
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 18, 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 Sandra B. Cunningham
Senator M. Teresa Ruiz
Senator Steven V. Oroho
Assemblyman Gordon M. Johnson
Assemblywoman Pamela R. Lampitt
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
NANCY J. PINKIN
VERLINA REYNOLDS-JACKSON
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 18, 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 18, 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 1/11/19

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ASSEMBLYWOMAN ELIANA PINTOR MARIN (Co-Chair): Good morning, everyone.

Thank you for being here this morning.

If we could have roll call, please.

MR. BUONO (Committee Aide): Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: Here.

MR. BUONO: Assemblywoman DeCroce.

ASSEMBLYWOMAN DeCROCE: Here.

MR. BUONO: Assemblywoman Reynolds-Jackson.

ASSEMBLYWOMAN REYNOLDS-JACKSON: Present.

MR. BUONO: Assemblywoman Pinkin is here.

Assemblywoman McKnight.

ASSEMBLYWOMAN McKNIGHT: Here.

MR. BUONO: Assembly Co-Chairwoman Pintor Marin.

ASSEMBLYWOMAN PINTOR MARIN: Here.

MR. BUONO: Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Here.

MR. BUONO: Senator Oroho.

SENATOR OROHO: Here.

MR. BUONO: Senator Ruiz.

SENATOR RUIZ: Here.

MR. BUONO: Senator Madden. (no response)

Senator Cunningham.

SENATOR CUNNINGHAM: Here.

MR. BUONO: Chairwoman Weinberg.

SENATOR LORETTA WEINBERG (Co-Chair): Here.

ASSEMBLYMAN NANCY F. MUÑOZ (Co-Vice Chair):

Excuse me.

MR. BUONO: I'm sorry.

ASSEMBLYWOMAN MUÑOZ: I'm here; Muñoz.

SENATOR KRISTIN M. CORRADO (Co-Vice Chair): I'm here, too.

MR. BUONO: Assemblywoman Muñoz is here. I apologize.
(laughter)

UNIDENTIFIED MEMBER OF COMMITTEE: And Assemblywoman Lampitt.

MR. BUONO: And Assemblywoman Lampitt.

UNIDENTIFIED MEMBER OF COMMITTEE: I guess you don't have a single list.

MR. BUONO: I do not. (laughter)

SENATOR WEINBERG: Is everybody marked in?

ASSEMBLYWOMAN PINTOR MARIN: I know that Assemblywoman Pinkin is on her way, so she will be here.

MR. BUONO: Okay, thank you.

ASSEMBLYWOMAN PINTOR MARIN: Thank you.

Mr. Platkin, thank you for being here today.

MATTHEW PLATKIN, Esq.: Thank you for having me.

ASSEMBLYWOMAN PINTOR MARIN: Mr. Porrino-- Would you like to let us know who you're here with.

MR. PLATKIN: I'm here represented by the Office of the Governor's attorneys, Chris Porrino and Matt Boxer.

MR. BUONO: Good morning, Mr. Platkin.

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

MR. PLATKIN: I do.

MR. BUONO: 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 your answers are responsive to that question.

Do you understand those directions?

MR. PLATKIN: I do.

MR. BUONO: 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?

Do you understand that?

MR. PLATKIN: I do.

MR. BUONO: 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. PLATKIN: Yes, I do.

MR. BUONO: Does your Counsel have any questions to submit today?

CHRISTOPHER S. PORRINO, Esq.: Not at this time.

MR. BUONO: 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. PLATKIN: Yes, I do.

MR. BUONO: 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. PLATKIN: Yes.

MR. BUONO: Before the Committee proceeds with the oath, do you have any questions?

MR. PLATKIN: Not at this time.

ASSEMBLYWOMAN PINTOR MARIN: Mr. Platkin, can you please rise and raise your right hand?

Mr. Platkin, it is our understanding that you have-- Sorry about that.

Mr. Platkin, I'm sorry; I apologize.

MR. PLATKIN: No problem.

(references notes)

ASSEMBLYWOMAN PINTOR MARIN: Let's try this again; I'm sorry, Matt.

(Assemblywoman Pintor Marin administers oath)

You may be seated.

And one more time, Mr. Platkin, can you state your name for the record?

MR. PLATKIN: Matthew Platkin.

ASSEMBLYWOMAN PINTOR MARIN: And it's my understanding that you do have an opening statement.

MR. PLATKIN: Yes, I do.

ASSEMBLYWOMAN PINTOR MARIN: You can go ahead and start.

MR. PLATKIN: Thank you, Madam Chairwoman.

ASSEMBLYWOMAN PINTOR MARIN: You're welcome.

MR. PLATKIN: Good morning.

My name is Matthew Platkin, and I serve as Chief Counsel to Governor Murphy.

Thank you to Committee Co-Chairs Weinberg and Pintor Marin, Vice Chairs Corrado and Muñoz, and all members of this Committee, for allowing me to make this statement and for giving me the opportunity to participate in these important reforms.

I was unaware that Mr. Alvarez allegedly raped Ms. Brennan until Ms. Brennan told me in March 2018. Ms. Brennan said that Mr. Alvarez had raped her almost a year before, after a party for a Campaign staffer. Ms. Brennan also told me that the Prosecutor's Office had looked into her allegations, but declined to pursue charges against Mr. Alvarez.

As Ms. Brennan told the Committee when she testified, I was horrified by what Ms. Brennan said she had gone through, and I told her that I would report her accusation.

Just a few weeks prior to my dinner with Ms. Brennan, Office of the Governor employees, myself included, had received training on the State's EEO policy; and so the requirements of the EEO process were relatively fresh in my mind. The training stated that the normal chain of command does not apply when you receive a claim of sexual misconduct in the workplace; and that instead of informing your supervisor, you should report the matter to a designated EEO Officer. You are required to

maintain confidentiality to the fullest extent possible, and not share the allegation any wider than permitted by the EEO policy.

Consistent with my understanding of the requirements of this policy, I promptly reported the matter to Heather Taylor on the morning of March 22, 2018. Heather Taylor is the Chief Ethics Officer for the Office of the Governor, and also authorized to receive EEO complaints within the Office.

I informed Ms. Taylor that Ms. Brennan had accused Mr. Alvarez of sexually assaulting her in April 2017. I asked Ms. Taylor to report the allegation to the appropriate contact at the Attorney General's Office to pursue an independent investigation.

I also informed Ms. Taylor that because I knew both the alleged victim and the alleged assailant, I should not participate in that investigation. I told her this because I wanted to ensure that the process was handled fairly and impartially.

The same day that I informed Ms. Taylor, I also informed Pete Cammarano, the Chief of Staff to the Governor. As the Chief of Staff, Mr. Cammarano was in charge of personnel matters within the Administration, and I deemed it appropriate, under the EEO policy, for Mr. Cammarano to be made aware of the allegation. Based on the seriousness of the accusation, we discussed that Mr. Alvarez should be asked to leave his position in State employment. We agreed that Mr. Cammarano would relay this message to Mr. Alvarez.

At that time I reminded Mr. Cammarano that the State EEO policy has strict confidentiality and anti-retaliation provisions. The policy

clearly provides that violation of the confidentiality provisions can result in discipline, up to and including termination of employment.

Subsequently, Ms. Taylor informed me that the Attorney General's Office considered the matter, but determined that the State was without jurisdiction to undertake an investigation. The Attorney General's Office concluded that because the alleged conduct occurred before either Ms. Brennan or Mr. Alvarez were State employees, and because neither of them was on State property when the alleged assault happened, the State EEO policy was not implicated.

It was also my understanding from that conversation that the State was not even permitted to expend State resources to hire outside counsel to conduct an investigation. If an investigation were to be conducted, it would need to be paid for by a third party, such as the Murphy for Governor Campaign.

After Ms. Taylor and I discussed the matter, it is my understanding that Ms. Taylor informed Ms. Brennan of the legal conclusion from the Attorney General's Office. At that point, I was aware that Mr. Alvarez had been instructed to leave State government, and it was my understanding that he was in the process of complying with that instruction.

While I had sincerely hoped that there was more the State could do on the EEO front, Mr. Alvarez was nevertheless leaving. I deemed the matter resolved.

I next heard of the matter on June 1, 2018, when the Governor forwarded to me, and to Jonathan Berkon, the Campaign's Counsel, an e-mail that Ms. Brennan had sent directly to the Governor. The e-mail did

not disclose the nature of what Ms. Brennan wanted to discuss. Because the Governor had forwarded the request to Campaign's Counsel to handle, and because I knew that the Attorney General's Office had previously advised that the Campaign could be made aware of the allegation, I decided to call Mr. Berkon and explain the nature of Ms. Brennan's allegation. I also explained to Mr. Berkon that Mr. Alvarez had been instructed to leave State service. It is my understanding that Mr. Berkon then relayed this information to Ms. Brennan.

I also decided to speak directly with Mr. Alvarez's boss at the Schools Development Authority, Charlie McKenna, to ensure that Mr. Alvarez was, indeed, leaving. Because of the confidentiality provisions of the EEO policy, I did not disclose to Mr. McKenna the nature of the allegations against Mr. Alvarez; but rather, only that Mr. Alvarez should be finding a job outside of State government. I told Mr. McKenna that Mr. Alvarez could call me directly if Mr. Alvarez wanted to discuss the matter.

The next day, Mr. Alvarez called me. He was very emotional and was sobbing. He vehemently denied the allegations and explained that he had already been investigated for the alleged misconduct, but cleared. He felt he had rights too, and that he was having his career unfairly ended by an allegation already rejected by a Prosecutor's Office; and that he had previously retained a lawyer. I nevertheless told him that he should leave State government.

He informed me, in clear terms, that he would do so; but since he was the caretaker for two minor children, he needed some more time to find other employment so he could continue to support his family.

I relayed this information to Mr. McKenna. It is my understanding that Mr. Alvarez did, indeed, find another job, and was planning to leave in October 2018, when the *Wall Street Journal* reached out.

Mr. Alvarez officially resigned on October 2, 2018, the date of the press inquiries.

To be clear, at no time prior to the outreach of the *Wall Street Journal* did I inform the Governor that Ms. Brennan had accused Al Alvarez of sexually assaulting her. I was personally present on October 2, 2018, when the Governor was informed of the allegations, based on the press outreach. I can tell you that the Governor was visibly shocked and upset, and did not appear to have any prior knowledge of the accusation.

In the weeks since then, I've often considered and reconsidered whether it was the right decision to not inform the Governor about Ms. Brennan's allegations. And I can understand why, especially with the benefit of hindsight, a different conclusion might be appropriate. But I acted in accordance with what I understood, based on the training that I had received, to be the legal obligations placed upon me by the EEO policy and its confidentiality restrictions.

I admire all survivors for speaking up and sparking this important dialogue. While the Administration has already introduced reforms to govern how criminal allegations of sexual assault are handled, it is my hope that the work of this Committee can help to even better strengthen our State's laws and policies to ensure that they are as open and accessible to survivors as any in the country.

I again want to thank the Committee for permitting me to begin my testimony with this opening statement, and I am happy to answer any questions that the Committee may have.

Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Thank you, Mr. Platkin.

I just have a few questions to start off for today.

So you told us that you first learned of Ms. Brennan's -- that Ms. Brennan first told you of this allegation in March, correct?

MR. PLATKIN: Correct.

ASSEMBLYWOMAN PINTOR MARIN: Can you go back a little bit? Did you -- did she reach out to you, or--

MR. PLATKIN: I don't recall who reached out to whom. I know we set up a meeting on the evening we met in March.

ASSEMBLYWOMAN PINTOR MARIN: And then it was at that meeting in March that she told you what had happened.

MR. PLATKIN: Correct.

ASSEMBLYWOMAN PINTOR MARIN: And then based on your statement, it was probably the next day that you went and you told the EEO Officer?

MR. PLATKIN: I met with Heather first thing in the morning on March 22.

ASSEMBLYWOMAN PINTOR MARIN: And that's when you told her?

MR. PLATKIN: Yes.

ASSEMBLYWOMAN PINTOR MARIN: And what did she tell you, besides what you pointed out -- that you weren't allowed to talk to anyone? Can you clarify that?

MR. PLATKIN: I don't remember all the specifics of that conversation. She indicated that she would follow the proper reporting process in the matter.

ASSEMBLYWOMAN PINTOR MARIN: So prior to March, you didn't know anything of this that had happened. You didn't know that, during the Transition, that there were people who had learned of this supposed allegation.

MR. PLATKIN: I'm sorry?

ASSEMBLYWOMAN PINTOR MARIN: During the Transition?

MR. PLATKIN: Learned of an allegation of rape?

ASSEMBLYWOMAN PINTOR MARIN: Yes.

MR. PLATKIN: No, I did not.

ASSEMBLYWOMAN PINTOR MARIN: So you, yourself, only found this out in March?

MR. PLATKIN: Correct.

ASSEMBLYWOMAN PINTOR MARIN: So in your conversation with the Chief of Staff, Mr. Cammarano, did he tell you that he knew about this during the Transition?

MR. PLATKIN: At some point I found out. I don't remember when; and now that there have been so many press reports, it's hard for me to place when I found out exactly what, with respect to the Transition.

ASSEMBLYWOMAN PINTOR MARIN: So no one had a discussion with you, at that moment in time that during the Transition this issue did come up; and that they had spoken to the attorneys, and the attorneys knew about it and performed a specific background check on Mr. Alvarez?

MR. PLATKIN: I don't recall if it was at that time or at a later point that I found out.

ASSEMBLYWOMAN PINTOR MARIN: Did you hire Mr. Alvarez?

MR. PLATKIN: I did not.

ASSEMBLYWOMAN PINTOR MARIN: Do you know who hired Mr. Alvarez?

MR. PLATKIN: I do not. I only know from the press reports -- what's been reported.

ASSEMBLYWOMAN PINTOR MARIN: So it doesn't seem to me that anyone knows who hired Mr. Alvarez. You didn't hire Mr. Alvarez; Mr. Cammarano didn't hire Mr. Alvarez; the attorney for the Transition didn't hire Mr. Alvarez; the Executive Director for the Transition didn't hire Mr. Alvarez; Mr. McKenna didn't hire Mr. Alvarez. So does anyone know who hired Mr. Alvarez?

MR. PLATKIN: I can't speak for everyone in the Administration, but I was not involved in the process for hiring Mr. Alvarez.

ASSEMBLYWOMAN PINTOR MARIN: Is there anyone else who we're missing, who would be able to let us know that they hired Mr. Alvarez?

MR. PLATKIN: Assemblywoman, I would only be speculating.

ASSEMBLYWOMAN PINTOR MARIN: And I'm just trying to be pragmatic; because everyone who has come before us had some sort of authority to hire someone. And we received a letter that Mr. Alvarez was hired, but yet we can't figure out who hired Mr. Alvarez. Because we're trying to fit the timeline between the Transition, when people knew -- right? -- of the allegation; and then the date that he was hired, which was in January. And then, only in March, you found out about the allegation. So in between then, we're just trying to figure out who hired Mr. Alvarez; or maybe, who would have had this conversation of, "Hey, maybe we should think about Al; or maybe we should put him on hold to figure this thing out."

Can you offer any one of us some clarity, Mr. Platkin?

MR. PLATKIN: I don't, unfortunately, have knowledge of who hired Mr. Alvarez.

And just for a little bit of context, my role on the Transition-- I did not have a formal role on the Transition. I was the Chief Counsel to the Governor-designee; I'm not sure if that was my official title. But I was principally involved with the Cabinet selection; my own staff in Counsel's Office; and then the drafting of the Executive Orders that would form the 100-day agenda.

So I wasn't, very often, involved -- I would say very infrequently involved with discussions on staffers.

ASSEMBLYWOMAN PINTOR MARIN: So, Mr. Platkin, is there anyone else, besides the names that I have mentioned, that would have had the authority to hire Mr. Alvarez?

MR. PLATKIN: I've seen the same press reports, I assume, we've all seen. You know, I've seen that, at some point, Mr. Lozano referred Mr. Alvarez to Charlie McKenna; but I don't know who ultimately made the decision to hire him.

ASSEMBLYWOMAN PINTOR MARIN: That concerns me, and I'm sure everyone on this Committee, right? Because at some point you have to have -- whether it's an interview, whether it's a conversation with someone who is actually giving you an offer of employment.

MR. PLATKIN: I understand.

ASSEMBLYWOMAN PINTOR MARIN: So besides those names, you cannot think of anyone else? Could the Governor, maybe, have hired him? I know that that's not typically how it works; but could he have had a conversation, and then picked up the phone said, "Hey, can you guys give Mr. Alvarez -- Al an offer?"

MR. PLATKIN: The Governor's not typically involved in hiring processes for Authorities.

ASSEMBLYWOMAN PINTOR MARIN: So we still don't know who hired Mr. Alvarez.

MR. PLATKIN: I personally do not.

ASSEMBLYWOMAN PINTOR MARIN: I'm sorry, because you-- I was actually hoping that you would have come in and said, "You know, I did," because that's been kind of a question that we've really needed to have answered.

Okay; so moving forward.

So we understand that you were responsive and you were complying with the instruction that you received from the EEO Office. At

that point in time-- So after March, did you have any other conversations with Mr. Alvarez as to -- for a clear timeline as to when he would be leaving? Or did you offer him a timeline that he had to really go?

