the urgency and the sense that he gave us that there was going to be this big issue -- that Mr. Alvarez was going to get arrested. The impression I almost had -- and this isn't what he said -- but the impression that I almost had was, "Guys, the police are going to come to the Transition Office today and take him out in handcuffs. What are we going to do about it?" No, those are not the words he used, but to conceptualize the feeling that I got from the conversation, that's really what it was.

I believed him when he told me that; and I believed him when he told me later that day -- or when he told, I guess me and Mr. Cammarano later that day -- that charges weren't going to be pressed. I was a little confused by that, frankly; but I had no reason-- You know, Justin's also someone who I've known for some time, so I had no reason to think that he would be telling me something that was not true.

SENATOR CORRADO: And after you had those several conversations with Justin Braz on December 1, did you have any other conversations with him about this matter?

MR. PARIKH: I may have. You know, the timeline is so fuzzy for me. I may have talked to him on Saturday; I may have talked to him

that Sunday or Monday. But ultimately, when Justin declined to give us information about his friend, there were really no other discussions that I had with him about this circumstance.

SENATOR CORRADO: Okay.

I'd like to talk about -- you called it an *e-mail*; we call it a *memo* -- document G-292. And specifically, in the fourth paragraph, "Al apparently has a fairly senior role on the Transition and will have a senior role in the Administration." At that time, did you have any idea what senior role he would have in the Administration?

MR. PARIKH: No. That was a presumption, I think, on my part. You know, as I said, I've been involved in a lot of campaigns. In my experience, individuals who work in campaigns -- if they're interested in getting a role in government and they're qualified, then they will get one.

SENATOR CORRADO: And as a senior member of the Transition Team, would he have had the ability to pick the job he wanted?

MR. PARIKH: I don't think so, no. I don't think anybody on the Transition -- irrespective of whether they were junior or senior, or however you'd like to characterize it -- I don't think any of them were allowed to pick the job that they wanted.

SENATOR CORRADO: You can understand why I asked that question, if you've been listening to the testimony. To date, nobody has testified as to who actually hired Mr. Alvarez.

MR. PARIKH: Right. I mean, you know, I understand that, and that's why I stated that right up front in my opening statement.

What I will say is that, at least the way the process was laid out for everybody, the Transition wasn't actually hiring anybody; it was really

the State government. You know, functionally, the Governor-elect had no authority to hire anyone into State government until 12:01 on Inauguration Day, when he was then the Governor.

And so, you know, the way the process was set up was that even if offer letters or other things were generated ahead of time, none of them actually mattered until after the Inauguration had happened. And functionally, it was the agency -- or, I guess in this situation, the Authority - - that would have actually done the hiring.

SENATOR CORRADO: Thank you.

You went on to say that, "He reports to work each day to the Transition Office, and has regular interaction with the Governor-elect and senior staff."

Where was the Transition Office?

MR. PARIKH: I don't remember the number, but it's down where East State Street and West State Street meet. I think it's the building where the Department of Banking and Insurance is; but it was a space I think that we had been given from Treasury, and it was kind of two areas separated by the elevator vestibule. One area was a private area, the other area was an area that was shared with some departments from Treasury; I'm not sure what.

SENATOR CORRADO: So was your part of the Transition Team in the private area?

MR. PARIKH: So there was a very limited amount of office space. I didn't have an office at the Transition. I usually, when I was down there, would set myself up at a small conference table in Mr. Lozano's office. And so that's usually where I would sit.

SENATOR CORRADO: How often were you at the Transition Office?

MR. PARIKH: I would say it was two to three days a week initially; sometimes less, sometimes more. And as we got towards the holidays, it was five or more days per week, pretty much through the Inauguration.

SENATOR CORRADO: How did you know that Al Alvarez had regular interaction with Governor-elect?

MR. PARIKH: From observing that.

SENATOR CORRADO: So you had seen them together?

MR. PARIKH: I had seen -- when I had seen the Governor in the Transition Office, Al would have been there. You know, I think Al and the Governor had talked about soccer; I remember seeing them talking about soccer.

SENATOR CORRADO: Can you describe the type of interaction they had? Did they seem to be friendly?

MR. PARIKH: My interactions with Governor Murphy, with everybody, are friendly. I've never seen Governor Murphy not be friendly with anyone. So I guess the answer to that question would be "yes."

SENATOR CORRADO: Did you see him interact to the same extent with other senior-level staff members?

MR. PARIKH: Yes. I don't know that I would call Mr. Alvarez a *senior-level staff member*; but, you know, I think this was an exciting time for this group of people, some of whom had worked together for quite some time. So I think everybody was happy.

SENATOR CORRADO: And the Governor and Mr. Alvarez had worked together for some time, correct?

MR. PARIKH: I don't actually know that, but I've heard that.

SENATOR CORRADO: Was there any discussion that, based on the close relationship that appeared to be between the Governor-elect and Al, that somebody should tell him what was going on?

MR. PARIKH: I don't recall any discussions about anything related to Mr. Alvarez that were based upon any relationship, whether he had one or not, with the Governor.

Did that answer your question?

SENATOR CORRADO: No. (laughter)

MR. PARIKH: Okay; can you just state it again? I'm sorry.

SENATOR CORRADO: Based on your memo, we know that there was interaction between Mr. Alvarez and the Governor-elect, Phil Murphy. And you testified that you had seen them together, and they seemed to have a cordial, friendly relationship.

Knowing that they had a relationship with one another, knowing the allegation, knowing that they were close, did anybody say, "Maybe we should tell the Governor about this allegation, about his--"

MR. PARIKH: I don't know if anyone said that. They may have.

SENATOR CORRADO: You didn't say that.

MR. PARIKH: I don't believe that I said, based-- Like I said, I did not tell anyone that, based upon the interactions between the Governor and Al Alvarez, that they should talk to the Governor about the allegations about Al Alvarez; which I believe was what you're asking.

SENATOR CORRADO: Did you suggest to anyone that Tammy Murphy be told about the allegation?

MR. PARIKH: I don't believe so, no.

SENATOR CORRADO: And when you say that you don't consider Mr. Alvarez senior-level staff, what would you consider him within the organizational chart, or--

MR. PARIKH: Yes, he was part of the Personnel Team. I mean, I understand-- I guess, for me, senior-level-- Perhaps he was; I don't-- I guess it just depends on what you consider that to be. To me, the senior people on the Transition were, ultimately, Mr. Cammarano and Mr. Platkin, because they were the two chiefs-designees at the time. And then, you know, right with them would have been Mr. Lozano, because he was the Executive Director.

SENATOR CORRADO: Okay.

And then later on in the memo/e-mail, "So as of now, close to nobody internally in this Transition knows about this." Did anybody outside the Transition know?

MR. PARIKH: Well, I mean, I know Mr. Braz's friend knew. I didn't know anybody else who would have known, no.

SENATOR CORRADO: And when you say *internally*, who were you referring to?

MR. PARIKH: What that line was intended to convey to my partners at my law firm is that this is not information that is generally available. This was something that Mr. Braz conveyed to me and Mr. Cammarano. As I said, I don't recall whether Mr. Lozano knew at this time or not; he may have or he may not have. But it was just to demonstrate to

them that this is not something that -- where we could go talk to five, or six, or seven people about it to try to get more information.

SENATOR CORRADO: When you said "close to nobody," what did you mean?

MR. PARIKH: I meant close to nobody. I meant that I knew, as the outside lawyer for the Transition; Mr. Braz and Mr. Cammarano; and perhaps, at the time, maybe Mr. Lozano.

SENATOR CORRADO: And I apologize if we've asked this already. The questions tend to run together. Were you there when Mr. Lozano was told?

MR. PARIKH: So I understand that I wasn't very clear about that in my opening statement; and it's because I do not recall. Well, I do recall being in a room in Mr. Lozano's office, with him and Mr. Cammarano, where we were talking about this. And that was the first time Mr. Lozano found out. I don't recall whether that was on December 1, or on a later date.

SENATOR CORRADO: Okay. Did there ever come a time where anyone -- that you, more specifically, considered advising the Transition officials not to hire Mr. Alvarez, or to slow down the hiring process for him?

MR. PARIKH: I believe I may have answered this before, but I don't believe that I was ever asked whether they could not hire Mr. Alvarez. If they had asked me that question at that time, based upon the limited information we had, I would have told them that not hiring him, based solely on this allegation, could have been a violation of State or Federal law.

SENATOR CORRADO: There's been testimony before you that Mr. Alvarez was a political hire. So was there an obligation to make a political hire?

MR. PARIKH: I've heard that term used in some of the testimony that I've watched. I don't really know what it means; I know that Campaign folks have used that term on a variety of bases.

During the Transition, political hire, to me, meant somebody who was in the Senior Executive Service; so it was somebody whose job is not controlled by Civil Service, but where they could be asked to resign or could be terminated by the Executive Branch.

SENATOR CORRADO: So becoming an at-will employee?

MR. PARIKH: Yes, I think being an at-will employee is a little bit different. And I don't really know all of the mechanics of how the Civil Service Commission deals with those different classifications of employees. But I think it is -- in the experience that I had, at least during this Transition, folks who were Civil Service employees weren't people who were considered to be people where you were going to ask for a resignation letter from them. It was people on the Senior Executive Service who, I think, people use the term *political appointees* or *political hires* for those folks.

SENATOR CORRADO: Was there anybody who was on the senior Transition Leadership Team who did not get a job in the Administration?

MR. PARIKH: Yes.

SENATOR CORRADO: And who would that be?

MR. PARIKH: Mr. Lozano doesn't work for the Administration.

SENATOR CORRADO: Yes.

MR. PARIKH: To the extent anybody wants to consider me as part of that group, since I was their lawyer, I am not working in the Administration. There was a person -- I think one or two people who were in charge of the Policy Teams who do not work in the Administration. I'm sure there are a variety of other people who do not work in the government; not just the Administration, actually not even in the government at all.

SENATOR CORRADO: And I know that you testified you don't know who hired Mr. Alvarez. Do you know who would have had the authority to hire him, or to offer him the job?

MR. PARIKH: There is a variety of people. You know, I don't-- Obviously, whoever was in charge of the Schools Development Authority at the time could have offered him a job. You know, a variety of people, I think, on the Transition could have recommended that he get hired for a job. But I don't know who actually did.

SENATOR CORRADO: Okay. Did you listen to any of the prior testimony that we've had?

MR. PARIKH: I did.

SENATOR CORRADO: Okay. So Mr. Lozano testified that Mr. Alvarez told him he was going to be working at SDA. Charlie McKenna was there; he was a holdover. And specifically, on January 9, he sent a text -- Jose Lozano sent a text to Charlie seeing if he could set up a meeting with his new Chief of Staff. So who do you think would have told Mr. Alvarez that he was getting the job as Chief of Staff?

MR. PARIKH: I don't know.

SENATOR CORRADO: We know it wasn't Mr. McKenna, who was the head of the SDA at the time.

MR. PARIKH: Yes; I mean, I know what Mr. McKenna said. I didn't watch all of his testimony. I don't know.

SENATOR CORRADO: Okay, okay.

I know that you also testified that you didn't specifically tell them -- you told them to not discuss it with Mr. Alvarez. When I say *they*, I mean Mr. Lozano and Mr. Cammarano. Did you specifically tell them that they couldn't tell the Governor?

MR. PARIKH: I did not.

SENATOR CORRADO: Okay.

Okay, now I'd like to go your notes.

It's G-1859; and it was a December 7 internal meeting.

MR. PARIKH: These are my notes and my doodles.

SENATOR CORRADO: I'm sorry? These are your notes--

MR. PARIKH: These are my notes and my doodles.

SENATOR CORRADO: Okay. (laughter)

Do you remember this meeting?

MR. PARIKH: Vaguely.

SENATOR CORRADO: Did you call the meeting?

MR. PARIKH: I don't know who asked for the meeting. I may have.

SENATOR CORRADO: Do you know who was there?

MR. PARIKH: I don't; I suspect it was likely me, Mr. Cammarano, and Mr. Lozano.

SENATOR CORRADO: Okay. And then I'm just going to go through your notes and your doodles.

"Invest; do not discuss" You testified earlier that you did not suggest an investigation be done?

MR. PARIKH: At this point in time -- which my notes on the right side say December 7, 2017 -- this was still part of the time where I was discussing things with my colleagues at the firm; I was talking about potential options with the client; and we were kind of going back and forth in a process, essentially, to come to the right solution.

I suspect what this bullet point means is, "investigation?" And then the arrow is, "Do not discuss," meaning, don't discuss whether or not we're going to do an investigation. We still don't want to tell Mr. Alvarez about this.

SENATOR CORRADO: Okay. And then the next bullet point, "retaliation-slash--"

MR. PARIKH: Right. So this was, again, that there was the potential for retaliation here, given what Mr. Alvarez's role was on the Transition.

SENATOR CORRADO: Okay.

MR. PARIKH: "Do we need to have an independent review done by GB?" -- would mean Genova Burns.

SENATOR CORRADO: Okay. And you testified earlier that the -- let me ask you, instead of assuming -- background checks were not done on potential or perspective hires.

MR. PARIKH: Only--

SENATOR CORRADO: Only record searches were done.

MR. PARIKH: That is correct. Our understanding-- And I think there had been other questions of other witnesses about an offer letter. The offer letter -- which we drafted; I drafted it, or someone at my office helped draft -- presumed, based upon information that we had gotten during the Transition, that once the person -- once the State government transitioned over, background checks, or what we would call an *employment background check* -- which requires authorizations, and disclosures, and a whole bunch of other things -- would have been done by the State government, the Agency, the Authority -- whoever it may be -- in the normal course.

SENATOR CORRADO: Okay. So you-- Before being hired in the Administration, after January 16, 2018, it would have just been the public records search.

MR. PARIKH: I'm sorry; I think we got that backwards.

SENATOR CORRADO: I have my dates backwards?

MR. PARIKH: Well, so, I don't recall what the date of the Inauguration was, but I think January 16 is probably right.

SENATOR CORRADO: January 16, right?

MR. PARIKH: Prior to January 16, 2018, the only thing that I'm aware of what was done was a public records search, correct.

SENATOR CORRADO: With the understanding that once they were hired, they would have a background check done.

MR. PARIKH: That's right.

SENATOR CORRADO: Okay.

MR. PARIKH: If that was part of the State process.

SENATOR CORRADO: Okay.

Next -- your next bullet point, "Pete/Jose arrow Matt."

MR. PARIKH: Yes, I think that was about whether Pete was going to discuss this matter with Matt or Jose.

SENATOR CORRADO: Did you ever discuss it with Matt?

MR. PARIKH: I did not. You know, I've been thinking about that. I don't recall ever having a discussion with Mr. Platkin about this.

SENATOR CORRADO: Were you under the impression that Jose or Pete was going to tell him?

MR. PARIKH: I don't know. I mean, probably; but honestly, I'm not sure.

SENATOR CORRADO: Okay.

And then, your next bullet point--

MR. PARIKH: Right; "Raj/GB" -- so Raj, meaning me; GB meaning Genova Burns, "research/background check for info." So I think what this is, is -- can we find out any information about these allegations that were made against Mr. Alvarez to see if we could figure anything out.

SENATOR CORRADO: Okay.

And then the last bullet point "Lynn?? will decide."

MR. PARIKH: Yes, I'm not sure what this refers to. At some point, I think there was a discussion about whether we should talk to Lynn about these allegations; that may be what this is. But if it's not that, then I'm not sure.

SENATOR CORRADO: And when did you talk to Ms. Haynes about this matter?

MR. PARIKH: So as I mentioned earlier, I never talked to Ms. Haynes about the details of the allegations that we got from Mr. Braz. The

conversation I had with her related to -- this was with respect to the prophylactic remedy that we had recommended. And I don't recall the exact date, but I do know it was after the announcement for the Attorney General nominee.

SENATOR CORRADO: So mid-December?

MR. PARIKH: Yes; I don't recall the exact date of the announcement of General Grewal's nomination. I believe it may have been December 12, or 13, or 14 -- in that week. And it would have either been those few days that I talked to Ms. Haynes, or the following week, whenever I was at the Transition Office.

SENATOR CORRADO: Why didn't you tell her the nature of the allegations?

MR. PARIKH: By the time that we had made the recommendation on the prophylactic remedy, the nature of the allegations wasn't something that she needed to know. We couldn't get any information to figure out exactly the situation, the circumstances, or anything else. And to put the remedy in place, she didn't need to know what the allegations were.

SENATOR CORRADO: Mr. Alvarez was directly under her, right?

MR. PARIKH: He was.

SENATOR CORRADO: He reported to her.

MR. PARIKH: He did.

SENATOR CORRADO: And she was in charge of hiring.

MR. PARIKH: She was in charge of a lot of things, I think; one of which was placements for people interested in working in the Administration.

SENATOR CORRADO: That could have included Mr. Alvarez, right?

MR. PARIKH: That could have included Mr. Alvarez, correct.

SENATOR CORRADO: So you didn't think she needed to know?

MR. PARIKH: I don't-- We didn't have -- I don't know that I would say I didn't think she needed to know. I think we made a decision, at that point in time, that we didn't want Mr. Alvarez to know, to ensure that we were protecting the anonymity of Mr. Braz's friend at the time.

SENATOR CORRADO: And when you spoke with Ms. Haynes, she kind of indicated, based on your testimony, that she was already doing that?

MR. PARIKH: Yes, essentially.

SENATOR CORRADO: That he had been pulled back from the hiring because she was a bit concerned about some of the people he recommended.

MR. PARIKH: Yes, I don't recall whether she said that he had already been pulled back from the hiring. You know, this was a very hectic time as, really, all these few weeks of the Transition were pretty much always hectic when I was there. I think it was more of a -- she was going to modify, or the process was modified, because there was just too much of a volume to try to fill or recommend people for every single position available.

SENATOR CORRADO: Okay. And there were many positions that were being filled.

MR. PARIKH: I've heard a statistic before -- I don't know whether it's true or not -- that the Governor of New Jersey has more authority, and appointments, or whatever it may be, than the President of the United States. I don't know whether that is true or not, but we definitely had thousands of résumés that came in, from what I understand.

SENATOR CORRADO: And there was testimony, at one point, that they had over 3,000 résumés just through the website.

MR. PARIKH: I would believe that. I don't know, but I would believe it.

SENATOR CORRADO: Specifically in your opening statement, you said -- talking about "implementation of my recommendation," "She also noted that she had received recommendations from Mr. Alvarez that made her pause, because the individuals did not appear to be qualified or suited for the suggested role."

Did you ask her who these people were, what jobs they were--?

MR. PARIKH: I may have; this was 13 months ago. So much happened on the Transition since then, let alone my actual work in everything else that I do. I don't think the conversation was as simple as one or two sentences about each issue. And what I tried to do in the opening is provide the best summary, based on my recollection of what we discussed. So I may have had that discussion with her.

SENATOR CORRADO: Okay.

I'd like to talk about the green-light; the updated green-light e-mails.

On January 8, you sent an e-mail with the subject line, "vetting," in which you referenced updated green-lights. There's a list that appears to be redacted, and Al Alvarez is at the top of that.

Sorry, it's document G-283.

MR. PARIKH: I have it.

SENATOR CORRADO: Okay. The type of vetting that is referenced in that -- updated green-lights (indiscernible); subject matter is vetting. What was the vetting that was done?

MR. PARIKH: This is the public record reports. So if I look at the documents-- Let me see if I can find it.

(references notes)

If you look at G-1861 and 1862 -- this was what we would call a *vetting document*.

SENATOR CORRADO: Okay.

MR. PARIKH: On the first page, the legend -- even though the copy I have is black and white -- I'm not sure whether you have it in color -- but the top box was the green box, where it says, "No issues found in searches conducted." The next box under that was yellow, which says, "Issues found or further searches recommended." And the bottom box was red, "Large, possibly disqualifying issues found or searches so limited as to be inadequate."

SENATOR CORRADO: Okay. So you followed the red light, green light -- the red light, yellow light, green light go model?

MR. PARIKH: Yes; I mean, I think it's usually called red, amber, and green, right? (laughter) But we used yellow.

SENATOR CORRADO: Okay. And so the other people who are on that list -- were they all hired in the Administration? I'm just wondering why they were redacted.

MR. PARIKH: I didn't redact this document; I don't even think I'm the one who gave this document to the Committee, because this would have been, I presume, on the Transition e-mail.

I don't know.

SENATOR CORRADO: Okay, fair enough.

MR. PARIKH: Probably, but I have no idea.

SENATOR CORRADO: Fair enough.

Who gave you the list of people to vet? Where did those names come from?

MR. PARIKH: So I think I mentioned earlier -- when I got a copy of that Transition questionnaire, that's when the person was -- the public records search was run, and then the information provided.

SENATOR CORRADO: But who specifically was handing over the questionnaire to your office, or to you?

MR. PARIKH: So I think most of them came in via e-mail. I think I may have had one or two occasions where people handed them to me, and then I would give it to one of the assistants or one of the staffers, and say, "Can you scan this to me?" But I don't recall. It was -- there was definitely one person, who I think was an assistant, who was scanning a lot of things. I just don't recall what her name was at the moment.

SENATOR CORRADO: Did you remember getting a specific e-mail for Mr. Alvarez?

MR. PARIKH: In looking at documents to prepare for testimony, yes.

SENATOR CORRADO: Okay.

If anybody came back with a yellow or a green light, you said you did a follow-up -- I'm sorry, a yellow or --

MR. PARIKH: Red.

SENATOR CORRADO: --red, you said that you did a follow-up.

MR. PARIKH: Yes.

SENATOR CORRADO: What specific kind of follow-up did you do?

MR. PARIKH: It varied, based upon what the situation was.

For example, I'm not going to talk about specific individuals, but on at least a few occasions there was something called an *unlawful detainer* that came up on a report. And what that really, ultimately, appeared to be, most of the time, was a landlord-tenant dispute. And so if that popped up, we would either look to see if we could get a docket or a document through the court system, through ACMS; or we would talk to the person, depending on, you know, whether the person was around, or we would contact the person on the phone sometimes. By *we*, by the way, it was *me*; I did, I should say -- and asked them about it.

Other times there were issues, such as somebody had a LinkedIn profile that was inactive, and wasn't accurate, and they didn't even know it existed because it was linked to a prior job. So there are all kinds of issues that were dealt with in that process.

SENATOR CORRADO: Did anybody who came back with a yellow or a red mark not get hired?

MR. PARIKH: I don't know the answer to that question. It's possible.

SENATOR CORRADO: Who would have made that decision not to hire them?

MR. PARIKH: I don't know. I'm trying to think; I don't know that there were many-- Most of-- I guess the way I should say it is this. Just because someone had a yellow light on day number one didn't mean that we weren't able to get enough information to resolve it by day number three or five or seven.

SENATOR CORRADO: Okay.

MR. PARIKH: So there were situations where someone may have a yellow light, or have been given a yellow vetting status, that then later turned to green.

SENATOR CORRADO: Okay.

MR. PARIKH: So I don't know that anyone would have been hired or would have been placed into a position that had anything other than green. But I'm not sure.

SENATOR CORRADO: Okay. When somebody got the green light, would they automatically receive the letter from Lynn Haynes saying, "You're going to be hired, and here's the position"?

MR. PARIKH: No. I recall that there are definitely people who we ran public records searches on who came back as green, who don't work in the Administration and never have.

SENATOR CORRADO: So they weren't offered jobs?

MR. PARIKH: Correct.

SENATOR CORRADO: Okay.

In one of the e-mails regarding green-lights, it was sent to several people, including Margaret Leuzarder.

MR. PARIKH: Yes.

SENATOR CORRADO: Who is that?

MR. PARIKH: Maggie was one of the people who was working on operations-related stuff. So she may have been-- You know, I did not recall this e-mail until I saw it recently. I believe, at this time, if we go to G-285, Mr. Miller was also someone who was kind of doing operations-related stuff. He was an attorney, or is an attorney, but he was doing operations stuff at the time. I believe at this time, what he and Maggie were working on was trying to get together offer letters for the front office staff, because the front office staff was something that the Transition Team wanted to have filled out and ready to roll, essentially, immediately after the Inauguration ceremony was over. And I think he was probably, at this time, working on the offer letters for those people.

SENATOR CORRADO: For the front office staff.

MR. PARIKH: Correct.

SENATOR CORRADO: And so Maggie was part of the Transition Team?

MR. PARIKH: Maggie was part of the Transition Team, correct.

SENATOR CORRADO: Okay. Who sent the-- We know that Mr. Alvarez got a letter, dated January 12, from Lynn Haynes.

MR. PARIKH: Yes.

SENATOR CORRADO: Did she send it to him, or would Mr. Miller have sent it?

MR. PARIKH: I think Mr. Miller was-- I don't know, but I think Mr. Miller was only involved in offer letters for the front office staff. So I don't know that he would have sent Mr. Alvarez's letter.

I've seen, or I've heard about that letter; and it seems from having looked at it now that there is an error in that letter, which is that the form letter that had been created for the Transition says that -- it was like a form, or it was highlighted, and it said, "Put formal entity name here." And it seems as though somebody must have put *Transition 2018*, where it was really supposed to say Treasury, or in Mr. Alvarez's case, it should have said Schools Development Authority, or whatever it may be.

But I believe a lot of those letters had-- And I remember, at a certain point in time, we were trying to get electronic or autopen signatures for Mr. Lozano, related to requests for resignation; and I think for Ms. Haynes, for offer letters and other things like that.

SENATOR CORRADO: Okay. And that's the letter that you wrote. Is it the same letter?

MR. PARIKH: Right, we drafted that form letter as part of the structure for the hiring process.

SENATOR CORRADO: Okay.

SENATOR WEINBERG: Just a question: Are you referring to the letter signed by Lynn Haynes?

MR. PARIKH: Yes.

SENATOR WEINBERG: Okay, thanks.

MR. PARIKH: And Senator, just to be clear, we created a form letter that was supposed to be used for everyone. Once they actually input the information, I was not part of that process.

SENATOR WEINBERG: It does look like a form letter. I just wanted to clarify that.

Go ahead; I'm sorry.

SENATOR CORRADO: After you spoke with Ms. Haynes about limiting Mr. Alvarez's scope in hiring, did you follow up to see that that was being enforced?

MR. PARIKH: I don't believe that I followed up to see that it was being enforced. But I think, within a few weeks, the personnel-related matters had ramped down almost to nothing. And Mr. Alvarez -- and a variety of other people on the Transition staff -- was helping with the Inauguration.

So, you know, if we look at the Transition as a -- I think it was 70 days or so; the first week, really, there was not much going on. And there's a lot going on, but relatively speaking. And then the initial -- there was an initial ramp up on personnel matters, and a ramp down. And as the personnel matters ramped down, on an incoming personnel basis, the outgoing personnel and the Inauguration ramped up; which was probably right around Christmastime into the New Year.

SENATOR CORRADO: Document G-85.

MR. PARIKH: I'm sorry, G-85?

SENATOR CORRADO: G-85; it's from Stephanie Lezcano to you--

MR. PARIKH: Yes.

SENATOR CORRADO: --dated January 3, "Scanned" and "Please open the attached document." It was sent to you and it gives you the document number. Do you know what that document was?

MR. PARIKH: I do not, but I suspect from the Bates stamping, Senator, that G-85 was an e-mail from Stephanie Lezcano, who -- now that my memory is refreshed -- she was the person I was talking about who would often send me the scanned questionnaires.

And if you look at G-86 through G-89, that appears to be Mr. Alvarez's questionnaire completed. So I presume that G-85 was the e-mail to me sending me the PDF of his Transition questionnaire.

SENATOR CORRADO: And can you tell me who Stephanie is? Is she a member of the Transition Team?

MR. PARIKH: She was a member of the Transition staff, yes.

SENATOR CORRADO: Does she work in the Administration?

MR. PARIKH: I believe she works in the government, but I don't know what position or where she is.

SENATOR CORRADO: Okay.

And there's just one other e-mail I want to refer you to, and it's G-81. And it's from Al Alvarez to David Miller, and it's dated December 4.