MR. PLATKIN: I did not offer him a timeline.

ASSEMBLYWOMAN PINTOR MARIN: Whose decision was it to advise him that it would be best for him to go?

MR. PLATKIN: Like I testified earlier, when I spoke to Mr. Cammarano on March 22 we both agreed that he should leave State service.

ASSEMBLYWOMAN PINTOR MARIN: Were you afraid of maybe-- Because Mr. Alvarez-- you told me in your statement that Mr. Alvarez was concerned -- right? -- because it was an allegation, and he was cleared. Were you concerned, at that point, of any backlash that you might have had?

MR. PLATKIN: Backlash in what--

ASSEMBLYWOMAN PINTOR MARIN: Of letting go an employee who was cleared of an accusation.

MR. PLATKIN: Yes, there's always concern about potential litigation, for various reasons, when you let an employee go under those circumstances.

ASSEMBLYWOMAN PINTOR MARIN: But both of you -- I'm assuming -- right? -- I'm only assuming that both of you thought that it was morally the best thing to do. And not only for that, but it's what best represented the values of the Administration, correct?

MR. PLATKIN: That's correct. It wasn't a very long conversation; we both agreed he should leave.

ASSEMBLYWOMAN PINTOR MARIN: So in between, though, March and, I would say, June -- right, because then you spoke to Mr. Berkon -- did you have any conversations with Mr. Alvarez as to, like, a clear timeline that he would be separating himself from government?

MR. PLATKIN: I did not personally speak to Mr. Alvarez between March and June about this.

ASSEMBLYWOMAN PINTOR MARIN: So in June were you still concerned that Mr. Alvarez was still employed?

MR. PLATKIN: Yes; when Mr. Cammarano informed him in March, my understanding was he was complying with that instruction. Obviously, when I received Ms. Brennan's e-mail forwarded to me by the Governor, it concerned me that he was still employed.

ASSEMBLYWOMAN PINTOR MARIN: Were you the one who personally asked Mr. Alvarez to separate himself from--

MR. PLATKIN: At which point in time?

ASSEMBLYWOMAN PINTOR MARIN: I believe it was in March?

MR. PLATKIN: In March, no; that was Mr. Cammarano.

ASSEMBLYWOMAN PINTOR MARIN: Mr. Cammarano. And then, after that, you had no other conversations, besides when he called you after his meeting with Mr. McKenna.

MR. PLATKIN: I spoke to him after that meeting with Mr. McKenna; and I believe I spoke to him once or twice over the summer as well.

ASSEMBLYWOMAN PINTOR MARIN: And then in June, when the attorney contacted -- when you contacted the attorney or the

attorney contacted you for the Campaign, Jonathon Berkon, did you then have any other conversations with Mr. Alvarez as to, you know, "Al, do you have a timeline? Are you leaving soon? What's going on? I gave you a few months"? Any other conversations?

MR. PLATKIN: I'm sorry, I'm just trying to make sure I understand at what point in time you're asking.

ASSEMBLYWOMAN PINTOR MARIN: So after you spoke to -- when you spoke to Jonathan, and then he relayed the message to Ms. Brennan that he was going to be separating himself from government--

MR. PLATKIN: Yes.

ASSEMBLYWOMAN PINTOR MARIN: --did you then have any further follow-up conversations with Mr. Alvarez to ask him to leave, or for a timeline of when he would be leaving?

MR. PLATKIN: Yes, I spoke to him early in June, right after he spoke to Mr. McKenna, as I mentioned. And like I said, I spoke to him once or twice more; I can't remember exactly when.

ASSEMBLYWOMAN PINTOR MARIN: Did you try to help Mr. Alvarez get a job somewhere else, maybe to help facilitate his departure?

MR. PLATKIN: He informed me, at that point, that he was applying for a number of jobs; and one of them he mentioned was at Rutgers. But I'm not sure I understand; did I try-- You're asking if I personally tried to get him a job?

ASSEMBLYWOMAN PINTOR MARIN: Yes, just to-- Not that there's anything wrong with that -- just to try to facilitate his exit towards, you know, out of the Administration.

MR. PLATKIN: No; I informed Mr. Cammarano that Al had applied for a job at Rutgers; and ultimately we found out that he never actually applied of that job.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

Were you starting to get a little concerned that he was still in the Administration?

MR. PLATKIN: Yes, sure.

ASSEMBLYWOMAN PINTOR MARIN: Yes?

MR. PLATKIN: Yes; I mean, it had been a long time and, obviously, I was concerned that he hadn't left yet.

ASSEMBLYWOMAN PINTOR MARIN: Did you have any other conversations with Ms. Brennan at any point, just to comfort her uneasiness of being in the same work environment as someone who she's accused of sexual assault?

MR. PLATKIN: Excuse me one second.

(confers with Counsel)

As I had spoken to and worked with Ms. Brennan on a variety of matters over the course of this entire timeline, she never brought this matter back up with me after April. And, candidly, I didn't want to burden her with bringing it back up. But there was no reference to a hostile or -- I forget the words you used -- uncomfortable work environment to me.

ASSEMBLYWOMAN PINTOR MARIN: But were you disappointed when Heather Taylor relayed the message to you that there was really nothing that they could do? Because I know you were Katie's friend, as well. Were you a little disappointed that-- When they reported back that there was nothing that, you know, the State could do because

they were not State employees at that time, were you disappointed? Did you hope that there would be another way that we could resolve this issue?

MR. PLATKIN: I would say I was extremely disappointed and frustrated.

ASSEMBLYWOMAN PINTOR MARIN: Did you ask Ms. Taylor to, maybe, talk to the Attorney General's Office, once again, to just double-check that there was nothing that could be done in this situation; and that now you had two employees who were working together?

MR. PLATKIN: I can't remember exactly if I asked her to do that. I thought a lot about this situation. I was relatively new to the job; you know, a couple of months in. Knowing how I deal with the Attorney General's Office now, I probably would have pushed a little bit harder for another option.

But I was not aware, and I am still not aware that Ms. Brennan and Mr. Alvarez ever worked together. They were at separate Authorities, and I don't know that they interacted.

ASSEMBLYWOMAN PINTOR MARIN: True; but I'm sure that she would see him -- I think she testified at some meetings, you know, when some of the Chiefs of Staff would be together, and there would be meetings; I'm sure she felt uncomfortable. I don't think that they worked together, per se; but I know that she testified that she would see him, you know, randomly; whether at meetings or just in the same venues where she would be.

I think, for right now, that's it.

Senator.

SENATOR WEINBERG: Thank you, and good morning.

MR. PLATKIN: Good morning.

SENATOR WEINBERG: I'm quickly reviewing your opening statement; and I think I have several questions based upon what you, yourself, said in your opening statement.

And let's begin with the timeline. You said, in your opening statement, that you first found out about this in March of 2018, correct?

MR. PLATKIN: Yes, I first found out that Ms. Brennan had accused Mr. Alvarez of rape in March.

SENATOR WEINBERG: But you knew the prior Janua, from one of your Deputies, Mr. Garg -- and I'm reading from his testimony to us, "The next day," that is the day after the Inaugural Ball, back in January, "I told my supervisor, Matt Platkin, who was the Chief Counsel to the Governor, about my conversation with Katie. Matt and I both knew Katie, and I told him that Katie wanted to discuss a matter of serious wrongdoing. We did not know what she wanted to discuss."

So from the time you heard that in January, you did not make any inquiries about what this "serious matter of wrongdoing" might have been?

MR. PLATKIN: Senator, I heard those words -- *serious wrongdoing* -- I read them in the press reports of Mr. Garg's testimony. I do not recall him saying them to me.

And just again, for context, that was the first few days of the Administration; we were setting up an office. My job, candidly, is hectic on a normal day; that was a particularly hectic few days. I just don't have a recollection of it.

SENATOR WEINBERG: Do you have any recollection of what Mr. Garg might have told you if he did not use the words *serious wrongdoing*?

MR. PLATKIN: When I read the report, I recall that there had been some issue or someone -- and I honestly can't remember if it was Ms. Brennan, or if Ms. Brennan's name was used -- had wanted to report something; and ultimately decided they did not. And in that context I'm not sure what we could have done to get the information.

SENATOR WEINBERG: Well, I suppose you could have called and asked her. That would have been a pretty direct way to get information about Mr. Garg's words, *serious wrongdoing*.

MR. PLATKIN: Again, I don't recall him telling me that, that Ms. Brennan said the words *serious wrongdoing* in January. But that's a fair recommendation.

SENATOR WEINBERG: Okay, but you don't recall what he *did* say to you?

MR. PLATKIN: I do not.

SENATOR WEINBERG: Okay. Now, in your testimony, you said -- this is page 2, I guess -- they're not numbered -- of your opening statement, "I also informed Ms. Taylor that because I knew both the alleged victim and the alleged assailant, I should not participate in the investigation. I told her this because I wanted to ensure that the process was handled fairly and impartially."

Do you consider that a formal recusal from this?

MR. PLATKIN: No. When you-- In our office, recusal -- for a recusal, you would go to Heather and you would inform her of a potential

conflict. And if she conducted the analysis and determined -- after conducting the analysis determines that you have an obligation to recuse, she would give you a formal written recusal notice. And at that point you would be recused going forward.

In this case -- and I was exercising what I considered to be an abundance of caution; this was the first time I had handled a case like this in my job. I knew both individuals; I just informed her that I knew them, and that I would not participate in the EEO investigation. That investigation, obviously days later, I learned would not go forward.

SENATOR WEINBERG: So you never formally recused yourself from participating in any way, shape, or form. Is that so?

MR. PLATKIN: There was never a formal recusal notice; no.

SENATOR WEINBERG: Okay.

Then you go on to say, "On the same day that I informed Ms. Taylor, I also informed Pete Cammarano, the Chief of Staff to the Governor. As the Chief of Staff, Mr. Cammarano was in charge of personnel matters within the Administration, and I deemed it appropriate, under the EEO policy, for Mr. Cammarano to be made aware of the allegation."

But you did not deem it appropriate for the Governor to be aware?

MR. PLATKIN: As I said, I was-- At the time, I was operating under the guidance I had received from training from the Attorney General's Office just a few weeks earlier. There are serious ramifications for running afoul of that policy. I exercised my best judgement, at that moment, based on my understanding of the policy. And as I testified, it's

something I've thought a lot about since, and whether that was the right decision. And it is certainly a fair conclusion to think a different decision should have been made. But at that time, that was my judgement.

SENATOR WEINBERG: Okay; well, policy, as Mr. Critchley has quoted several times to us, requires confidentiality, except from those who need to know. I think that's the phrase you used; a legitimate need to know. So did you -- since you received training in this policy, you said, did that phrase not occur to you: legitimate need to know?

MR. PLATKIN: I don't recall if that particular phrase occurred to me at that time.

SENATOR WEINBERG: Well, that is the operative phrase about confidentiality in the policy, the way I understand it -- is to be kept confidential, except from those who legitimately need to know.

Okay; then you go on to say -- again, in your -- I'm just reading from your opening statement, which we all just got, "It was also my understanding from that conversation that the State was not even permitted to expend State resources to hire outside counsel to conduct an investigation."

Who told you that?

MR. PLATKIN: Ms. Taylor.

SENATOR WEINBERG: Did you check that any further to say, "Well, you know, we have a pretty serious accusation of wrongdoing here, and maybe we should be expending some investigation" -- which, apparently, we're doing right now? The Governor, to his credit, has hired an outside attorney to look into this. So did that not occur to you, at that

time, that perhaps we should look into it; or you abided by the advice you got from Ms. Taylor?

MR. PLATKIN: I don't recall if I thought to look into it further. We were advised -- I was advised by Ms. Taylor, advice she received from the Attorney General's Office.

SENATOR WEINBERG: So are you saying that Ms. Taylor led you to believe that the Attorney General said -- the Attorney General's Office said that it would not be proper to hire any outside counsel -- let me rephrase that, I'm sorry -- to expend State resources on hiring outside counsel? You understood that came from the Attorney General's Office to Ms. Taylor?

MR. PLATKIN: Correct.

SENATOR WEINBERG: Okay. But you called -- and then if I follow the timeline from your opening statement -- you called Mr. Berkon and you explained to him the nature of Ms. Brennan's allegations. So you've now had a conversation, at least, with Heather Taylor, with Pete Cammarano, and now with Jonathan Berkon, correct?

MR. PLATKIN: Correct.

SENATOR WEINBERG: And you had had some kind of a conversation, two months before, with one of your own Deputies, Mr. Garg -- correct? -- even though you don't recall the details of that prior conversation.

MR. PLATKIN: I recall, in March, I had a conversation with Mr. Garg.

SENATOR WEINBERG: No, I'm talking about the January--

MR. PLATKIN: Oh, January; right.

SENATOR WEINBERG: Right; you don't recall the details--

MR. PLATKIN: I do not.

SENATOR WEINBERG: --but you had a conversation.

MR. PLATKIN: Yes, that's correct.

SENATOR WEINBERG: Okay.

Then you decided to speak directly with Mr. Alvarez's boss. Why didn't you just call Mr. Alvarez? I mean, you knew that Mr. Alvarez's boss was on his way out. He thought it was a little strange that-- He was getting ready to leave his position, for obvious and appropriate reasons. Why would you call him and ask him to talk to Mr. Alvarez? We're now in June.

MR. PLATKIN: When there's an issue at an Authority, the few times that I've dealt with these matters it's my normal course to call the Executive Director or the CEO to have them handle the situation.

SENATOR WEINBERG: Even though the Executive Director was a holdover from the Christie Administration and he himself was getting ready to leave?

MR. PLATKIN: I'm not sure I knew that Mr. McKenna was on his -- to use your term -- *on his way out*. He had been a valued member of the Administration, and I believe served very well.

SENATOR WEINBERG: Okay.

I want to correct something in your opening statement.

You're talking, here, in your opening statement about your meeting with Mr. Alvarez. And you said, "He felt he had rights too, and that he was having his career unfairly ended by allegations already rejected"

-- I'm sorry -- "that he was having his career affected by allegations already rejected by a Prosecutor's Office."

Several times I think you used the word *cleared*. Nothing was *rejected*, nor was Mr. Alvarez cleared, to my knowledge. The thing that happened here is the Hudson County Prosecutor declined to press charges. That is not *clearing* anybody, nor is it *rejecting* anybody. I want to put that on the record. If you disagree with me, feel free to do that. But Mr. Alvarez was not cleared by any law enforcement, as far as I know.

MR. PLATKIN: Understood. My testimony was reflecting what Mr. Alvarez said, and not my own judgement as to the accuracy of it.

SENATOR WEINBERG: Okay, thank you. Thank you for clarifying that.

I'd like to go back to-- Did you assist, in any way, with Mr. Alvarez's application for a job at Rutgers University?

MR. PLATKIN: Again, Mr. Alvarez informed me that he applied to a number of jobs, one of which he mentioned was a job at Rutgers. I relayed that information, at some point, to Mr. Cammarano, who informed me that he had not actually applied.

SENATOR WEINBERG: So you did not contact Rutgers; you did not send a letter of reference, or anything of that nature, on behalf of Mr. Alvarez's job application at Rutgers?

MR. PLATKIN: I did not.

SENATOR WEINBERG: Do you know of anybody who did?

MR. PLATKIN: I'm not sure if anybody did.

SENATOR WEINBERG: Not sure, or you don't know?

MR. PLATKIN: I don't know.

SENATOR WEINBERG: Did Mr. Alvarez believe, in any way, shape, or form, that you were going to offer assistance to him in his job applications?

MR. PLATKIN: I can't speak to what Mr. Alvarez believed.

SENATOR WEINBERG: Well, did you lead him to believe that you would offer any job assistance to him as he made applications?

MR. PLATKIN: I don't recall anything that would lead him to believe that.

SENATOR WEINBERG: You never told him that you were going to be helpful; that you would send him whatever job openings you-- Whatever one understands as *assisting* someone in getting another job, as he said on his unemployment application.

MR. PLATKIN: I only -- I learned of the unemployment application through press accounts. So I don't have full knowledge of what he said.

SENATOR WEINBERG: Okay.

So now you have been informed of something in January; unclear of what Mr. Garg informed you. You were then informed -- given a lot more context in March. We now move to June; it's six months or -- at least three months, and Mr. Alvarez is still there. Did you know that Pete Cammarano had called him in, in late March, and told him he was to start looking for another job?

MR. PLATKIN: Yes, I did.

SENATOR WEINBERG: Okay. Now you find out, on June 1, that he's still employed there. Did you find that a little unusual?

MR. PLATKIN: Yes, I did.

SENATOR WEINBERG: And what did you do about that?

MR. PLATKIN: That was when I met with Mr. McKenna and again informed him that Mr. Alvarez should be leaving.

SENATOR WEINBERG: Okay. Did you follow-up to find out whether he left or not?

MR. PLATKIN: As I said, I had a couple of conversations with him, and in each conversation I reminded him that he needed to be leaving as quickly as possible.

SENATOR WEINBERG: You had a couple of conversations with Mr. Alvarez, post-June?

MR. PLATKIN: Including the conversation I had in June. I can't remember the number, whether it was one or two.

SENATOR WEINBERG: And what were those conversations about?

MR. PLATKIN: That was when he informed me that he was looking for a job; and I reminded him, again, that he needed to be leaving.

SENATOR WEINBERG: Did you at any point -- between January, June, and the time the story broke in October -- did you at any point give him a final date at which he would have to leave State employment?

MR. PLATKIN: That I did not do.

SENATOR WEINBERG: I'm sorry?

MR. PLATKIN: I did not.

SENATOR WEINBERG: Okay.

All right; I have no further questions at the moment.

ASSEMBLYWOMAN PINTOR MARIN: Assemblywoman Muñoz.

ASSEMBLYWOMAN MUÑOZ: Thank you very much.

Thank you, sir.

I'm going to ask you just some quick questions about your background. I'm sure that others may be asking you further questions.

Can you tell us about your career background, please; where and when you graduated from law school?

MR. PLATKIN: I graduated from Stanford Law School in 2014.

ASSEMBLYWOMAN MUÑOZ: In 2014; okay. And what other legal positions have you held before becoming General Counsel for Governor Murphy?

MR. PLATKIN: I served on the Campaign, not in a legal capacity; and before that I was an attorney at a law firm in New York City

ASSEMBLYWOMAN MUÑOZ: I see. And when did you become -- I'm not a lawyer -- have privileges to practice in New Jersey; what year was that?

MR. PLATKIN: In 2014.

ASSEMBLYWOMAN MUÑOZ: In 2014.

I'd like to go to-- You did-- You agree that you -- you told us that you worked on the Transition Team. Did you work on the Murphy for Governor Campaign as well?

MR. PLATKIN: I did.

ASSEMBLYWOMAN MUÑOZ: You did; okay. Were you part of the decision to use nondisclosure agreements on the Campaign or on the Transition?

MR. PORRINO: If the question is asked of the Transition, I think it's fine. As to the Campaign, that's outside the scope of the Resolution.

ASSEMBLYWOMAN MUÑOZ: Okay. So if it's on the Transition, it's okay; but if it's on the Campaign, it's not? Okay.

So were you part of the decision to use nondisclosure agreements on the Transition?

MR. PLATKIN: There were nondisclosure agreements used, with respect to policy committees, on the Transition so that there could be an open and frank dialogue. I don't recall if I was involved in that decision, but I'm aware that they existed.

ASSEMBLYWOMAN MUÑOZ: So you're saying that those nondisclosure agreements were used simply for policy discussions only?

MR. PLATKIN: That's my understanding; but I was not Transition Counsel, so I can't answer to the scope of the nondisclosure agreements.

ASSEMBLYWOMAN MUÑOZ: But that's your understanding; that it was for policy reasons.

MR. PLATKIN: Yes; if I recal, people felt that in order-- Because you had a lot of people who were participating in their personal capacity, and they wanted to be able to contribute openly to the policy discussion and not be concerned that what they said would be repeated outside of the internal debate.

ASSEMBLYWOMAN MUÑOZ: Well, that's important that you distinguish that. Because do you think that they should -- these nondisclosure agreements should be used to prevent people from coming forward with legitimate complaints regarding the workplace environments, assaults, or other HR-related complaints, such as a hostile work environment, a potential for sexual harassment, etc.?

MR. PORRINO: Assemblywoman, if it poses a hypothetical, I don't think you want Mr. Platkin to speculate. If there's a question about whether something should have been disclosed that wasn't because of a nondisclosure agreement, we can entertain that.

MR. CRITCHELY (Special Counsel): Counsel, just so we have established guidelines that we may disagree with.

One of the functions of this Committee is to come up with policies to deal with individuals who have a questionable background. And to some extent that question goes to, how do we deal with people who have questionable backgrounds. NDA agreements are part of the process as to whether we, in the future, should recommend not having NDAs with transitions; or we should have NDAs. And if we're going to have NDAs, how do we do it, and when do we employ them?

And I think that question goes to the types of policies this Committee is obligated to look into; especially when we're dealing with -- and I'm not suggesting any wrongdoing on the part of Mr. Alvarez (*sic*), in terms of matter of fact -- but obviously, based upon the allegations, I think everybody can agree that it would fall within the purview of the Resolution, which deals with individuals who are applying for employment who have a "questionable background." And what goes into that questionable

background is, were there any NDA agreements that were executed with someone with a questionable background; and if so, should we consider that in the future?

I think that's what the Assemblywoman was getting at.

MR. PORRINO: Yes, I think we have to hear the question. If it's a factual one, I'm sure the witness will do his best to answer it. If it's a hypothetical, asking him to draw a legal conclusion -- that's going to be more difficult.

MR. CRITCHELY: No, we're not asking for a legal conclusion. But some of these questions -- as a matter of just getting out the answers -- have to be based upon hypotheticals, because we don't have facts. We're trying to find that out.

MR. PORRINO: Well, let's hear it, and we can see if we can work through it.

MR. CRITCHELY: Thank you.

ASSEMBLYWOMAN MUÑOZ: Well, do you think -- and this is, you know, it's your opinion -- that it would be appropriate for these nondisclosure agreements, the NDAs, to be waived if they pertain to sexual harassment, discrimination, or workplace-related complaints?

MR. PORRINO: Again, there are all kinds of litigation that's pending. You're asking him to make a conclusion or to provide an opinion; and I don't think it's appropriate.

MR. CRITCHELY: Counsel, are you instructing him not to answer the question?

MR. PORRINO: He's being asked to give an opinion; he's being asked to give a legal opinion, I think. And in the context of where we

are and the facts that I think this Committee wants, I don't believe it's pertinent; and I don't believe, given the pendency of litigation, he should answer it.

So yes, I'm instructing him not to answer it.

MR. CRITCHELY: Okay, I respect your comment; but often these questions here are based upon -- we're going to come up with proposals that have legal implications. Obviously, the questions we ask are going to call for information that could fall under the concept of "legal opinion."

MR. PORRINO: He's here to provide facts; you all have -- you're well-staffed, in terms of legal counsel. Mr. Platkin is here to provide factual testimony. He'll do that, and we're happy to hear the next question.

MR. CRITCHELY: Thank you, Counsel.

ASSEMBLYWOMAN MUÑOZ: Mr. Platkin, was the Transition aware that-- Mr. Berkon previously testified that there were three to five incidents that were reported to his attention for review, in relationship to a hostile environment within the Transition Team, the Transition period.

MR. PLATKIN: I'm sorry, was the Transition aware of that?

ASSEMBLYWOMAN MUÑOZ: Yes. Mr. Berkon previously testified that there were three to five incidents that were reported to his attention for review. Did you know about those, and did you know what those incidents were?

MR. PORRINO: I'm not sure that's what he testified to.

You can answer.

MR. PLATKIN: I did not watch his testimony; I'm not sure what incidents he's referring to.

SENATOR WEINBERG: Let me just add to what the Assemblywoman said; and we'll certainly check the testimony.

But I asked him several of those questions, and he testified that there were three to five different complaints -- in other words, three to five different people who had made complaints about some problems in the Campaign. That's his testimony.

MR. PORRINO: The question was Transition.

SENATOR WEINBERG: You might disagree, Mr. Porrino, but that's how I remember it.

MR. PORRINO: The question was, three to five, I think, in the Transition.

ASSEMBLYWOMAN MUÑOZ: No, the question was, was Transition aware of those complaints.

MR. PLATKIN: I'm not sure which incidents he was speaking about, so I can't say whether they were aware or they weren't.

ASSEMBLYWOMAN MUÑOZ: So was Transition aware of any complaints -- of a complaint in this regard?

MR. PLATKIN: I wasn't Transition Executive Director; I wasn't Transition Counsel. I'm not aware of what they were aware of or not, Assemblywoman.

ASSEMBLYWOMAN MUÑOZ: So let me ask you a question. Can you explain to us your relationship with Mr. Berkon during this period, during Transition? Did you have an ongoing relationship with him, in the

sense of communication? So when he testified that there were three to five complaints, there was no conversation he ever had with you regarding this?

MR. PLATKIN: Again, if it was an employment-related complaint, it probably would have been referred to the Transition Counsel. I dealt with Mr. Berkon on a limited number of issues that related to his representation of the Governor in a personal capacity. But that was -- that's the full extent that I can recall dealing with him in Transition.

ASSEMBLYWOMAN MUÑOZ: Well, so Mr. Berkon testified that there were three to five incidents during the Transition that were brought to his attention; of complaints in this regard -- the subject which we're addressing -- which is either harassment or some kind of a hostile work environment during that time. What I need to know from you -- I think what we'd like to know from you is, were you aware of that?

MR. PLATKIN: Again, without knowing which specific incidents he was referencing, I can't say whether I was aware or not.

MR. CRITCHELY: Assemblywoman, may I just--

ASSEMBLYWOMAN MUÑOZ: Yes.

MR. CRITCHELY: We have the testimony of Mr. Berkon; it's January 8. And for the purpose of the transcript, it's on page 60. Senator Weinberg, as she indicated -- she was correct. Your memory is excellent. (laughter)

SENATOR WEINBERG: Thank you.

MR. CRITCHELY: Senator Weinberg asked the question, "So how many different complaints, from different people, were brought to your attention?"

“Mr. Berkon: Again, I don’t have my notes in front of me -- I would say -- I would estimate three to five.” Three to five different people.

MR. PORRINO: During the Campaign.

MR. CRITCHELY: Yes.

MR. PORRINO: So Assemblywoman, I’m sorry -- the question?

ASSEMBLYWOMAN MUÑOZ: The question is, were you aware of any complaints?

MR. PORRINO: During the Campaign?

ASSEMBLYWOMAN MUÑOZ: During Transition; and subsequent-- I mean, they are all, sort of, along a time frame. So there was the Murphy for Governor, and then the Transition, and then you’re in the Administration. Were you aware of any complaints during that time period of a hostile work environment--

MR. PORRINO: Again--

ASSEMBLYWOMAN MUÑOZ: --during Transition or during the Administration? You know, we-- Were you aware of the complaints by Julia Fahl of a hostile work environment? She has subsequently left her position. How about Allison Kopicki --

MR. PLATKIN: Yes, I was--

ASSEMBLYWOMAN MUÑOZ: --or Julie Roginsky?

MR. PLATKIN: I’m not aware of what Ms. Roginsky’s complaints were. I’m aware of Ms. Fahl’s.

ASSEMBLYWOMAN MUÑOZ: You’re aware of Ms. Fahl’s; how about Allison Kopicki?

MR. PLATKIN: I believe they were related -- Ms. Fahl's and Ms. Kopicki's. But yes, I am aware.

ASSEMBLYWOMAN MUÑOZ: So did you address these issues? I mean, you were aware -- you say you were aware of Julia Fahl, and you say you were aware of Allison Kopicki; yet you said you were not aware of Julie Roginsky. Did you have a role in addressing this issue at all, in any way?

MR. PLATKIN: My awareness is limited to the Transition. I was not Transition Counsel, so I did not run out that investigation. I was informed, at some point, that an investigation was conducted into those complaints; and it was concluded that there may have been a management issue, but that there was no gender-based discrimination.

ASSEMBLYWOMAN MUÑOZ: So you were made aware that there was an investigation, or they were managed? What was the word that you just used?

MR. PLATKIN: I'm aware that they conducted an investigation, and it was concluded that there were management issues that I believe resulted in some kind of corrective action plan. But that there was no conclusion of gender-based discrimination.

ASSEMBLYWOMAN MUÑOZ: And did this environment affect, in any way, hiring decisions made by the Administration?

MR. PLATKIN: I'm sorry, did which environment?

ASSEMBLYWOMAN MUÑOZ: The fact that these complaints had been made. So you concluded that there was no discrimination based on gender; is that what you just said?

MR. PLATKIN: I did not make that conclusion; I was not involved in the investigation.

ASSEMBLYWOMAN MUÑOZ: Do you know who did?

MR. PLATKIN: It was Transition Counsel.

ASSEMBLYWOMAN MUÑOZ: And who was that?

MR. PLATKIN: Transition Counsel was Mr. Parikh; but I don't know who he consulted to run out that investigation.

ASSEMBLYWOMAN MUÑOZ: Yes; I have more questions.

Okay; Mr. Cammarano previously testified that you advised him that Ms. Brennan's allegations were to be confidential. Is that correct?

MR. PLATKIN: That's correct.

ASSEMBLYWOMAN MUÑOZ: And you have testified that you reviewed or you were very much currently aware of the EEO confidentiality clause given prior to Mr. Cammarano giving you that advice, correct?

MR. PLATKIN: We had received training, I believe, in late February or early March on that policy by the Attorney General's Office.

ASSEMBLYWOMAN MUÑOZ: And I think that you had previously stated that you felt that, based on that, that you felt that you should not speak about this matter to others in the office. Is that correct?

MR. PLATKIN: The training is very clear that confidentiality is of foremost concern when these types of complaints are raised.

ASSEMBLYWOMAN MUÑOZ: So that includes the Governor, who was your boss, correct?

MR. PLATKIN: Correct. The Governor is my boss.

ASSEMBLYWOMAN MUÑOZ: Right. How about Mrs. Murphy; did you tell Mrs. Murphy?

MR. PLATKIN: I did not.

ASSEMBLYWOMAN MUÑOZ: You did not.

Yet the confidentiality clause prevented you from speaking to others about this, yet you spoke to -- it appears that you spoke to many people about this: Mr. McKenna, Mr. Cammarano; there were many people. So the-- Were you selective in who you kept the confidentiality clause with?

MR. PLATKIN: I did not disclose the allegation to Mr. McKenna. I did -- as I testified, I informed Mr. Cammarano; I reported it to Ms. Taylor, who's designated to receive these complaints in our office; and based on guidance from the Attorney General's Office, I later reported it to Mr. Berkon. Now, as I've said, with hindsight, obviously, a different conclusion as to who should have been informed or who should not have been informed I think is fair; but at the time I was exercising my judgment, based on my understanding of the policy.

ASSEMBLYWOMAN MUÑOZ: You felt the need to inform Mr. Cammarano. Do you think that if you had informed the Governor, that it would have-- Did you feel that you had the need to inform the Governor so that Ms. Brennan would not be placed in a position where she would be in a position to face the person who she had accused of the rape?

MR. PLATKIN: I'm sorry; can you repeat the question?

ASSEMBLYWOMAN MUÑOZ: In other words, you know, as we've discussed with Assemblywoman Pintor Marin and others, you know, they were both Chiefs of Staff to Authorities, so there were going to be

times when they were going to be in contact with each other. And Ms. Brennan testified to that repeatedly -- that she felt that she was uncomfortable; that she would have to meet him, whether in the hallway or at a meeting. And that she was also in a position where she was not included because she felt as though she was being excluded from certain meetings because Mr. Alvarez would be there.

So did you feel that this could have been avoided if you had informed the Governor?

(confers with Counsel)

MR. PORRINO: The question is whether he thinks he should have informed the Governor, right?

ASSEMBLYWOMAN MUÑOZ: Yes.

MR. PORRINO: Why don't you answer that question?

MR. PLATKIN: Again, I was exercising the judgement at the time that I felt was appropriate. And like I said, in hindsight, I think a different conclusion as to whether I should have informed the Governor is fair and appropriate.

ASSEMBLYWOMAN MUÑOZ: I just want to go back to-- You said that you had just received the EEO training. Did you actually read the EEO policy, or did you simply do the training? Or are they one in the same?

MR. PLATKIN: The training is a detailed review of the policy. I have read the policy; I can't remember if, at that moment, I had just read it or not.

ASSEMBLYWOMAN MUÑOZ: Well, you stated that you had a current -- you had just recently reviewed the policy, or received

training. I just want to know if you read it; that you-- And again, I know that you've already testified. You may have-- And I'm not sure that you've answered this, that you felt -- it says that the person has a "need to know," and that that would be your boss, the Governor. You said, in hindsight, you feel you should have told him?

MR. PLATKIN: I said at the time I was making decisions based on my understanding of the policy. These are judgement calls; they're not always easy. And given the fuller understanding of facts that we have today, it's certainly an appropriate conclusion that I should have told the Governor.

ASSEMBLYWOMAN MUÑOZ: Do you have any employment or HR-related legal experience?

MR. PLATKIN: I'm not an experienced employment lawyer.

ASSEMBLYWOMAN MUÑOZ: Okay. And did you actually do any review of what that statement meant; about how the confidentiality clause-- Did you have a legal understanding of what that term meant? In other words, that -- you know, who you could or could not tell? Because again, it says -- it states, that you -- with a person with a need to know. So did you do any review, legally, of who that included?

MR. PLATKIN: Back then?

ASSEMBLYWOMAN MUÑOZ: Yes.

MR. PLATKIN: I'm not sure what review I did. Again, I followed the guidance we received in our training. I reviewed the policy, and I reported it to Ms. Taylor.

ASSEMBLYWOMAN MUÑOZ: Did you have a conversation with Michelle (*sic*) Lieberman regarding the EEO review?

MR. PLATKIN: I did not.

ASSEMBLYWOMAN MUÑOZ: Okay. And Heather Taylor was--

MR. PLATKIN: Sorry; just for clarification.

Are you speaking about in March?

ASSEMBLYWOMAN MUÑOZ: Yes.