Do you know what he would be sending David Miller? I guess this was before you had the conversation that he should be limited in his scope.

MR. PARIKH: So I think this e-mail -- if the Bates stamping is correct; and obviously, I'm not on this e-mail, so I don't know that I've ever seen it before these proceedings -- but it appears to be Mr. Alvarez sending his résumé to Mr. Miller.

I believe, at some point in time -- and it may have been this point in early December, although I'm not sure -- there was discussion amongst the Transition staff that everyone needed to make sure they got a résumé together, and that they needed to have their résumés collected. It's quite possible that Mr. Miller was the point person on collecting those, since he was doing operations. Just by way of example, Mr. Miller was the person who you went to, to get a card to get in and out of the parking garage. So he was kind of a central repository for a lot of things.

SENATOR CORRADO: What was David Miller's title on the Transition, if you recall?

MR. PARIKH: I don't know. I think he was part of the Operations Team, but I'm not sure.

SENATOR CORRADO: Does he work in the Administration, do you know?

SENATOR CORRADO: No; he is -- I believe he was-- After the Transition, he worked in the Governor's Counsel's Office; but I think he has since left and gone to another law firm.

SENATOR CORRADO: So he's an attorney?

MR. PARIKH: Correct.

SENATOR CORRADO: And then document G-281. It's January -- it's an e-mail dated January 11, 2018, from Mr. Alvarez.

MR. PARIKH: Yes, I don't know what this is. I've never seen it before.

SENATOR CORRADO: Okay. It says, "Updated staff to Department list," with a document titled, "Copy of staff to Department

list.” January 11, 2018 -- Mr. Alvarez is still involved in hiring matters, it appears.

MR. PARIKH: It’s possible that he was involved in hiring matters. But again, the prophylactic measure was that he could not make any decision to hire or eliminate anyone from consideration on his own. That was the measure that was put in place. Not to terminate him, not to take away his job responsibilities, or anything of that sort.

SENATOR CORRADO: Can you say that again? Not to take away his job responsibilities, but you lessened his job responsibilities.

MR. PARIKH: Correct.

SENATOR CORRADO: Okay.

MR. PARIKH: He, to the extent that he had any authority previously -- as I said, kind of, before, as an example, to take a résumé and throw it in the garbage -- he couldn’t do that.

SENATOR CORRADO: And you never spoke with Mr. Alvarez?

MR. PARIKH: I did not -- about this.

SENATOR CORRADO: About this; but you-- And he didn’t know this was being done. So he -- until, I guess, he heard testimony here -- he learned that his job responsibilities had been taken away. He was never told about this.

MR. PARIKH: So yes and no.

I think that he would have known that responsibilities changed as part of the process being changed overall. I don’t believe that he would have been told that the reason for that change was because of these allegations.

SENATOR CORRADO: Okay. You testified that some people that had yellow and red -- you did follow up with them.

MR. PARIKH: Yes.

SENATOR CORRADO: Is there a reason that he was not given a yellow or a red color to start with?

MR. PARIKH: I believe he was.

SENATOR CORRADO: He was.

MR. PARIKH: Yes.

SENATOR CORRADO: Red or yellow?

MR. PARIKH: Yellow.

SENATOR CORRADO: And then he was vetted, and it went to green.

MR. PARIKH: I don't know that it ever-- So there was-- I had a master chart, which I think I provided--

(refers to notes)

--which is G-1863 and 1864. And this was a spreadsheet that I had, and I believe that Mr. Alvarez's name -- which is the one that's not redacted here -- was yellow.

SENATOR CORRADO: Okay.

MR. PARIKH: This was a list that I kept with me in a folder at Mr. Lozano's conference table. And whenever we needed to have a one-minute conversation or a two-minute conversation about vetting statuses of people -- whether it was with Mr. Lozano, Mr. Cammarano, Mr. Platkin, or whoever -- I would refer to this list, and we could talk about whoever it was that needed to be discussed.

SENATOR CORRADO: Okay.

I have no further questions.

Thank you.

MR. PARIKH: Thank you.

SENATOR WEINBERG: Thank you.

MR. HAYDEN (Special Counsel): Good afternoon, sir.

MR. PARIKH: Good afternoon, sir. How are you?

MR. HAYDEN: I believe you told us that it was mid-September in 2017, you were advised you were going to be involved with the Transition Committee; and you were appointed in mid-November, 2017?

MR. PARIKH: That's right. I believe that Mr. Lozano, Mr. Platkin, and I met for a beer. I believe that was the first time that I had ever actually met Mr. Lozano, and they had asked if I was interested in assisting in a legal capacity in the event that Ambassador Murphy was elected Governor.

MR. HAYDEN: And sticking with the timeline, then we've talked about December 1 -- and I'll come back to that.

When Ms. Brennan went to Mr. Platkin in March of 2018, and told him about the sexual assault, did you have any conversations or render any legal advice to either Mr. Platkin or Mr. Cammarano?

MR. PARIKH: I did not. I did not know about Mr. Platkin's conversation with Ms. Brennan, or any of the things that this Committee has talked about post-the Inauguration with respect to Ms. Brennan, until September or October of 2018.

MR. HAYDEN: Just give me a second to go step-by-step.

MR. PARIKH: Sure.

MR. HAYDEN: And in June of 2018, when there was an e-mail sent by Ms. Brennan to the Governor, and Mr. Platkin and Jonathan Berkon gave certain legal advice and took certain steps about separating Mr. Alvarez from government, were you in any way consulted, or did you render any legal advice in connection with those matters?

MR. PARIKH: No, I was not and I did not.

MR. HAYDEN: And did you render any legal advice as to whether or not Mr. McKenna should have been advised that there was a sexual assault allegation against the new Chief of Staff; or whether Lizette Delgado-Polanco should have been advised of these allegations?

MR. PARIKH: No.

MR. HAYDEN: So that the-- When you came back into the picture, if at all, was after the *Wall Street Journal* article in October?

MR. PARIKH: I think it was before the article was published, sir; but I think it was the late September, early October 2018 time period when we received questions from the *Wall Street Journal* reporter.

MR. HAYDEN: So your little chapter in this is really around the two-month period you were Transition Counsel?

MR. PARIKH: Correct.

MR. HAYDEN: Now, directing your attention to December 1, you have told us about two conversations. And I won't go into the minute detail where Justin Braz called you, advised you of the impending arrest. You then brought Mr. Cammarano and Mr. Lozano into the picture.

And then there was a second phone call later on in the day, where there was new information given to you by Justin Braz.

MR. PARIKH: Right. So-- And that is correct, just with one asterisk, Mr. Hayden; which is that I don't recall when Mr. Lozano was brought into the picture. It may have been that day, or it may have been later. But Mr. Cammarano did know on December 1.

MR. HAYDEN: And your advice after the first call was, "Do nothing; tell nobody, because there's an impending arrest." And sir, I agree with that advice.

MR. PARIKH: That is correct.

MR. HAYDEN: The last thing you wanted to get into, if somebody may be arrested, is perhaps notifying somebody in the building, and the situation could be worse. So the advice was, "Do nothing."

MR. PARIKH: Correct, for those exact reasons.

MR. HAYDEN: Then we had the second conversation, and you were aware of the fact that there was not going to be criminal charges lodged at that time. But the situation still had complications, did it not?

MR. PARIKH: It did.

MR. HAYDEN: Because we're faced with an allegation, which is not a proven crime; we're faced with the right of a person to have due process; we're faced with the allegation of a heinous crime; we are faced with the well-being of the person who was the accuser and any sensitivities we want to have towards her; and we're faced with hiring policies and values of the Administration, as what to do about hiring somebody about whom these allegations have been made.

Those were the kind of issues you were faced with, weren't they?

MR. PARIKH: It was very complicated, correct.

MR. HAYDEN: And given the benefit of hindsight -- and when we say *hindsight*, hindsight is when the story's over and we're looking back at a chapter that people are in before the story's over.

But talking about process, given the benefit of hindsight-- When you have a complicated situation like this, isn't the most important thing to find the facts; to find out what happened, so that the decision maker as to hiring can balance the equities we have talked about?

Isn't finding the facts critical?

MR. PARIKH: So I agree with you that, as a lawyer, our training is that you find the facts, you find the law, you apply it.

And I agree with you that finding the facts -- with or without the benefit of hindsight -- was what we were focused on, which is why we tried, in a variety of different ways, to get more information.

But in this unique circumstance, we had to balance the interests and the ideal of getting to the facts against the idea that Mr. Braz indicated very clearly that his friend did not want us to know anything about this.

MR. HAYDEN: Well, you know, you say that. You're certainly aware, sir, there is an inconsistency in the testimony of Katie Brennan and Mr. Braz, and your recollection. I'm sure you're aware of that, are you not?

MR. PARIKH: I understand that Mr. Braz's testimony about his conversation with me was different than my recollection. But I will say, Mr. Hayden, that my recollection is based upon what I remember, but also based upon the e-mail memo that I drafted one day after my conversation with Mr. Braz.

MR. HAYDEN: I'm not, sir, challenging your truthfulness. But just so that everybody -- we have the cards on the table -- we start out with an inconsistency, because in Mr. Braz's opening statement he said, "Katie and I spoke about the need to inform the Transition, and her desire not to be identified. So with Katie's authorization, I reached out and spoke to the Transition's Counsel, Raj Parikh, and then to Pete Cammarano, the incoming Chief of Staff. I told them that Mr. Alvarez was accused of sexual assault, when they asked me." And he goes on later to do it.

And Ms. Brennan testified before this Committee that she authorized Braz to, in effect, give the Transition a head's up as to what might happen -- an impending arrest, which could be embarrassing to the Governor -- but she did not want her name used.

So we have the two people directly involved indicating that he was authorized; but you indicate that that was not your understanding of the conversation.

MR. PARIKH: Right. So I don't know what occurred in the conversation between Ms. Brennan and Mr. Braz. All I know -- something that was very clear to me and stuck in my mind -- is that when Mr. Braz shared this information to us, he was breaching her trust -- his friend's trust -- in telling us what he told us.

MR. HAYDEN: Well, just-- It is your understanding or belief that he was breaching her trust. But he's given sworn testimony to this Committee to the contrary.

MR. PARIKH: Again, I don't know what Mr. Braz recalls or doesn't recall. My recollection, with respect to my conversation with Mr. Braz, Mr. Hayden, is based upon my independent recollection from the

time, as well as the e-mail that I sent to my colleagues one day after that conversation.

MR. HAYDEN: Now, to be fair to you, in the e-mail where you did the hypothetical -- and by the way, you did not use the real names; you used names of the figures -- you said, "Joe called me first and discussed the matter with me, even though Veronica had requested that he not talk to anyone about it." That is the reference you're talking about.

It's in the third paragraph.

MR. PARIKH: Give me one second, Mr. Hayden. I'm just getting to that.

MR. HAYDEN: "Joe called me--"

MR. PARIKH: All right. So I think that's one reference, Mr. Hayden.

Right; that sentence in the third paragraph; correct.

MR. HAYDEN: So that was your understanding; Mr. Braz told us, under oath, his understanding; Katie Brennan told us, under oath, her understanding. And sometimes we know in the law, and we know in trial work, that there can be misunderstandings of a communication, can there not?

MR. PARIKH: There could.

And if I could just point out one other thing in my e-mail -- or the memo; however you'd like to characterize it.

The last sentence of -- or the second-to-last sentence of that third paragraph, I say, "We are unaware whether Veronica," which was the name that I used for Ms. Brennan, "is going to pursue a civil claim; and she is not aware that we know about the allegation."

So I think that that also, Mr. Hayden, supports -- or is the basis of my recollection.

MR. HAYDEN: That is consistent with your recollection.

MR. PARIKH: Yes.

MR. HAYDEN: And it's possible it was a mis-recollection, because we've had sworn testimony from the two principals as to what their intent was.

MR. PARIKH: I don't believe that it's a mis-recollection, Mr. Hayden. I understand what Ms. Brennan testified to. I did not have any conversation with Ms. Brennan about this issue at any point in time ever. And my recollection about what my discussion was with Mr. Braz, again, is clear in my mind and memorialized in this e-mail to my partners, seeking their advice and guidance contemporaneous with the conversation.

MR. HAYDEN: Beyond the e-mail, did you have any contemporary notes that you took from when you had your initial conversations with Braz on December 1?

MR. PARIKH: I don't recall where I was when Mr. Braz called me on my cell phone; I may have been driving. But I do not have any notes from that first phone call.

MR. HAYDEN: So we almost may be making too much out of it. Two people testified one way; you have a recollection another way. And we know, in common experience, at times people do not have an exact understanding. I'm just pointing out to you that we have -- our Committee has had sworn testimony from the two principals that there was an authorization to tell about the allegation, but not to tell about the name of the accuser.

MR. PARIKH: I understand that's the testimony that was provided.

MR. HAYDEN: Now, when you indicated that knowing all the facts is the best thing, you did have options, though. First of all, you could have asked Mr. Braz to go back to the accuser and ask her if she would cooperate, if she would give you more information; and guarantee her that you would protect her from retaliation. I mean, that was an option, to see-- As lawyers in the political world, there is the art of persuasion -- to see if we could go back and persuade the person who gave this information to give more so you could make an informed decision. Wasn't that, given the benefit of hindsight, an option?

MR. PARIKH: It was not, Mr. Hayden, and I can explain why.

Mr. Braz had said to me and Mr. Cammarano that he was breaking his friend's confidence in talking to us. This was -- from my perspective, and the facts that I had at the time -- this was not someone who was raising a complaint, it was not somebody who was providing us with information. This is an individual -- Ms. Brennan, we now know -- who talked to her friend about something that happened to her. And Mr. Braz, because of the position that he had, and because of his role in the Transition, I think was conflicted about whether or not to tell us. His initial phone call to me started with, "I'm not really sure what to do, essentially."

MR. HAYDEN: Your impression was he was conflicted, and sometimes people can jump to conclusions.

Ms. Brennan went to the police; she reported it to the police. Mr. Alvarez was investigated. He knew all about it -- fact, fact. He knew

she was the accuser -- fact, fact. So creating an impression that somehow we're going to blow the cover of the accuser-- In the real world, by this time, Mr. Alvarez knew who the accuser was, knew what the accusation was.

But you formed an impression; and I do not doubt the good faith. We're looking here to come up with a process by which, perhaps, we can come up with better guidelines. And that's why we're going over the facts.

MR. PARIKH: And I understand that, Mr. Hayden, you know; and I've thought a lot about this.

I have known Ms. Brennan for a number of years as well. I've had lunch with her, me and her together, to talk about work and other things. I've had communications with her since this time. She sent me a text message, actually, when I was appointed, or named, as Senior Transition Counsel congratulating me. I've exchanged text messages with her throughout this time period.

And I've looked at those things to think, "Huh. Was any of this a reach-out from her to come talk to me about these things?" And you know, in hindsight, perhaps some of them were; I'm not really sure. There was nothing related to this matter that she relayed to me.

So the only information that I had at the time, on December 1, and throughout the Transition period, when I was functioning as a lawyer, was from Mr. Braz. We went back to Mr. Braz, on at least two or more occasions, seeking more information from him. And at each juncture, he declined to provide us with anything that would have identified his friend. The reason for that being that she did not want anyone to know.

I understand now, and I understood then, that she had gone to the police, and that the Prosecutors were looking at it. That was a fact that we knew at the time. But she did not want the Transition to know; she didn't want the Administration to know; and she didn't want anyone to know after, I think, the charges -- after she found out the charges were not being pressed. That was the information that Mr. Braz provided to us, and that is what all of the decision-making processes that went on through the Transition were based upon.

MR. HAYDEN: Sir, I suggest to you -- and I know we're talking in hindsight -- that the Katie Brennan we saw testify here, who was dying for her voice to be heard, who wanted to somebody to listen to her -- if there had been an attempt by senior leadership, Chief of Staff, head of Transition, to say, "We will protect you from retaliation. We want to hear what you have to say; we want to hear your story," if she had been persuaded, she would have come forward. Because the whole history of what happened is she kept coming forward despite the fact that her voice was not listened to all along, to the point in June that she actually sent the Governor an unsolicited e-mail.

One of the other things you could have done is you could have had the State Police do the equivalent of a four-way investigation and gone to the Prosecutor's Office in question for people to take a look at the file. Could you have not? You could have asked, in this special case, with an allegation of sexual assault over a potential hiring person, that a special exception would exist for a four-way to be conducted. Couldn't you have?

MR. PARIKH: No, Mr. Hayden. I believe four-ways, done by the State Police, require consent. And to get Mr. Alvarez's consent we

would have to talk to him about this. And if we talked to him about this, we would have risked exposure of Mr. Braz's friend who, at the time, we were told did not want us to know about anything. So that's one reason why.

The second thing that you mentioned, which is -- we could have gone to the Prosecutor's Office. As I said earlier, we had absolutely no indication from Mr. Braz, whatsoever, any identifying details of what Prosecutor's Office was looking at this -- was looking at this matter, and which had declined to press charges; which was the reason that we ran the public records searches to see if we could get any additional information.

MR. HAYDEN: You could have-- If the leadership had wanted to get the State Police involved because of the special case of a sexual assault allegation, trust me, sir, the State Police could have gone to the Prosecutor's Office in question and gotten whatever information they wanted. They could have gotten it; but that was not considered -- that's what you're telling us.

MR. PARIKH: Right; we did not go to the State Police. We did not want to risk revealing a person who had filed a charge with the police of sexual assault, who did not want her identity to be known.

MR. HAYDEN: And by going the way you're telling us, you made a decision -- good faith decision. What the Administration didn't get is all the information about this very serious allegation. The price you paid -- if we're looking at process, and we're looking at going forward -- is the complete absence of information, the total information, to make an informed -- what we know is a very complex decision. But it would be an informed decision if you got all the facts.

MR. PARIKH: I think, Mr. Hayden, the two facts that we now know, through what this Committee has done and what transpired after the Transition was over -- that we've learned -- are that it's Ms. Brennan who was the person who was making the accusations and was Mr. Braz's friend; and that it was an allegation of rape within the confines of sexual assault.

I don't believe there were any additional facts that we've learned to date that we did not know at the time of Transition. Oh, and I'm sorry -- and that it was the Hudson County Prosecutor's Office that was the agency, and when this occurred, and things along those lines.

MR. HAYDEN: Well, according to the sworn testimony of Mr. Platkin, when he heard those two facts, he talked to Mr. Cammarano and said Mr. Alvarez should be separated from government. You're aware of that testimony aren't you?

MR. PARIKH: I am aware of the testimony, yes.

MR. HAYDEN: And in June, when an e-mail was sent by Katie Brennan from the Transition (*sic*) to the Governor, and then was handled by Mr. Jonathan Berkon, Jonathan Berkon told us, in sworn testimony, it took him five minutes to say, given the nature of the allegation and the accuser, that this person should immediately be separated from State government. You're aware of that testimony, right?

MR. PARIKH: I'm aware of that testimony, correct.

MR. HAYDEN: And as a matter of fact, you've indicated that you were not asked as to whether or not he should be hired; but that you might have given the advice that perhaps it would be illegal, under State and Federal law. You're aware that Mr. Berkon said, in response to my questions, that the advice he gave in June to Mr. Platkin would be the same

advice he would have given in December. “We shouldn’t hire him.” That is Mr. Berkon’s testimony. Are you aware of that?

MR. PARIKH: I am aware that that’s Mr. Berkon’s testimony, Mr. Hayden.

As I said before, Mr. Alvarez was a member of a protected class under employment law -- under New Jersey employment law, and Federal employment law. And not hiring him, based solely on this allegation, could have been a violation of that law.

Now, I will add, Mr. Hayden, that if, at the time, during the Transition, I was asked for my personal opinion, not my legal opinion, I would have said, “Maybe it’s better not to hire Mr. Alvarez at this point, and it’s worth the risk of a suit from him to not hire him.” But again, that wasn’t a discussion that I had with anyone.

MR. HAYDEN: And sir, I appreciate your candor and us trying to go back and forth to, maybe, refine the issues. Would you have also said, even in the middle, “Let’s find all the facts. Let’s make sure we know what we’re talking about. Let’s not guess or speculate; let’s have a full record, so with a full record we can have fundamental fairness.” You would have said that too, wouldn’t you?

MR. PARIKH: I would have, Mr. Hayden. And again, it all comes down to where we started. And where we started was that we had Mr. Braz breaching a friend’s trust. Somebody had said that she was sexually assaulted. She went to the police. She told her friend; her friend wasn’t supposed to tell anyone; that’s what we were told. And yet he told us.

And so every step we took after that was to protect the sanctity of her wishes to not have anybody know about it.

Now, perhaps now we're hearing that that wasn't actually what she wanted. But at the time, the clear impression that I had was that Ms. Brennan did not tell Mr. Braz to tell us; and that he was telling us by breaking her trust, and that she did not want anyone to know -- not only who she was; that was something that she did not want known -- but she also did not want us to know, or anyone to know, what had happened to her.

MR. HAYDEN: But you're telling us that your impression is-- Where both Ms. Brennan and Mr. Braz have told us he did not break her trust. He went on instructions from her. That was their testimony, right?

MR. PARIKH: Absolutely, Mr. Hayden. And again, as I said, you have what my recollection is of my conversation with Mr. Braz; and you have this e-mail, which was sent just to my partners to try to get their advice.

MR. HAYDEN: No, there is no doubt the e-mail is an e-mail of a serious lawyer dealing with a serious issue; and doing the right thing, in terms of anonymous names. No doubt about that. And what's fair is fair, both sides of the coin. But that doesn't mean that there aren't things -- given the benefit of the hindsight -- perhaps the whole leadership in the Transition couldn't have done better.

One of the things is, because this was a Campaign issue, was there any discussion about having an attorney for the Campaign do an independent investigation, such as Jonathan Berkon? Had you dealt with Jonathan Berkon?

MR. PARIKH: So the answer to your last question--

MR. HAYDEN: Multiple questions.

MR. PARIKH: --have I dealt with Mr.--

MR. HAYDEN: Multiple questions, yes.

MR. PARIKH: Have I dealt with Mr. Berkon? Yes, I have dealt with Mr. Berkon.

MR. HAYDEN: Okay. Was there any consideration about the attorney for the Campaign doing an independent investigation?

MR. PARIKH: So again, Mr. Hayden, if I go back to my opening, I did not know who, what, when, where, why, how. I didn't know the answers to those questions, with respect to Ms. Brennan's sexual assault allegation. I did not know that it was during the time that the Campaign occurred. I knew it was before -- all I knew was it was before Mr. Braz got involved in the Campaign.

So I did not reach out to Mr. Berkon to get any information about this because, at the time, I didn't think it was related to the Campaign. As I sit here today, I still don't know that it was related to the Campaign, other than it happened during the time that the Campaign was going on, after an event where Campaign staff went out together.

MR. HAYDEN: Was there any discussion about bringing the Governor-elect into the loop to be involved in making this hiring decision at this point in time?

MR. PARIKH: I never had any conversations with anyone during the Transition about Governor-elect Murphy being involved in any hiring decisions, other than those related to Cabinet matters.

MR. HAYDEN: Well, I believe you've told us-- At what point in time-- Let me just--

Your internal legal memo of your law firm is Sunday, December 3, at 9:16 p.m. And I believe there's an earlier text between you and Mr. Cammarano, December 3, "Called to chat about Braz. Feel free to call back whenever you have a few minutes."

And the text would be before the hypothetical e-mail that you drafted, I take it.

MR. PARIKH: Let me just turn to the text, Mr. Hayden.

MR. HAYDEN: I think it's 4:39, and the other one is 9:16.

MR. PARIKH: So it looks like the text message was sent at 4:40, or 4:39 p.m.; and the e-mail was sent at 9:16 p.m. So yes--

MR. HAYDEN: So presumably, in the interim, did you have a follow-up conversation with Mr. Cammarano before you drafted your internal e-mail for your law firm?

MR. PARIKH: Yes, I did.

MR. HAYDEN: And was it at that point in time that you chose to draft the e-mail--

And then you were asked questions about your notes on December 7, I think they are; December 7, 2017. Do you remember Senator Corrado asked you questions about that?

MR. PARIKH: I do.

MR. HAYDEN: Had you formulated your legal opinion by December 7, 2017; or were you still ruminating about it, trying to figure out how to deal with this complex question?

MR. PARIKH: By December 7, 2017, I was still speaking not only with the client about the issue, I was also trying to get additional information; and I was speaking with my colleagues about what our ultimate advice would be.

MR. HAYDEN: So is the answer you had not yet formulated it by December 17 (*sic*)?

MR. PARIKH: Correct. We had not finalized the legal recommendation we were going to provide to the client.

MR. HAYDEN: When did you finalize the legal recommendation? How long after that?

MR. PARIKH: I would say within a week or 10 days after that.

MR. HAYDEN: So it could have been as early as December 14, as late as December 17.

MR. PARIKH: Around that time period I would think so, yes. Mid-December.

MR. HAYDEN: And you've told us that the only person you talked about the assault allegation is with Lozano and Cammarano. You did not talk to Mr. Platkin at all about this issue.

MR. PARIKH: Correct. I do not believe that I ever talked to Mr. Platkin about this.

MR. HAYDEN: And whatever this note is, "Pete/Jose arrow to Matt," was something-- You thought maybe Pete was going to talk to Mr. Platkin; but you did not talk to him yourself.

MR. PARIKH: That's correct. I do not-- You know, as I said earlier, Mr. Hayden, there were so many, what I'll call, not-scheduled, quick, you know, one-minute, two-minute, five-minute meetings about a

variety of different issues with a number a people in the Transition, including Mr. Platkin, Mr. Cammarano, and/or Mr. Lozano.

MR. HAYDEN: I understand this was not the only thing you were working on.

MR. PARIKH: Correct. And--

MR. HAYDEN: Fair is fair; I understand.

MR. PARIKH: Right.

MR. HAYDEN: But it took about 10 days; and the only two you recall talking with is Lozano and Mr. Cammarano.

MR. PARIKH: That's correct; and my colleagues, obviously.

MR. HAYDEN: Okay.

And about a week to 10 days later, where is the writing reflecting your legal opinion that you gave your client?

MR. PARIKH: There was no writing, with respect to the ultimate advice that we provide to the Transition. As I mentioned earlier, Mr. Hayden, I didn't have an office at the Transition, so I sat at a conference table in Mr. Lozano's office. So when we had to talk about things we were, literally, spitting distance away from each other. So we would talk about them. And Mr. Cammarano's office was right across the hallway. So there were often these informal, quick meetings to talk about a variety of issues.

If I was not at the Transition Office, we would have calls. But, most frequently, because everybody was running in 25 directions at once, we had these quick get-together meetings to discuss one issue or another; and then we would break up. And if we had to come back again, that day or the next day, we would do that.

MR. HAYDEN: Sir, in the ordinary course, when a legal -- when a lawyer gives a client legal advice in an important matter, there will be a writing reflecting the advice. Will there not?

MR. PARIKH: I think, in some situations, there are writings, Mr. Hayden; correct. But I do not think there would be so in every single situation that advice is provided.

MR. HAYDEN: In the --

MR. PARIKH: If I could just finish, for one second, Mr. Hayden.

MR. HAYDEN: Sure.

MR. PARIKH: So for example, as I mentioned during my opening statement, on a weekly basis the Transition staff was told, "If you have any issues at all -- employment-related issues, conflict-related issues, ethics-related issues -- you can talk to these folks." On a weekly basis, when I was at the Transition Office, I would talk to one, or two, or three people about just -- it could be the smallest little issue. "Hey, I want to go meet so-and-so for coffee. How does the Conflicts of Interest law apply to that?" And you have to remember that there were a lot of folks in the Transition Office who -- this was going to be their first experience with the Conflicts of Interest law. So I was getting questions all the time where I was providing legal guidance and analysis that was not memorialized in writing. And that is what occurred throughout the Transition.