MR. PLATKIN: I did not.

ASSEMBLYWOMAN MUÑOZ: And Heather Taylor was asked to wait for next steps; and yet she stated that she didn't know what that meant. Did you-- Do you understand what-- I mean, did you coordinate the response with Heather Taylor to Katie Brennan?

MR. PLATKIN: Generally, when you report an EEO allegation, the people -- the parties are contacted by an EEO Officer. I know later on in April, after I had already been informed that the investigation was closed, Ms. Brennan let me know that she had not heard anything, which concerned me because I had expected her to have heard already. So I let Ms. Taylor know that she hadn't heard. And my understanding is that, at that point, or thereafter, she was informed -- Ms. Brennan was informed.

ASSEMBLYWOMAN MUÑOZ: Well, I think Ms. Taylor testified that there was, I think a month or two months-- Was there a month delay? There was a delay from the time that that decision was made by Michelle Lieberman until Ms. Brennan was a contacted.

Was there any coordination between you, Ms. Lieberman, and Mrs. Taylor about when you would tell Katie Brennan that no one would go forward with -- that the EEO was not going to go forward with this investigation?

MR. PLATKIN: Again, there was a delay. That was when Ms. Brennan reached out to me. My understanding when Ms. Brennan reached out to me was that she should have already been contacted, as the normal course. When I found out that she hadn't been, I let Ms. Taylor know that.

ASSEMBLYWOMAN MUÑOZ: So based on what Heather -- what you heard from Michelle Lieberman, did you consider the matter to be closed at that point?

MR. PLATKIN: I considered the EEO matter closed when Ms. Taylor informed me -- I can't remember if it was late March or early April -- that the State had no jurisdiction.

ASSEMBLYWOMAN MUÑOZ: Can you let us-- I mean, do you have any idea why it took so long to tell Ms. Brennan that?

MR. PLATKIN: I do not know why Ms. Brennan was not contacted earlier.

ASSEMBLYWOMAN MUÑOZ: Were you part of the decision not to tell Ms. Brennan at that point?

MR. PLATKIN: I'm not aware that there was any discussion not to tell Ms. Brennan.

ASSEMBLYWOMAN MUÑOZ: Well, is it standard operating procedure to let a person know, who has filed an EEO complaint, what the results of that are? Whether you're going to go forward or not go forward? It seems to me that if you were going to file a complaint with the EEO Office and a decision was made not to go forward, that you would tell the person who had put in the complaint. Does it seem unusual to you that you would wait -- whether it was a month or close to two months -- to

inform Ms. Brennan that there would not be a procedure to go forward; did that seem unusual to you?

MR. PLATKIN: Again, as I testified, it was unusual; that's why I was surprised when Ms. Brennan reached out to me. And I let Ms. Taylor know that she had not heard from the EEO Officer.

ASSEMBLYWOMAN MUÑOZ: To me, that seems troublesome. She made the complaint, and then nobody informs her that nothing is going to be done about it. You know, I can see a day or two; but close to two months later she finds out that -- only because she queries you, like, why nothing's happened.

MR. PLATKIN: I was not involved in the discussions with the Attorney General's Office on whether an EEO investigation could be conducted. So yes, I agree, that I was surprised that she had not been contacted sooner.

ASSEMBLYWOMAN MUÑOZ: It seems like a lot of people have failed in this situation.

Did you discuss this matter with-- We've just determined that Mr. Garg told you in January, but you don't recall the actual content of that conversation. And you discussed it with Heather Taylor; you discussed it with Mr. Cammarano in March. Did you tell anybody else at all about this?

MR. PLATKIN: No, not that I can recall.

ASSEMBLYWOMAN MUÑOZ: Not that you can recall.

In June, you got notice again. How did you receive the notice that Mr. Alvarez was still there?

MR. PLATKIN: Again, the Governor forwarded me Ms. Brennan's e-mail on June 1.

ASSEMBLYWOMAN MUÑOZ: Okay. So he forwarded you the e-mail. Now, the e-mail went-- Can you tell us who Michelle DeAngelo is?

MR. PLATKIN: Michelle is the Governor's scheduler.

ASSEMBLYWOMAN MUÑOZ: Okay. So the Governor forwarded Ms. Brennan's request to Ms. DeAngelo, who then sent it to you. And Ms. DeAngelo stated that it was "mildly inappropriate" to request-- Correct?

MR. PLATKIN: If you look at the time stamp on that e-mail, she sent it three minutes after the Governor sends it to her. Ms. DeAngelo had no knowledge or awareness of what Ms. Brennan was reaching out about.

ASSEMBLYWOMAN MUÑOZ: So why did she make that conclusion, that it was "mildly inappropriate"?

MR. PLATKIN: I can't speak for what Ms. DeAngelo was thinking, but my suspicion is that -- or my assumption is that she meant it's inappropriate for someone to go directly to the Governor on any issue. But she had no awareness of the severity of what Ms. Brennan was reaching out about.

ASSEMBLYWOMAN MUÑOZ: So you-- As far as you know -- and you're stating here under oath -- you don't know that Ms. DeAngelo had any knowledge of what this sensitive issue was about?

MR. PLATKIN: That's correct.

ASSEMBLYWOMAN MUÑOZ: And do you know -- but do you also know why a meeting didn't occur; why nobody set up a meeting?

MR. PLATKIN: The request was forwarded to Jon Berkon and me.

ASSEMBLYWOMAN MUÑOZ: Right

MR. PLATKIN: And it was determined that, in the first instance, Mr. Berkon would handle it; and I am not aware of a follow-up request for a meeting.

ASSEMBLYWOMAN MUÑOZ: Now, you stated in your testimony that you are a friend of Ms. Brennan. Did you not, at that point, want to know what the-- I mean, everybody keeps saying that they're *friends* of Ms. Brennan; that their heart was broken; everybody was so distraught. Yet there seems to be no follow-up here. You knew that the meeting was not taking place; did you want to find out why the meeting wasn't going to take place?

MR. PLATKIN: Again, it was referred to Mr. Berkon, who was handling the matter.

ASSEMBLYWOMAN MUÑOZ: But weren't you -- it was referred to you as well.

MR. PLATKIN: Correct; it was referred to both of us. And because the e-mail referenced a *Campaign* incident -- I don't have the e-mail in front of me -- a *Campaign* issue, it was decided that Mr. Berkon would reach out. It's not uncommon, when the Governor receives a request, for the first person -- for it to be forwarded on to people to handle it in the first instance.

ASSEMBLYWOMAN MUÑOZ: Yes, but this was about a sensitive matter, in which the Governor stated that he was -- "Hang in there; we're on this." I mean this-- And you knew, at this point, what it was, correct? You say that you knew, because Ms. Brennan told you in March--

MR. PLATKIN: Correct, I knew.

ASSEMBLYWOMAN MUÑOZ: --so you knew what the issue was. And you did nothing at that point, to-- Did you do anything at that point?

MR. PLATKIN: I spoke to Mr. Berkon; I informed him of the nature of the allegation, based on the guidance given to me by the Attorney General's Office. And I informed him that Mr. Alvarez was leaving State government.

ASSEMBLYWOMAN MUÑOZ: So you determined that Mr. Berkon had a need to know.

MR. PLATKIN: Again, we had been advised that the Campaign was an entity that could conduct an investigation into the allegation, not the State. So I felt comfortable informing Mr. Berkon, yes.

ASSEMBLYWOMAN MUÑOZ: But you didn't feel comfortable informing the Governor.

MR. PLATKIN: Again, I exercised the judgement at the time. And I certainly understand, with hindsight, why you might reach a different conclusion.

ASSEMBLYWOMAN MUÑOZ: Did you feel that you were participating in a cover-up?

MR. PLATKIN: Absolutely not.

ASSEMBLYWOMAN MUÑOZ: It didn't feel like a cover-up when you passed over -- when you inappropriately advised people that the confidentiality clause prevented them from telling the Governor? It didn't feel like a cover-up when you spoke to Mr. Berkon, a Campaign employee? It never, ever felt like a cover-up to you?

MR. PLATKIN: I don't know what the question is there.

ASSEMBLYWOMAN MUÑOZ: As far as--

MR. PORRINO: If it's whether there's a cover-up, he said, "no."

ASSEMBLYWOMAN MUÑOZ: He said "no."

At one point there was, in one of the e-mails, that you were assured by Ms. Heather Taylor that you -- that Ms. Brennan wasn't going to go to the press. Was that because you asked her that question?

MR. PLATKIN: I'm not aware of any e-mail. My concern was having Mr. Alvarez leave State government. In all matters that I deal with there is always a potential for press. So I can't recall if that was something we discussed; but it was certainly not my foremost concern when I spoke to Ms. Taylor.

ASSEMBLYWOMAN MUÑOZ: It was in the e-mail.

MR. PLATKIN: Are you referring to the text that Ms. Taylor sent me? She let me know that Ms. Brennan was not -- it was her impression that she was not going to the press; but again--

ASSEMBLYWOMAN MUÑOZ: Is that because you asked her that question?

MR. PLATKIN: I don't recall if I asked her or not. Again, it's a common -- almost every conversation I have there's a potential for press. It was not my foremost concern with Ms. Brennan.

ASSEMBLYWOMAN MUÑOZ: But this was a serious allegation; this wasn't just a conversation. And there was a perception by Ms. Brennan that nobody was doing anything to help Ms. Brennan. So the question is, did you ask Heather Taylor, "Did you think Ms. Brennan was going to go to the press" -- was it because nothing was being done? And you never asked Heather Taylor that question?

MR. PLATKIN: I don't recall what Ms. Taylor and I discussed back in April.

ASSEMBLYWOMAN MUÑOZ: So you think she just -- she offered that Ms. Brennan wasn't going to the press without you actually asking the question?

MR. PLATKIN: Again, I'm not saying that. I just don't recall exactly what we discussed with regards to the press.

ASSEMBLYWOMAN MUÑOZ: Were you surprised when it came out in the press in October?

MR. PLATKIN: Of course.

ASSEMBLYWOMAN MUÑOZ: Okay; thank you.

ASSEMBLYWOMAN PINTOR MARIN: Senator Weinberg.

SENATOR WEINBERG: Yes, I have--

MR. PLATKIN: Senator I'm happy to answer your questions. Afterwards, would you mind if we take a short break?

SENATOR WEINBERG: It's okay with me; a short break.

ASSEMBLYWOMAN PINTOR MARIN: Mr. Platkin, 5 or 10 minutes?

MR. PLATKIN: Yes, that's perfectly fine.

Thank you.

MR. PORRINO: Closer to five.

ASSEMBLYWOMAN PINTOR MARIN: Five? Okay.

(Committee recesses)

(Committee reconvenes)

ASSEMBLYWOMAN PINTOR MARIN: If we could start again.

Senator Corrado.

SENATOR WEINBERG: No, I didn't--

ASSEMBLYWOMAN PINTOR MARIN: Oh, I am so sorry.

Senator Weinberg.

SENATOR WEINBERG: Okay, thank you.

I just want to call your attention-- I did call your attention to the testimony we got from Mr. Garg. I also want to call your attention to testimony we got from Mr. Lozano, saying -- talking about hiring here -- "Filling the Cabinet, to supporting the new Cabinet members upon being announced. Mr. Platkin focused on building out the Counsel's Office and the Authorities Unit."

Is that correct?

MR. PLATKIN: With respect to attorneys that staff the Authorities Unit in the front office, yes.

SENATOR WEINBERG: Okay; so you had nothing to do-- Well, don't all the attorneys come through the Attorney General's Office?

MR. PLATKIN: No; in Counsel's Office and the Governor's Office I oversee what traditionally has been called the *Governor's Authorities Unit*, which has counsels that oversee the 50 -- roughly 50 State Authorities.

SENATOR WEINBERG: So you're saying the only thing you had to do with hiring in the Authorities Unit was the attorneys.

MR. PLATKIN: There were a few exceptions, that I can recall, where I did personally recommend people who were employed -- who sought to be employed at the Authorities. But I know, with respect to Mr. Alvarez, I wasn't involved; and as a general matter, I was not involved in staffing decisions at Authorities.

SENATOR WEINBERG: Do you recall who those you might have personally recommended would be?

MR. PLATKIN: I recall Ms. Brennan was one of them.

SENATOR WEINBERG: Okay.

You are -- I guess I could describe you right now as the highest level Administration employee, current employee, appearing before this Committee. You, I'm sure, have read press reports for prior testimony that nobody knows who actually hired Al Alvarez. Have you attempted, in the last couple of months, through the Administration, to find out the answer to that question? Would it not be appropriate for you to find that out?

MR. PLATKIN: Given that the Governor commissioned an investigation into that precise question, I think it's appropriate to let that play out, as well as this Committee's process.

So no, I have not done my own investigation into who hired Mr. Alvarez.

SENATOR WEINBERG: Well, can you supply us -- if you don't have it right here -- can you supply us with what the hiring procedures are -- were -- for the new Administration, at least for the senior employee force?

MR. PORRINO: I think that's a request we can help respond to. We'd be happy--

SENATOR WEINBERG: That is the question: Can you supply us with the hiring documents, the hiring policy for new employees in the Administration? I'm not asking about why a particular employee got a particular position; but what the hiring documents are, who is required to sign off, and how does one actually get hired. What is the policy and procedure?

If you can't address that now, can you supply us with those documents?

MR. PORRINO: We will do our best.

I think the documents you have -- whether there is additional information in terms of processes, we'll look at that as well.

SENATOR WEINBERG: Okay; but the actual -- how a hiring document is drawn up and sent to a potential employee. Because the one document that we do have from Lynn Haynes pertaining to Al Alvarez -- if I remember correctly -- it talks about the employment is contingent upon reference checks, things of that--

Oh, thank you. Okay, this is the-- January 12, very new in the Administration, Al Alvarez was one of the earlier senior employees hired.

And in the letter it says, "Satisfactory completion in Transition 2018's sole discretion" -- so we're still calling on the Transition's sole discretion of a background and reference check for which "the required notice and consent forms are attached to this letter, and which forms must be fully completed."

So do we know if that reference check took place, if that background check took place?

MR. PLATKIN: I'm sorry, what was the date on that document?

SENATOR WEINBERG: January 12.

MR. PORRINO: We're glad to provide a narrative, as best we can, in response to that request.

SENATOR WEINBERG: Okay.

And you have-- Because the outside counsel is investigating Mr. Alvarez's hire-- Is that what you're saying? That's part of his investigation?

MR. PLATKIN: I can't speak to his investigation's scope; but I believe that's something he is looking into.

SENATOR WEINBERG: Well, you can't speak to the scope, but you believe that's part of the scope.

MR. PLATKIN: Right. Senator, it's been clear to me that I would, at some point, testify before this Committee. I didn't think it was appropriate to do my own digging as to what happened when, given that there's an ongoing investigation.

SENATOR WEINBERG: So we're going to have to wait for that ongoing investigation before we get to the -- what used to be known as the *\$64,000 question*: Who hired Al Alvarez?

MR. PLATKIN: Again, I'm not personally aware of who made the decision to hire Al Alvarez.

SENATOR WEINBERG: Okay, thank you.

ASSEMBLYWOMAN PINTOR MARIN: Before Senator Corrado, can you just clarify that-- Is it true-- So within the investigation that I know the Governor's Officer is doing with regards to the sexual assault allegation and with the hiring, are you saying that part of that investigation is who actually hired Mr. Alvarez?

SENATOR WEINBERG: That's what he said.

MR. PLATKIN: Again, I'm not sure exactly what the scope of Mr. Verniero's investigation is.

ASSEMBLYWOMAN PINTOR MARIN: Would you be able to supply us with that? Because I think that that's very concerning. We have to have-- I understand the full investigation; but if a part of it includes an investigation as to how someone got hired as a high-level employee working for the Administration, that is very concerning.

So if you are able to supply the Committee with the scope of that investigation that would be helpful for us.

MR. PORRINO: Okay; not a problem.

ASSEMBLYWOMAN PINTOR MARIN: Thank you.

Senator Corrado.

SENATOR CORRADO: Thank you.

Good afternoon, Mr. Platkin.

Thank you for coming here this afternoon.

MR. PLATKIN: It is the afternoon.

SENATOR CORRADO: It is.

We have all been waiting for your testimony.

Would you be surprised to know that your name was mentioned over 500 times in the prior hearings?

MR. PORRINO: Is that a question?

SENATOR CORRADO: A statement. Are you surprised to know that your name has been mentioned 500 times?

MR. PLATKIN: I don't know if that number surprises me or not.

SENATOR CORRADO: Okay.

MR. PLATKIN: There has been a lot of testimony.

SENATOR CORRADO: There has been.

You testified that you worked at a New York law firm after you graduated from school. Can you tell us the firm, and can you tell us how long you worked there, and what you actually did at the law firm?

MR. PLATKIN: The firm was Debevoise & Plimpton. I was in the white collar criminal investigation-regulatory investigation practice.

SENATOR CORRADO: And how long did you work there?

MR. PLATKIN: A little under two years at that firm.

SENATOR CORRADO: And after you left the firm, you joined the Campaign as a Policy Advisor?

MR. PLATKIN: After I left the firm, I joined New Way for New Jersey, which was a political organization, as the Policy Director.

SENATOR CORRADO: And when did you do that?

MR. PLATKIN: In March of 2016.

SENATOR CORRADO: While you were at the New York law firm, did you have any New Jersey clients?

MR. PLATKIN: Yes.

SENATOR CORRADO: So you did practice law in New Jersey for a short period of time?

MR. PLATKIN: I had New Jersey clients.

SENATOR CORRADO: When you joined the Campaign as a Policy Advisor, can you tell us what you actually did and what your role in the Campaign was?

MR. PLATKIN: I ran the Policy Team, oversaw all the Campaign's research, and helped formulate the policy agenda that the Campaign was promoting.

SENATOR CORRADO: Who were the members of that Team?

MR. PLATKIN: At which point in time?

SENATOR CORRADO: The entire time you were on the Campaign. How many members were there?

MR. PLATKIN: There were-- Paid or volunteer? I'm sorry, Senator; I just want to make sure I give you an accurate--

SENATOR CORRADO: It's okay.

MR. PLATKIN: Was it paid or-- Are you referring--

SENATOR CORRADO: Both; both. I'm trying to find out about what you did.

MR. PLATKIN: It's hard for me to recount every name that was either paid or volunteer. We had a number of processes in place to formulate policy on the Campaign, and there were a lot of people involved.

SENATOR CORRADO: Did Al Alvarez answer to you on the Campaign?

MR. PLATKIN: He did not.

SENATOR CORRADO: Did Katie Brennan?

MR. PLATKIN: Not directly, no.

SENATOR CORRADO: Marcellus Jackson?

MR. PLATKIN: I'm not even sure what, if anything, he did on the Campaign.

SENATOR CORRADO: How about Derrick Green?

MR. PLATKIN: No, not to me.

SENATOR CORRADO: Okay.

And you testified that you were a member of the Transition Team. Was that a paid position?

MR. PLATKIN: It was.

SENATOR CORRADO: Who paid you?

MR. PLATKIN: The State of New Jersey.

SENATOR CORRADO: And it's your testimony today that you did not know about the rape allegations against Mr. Alvarez in early December 2018 when you were part of the Transition Team.

MR. PLATKIN: Correct.

SENATOR CORRADO: Were you part of an internal Transition meeting that was held on December 7?

MR. PLATKIN: I'm not sure what -- in regards to this issue, or--

SENATOR CORRADO: I believe -- and I'll reference document G-1859.

MR. PLATKIN: I have the document.

SENATOR CORRADO: Okay. And on that document there are five bullet points; and on the third one it reads "P/Jose." And then there's an arrow pointing to your name. Do you know what that's in reference to?

MR. PLATKIN: These are not my notes and I'm not sure what that references to.

SENATOR CORRADO: Do you remember being at a meeting on December 7 with Mr. Cammarano and Jose Lozano?

MR. PLATKIN: I was in a lot of meetings throughout Transition. I couldn't say whether I was in a meeting with them on December 7 or not.

SENATOR CORRADO: Who did you work most closely with on the Transition Team?

MR. PLATKIN: I worked closely with Pete, Jose; with my team, Parimal Garg, principally.

SENATOR CORRADO: Who else was on your team during the Transition?

MR. PLATKIN: Parimal was the main person. I had administrative support; but in terms of substantive work, it would have been Mr. Garg.

SENATOR CORRADO: Who provided the administrative support?

MR. PLATKIN: I can't remember when, at some point, MaryAnn O'Brien starting assisting the Transition; and I had an assistant that carried over from the Campaign as well.

SENATOR CORRADO: Okay. Does MaryAnn O'Brien still work for you?

MR. PLATKIN: She does.

SENATOR CORRADO: Okay.

Did you know-- Did Mr. Cammarano or Jose Lozano tell you about the sexual assault allegation against Mr. Alvarez in December of 2018 (*sic*)?

MR. PLATKIN: Not that I can recall.

SENATOR CORRADO: Did you know about the decision on the Transition Team to remove Al Alvarez from the hiring process?

MR. PLATKIN: No, not that I can recall.

SENATOR CORRADO: You were not part of that decision or recommendation?

MR. PLATKIN: Generally, employment decisions on the Transition wouldn't have come to me. They would have been with either the Executive Director or the Transition Counsel.

SENATOR CORRADO: When Mr. Cammarano testified he referred to a *we*, and he referenced your name as being part of that.

MR. PLATKIN: I'm sorry?

SENATOR CORRADO: Mr. Cammarano -- when he testified last week -- he testified that *we* followed the decision of Raj Parikh and made the recommendation that he be removed from the hiring process. And when he testified, he referenced your name.

MR. PORRINO: I'm not sure about that characterization.

If you can answer the question, go ahead.

MR. PLATKIN: I'd have to see what he said. I don't know what he said; I didn't follow his testimony all that closely.

SENATOR CORRADO: Did you watch his testimony?

MR. PLATKIN: I just saw what I saw in the press.

SENATOR CORRADO: So Governor Murphy gets sworn in, and you start your job that day. Is that correct?

MR. PLATKIN: That's correct.

SENATOR CORRADO: And Mr. Cammarano started on the same day as you?

MR. PLATKIN: Correct.

SENATOR CORRADO: As Chief Counsel, did Mr. Cammarano disclose to you his list of conflicted clients from his lobbying days?

MR. PLATKIN: Mr. Cammarano, as my understanding, went through an ethics screening process which would have been conducted by the Ethics Counsel.

SENATOR CORRADO: By Ms. Taylor?

MR. PLATKIN: Yes.

SENATOR CORRADO: Do you know if he disclosed to either you or Ms. Taylor that he was still collecting a salary from his lobbying firm while he was Chief of Staff? Did he disclose that to you?

MR. PLATKIN: I don't recall what he disclosed; but he had a pretty robust screening process for his former clients, and we followed that very strictly.

SENATOR CORRADO: Okay.

And the position of Chief Counsel is created by virtue of a statute, correct?

MR. PLATKIN: That's correct.

SENATOR CORRADO: And are you familiar with that statute?

MR. PLATKIN: I am familiar with it, yes.

SENATOR CORRADO: Okay. So it's N.J.S.A. 52:15-8B, and that would set forth the statutory duties of Chief Counsel, correct?

MR. PLATKIN: Correct.

SENATOR CORRADO: And under the statute your client is Governor Murphy.

MR. PLATKIN: Correct.

SENATOR CORRADO: Specifically, you are to attend generally to all legal matters in which the Governor is a party or in which his rights or interests are involved, correct?

MR. PLATKIN: Correct.

I don't have the statute in front of me, Senator, so I assume that's correct.

SENATOR CORRADO: And you're also tasked with examining and deciding all legal matters entered into by the Governor?

And I am reading right from the statute.

MR. PLATKIN: Yes, that's correct.

SENATOR CORRADO: And tasked with assisting the Governor in investigations undertaken by the Governor's Office. That's also in the statute.

MR. PLATKIN: Correct.

SENATOR CORRADO: So you have an attorney/client relationship with Governor Murphy.

MR. PLATKIN: I do.

SENATOR CORRADO: Therefore, under that relationship, the Rules of Professional Conduct would cover that relationship.

MR. PLATKIN: Correct.

SENATOR CORRADO: On March 20, you met with Ms. Brennan for drinks, I believe, in Jersey City; and that's when she told you. I'm just going a little bit back over the time frame.

MR. PLATKIN: Yes.

SENATOR CORRADO: Okay. And after that, Ms. Brennan also spoke with Parimal Garg.

MR. PLATKIN: Correct.

SENATOR CORRADO: Do you remember when she met with him?

MR. PLATKIN: It was-- I don't know exactly when she met with him; but he informed me after I'd already informed Ms. Taylor, so I assume it was that week.

SENATOR CORRADO: Okay. And on March 26, you told Mr. Cammarano.

MR. PLATKIN: No, I told Mr. Cammarano the same day I told Ms. Taylor.

SENATOR CORRADO: And what date would that be?

MR. PLATKIN: March 22.

SENATOR CORRADO: March 22?

MR. PLATKIN: Yes.

SENATOR CORRADO: Okay. And when you told Mr. Cammarano about what happened, you hadn't discussed it with Parimal Garg at that point?

MR. PLATKIN: Correct, I don't believe.

SENATOR CORRADO: You found out March 20; why did you wait two days to tell Mr. Cammarano?

MR. PLATKIN: I don't recall if I found out March 20 or March 21; but I don't know-- It was as quickly as I felt I could. I don't think there was a delay.

SENATOR CORRADO: Okay.

Did you tell anyone else what Ms. Brennan told you? And by that I mean, did you tell your wife, a family member? Did you tell anyone else besides Mr. Cammarano?

MR. PLATKIN: I generally don't speak to my wife about confidential matters at work.

SENATOR CORRADO: Okay.

According to the transcript of Mr. Cammarano's testimony -- and I am referring to page 171 (*sic*), lines 2 through 4, in his testimony last Thursday. He said that you, Matt Platkin, advised him not to report the allegations to anyone else, including the Governor. Is that correct?

MR. PLATKIN: That testimony was related to the period in March?

SENATOR CORRADO: Yes, right; when you told him in March, March 22; which I thought was March 26.

MR. PLATKIN: I informed Mr. Cammarano that -- I reminded him that we have strict confidentiality and anti-retaliation provisions in the

State EEO policy. Yes, I do not recall specifically saying, "Don't tell the Governor," but it's a fair -- I believe it is a fair interpretation that he would have taken from our conversation.

SENATOR CORRADO: And can you tell me what those confidentiality protocols are?

MR. PLATKIN: Yes; you're to maintain strictest confidentiality, other than those who have a legitimate need to know. And failure to comply with that policy can result in disciplinary action up to and including termination.

SENATOR CORRADO: Okay. And you said you reviewed the EEO policy.

MR. PLATKIN: I have.

SENATOR CORRADO: Okay. So if you don't mind, I'm going to read a little bit to you.

It says, "To the extent possible, in a manner that will protect the privacy interests of those involved and appropriate under the circumstances, confidentiality shall remain throughout the investigatory process. And in the course of an investigation it may be necessary to discuss the claims with other persons who have a legitimate need to know about the matter."

So you felt Mr. Cammarano had a legitimate need to know.

MR. PLATKIN: I did.

SENATOR CORRADO: But not the Governor.

MR. PLATKIN: Again, I reported the matter to Ms. Taylor; that policy also pertains to the investigation process. I had reported it, and was subsequently advised that we couldn't conduct an investigation.

As I have stated this morning, I certainly understand why the Committee, or anyone else, would come to the conclusion that I should have told the Governor. I was exercising my best judgement under the policy as I understood it at the time.

SENATOR CORRADO: And just to clarify "under the policy," Governor Murphy was not the accuser or the accused in this matter.

MR. PLATKIN: No, he was not.

SENATOR CORRADO: And he was not in charge of any review or investigation -- Governor Murphy.

MR. PLATKIN: No, he was not.

SENATOR CORRADO: Okay.

After you tell Mr. Cammarano about the allegation, you both decided that it would be best if he meets with Mr. Alvarez -- and I believe that's the March 26 date -- and tell Mr. Alvarez that he should leave State employment. Is that correct?

MR. PLATKIN: The conversation was on March 22; it's now my subsequent understanding that he met on March 26.

SENATOR CORRADO: Okay. Why didn't you just instruct Mr. Cammarano to fire him?

MR. PLATKIN: It's something I've thought about. We were running out an investigation, and at the time we felt the best course was to ask him to leave

SENATOR CORRADO: Okay. And were you present when Mr. Cammarano met with Mr. Alvarez?

MR. PLATKIN: I was not.

SENATOR CORRADO: And did you believe that you or Mr. Cammarano was sending a message to Mr. Alvarez that he was being let go, or just that he should be self-separating?

MR. PLATKIN: It would not have been a message -- to use your term -- that I and Mr. Cammarano were sending. But I believe that Mr. Cammarano informed him that he should leave State service, yes.

SENATOR CORRADO: Okay.

So what power does the Chief Counsel or Chief of Staff have over the employment of other employees -- State employees in other Departments?

MR. PLATKIN: Departments or Authorities?

SENATOR CORRADO: Departments, Authorities, Governor's Office staff.

MR. PLATKIN: It does vary, depending on which Department or Authority we're speaking about.

SENATOR CORRADO: But the Governor never gave you or his Chief Counsel (*sic*) the ability or the discretion to determine who should be employed or not employed? Did the Governor ever tell you, you could tell Mr. Alvarez to self-separate?

MR. PLATKIN: Specifically to Mr. Alvarez?

SENATOR CORRADO: Yes.

MR. PLATKIN: No, he did not.

SENATOR CORRADO: And you would need the Governor's approval before you fired anyone.

MR. PLATKIN: No, not necessarily.

SENATOR CORRADO: So you could have fired Mr. Alvarez.

MR. PLATKIN: Again, if that was the recommendation and the appropriate course of action, then we could have, probably, tried to fire him. But I'm not an employment lawyer, so I'd have to consult Counsel on that.

SENATOR CORRADO: Okay. And what date did you tell Heather Taylor about this, again?

MR. PLATKIN: March 22.

SENATOR CORRADO: And did you tell her as the Ethics Officer or as the EEO Officer?

MR. PLATKIN: Again, in the Governor's Office, Heather serves as Chief Ethics Officer. She is also someone who is designated as being able to receive EEO complaints.

SENATOR CORRADO: So what is her title for that responsibility?

MR. PLATKIN: She is the Chief Ethics Officer.

SENATOR CORRADO: And is she also the EEO Officer?

MR. PLATKIN: She receives complaints; and my understanding is, reports them to an EEO Officer within the Attorney General's Office.

SENATOR CORRADO: But she is not the EEO Officer, is what you're saying.

MR. PLATKIN: I would actually have to check whether she has formally been designated an EEO Officer. She serves a unique role, given the unique nature of the Governor's Office.

SENATOR CORRADO: Okay, I believe there was a document that was provided to us on the internal policies. And it does list Heather Taylor as the *Ethics Officer*. I'd have to find it.

MR. PLATKIN: Yes, she is, she is the Ethics Officer.

SENATOR CORRADO: And the EEO Officer.

MR. PLATKIN: Okay, thank you, Senator.

SENATOR CORRADO: It's the New Jersey State Procedures for Internal Complaints Alleging Discrimination in the Workplace. It's document G-1, and paragraph 2, "Complaints of prohibited discrimination or harassment can be reported either to Heather Taylor, or Kelly McClure, or to any supervisory employee of the Governor's Office.

"Complaints may also be reported to Joanne Stipick--" who I believe has been referred to as *Jodi Stipick*?

MR. PLATKIN: Correct.

SENATOR CORRADO: "--The Director of the Office of Equal Employment Opportunity, EEO/AA Officer."

Why did you decide to go to Heather Taylor instead of Ms. Stipick?

MR. PLATKIN: My normal course would be to report, as this policy suggests, complaints of this nature to Ms. Taylor.

SENATOR CORRADO: Is it your testimony today that you never recused yourself from this matter?

MR. PLATKIN: That is my testimony -- that I never had a formal recusal, no.

SENATOR CORRADO: What would an *informal recusal* be?

MR. PLATKIN: The issue at hand -- when I reported this to Ms. Taylor, I informed her that I knew both individuals. In what I would consider to be, today, an abundance of caution, I told her that I would not participate in the EEO investigation. She had the full understanding of any potential conflicts, and I was never informed that I had an ongoing recusal.

SENATOR CORRADO: I was surprised to hear your testimony when you read your statement earlier, because Peter Cammarano, Jonathan Berkon, and even Ms. Taylor had testified that you had recused yourself.

MR. PLATKIN: I have to, again, review the testimony that you're referencing. Again, I'm not sure.

SENATOR CORRADO: Why were they under the impression that you had recused yourself?

MR. PLATKIN: I've seen the press reports, and I informed-- Again, we're speaking about the moment when I reported the issue to Ms. Taylor and told her I would, essentially, step aside from the EEO investigation. Within a matter of days I was informed that there would be no EEO investigation.

SENATOR CORRADO: Okay; I believe Ms. Taylor's testimony was that you were "conflicted."

MR. PLATKIN: I said there was a potential conflict. It's my obligation to inform her when I feel like there may be.

SENATOR CORRADO: And when you told her that, what did she do?

MR. PLATKIN: When -- in that moment?

SENATOR CORRADO: At--

MR. PLATKIN: I can't recall.

SENATOR CORRADO: So normally, when somebody in the Governor's Office -- whether it's an attorney or an employee -- goes to the Ethics Officer and says, "I have a conflict," it was her testimony that she does an investigation. But she didn't do it this time. Do you know why?

MR. PLATKIN: I'm not aware of what she did or didn't do. I'm just aware that she never -- as would be the normal process here, once a potential conflict is raised -- informed me that I had an ongoing recusal.

SENATOR CORRADO: So this wasn't the normal process.

MR. PLATKIN: I'm not sure if it was or wasn't. I believe she would have informed me if she felt I had a conflict.

SENATOR CORRADO: She would have informed you if you had a conflict? But you told her you did.

MR. PLATKIN: No, I said I had a *potential* conflict because I knew both individuals.

SENATOR CORRADO: Okay.