MR. HAYDEN: Okay, but this was not off-the-top-of-the-head type advice; because you took from December 1, maybe as long as to December 17. You, as a thorough lawyer, were trying to be right in a tough

situation where there may not have been the answer on page 586. And I appreciate that.

So you took your time, but you did not give a writing to the client as to your legal opinion. Did you do a memo to the file as to your legal opinion and the legal advice you gave?

MR. PARIKH: My only, what I would say *memo to the file*, Mr. Hayden-- And if I need to memorialize things, I usually do it via e-mail. And so the only thing that I would think falls into whatever your definition of *memo to the file* may be is the e-mail that I sent to my colleagues on December 3 that laid out all the factual information that we had.

I should say, I know -- because I think someone earlier had asked me -- how we can pinpoint the day that I provided the advice and the day that I talked to Ms. Haynes. I also know not only that it was after General Grewal was nominated, but it was also after a partnership meeting that I had, which was a day that Paul Fader passed away. And I recall that because, at the end of that partnership meeting is when me and some of our partners got together to talk about this issue to formulate what it was that was going to be our final recommendation. But that was provided orally.

MR. HAYDEN: And by the way, it was your law firm, I believe-- Was it your law firm that provided to us the e-mail which laid out the legal hypothetical and framed the issue, so to speak?

MR. PARIKH: Correct. I think that was produced from my files.

MR. HAYDEN: Yes.

MR. GENOVA: Mr. Hayden, that was produced to--

MR. HAYDEN: Mr. Porrino?

MR. GENOVA: --to Mr. Porrino, who produced it to you.

MR. HAYDEN: So it did come from your law firm; and I'm assuming there is no other legal memo or memo to the file-- This frames the issue; there's no document which frames what the legal conclusion was, and what the legal advice was.

MR. PARIKH: Well, the legal conclusion, Mr. Hayden -- which I've said a number of times today -- was that the Transition, as an employer, had the obligation, under New Jersey law, to make sure there was no retaliation against Mr. Braz's unnamed friend. That was the legal conclusion -- that there was a risk of retaliation, given Mr. Alvarez's role and the allegation that was being made. And the advice that was provided? No, that was not memorialized in writing.

MR. HAYDEN: But although there is no writing, the gist of your legal conclusion is there should not be retaliation; there should be protection against retaliation. But at no time, in any way, shape, or form, did you advise anybody that the Governor could not be told of this allegation, did you?

MR. PARIKH: Correct; I did not tell anyone that the Governor could not be told about this.

MR. HAYDEN: And in particular, Mr. Cammarano was not told by you--

MR. PARIKH: I'm sorry; I missed the end of that question.

MR. HAYDEN: Mr. Cammarano was not told by you that the Governor could not be told.

MR. PARIKH: No, I did not tell Mr. Cammarano that.

MR. HAYDEN: And as a matter of fact, did you not tell us, at one point in time, it was discussed as to whether or not the Governor could be told? And you said to Lozano and Mr. Cammarano, "That's up to you. It's your choice."

MR. PARIKH: I don't know that it was discussed; but I do recall saying that whether or not any issue was to be raised with the Governor, was up to them and Mr. Platkin, frankly, as the senior members of the Transition Team.

MR. HAYDEN: So not only was somebody not told they couldn't tell the Governor, it was told that it was up to them whether or not they wanted to raise an issue like this with the Governor.

MR. PARIKH: Right. I think whether or not to tell a principal, right? -- in this case, I think I said earlier, if you think of it in a corporate environment, the Chairman of the Board -- about an allegation about a personnel matter, about whatever it may be, is a subjective decision that has to be undertaken, based -- and it has to be looked at based upon the facts presented at the time.

MR. HAYDEN: Now, getting to the hiring practice -- and Senator Corrado took you through the e-mails -- somebody puts an application in; there's some kind of a background check, and a green-light goes through. But there has to be some decision-maker as to whether or not somebody will be hired and what job they'll get, does there not?

MR. PARIKH: I would think so, yes.

MR. HAYDEN: And did you tell us -- and we've heard other testimony -- that the principal decision-makers for the subcabinet positions

-- because the Governor was deciding on the Cabinet positions -- were Mr. Cammarano, Mr. Lozano, and Mr. Platkin?

MR. PARIKH: No, I did not tell you that.

MR. HAYDEN: There's been prior testimony to that effect. Who do you understand the decision-makers to be?

MR. PARIKH: So I think what I said earlier, sir, is that hiring decisions, I believe, would have been made by Cabinet members for staffing in their agencies. For example, Mr. Platkin, I know, was what I would call a *decision-maker* as it related to staffing the Counsel's Office in the Governor's Office. I believe Mr. Cammarano was a decision-maker as it related to staffing of non-legal positions within the Governor's Office.

So the people who would have the decision-making authority were those either *Cabinet nominees* -- is what I think I called them earlier -- or Mr. Platkin or Mr. Cammarano, as it related to the Governor's Office.

MR. HAYDEN: All right. But there's no doubt that Mr. Alvarez could not hire himself; there had to be some decision-maker.

MR. PARIKH: Mr. Hayden, as I think someone here said, common sense to me--

MR. HAYDEN: Yes.

MR. PARIKH: --yes, I think somebody had to make a decision, at some point, regarding Mr. Alvarez's role. I don't know whether that was Mr. McKenna or someone at the Schools Development Authority; I don't know whether it was someone at the Transition; I don't know whether it was a Cabinet member or however that would work. I don't know who that person is.

MR. HAYDEN: Well, we're going to, kind of, return to where we started. And you've been gracious in trying to think this through with me.

Assuming the decision-maker was not Lozano or Cammarano -- who have sworn they didn't know it -- and they're the only two who knew it, don't you think the person who decided to hire Alvarez was entitled to know that there was a sexual assault allegation against him, investigated by a law enforcement agency, before he or she decided the hiring should go into effect?

MR. PARIKH: That's a good question, Mr. Hayden. I don't know the proper legal answer to that question, as I sit here today.

MR. HAYDEN: How about common sense?

MR. PARIKH: My gut--

MR. HAYDEN: How about common--

MR. PARIKH: My gut tells me "no;" I don't know that they're entitled to it, Mr. Hayden. And I know that may be a surprising answer to you, but my gut tells me that in situations like this -- in employment situations-- As I said I've relied on the employment lawyers in my law firm, because this isn't my area of expertise.

MR. HAYDEN: If you were the hiring person, and somebody like Alvarez came up; and you had a pass on whether or not they were going to be a Chief of Staff, wouldn't you at least want to know so you could weigh the competing considerations -- which we both agree are there -- that there was such an allegation against somebody in the Transition, by somebody in the Transition, that had been investigated? Wouldn't you at least want to know that fact?

MR. PARIKH: Just because someone wants to know something, Mr. Hayden, doesn't mean that it's compliant with the law. And that's what we're talking about here.

MR. HAYDEN: Well, you just told us it was not unlawful to tell the Governor.

MR. PARIKH: Correct.

MR. HAYDEN: So how is it a violation of the law to tell the person who signs off on the hiring of somebody that, "By the way, there's a sexual assault allegation that was investigated by a law enforcement agency." Are we saying that to tell the hiring person would be a violation of the law to tell them?

MR. PARIKH: It could be, Mr. Hayden, because that-- I think what you're saying is, they should be entitled to know so that they could use that information in their hiring decision. And what I'm saying is, using that information in a hiring decision against someone who is part of a protected class is against the law.

MR. HAYDEN: How about having the information and conducting an investigation before they decide to hire? In conducting an investigation -- there's a word: due diligence; doing a due diligence before they decide to hire. There's something illegal about giving the person all of the facts before they decide?

MR. PARIKH: Mr. Hayden, there's a variety of laws -- such as the Opportunity to Compete Act -- that weigh upon these ideas. For example, I think the EEOC has guidance; and I'll give you the example that I think the EEO has on its website, which is that an African American couple are driving somewhere; they get pulled over. The husband gets into

an argument with the police officer and says, "You pulled me over for driving while black." He gets arrested and detained. The Prosecutor gets the charges, and decides, "You know what? I'm dismissing this; this isn't going to work."

And then the gentleman, at his office, is entitled to a promotion. And as part of the policy of his company, they run background checks on employees prior to promotions. And if an employee has been arrested or detained, they're not entitled to a promotion. And the EEOC has this example; and they say in that situation, not promoting that individual may be a violation of Federal law.

So having the information when there's nothing else underneath it -- it's a very difficult policy question for this Committee to weigh on.

MR. HAYDEN: Well, having the information so it can be fully looked into, investigated, weighed, and balanced-- Are you aware, sir, that when Charles McKenna -- who was then the Chief Operating Officer of the Schools Development Authority -- appeared in front of our Committee and was asked -- and I believe he was asked by Mr. Critchley -- "Were you aware of the fact there was a sexual assault allegation against Mr. Alvarez when you brought him in front of the Board to hire him?" And he said "no." And Critchley said, "Would you have wanted to know it?" And Mr. McKenna said, "I sure would. I might have gone back to Mr. Lozano and asked him to reconsider."

Are you aware of the fact, sir, that when Lizette Delgado-Polanco testified late one night in front of this Committee, and she was asked would she have liked to have known the information when she came

on as the CEO of the Schools Development Authority, and passed on a \$30,000 raise; she said she would have wanted to know?

The fact-- Does that testimony, which our Committee got, change your understanding of the law?

MR. PARIKH: No, Mr. Hayden, I think it supports my understanding of the law. You just said to me that Mr. McKenna testified -- and I'm not familiar with all of this testimony -- but you just said to me Mr. McKenna testified that he would have liked to have known so he could go back to Mr. Lozano and ask him to reconsider. And my understanding of the reason that these very laws exist is to prevent that type of activity against protected classes of individuals.

Now, these laws are something that this body should look at, because these laws are blanket and they apply across all types of protected classes, whether it's race, gender, religion, or whatever it may be. Maybe there needs to be separate carve-outs for allegations such as this. But my understanding of the state of the law right now is that such carve-outs don't exist.

MR. HAYDEN: Well, I'm not going to debate the law with you. I think, ultimately, common sense trumps everything; and knowing all the facts before a complex decision like this is made -- really, due diligence is required.

Thank you for your testimony.

MR. PARIKH: Thank you.

SENATOR WEINBERG: Thank you.

Before I call on Ms. Alito, Senator Ruiz, did you-- Because we want to hear from Ms. Alito also, but if--

SENATOR RUIZ: Go ahead; I'll wait.

SENATOR WEINBERG: Senator Madden.

SENATOR MADDEN: I do have questions, Madam Chair. But I think -- I thought we were going to wait for Ms. Alito.

SENATOR WEINBERG: Okay, thank you.

Rosemary.

MR. PARIKH: Madam Chair, before we start. Can we just take a one-minute break?

SENATOR WEINBERG: Yes.

MR. HAYDEN: The last time we let somebody go, we didn't see him (laughter). He didn't come back.

MR. PARIKH: Thank you.

(Committee recesses)

(Committee reconvenes)

SENATOR WEINBERG: Ms. Alito, you're on.

MS. ALITO (Special Counsel): Good afternoon, Mr. Parikh.

MR. PARIKH: Good afternoon, Ms. Alito. How are you?

MS. ALITO: I have a few questions about policies and procedures. So if you would bear with me, I think these will be useful for the Committee.

First, with regard to hiring during the Transition. And I want to make sure I have a complete understanding.

You testified about this; you testified about the hiring procedures that went on by the Transition. And then, am I correct in

understanding that at a certain point the final part of the process would be done by the State of New Jersey, and not by the Transition?

MR. PARIKH: I believe that is correct. We looked at it from a broad level, taking into effect -- such as what I was talking to Mr. Hayden about -- ban the box; some of these other concepts. And the process we employed for the Transition, which was meant to help figure out where to place people, was done in accordance with what the law was; and then would be switched to the State processes because there was no authority for the Transition to actually hire people into State government.

MS. ALITO: And it was your understanding that once it was switched to the State, that the normal processes would be followed, such as filling in an application form, having a real background check done, having immigration proof submitted -- that all of those normal processes of State hiring would be done by the State after the Transition completed its work?

MR. PARIKH: My understanding is that after the Transition was complete, in the sense that once Governor Murphy became Governor, that whatever State processes were in place -- and I understand they may differ from agency to agency -- they were going to be used to bring people in as State employees.

MS. ALITO: Now, you had some testimony about the status of employees of the Transition; and I'd like to clarify that.

You testified that they were not considered to be employees of the State of New Jersey. They were employees of the Transition, is that correct -- the paid workers?

MR. PARIKH: Right. So my reading of the Gubernatorial Transition Act -- which only applies to transitions -- is that even though

there were individual members of the Transition staff who were paid with State funds, the fact that they were paid with State funds does not make them State employees.

MS. ALITO: It would make them contractors of the State of New Jersey, correct?

MR. PARIKH: I don't know that. I think that the Transition Act -- which is a just a few pages long, for something that is actually a pretty big deal, because you're transitioning from one executive to another -- doesn't really put them into any classification. So I don't know that they would be contractors. But I understand what you're asking.

MS. ALITO: So either they're getting paid by the State, but they're not State employees; or we're not sure whether they are considered contractors.

MR. PARIKH: Well, I don't think-- That's not what I'm saying, Ms. Alito. I think there are two definitions there, right? When you say *State employee* -- I would consider them to have been employees. But I think the way that *State employee* is used in the statutes is because State employees have certain rights, responsibilities, standards, etc.

So members of the Transition staff, who were paid through State funds -- my perspective -- likely are employees of the State of New Jersey, but do not have all of the policies, and procedures, and rights, etc., of a regular State employee, other than what's listed in that Transition Act, which is the application of the Conflicts of Interest law, and application of the Public Employees' Retirement System.

MS. ALITO: So you've testified that because these individuals are not considered to be employees for many purposes, that the State's EEO policies and procedures were not applicable to them. Is that right?

MR. PARIKH: Correct. I think the Gubernatorial Transition Act says what State law and policy applies to those paid members of the Transition. The sole exception -- as I think I mentioned in my opening, or earlier to a question -- are individuals who are on mobility from other State agencies who all State policies would apply to.

MS. ALITO: And you understand that the State's EEO policies and procedures are applicable to contractors with the State of New Jersey, correct?

MR. PARIKH: I believe that that is correct.

MS. ALITO: And wouldn't those policies and procedures be applicable to employees of the Transition as contractors for the State of New Jersey?

MR. PARIKH: No, because the Transition is created by the Gubernatorial Transition Act. It's not a corporation, it's not an agency; it's essentially a legal fiction, because it's this amorphous organization that exists for 70 or less days every four years. And the Act says what it is that applies to those people who work for the Transition, and what doesn't by its absence.

MS. ALITO: So your testimony is, your understanding of the law is, that aside from eligibility under the Pension Act and ethical requirements, that the employees of the Transition were not required to comply with any State policies, including but not limited to the EEO policies and procedures?

MR. PARIKH: I don't know if that's my conclusion, Ms. Alito. My conclusion is what the statute says, which is that those individuals are not to be held or considered to be employees of State government, except of the purposes of the Public Employees' Retirement System and the Conflicts of Interest law.

MS. ALITO: I know you've quoted that statute a number of times. And I understand that, and we've looked at it. But my question really is about your conclusion -- is that employees of the Transition are not required to comply with EEO policies and procedures. Is that right?

MR. PARIKH: No. The conclusion is that the State EEO policy and procedures do not apply to the employees. They are obviously still required to comply with the State's law against discrimination and other related laws.

MS. ALITO: Well, I didn't ask about the law against discrimination, which of course we can agree that, as an employer, the Transition was required to comply with the law against discrimination, correct?

MR. PARIKH: Correct.

MS. ALITO: And its employees were entitled to all of the protections of the law against discrimination, as any employee within the State of New Jersey, correct?

MR. PARIKH: Correct.

MS. ALITO: All right.

But my question, right now, is directed to the applicability of the State's EEO policy and procedure. And I'm just trying to get clear your position, which I understood to be that the State's EEO policy and

procedures don't apply to Transition employees, either as State employees or as contractors with the State, correct?

MR. PARIKH: And again, my answer to your question, Ms. Alito, is that I do -- our conclusion, or my conclusion, was that the State EEO policy and procedures do not apply to members of the Transition staff, other than those who are on mobility from another agency.

MS. ALITO: Okay, so that's a "yes" to my question, correct?

MR. PARIKH: That's the answer.

MS. ALITO: Okay.

Now, since the State policies and procedures on EEO were inapplicable to employees of the Transition and the volunteers of the Transition, did the Transition establish its own standards and procedures with regard to discrimination and harassment in its workplace?

MR. PARIKH: So there was discussion around Election Day about putting together a handbook; and, ultimately, that was not done.

And so there were no written policies or procedures with respect to those types of issues. There were, however, directives, on a weekly basis, that if there was any type of issue -- whether, as I think I said earlier, ethics conflicts, workplace, whatever it may be -- that there was an open-door policy.

And in addition, we had the State EEO Officer come in to do training so that members of the staff understood how to identify issues that were appropriate or not appropriate for the workplace.

MS. ALITO: You anticipated my next question.

So you had training by the State Director of EEO, even though you had determined that the State policies didn't apply, right?

MR. PARIKH: That is correct. And originally, I think someone from our office was going to do a training. What the client requested at the time was to have the State EEO Officer do the training, because many of the individuals on the Transition staff were going to be working in the government, and they didn't know when it was -- especially for the front office staff -- when it was that they would be able to have a training session, and wanted to get that extra training in before the Inauguration.

MS. ALITO: And as part of that training, were the employees instructed that they were expected to comply with the State policies on discrimination and harassment in the workplace?

MR. PARIKH: I believe-- I don't recall specifically. I believe there may have been information in the presentation given by the State EEO Director, where she said State employees are required to comply with these policies and procedures. And I know that there were other discussions. I think right after the training session there was a discussion with everyone who was there about the fact that -- again, we're reminding everyone that if there are any issues related to any of these things, you can speak with Lynn, Raj, Matt, Pete, or Jose.

MS. ALITO: Now, you were asked about a nondisclosure agreement that was required of volunteers with the Transition.

MR. PARIKH: Yes; I believe there were questions about that earlier.

MS. ALITO: Okay. And do you have a copy of the nondisclosure agreement available to you?

MR. PARIKH: I don't believe we do.

MR. GENOVA: I'm pulling it up on my iPhone for him.

MR. CRITCHLEY: I have it.

Angelo, do you need one?

MR. GENOVA: I don't want it disclosed to me. (laughter)

MR. CRITCHLEY: You're our next witness.

MR. PARIKH: We have a copy of the nondisclosure agreement in front of us.

MS. ALITO: All right.

And did you prepare this agreement?

MR. PARIKH: I don't recall who was the original drafter of this; but I, along with Mr. Berkon, I believe, edited it or, I may have drafted it or edited it, I'm not sure. Along with this, also, was a Code of Conduct; and those two documents were used together.

MS. ALITO: All right. So both you and Mr. Berkon approved the use of this volunteer nondisclosure agreement?

MR. PARIKH: Among others, correct.

MS. ALITO: All right. And who else approved the use of this NDA?

MR. PARIKH: I do not recall.

What I recall-- I believe that Mr. Platkin may have been involved, as well, in working on this. I don't recall whether he approved it or not. I think I mentioned earlier that the Transition had an Ethics Counsel. I don't recall whether they reviewed this document; I'm pretty sure they reviewed the Code of Conduct which, as I said, was also given to Transition Advisory Committee members.

MS. ALITO: All right, so you're not certain whether anyone other than you, in so far as Counsel was involved, reviewed and approved this NDA?

MR. PARIKH: Right. From the Counsel end of things, in terms of drafting this and presenting it to the client, it would have been me and, potentially, Mr. Berkon. As I think I said earlier, we may have drafted this around Election Day. It might have been on Election Day, it may have been the day after Election Day; I'm not sure. But it was right around that time period.

MS. ALITO: And what is the reason why an NDA was required of volunteers, but not of paid staff?

MR. PARIKH: Why was one required of the volunteers and not the paid staff?

MS. ALITO: Yes.

MR. PARIKH: So for the volunteers, it was because -- I think as I mentioned earlier -- there were Transition Advisory Committees that were tasked with generating reports for their subject matter area for use and suggestions to the Administration, for use in the 100-day and the policy agenda of the Administration. And the purpose of the NDAs with the Advisory Committees was to ensure that there was an open dialogue amongst people who were from different backgrounds, but may have still been subject-matter experts in their field. So for example, on the Law and Public Safety Committee, we may have had individuals who believed that there should be bail reform; and other individuals who may have been on the other side of that issue in their private jobs. The idea was to allow these people to have debates and have a free flow of information without risk of

someone going outside and saying, “Oh, guess what Mr. Genova said at our meeting?”

And that was the purpose -- so that the reports that were generated were based upon a healthy debate about real policy issues.

MS. ALITO: So you’ve said that twice -- that the NDA was designed to encourage free flow with information. You wanted a free flow of information among paid staff as well, correct?

MR. PARIKH: I guess so. I don’t know what that means.

MS. ALITO: Well, it’s your term. You’ve indicated--

MR. PARIKH: Well, right. Well, so the Transition Advisory Committees were tasked with looking at policy issues and coming up with recommendations on policy issues; kind of like what this panel is doing as well.

And so if you have Person *A* on an Advisory Committee, who happens to be a competitor of Person *B*, you wouldn’t want your competitor to go out into the marketplace and say, “Hey, guess what I heard Person *B* say at a meeting?” This was designed so that people were able to share all of their ideas without concern about what they did outside of that volunteer job.

MS. ALITO: Yes, why wouldn’t that same reasoning apply to paid staff members, is my question.

MR. PARIKH: Well, so I don’t-- I mean, staff members were doing all kinds of things, right? And I don’t know whether -- I presumed the policy staff -- although I don’t know -- was working on policy issues. They’re all within the umbrella of being the Transition staff, so I don’t know that a nondisclosure agreement would have been necessary for them.

But I don't know -- I don't recall any discussions, at that time, about having a nondisclosure agreement for paid Transition staff.

MS. ALITO: Is the reason why an NDA was not required of paid employees because you thought it would be illegal and unenforceable?

MR. PARIKH: As I said, we did not have any discussions about whether or not to have a nondisclosure agreement for paid Transition staff. So whether it was illegal or unenforceable is not something that we looked at because it wasn't part of the discussion.

MS. ALITO: Okay. Let's, if we could, take a look at the NDA that was in place for volunteers.

And under Section 1, *Definitions*. "Confidential information is defined to include any information related to the plans, strategies, business, operations, or other affairs of the Transition or its affiliates." So any information related to affairs of the Transition that's not generally available to the public is considered confidential information under this NDA, correct?

MR. PARIKH: I believe that's what it says, yes.

MS. ALITO: Okay. And then the second requirement is that, "The information be conceived, compiled, developed, or discovered by me, whether solely or jointly with others, during the term." And the term includes the period that the individual is volunteering with the Transition, correct?

MR. PARIKH: The term-- Correct; that is how term is defined on the first page.

MS. ALITO: All right. So on the face of it, this nondisclosure agreement, that was required of every volunteer of the Transition,

prohibited them from disclosing any information about the affairs of the Transition that they acquired during the period that they were working for the Transition, correct?

MR. PARIKH: No.

MS. ALITO: As long as it wasn't otherwise known to the public, right?

MR. PARIKH: Still no.

The reason I say "no" is because this was not a nondisclosure agreement that was required of every volunteer on the Transition. This was a nondisclosure agreement that was only given to and executed by members of Transition Advisory Committees.

MS. ALITO: Okay. So for members of Transition Advisory Committees, pursuant to this nondisclosure agreement, they were prohibited from disclosing any information not generally available to the public that they learned about the Transition while they were volunteering, correct?

MR. PARIKH: Yes; I don't know that I would say that they learned *about* the Transition; but I would say that they learned *during* their involvement with the Transition, during the term.

MS. ALITO: So any information about "affairs of the Transition," right? -- in the third line under *Confidential Information*.

MR. PARIKH: Right. And so it states before that, it says, "Any information related to the plans, strategies, business, operations, or other affairs of the Transition."

MS. ALITO: Yes.

MR. PARIKH: And if we read further down, it provides additional context, where it says, “without limiting the generality of the foregoing, confidential information includes information related to inventions and works,” which is separately discussed, “trade secrets, finances, operational plans, political plans, political affairs,” etc., etc., etc.

MS. ALITO: Right. All that’s in there--

MR. PARIKH: Yes.

MS. ALITO: --but the words of this nondisclosure agreement, on their face, prohibit the volunteers who are required to sign it -- it prohibited them from disclosing any information not otherwise known to the public about “affairs of the Transition or its affiliates,” correct? That’s what it says.

MR. PARIKH: That is correct; and what I should say, to put this into context, is that the only information that Transition Advisory Committee members would have gotten during the course of the Transition, about the Transition, was what was discussed in their Transition Advisory Committee meetings, amongst their Transition Advisory Committee members.

MS. ALITO: Well, let’s follow along that.

MR. PARIKH: Sure.

MS. ALITO: If a volunteer, who had signed this nondisclosure agreement, obtained information about sexual harassment, or sexual assault, or discrimination, or any other violation of law, while working for the Transition, this nondisclosure agreement would prohibit, on its face, disclosure of that information because it had to do with other affairs of the

Transition; and it was discovered while working for the Transition -- volunteering for the Transition.

That's correct; that's what it says, right?

MR. PARIKH: Well, I think that's a very broad and general approach. I don't know that that's the case. I mean, if what you're saying is disclosure to myself, for example, as one of the attorneys for the Transition, I don't think that that's the case. I don't think it would have prohibited disclosure to any other member of the Transition, for example.

But this is a hypothetical. I don't think that that was the case or the situation.

MS. ALITO: Well, it's included. It would apply and prohibit volunteers who signed this agreement from going to the *New York Times*, or the *Wall Street Journal*, or *New Jersey Network* about harassment, or assault, or discrimination that they learned about while working for the Transition.

MR. PARIKH: And again, it's not volunteers. It's members of the Transition Advisory Committees; who were volunteers, but there were other volunteers who were not members of the Transition Advisory Committees.

MS. ALITO: I understand that; and we've gone through that. But that's not an answer to my question. My question is, by its terms, this volunteer nondisclosure agreement would prohibit the individuals who were required to sign it from reporting harassment, or discrimination, or any other violation of law to the media, to law enforcement, to the Division on Civil Rights. Isn't that what it says on its face?

MR. PARIKH: I understand how one can view this nondisclosure agreement to be read that way, Ms. Alito. But as I said

earlier, this was the intention of this; and the purpose of this agreement was for Transition Advisory Committee members to be able to discuss the policy issues that they were discussing without any recourse, and in a free and open way.

MS. ALITO: You would agree with me that to the extent this agreement prohibits the disclosure of information with regard to harassment, discrimination, or other information within this broad definition -- that prohibiting disclosure of that type information is contrary to the public policy of New Jersey, would you not?

MR. PARIKH: I think that courts have opined, Ms. Alito -- and I haven't read those pieces recently -- but I think that courts have opined that such types of broad nondisclosure agreements would be unenforceable. I don't know how a court would, obviously, read this in a hypothetical situation that would be positive. But as a general proposition, that has been the ruling of a variety of courts around the state.

MS. ALITO: So we're in agreement that this type of all-encompassing nondisclosure agreement has been found by the courts of New Jersey repeatedly to be unenforceable. But that doesn't impact the deterrent effect that this broad nondisclosure agreement has on the non-lawyers who get it and sign it, does it?

MR. PARIKH: I don't know how individuals view this agreement, or any other nondisclosure agreement. I will note -- I think, as you noted earlier -- that this agreement, on its face, expired at the end of Transition. It says "term means the period from the beginning of my engagement with the Transition, whether on a full-time, part-time, or consulting basis, through the last day of such engagement."

MS. ALITO: I don't think that is responsive to my question, though.

MR. PARIKH: Okay; maybe I misunderstood the question. Could you--

MS. ALITO: Yes.

MR. PARIKH: --repeat it for me, please?

MS. ALITO: So my question is, let's say I'm a volunteer, working for the Transition. I'm not a lawyer; I don't go to a lawyer. I get this agreement; I'm told I need to sign it if I want to hold a particular position with the Transition. I read it, I sign it. And I'm going to obey its terms because I assume it's valid, right?

MR. PARIKH: I'm sorry; I'm still not following what your question is.

MS. ALITO: Okay.

MR. PARIKH: Perhaps I need coffee, but--

MS. ALITO: Let me ask you. It's possible that it's not a good question, so let me rephrase it--

MR. PARIKH: Sure.

MS. ALITO: --to make sure that we're both on the same wavelength.

We have an agreement here that I think we both agree, if enforced -- if an attempt was made to enforce it to the fullest extent of the plain language, courts in New Jersey would say, "It's too broad; it's unenforceable."

But before somebody goes to court, the average non-lawyer who signs the agreement is going to assume that it's valid, and enforceable, and

they're going to obey it. And they're not going to go to the Division on Civil Rights, or the Department of Labor, or the media with any information that they have obtained while working for the Committee, right? That's common sense.

MR. PARIKH: Again, I mean, perhaps. But if what you're asking me, Ms. Alito, to be direct, is whether Ms. Brennan was restricted by this nondisclosure agreement-- I don't believe that the volunteer staff on the Transition Advisory Committees was required to sign this. So if that's what the question is really getting at -- I don't know that Ms. Brennan ever signed one of these, or that she was required to sign one of these.

You know, I think in your hypotheticals-- Sure, I think anything's possible. But again, I'm not aware of that having been an issue at all, with respect to this nondisclosure agreement, as I sit here today.

MS. ALITO: So Mr. Parikh, my question really was more about process than specifically with Ms. Brennan's case.

MR. PARIKH: Okay.

MS. ALITO: And my question really pertains to the volunteers who may have other information -- whether it has to do with harassment or some other topic -- that they didn't come forward with because they thought they were barred by this agreement from doing. Do you understand that?

MR. PARIKH: I do.

Can I confer with Counsel for one moment, please?

MS. ALITO: Sure.

(confers with Counsel)

I would say-- Could you just repeat the question one more time? I'm sorry, Ms. Alito. I just want to make sure that I'm not violating any of my obligations as an attorney.

MS. ALITO: Sure; I will try and repeat it. I wish I had a court reporter to read it back. (laughter)

MR. PARIKH: Me too.

MS. ALITO: But we're not in a disposition, so I will do my best to repeat.

And here's the concern. And again, I'm asking these questions in terms of what do we do going forward, and what are the policies that the Committee should consider going forward?

And you had mentioned you didn't think that Katie Brennan was impacted by this policy; and I believe I said -- my questions are not directed to Ms. Brennan in this regard. They are directed to other volunteers, who were required to sign the nondisclosure agreement, who we haven't heard from, and who may have withheld information about harassment, or discrimination, or other alleged violations of law that should be made public, but were kept secret because the individual, in good faith, thought, "I signed this agreement; I'm bound by it. I want to do the right thing."

MR. PARIKH: Right; I understand.

So what I would say, with respect to this agreement-- And I'll answer the question in two ways. One, to answer what you're asking me; and then I think you're also asking, prospectively, what could be done to, kind of, solve this conundrum.

I could see how individuals would read an agreement like this -- a legal agreement -- or not read it, and just sign it, and think that they're bound for some certain period of time. I also think that the people who were asked to sign this are, for the most part, highly skilled, top leaders in their fields, and wouldn't necessarily be unaware of what an agreement like this would be like.

So I think, perhaps, there are people who wouldn't understand this, and perhaps there are people who would. Prospectively though, I think the suggestion I had made in my opening -- that the State EEO policy applied to Transition staff -- would help remediate the very condition I think you're talking about.

In addition, the other recommendation I had made, which is that perhaps the Transition needs to be authorized, by statute, to start before Election Day so that operations and organizations can be put together in advance, I think would also help alleviate the concern that I think you're raising about people not being familiar with these things.

I do think that, with respect to the Transition Advisory Committee, the nondisclosure agreement, and the ability to have free-flowing communications, is an important thing so that policy ideas are forwarded in a fully vetted fashion. But perhaps there should be other policies or ways to mitigate against the concern that you have, which is an overbroad reading of a restriction.

MS. ALITO: Certainly, if the only goal in signing the NDA were to protect discussions of policy, this could be drafted differently, and you could have a much narrower definition of confidential information, correct?

MR. PARIKH: I think that whenever I look at a legal document -- whether I've drafted it or somebody else -- after the fact, you can always edit it.

MS. ALITO: Is that a "yes" to my question?

MR. PARIKH: I believe-- Yes; I mean-- And I don't know in your practice how you feel; but I've read briefs that I wrote three years ago, and I would change what I did -- even if I won.

MS. ALITO: I think that that's true of everyone.

But the questions, you know-- You are familiar with the Blue Pencil Doctrine in New Jersey, right?

MR. PARIKH: Absolutely.

MS. ALITO: And that's when the court gets a nondisclosure agreement or a restrictive covenant that's drafted broadly; and the court takes a look at it and says, "Well, it's enforceable; paragraph 1 is enforceable, paragraph 2 is not enforceable, and so I'm going to edit it down and limit its enforceability," right?

MR. PARIKH: That is--

MS. ALITO: Basically.

MR. PARIKH: --my general understanding of the Blue Pencil Doctrine, correct.

MS. ALITO: Yes. But then there's also a rule in New Jersey that says in circumstances where the nondisclosure agreement or the restrictive covenant agreement is so broad, that it looks like there was intent to cover matters that are not properly covered under such an agreement, that the Blue Pencil Doctrine is not going to apply; and we're just not going to enforce this at all because the courts want to avoid the deterrent effect of

encouraging employers, and others, to impose overly broad restrictive agreements.

Would you agree with me that the scope of this agreement, covering all information about the affairs of the Transition, is so broad that it probably falls into that category where the courts wouldn't even Blue Pencil it to enforce some parts of it?

MR. PARIKH: I don't believe so, Ms. Alito; but again, I don't know what a court would or wouldn't do if a nondisclosure agreement like this was challenged. You know, as you stated -- you're correct. In employment-related matters, restrictive covenant cases, etc., courts will often Blue Pencil nondisclosure agreements to get to the real intent and the true narrowness of what's allowed to be disclosed and what's not. But in intellectual property cases, and trade secret cases, and business disputes such as that, the courts allow very broad nondisclosure agreements, because the protection of every single piece of intellectual property is of paramount importance.

And this nondisclosure agreement was designed for the latter, not the former. This nondisclosure agreement was designed for the exchange of ideas, intellectual property; the idea of people discussing matters. Not for employment-related matters, because it was only executed by those who were involved for two separate meetings and e-mail communications, as part of the Transition Advisory Committees.

MS. ALITO: Just a--

MR. PARIKH: And they--

MS. ALITO: Sorry.

MR. PARIKH: I'm sorry.

And you know, again, just to underscore that, these were non-employee volunteers -- every single one of them. They had their own jobs outside of the volunteer work that they did for the Transition Advisory Committee.

MS. ALITO: Just to be clear -- because you've talked about trademark cases and pat cases; and yes, we all know that there is extensive protection for patents and trademarks, and that's an important part of commerce. But you're certainly not suggesting to the Committee that the policy discussions of the Transition, and any matter related to the affairs of the Transition, should be evaluated the same way that the formula for Pepsi-Cola should be evaluated, right?

MR. PARIKH: No, I'm actually, exactly, saying that that's the case. The formula for Coke is a trade secret; it's not a patent, it's not a trademark, it's something that's closely guarded. There are laws that apply that say if proper protections aren't taken and proper measures are not put in place to protect the sanctity of that formula, well, then, anybody could copy it.

And what we were talking about here was allowing for a free-flow of all information related to policy goals. If people wanted to talk about creating a Maglev train up the Turnpike, you know, in their Transportation Committee, they should have been able to do that. And if somebody had a new idea -- which is why this talks about, in Section 2, "confidential information, inventions, and works and materials" -- this nondisclosure agreement was designed for exactly what you're talking about.

MS. ALITO: Okay.

Let's talk just a little bit about the hiring of Mr. Alvarez.

And you've testified, a couple of times, that you believed that not hiring Mr. Alvarez, based upon the allegation of sexual assault, could be a violation of State and Federal law. Do I have that right?

MR. PARIKH: I did say that, yes.

MS. ALITO: All right. And what State law were you referring to?

MR. PARIKH: I would think it's the law against discrimination, Ms. Alito. And obviously, if I was posed with that legal question, and asked to provide specific guidance on that, I would have spoken to the employment lawyers in my law firm to come up with very specific guidance. I think in my testimony earlier I said that that was not a question that was ever asked of us, or of me.

And just to kind of frame this -- and I think this relates to some of the discussion that Mr. Hayden and I were having -- the perspective that I view this from -- that I was viewing it from, when I was discussing this earlier -- is that there are a variety of laws that talk about how criminal arrests, convictions, etc., may be considered within the hiring process. And for the most part, the law is that it shouldn't factor -- certain things shouldn't factor into the hiring process, unless it relates directly to the person's job, or role, or whatever it may be.

And most importantly, in some of the policy goals -- such as ban the box law -- it talks about making sure that communities of color aren't disparately impacted.

So that was the approach that I was discussing when I was talking to Mr. Hayden, which is that -- if it's not okay, and if it's against the

law, or it could be a violation of the law, to not hire someone based solely upon the fact that they were arrested, then, to me, it follows that not hiring somebody based solely upon the fact that they were accused of a crime would also similarly be violative of the law.

And that's why I suggested -- because I know, through this Committee, and through other things that have happened since December 2017 at the Federal level, and others -- we've all learned a lot about how sexual assault, as a crime, has some fundamental systematic problems.

And so perhaps a carve-out, or something along those lines, would be the appropriate way to remedy that.

MS. ALITO: Did you provide advice as to whether Mr. Alvarez needed to be hired?

MR. PARIKH: No.

MS. ALITO: So you didn't provide this discussion of the hiring of Mr. Alvarez, based on an allegation, could violate State or Federal law -- you never gave that advice to the Transition?

MR. PARIKH: Correct. The Transition never requested any information from me about whether or not Mr. Alvarez could be hired based upon this allegation; and we did not provide it.

And I believe, just to make sure my testimony from earlier was clear, I said *if* I had been asked that question that likely would have been my advice.

MS. ALITO: You gave the recommendation with regard to a prophylactic measure, with regard to Mr. Alvarez's continued work for the Transition. In giving that recommendation, did you consider the alternative of terminating his employment with the Transition?

MR. PARIKH: I don't recall whether we had discussed that. I believe we had discussed that internally at our office, whether this was a terminable offense. And if I recall correctly, the analysis was, well, to terminate him, we would need to do an investigation; to do an investigation, we would need to talk to him; and if we talked to him, we would be violating and putting at risk the anonymity that Mr. Braz's friends had desired -- the impression that we had.

MS. ALITO: So the decision was made that the allegation of sexual assault was not a terminable offense?

MR. PARIKH: I don't know that that was a decision that was made. You know, again, this wasn't a-- There's a subtle difference here, which is that this wasn't a complaint to the Transition about a sexual assault or about an issue. This was someone who was unnamed, who did not want anybody to know, who confided in her friend; and her friend came and told us information against her objections. Which we then said, "You know what? We really need to make sure that we protect against any retaliation."

MS. ALITO: But my question was, was a decision made that the allegation of sexual assault by someone who was being considered for a high-level position was not a terminable offense?

MR. PARIKH: I don't believe that that was a decision that was made.

MS. ALITO: All right; was that discussed?

MR. PARIKH: As I said, I think we had -- I had discussed it internally with the lawyers in my office as to whether terminating Mr. Alvarez was an appropriate course of action. That would have required an

investigation. I may have discussed that with the client, but I don't recall whether I did or not.

MS. ALITO: So you had a discussion within your office about whether this was a terminable offense; but you're not certain whether you discussed that with the client?

MR. PARIKH: I don't know, Ms. Alito, whether we talked about this being a "terminable offense." We may have talked about whether Mr. Alvarez should be let go for this allegation. I just do not recall.

My gut instinct tells me that that was part of the discussion; but because there was no information about the allegation -- it was based solely upon what Mr. Braz had told us -- that it wasn't something that was considered.

And in addition, the Transition was only another three or four weeks; there were only another three or four weeks left. The only action we could have taken would have been to terminate Mr. Alvarez from the Transition.

MS. ALITO: Well, when you say you didn't have -- you had limited information; you had the information that he had been accused of sexual assault, correct?

MR. PARIKH: We did.

MS. ALITO: All right. And you're not sure whether that was considered a terminable offense, or whether that was even discussed.

MR. PARIKH: No, I-- You know, I believed that the analysis would have been the same as with respect to his hiring. You know, could we terminate Mr. Alvarez based solely on the allegation that we had, with the limited information that we had -- I think the answer to that would

have been “no.” But I don’t recall-- I think your question was whether that was discussed with the client -- essentially, whether that was a decision point. I don’t recall whether or not that was.

MS. ALITO: Now, with regard to the legal conclusion-- Let’s consider-- I want to clarify.

Let’s say that Matt Lauer comes and applies for a job with the State of New Jersey after the allegations against him of harassment in the workplace have been made, but before any determination of whether they were true or not had been made. Is it your testimony that you believe that the State would not be able to decline to hire him on the basis of those allegations?

MR. PARIKH: I’m not sure I understand the hypothetical.

You’re asking me whether the State could decline hiring somebody after a legal finding that they sexually harassed somebody?

MS. ALITO: No, no -- no legal hiring (*sic*).

I understood your testimony in response to Mr. Hayden’s question to be that you couldn’t refuse to hire Mr. Alvarez based upon an allegation of sexual assault. And I’m trying to understand the extent to which that goes. And my question is, let’s consider that it was Matt Lauer applying for a high-level job with the State of New Jersey after a number of women come forward with allegations of misconduct in the workplace, including harassment and beyond.

Is it your opinion that the State would be prohibited, by State law or Federal law, from refusing to hire Mr. Lauer because of those allegations?

MR. PARIKH: So two things: One, my answer to your question is “no.” But if I could just correct both the things you said.

I don’t believe my testimony earlier was that they could not refuse to hire Mr. Alvarez. My testimony was, and is, that if they did not hire Mr. Alvarez based solely on that allegation, it could be a violation of the law. And I think again, with the hypothetical that you’ve posed to me with respect to Mr. Lauer -- of course, the State could refuse to hire anybody. It really, then, becomes a questions of whether they follow the law and whether there’s legal exposure. And I think that in Mr. Alvarez’s case and perhaps in Mr. Lauer’s case, I don’t know; I guess it depends on all the factual circumstances.

There could be risk of a suit, or risk of legal exposure, for not hiring somebody based solely on those things. I think it depends on whether it’s an allegation, whether -- if there is a judicial finding or something like that. I think that there’s probably a stronger defense to not hiring somebody based solely upon that reasoning, or if it relates directly to their job responsibilities, or duties. Then there is a stronger defense to a claim of violation of the law, in terms of hiring.

MS. ALITO: You mentioned the disparate impact -- possible disparate impact. And I think it would be useful to clarify that.

And we’ll do this real quickly; and this will be the end of my questioning.

So there are two basic forms of discrimination. One is intentional discrimination, right?

MR. PARIKH: I believe so.

MS. ALITO: And the other one is disparate impact discrimination, correct?

MR. PARIKH: I believe that that's correct.

MS. ALITO: And disparate impact discrimination occurs where you have a policy that's neutral on its face, but has an adverse impact on a protected group, correct?

MR. PARIKH: That's my understanding.

MS. ALITO: And one of the classic examples of that were the old rules with regard to jobs like police or firefighters, where you had to be 5 feet 8 inches tall, or 5 feet 10 inches tall. Facially neutral, but it barred just about all women from those positions, right?

MR. PARIKH: I'm not familiar with that, but I'll take your word for it. I believe that that's the case.

MS. ALITO: All right. And you mentioned the applicability of the disparate impact theory here in circumstances with Mr. Alvarez, right?

MR. PARIKH: I didn't mention it in that way, but I guess that's probably what I was talking about.

MS. ALITO: And can you explain it -- how the disparate impact theory would impact the situation?

MR. PARIKH: I can explain it in the broadest of terms, Ms. Alito.

As I said earlier, and as I did in this circumstance -- I am not a person who spends 100 percent of my time doing employment law -- I knew when this situation was presented to me that I needed to go to the people who I work with, who I trust, who would have a better understanding of how to deal with this situation as it was presented. And that's what we did.

MS. ALITO: Okay; I don't think that answered my question. You consulted with the employment lawyers in your firm.

MR. PARIKH: I did.

MS. ALITO: And did those employment lawyers in your firm talk to you about how basing employment decisions on arrests or charges, as opposed to convictions, can have a disparate impact on protected classes under the law against discrimination?

MR. PARIKH: We had drafted a memo for the Transition on the Opportunity to Compete Act, which touched on some of those issues. Not the disparate impact test that you're talking about, but some of those issues. I don't recall whether we had a specific discussion about that or not. As I think I mentioned earlier, the question of whether or not to hire Mr. Alvarez was not one that was posed to us by the Transition Team, and it was not one that I recall having in-depth, specific discussions about.

MS. ALITO: So there are no memos on that analysis?

MR. PARIKH: On the disparate impact analysis?

MS. ALITO: Yes.

MR. PARIKH: I don't believe so, because I don't believe we were ever requested to opine on that issue.

MS. ALITO: And there are no memos reflecting your testimony today that it would possibly violate State and Federal law not to hire Mr. Alvarez?

MR. PARIKH: Are there memos from the Transition related to that? I don't believe there are.

MS. ALITO: And you have no such memos.

MR. PARIKH: No, because it wasn't, as I said-- As I said in my testimony, Ms. Alito, this wasn't a question that was asked of us. It was not an analysis we provided. You know, I did not have any conversations with anybody on the Transition about that, because I was not asked. I think when I answered that question earlier, I said that *if* I had been asked that question, my advice at the time would have been that it could be an issue. And I think I also said to Mr. Hayden that I would have volunteered my personal opinion, which is, it's probably worth the risk to not hire him at the time until we find out more information.

MS. ALITO: Thank you; nothing further.

MR. PARIKH: Thank you.

SENATOR WEINBERG: Okay; thank you.

MR. GENOVA: If I might, Madam Chairwoman Weinberg.
If we could take a break.

SENATOR WEINBERG: Yes--

MR. GENOVA: We would like to conclude today, and I know--

SENATOR WEINBERG: Yes, we would like to close today too, believe me.

But we still have Mr. Critchely; and then I have at least four -- five members of the Committee who have asked to join the questioning.

MR. GENOVA: We're prepared--

SENATOR WEINBERG: It is now 3:45 p.m., and we also have to have a Committee meeting following this in order to set our schedule. So I just want to make that clear.

You need a five-minute break?

MR. GENOVA: Just a five-minute break; and we're prepared to stay the duration so that he can conclude today.

SENATOR WEINBERG: Well, maybe you are. (laughter)
Don't speak for me.

(Committee recesses)

(Committee reconvenes)

SENATOR WEINBERG: Mr. Critchley, you are on.

MR. CRITCHLEY: Thank you.

Good afternoon, Counsel.

MR. PARIKH: Good afternoon, Mr. Critchely.

MR. CRITCHLEY: And I read your opening statement with interest; and I like your policy recommendations. I expect nothing less from the Genova firm. Maybe we'll call them the *Parikh amendments*.
(laughter)

With that being said, I just have a couple of questions for you.

MR. PARIKH: Sure.

MR. CRITCHLEY: Now, I know you said this NDA -- that Ms. Alito asked you questions about -- is relatively easy to understand by skillful people. Well--

MR. PARIKH: Mr. Critchely, could you just speak up a little? I'm having a hard time hearing you.

MR. CRITCHLEY: I believe you said that this NDA is relatively easy to understand by skillful people.

MR. PARIKH: I didn't say that. I think what I meant to say -- and if I said that, it was in error -- but it's that this nondisclosure agreement-- I think there were people on the Transition Advisory Committee who would have read it and understood it. And I can understand how there may have been some people who read it and thought that it covered more than it was intended to cover.

MR. CRITCHLEY: Okay; because one of the sentences that could cause that type of confusion, in terms of the confidentiality definition, is the litany of what constitutes *confidential information*. And it says, "Without limiting the generality of the foregoing, confidentiality includes" and there is a laundry list of different things that it could include; but it doesn't limit to those.

I just wanted some clarification. You're not saying that this NDA prevents someone from coming forward with information about, for example, an allegation of sexual harassment that occurred during the Transition, are you?

MR. PARIKH: The term of the NDA, this NDA, has been over for over a year now. So no, it would not prevent anybody from coming forward.

MR. CRITCHLEY: Well, let's hypothetically go during the term of this -- and I agree with you -- during the term of this, would you say that this NDA would preclude someone in the Transition from reporting an allegation of sexual harassment?

MR. PARIKH: No, because nobody on the Transition staff was required to sign this. I think you said--

MR. CRITCHLEY: How about--

MR. PARIKH: --members of the Transition, right?

MR. CRITCHLEY: Let me just go through the people who are referred to -- I guess you referred to them as *volunteers*?

MR. PARIKH: This was the Transition Advisory Committee; 600 people.

MR. CRITCHLEY: Okay, let's -- There were 600 people.

MR. PARIKH: Yes.

MR. CRITCHLEY: Are you saying the 600 people who signed this document, this NDA, during the period of time of its term would be precluded from coming forward with an allegation of sexual harassment?

MR. PARIKH: So I'm trying to answer your question, Mr. Critchley; and I'm not trying to be cute.

But I don't know that they would be precluded from doing so. The intention of this document was not to do that. So what you're asking me is, was the intention of the Transition Committee to not allow Transition Advisory Committee members to come forward with those types of allegations, or others? That was not the intention of this nondisclosure agreement.

MR. CRITCHLEY: So is the converse true -- that they could come forward, irrespective of signing this document, with allegations of sexual harassment that may have occurred during the Transition?

MR. PARIKH: I think anyone who signed this nondisclosure agreement, who was a member of a Transition Advisory Committee, who had a sexual harassment-related issue, could have come to talk to any member of the Transition at any time.

If you're asking me whether they could have gone to some other person -- I think the last section of the agreement, which talks about the fact that it's going to be governed by the laws of New Jersey--

MR. CRITCHLEY: Go slow, please; go slower. Go slower.

MR. PARIKH: Sorry.

The last section that says that the agreement will be governed by the laws of New Jersey-- You know, I think-- You know, I haven't looked-- As I said, I haven't looked at this document in quite some time. I looked at what nondisclosure agreement-related law was at the time of the Transition. But I'm sure it would have been dealt with in the appropriate course.

MR. CRITCHLEY: A lot of words. I'm going to try and ask a simple question.

You drafted this; you said it was relatively easy to understand by skillful people--

MR. PARIKH: That's not what I said, Mr. Critchely.

MR. CRITCHLEY: My question now is, does this document -- as you understood it; during the terms of the agreement -- would it preclude one of these volunteers from going, for example, to the media about allegations of sexual harassment that may have occurred during the Transition?

MR. PARIKH: Right; and you're asking me to draw a legal conclusion on a document. And I understand how this document-- I understand how this document could be read to preclude someone from doing so; but I could also understand how this document could be read to not preclude someone from doing so.

And I'm not trying to-- Again, I'm not trying to be cute, Mr. Critchely. But that's a hypothetical situation, you know? If a Transition Advisory Committee member had gone to the media and said, "Hey, there's sexual harassment at one of the two Transition Advisory Committee meetings that we had," I don't know that a court would have enforced this nondisclosure agreement against the person.

MR. CRITCHLEY: See, now, I'm not trying to be cute either. Because I thought I asked you a rather simple question, and you gave me two inconsistent answers, basically.

Yes, they could be barred from going forward to a third party and talking about sexual harassment; and no, they couldn't be barred from going to a third party, such as the media, and be barred from talking--

MR. PARIKH: What you're asking me to do, Mr. Critchely, is tell you what would happen in a hypothetical that didn't happen. So I don't know what the court would decide; I don't know what an individual, who signed this agreement, would decide. So I don't know what to answer it for you. I'm here, as you know, to provide facts and information; to talk about what I did on the Transition; and frankly, not to answer hypotheticals.

MR. CRITCHLEY: I'm not asking you a hypothetical. I'm asking you, as the drafter of this document -- and we're talking about sexual harassment, in terms of-- It's a significant issue in this Committee. You drafted this document to give guidance to people as to what they can and cannot do, in terms of revealing information.

Now, if the drafter can't give that opinion, how could someone reading it, one of these volunteers, understand what's going on?

MR. PARIKH: That wasn't the question that you asked me, though, Mr. Critchely.

If you're asking what my intention was as one of the people who drafted this document, I think I've answered that; but I can answer it again.

MR. CRITCHLEY: Yes, please answer it again.

MR. PARIKH: Sure.

The intention of this document was to ensure that members of the Transition Advisory Committee could have a free flow of ideas and information in creating their Transition Advisory reports.

MR. CRITCHLEY: Now, let me--

MR. PARIKH: If a judge put me on the stand, last January, saying, "Mr. Parikh, you know, Mr. X wants to be released from this nondisclosure agreement because he has an allegation that he would like to talk to the media about," and if it didn't have to do with an exchange of ideas during the Transition Advisory Committee, I would have testified, at the time, that that was not the intention of this document.

MR. CRITCHLEY: So let me see if I understand it, simply, because there are a lot of words there.

Yes, they could discuss, with third parties, the fact that they were subject to sexual harassment if it occurred during the Transition. Is that your understanding?

MR. PARIKH: That's-- Again, Mr. Critchely, you're-- I don't know how many different ways I can answer the question. I know you want me to--

MR. CRITCHLEY: Just say "yes" or "no."

MR. PARIKH: Well, I know you want me to answer “yes” or “no,” but you’re asking me to answer “yes” or “no” on a hypothetical. It’s not that simple; it’s never that simple, as you know.

MR. CRITCHLEY: What’s so difficult about this hypothetical? You’re asking people--

MR. PARIKH: Because it didn’t happen.

MR. CRITCHLEY: Let me finish, let me finish.

You’re asking people to sign a document that you said is relatively easy to understand by skillful people; it’s guiding their conduct, what they can and cannot do. They’re signing it.

Now I’m saying, in terms of your understanding of this document, if someone wanted to report, during the Transition, that they were the subject of sexual harassment, would this document -- as you understand it and drafted it -- *you* understand and drafted it -- preclude that person from going, say, for example, to the media?

It’s a simple question -- “yes” or “no”?

MR. PARIKH: So Mr. Critchely, this is what I’ll say.

I think I’ve answered your question three or four times.

MR. CRITCHLEY: No, you haven’t.

MR. PARIKH: Which is fine; you’re entitled to that opinion.

As you know, there is a variety of ongoing litigation going on. I think answering hypothetical questions about things that may be involved in that litigation aren’t appropriate. I’m here to testify about facts and information, not hypotheticals.

MR. CRITCHLEY: Okay, okay.

MR. PARIKH: That’s fine.

MR. CRITCHLEY: Now, did you participate in drafting-- Senator Weinberg asked -- she mentioned it -- she asked Mr. Berkon, who was the Campaign Committee (*sic*), about a troublesome environment -- any complaints about a troublesome environment during the Campaign. And Mr. Berkon answered, "Three or five different people talked about an atmosphere -- a troublesome atmosphere during the Campaign."

Now, were you aware of any NDAs that were executed by people who were volunteers in the Campaign?

MR. GENOVA: Mr. Critchely, this goes back to something I raised earlier with respect to the scope of the Committee's inquiry. And I'm not sure how that bears upon -- I think Mr. Hayden asked a series of questions defining Mr. Parikh's role in the--

MR. CRITCHLEY: I'm not going to go into anything; I just want to ask if he knows.