When you testified earlier that when you asked Ms. Taylor to go and speak to Ms. Brennan and give her the follow-up of what had happened with the AG's Office, the issue of the press was brought up in Ms. Taylor's response to you. And you testified that you didn't ask Ms. Taylor to specifically ask her. But can you tell me, again, what your concern about the press was?

MR. PLATKIN: I just said-- I testified, as a general matter, press is always a potential when it comes to any issue that comes to my desk, unfortunately. And in this case, that was not my principal concern. I

can't say whether or not we discussed the press; but it wouldn't be unusual for that to be something we considered as a potential risk in any matter.

SENATOR CORRADO: And if you were concerned about the potential risk, would that rise to the level of needing to tell the Governor what was going on?

MR. PLATKIN: I'm not sure press would necessarily be the driving factor in a case like this.

SENATOR CORRADO: What would be?

MR. PLATKIN: A concern for the confidentiality of the individual and following the policy, as I felt I was obligated to do.

SENATOR CORRADO: Are you familiar with the Rules of Professional Conduct?

MR. PLATKIN: Yes.

SENATOR CORRADO: I apologize to everyone. I'm going to read them again.

I am specifically referring to RPC 1.4, paragraph (b). This is Communication.

"A lawyer shall keep a client [reasonably](#) informed about the status of a matter and promptly comply with reasonable requests for information."

Paragraph (c): "A lawyer shall explain a matter to the extent [reasonably](#) necessary to permit the client to make informed decisions regarding the representation."

You've testified that you have an attorney-client relationship with the Governor, correct?

MR. PLATKIN: I do.

SENATOR CORRADO: And so why did this not raise to the level of needing to tell your client what was going on?

MR. PLATKIN: Again, while I have an attorney-client relationship with the Governor, I'm also subject to the statewide EEO policies which are issued via rulemaking process. They are law, and I have to follow that as well.

SENATOR CORRADO: So why didn't that confidentiality apply to Mr. Cammarano, who's--

MR. PLATKIN: Again--

SENATOR CORRADO: If Mr. Cammarano-- Let me back up a minute. Mr. Cammarano was not above you -- right? -- in the organizational chart of the Governor's staff?

MR. PLATKIN: We are both direct reports to the Governor.

SENATOR CORRADO: Okay. So you felt -- you went to your equal, but you didn't go to the number one guy, your boss. Why?

MR. PLATKIN: Mr. Cammarano and I, at the time, had different responsibilities. I'm Counsel to the Governor; he oversaw personnel as Chief of Staff throughout State government. Again, Senator, I made a judgement based on my understanding of the policy with the training I received. But I fully understand why, today, and with hindsight, you would draw a different conclusion.

SENATOR CORRADO: Why didn't you go to the Governor when the EEO confidentiality no longer existed? According to your own opening statement, on page 3, "I deemed the matter resolved."

When Ms. Taylor came to you and told you that there was no more the State could do on an EEO front, "I deemed the matter resolved."

So if the matter was resolved, at that point the EEO confidentiality didn't exist.

MR. PLATKIN: I'd have to confer with State employment lawyers; but my understanding is that the confidentiality provisions survive the closure of an EEO complaint.

SENATOR CORRADO: On the page before that, in the last paragraph, "Ms. Taylor informed me that the AG's Office considered the matter, but determined that the State was without jurisdiction to undertake an investigation."

A little while later it says, "The AG's Office concluded that because the alleged conduct occurred before either Ms. Brennan or Mr. Alvarez were State employees, and because neither of them was on State property when the alleged assault happened, the State EEO policy was not implicated."

So by your own testimony this morning, when Heather Taylor spoke to you about what the AG's Office had decided, the EEO policy no longer existed.

MR. PLATKIN: That was not my testimony. My testimony was that the State EEO policy was not -- did not permit an investigation. A complaint was still raised by an employee of the State, which does implicate the policy.

SENATOR CORRADO: I'm reading your testimony. It says, "The State EEO policy was not implicated."

MR. PLATKIN: I apologize if that was unclear. What my meaning behind that sentence was -- that this was not implicated, such that we could not conduct an investigation. I believe that was what I meant to

make clear, when it said the State was without jurisdiction to undertake an investigation.

SENATOR CORRADO: Did an EEO policy apply or not apply in this matter? It applied in March, when you couldn't tell anyone, including the Governor. But according to your own statement, that terminated at some point.

MR. PLATKIN: Senator, complaints are raised routinely through the EEO process. They are then either investigated or not, depending on whether-- And this was an unusual case where the policy did not allow an investigation. However, the nature of the complaint, which was raised by a State employee, is still protected under the policy.

SENATOR CORRADO: And both Ms. Brennan and Mr. Alvarez were employees at the time -- at the time Ms. Brennan came to you?

MR. PLATKIN: Correct.

SENATOR CORRADO: Is it normal that you go to the Ethics Officer, or the EEO Officer when you think there's a situation?

MR. PLATKIN: Anytime there is a complaint raised to me directly -- which does not happen frequently, but when it does -- I would report it directly to Ms. Taylor.

SENATOR CORRADO: And you testified that even though they were both State employees at the time, and Ms. Brennan was your friend, you never gave thought to the idea of a hostile work environment or an unsafe work environment for Ms. Brennan. Is that correct?

MR. PLATKIN: I don't know whether I gave thought to it or not.

SENATOR CORRADO: Did you follow-up? Did you check with how she was doing?

MR. PLATKIN: With Ms. Brennan?

SENATOR CORRADO: I believe it was your testimony earlier that you never spoke about it with her again.

MR. PLATKIN: Again, I spoke to Ms. Brennan regularly, or at least periodically, over the course of the months after she raised the complaint. And no, it did not come up again.

SENATOR CORRADO: So you didn't follow-up with her to see if there was anything she needed or anything else that could be done.

MR. PLATKIN: I did not personally speak to her about the complaint after it was closed.

SENATOR CORRADO: Do you think you were being effective in your job back in March when you and Mr. Cammarano made the decision to tell Mr. Alvarez to self-separate, but he ignored you?

MR. PLATKIN: I can't speak to my own effectiveness.

SENATOR CORRADO: Okay.

In June, you testified -- and we all know that Ms. Brennan sent an e-mail to the Governor. I believe you testified that he forwarded it to Mr. Berkon; but he also forwarded it to you. So how did you know that the Governor wanted Mr. Berkon to handle it instead of you?

MR. PLATKIN: The e-mail referenced a matter from the Campaign; the Governor forwarded it to both me and Mr. Berkon. And it was decided that because it referenced a Campaign matter that Mr. Berkon would be the point of contact.

SENATOR CORRADO: Who made that decision?

MR. PLATKIN: I don't -- I believe Mr. Berkon and I made it together.

SENATOR CORRADO: In fact Mr. Berkon testified that every communication he had with Ms. Brennan, he communicated with you as well before and after. We talked about lining up his e-mails with Ms. Brennan, and your texts with Mr. Berkon.

MR. PLATKIN: Mr. Berkon and I spoke a couple of times throughout that process. This was not terribly long. But I can't speak to what he said in his testimony; I don't have it in front of me.

SENATOR CORRADO: So in June when the e-mail came to the Governor alleging a sensitive matter, you knew what that sensitive matter was.

MR. PLATKIN: Yes. Correction, I assumed I knew what it was.

SENATOR CORRADO: Did you go to Ms. Brennan and ask her?

MR. PLATKIN: I did not, but she also did not send the e-mail directly to me.

SENATOR CORRADO: But the Governor sent it to you to follow-up.

MR. PLATKIN: Correct.

SENATOR CORRADO: Okay; but you didn't think you needed to go back and ask her?

MR. PLATKIN: I did not go back and ask her, no.

SENATOR CORRADO: Okay.

Where is your office located?

MR. PLATKIN: On the fifth floor of 225 West State Street.

SENATOR CORRADO: How close are you to the Governor?

MR. PLATKIN: Relatively close.

SENATOR CORRADO: Maybe 20 feet away?

MR. PLATKIN: I'm not good at distances.

SENATOR CORRADO: Okay; I'm not either. I won't hold that against you.

But certainly when you got this e-mail forwarded to you -- "sensitive matter" -- EEO no longer applies; did you think, "I better go tell the Governor what's going on"?

MR. PLATKIN: I can't remember correctly, but I believe I got that e-mail late on a Friday night. Again, but I did not speak to him directly about the substance of the matter.

SENATOR CORRADO: So for the period of three weeks, when Mr. Berkon was going back and forth with Ms. Brennan and her attorney, and you knew what was going on, you never told the Governor what was going on

MR. PLATKIN: I did not.

SENATOR CORRADO: And so Mr. Berkon -- who is not a State employee -- was handling this matter involving State employees for the Governor and the First Lady.

MR. PLATKIN: He was handling it because it references a matter that happened on the Campaign; and as Campaign Counsel that is his responsibility.

SENATOR CORRADO: Who made the decision to go speak to Charlie McKenna?

MR. PLATKIN: I made that decision.

SENATOR CORRADO: And who scheduled those meetings?

MR. PLATKIN: I'm not sure who scheduled them -- those meetings.

SENATOR CORRADO: But he came to you, right?

MR. PLATKIN: He came to my office, yes.

SENATOR CORRADO: Okay. And you told Mr. McKenna that it would be a good idea for Mr. Alvarez to separate; but you didn't tell him why.

MR. PLATKIN: Correct.

SENATOR CORRADO: Okay. Mr. McKenna testified that when he spoke to you, he said, "He's going to ask me who I spoke to, and he's going to ask me who he can call." He went on to say that this was a conversation that he had in the office; he said that you replied to him, "I'd rather you didn't tell him you spoke to me. Just tell him you spoke to a high-level Administration official. But if he wants to call somebody, you can have him call me."

Why didn't you want Mr. Alvarez to know that you were telling Mr. McKenna that Mr. Alvarez should leave?

MR. PLATKIN: I don't recall that specific -- that that was something I specifically advised Mr. McKenna of. And I nevertheless told him that Mr. Alvarez could call me; so I would assume that Mr. Alvarez thought that I was the person he spoke to.

SENATOR CORRADO: Well, did you have to go through Mr. McKenna? Because you could have gone yourself and spoke to him. You testified before that you had the ability to fire people.

MR. PLATKIN: Again, I think I testified that in the relatively few instances where I've made a recommendation about employment at an Authority it has been through the Executive Director or CEO of that Authority.

SENATOR CORRADO: You asked Mr. McKenna to stay in touch with you, and let you know how the conversation went, correct?

MR. PLATKIN: I did.

SENATOR CORRADO: Okay.

And you texted, on June 7, "I spoke to Al." Oh, that was your text; I apologize.

(references notes)

On June 6, he testified, "Al was gone when I got back" -- an oddity -- "so I will speak with him tomorrow."

"No problem. Thank you" -- this is you. "By the way, if I wasn't clear, your timing works well on our side. When you're ready to talk it through" -- I believe it says "We can go over."

MR. PLATKIN: I'm sorry, Senator. Can you tell us which document you're looking at?

SENATOR CORRADO: Those were the-- it's MCK -- These documents were provided by Mr. McKenna, so it's MCK 1, 2, 3, 4, and 5.

MR. PORRINO: No, we don't have those.

SENATOR CORRADO: Okay. We'll see if we can get them for you; because I think it's important to go over what was said back and forth.

MR. PLATKIN: Okay, I have that in front of me.

SENATOR CORRADO: Okay; so on MCK 002, there's a message from Mr. McKenna to you. "Spoke with Al. I told him I spoke to someone "well-placed" in the Governor's Office. I did tell him that the person told me he could call you, so expect him to call -- to reach out."

You replied, "Okay, thank you. How did he take it?" He replied, "He was calm; he seemed to understand the situation, and I think will--" and then it's cut off. I'm sorry; "He was calm; he seemed to understand the situation, and, I think, will begin to look. I told him that I was told that if it became public, it could get ugly and my hand would be forced; and it would not be a good situation, which could affect his ability to move forward. I suspect he gets it."

You replied, "Okay, thank you. I'll let you know if he calls me." He goes on to say, "I'm sure he will, because he knows my situation. I really don't speak for the Administration. He thinks he would want some affirmation of what I said. It's what I would want before I took a life-altering change. I expect this was not what he was thinking about when he came to work. I'm sure he will--" "I'm sure, but thank you for doing it." That's you. "No problem; that's why I get the big bucks."

At some point Mr. Alvarez calls you.

MR. PLATKIN: Correct.

SENATOR CORRADO: And can you tell us what that conversation was about?

MR. PLATKIN: I believe I testified about it in my opening statement. I'm happy to repeat that if you'd like.

SENATOR CORRADO: Okay; yes, I'd like you to.

MR. PLATKIN: He was, as I said, emotional. He seemed to understand what the allegation was; we did not speak about the specific allegation. He was upset and vehemently denied the allegation. He indicated that he had been through the process, as I said to the Senator earlier; there was a Prosecutor who had looked into the matter and declined to pursue charges; or, in his words, *cleared*.

And that while he would leave, he needed a little bit more time because he was the caretaker for two minor children.

SENATOR CORRADO: And so while you didn't tell Mr. McKenna what the nature -- why you were asking him to leave, it seems that he got the impression that you were concerned that if this got public, it would be *ugly*. Was that your concern?

MR. PLATKIN: I don't recall whose concern that was.

SENATOR CORRADO: You were concerned about the press back in March, when you had-- But you're not concerned about the press in June.

MR. PLATKIN: Senator, again, there's always a concern about press. But my first and foremost concern was that we wanted Mr. Alvarez to leave State government.

SENATOR CORRADO: And so then after you spoke with Mr. Alvarez--

ASSEMBLYWOMAN PINTOR MARIN: Excuse me, Senator. Just letting you know, it's been a half-hour now.

SENATOR CORRADO: I'm sorry; I'm almost done.

ASSEMBLYWOMAN PINTOR MARIN: Okay, thank you.

SENATOR CORRADO: And after you spoke with Mr. Alvarez, you texted him back, "I spoke to Al. He was professional and will look for other employment."

Mr. McKenna texted back, "I spoke with him after he spoke to you. He really is a decent guy."

You responded, "Agreed."

Did you believe Katie Brennan when she told you she had been sexually assaulted?

MR. PLATKIN: Yes, I did.

SENATOR CORRADO: And Mr. Alvarez is a "decent guy"?

MR. PLATKIN: I just wanted to end the text conversation, Senator.

SENATOR CORRADO: Are you friends with Mr. Alvarez?

MR. PLATKIN: Not really friends; no.

SENATOR CORRADO: How do you know him?

MR. PLATKIN: I know him from the Campaign.

SENATOR CORRADO: You didn't know him before that?

MR. PLATKIN: I did not.

SENATOR CORRADO: Okay.

Did you inform anyone in the Governor's Office that you were reaching out to the SDA Director to have somebody leave their job?

MR. PLATKIN: I don't recall if I informed anyone; at some point I told Mr. Cammarano that I was doing that.

SENATOR CORRADO: When the *Wall Street Journal* article came out -- take us through that day: where you were, what were said, what happened. You testified earlier to the Governor's reaction.

MR. PLATKIN: The day that the story broke, or the day our office was contacted?

SENATOR CORRADO: When were you contacted?

MR. PLATKIN: We were contacted on October 2, the day I informed the Governor -- or several of us informed the Governor, I should say.

SENATOR CORRADO: So who else was with you when you went to tell the Governor?

MR. PLATKIN: Mr. Cammarano, and I can't remember who else.

SENATOR CORRADO: So the *Wall Street Journal* called for comment. And at that point it was decided you better tell the Governor what's going on. Forget about the EEO confidentiality; the press knows what's going on.

MR. PLATKIN: Yes.

SENATOR CORRADO: What did you tell him?

MR. PLATKIN: Mr. Alvarez had already resigned when we informed the Governor.

SENATOR CORRADO: Mr. Alvarez called you that day, didn't he?

MR. PLATKIN: No, he sent me a text and asked me to call him.

SENATOR CORRADO: Did you?

MR. PLATKIN: I did not.

SENATOR CORRADO: Okay.

What did you tell the Governor had happened?

MR. PLATKIN: I honestly don't remember. We informed him about the specifics; we informed him that Mr. Alvarez had been accused of rape previously, and that he was resigning. I don't remember how many other details we gave him.

SENATOR CORRADO: Did anybody tell the Governor that this was known by the Transition Team back in December of 2017, before he was hired?

MR. PLATKIN: He was informed that week, if not that day, that there had been information. I refer you to his statements at the press conference he gave on October 15.

SENATOR CORRADO: Who told him?

MR. PLATKIN: I don't remember.

SENATOR CORRADO: And did you tell him that Ms. Brennan had come to you in March, and you referred it to Heather Taylor?

MR. PLATKIN: I can't remember if I told him; I assume he was informed.

SENATOR CORRADO: Did he ask you why you hadn't told him in March?

MR. PLATKIN: Senator, the Governor, at that point -- we had commissioned an investigation into it. It was clear he wanted to know why certain things were done and certain things were not.

SENATOR CORRADO: And so did he ask you why you hadn't told him in June when he got the e-mail with the "sensitive" nature?

MR. PLATKIN: We have not had that conversation.

SENATOR CORRADO: There were articles in the paper -- and documents 423 to 425 are a series of e-mails back from the Governor's

spokespeople, Dan Bryan included, to reporters at the *Star Ledger*, correcting -- asking for a correction of an article.