MR. PARIKH: What I can answer for you, Mr. Critchely--

MR. CRITCHLEY: Yes.

MR. PARIKH: --is that our law firm was never Counsel to Murphy for Governor, if that's what you are referring to.

MR. CRITCHLEY: I didn't ask you if your law firm-- Are you aware of any NDAs that were executed by members of the Campaign?

MR. PARIKH: Right; which, if you're asking me whether I'm aware of what was executed or not executed by employees of the Murphy for Governor Campaign, I'm not, because I was not their attorney.

MR. CRITCHLEY: Okay; that's all -- that's the simple question. So your answer is, "no," right? You're not aware of any NDAs that were executed during the Campaign by members of the Campaign?

MR. PARIKH: Mr. Critchely, as I said in my opening, one of my practices is election law and campaign finance. I've represented a lot of campaigns. You asked me whether NDAs were executed by the Campaign. I clarified, and I said, "I was not Counsel to Murphy for Governor, Inc. I am not aware of what was or wasn't executed by anyone who worked for that Campaign."

MR. CRITCHLEY: I guess that means "no," correct?

MR. PARIKH: Sure.

MR. CRITCHLEY: Okay; that's all you had to say.

Now, you may be concerned or interested in why some of the questions are asked of you. And let me tell you a little bit as to why we're asking these questions.

We were told, or advised, that during the course of this Committee hearing we should make sure we call "balls and strikes." And I said to one witness before, I said, you know "It is appropriate;" I agree with that implied baseball metaphor. But I also said that, for an umpire to effectively call balls and strikes, he has to have a clear view of the plate as the ball crosses the plate. And by way of an example, for us, as a Committee, to call balls and strikes, we have to have a clear understanding of the facts.

Now, during the course of this hearing, there have been a number of inconsistencies that have developed during the course of the testimony. Some have been minor, in my opinion; some have been major. And Mr. Hayden had asked you, previously, about at least one inconsistency involving you.

And you're a trial attorney, correct, to some extent?

MR. PARIKH: Yes.

MR. CRITCHLEY: And you're aware of the concept of *false in one-false in all* charge given to a jury, in terms of evaluating the credibility of a witness?

MR. PARIKH: I understand.

MR. CRITCHLEY: Meaning, if you find a witness testified falsely to a material fact, you could believe all of it or you could believe none of it. You understand that?

MR. PARIKH: I understand that's a concept of trial.

MR. CRITCHLEY: Now, Mr. Hayden was talking about inconsistencies, in terms of your testimony under oath, and Ms. Brennan and Mr. Braz's testimony under oath. And the purpose of my questions is not to say anyone's lying; I'm simply saying -- Mr. Hayden was trying to say to you, "Don't attack; we're just saying this could be a minor inconsistency." And I tend to agree, it could be a minor inconsistency.

MR. PARIKH: I hope Mr. Hayden didn't take that as an attack.

MR. CRITCHLEY: I'm sorry?

MR. PARIKH: I hope Mr. Hayden didn't take our conversation as an attack

MR. CRITCHLEY: No.

MR. PARIKH: Oh, okay.

MR. CRITCHLEY: No, no, no, no. I thought you did; I thought you-- I thought Mr. Hayden was trying to say just the opposite.

Now, when you have situations like this -- when I say *like this*, a major allegation of rape by one Transition official against another

Transition official, that occurred during the Campaign -- would you consider that a significant event?

MR. GENOVA: Mr. Critchely, I just want to comment, for the benefit of the Committee. And I have the highest regard for you and your characterization of *false in one-false in all* as an accurate depiction of how a court of law would look at things.

One, we're not a court of law. And to the extent it bears upon issues of credibility -- which is, I think, what is the underpinning for your series of questions and the conflict that you've identified, or believe you identified on the record -- much of what transpires in here would never see the light of day in a courtroom; and we all know that. And a lot of what the predicate to the assumptions for the Committee's questions are predicated on things that would not have seen the light of day.

So we're trying to have a dialogue, and a candid dialogue; and I don't want to be -- I don't want Mr. Parikh or this Committee to be led down this path that that standard would have application in this context.

MR. CRITCHLEY: I'm just saying, Mr. Genova, it's a general proposition of common sense, whether it's in a courtroom or in this legislative Committee, or having lunch. If you find someone testified falsely, that affects the credibility. You can say, "Okay, I believe this person a little bit, or I believe this person not at all." That's not necessarily a concept of law; that's a concept of common sense that's personified in the *false in one-false in all* charge. It's not limited to law; it's limited to common sense.

MR. GENOVA: I would agree with you that there's common sense, and then there's the law; and there are the standards applicable in a courtroom. That's all I'm saying, Mr. Critchely.

MR. CRITCHLEY: And all I'm trying to say is -- now I feel like I'm in Mr. Hayden's seat -- this is not an attack. Actually, I'm going to go to the next level. We're saying, basically, this could be a minor inconsistency based on miss-recollection. No one is attacking anybody on that.

All I would say, by way of a footnote, is when you have an investigation such as this -- if people memorialized statements, we wouldn't be relying on memory. We would have documents that we could look at. So maybe, in the future, one of the things we would recommend is when we have an allegation like this, we create a file; that's all I was saying. And this is-- I apologize if you thought this was an attack on your credibility. That was not the case,

But now let me go to the next level--

MR. PARIKH: I haven't taken anything as an attack.

MR. CRITCHLEY: That tells you why we are only concerned.

Now, the next level of concern we have, by way of inconsistencies, is, for example, Mr. Cammarano had testified that he fired Mr. Alvarez on March 26. Mr. Alvarez, in his unemployment application, under oath, said the first time he had any recollection of being fired was in June.

So we're saying, that's a-- Now we're talking about significant, major inconsistencies.

Mr. Alvarez also testified -- indirectly, circumstantially, through his unemployment application -- that when he was told in June that he had to leave, he said he asked the Administration for help in getting a job; and the Administration said they would help him. That's according to Mr. Alvarez, in an application, under oath.

Now, when Mr. Platkin testified, under oath, he said that did not occur. So all I'm saying to you -- for us calling balls and strikes, you can understand why the reason we asked you the question is relevant.

Now, now what I consider a significant -- a significant material.

You clearly, under oath, testified truthfully that when you gave advice to Mr. Cammarano, you told him, regarding confidentiality, he cannot tell Mr. Alvarez. That's all, correct? Well, Mr. Cammarano testified, under oath, regarding the advice he says you gave -- he says you told him that not only that he could not tell Mr. Alvarez, but he could not tell anyone.

Now, you said you didn't tell him that about anyone, correct?

MR. PARIKH: So what I said earlier, in my statement, is that after the first phone call with Mr. Braz, I did tell Mr. Cammarano and Mr. Braz, "Don't discuss this with anyone," and that was because of the concern for obstruction of justice.

Subsequent to the call with Mr. Braz, where we found out that charges were not going to be pressed, we went and talked to Mr. Lozano; and not telling anyone was not the rule.

MR. CRITCHLEY: What do you mean by that, "not the rule"?

MR. PARIKH: That wasn't the advice at the time.

MR. CRITCHLEY: That wasn't the--

MR. PARIKH: That it was -- this shouldn't be something that's discussed around with the staff, but it wasn't that it couldn't be discussed with Mr. Lozano or others.

MR. CRITCHLEY: Yes. So now we have -- here's the issue that we have. When we asked, for example, "Did you tell the Governor?" We asked -- not you, we asked Mr. Platkin and we asked Mr. Cammarano. We asked them, "Did you tell the Governor about Mr. Alvarez?" Their safe harbor, meaning -- safe harbor, and say, "No, I didn't tell him, because I was advised by Transition Counsel that I could not tell anyone." And your testimony is, you did not tell him that; you just said, "Don't tell Alvarez," correct?

MR. PARIKH: I said, this matter-- They were told it was a confidential matter. They were told not to tell Mr. Alvarez; and as I said, we discussed it with Mr. Lozano and we had other conversations about what the next steps were. So--

MR. CRITCHLEY: Okay.

MR. PARIKH: --I don't know-- You know, I understand-- I don't know what all of Mr. Cammarano's testimony is; I haven't studied it carefully; I'm not sure what the questions were that he was asked. But if, you know -- I think my directive, in terms of confidentiality, was fairly straightforward.

MR. CRITCHLEY: Senator Weinberg read to you, just before, the testimony of Mr. Cammarano; and I'm just repeating that now. I'm just saying, that's-- When we talk about *calling balls and strikes*, that's where our ability to see the facts clearly are troublesome, because there appears to be inconsistencies. That's all; there appears to be inconsistencies.

And the one thing I was trying to say -- the first one -- about you and (indiscernible) -- that's minor, in my mind; minor. But when you get to this other one, where -- that's their safe harbor. "We're relying on Counsel." And then we have Counsel who says, "I didn't give them that advice," that causes some problems.

Now, I have another question.

MR. GENOVA: And Mr. Critchely, just again, for the record.

Senator Weinberg did read an excerpt from the transcript. And with all due respect, I don't know the balance, and Mr. Parikh doesn't know the balance of the transcript, and the level of detail that the Committee may know. And I'm not suggesting, one way or the other, that your characterization is wrong or right. I'm just saying he responded, and we're addressing what was read into the record.

MR. CRITCHLEY: Yes; and this is not-- Mr. Genova, I just -- this is not ever intended to be a direct attack -- indirect or otherwise -- on Mr. Parikh's credibility. I would not do that, and I'm not suggesting for one moment that's the case. I'm just saying to you that when we have these inconsistencies, some are minor, some are major; and some may be insignificant, and some may be very significant. I'm saying -- and us calling balls and strikes, I think it's fairly understandable that we would want some consistent testimony on critical facts. And when we have inconsistent testimony on critical facts, it just causes us, as a Committee, some problem.

But that has nothing to do with you, Mr. Parikh, at all.

Now, the application that was signed by Mr. Alvarez -- do you have that, please?

MR. PARIKH: Do you have a Bates stamp on that?

MR. CRITCHLEY: Yes, I do. It's G-86 and G-89.

MR. PARIKH: This is the questionnaire?

MR. CRITCHLEY: Yes; do you have it?

MR. PARIKH: I do.

MR. CRITCHLEY: Now, is this the-- I know this-- You may not know this information; I'm not asking you anything about the specific information in here. But the document itself -- have you seen this document before, the form?

MR. PARIKH: Yes.

MR. CRITCHLEY: And if you know, yes or no, did you know when Mr. Alvarez filled out this form he was seeking the position of CEO? Well, that's an unfair question. At all -- did you ever find out that Mr. Alvarez was seeking a position of CEO?

MR. PARIKH: Only when I received this form.

MR. CRITCHLEY: Got you; only when you-- Never before that?

MR. PARIKH: No.

MR. CRITCHLEY: I'm sorry; what did you say, prelease?

MR. PARIKH: I said only when I received this form,

MR. CRITCHLEY: When did you receive it? Recently?

MR. PARIKH: January 3, 2018, when it was e-mailed to me.

MR. CRITCHLEY: Okay, okay. You didn't receive it during the relevant time period.

MR. PARIKH: January-- I did; January 3, 2018. This is the document -- this questionnaire was the document that was sent to me; and then, we then did a public records search after we received this document.

MR. CRITCHLEY: Okay; I apologize.

So you actually did receive this.

MR. PARIKH: I did.

MR. CRITCHLEY: Now, when you sent it, did you have any questions with him, or talk with anyone about him seeking the position of CEO?

MR. PARIKH: No.

MR. CRITCHLEY: And I believe you said you didn't find out that he was in the position of Chief of Staff of the SDA until when?

MR. PARIKH: I don't think I knew he was the Chief of Staff of SDA until all of this happened in the fall of 2018.

MR. CRITCHLEY: Right.

MR. PARIKH: This recent -- a couple of months ago.

MR. CRITCHLEY: And he ultimately got a position as the Chief of Staff, and he was making \$140,000 a year. That's what the record has established.

MR. PARIKH: Okay.

MR. CRITCHLEY: And the reason I say that is because it's a significant salary compared to examining, for example, Cabinet members at the time; Cabinet members were making \$170,000. So the amount of salary he was making -- while it doesn't reach Cabinet-level salaries, it's a fairly significant salary, in terms of State employees, in terms of the amount of money he was making.

Would you agree with that?

MR. PARIKH: I don't--

MR. CRITCHLEY: Okay.

MR. PARIKH: As I said earlier, Mr. Critchely, I've never worked in State government.

MR. CRITCHLEY: And I understand how difficult it is -- because we talked about ban the box -- I understand how difficult it is to draft a document in terms of all the laws that you have to follow. And I can understand why some questions were not asked. But there's one question that was asked; and if you will please go to G-88--

Let me know-- And I'm asking you to just look at the very-- The answer that says, "Please read carefully and initial each paragraph before signing." That sentence right below that. Read it, and then I'm going to ask some questions.

MR. PARIKH: Yes, I have it, and I've read it.

MR. CRITCHLEY: You read it?

Now, as we brought out, you know, the decision was made not to tell Al Alvarez about this complaint, for the reasons you understandably put on the record.

MR. PARIKH: Correct.

MR. CRITCHLEY: But you did know that Al Alvarez had been accused of sexual assault, correct, when this was filled out?

MR. PARIKH: Yes.

MR. CRITCHLEY: You did know that it was under investigation by the Hudson County -- or, it had been under investigation by the Hudson County Prosecutor's Office, correct?

MR. PARIKH: I did not. I knew that it was investigated--

MR. CRITCHLEY: Well, you knew --

MR. PARIKH: --by *a* Prosecutor's Office.

MR. CRITCHLEY: By a Prosecutor; law enforcement.

MR. PARIKH: Correct.

MR. CRITCHLEY: And a rather significant charge, sexual assault; correct?

MR. PARIKH: I think it's a pretty bad crime, Mr. Critchely.

MR. CRITCHLEY: All right.

Now, when he said, in terms of, "I have disclosed all information that is relevant and should be considered applicable to my candidacy for employment," and he says -- he signed it -- "yes," basically. Do you think he was being truthful when he answered that question?

MR. PARIKH: You would have to ask him that question, Mr. Critchely.

MR. CRITCHLEY: Sorry?

MR. PARIKH: You'd have to ask him.

MR. CRITCHLEY: No, based upon what you knew. I mean, because you have to review this application, and evaluate the answers. Based upon what you knew, in evaluating the answers he gave, do you believe he was being honest with that answer?

MR. PARIKH: I don't know. I mean, you know, it says, "I have disclosed all information that is relevant and should be considered applicable to my candidacy for employment." I don't know what Mr. Alvarez believed or believes should have been considered applicable to his employment; so I don't know the answer to that question.

MR. CRITCHLEY: Fair enough. But do you think, under normal circumstances, someone seeking a job should say, "By the way, I think you should know that a charge of sexual assault has been filed against

me; and I was under investigation by the Hudson County Prosecutor's Office. And you may want to consider that in your overall decision."

MR. PARIKH: No, I don't. And I can explain a different scenario, Mr. Critchely.

If you have a woman who's pregnant, and she goes in for a job interview, she shouldn't have to tell her employer, "Hey, oh, by the way, I'm pregnant."

MR. CRITCHLEY: I'm sorry?

MR. PARIKH: If you have a woman-- And I'm not trying to equate the two different things--

MR. CRITCHLEY: I hope not.

MR. PARIKH: But no, I'm not. But I'm saying that laws exist -- the law is not written with carve-outs. It's a blanket -- it's a blanket thing. And I think that's why I keep saying, and I come back to the fact that, you know, carve-outs may be the appropriate thing for situations such as this.

MR. CRITCHLEY: Fair enough.

Now, you indicated that there was ethics training done by people in the Transition; they received ethics training, correct?

MR. PARIKH: Correct. The State -- the Director of the State Ethics Commission came and did -- and provided a training session for all Transition staff.

MR. CRITCHLEY: And you said, if I recall, during the course of your testimony, people came to you with questions regarding conflicts of interest, correct?

MR. PARIKH: Yes.

MR. CRITCHLEY: Now, When you look at the definition of *conflict of interest*--

MR. PARIKH: I'm sorry, Mr. Critchely, let me just answer the last question more clearly.

People came to me with questions that would have related to the New Jersey Conflicts of Interest law, but not necessarily a "conflict of interest."

MR. CRITCHLEY: Well, I'm reading to you, now, what's put out by the New Jersey Executive Standards-- Let me read that again. *The Plain Language Guide to New Jersey's Executive Branch of Ethics Standards*, and it's put out by the Ethics Commission.

The first sentence is, "This is a guide for State Officers and employees, and Special State Officers and employees in the Executive Branch of New Jersey State Government." So it's an official document. And what they do is, they go through conflicts-- And just listens to this, please.

They define conflict of interest as, "You may not act in any official matter in which you or your close friends have a direct or indirect personal interest. Rather, you should recuse yourself and ask someone else to perform State tasks."

I'll repeat that again. "You may not act in any official matter in which you or your close friends have a direct or indirect personal interest. Rather, you should recuse yourself and ask someone -- to perform State tasks."

And now, they also, under Title 52, when it talks about General Standards of Conduct, it states, "Under the General Rules, you must not

knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of your acts that you may be engaged in conduct violative of your trust as an officer or employee of the State.”

Now, in addition to that, they talk about-- Are you familiar with the recusal procedures in the State of New Jersey?

MR. PARIKH: I am not. I mean, I understand that there are procedures; but I don't believe that I've ever read them.

MR. CRITCHLEY: Okay, I'm just going to read to you from N.J.A.C., and it's 19:61-7.3.

It says, “*Recusal* means the process by which a person is disqualified, or disqualifies him or herself, from a matter because of a conflict of interest.” Now, we already identified *conflict of interest*; and I promise you I'm leading up to a question.

Then it states, “A State officer (*sic*) must recuse himself or herself from a matter if he or she has a personal interest, direct or indirect, that is incompatible with the discharge of the State official's duty.”

And then they go on and define what constitutes an incompatible personal interest, in terms of conflict of interest; and it's basically what I said before.

Now, the reason I ask you that is because we've had testimony from Mr. Platkin; and Mr. Platkin testified -- and it was also testified to by Heather Taylor -- that on, I believe it was March 28, during an interview between Mr. Cammarano and Ms. Taylor, Mr. Platkin said he had a conflict of interest because of a personal relationship -- he knew Mr. Alvarez and Ms. Brennan.

Now, I asked him, based upon that, should he recuse himself? And then we find out not only did he have a personal relationship with them, we found out that the party which gave rise to the event that allegedly took place April 7 -- the party took place in Jersey City, and Mr. Platkin was there.

So now we have not only Mr. Platkin having a conflict of interest because he knows both of them; we have Mr. Platkin being a witness at an event that gave rise to the allegation.

So my question to you is, did anyone ever discuss with you whether Mr. Platkin should recuse him from any proceedings in this matter?

MR. PARIKH: I had no discussions with anyone regarding this circumstance with Mr. Alvarez following the Inauguration Day -- probably before then, frankly -- all the way through September of 2018.

MR. CRITCHLEY: And the reason--

MR. PARIKH: So the answer is "no."

MR. CRITCHLEY: Yes.

The reason -- concern about this is because we have Mr. Platkin, who has basically said himself, "I have a conflict," based upon relationships. Now we know not only does he have a conflict, based upon relationships, he has a factual conflict because he is a potential witness in a crime. Because he was there when events took place that may be relevant to a crime.

So now we have, okay, when should you recuse yourself? You should recuse yourself when your involvement could create the impression or suspicion -- the question or suspicion -- that you may knowingly engage

in matters that are violative of your trust. And I said this to Mr. Platkin, and it still bothers me; and it bothers me even more. Not only did he not recuse himself, he was told by the Attorney General's Office, through Heather Taylor, that the Campaign should conduct an investigation regarding Alvarez. He was told that. He did not follow through on that recommendation by the Attorney General's Office.

My question is, why didn't he? Could it be because people would have the suspicion, based upon his conflict of interest, he didn't want to?

Now, the next thing is, he should recuse himself. But not only does he not recuse himself, according to Mr. Cammarano, he's giving legal advice as to what should and should not be done regarding the Alvarez matter.

Now, in your experience of conflict of interest, would you find those set of facts a little troublesome?

MR. GENOVA: Mr. Critchely, I'm going to weigh in.

MR. CRITCHLEY: Okay.

MR. GENOVA: I think that's a great law school question (laughter), and I think Mr. Parikh has indicated that his own expertise in this space is limited. And I think it's a wonderful question for the Committee to deliberate on, but I don't think it's an appropriate question for this witness.

MR. CRITCHLEY: I always defer to my elders. (laughter)

MR. PARIKH: I also appreciate that, because I didn't remember the first thing that you had read to me during that question, Mr. Critchely (laughter).

MR. CRITCHLEY: Okay, all right.

And before, when you were asked the question about legitimate need to know, I believe you used the analogy, well, does the Chairman of the Board -- does the Chairman of the Board have to know what's going on regarding a personnel matter.

Do you recall using that type of analogy?

MR. PARIKH: I did use that analogy.

MR. CRITCHLEY: Yes.

MR. PARIKH: But I said that I don't -- I'm not familiar with this *legitimate need to know* term of art that's been discussed at this Committee.

MR. CRITCHLEY: Well, do you know that's the law, basically? Legitimate need to know?

MR. PARIKH: I don't know that. My understanding is that that's part of the State EEO policy--

MR. CRITCHLEY: Yes.

MR. PARIKH: --but that understanding only comes from having observed some of the questions that this Committee has asked other witnesses.

MR. CRITCHLEY: Okay; let me just-- So we understand, because-- Let me read this to you -- the confidentiality provision, which is law.

And I understand the purpose of confidentiality. The purpose of confidentiality is to protect the identity of people who want to file a complaint; and to also protect the identity of people who have been accused -- unfairly been accused. I understand the policy.

But the witnesses before, basically, were testifying -- again, this is a safe harbor -- that confidentiality precluded them from ever telling the Governor. And when we look at the confidentiality provision -- and for the record, I'm talking about N.J.A.C.4A:7-3.1(j) -- it doesn't say that confidentiality is an absolute; there are exceptions. And basically what it says, "You should maintain confidentiality to the extent practical and appropriate under the circumstances." And then it says-- So it's not absolute. "Confidentiality, to an extent practical or appropriate under the circumstances."

And then it goes on to say, "It may also be necessary to disclose information to persons with a legitimate need to know about the matter."

It says, "It may be necessary to disclose information to persons with a legitimate need to know about the matter." That's why the Assemblywoman asked you before, "Do you think the Governor had a legitimate need to know?" And I believe you said, "I don't know what *legitimate need to know* means," correct?

MR. PARIKH: I said that I understand that that may be a term of art, and I don't-- And honestly, Mr. Critchley, I don't remember everything you just read to me. So--

MR. CRITCHLEY: Well, the reason why I ask that is because-- I mean, you're constantly -- you deal in constitutional law, as an attorney, correct?

MR. PARIKH: To some extent, yes. Voting rights, and First Amendment--

MR. CRITCHLEY: Are you familiar with the *Void for Vagueness Doctrine*?

MR. PARIKH: The *what*? I'm sorry?

MR. CRITCHLEY: The Void for Vagueness Doctrine?

MR. PARIKH: A little bit.

MR. CRITCHLEY: Basically, the Void for Vagueness Doctrine says if a-- We want laws to be drafted in such a way so that people of common understanding can understand what they can and cannot do. And if it's so vague that people don't understand what they're supposed to do, it can be struck down.

Now, when this says "it may be necessary to disclose information to persons who have a legitimate need to know about the matter," do you think that's difficult to understand?

MR. PARIKH: I'm sorry, can you read it again?

MR. CRITCHLEY: "It may also be necessary to disclose information to persons with a legitimate need to know about the matter," as an exception to the confidentiality provision. Is that a difficult sentence to understand?

MR. PARIKH: You're asking me, as an attorney, whether I understand that sentence?

MR. CRITCHLEY: This is the law that applies to citizens; citizens have to interpret this. Do you think citizens would understand what this sentence means?

MR. PARIKH: That's the--

MR. CRITCHLEY: Let me finish.

MR. PARIKH: That's the State EEO policy, though, right? Not the law.

MR. CRITCHLEY: No, it's the law.

MR. PARIKH: Okay.

MR. CRITCHLEY: It's the law.

MR. PARIKH: Go ahead.

MR. CRITCHLEY: It's not my-- It's the law.

MR. PARIKH: I understand.

MR. CRITCHLEY: "It may be also necessary to disclose information to persons with a legitimate need to know about the matter." How can you say that's difficult to understand?

MR. PARIKH: I didn't say that it was.

MR. CRITCHLEY: Do you understand it?

MR. PARIKH: I think I understand what that means, Mr. Critchely. Obviously, you just read it to me. I haven't read it myself, and I'm sure there's context and other things that are there.

MR. CRITCHLEY: Now, the simple question is, when a member of the Administration-- Everything is contextual because, as you said before, you talked about the Chairman and the person -- the personnel matter. And to some extent, I understand what you're saying. For example, Tim Cook, the CEO of Apple, may not need to know, or have to know that, for example, a manager of an Apple Store in the Short Hills Mall is charged with sexual harassment. That's understandable; he has big things on his mind. But if a key person in Tim Cook's upper staff has been accused of rape, don't you think Tim Cook has a legitimate need to know?

MR. GENOVA: Mr. Critchely, if you're looking for Mr. Parikh to opine on hypotheticals or to venture an opinion as to what -- I think you cited -- it was a regulation or statute, you said? Statute, was it?

MR. CRITCHLEY: A Code; New Jersey Administrative Code; N.J.A.C.

MR. GENOVA: Right, right -- Administrative Code, a regulation that is borne out of a statute, which you did read from. So the question--

So my point is simply this. I mean, he's here to be a fact witness. I think he's been very cooperative and very candid here today. And to have him opine on the meaning of a regulation that may not have application in this particular context -- I don't know whether it does or not -- or it may have had application in the context of the government, as opposed to the Transition, I think is an unfair question, or an unfair area of inquiry.

MR. CRITCHLEY: Okay. All I'm saying is, it's the law. We're dealing with confidentiality.

SENATOR WEINBERG: Maybe-- Could I ask the question?

MR. CRITCHLEY: Go ahead.

SENATOR WEINBERG: Because I'm not a lawyer (laughter).

If I were on the Transition Committee, and I knew about this rape allegation, and I came to you, as the Transition Counsel, and said to you, "Do you think the Governor should know this? Does he have a legitimate reason to know?" What would your answer be?

MR. PARIKH: My answer, Senator, would be based upon the limited facts that we had at the time, that it was a subjective decision as to whether or not to tell the Governor. I don't--

SENATOR WEINBERG: The facts as we know them, right now.

MR. PARIKH: Right. The facts, as I knew them during the Transition, were that we had an individual who didn't want anyone to know.

SENATOR WEINBERG: Right; those are the facts. And now I come to you and say, "The New Jersey Administrative Code says that you are supposed to -- that there are people who have a legitimate need to know. Can I go tell the Governor?" What would your answer be?

MR. PARIKH: My answer would be that there's no legal restriction for you to tell the Governor.

SENATOR WEINBERG: Thank you.

MR. CRITCHLEY: She stole my thunder (laughter); again.

MR. PARIKH: Her question was shorter, Mr. Critchely.

MR. CRITCHLEY: I have no further questions.

ASSEMBLYWOMAN PINTOR MARIN: But I do want to clear that-- Earlier in your testimony, you were truthful when you did say that you weren't asked for your personal opinion. And that had you, at that time -- if someone asked you for your personal opinion, you might have said, "I think he should know."

MR. PARIKH: I think the personal opinion question was related to whether or not Mr. Alvarez should be hired. But I did testify truthfully to that.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

Thank you for clarifying that.

MR. PARIKH: Thank you.

SENATOR WEINBERG: Are you finished, really?

MR. CRITCHLEY: Well, I was--

SENATOR WEINBERG: I didn't mean to do that to you.
(laughter)

MR. CRITCHLEY: That's quite all right. All I was going to do was put it in context, in terms of -- you know, everything is subjective as appropriate.

And when I talked about Tim Cook and the guy who's running the Apple Store in Short Hills, and compare it with this -- the person we're talking about, in terms of whether the Governor has a legitimate need to know, is not some distant, one of 800, 700 Campaign people. The person we're talking about -- whether the Governor has a legitimate need to know, in terms of context -- is someone, like Al Alvarez, who has devoted two-and-a-half years of his life to getting Governor Murphy elected Governor; he worked for him personally; he worked for New Wave for New Jersey; he worked on the Campaign; he worked on the Transition; he was given a high-level position as Chief of Staff to the SDA, which deals with projects that total \$8 billion to \$9 billion. And he was hired in January and, supposedly, Pete Cammarano says he has to go in March, after several weeks.

I just have some difficulty understanding how anyone can say that the Governor did not have a legitimate need to know. Actually, it's unfair to the Governor.

I have nothing further.

SENATOR WEINBERG: Okay, thank you.

We will go to Committee members.

Senator Ruiz, and then Assemblywoman Holly Schepisi.

SENATOR RUIZ: Thank you, Chairwoman.

And thank you, Mr. Parikh.

I just-- And this is not directed at you, but following up on Mr. Critchely's commentary and his questions.

Inconsistencies and common sense seem to be a current theme of this Committee. And I do want to go on some of this with direct questions to you.

And forgive me if I'm asking something that you responded to before, but it's important to what I'm going to follow up with.

When you were rendering your opinion on what Mr. Alvarez should or should not do, can you just repeat, again, what his limited scope should be at that point? Or, sorry; you didn't say that. What you said was -- if I recall properly -- that you didn't want him to know for fear of retaliation; so he shouldn't be dealing with résumés at all in the event that he could get his hands on one and dump it.

MR. PARIKH: Not exactly.

SENATOR RUIZ: Okay.

MR. PARIKH: So it was not that he should not be dealing with résumés at all; and I would refer back to my opening statement, which I think lays out the measure we put in place. But in essence what it was is that, you know, Mr. Alvarez could not take a résumé that came in and toss it into the discard pile, so to speak.

SENATOR RUIZ: Okay.

MR. PARIKH: So that was the prophylactic measure -- is that final decision-making authority, with respect to a résumé, or with respect to a candidate, was not something that Mr. Alvarez was going to be able to do any further.

And when I discussed it with Ms. Haynes, it seemed as though that was already, basically, the case.

SENATOR RUIZ: In place.

So the conversation of his limited scope was had by whom to him? Do you -- are you aware who had that conversation with him?

MR. PARIKH: I don't know that anyone had a conversation with him individually, with respect to that limited scope. The way that it was presented to be messaged was that this was going to be a blanket change for everybody, so that none of the staff from the Personnel Department could have made a discard, or not discard, decision.

You know, thinking back, the only people who may have had that authority within the Personnel Department, at the time, would have been Ms. Haynes and Mr. Alvarez; so that was the recommendation.

SENATOR RUIZ: Okay. And so I'm going to refer to Mr. Lozano's testimony. And I know you don't have it in front of you, but I do want to read a couple of things.

Assemblywoman Pintor Marin, the Chair, asks him, "Were you aware that, at some point, during him working on the Transition, that there was a decision to limit Mr. Alvarez's hiring capability?" because, at some point, he had more responsibility. And then even though you're saying that it was a blanket statement that was given to general staff, so that one person wouldn't be identified or highlighted, that his scope was limited.

Mr. Lozano responds, "Again, Transition had no authority to hire anyone. His role was to facilitate the résumés, and put them into a binder and provide them to Cabinet members when they were coming in.

But yes, Mr. Parikh -- I do recall him stating that he had limited his involvement, but I did not know the extent of that involvement.”

The Chair asks Mr. Lozano, “Do you know if Mr. Alvarez was aware of his limited capability at that point?”

And Mr. Lozano responds, “I have to assume that that was communicated to him via Counsel.”

Did you communicate that to Mr. Alvarez?

MR. PARIKH: I did not. The plan that was approved by the client was that that was going to be communicated to Ms. Haynes, and Ms. Haynes was going to put that measure in place. The reason it was not communicated to Mr. Alvarez directly, and the reason the advice was not communicated to Mr. Alvarez directly, was to ensure that we weren’t violative of the anonymity of Mr. Braz’s friend.

SENATOR RUIZ: But don’t you think the Executive Director of the Transition Team should have been made aware of this, so when he’s responding to our questions he would be responding in the same way you’re responding right now?

MR. PARIKH: So I do believe that he was aware of that. Thirteen months have passed; and as I mentioned earlier, there were thousands and thousands of things dealt with during the Transition, related to a variety of issues. Mr. Lozano, in particular, was not only responsible for organizing, and scheduling, and helping with Cabinet selection-- Because as I think I said earlier, he was the guy who ordered the paper. So perhaps he just--

SENATOR RUIZ: No, he wasn't hiring anyone. Because he put on the record that the Transition Team wasn't the one doing the hiring, by the way,

MR. PARIKH: No, he was-- I think what I said was that -- what I just said was that he was the one who was helping the Governor with respect to vetting Cabinet members, and interviewing Cabinet members, and organizing that. And then on the other end of the spectrum -- ordering paper, and deciding where people were parking, and working with Mr. Miller and others on those types of office-related issues.

SENATOR RUIZ: I will say that even though people thought that he didn't have access to doing things that would be inappropriate, as far as résumés, there were several people who indicated that he was the one putting these binders together. So at any point in time he could have trashed any résumé, and I'm not sure there would have been checks and balances in place to assure of what your directive was.

MR. PARIKH: That's a fair criticism. I think we do now know, though, that the measures either worked or weren't necessary, because of the way that Ms. Brennan applied for the job.

SENATOR RUIZ: But it does highlight the lack of follow-up that has been current. And by that -- you don't need to respond to this -- but this lack of follow-up that exists across the board. My concern with this is that we're still dealing with people who have huge responsibilities -- whether they're in a nonprofit agency, or in an Authority, or in the Governor's Office -- and time and time again, when we get these people to come before the Committee, it's always a response of, "In hindsight, I can

see where you would think--” and never just accepting full responsibility that some mistakes were made. This is not directed at you.

But I will forward to some other testimony, where Mr. Lozano is asked again by Assemblywoman Muñoz, “Who was the first person to tell you that he had been accused of sexual assault?” “Like I said before, it was Mr. Cammarano and Mr. Parikh.”

Assemblywoman Muñoz asks, “So they both knew.” Mr. Lozano responds, “They both told me.” Assemblywoman Muñoz, “They both told you; okay. Were you involved in the decision to limit Mr. Alvarez’s hiring ability within the Transition Team?” Mr. Lozano responds, “I was informed.” The Assemblywoman says, “Informed by whom?” Mr. Lozano responds again, “Mr. Parikh.” Assemblywoman Muñoz, “By whom?” “By Mr. Parikh,” he responds. Assemblywoman Muñoz, “So he told you to limit; and did you ask him why?” Mr. Lozano emphatically responds again, “He told me he communicated his limitations in his role as Deputy Director of Personnel.”

Assemblywoman Muñoz, “But you didn’t ask why?” Mr. Lozano responds, “I think it was pretty clear why.” Assemblywoman Muñoz, “See, we keep going back to this. Everybody was very clear about a lot of things, but nothing was done in so many cases. I think that’s what we’re -- I’ll speak for myself -- I’m struck by. You know, again--” And she goes on. Assemblywoman Muñoz asks, “When you told Mr. Alvarez that his responsibilities would be limited, what was his response?” Mr. Lozano responds again, “I did not tell Mr. Alvarez. Like I mentioned before, Mr. Parikh did.”

Assemblywoman Muñoz says, “Mr. Parikh did; okay. And was that immediate? Was there an immediate change in his responsibilities when Mr. Parikh told him this?” Mr. Lozano responds, “I defer that question to Mr. Parikh.”

He was asked multiple times by multiple members of this Committee; and somehow, he was under the impression that you were the one who was giving him instructions about his limited role.

The only reason why I ask -- I ask them to you again-- His position was Assistant Deputy Personnel Director. For someone to sit in a role in that capacity in Transition and feel like they have weight in forwarding an e-mail or suggesting that someone should be looked at from a specific person, to just putting résumés in a binder -- I’m not an attorney, but it just-- Things just don’t add up here, time and time again. And as a Committee member, it’s hugely frustrating to come in here, every time, to sit for eight hours, and to just have these responses that I feel are disrespectful.

For the record, again, you were not the person who told Mr. Alvarez that he had limited scope of responsibilities, is that correct?

MR. PARIKH: Correct. I did not tell Mr. Alvarez--

SENATOR RUIZ: You were under the impression that someone else was going to have that conversation with him; rather, not with him specifically, but it was going to be a blanket directive to a group of people, so that no one would be identified or singled out.

MR. PARIKH: I would refer back to my opening statement.

But the conversation of how to put the prophylactic remedy in place was a conversation that I had with Ms. Haynes, and that Ms. Haynes was going to implement across her Department.

And through my conversation with Ms. Haynes, it appeared to me as though that had already been done, given the circumstances at the time, in the middle of December, where there was a substantial volume of résumés; key positions in certain Cabinet and key Cabinet agencies were not yet filled. And there was a focus at the time -- I think I may have testified about this earlier -- that when we came up with the process, it was for everybody. We realized it was too ambitious, and we weren't going to be able to accomplish that. And so the focus, then, shifted to trying to fill key roles at certain agencies; and that's what the Personnel Department staff was focusing on.

SENATOR RUIZ: Thank you.

And I'll just -- I want to close with this.

So I know that you were keeping, kind of like, a running roll with identifiers and color, as far as having conversations. When we talk about campaigns -- and I've been involved in some myself -- was it ever a conversation that you had with anyone that-- While I know the extent of the law -- and you've made that very clear, that you could not prohibit hiring someone based on an allegation -- but was there ever the discussion, which happens often during campaigns, that people would be concerned about a future perception problem?

MR. PARIKH: There may have been a conversation like that, but I don't recall being a part of a conversation like that.

SENATOR RUIZ: Thank you very much.

Thank you, Chair.

SENATOR WEINBERG: Assemblywoman; go ahead

ASSEMBLYWOMAN SCHEPISI: Thank you, Chairwoman.

I know you've had a long day, so I'm going to try to go through this really quickly.

MR. PARIKH: Thank you.

ASSEMBLYWOMAN SCHEPISI: You referenced, several times during your testimony today, Policy staff. Who was Policy staff; what did they do? What was their role?

MR. PARIKH: I believe the Policy Team was headed up by Mr. Fernandez -- whose first name escapes me at the moment -- and Mr. Van Horn, and Ms. Kopicki, and Mr. Zeveloff, and a few others.

I believe they were-- I don't know exactly how they were structured; I had very limited involvement in their day-to-day work. I believe that part of their role was to interface with the Transition Advisory Committees and make sure that the policy -- that the Transition Advisory Committee reports, and that, were in process and were going along to be on schedule.

And I think they were also working with other folks, including Mr. Platkin's team, Mr. Garg, and some others who were working on Executive Orders and other things for the 100-day agenda.

ASSEMBLYWOMAN SCHEPISI: And did they have any role in the vetting or any of the green-light, yellow-light, red-light that was discussed today?

MR. PARIKH: No, I don't believe they did.

ASSEMBLYWOMAN SCHEPISI: Okay.

You spoke to differences between Transition staff and volunteers. Approximately how many Transition staff members were there?

MR. PARIKH: I don't know the exact number; I would estimate 50 to 60 people.

ASSEMBLYWOMAN SCHEPISI: Okay; so approximately 50 to 60 were actually employed on the payroll, and were not-- No?

MR. PARIKH: No; I'm sorry. And that's a fair question; I should clear it up.

So the Transition Advisory Committees were purely volunteer roles. That's the 600-plus, or so, people that we've talked about today.

The 50 or 60 or so Transition staff members-- There was a very limited budget for the Transition. I believe the General Appropriation was only \$250,000, and that was to cover everything from, you know, if there were rentals for the Transition Advisory Committees, the War Memorial, whatever it may be; paper, salaries, everything -- all in that small amount of money.

So I think there were a few people on the Transition staff who were paid through the Treasury; there were a few people who were on mobility, and the rest were, essentially, volunteers.

ASSEMBLYWOMAN SCHEPISI: So do you know why Mr. Alvarez would have been one of those people? And I believe his salary was about \$110,000.

MR. PARIKH: So I don't know why Mr. Alvarez was one of the people paid through the State payroll system. I think that salary would have been an annualized salary; I don't think he got \$110,000 for six or seven weeks of work.

ASSEMBLYWOMAN SCHEPISI: Okay.

You know, there's been a lot of reference to thousands and thousands of résumés, and trying to sort through the process. And I ask this next question because there-- I believe you'll agree with me that there's a huge difference between résumés submitted through a web portal; thousands of, you know, Joe Blow -- "Hey, I may be able to get a job." And, you know, "Hey, this person was on Transition staff, or worked on our Campaign and outreach, so we have to have to park them somewhere in a position."

You know, to your knowledge, was there anyone who oversaw "the need to park someone somewhere" positions?

MR. PARIKH: So I don't know that that was ever a conversation. I don't know if anybody ever oversaw that, because I don't know if that was part of the dialogue.

You know, I do know that there were often discussions about whether people had the experience necessary for a certain role. I don't think that the Transition was just doling out jobs. People who were qualified were offered positions; and people who wanted -- thought that, perhaps, they should be Deputy Commissioner, who weren't qualified, were told that they can, perhaps, start at a different level in a different role.

So I guess the answer to your question is no, I wasn't part of those discussions, because I don't know that they ever occurred.

ASSEMBLYWOMAN SCHEPISI: So then there was nobody overseeing *political hires*?

MR. PARIKH: Right. So I think someone had used that term earlier before--

ASSEMBLYWOMAN SCHEPISI: Right.

MR. PARIKH: --and I understand what it means, from having worked on Campaigns. But no, I don't believe there was anybody who was overseeing anything like that. Everybody was just in the same process.

ASSEMBLYWOMAN SCHEPISI: Other than Mr. Cammarano, Mr. Platkin, Ms. Haynes, and Mr. Lozano, was there anyone else you interacted with regarding anything pertaining to hiring, recruiting, employee or consulting matters?

MR. PARIKH: Sure; I'm sure there were 6, to 10, to 12 other people who I talked with, at certain points in time, with respect to those categories.

ASSEMBLYWOMAN SCHEPISI: Would you mind telling us who?

MR. PARIKH: I don't know that I can remember all their names, frankly; but I know Mr. Garg, for example, was involved in meeting with people who wanted to be in the Counsel's Office; Mr. Platkin, obviously, as well. There was Mr. Miller -- I think you had mentioned vetting as one of your categories. I looked at an e-mail today about that.

Most of them, I would say, were staff members; they were people who were helping either with sorting résumés, or whatever it may be. But it wasn't just this small group of people that we've been talking about a lot. There were a lot of other people who had little pieces of interaction with that process.

ASSEMBLYWOMAN SCHEPISI: Okay. To your knowledge, was Al Alvarez friends or buddies with anybody, either on the Transition

Team, part of the front office in Campaign? Anybody who he seemed to be close to?

MR. PARIKH: Actually, no. I don't know the answer to that question.

I understand what you're asking, which is my observation of personal relationships with people. But there is not any personal interaction between some person and Mr. Alvarez that struck me as being different than with any other person.

ASSEMBLYWOMAN SCHEPISI: Okay. And the reason I'm asking that question is -- I'm going to bring you to a specific e-mail. On October 10, 2018, you were included on an e-mail that was sent out by Robert Long. And the subject was *Mandatory Fun*. I don't know if it's been something that's been provided as part of the discovery, but it is something that was reported on in the press.

SENATOR WEINBERG: Assemblywoman--

ASSEMBLYWOMAN SCHEPISI: Yes?

SENATOR WEINBERG: --are you talking about a document that we have that has a number, or not?

ASSEMBLYWOMAN SCHEPISI: I am not certain if it has been provided to us. It is dated October 10, 2018, and it was reported in the press. It's an e-mail from Robert Long that--

SENATOR WEINBERG: So you're reading it from a press report.

ASSEMBLYWOMAN SCHEPISI: I'm reading the actual e-mail that was included within the press report, yes.

SENATOR WEINBERG: Okay, can-- While she does that, can you check and see if we have a copy?

Okay, go ahead.

ASSEMBLYWOMAN SCHEPISI: And the e-mail reads, "Hi, team, it's been a while since many of us have seen each other. We're going to try for another gathering of Campaign staff, AKA mandatory fun, Thursday, October 18, at the Alchemist and Barrister, 28 Witherspoon Street, Princeton. Start around 6 p.m.-ish. Hope to see you there."

And it's from Robert Long.

And you're included on that e-mail. And I just have a couple of questions pertaining directly to this e-mail.

The first one is, did this gathering ever take place?

MR. PARIKH: I don't know. I did not attend, if it did.

ASSEMBLYWOMAN SCHEPISI: Okay. It references a time frame -- another gathering of the Campaign staff prior to that October 10 e-mail. Were there other events after the Inauguration, through October of 2018, that you were invited to that were casual get-togethers with a group of people who had either been on Transition or Campaign?

MR. PARIKH: I don't know; there may have been. These-- Rob, who was-- I don't know if there were any other.

ASSEMBLYWOMAN SCHEPISI: Okay. I'm going to ask you about a specific one. There was one on or about April 7, 2017. It was a gathering of Campaign staffers in Jersey City. It happens to be the evening that the alleged sexual assault had taken place. Do you recall if you were invited to that, or if you attended that?

MR. PARIKH: I don't recall whether or not I was invited; I don't believe that I was. I can tell you that I was not there.

ASSEMBLYWOMAN SCHEPISI: Okay.

With respect to this e-mail, there are quite a few people on it. And I'm just going to, really quickly, kind of go through the four categories of people who are on it, and see if you can answer three specific questions.

One is, front office; and the people who work in the front office, who were on that e-mail, are Justin Braz, Dan Bryan, Michael DeLamater, Jenny Davis, Stella Fisher, Amit Jani, Joseph Kelley, Philip Loureiro, Matt Platkin, Greg Petzold, Emily Reyes, Derek Roseman, Matthew Saidel, Dennis Zeveloff, and Jonathan Barnett.

Do you know -- or were you involved in the hiring of this category of people?

MR. PARIKH: If the question is, was I involved in any part of the hiring of people who worked in the front office at the time that that e-mail was sent--

ASSEMBLYWOMAN SCHEPISI: Yes.

MR. PARIKH: --then the answer is "yes."

ASSEMBLYWOMAN SCHEPISI: Okay. Without specifically referencing anybody, to your recollection were any of these people on your yellow or red list?

MR. PARIKH: I don't believe that-- If you can give me a moment.

ASSEMBLYWOMAN SCHEPISI: Okay.

(references notes; confers with Counsel)

MR. PARIKH: I think by answering that question -- that whichever way I would answer, would-- Because you've identified all those people by name would potentially impinge or identify that one of those people may have issues, if that would be my answer. So I would respectfully decline to answer that question.

ASSEMBLYWOMAN SCHEPISI: Okay. To your knowledge, were any of them personal friends of Al Alvarez?

MR. PARIKH: I frankly don't remember all the names you asked me; but I don't know who Mr. Alvarez's personal friends are. So my answer would be "no."

ASSEMBLYWOMAN SCHEPISI: Okay.

The next group that was on that list -- they work for Tammy Murphy -- it's Michelle DeAngelo, Stephanie Lagos, and Matt McHale.

Were you involved in any of their hirings?

MR. PARIKH: I would think so.

ASSEMBLYWOMAN SCHEPISI: Okay, and I'm sure the answer is going to be the same as to -- were any of them on the yellow or red list.

MR. PARIKH: And respectfully, Assemblywoman, you've named three people. And if my answer would be yes-- Frankly, I don't recall; but if my answer would be "yes," then that would identify that one of those three people had something.

ASSEMBLYWOMAN SCHEPISI: Okay.

And the last category of, like, employees who were included on this short list, were what I titled *Others in the Administration*, or working for the government. And that was Azra Ahmed, who's at the Department of

Health; Elizabeth Coulter, Iris Delgado, Benjamin Feldman, Braxton Plummer, Robert Long, Sirfaraz Piracha; and then Al Alvarez, Derrick Green, and Marcellus Jackson.

Same questions; do you know who was involved with the hiring of the people who fall into this *Other* category?

MR. PARIKH: I may have known, at some time, who was involved for some of those people. But I could not possibly recall at this moment who was involved in the hiring of those individuals.

If you're asking me whether I had any involvement in the hiring of some of the people who you named, I suspect that I did.

ASSEMBLYWOMAN SCHEPISI: Okay. And with respect to the people on this *Other* list, do you know who would have been responsible in the Administration for you vetting them and interacting with them on these specific hires?

MR. PARIKH: So with respect to who would have run a public records search on them, that would have been me--

ASSEMBLYWOMAN SCHEPISI: Right.

MR. PARIKH: --if one was run.

And with respect to determining placement for those individuals, I don't know. I mean, I think you mentioned somebody who's at the Department of Health -- I don't even recall who it is -- but potentially, that person could have been hired into that position by whoever the Commissioner-designee at the time was -- or the Commissioner nominee, rather, at the time.

ASSEMBLYWOMAN SCHEPISI: Right. And the reason I'm asking is because the e-mail references -- that these were all the people who

were Campaign staff who are now all in the Administration. I'm just trying to understand; if there weren't political hires, who actually hired these specific people, who are all on an e-mail together, all going out for drinks.

MR. PARIKH: My understanding of that e-mail -- and I believe that I'm on that e-mail chain--

ASSEMBLYWOMAN SCHEPISI: Yes.

MR. PARIKH: --I was a recipient of that e-mail -- is that Mr. Long had taken a list that he had from the General Election Campaign, and that he just kept recycling the same list. I think there are people's e-mail addresses on there that are probably wrong; that aren't active. And that, for some reason, has stuck in my head as a recollection.

But I don't think that that was a -- other than that being what it is, which was Mr. Long trying to get people together who had worked together on a Coordinated Campaign, I don't know that it was anything more than that.

ASSEMBLYWOMAN SCHEPISI: Do you know why your name was on the list?

MR. PARIKH: I was the Counsel for the Coordinated Campaign.

ASSEMBLYWOMAN SCHEPISI: So you actually were Counsel on the Campaign as well?

MR. PARIKH: I was Counsel on the Coordinated Campaign; I was not Counsel on Murphy for Governor.

ASSEMBLYWOMAN SCHEPISI: And what's the difference between the two, real briefly, again?

MR. PARIKH: The Democratic Party of New Jersey runs a Coordinated Campaign for all Democratic candidates for the General Election each year. And so it was distinct; it was-- My client was the Democratic State Committee, and what was called *Victory 2017*.

ASSEMBLYWOMAN SCHEPISI: Okay; and on this list, the last category; I call them the *Political Consultants*. And I'm just going to ask you, real briefly, whether or not any of them were ever involved with hiring decisions; or any discussions that you may have had in your role as Transition Counsel with respect to any sort of hires.

Liz Gilbert.

MR. PARIKH: No.

ASSEMBLYWOMAN SCHEPISI: Charles Hinton.

MR. PARIKH: No.

ASSEMBLYWOMAN SCHEPISI: Okay.

MR. PARIKH: Sorry; I didn't realize who that was until I thought about it for a second.

ASSEMBLYWOMAN SCHEPISI: Paul Josephson.

MR. PARIKH: I don't believe so.

ASSEMBLYWOMAN SCHEPISI: He was listed as Transition Counsel, and he--

MR. PARIKH: Mr. Josephson?

ASSEMBLYWOMAN SCHEPISI: He's actually in some of the e-mails that we have received; his name is referenced. You never coordinated or discussed anything with him, as fellow Counsel?

MR. GENOVA: Assemblywoman, I think it's outside the scope. And we've taken the position -- we'll take the position that questions regarding any Campaign-related issues are outside the scope.

ASSEMBLYWOMAN SCHEPISI: We've received -- if I can find it -- but there was discovery provided to us, in this, where his name is referenced in something.

MR. GENOVA: Assemblywoman, I have no doubt that his name is referenced. But the content of your question was, were there any conversations between Mr. Parikh and Mr. Josephson related to the Campaign, if I heard your question--

ASSEMBLYWOMAN SCHEPISI: Campaign or Transition.

MR. PARIKH: So I'll carve the Campaign out of that question, if that's okay with you.

ASSEMBLYWOMAN SCHEPISI: Right.

MR. PARIKH: I think as I had mentioned -- I think, perhaps, to Senator Weinberg's questions earlier -- there was a number of other lawyers that were Transition Counsel; and there were also lawyers on a Law and Public Safety Transition Committee. I don't recall which bucket Mr. Josephson was in, or if he was in both; he may have been.

I believe there may have been discussions with Mr. Josephson on some type of research issue; it may have been related to an infrastructure project or something like that. I have some vague memory of a discussion with him during the Transition period on that.

But if your question is whether Mr. Josephson had any discussions with me about any hiring-related matters or public records searches, the answer is "no."

ASSEMBLYWOMAN SCHEPISI: Okay.

I'm keeping my questions limited to hiring personnel -- bringing people on board.

MR. PARIKH: For the Transition, correct?

ASSEMBLYWOMAN SCHEPISI: For the Transition Team or into the Administration, correct.

MR. PARIKH: And just-- I'm sorry to interrupt, Assemblywoman. But as I mentioned earlier, I don't know how anybody was hired to the Transition Team, so my answer, with respect to that, as to anybody, would be I don't know.

ASSEMBLYWOMAN SCHEPISI: Right. But as to whether or not you've ever had discussions regarding anybody-- I'm not saying that I'm asking did these people specifically hire somebody; I'm asking whether or not you've ever had a discussion with them regarding somebody who was going to be hired.

MR. PARIKH: Right. And I had no discussions with anyone that I can recall about any individuals becoming part of the Transition Team.

ASSEMBLYWOMAN SCHEPISI: Or any individuals being hired into the Administration?

MR. PARIKH: No, that's different; and I'm happy to answer your questions with respect to that. There are a variety of discussions--

ASSEMBLYWOMAN SCHEPISI: Okay; I'll open it up so as to not be so limited -- any discussions whatsoever regarding hiring somebody, outside of the Campaign?

MR. PARIKH: So I was, you know -- as I think I mentioned in my opening statement, and in response to a variety of questions today -- I had a role in the overall process of placements for people who were seeking jobs in the Administration through the Transition. And so I did have discussions with people. For example, as I mentioned earlier, if-- You know, I think I mentioned an *unlawful detainer* as something that would pop up on someone's public records search. If that popped up, I would have that discussion with that person, perhaps, to try to find out more information to determine what the issue was.

ASSEMBLYWOMAN SCHEPISI: And right now I'm just asking about a core group of people who appeared to operate in the same social circle, enough to go out and have drinks together, and just asking about them specifically.

MR. PARIKH: Okay.

ASSEMBLYWOMAN SCHEPISI: So Paul Josephson.

And I'm almost done.

MR. PARIKH: Sure.

ASSEMBLYWOMAN SCHEPISI: Alexana Koloses (PS).

MR. PARIKH: I don't believe that I had any discussions with her.

ASSEMBLYWOMAN SCHEPISI: Adam Alonso.

MR. PARIKH: You're asking if I had discussions *about* him or *with* him?

ASSEMBLYWOMAN SCHEPISI: *With* him about hiring, or employing anybody or bringing somebody in.

MR. PARIKH: What I would say is-- Because I don't want to get into specifics about people -- I had discussions with a number of people who worked in the Administration, as part of our process, with respect to public records searches and whatnot. If the question is whether I had any conversations with Mr. Alonso about the hiring of people, I don't believe that I did.

ASSEMBLYWOMAN SCHEPISI: Or somebody being hired, being brought in, or--

MR. PARIKH: I don't believe I had discussions about that.