MR. PLATKIN: Which--

SENATOR CORRADO: October 15 -- there's an e-mail from Dan Bryan to Julie O'Connor, Tom Moran; Julie and Tom, the section of Today's Editorial. There's a statement. The article goes on to say, "It's appalling in its reckless disregard for facts and accuracy. Here are the facts of what happened directly from the Kate King article of the *Wall Street Journal*, who reported on this story for months. Earlier this year, in March, Ms. Brennan told Mr. Murphy's Chief Counsel, Matt Platkin, that she was sexually assaulted, allegedly, by Mr. Alvarez. A senior Administration official said that Mr. Platkin referred the matter to the Chief Ethics Officer in the Governor's Office and recused himself from the investigation."

Who told them? Who was the senior official; do you know? It's clarifying that you had recused yourself.

MR. PLATKIN: I think it's quoting the *Wall Street Journal* story.

SENATOR CORRADO: Right. But do you know who the senior official was who said that you recused yourself?

MR. PLATKIN: I'm not sure.

SENATOR CORRADO: Okay.

And Dan Bryan is quoting the article as being accurate. The editorial not accurate; the *Wall Street Journal* article as accurate. So you can understand why we all thought you had recused yourself.

MR. PLATKIN: I stepped aside from the EEO investigation; that's correct.

SENATOR CORRADO: But not the June matter.

MR. PLATKIN: Again, looking back, I don't believe I had a conflict; I think I was exercising an abundance of caution. I informed Ms. Taylor of the potential conflict, and I was never informed that I had a formal recusal.

SENATOR CORRADO: Did you ever offer your resignation to the Governor for what has happened?

MR. PLATKIN: No, I did not.

SENATOR CORRADO: You don't know me, Mr. Platkin. I've been an attorney for 28 years; I'm a municipal attorney. And if I didn't tell my Mayor what had happened in a similar situation, I would be fired.

MR. PLATKIN: Okay.

SENATOR CORRADO: So I think, maybe, you should have done a much better job.

And my last question is, asking the same question I asked Mr. Cammarano. Given everything that's gone on, all the newspaper articles, all the days of testimony that we've gotten here, who do you hold accountable for us getting here today?

MR. PLATKIN: I don't believe that's my decision or judgement to make.

SENATOR CORRADO: So you don't hold yourself accountable for being here today, with the Governor not knowing from December to October; and everyone else has testified that it was your decision?

MR. PLATKIN: Senator, I have a challenging job. I make a thousand decisions a day; I get a lot wrong. I always hold myself

accountable when we do make mistakes. And I think I've been pretty clear that, with hindsight, I can certainly understand why members of this Committee or anyone else would come to a conclusion that I should have done certain things differently.

SENATOR CORRADO: I hope, as an attorney, you'll never make this mistake again.

I have no further questions.

ASSEMBLYWOMAN PINTOR MARIN: Thank you, Senator.

Senator Weinberg; and then after Senator Weinberg, I think we should just break for a quick 30 minutes of lunch, and then we'll come right back.

Is that fair, Mr. Platkin?

MR. PLATKIN: Yes, that's fair. Thank you.

SENATOR WEINBERG: Okay, I have two quick questions; well, two questions.

You sent Heather Taylor to speak to Lizette Delgado-Polanco about why Mr. Alvarez got a \$30,000-a-year raise shortly before he was leaving, and sometime in the period of time when he had been told to leave.

Why did you send Heather Taylor? Why didn't you just pick up the phone and call Lizette Delgado yourself?

MR. PLATKIN: I don't know that I specifically sent Ms. Taylor. I was informed after-- We're talking about a period in time after the *Wall Street Journal*, correct?

SENATOR WEINBERG: Ms. Taylor testified that you sent her to see Lizette Delgado-Polanco to find out why Al Alvarez got a \$30,000 a raise.

MR. PLATKIN: I'm just clarifying -- we're speaking about after October 14, correct?

SENATOR WEINBERG: I have to double-- Yes? Yes.

MR. PLATKIN: So I was not aware of the raise when it was given; and I found out about it after this news story. And I told the people who informed me to find out how that decision was made. I didn't know, actually, that Heather was the one who went over and spoke to Lizette.

SENATOR WEINBERG: So you just-- Well, she testified that you sent her to talk to Lizette Delgado-Polanco to find out about the raise. So is your testimony that that's-- You either don't recall or you don't recall it that way?

MR. PLATKIN: There were multiple people there. I certainly-- You know, after I heard about her testimony from my attorneys, I can understand why she took that that way. But it wasn't specifically to her; I just wanted to find out what had happened and how he had been given a raise.

SENATOR WEINBERG: Did it occur to you to pick up the phone and ask her?

MR. PLATKIN: It's not unusual for me to ask people who work for me to check in on things.

SENATOR WEINBERG: Okay.

My last question -- and I think I'm paraphrasing, but quoting in answer to one of Senator Corrado's questions -- first of all, I know you said you have many decisions. How many cases have come before you where one State employee accuses another of rape?

MR. PLATKIN: This would be the only one.

SENATOR WEINBERG: Okay; so there might have been -- this might have stood out to you among all the other decisions that you're called upon to make on a daily basis?

MR. PLATKIN: Senator, my statement earlier was in response to a question whether I hold myself accountable. And I was just making a general statement that I like to think I always hold myself accountable when we don't do things perfectly.

SENATOR WEINBERG: Okay.

And the last is that you stated that it is -- because this was an unusual situation -- the Campaign, the Transition, and the Administration -- the policy did not allow an investigation. I pointed this out several times before to other witnesses. I understand that the policy is applicable to any job applicant or anybody doing business with the State of New Jersey. Is that your understanding?

MR. PLATKIN: I believe so; but again, I'm not an expert on these.

SENATOR WEINBERG: Well, that's what the policy says. I believe I'm right; and if I'm wrong, I'll be -- stand corrected.

So wouldn't it have been relatively simple to say, because the policy states what I just said, we actually can investigate and find out what happened here? It was-- I'm not a lawyer; I'm looking at three lawyers there (indicates), and three sitting here (indicates), plus Committee members who are lawyers. So I'm just using my own intuition. Had I been presented with such an allegation and had I read the policy, I would have said, "Well, you know what? She was a job applicant." Or, "You know

what? All these people are doing business with the State of New Jersey, so we can find a way to investigate. Let's look at it."

MR. PLATKIN: I think I was pretty clear when I spoke to Ms. Taylor that I wanted and expected an investigation to be conducted. But I wasn't -- I'm not sure what factual analysis the Attorney General's Office undertook to conclude that they could not. And I have to defer to the guidance given by the career attorneys in the Attorney General's Office.

SENATOR WEINBERG: Okay. Well, I know we're going to a lunch break, but it would seem to me everybody seemed to find a way not to investigate, rather than to find some avenues where it could have been investigated; and then we wouldn't have been sitting here today.

Thank you.

MR. PLATKIN: Understood.

(Committee recesses)

(Committee reconvenes)

ASSEMBLYWOMAN PINTOR MARIN: We'll have the attorneys go; Mr. Hayden will be going first.

MR. PLATKIN: Okay.

MR. HAYDEN (Special Counsel): Good afternoon, Mr. Platkin.

MR. PLATKIN: Good afternoon.

MR. HAYDEN: What I'm going to do is take you through the whole timeline; I think it's important that our Committee has a timeline to go over event by event. And I'll ask you questions within the timeline. And

although there will be some repetition, I think it will be more helpful that we have a full record.

MR. PLATKIN: Okay.

MR. HAYDEN: I believe you told us you graduated from Stanford Law School in 2014.

MR. PLATKIN: Correct.

MR. HAYDEN: You worked at Debevoise and Plimpton for a little bit less than two years.

MR. PLATKIN: Correct.

MR. HAYDEN: And then you became Policy Director of the Murphy Campaign in 2016?

MR. PLATKIN: First, I became Policy Director for New Way for New Jersey; and then the Campaign when it started in 2016.

MR. HAYDEN: In 2016.

And I take it in terms of the Policy -- financial policy, social justice policy, housing policy; issues of that type.

MR. PLATKIN: Correct.

MR. HAYDEN: And my point is, when were you appointed -- told that you were the designee to be Counsel to the Governor?

MR. PLATKIN: I don't recall exactly when. I believe it was announced late November of-- It was after the election it was announced.

MR. HAYDEN: Okay. And as of the time you were the designee and then became Counsel to the Governor, I take it you did not have any experience in employment law or HR matters.

MR. PLATKIN: I was not an experienced employment attorney.

MR. HAYDEN: Your Debevoise work was white collar criminal.

MR. PLATKIN: Correct.

MR. HAYDEN: And the training you indicated you received, in the beginning of the year after Counsel, how long was that training for?

MR. PLATKIN: The session itself?

MR. HAYDEN: Yes.

MR. PLATKIN: I can't recall exactly; probably an hour, at least an hour.

MR. HAYDEN: So the training was at least an hour. So for better or for worse, the decisions you were making and the advice you were giving, in terms of confidentiality, was based upon one hour's worth of training?

MR. PLATKIN: Yes; but at the time, as I testified, I was also relying on counsel from Ms. Taylor and the Attorney General's Office.

MR. HAYDEN: But your own training itself was for one hour.

MR. PLATKIN: Correct.

MR. HAYDEN: Katie Brennan -- you first knew her from New Leaders Council?

MR. PLATKIN: I believe that's where we met, yes.

MR. HAYDEN: And I believe you told us that you and she were friendly -- friends?

MR. PLATKIN: Yes.

MR. HAYDEN: In Ms. Brennan's lawsuit, she indicates that on or about December 16, she had a conversation with you about working for the Murphy Campaign and taking a position in the Administration. Is

that accurate -- that you kind of encouraged Katie Brennan to get involved with the Murphy Campaign?

MR. PLATKIN: What year is that?

MR. HAYDEN: It was 2016. "On or about December 16, Plaintiff had a conversation with Platkin about working for Defendant Murphy's Campaign and applying for a position in the Murphy Administration."

MR. PLATKIN: I don't recall encouraging her to get involved in the Campaign. But we did have conversations about whether she would be interested in serving in the Administration if we were ultimately successful.

MR. HAYDEN: And she further says -- and you're correct -- "During this conversation, Platkin asked Plaintiff whether she would be willing to leave her current job and serve in the Administration should Mr. Murphy be elected."

MR. PLATKIN: I don't recall that specific question; but again, we had similar conversations.

MR. HAYDEN: And she also indicated that, on March 27, 2017, she actually sent you her résumé.

MR. PLATKIN: She did send me her résumé at some point.

MR. HAYDEN: And she further indicated, in her statement of facts in the lawsuit, "On or about January of 2018, Mr. Platkin informed Plaintiff that she would receive a call from Charles Richman, Executive Director of the New Jersey Housing and Mortgage Finance Agency, and will be advised she had been chosen as the Chief of Staff."

MR. PLATKIN: I don't recall telling her that she would be receiving a call or receiving an offer. I had recommended her; and I can't remember who I recommended to her, to get her résumé to Chuck, because I thought she was qualified for the position.

MR. HAYDEN: And I guess that, ultimately, is the point. Regardless of the exact conversations, you recommended her because you thought she was competent, you thought she was trustworthy, and you actually recommended her for the job she ultimately got as Chief of Staff.

MR. PLATKIN: From our first conversations, she indicated she would like to go work at HMFA. And I saw her work on the Campaign and thought she was qualified.

MR. HAYDEN: And she also had a background in Housing, did she not?

MR. PLATKIN: She does.

MR. HAYDEN: Now, how long had you known Mr. Alvarez?

MR. PLATKIN: Just since the start of my work with the Campaign.

MR. HAYDEN: Was he somebody you knew in connection with politics, or was he somebody you would call a friend?

MR. PLATKIN: He's someone I knew through the Campaign.

MR. HAYDEN: Justin Braz -- how long had you known him?

MR. PLATKIN: All of these people I knew about the same amount of time -- when I got involved in the Murphy Campaign.

MR. HAYDEN: Would you consider Parimal Garg to be a friend or just somebody you knew through employment and politics?

MR. PLATKIN: I've known Parimal longer.

MR. HAYDEN: Did you consider him to be a trustworthy, competent person?

MR. PLATKIN: Without question.

MR. HAYDEN: Now, going through the timeline, we've heard testimony from Ms. Brennan and Justin Braz about the event which happened to her -- the sexual assault in April of 2017. And I take it from your testimony you were not aware of that event at the time it occurred?

MR. PLATKIN: I did not know at the time it occurred, no.

MR. HAYDEN: Ms. Brennan did not tell you.

MR. PLATKIN: No.

MR. HAYDEN: We're just making the timeline. I take it that after she told Mr. Braz sometime in April of 2017, Mr. Braz did not tell you about the event at that time?

MR. PLATKIN: I found out she told Mr. Braz in April when she testified to that fact and it was reported in the press.

MR. HAYDEN: But back in April at that time, Mr. Braz did not go to you, or share it with you.

MR. PLATKIN: He did not.

MR. HAYDEN: Now, after the election, there has been testimony from Mr. Lozano, Mr. Cammarano, and Mr. Braz about Mr. Braz giving a head's up to Transition Counsel, as well as to Lozano and Cammarano, that a member of the Transition Team had been a victim of -- said they were a victim of a sexual assault; and it was investigated by a Prosecutor's Office and no charges were brought. At any time in December of 2017, were you made aware of any of those conversations?

MR. PLATKIN: No, not that I can recall.

MR. HAYDEN: Are you saying not that you can recall-- You would remember something like that, would you not?

MR. PLATKIN: I think if I was informed of something of that seriousness, I would recall it.

MR. HAYDEN: Yes, yes. And so you're saying, right now, you have no recollection of being told in any way, shape, or form in December of 2017 of these conversations which were had between Braz and the Transition Team?

MR. PLATKIN: Correct.

MR. HAYDEN: And Mr. Cammarano told us about receiving a legal opinion from Transition Counsel back in December of 2017. You in no way, shape, or form participated in any discussions with Transition Counsel about confidentiality and who should be told about these allegations?

MR. PLATKIN: About an allegation of sexual assault?

MR. HAYDEN: Yes, the allegation of sexual assault.

MR. PLATKIN: No.

MR. HAYDEN: So again, you're out of it in April; you're out of in December; and despite the testimony that there may have been discussions with others, there weren't discussions with you.

MR. PLATKIN: About an allegation of rape--

MR. HAYDEN: Yes, sexual assault.

MR. PLATKIN: I just want to be clear, because I'm not-- There were a lot of issues in the Campaign; there may have been issues -- discussions of confidentiality, but not about a rape.

MR. HAYDEN: Now, the confidentiality-- A rape by somebody involved in the Transition Team, Mr. Alvarez, who was applying for a job. You don't recall anything in December of 2017?

MR. PLATKIN: I'm sorry; could you restate the question?

MR. HAYDEN: You have no independent recollection of any discussions with Mr. Cammarano, Mr. Lozano, Counsel for the Transition Team, about the allegation of a sexual assault involving Alvarez?

MR. PLATKIN: Correct.

MR. HAYDEN: Now, you've been asked a lot of questions about who signed off on the hiring of Mr. Alvarez. And Mr. Cammarano told us he did not sign off; Mr. Lozano told us he did not sign off. The suggestion was it was you, frankly. You're telling us in no way, shape, or form did you sign off. I think you were asked a question as to whether or not the Governor would have done it, and I think you said the Governor was involved with Cabinet, as opposed to subcabinet positions.

Who else could have signed off on the hiring of Mr. Alvarez, if it's not any one of you four?

MR. PLATKIN: I'm not sure; I'd only be speculating.

MR. HAYDEN: Well, who else was involved in hiring, other than -- signing off on hiring, I guess, beyond the four people we named?

MR. PLATKIN: I really wasn't involved in many discussions about departmental staff hires during Transition. And the people you mentioned would be the only people who I can recall speaking to about it.

MR. HAYDEN: You recognize, I'm sure, that that kind of makes it look like there's a black hole as to who hired Mr. Alvarez, if all the people here cannot tell us who signed off on him.

MR. PLATKIN: I understand it remains a question for the Committee.

MR. HAYDEN: Now, I frankly think that more importantly than who signed off on the hiring of Mr. Alvarez is the question -- and this would be the question I would ask; it would only be me -- did the person who signed off on the hiring know about the rape/sexual assault allegation made by a part of the Transition team, which was investigated by law enforcement? That the real issue is what did the hiring person know, and when did they know it, and what was the rationale to hire anyway if they knew it?

Do you agree with me that an important question is whoever hired and what they knew about the allegations?

MR. PLATKIN: I agree that that's a question for whoever was deciding to hire him.

MR. HAYDEN: As a matter of fact, looking back, would you agree that somebody with an allegation of a heinous crime -- allegation of a heinous crime should never have been hired absent a full, rigorous investigation of all of the facts, so that the hiring authority could weigh the pros and cons of hiring somebody in these circumstances?

MR. PLATKIN: Mr. Hayden, I believe that's a question for the Committee to answer.

MR. HAYDEN: Well, do you have an opinion now, having been through it, as to whether or not the hiring authority should weigh and do a full investigation before hiring somebody with a rape allegation hanging over them?