ASSEMBLYWOMAN SCHEPISI: Okay. And the last couple of names on there -- Karin Elkis.

MR. PARIKH: I know Karin; I don't believe I ever had a conversation with her about hiring anybody. And I don't believe she works in the government.

ASSEMBLYWOMAN SCHEPISI: Karen Golding.

MR. PARIKH: No.

ASSEMBLYWOMAN SCHEPISI: Brendan Gill.

MR. PARIKH: No.

ASSEMBLYWOMAN SCHEPISI: Leonard Luciano.

MR. PARIKH: Maybe; but not about others. I may have had a conversation with him, at some point, about himself.

ASSEMBLYWOMAN SCHEPISI: Okay.

SENATOR WEINBERG: Assemblywoman, you're almost finished?

ASSEMBLYWOMAN SCHEPISI: Yes, I think that is--

SENATOR WEINBERG: Because Senator Madden was courteous.

ASSEMBLYWOMAN SCHEPISI: I think that is my last question for you.

Thank you.

MR. PARIKH: Thank you.

SENATOR WEINBERG: Thank you.

Senator Madden.

SENATOR MADDEN: Thank you, Madam Chair.

Good afternoon.

MR. PARIKH: Good afternoon, Senator.

SENATOR MADDEN: You talked about-- I just want to zero in on background checks; the screening processes for the hires, if we can.

In your draft, or in your opening statement, you basically indicate that the criminal -- the standard criminal or employment background checks were being conducted through the regular State process following the transition of government. Do you recall that phrase?

MR. PARIKH: I do.

SENATOR MADDEN: Okay. So are you saying that, on the Transition Team, no criminal history backgrounds were conducted on the applicants for jobs?

MR. PARIKH: So I don't know the answer to that question. I think the way I would answer it is that there were-- I believe that the legal databases that we searched would pull up criminal dockets. But it is not considered to be a *criminal background check*; it is not as thorough as

something that a third-party agency that specializes in background checks, that have access to police databases and whatnot, would look to.

SENATOR MADDEN: So--

MR. PARIKH: This was a public records docket. So if there was a criminal case, for example, that was part of a court system, as part of public record docket, then it would likely get pulled into the system.

SENATOR MADDEN: This system that you search -- do you know how far back the search goes? How many years?

MR. PARIKH: I don't; but I believe it's pretty far back, maybe 15 or 20 years.

SENATOR MADDEN: When you did the search, do you contract with a third-party vendor to do the search?

MR. PARIKH: No; this was -- this is-- It's a legal database system that our law firm, and I'm sure many other law firms, have access to.

SENATOR MADDEN: But you're not sure how far back it goes?

MR. PARIKH: What I know is that from the reports that I pulled from that system -- for this situation and others -- I've gotten records back into the 1980s and 1970s. But I think, you know, in my experience, the farther back you go the less accurate the database gets. Because it's more accurate when there are electronic records which, as we all know, really have only been around for, maybe, 12 to 15 years.

SENATOR MADDEN: I just want to zero in on this now.

I'm talking about just criminal histories; crimes. Are they the databases and offenses that you have recorded back to the 1980s--

MR. PARIKH: I don't know--

SENATOR MADDEN: --or is that--

MR. PARIKH: Yes. I don't know that that's the case. I think there may have been-- I'll just give you an example, without identifying the person. Someone had what would have been a high-level speeding ticket from Virginia from the 1990s; and in Virginia, speeding over a certain rate is actually -- can be a felony, and so it popped up on a report.

So I know that it went back a certain number of years. I don't recall specifically, as I sit here today, how far back that goes. And it's-- Again, it's not a criminal system search; it's a public records search for docket activity.

SENATOR MADDEN: Do you happen to know the database of which you searched?

MR. PARIKH: This was *Westlaw PeopleMap* reports.

SENATOR MADDEN: I'm sorry; Westlaw what?

MR. PARIKH: They're called PeopleMap reports. So the two major legal databases that lawyers use are either Westlaw or LexisNexis. Lexis, I believe, has something called an Accurate Search (*sic*); Westlaw has something called a PeopleMap search.

SENATOR MADDEN: And you emphasized, in your writing also, in that lower paragraph -- you actually point out that your public records searches -- these were not criminal or standard employment background checks.

MR. PARIKH: That's correct.

SENATOR MADDEN: Correct. Was there any use of the New Jersey State criminal history records database, name checks; they can

be submitted. They're literally submitted to the New Jersey State Police, to the State Bureau of Identification.

MR. PARIKH: We did not do that as part of our process.

SENATOR MADDEN: Okay.

Can you explain the legal databases? To me, that's liens, it's judgements; things of that nature. When you search -- you emphasized, "I search our legal databases." What encompasses a legal database, in your mind, with your search?

MR. PARIKH: So I don't know what actually is included in those, but I can tell you that there are usually address records, phone records, sometimes e-mail records, often property records. You know, there's civil lawsuit records, perhaps docket numbers or judgements, criminal court records, docket numbers, convictions, affiliated people. You know, usually tax liens -- the other liens that you've referred to are in there; judgements, civil judgements; sometimes there is voting information, voter history information.

SENATOR MADDEN: Okay.

MR. PARIKH: So it's-- I would say that the way to describe it -- it is information in one place that I believe is gleaned from publicly available sources.

SENATOR MADDEN: And is that just through Westlaw also?

MR. PARIKH: That is what we use primarily; and then the other thing we did is, we used standard Internet searches; they searched Facebook, LinkedIn, Instagram, I believe--

SENATOR MADDEN: And what's the purpose-- Just out of curiosity, what is the purpose of doing that?

MR. PARIKH: To see if they're-- I think, within the process, it was designed so that if anything popped up, then we were able to flag it and figure out what the issue was.

I'm sorry.

SENATOR MADDEN: Didn't mean to cut off.

MR. PARIKH: No, go ahead.

SENATOR MADDEN: I apologize.

Of the searches on legal databases, Internet, social media, deep web -- using those parameters for the searches there, do you know if you uncovered any information that would categorize the applicant to be classified in your red file?

MR. PARIKH: If you can give me a moment to confer with Counsel before I answer that question.

SENATOR MADDEN: Sure.

MR. PARIKH: Because I don't want to get outside the scope by discussing specific personnel matters.

(confers with counsel)

Yes.

SENATOR MADDEN: About how many searches do you think you did, and about how many people, roughly, wound up with a red file?

MR. PARIKH: With respect to the number of searches, over a thousand. The number of reds-- I couldn't tell you, but it was not very many. And I think as I mentioned earlier, some of the reds and the yellows we had were false positives.

SENATOR MADDEN: Okay.

MR. PARIKH: Or what I would call *false positives*.

SENATOR MADDEN: Thank you, Mr. Parikh.

If I can shift now to Mr. Alvarez.

Information came forth that there was an allegation of sexual assault. Was there any background done on Mr. Alvarez after the allegation or before the allegation came forth?

MR. PARIKH: There was no search done on Mr. Alvarez prior to us learning about the allegation from Mr. Braz on December 1, that I'm aware of. Our office did run a public records search on Mr. Alvarez -- in, I want to say, it was December 11 or so; it might be a few days before or after that -- to see if we could find out any additional information about the allegation. And that search came up with no information.

SENATOR MADDEN: Okay. So now, part of me, through the whole testimony -- and even just, again, we're here for policies and procedures -- and I'm sitting, and I figure, okay, we have thousands of applications for positions in a new and upcoming Administration. You're trying to work through all these, with 600 volunteers and 40 or 50 people on the Transition staff.

An allegation, a serious allegation of an alleged crime comes up; and this is an individual who is going to be, potentially, working in an environment where there are females around. And the court of law -- and the standard in a court of law, as you know, wound up saying that they -- at least, from a criminal sense -- they felt they didn't have enough to put before a Grand Jury and prosecute. But the standard in the civil courts are a whole lot different.

What perplexes me, somewhat, is the fact that -- there's a group, a small group, of, supposed to be, very competent leaders. You are in that group; I see Pete Cammarano; I believe Matt Platkin was along at the same time; and Jose Lozano. And you have this allegation; you're trying to figure out what to do with it. Everybody emphasizes, at that time, they did not have the identity of the victim. They keep emphasizing that, so that must have been a very pivotal point, or a very critical component, in your decision-making.

And the choice was to simply run a public records search, which is predominantly civil in nature, covering a lot of the databases that you've mentioned -- mortgages, property, civil litigation; I mean, in terms of liens, and judgements, and things of this nature. Yet, the flag that went up -- and the charge was criminal in nature.

And when I say *perplexing*, I think of the talent and the experience of the people at the top supposed to be vetting this out on how to move forward. Yet there's no overt steps taken to run names through criminal history databases, to do local police checks, phone calls of this nature, and use the arm which you may have. Like, there's never been any testimony, "Hey, we've even tried it; but because of the Federal laws or criminal history regs, we couldn't get through." There was no, even, action taken; and that's really somewhat -- it's disappointing to someone like me, but its very perplexing that that didn't even come up in any of the testimony as one of the options that was on the table.

Now, if it was never testified to, possibly it did come up in discussions. And if it did, could you talk about that?

MR. PARIKH: So, you know, Senator, I think you touched upon something that's important.

I think you mentioned that, from the testimony you've heard, you believed the fact that there was no identity was a critical component. And I think that that's an important fact, but I don't believe that that's a critical component. The critical component for the advice that I provided was the fact that Mr. Braz's friend did not want anyone to know about the allegation. And so the advice was born from that interaction and that message from Mr. Braz to us, which is that, "I'm not authorized to tell you this. And she doesn't -- not only does she not want you to know who she is, she doesn't want anybody to know about what it is that has occurred."

And because that was the starting point, or that, to me, was one of the components of this, the items that you're talking about-- We ran the public records search; I agreed with you on that point. And I agree that it doesn't pull up everything. Frankly, sitting here today, I think that the vast majority of searches that we could have run at the time would not have shown anything in this situation, because there was an allegation and then there were no charges that were pressed, which we knew at the time. But it was about making sure that the anonymity and the fact that she didn't want this disclosed was being protected.

So one of the things you mentioned was, should we have called around to law enforcement agencies. We did not know from Mr. Braz anything about location. We didn't know where she lives, we didn't know where she worked, we didn't know what she was involved with. We didn't even-- We couldn't even -- and this was one of the considerations -- we didn't know which Transition Advisory Committee she was working with.

Because if we had known that, then maybe we could have narrowed it down and it would have been-- Instead of dealing with 300-plus women, we would have been dealing with 30- or 40-plus women.

This is not to make excuses. I think that the job with this Committee, in terms of figuring out how policies can be changed, is important. But where we started was with this idea of ensuring or protecting this idea that she didn't want her sexual assault revealed. And that is part of what went into the construct and the discussions regarding the ultimate advice we provided.

SENATOR MADDEN: Thank you.

We'll move on to -- it's a follow-up to what you're saying with this -- not knowing, but it wasn't the only part. But here's Mr. Braz, in your written testimony, "Mr. Braz again asked me what he should do, and if we needed to discuss the matter with anyone else to prepare for the fallout of Mr. Alvarez being arrested."

What did he mean by the *fallout*?

MR. PARIKH: I don't know if that was his word. But the impression I had from Mr. Braz was that he was providing this information to us, to me, and was willing to provide the information to the Transition because he was concerned -- and I think I may have said this earlier -- the impression I had -- and these are my words, not Mr. Braz's words -- that the police were going to come in and drag Mr. Alvarez out of the Transition Office in handcuffs.

SENATOR MADDEN: Okay. "The State EEO policy did not apply to most of the Transition staff."

My question is, are there any Federal laws or regs that would or did apply to the Transition staff?

MR. PARIKH: I mean, I think there are State and Federal laws regarding workplace harassment and discrimination that apply to any employer in New Jersey. So the answer, if that's a question, is "yes."

SENATOR MADDEN: Knowing that those laws would have applied, and once this came forth would that not have started at least an inquiry? Like, okay, Justin comes to you, reports it; you report it to Pete; or Justin reports it to Pete and you. No inquiries? When I look at what you did and did not know -- really, the senior Counsel -- like, "I knew that the Prosecutor's Office declined to press charges in December 2017."

But you didn't know who it was or the agency, I guess, until they put a public notice out. Like, here Justin comes and reports to you this heinous crime, alleged. She reported it to a police agency. Who was it? It doesn't look like there are any steps being taken to try to address the fallout that you may see coming.

MR. PARIKH: So as I said in the opening -- and I think in response to some of the questions that Mr. Hayden had -- my advice, after the first phone call with Mr. Braz, was to do nothing because I did not want the client to obstruct--

SENATOR MADDEN: I get it.

MR. PARIKH: --or be involved in any manner in obstructing the imminent arrest, as we had been told.

With respect to no investigation having been done, I think I testified earlier as to the reasons for that. And again, it's born from what I described to you as the critical fact, which is that we were told that she

didn't want anyone to know about the allegation; not just not know about who she is.

SENATOR MADDEN: Okay.

MR. PARIKH: So that's what guided the advice along the process.

With respect to not reaching out to prosecutors, etc., we didn't know whether it was a municipal prosecutor, a county prosecutor, a Federal prosecutor, the Attorney General's Office. We had not idea which prosecution -- which prosecutor's office, which prosecution agency was the one handling the case. And we didn't think it was appropriate -- because it could have revealed who she was -- to call around to those to try ascertain additional information; especially calling around as Counsel or as representatives of the Governor-elect's Office.

SENATOR MADDEN: Okay. If you did know when Justin reported it to you, what would have occurred then?

MR. GENOVA: Senator Madden, that's pretty hypothetical. I'll allow him to answer; I don't know that he can answer.

MR. PARIKH: Senator, if I did know--

SENATOR MADDEN: I can rephrase it.

MR. PARIKH: Yes, I--

SENATOR MADDEN: If you did know the identity of the victim, would your directions to the Transition team been different?

MR. PARIKH: I think so. I think if we knew the identity of the victim and that she wanted to discuss this matter with us, then I would think that the recommendation would have been to do an independent employment investigation to try to find out what the circumstances were,

and then to put in prophylactic measures that would have been -- if necessary; but presumably they would have been -- to ensure that there was no retaliation, harassment, etc. And that would have been done with open conversations with both parties.

SENATOR MADDEN: You used the term *protected class* for Mr. Alvarez. I think you referenced it, actually, a couple of times. Like that was in the back of your mind in the decision-making process on an alleged rape. Could you explain that -- why a protected class piece was so much at the forefront of your decision making?

MR. PARIKH: I'm sorry; I missed the end of the question.

SENATOR MADDEN: Why that was in the forefront of your decision making?

MR. PARIKH: I don't know that it was in the forefront of my decision-making, sir. But women are a protected class; people of color, like myself, are a protected class. And so when dealing with employment issues, that's one of the main things you look to. It's one of the -- at least in the employment experience that I've had in my discussions with my employment law colleagues -- it is one of the biggest areas that create liability. And so, when analyzing a situation, understanding who's protected and how that impacts a situation is something that is looked at.

And I think I referred to-- We consider as many options, and try to work through each of those options when putting measures in place. One of the considerations in my practice, in general, is if you recommend a course of action, what comes from that after the fact.

SENATOR MADDEN: And Katie was in a protected class also. At least you knew the victim was-- Maybe I'm assuming; let me ask you -- did you know that the victim was a female?

MR. PARIKH: I did.

SENATOR MADDEN: So you knew that the victim was in a protected class also?

MR. PARIKH: She would have been in a protected class as an employee, if she was an employee, correct.

SENATOR MADDEN: Okay; well, was Mr. Alvarez an employee at the time?

MR. PARIKH: He was -- of the Transition.

SENATOR MADDEN: Of the Transition. So then Ms. Brennan was not an employee. So the protected class would not apply to her?

MR. PARIKH: No, no, not at all. And in fact, Senator, the actions we took were-- Even though -- and this is a little nuanced situation -- we didn't actually have a complaint. Because while you can get an anonymous complaint, this wasn't a complaint. This was from -- what we were told, she told her friend in confidence, and her friend breached the confidence to tell us. All of the actions we took were actually taken to protect her, not to protect Mr. Alvarez.

The commentary I made earlier about Mr. Alvarez being part of a protected class was when asked about whether he could have been -- whether they should not have hired him. And I said I wasn't asked that legal question. But if I had been asked that legal question, my advice would

have been that because he is a member of a protected class, it could be against State or Federal law to not hire him.

And then I also, I think, volunteered to Mr. Hayden my personal opinion with respect to that.

SENATOR MADDEN: Two, three questions, real quick.

MR. PARIKH: Sure.

SENATOR MADDEN: If Mr. Alvarez was not in a protected class, would you have given the same advice to the Counsel -- or to the Transition Team?

MR. PARIKH: Yes, because the issue-- The legal issue in which Mr. Alvarez's status as a member of a protected class-- The legal issue, that came up today, was related to whether or not Mr. Alvarez should have been hired. It had to do with what his rights would have been under the law.

With respect to the prophylactic measures, and the things we did, and the actions we took to protect Mr. Braz's unknown, anonymous friend -- whether Mr. Alvarez, or the accused, was part of a protected class or not -- I don't believe would have changed our ultimate recommendation.

SENATOR MADDEN: So Mr. Alvarez is in a protected class. Here it is, early December; you don't know who the victim is. If you knew who the victim was, maybe you could have had a discussion between the parties and figured some measure out to move forward.

MR. PARIKH: No, Senator, I don't think that Mr. Alvarez, just by virtue of the color of his skin being part of a protected class, was something that was related to the prophylactic measures we put in place. If we had known-- If Ms. Brennan had come to me, for example, with her

complaint, then I believe the recommendation would have been to do an investigation. Which would have meant that I would have had somebody independent -- not myself -- but somebody who didn't know the parties go and sit down and chat with Ms. Brennan about what the allegation was; whether it was an allegation of potential retaliation, harassment, intimidation, discrimination -- whatever it was.

Also, have the investigator-- The investigator would have done whatever he or she thought would be appropriate; but I presume they would have also chatted with Mr. Alvarez, and perhaps with others, to come up with a recommendation to resolve whatever it was that was being complained of.

SENATOR MADDEN: During the discussions in early December about this with the -- what to do, moving forward -- was Mr. Platkin involved in those discussions?

MR. PARIKH: I don't believe that I-- I don't recall ever having a discussion with Mr. Platkin about this issue.

SENATOR MADDEN: You were with Mr. Cammarano?

MR. PARIKH: I did have discussions with Mr. Cammarano about this.

SENATOR MADDEN: Final question: Moving forward, it's the month of March. Katie Brennan comes forth. Al Alvarez is still in a protected class. He's called into the Chief of Staff Office, per testimony from Pete Cammarano, and told he has to leave his job. No investigation. What changed between December and March -- in terms of how to move forward with an individual in a protected class -- with the accusation?

MR. PARIKH: I think that would be a question that would be best answered by Mr. Cammarano. I don't know.

I would also note, Senator, that what I stated earlier, with respect to Mr. Alvarez and protected class, that was not something that was asked of me; that was advice that I provided to Mr. Cammarano, and Mr. Lozano, or the Transition Committee. So I don't know whether there was any legal advice provided to him in March, and what that was. That would be something that you should talk to him about.

SENATOR MADDEN: Okay; thank you, Mr. Parikh.

MR. PARIKH: Thank you.

SENATOR MADDEN: Thank you, Madam Chair,

ASSEMBLYWOMAN PINTOR MARIN: Assemblywoman DeCroce; and then Assemblywoman Reynolds-Jackson; and then Senator Oroho.

ASSEMBLYWOMAN DeCROCE: Thank you.

I'm first.

MR. PARIKH: Okay

ASSEMBLYWOMAN DeCROCE: It's a long day for all of us, but--

You know, as Senator Madden brought up -- some really pretty good questions there. And I have-- A lot of them have been answered that I have here, so I'm just going to try to get some things that others haven't asked.

MR. PARIKH: Sure.

ASSEMBLYWOMAN DeCROCE: Or maybe that I see it differently.

But, you know, one thing just keeps pulling back. And it's when every one of you testify and say that Katie Brennan didn't want to be known; she didn't want anyone to know who she was.

Do you think that Ms. Brennan, based on the fact of who Mr. Alvarez was-- And you testified earlier, he was right up in front in the Transition Office. And I know how that is; you explained it, but I was in there, in past Administrations, so I know what it looks like. And the very close proximity-- Don't you think maybe she was just scared, afraid, and that's why?

MR. PARIKH: I suspect that could be the reason. I don't know. And as I said earlier, I haven't talked to Ms. Brennan about this ever.

But if I could just add one thing. As I mentioned to Senator Madden -- to me, the critical component wasn't that she didn't want her identity known; it was that we were told she didn't want the fact that she had filed a charge of sexual assault revealed to us or to anyone. And that, to me, was more important than not knowing who she was.

If Mr. Braz had said to me, "She doesn't want you to know who she is, but she wants you to know all of this information, and we can go back to her and get additional information," then I think that the advice that I provided would have been different.

ASSEMBLYWOMAN DeCROCE: Well, it's a little bit, there, that Mr. Braz, maybe, wasn't a good messenger for her or you. Because if he truly was good for you, for the Governor, and for Ms. Brennan, he would have made sure something came about so the situation could be addressed

in the proper way. You know, I don't want to be critical; but it just seems, you know, bad judgement all the way around.

So just a few questions; and I hate to go back to the NDA, but I'm going to ask you just a few questions on that.

You said you were involved in other campaigns--

MR. PARIKH: Yes.

ASSEMBLYWOMAN DeCROCE: --in the past.

MR. PARIKH: Yes.

ASSEMBLYWOMAN DeCROCE: Did you prepare the same kind of NDA for any of those campaigns; or was this one different than any of the others?

MR. GENOVA: I would have a problem with that question, Assemblywoman, because it touches upon privileged issues that we have with other clients in other campaigns.

ASSEMBLYWOMAN DeCROCE: Okay; so, let me ask you this. So you said there were 50 to 60 members of the Transition Team; so each one of them had to sign the NDA. Am I correct?

MR. PARIKH: No.

ASSEMBLYWOMAN DeCROCE: Not-- Only the higher end, or--

MR. PARIKH: No.

ASSEMBLYWOMAN DeCROCE: --first level?

MR. PARIKH: No. The only individuals on the Transition who were asked to sign the nondisclosure agreement -- that I believe was handed to me -- were the 500 to 600 members of the Transition Advisory Committees, which were the volunteers.

ASSEMBLYWOMAN DeCROCE: Okay. Did any of them refuse to sign it?

MR. PARIKH: I don't believe so.

ASSEMBLYWOMAN DeCROCE: Okay. Did you have a process if someone did refuse?

MR. PARIKH: I don't think there was a process; I think-- If I remember correctly, it had been e-mailed out to people, and we asked for them to e-mail it back. There were several conference calls that I had with individuals after reading the Code of Conduct or the nondisclosure agreement. It was me, as well as the Transition Ethics Counsels, who had phone calls with people who had particular questions about, "Hey, you know, I have this project that's currently pending before State Agency Y. It may come up during my Transition Advisory Committee meeting. How should I handle it?"

So I believe that everybody signed it. There may have been one or two people who, after they got it, realized that they had inextricably intertwined conflicts of interest -- that they wouldn't be able to participate on the Transition Advisory Committee that they were a part of. I believe -- and this is testing my memory, so I'm not 100 percent sure -- but I believe one of those people moved to a different Transition Advisory Committee; and one of the others, who was travelling at the time, just decided to not -- to step down.

ASSEMBLYWOMAN DeCROCE: Okay; so that's something, going forward, in the process we should take a look at and give recommendations, as to the process of the NDAs and who has to sign.

MR. PARIKH: Yes, I believe that nondisclosure agreements for the Transition Advisory Committees are a good thing.

ASSEMBLYWOMAN DeCROCE: Okay. Can I ask you, did Katie Brennan have to sign an NDA?

MR. PARIKH: I don't believe so.

ASSEMBLYWOMAN DeCROCE: Okay; because that's something maybe we can check into and find out.

So, you know, I tried to write some things out so I don't get -- I'm trying to stay focused here, for you, because it's a long, long day.

So I'm going to read what I have written down here, okay?

You indicated the decision not to speak with Mr. Alvarez was due to the decision to respect Mr. Braz's friend's request, correct?

MR. PARIKH: Yes, I believe --

ASSEMBLYWOMAN DeCROCE: You did not want to -- she did not want her name brought into it, correct? So you were respecting that.

MR. PARIKH: It wasn't the name; it was that she had-- Again, it's the distinction between the two critical facts I discussed with Senator Madden. One critical fact -- I think Senator Madden believed, based upon other people's testimony -- the critical fact was that she didn't want anyone to know who she is.

ASSEMBLYWOMAN DeCROCE: Okay

MR. PARIKH: To me, that was less critical. The critical fact was the fact that she didn't want anybody to know what had occurred or what had happened.

ASSEMBLYWOMAN DeCROCE: Okay. So Mr. Braz, though, did inform you, around December 1, that the Hudson County Prosecutor's Office was investigating, correct?

MR. PARIKH: No; that's not correct.

ASSEMBLYWOMAN DeCROCE: Okay; did he tell you it was being investigated?

MR. PARIKH: He told us -- and I believe this is in my opening statement -- Mr. Braz told us that she had gone to law enforcement, and that a Prosecutor's Office-- I don't remember whether he told us a Prosecutor's Office was looking at it, or whether he said, "The arrest is imminent." And then, later in the day, said, "The Prosecutor's Office declined." But I knew that there was a Prosecutor's Office involved.

ASSEMBLYWOMAN DeCROCE: So you didn't press Mr. Braz as to what Prosecutor's Office, or ask him to find out what Prosecutor's Office she had dealt with, or was investigating it?

MR. PARIKH: I don't recall whether I pressed him on that. I did try to get information from Mr. Braz. I don't remember the specifics of each and every one of those conversations; and I know there was at least two, and there may have been more, over those few days. I do believe that the information he provided -- which is laid out in my opening -- included the fact that it was a friend of his; that he had known about this before he had joined the Campaign; and some of the other things that I referred to, with respect to my conversations with Mr. Braz, during my opening statement.

ASSEMBLYWOMAN DeCROCE: So, I mean, that's a little bothersome -- that you just wouldn't ask who the investigating authority

was, or try to press on that. No one seems to have wanted to really know that. It was, like, just, "Let's keep it at a certain distance from us."

So now you see where this gives me some concern about this investigation, and the situation, and the decisions being made. The Transition Team did not speak to Mr. Alvarez regarding any of these issues or investigate, because Transition was afraid that Mr. Alvarez would find out about Katie. But you were already aware that it was plausible that Mr. Alvarez already knew about Katie, and Katie was the accuser, because of the criminal investigation, correct?

MR. PARIKH: I'm not sure I follow the question.

ASSEMBLYWOMAN DeCROCE: Well, you're saying, in December, you did not to speak to Mr. Alvarez directly.

MR. PARIKH: That is correct.

ASSEMBLYWOMAN DeCROCE: Okay. But also, in December, you were told there was going to be charges and there wasn't going to be charges, from a prosecutor, correct?

MR. PARIKH: Right; that's not the order, but--

ASSEMBLYWOMAN DeCROCE: But, but--

MR. PARIKH: --it was actually the other way around. First--

ASSEMBLYWOMAN DeCROCE: But at that point-- If there was an investigation, Mr. Alvarez had to be questioned and know who his accuser was.

MR. PARIKH: I didn't know that that was the case. I don't believe that all investigations require the target of the investigation to know about it.

ASSEMBLYWOMAN DeCROCE: So in the target of an investigation, of somebody being accused of rape, you're sitting there telling all of us that the accuser-- The person who was the perpetrator was not questioned by any Prosecutor's Office?

MR. PARIKH: I'm not saying that, Assemblywoman. What I'm saying is, is that we didn't know. And the reason for not talking to Mr. Alvarez was to try to meet what we had been told by Mr. Braz, which is that -- which again, I've referred to as -- what I view as the critical issue -- which is that his friend did not want anyone to know about it. Whether she wanted people to know her identity or not was, to me, at least, less important.

ASSEMBLYWOMAN DeCROCE: Well, you know, I'm not a lawyer; far from it. But, you know, I would just assume that a Prosecutor's Office would talk to the person who was accused. I mean, I would think most people would think that, because how can you come to a conclusion of no charges unless you talk to somebody?

MR. PARIKH: I think that that happens in the normal course, Assemblywoman. I think what we're talking about are a couple of different things.

So, number one, when we're told that there's an imminent arrest, I'm not going to go tell the person who is about to be arrested, "Hey, are you getting arrested?" because what if they flee? I mean, that's the entire reason obstruction of justice exists as a law. So the advice, there, was to not talk to Mr. Alvarez at that time, to ensure that there was no obstruction.

Later on, because we went through this analysis and we recognized the fact that there was a potential for retaliation, we made the decision, in our judgement, that not talking to Mr. Alvarez was the best way to ensure that there was not an environment of retaliation created that was difficult to control.

ASSEMBLYWOMAN DeCROCE: It does appear that in the way it was all done, that everyone was more concerned about protecting Mr. Alvarez than Katie Brennan.

MR. PARIKH: I disagree. The approach that we took, and the legal advice we provided, was designed to protect Mr. Braz's unknown friend from any retaliation in the hiring process, because we knew that she was interested in seeking a role in the Administration. And it was designed for her to be able to not only maintain her anonymity, but also designed to ensure that her desire, as we were told at the time, to not have anybody know about it, was maintained.

ASSEMBLYWOMAN DeCROCE: Okay. And if I'm correct, during your testimony today -- and it's been a long day -- you made statements that you were concerned, too, to protect the State from Mr. Alvarez suing. Am I correct -- you used that terminology today?

MR. PARIKH: No, I don't believe that I said that.

ASSEMBLYWOMAN DeCROCE: You didn't? Okay.

MR. PARIKH: I believe what I said -- and I think this goes back to what I discussed with a variety of people, back to what Mr. Hayden and I were talking about -- which is, if I had been asked for legal advice with respect to the not hiring of Mr. Alvarez, based on this accusation, that I would have concluded that it could be a violation of law.

ASSEMBLYWOMAN DeCROCE: Well, that does lead me to something else.

So if a thousand people applied for jobs -- just say a thousand -- and every one was considered and looked at, and Mr. Alvarez was looked at, and he just wasn't employed -- do you mean they had to go back and say to him, "We're not going to hire you because of this accusation"? Or could they have just simply said, "You're not going to be hired because we just don't feel you're qualified for the position that we have available"?

MR. GENOVA: I think Mr. Parikh wants to be responsive; but that's an extraordinary hypothetical, and that isn't what occurred.

ASSEMBLYWOMAN DeCROCE: It may be hypothetical, but it's very concerning. Because you see, it appears to me that many people were worried about Al Alvarez, and about him suing, about his -- him completely. What about Katie Brennan suing the State of New Jersey? Because that's where we are right now.

MR. PARIKH: So I don't know what the question is there, but I do understand that Ms. Brennan has filed a suit against the State of New Jersey.

To go back one question, I think what you were asking me is, would it be okay if Mr. Alvarez never knew the reason he wasn't being hired.

ASSEMBLYWOMAN DeCROCE: Right.

MR. PARIKH: And was there a legal obligation to tell him why he wasn't being hired. And I think the answer is that, I don't know that there's a legal obligation to tell him why he's not being hired; but the reason that these very laws that we're talking about, with respect to hiring

practices, exist is to prevent against discrimination in the hiring process. And I understand that, in this factual circumstance, perhaps it's unfortunate that Mr. Alvarez was part of a protected class. But in -- and this is why I keep going back to a carve-out as being a potential solution for that issue -- but the law was what it was at the time. And as I said, I didn't provide that legal advice because it wasn't asked of me. But that law still exists, as it exists today; and the reason why is to prevent discriminatory practices in hiring on a variety of bases -- color, religion, gender, age, etc.

ASSEMBLYWOMAN DeCROCE: So just one final question.

The extended background -- that could have been done if Mr. Alvarez signed off. On December 1, when no charges were going to be brought against him, wouldn't it have been best, at that point, to ask him if you could just do an extended background to clear the air on it all? I mean, you don't-- Wouldn't that have been a better decision to do that, to do a thorough background, to protect not only the Transition Team, but the Administration, as they started in January?

MR. PARIKH: Doing so at that time would have alerted Mr. Alvarez to the fact that we knew about something that Mr. Braz had told us we were not allowed to know about, and would have created the potential for retaliation against Ms. Brennan.

And that's why I, again, go back to the fact that to me that's the most critical fact here.

ASSEMBLYWOMAN DeCROCE: I know what you're saying; it just doesn't make sense. I'm sorry.

I have made a statement in the past, and I'm going to make a statement again. And that is that it seems -- it appears that Mr. Alvarez

floated around Trenton in a protected bubble. And I've made that statement before, and I'm going to say it again; because it just doesn't make sense, any of this.

And there is a lot of work that this Committee is going to need to do. But there are also a lot of people who should reflect back and look on what they did; and maybe, they too, come up with some suggestions as to how this could never happen again here in the State of New Jersey. Because, frankly, I think it's a disgrace.

Thank you.

MR. PARIKH: Chairwomen, can we have a one-minute break; two-minute break?

SENATOR WEINBERG: You can have just one minute, because we only have two more folks to go.

MR. PARIKH: I understand.

SENATOR WEINBERG: So hopefully, we can finish this up.

MR. PARIKH: Thank you.

SENATOR WEINBERG: So one minute is fine.

MR. PARIKH: Great; thank you.

(Committee recesses)

(Committee reconvenes)

SENATOR WEINBERG: Assemblywoman Reynolds-Jackson.

And just before you ask your question -- just for the timeline, I just want to point out to you that, obviously, Mr. Alvarez already knew Katie Brennan had pressed charges against him, in April of 2017, at the

Jersey City Police Department. Subsequently, the Hudson County Prosecutor took over. So we're assuming, in this timeline, Mr. Alvarez knew that somebody had made an accusation, and he probably knew who it was. I'm assuming that's how law enforcement works.

Assemblywoman Reynolds-Jackson.

Yes, go ahead.

ASSEMBLYWOMAN REYNOLDS-JACKSON: Good morning, good evening, good afternoon. (laughter)

I have a very simple question; and my question revolves around the resignation process.

In your opening statement, you talk about the resignation, or termination, of existing employees. Can you go over what that is?

MR. PARIKH: Yes.

So traditionally, in a gubernatorial transition -- especially when there is a change in party at the Governor's Office -- there is a request from the incoming Administration, to members of the Senior Executive Service in the outgoing Administration, to submit resignation letters.

The way that those are generated is by looking at -- at least in my experience -- looking at Civil Service charts and sheets, as well as the agency organization charts, information that's requested through the existing Governor's Office. In our situation, the information we got was outdated, and we had a lot of issues with it, so it complicated the situation.

But a blanket letter went out from the Transition requesting resignation letters by a set date and time. We thought it was important to also ask people, that if they had a hardship, to let us know in writing what the hardship was.

And we received a variety of resignation letters; we received a variety of letters saying that an individual was not going to be submitting a resignation letter; and we received a variety of hardship requests. And then those requests were then reviewed. And on Inauguration Day, and in the days following Inauguration Day, some of the resignations were accepted, some were rejected for the time being, some were rejected permanently. Some people, in reviewing a hardship that they had, were rejected -- the resignation was rejected for a variety of reasons.

ASSEMBLYWOMAN REYNOLDS-JACKSON: So after they submit the letter and go through-- Some stay longer, some leave; some are, as you said, rejected permanently so they can't reapply; they're not able to come back.

MR. PARIKH: No, meaning that their resignation was rejected. So if--

ASSEMBLYWOMAN REYNOLDS-JACKSON: Oh.

MR. PARIKH: Right; so if someone offered a resignation, and the response would be, "Nope, we're not accepting your resignation letter," you know, it's, "You're going to be in your role with other people." It was, "Your resignation is not accepted for the time being, but we're going to keep it on file."

ASSEMBLYWOMAN REYNOLDS-JACKSON: Are those people who submit their letter of resignation eligible for unemployment?

MR. PARIKH: I believe they are not; no. I recall that there was a form letter that we received, from some folks, referencing unemployment guidelines; I don't recall what that was specifically. But if

somebody resigns from a job, then they wouldn't be entitled to unemployment as a matter of course.

ASSEMBLYWOMAN REYNOLDS-JACKSON: What was the set date and time that you had to submit your letter of resignation-- From the time that you sent them out -- from the time you sent them out until you put it in? How long was that time period?

MR. PARIKH: It was not that long. We had made a choice to not send out those letters around the holidays. I believe the request was sent out either right before New Year's or right after New Year's. I don't recall when the resignations were requested back; it may have been a few days later, maybe a week at most. But we were looking at a very compressed time frame.

There was also a variety of snowstorms and other things that happened during the Transition period. I remember there was one issue with an iceberg flooding the Delaware and nobody could get to the Transition Office. So we dealt with a variety of -- in hindsight, very interesting or, I guess, different issues, unique issues.

ASSEMBLYWOMAN REYNOLDS-JACKSON: Thank you so much.

That's all I have.

MR. PARIKH: Thank you.

SENATOR WEINBERG: Assemblywoman McKnight.

ASSEMBLYWOMAN McKNIGHT: So I have one question for you; and it just came up in just talking.

When Justin came to you and said that, "I have friend; I'm breaching her confidentiality, but I won't say who she is; but there's an

allegation.” Why didn’t you say to Justin, “This is a serious allegation, a sexual assault. Can you please talk to your friend to let her know that we are here; we want to help.” Give her a couple of days to think about releasing her name to you, or further information.

Why wasn’t that brought to Justin?

MR. PARIKH: I don’t have an answer for why that specific type of conversation wasn’t brought to Justin. What I would say is that I don’t recall specifically what I went back to him with. I think there were times that -- it might have been Mr. Cammarano, actually, who had asked -- or it might have been -- I think it was Mr. Cammarano who had asked something along the lines of, “Is there any way you can give us more information?” Something along those lines. And Mr. Braz had declined.

And I don’t think-- You know, I, for one, don’t believe that I said, you know, “Please tell your friend that we’re here to help;” and in hindsight, perhaps I should have done that.

ASSEMBLYWOMAN McKNIGHT: Yes, because this is rape, sexual assault. We’re in the *Me Too* movement. We have to -- we should have done everything possible to make Ms. Brennan -- but we didn’t know at the time -- just comfortable, especially for the State of New Jersey.

MR. PARIKH: I agree, Assemblywoman. You know, and I thought what we were doing at the time -- given the facts we were given that she didn’t want anyone to know about it at all -- was actually trying to protect her ability to talk to people about her assault when it was appropriate for her.

So again, as I said to Assemblywoman DeCroce and to Senator Madden, to me the critical component was the fact that -- not that she

didn't want us to know who she was, but the fact that she had told Justin not to tell anybody about this. And so all of the advice that was built, was built off of that fact. I think that was something that I had put in the e-mail to my colleagues. It was something that had struck me in the conversation I had with Justin, and the advice was built off of trying to allow her to decide when it was that she wanted people to know about what happened to her.

ASSEMBLYWOMAN McKNIGHT: Last statement: But you never gave her that opportunity, because you never sent word back to her so that she can just think -- 48 hours, a week.

MR. PARIKH: I did not make that specific request of Mr. Braz.

SENATOR WEINBERG: Thank you.

And last -- and I am underlining *last* (laughter) -- Senator Oroho.

SENATOR OROHO: Thank you, Madam Chair.

And I know it's been a long day, Mr. Parikh

Thank you very much for being here.

Just a couple of-- And obviously, as Senator Madden said, we're here tasked with the issue of the policies and procedures. We've heard many, many times throughout testimony that, "That's something for the Committee to decide."

So we actually have to come up with something. And I've said, many times, I'm not really sure how you write a policy to follow policies, when you have 1,600 pages of policies here and whatnot. Or I've mentioned to make sure that the tone at the top -- and whatnot.

But I'll try not to be repetitive.

But I was interested to see what the nondisclosure agreement-- You mentioned in your testimony the Transition staff versus the Transition Advisory Committee; you mentioned that there were over 600 individuals involved in it. And in the testimony it does mention that Ms. Brennan was part of the Transition Advisory Committee. So I have to imagine -- we're going to look to see if she signed one -- but I have to imagine she would have been asked to sign one of the nondisclosure agreements if she was part of Transition Advisory Committee and a volunteer.

MR. PARIKH: So it's possible that she signed one. My understanding is that Ms. Brennan's role was as a staffer to a Transition Advisory Committee. So if we, you know -- in the way I described it in the opening, there are really two buckets here. There's a Transition Advisory Committee bucket and the Transition staff bucket. So if we look at the Transition Advisory Committee bucket, there were Chairs of those Committees, members of those Committees, and then individuals assigned to be staff for those Committees. The staff members, I understand, were to take a lot of the ideas and actually start drafting reports to be considered in review by the members.

SENATOR OROHO: Right.

MR. PARIKH: My understanding is Ms. Brennan was a staff member for a Transition Advisory Committee; I don't believe staff of the Transition Advisory Committees -- although they were volunteers -- were required to sign or did sign a nondisclosure agreement. The members, and the Chairs, and Vice Chairs of those Transition Advisory Committees did.

SENATOR OROHO: They were.

MR. PARIKH: Yes.

SENATOR WEINBERG: Senator--

SENATOR OROHO: Sure.

SENATOR WEINBERG: I'm just going to interrupt for a moment.

He's just guessing. We should just ask her--

SENATOR OROHO: Right, exactly.

SENATOR WEINBERG: --if she signed an NDA.

MR. CRITCHELY: We will.

SENATOR WEINBERG: Thank you.

SENATOR WEINBERG: Go ahead.

SENATOR OROHO: As far as the-- You testified that you had some involvement in drafting the nondisclosure agreement. Can you tell me when was it drafted?

MR. PARIKH: I think I mentioned earlier -- it was either on Election Day or within a few days around Election Day.

SENATOR OROHO: So, on Election Day. All right; so that would have been, obviously, in November. So these -- the allegations-- At least Mr. Braz would have known about it, because, I guess -- I'm trying to think of the first-- Well, he would have heard about it back in April of 2017.

So my real question was, was this nondisclosure agreement written in any way because of any allegations that had been made with respect to a hostile work environment, or a toxic work environment, or issues of sexual harassment?

MR. PARIKH: No.

SENATOR OROHO: The one thing that's interesting here is, the whole thing-- We talked about the definitions of what's included. And Ms. Alito went very well into the areas here. I can certainly see, with respect to intellectual property, and with respect to things that might be proprietary to a company or something like that. But, you know, just as-- I think one of the suggestions we may want to think about here -- because I do agree with Senator Weinberg, with respect to nondisclosure agreements -- but specifically, if there is going to a nondisclosure agreement, that it specifically says that it does *not* cover any areas of, you know, discrimination, harassment, or anything like that. To me that would be clearly to say what it does *not* cover -- it says what it does cover -- clearly what it does not cover.

Once again, we're here with respect to policies and procedures. It seems to me, in your testimony describing -- and it was a very detailed testimony -- opening statement -- you mentioned there was-- I got the impression it was a fairly detailed hiring process. You had green, amber, and red -- red light. Yet, at the same time, we've now come to know that we've had, obviously, members of the Leadership Team -- you had Marcellus Jackson; Mr. Alvarez, obviously; Mr. Green; and Mr. Kelley as part of the-- I guess you mentioned 1,000 -- not background checks but, you know, Google searches or Internet searches that were done.

Did any of the issues that-- Like, for example, Marcellus Jackson. Did that issue come up in the hiring process? Because we are talking about policies.

MR. PARIKH: Did what issue come up?

SENATOR OROHO: Well, the issue that Marcellus Jackson -- had been convicted previously.

MR. PARIKH: I don't believe that I was asked to do a public records search of Mr. Jackson at any point in time.

SENATOR OROHO: Okay. But the background checks-- Well, the searches that you were doing, according to your testimony, should have come up with something like that, correct?

MR. PARIKH: For the individuals who we did searches for, we had people who had things come up, yes.

SENATOR OROHO: So maybe you would have gone through and done the (indiscernible) now.

Now, if somebody was given a red light, did you have to explain why they were given a red light? And then was somebody in the leadership able to-- I mean, that was your recommendation, or that was your advice, that was your research. Somebody could override that and say, "No, we're still going to make that hire"?

MR. PARIKH: I mean, look, my role was as a lawyer. So I was asked to provide information and advice.

I think in any attorney-client situation the client can always overrule the lawyer's advice. I will say that I don't-- You know, as I said earlier, I don't remember how many red reports came back. Some, there was-- I'll give you-- You know, I have one, actually, in my head, where it was an individual with a common name -- where there were so many false positives on this person--

SENATOR OROHO: I can understand how that could happen. So you dig a little further.

MR. PARIKH: Right.

SENATOR OROHO: But if somebody ends up being red, was it part of the advice, then, to tell the client why it was red--

MR. PARIKH: Oh, the--

SENATOR OROHO: --and what your advice would be?

MR. PARIKH: In terms of discussing with the client what the issues were -- yes, that was something that happened.

So if there was a yellow or a red, in terms of the records searches that we ran, that was something that was discussed with either Mr. Lozano, Mr. Platkin, or Mr. Cammarano, through the process.

SENATOR OROHO: I'm going to jump around a little bit, because a lot of the questions I would ask have already been asked by very insightful members here.

But one thing that really intrigues me is the issue of -- not necessarily Ms. Brennan's identity, but that she did not want-- It was your testimony that she did want people to know of the assault.

Now -- and Mr. Critchely went into it very well -- but with respect to December -- and Senator Madden and a number of other members have done as well. Back in early December -- and we've had testimony to this -- that they -- Katie Brennan had mentioned to Mr. Braz that she wanted the Transition Team to know. And I think your testimony has been that had you known that, your advice may have been different.

So to me, that's a key issue; where people expected that you would know. According to Justin Braz's testimony, you then told him to tell Mr. Cammarano. So is it your testimony that there was that much of a communication difference that really would have changed material advice,

had they communicated to you more than, “No, she doesn’t want her identity known; but she’s already reported to the police, she’s been to the hospital, she’s called her husband, she told very good friends.” Had you known-- So do you think that that’s a critical piece of information that had there really been an understanding that, “No, Ms. Brennan wants people to know about this,” your advice would have been significantly and materially different?

MR. PARIKH: The answer, Senator, is yes. And I’ll just point out -- I think Mr. Critchely had mentioned earlier that doing the memos of advice is a good way to memorialize something happening.

SENATOR OROHO: Right.

MR. PARIKH: And that’s-- My impressions of my conversations with Mr. Braz are memorialized in an e-mail that I wrote to my colleagues 25 or 26 -- so maybe one or two days after the conversations that I had with Mr. Braz.

SENATOR OROHO: And this is a question based upon, I think it was, a 10- or 15-minute conversation right away after Mr. Braz told Mr. Cammarano, who got right on the phone with you; and you had a 10- or 15-minute conversation. I believe that was the testimony -- a prior testimony from other witnesses.

Do you think that there was ever an understanding that maybe you did not have the right understanding that Katie Brennan wanted this to be known?

MR. PARIKH: No.

SENATOR OROHO: Okay. So it was certainly -- and we certainly got the impression that everything was very truthful. But do you

think there was just a very big misunderstanding as to what Mr. Braz thought; what Matt Platkin thought -- well, I don't know (indiscernible) -- well, I think he knew it at the time? Or Mr. Cammarano thought, versus what you expected? And as I said before, material advice to your client would have been different had that communication been clear.

MR. PARIKH: My recollection of what I was told at the time was written down at the time.

SENATOR OROHO: Once again, I was intrigued with the issue of-- And through further questioning, you did say that had you been asked, you would have suggested that not hiring Mr. Alvarez was a possibility, I think; and you also had some testimony, originally, that you were concerned it may be a violation of law. But then you clarified it, and said had you actually been asked, your advice, once again, may have been to let the Governor know.

It seems to me -- and this is not a question here -- what was the trigger that, all of a sudden, people became concerned? Because your testimony was -- and this is what befuddles me -- your testimony was the only people who saw your e-mail -- and I'm glad you clarified that -- were people internal to your firm, correct?

MR. PARIKH: Yes, that's correct.

SENATOR OROHO: But one of the avenues they took until, you know, they started being worried about the press, was really to do nothing. That was really one of the avenues -- really one of the "solutions" that was in the e-mail.

MR. PARIKH: So Senator, the e-mail, which we had talked about earlier, talks about whether or not -- what the options were for the

Transition Team in preventing any potential retaliation. I think what you're talking about -- which I had no part in -- has to do with whether or not Mr. Alvarez should have stayed as an employee of the State of New Jersey.

SENATOR OROHO: Correct.

MR. PARIKH: So I view those as two separate issues.

SENATOR OROHO: Well, what I've seen -- once it became a concern about the press knowing (indiscernible) that they weren't going to be able-- You know, Ms. Brennan was going to continue to press this forward; that they weren't going to be able run out the clock. To me, that was the trigger that they were really concerned about, as opposed to being concerned about -- we have an allegation; obviously, a very, very heinous crime that had been alleged. And unfortunately, it seemed to me the trigger was the press.

The other thing which was interesting -- I just want to get on the record, because as Mr. Critchely is going and talking about -- the legitimate need to know. We had testimony from Mr. McKenna, who served, I think, two years in the Governor's Counsel role. And I was --- I may have asked him a question about, "What would you have done?" And his response -- and I don't have it verbatim -- but I believe it was, "If I hadn't told Governor Christie, I'd still be feeling the pain today."

So I think, certainly, as Mr. Critchely was saying, the interpretation-- And I think it's clear in the confidentiality statutes that the "CEO," that you had mentioned before, in situations like this would certainly have a need to know.

There's a lot of new information that came out just within the last hour or two hours -- all these different committees and all the different clients. And I'm going to ask -- and you know, I'm sure I'm probably going to be shut down asking some of these questions. But I really do think this Committee needs to delve into the coordinating committee (*sic*); the Transition, the Murphy for Governor.

What I see is many, many interrelated personnel, whether they be volunteer or whether they be paid. And I'm going to ask -- if you were the, I would say, the Counsel, for what you're here today, for the Transition-- You also testified today, based upon a question -- and I had never known there was another coordinating committee (*sic*) called Victory 2017. Maybe I should pay better attention. But who did you coordinate-- I have to imagine there was coordination with the Governor for Murphy Campaign. Who did you coordinate with there?

MR. GENOVA: You're right, Senator; I'm going to object and not allow him to proceed into that area of inquiry.

SENATOR OROHO: Okay. Well, I want to take this then to the Chair and to the members. I really do think we need to -- whether it's to go back and get authorization to do it. Because one of the questions we've been asking, you know, did the Governor know? Didn't he know? Why wasn't he told? And it seems to me a lot of interrelated (indiscernible) in many different ways, where people outside the Transition, outside the Campaign, outside the Administration -- were they used as, essentially, emissaries to make this situation known.

We have heard that the Governor was shocked when he heard about this. We're talking about a serious, serious, serious crime that had

been alleged. In fact, we heard from Mr. Platkin that was the only one that they had heard. So I really do think the Committee has to go through and investigate further whether there was other coordination amongst all these different kinds of committees. Because as I see -- I would have loved to ask questions about who were the members of this coordinating committee and how they had interaction with either the Murphy for Governor, or for the Transition, or for the Administration. Because what we're talking about here is -- and this is going to be my final area, I believe. Yes, this will be my final area of questions, because what we're talking about is -- it's ironic to me -- and that was probably a very bad choice of words -- but this event occurred after a get-together for someone who was leaving because of a hostile work environment, or toxic work environment, or something that had occurred during this period of time.

Then we have someone, an Allison Kopicki -- and I hope I'm saying her name correctly -- who made allegations about the hostile work environment. And I understand -- I believe that it was actually Genova Burns that had done an investigation for that, correct?

MR. PARIKH: That is correct.

SENATOR OROHO: Okay. And the other part-- And this is part of the policies to look at -- in one of your questions you were asked if you were paid -- if the firm was paid in order to do the work. So essentially, you volunteered to be Transition Counsel.

MR. PARIKH: This was all pro bono work.

SENATOR OROHO: All pro bono.

MR. PARIKH: And continues to be.

SENATOR OROHO: So was it at the direction of the firm, or was it you, personally, who decided to do pro bono work?

MR. PARIKH: I viewed this as something that was an opportunity for me to learn as a lawyer, and have a unique experience that most lawyers don't have the opportunity to have. And my partners and colleagues supported me in my desire to learn.

SENATOR OROHO: Okay. So as a-- You're a partner.

MR. PARIKH: I am.

SENATOR OROHO: --in a major, major law firm. Congratulations.

MR. PARIKH: Thank you.

SENATOR OROHO: I'm not smart enough to do something like that. But your billable hours -- your billable rate has to be pretty good.

MR. PARIKH: It could be better. (laughter)

SENATOR OROHO: Three to five days-- I'm sorry?

MR. PARIKH: It could be better.

SENATOR OROHO: It could be better? Well, I'm sure it's still pretty high.

Three to five days a week on this Transition. So it was a very heavy investment by the firm and by yourself in this.

The firm -- and this is for the policies and procedures, I would say -- the firm was asked to do an investigation on Allison Kopicki's allegations. Do you think that the firm -- with everything that has been invested in yourself and in the firm itself, by opportunity cost loss and whatnot -- that there should have been an independent firm to do that

investigation? Can you really be independent in that, when you've invested this much?

MR. PARIKH: It was one lawyer from our law firm who was the independent investigator. She did not know any of the people involved; was not involved whatsoever in our representation of the Coordinated Campaign; had not contributed any money to any political candidate. And we were under a very tight timeline, with respect to the allegation of gender-based discrimination that was made, which has been reported on, which is where I'll limit my answers to.

And she conducted the investigation as she saw fit; she was not controlled by anyone. And she came to the conclusion that she drew from the people who she discussed the matters with.

SENATOR OROHO: Okay. I come from a world of certified public accountants. You know, that's where I started my career. And in the opinion -- you talk about the independent opinion, and you have to, obviously, avoid even the appearance of not being independent.

As one thing I do think that the Committee needs to think about, in the policies themselves, is when we are talking about allegations and investigations of hostile work environments-- I understand that there is going to be significant investments done by all kinds of professional service firms wanting to get in on the ground floor of a new Administration. Lots and lots of money flows through Trenton. So I can understand where somebody wants to have a favorable reputation. But I do think that this Committee needs to look at, say, if there are those allegations with respect to a hostile work environment or something like that, that the appearance and the actuality of independence needs to be very firm.

So I'll just leave it at that; that will end up being one of my recommendations that I have for the Committee.

So I want to thank you very much for being here. A long day.

Thank you, Madam Chair, for allowing me to be last.

SENATOR WEINBERG: Thank you.

SENATOR OROHO: I think I left-- All my questions were asked by everybody else. (laughter)

Thank you.

MR. PARIKH: Thank you, Senator.

SENATOR WEINBERG: Thank you, Mr. Parikh. Even if I minus the time out for lunch and a couple of brief breaks, I think you've testified, probably, solidly for seven hours.

So I'm guessing when we review the transcript of his testimony, we will find the answers to any questions that we might have had.

Thank you for your patience; thank you for being here.

The Committee-- Before we adjourn, we will be having a, hopefully, brief meeting after this so that we can set our schedule as to when we will be meeting again.

So again, thank you; and you are, of course, free to go.

MR. PARIKH: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Thank you; have a great night.

MR. GENOVA: I take it we've concluded your request for Mr. Parikh; and that there's going to be no further request of his participation.

Is that correct?

SENATOR WEINBERG: Yes.

ASSEMBLYWOMAN PINTOR MARIN: Yes, yes, Mr.
Genova.

MR. GENOVA: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Thank you.

(MEETING CONCLUDED)