MR. PLATKIN: I think my opinion is clear by the fact that I recommended that he leave State service when I found out about the allegation.

MR. HAYDEN: And you're aware that Mr. Berkon, who told us that he told you five minutes into a conversation in June that it was untenable that Mr. Alvarez stay, indicated he would have said the same thing in December to the Transition Team if anybody had asked him? It was untenable in June, it was untenable in December, given the heinous nature of the allegation.

You were aware that that was his testimony?

MR. PORRINO: If I-- Just my-- Mr. Hayden, I think that when Mr. Berkon testified, there was a distinction based on what the facts he had at the time in June, as compared to what was available in December.

MR. HAYDEN: But I asked--

MR. PORRINO: So I'm not sure that's--

MR. HAYDEN: --him about December; Mr. Porrino, I asked him about December. I said, "Would you have given the same advice in December?" He stopped for a second, and he said, "Yes." I asked him that question.

MR. PORRINO: Go ahead.

MR. PLATKIN: Mr. Hayden, I can't speculate what Transition Counsel or Transition members should or should not have done, given that I don't know, fully, what information they had.

MR. HAYDEN: Would you agree with me-- Would you, if you were the hiring authority, have wanted to know about this allegation of

sexual assault before Mr. Alvarez was hired? If it was you, would you have wanted to know this information?

MR. PLATKIN: I would assume I would want to know whatever information we could know about a hire. But I'm not 100 percent certain what the legal restrictions are around that.

MR. HAYDEN: Just-- We're going to be dealing in policy, though; and just in terms of dealing with policy -- and I recognize there's due process; I recognize there's -- an allegation is an allegation. But at a bare minimum, wouldn't you think that the hiring authority that was weighing competing considerations should know all the facts about the allegations and hear from the survivor before making the determination, up or down, on hiring?

MR. PLATKIN: Sir, yes, that's information I would think I would want to know in that position.

MR. HAYDEN: Now, the Governor is sworn in on January 16, which is the inauguration. And Mr. Garg, when he was before us, gave a statement that he attended the Ball; Katie was in attendance. "She said she needed to talk to me about a matter of serious wrongdoing by a senior Administration official. She wanted to tell me more."

And Mr. Garg says, "The next day, I told my supervisor, Matt Platkin, who's Chief Counsel, about the conversation. And Matt and I both knew Katie, and I told him that Katie wanted to discuss the matter. We didn't know what she wanted to discuss."

Now, I agree with you that the next day probably would've been your first day

MR. PLATKIN: Correct.

MR. HAYDEN: First day in office.

MR. PLATKIN: Correct.

MR. HAYDEN: But Mr. Garg also says, two days later, on a Friday evening, he has a conversation with Katie Brennan on the phone; talks to her about not being her lawyer, etc. And she indicated that she thought about it, and she didn't want to divulge the information. He respected her wishes.

But he says, "I later informed Mr. Platkin that Katie had decided not to share her information." So Mr. Garg is talking about two conversations he had with you, rather than one. And the language which bothered both Mr. Critchley in his examination of Mr. Garg, and also myself, was she had information about a matter of serious wrongdoing by a senior Administration official. Part of the problem is, serious wrongdoing could be completed wrongdoing -- it's over; or ongoing wrongdoing -- which could be a headache and a problem for everybody, going forward.

And is it your testimony you didn't have the conversation, you don't recall the conversation, or you didn't focus on it at the time?

MR. PLATKIN: My testimony is that it was a very hectic few days, even more than usual in this job. I recall having a conversation, maybe two -- I can't recall -- with Mr. Garg. But I don't recall the words *serious wrongdoing*.

MR. HAYDEN: By a senior Administration official; even more serious. Are you saying you don't recall the language, or you didn't focus on it?

MR. PLATKIN: I'm just saying I don't, at this point in time -- I can't recall that that was something we discussed in January.

MR. HAYDEN: Would you agree with me -- given the benefit of hindsight -- that if an allegation like that were made by Ms. Brennan, it wasn't totally her call once she made the allegation as to whether or not she would share it?

MR. PLATKIN: She wasn't a State employee at the time. I'm not sure what-- I'd have to consult with the Attorney General's Office or an EEO Officer as to what we could do in that circumstance to compel her to give us information.

MR. HAYDEN: Well, one thing you could do is call her up and say, "Hey, Katie, we heard about it. This could be important to us. Could you at least give us the general parameters? Could you at least give us a head's up about -- is it ongoing? Is it unique to you?" You could have asked some questions to see if it was potentially explosive, or to see if it was something which sounded worse than it was. That's one of the things you could have done, couldn't you?

MR. PLATKIN: I assume that's one of the things we could have done.

MR. HAYDEN: But it's your best recollection, now, at the time the significance didn't dawn on you?

MR. PLATKIN: Again, I don't recall hearing those words and feeling that there was a serious wrongdoing that we had to uncover.

MR. HAYDEN: All right; we're now moved to January 20, which is your dinner meeting with Katie Brennan. And you have told us that this is the first time you had any knowledge of a sexual assault.

MR. PLATKIN: Correct.

SENATOR WEINBERG: I think it's March 20.

MR. HAYDEN: March 20; I'm sorry.

Thank you, Senator; March 22.

MR. PLATKIN: Correct. She told me at that meeting that she had been raped previously.

MR. HAYDEN: Yes. And she indicated to us that you were horrified by it; you indicated you were horrified by it, both (*sic*) personally, given the nature of the crime. And did you make her a promise that you would look into it with the Attorney General?

MR. PLATKIN: I told her that I would report it. I've read in the press that she understood that I would report it to the Attorney General.

MR. HAYDEN: What is your best recollection as to what you said about where you would report it?

MR. PLATKIN: My best recollection is that I said I would report it.

MR. HAYDEN: And by the way, that is almost -- that's at least 10 months after the event that she shared it with you.

MR. PLATKIN: Correct.

MR. HAYDEN: Now, you spoke to Mr. Cammarano, I think you said, two days later.

MR. PLATKIN: It was the morning of March 22.

MR. HAYDEN: And if she talked to you the night of March 20, one day later into the next morning-- And why did you choose to share this information with Mr. Cammarano, the Chief of Staff, rather than the Governor?

MR. PLATKIN: Again, as I've testified, Mr. Cammarano oversaw, until recently, the personnel throughout State government. I was following what I felt was my best judgement under the policies that I had been trained on. But again, I fully understand that the Committee may come to a different conclusion.

MR. HAYDEN: Well, okay. When you made the judgement as to confidentiality -- and do not dispute the good faith of your testimony -- but when you made the judgement, was it based solely on the training that you had had for a couple of hours earlier in the year?

MR. PLATKIN: I had independently reviewed the policy; I can't remember when.

MR. HAYDEN: Did you independently review the policy between the night of March 20 and your meeting with Cammarano on March 22?

MR. PLATKIN: I don't recall if I did or not.

MR. HAYDEN: So you did the training and you did some independent research, I take it, in terms of -- to freshen yourself up as to the policy and what the policy meant in terms of confidentiality?

MR. PLATKIN: Again, I had been trained -- I reported the matter to the person in our office who I was designated to report it to. And I informed Mr. Cammarano who I felt, as the Chief of Staff, should be informed of this type of allegation.

MR. HAYDEN: Did you meet with Mr. Cammarano before or after you met with Heather Taylor?

MR. PLATKIN: I'm not sure. They were, essentially, back-to-back. I can't remember which came first.

MR. HAYDEN: I think both were the same day, on March 22. When you gave advice to Mr. Cammarano, did he in any way question your-- I mean, was part of the advice, "You can tell nobody, and that includes the Governor"? Was that the advice?

MR. PLATKIN: The advice I recall giving was that this is a confidential matter and -- excuse me -- the policy of strict confidentiality provisions. I don't recall specifically saying, "That includes Governor."

MR. HAYDEN: I thought you said earlier today -- unless I misheard -- that you thought the implications of what you said would include the Governor.

MR. PLATKIN: I understand that that could have been what he understood the implications to be, and I don't think that's an unfair assessment on his part.

MR. HAYDEN: So what you're telling us is your best recollection is you don't remember using the word "the Governor," but the thrust of the conversation could have been so interpreted?

MR. PLATKIN: Correct.

MR. HAYDEN: Did the thought occur to you to get any kind of outside research, or get a legal opinion from anybody as to this decision you were making as to how broad the confidentiality was?

MR. PLATKIN: The matter was referred to the Chief Ethics Officer in the Office of the Governor, as well as the statewide EEO Officer and the Attorney General's Office. And I understand -- I would have assumed that if they wanted to give -- provide legal counsel to me, they would have done so.

MR. HAYDEN: But you yourself didn't ask for legal research from anybody in your office.

MR. PLATKIN: By referring it to Ms. Taylor, I was asking for guidance.

MR. HAYDEN: But you didn't ask her for any legal research as to how broad the confidentiality was.

MR. PLATKIN: I don't think I asked that specific question.

MR. HAYDEN: Now, did you and Mr. Cammarano decide a cause of action with respect to Mr. Alvarez as of when you met March 22 -- what you were going to do with him?

MR. PLATKIN: We spoke, and both agreed that he should be asked to leave State service.

MR. HAYDEN: Okay. And when you're talking about asking him to leave, was it going to be a suggestion or a direction that he leave?

MR. PLATKIN: I don't recall that we thought about it in those terms. When you're told to leave State service by the Chief of Staff, I would assume that that would be viewed as a direction.

MR. HAYDEN: Mr. Platkin, not to quibble, but somebody can say to an employee, "You know, it would be nice if you looked for another job," and somebody could say to an employee, "You look for another job, or else." I mean, there's a difference between a vague suggestion and a direction. "Thou shalt separate yourself." Which category are we in?

MR. PLATKIN: I wasn't in the meeting with Mr. Cammarano and Mr. Alvarez. The meeting Mr. Cammarano and I had -- we both agreed he should leave State service.

MR. HAYDEN: So it would have been a direction that he leave State service.

MR. PLATKIN: I said I would assume that was what he did, but I wasn't in the meeting.

MR. HAYDEN: Now, Mr. Cammarano would have met with Mr. Alvarez on March 26.

MR. PLATKIN: That's my understanding.

MR. HAYDEN: And after the two of them met, they then came-- Did Cammarano report back to you, at least as to the thrust of his conversation with Mr. Alvarez?

MR. PLATKIN: Yes; at some point he -- and I can't remember when -- he told me that he had with him, and he had told him that he should leave government.

MR. HAYDEN: And to your mind, that meant that it wasn't optional; he was supposed to leave government. But there was no timetable put on when he was going to leave government?

MR. PLATKIN: Correct.

MR. HAYDEN: Did Mr. Cammarano or yourself make any kind of a memo to the file indicating that Alvarez was met with, and he was given a direction to separate himself from government?

MR. PLATKIN: I did not make any memo.

MR. HAYDEN: Do you think that, whether it be a memo to the file recording the direction, or a confirming letter, "Dear Mr. Alvarez, This is to memorialize our conversation where you are hereby directed to leave government promptly," it would have been the better practice to have had something in writing with Mr. Alvarez as to what the decision was?

MR. PLATKIN: I think that's a fair recommendation.

MR. HAYDEN: Well, particularly given the attitude taken by Mr. Alvarez, where he was going to stay on as long as he could.

And did you tell us that you later found out, when he said he was looking for a job at Rutgers, that that was false?

MR. PLATKIN: Excuse me?

MR. HAYDEN: Did you tell us that when, later on, Alvarez indicated that he was trying to get a job at Rutgers, it turns out that that statement was false?

MR. PLATKIN: I don't know that the statement was false; I know that I was told he never applied for the job.

MR. HAYDEN: What was the job at Rutgers you understood he was applying for?

MR. PLATKIN: I don't recall what specific job it was.

MR. HAYDEN: Now, you also, on March 22 -- we actually had parallel tracks here -- met with Heather Taylor, who was the Ethics Officers in the Governor's Office. And was she the liaison to the Attorney General's Office too?

MR. PLATKIN: I believe she's technically an employee of the Office of the Attorney General, but she's the Chief Ethics Officer in our office.

MR. HAYDEN: And was it your understanding, Mr. Platkin, that that was the appropriate protocol for you to invoke, in terms of this situation?

MR. PLATKIN: Yes; under the policy, she's one of the people designated to receive such complaints.

MR. HAYDEN: And when you laid it out, you indicated that she was going to go to the EEO people in the Attorney General's Office and see what could be done?

MR. PLATKIN: I understood she would report it to the appropriate person in the Attorney General's Office. I don't believe at that time I knew who she would be reporting it to.

MR. HAYDEN: By the way, did Heather Taylor give you any advice on confidentiality?

MR. PLATKIN: Again, we've been counseled on confidentiality in our training, which is a part of that.

MR. HAYDEN: I understand that. My question is, in terms of the meeting on March 22, did Heather Taylor, in that meeting, give you any advice on confidentiality; or were you relying on your prior training?

MR. PLATKIN: I don't recall if she did or not.

MR. HAYDEN: And the reason I ask the question is it sounded, at one point in time -- you said, "When I talked to Heather Taylor," and I was wondering if it was advice, or if you were just talking about the process with Heather Taylor.

MR. PLATKIN: By bringing a complaint to Ms. Taylor -- whenever I would bring a complaint to Ms. Taylor, I would always assume she would provide legal advice if any was necessary.

MR. HAYDEN: Okay. But do you have a recollection of discussing confidentiality with her?

MR. PLATKIN: I do not.

MR. HAYDEN: And in her notes -- I'm sure you've seen them -- she makes the note, "MP conflicted. Personal relationship with both."

Did you say something like that to her about a concern you had or a conflict because of knowing both them?

MR. PLATKIN: Again, as I testified earlier, I alerted her that I thought I had a potential conflict, because I knew both individuals. I was exercising an abundance of caution as (indiscernible) perceived, in the context of an EEO investigation, to be tipping the scale one way or another.

MR. HAYDEN: Okay. And the reference to a relationship with both -- how did that play into it?

MR. PLATKIN: Again, I knew both individuals. It was an abundance of caution that--

MR. HAYDEN: Okay. In terms of conflict, by the way -- and just a little legalistic -- was it an actual conflict, or an appearance of conflict, or both you were concerned about.

MR. PLATKIN: It would have been Heather's responsibility to conduct that analysis. I raised the facts that I knew both individuals and wanted to ensure that I didn't have an actual or an appearance of a conflict.

MR. HAYDEN: And it's your testimony that your concept of conflict or potential conflict pertained to the EEO investigation?

MR. PLATKIN: In my words, I stepped aside from the EEO investigation. I was never advised that I had an actual or an appearance of conflict that required an ongoing recusal.

MR. HAYDEN: Okay. And my question only is not what you were advised, but when you said *conflict*, you were thinking in terms of the EEO investigation?

MR. PLATKIN: Yes.

MR. HAYDEN: Now, you ultimately received information from Heather Taylor, who had talked to Melissa Lieberman, that there was no jurisdiction -- the State had no jurisdiction because this didn't occur on State grounds and neither of the individuals were State employees at the time of the incident.

MR. PLATKIN: She informed me that she received that guidance from the Attorney General's Office. I'm not sure if she told me it was specifically from Melissa.

MR. HAYDEN: Okay. And in her notes -- these are Heather's -- are the words, "Better course Campaign could hire somebody to do investigation recommendation." These are the notes of Ms. Taylor, by the way. Did she discuss that subject with you?

MR. PLATKIN: Yes, she mentioned that one of the-- That the State could not expend resources to hire outside counsel when a third party entity, such as the Murphy Campaign, could potentially do so.

MR. CRITCHLEY: I can't hear. Could you please repeat that answer?

MR. PLATKIN: My apologies; can you hear me?

MR. CRITCHLEY: Now I-- I'm sorry; could you please repeat your answer?

MR. PLATKIN: Sure.

She mentioned that a third party entity, such as the Murphy Campaign, could expend -- could potentially expend resources to conduct an investigation, but the State could not.

MR. HAYDEN: Was the recommendation to have the Campaign conduct an investigation by Heather Taylor through Ms. Lieberman?

MR. PLATKIN: It wasn't a recommendation; it was an off-handed suggestion when she was explaining why the State could not conduct an investigation.

MR. HAYDEN: Was any consideration given to, at this point in time, contacting Jonathan Berkon, the attorney of the Campaign, about what, if anything, the Campaign could do and/or conduct an investigation?

MR. PLATKIN: Yes; but at the time, I did not actually think the Campaign was an ongoing entity. We had already made the recommendation that Mr. Alvarez should leave State government, so the State EEO matter was closed at that point.

MR. HAYDEN: So you considered it, but you didn't call Mr. Berkon; and you anticipated that Mr. Alvarez was going to leave State government.

MR. PLATKIN: Correct.

MR. HAYDEN: Now, Ms. Brennan indicated that, on April 24, she sent a text message to you, "Good morning. FYI, in regard to our previous conversation in JC, no one has reached out to me as of yet." Do you recall receiving a text message from Katie Brennan?

MR. PLATKIN: Yes.

MR. HAYDEN: And did that prompt you, then, to reach out for Heather Taylor to have some communication or to find out what's happening and let Katie Brennan know the status of things?

MR. PLATKIN: Yes; as I testified earlier, I was surprised that she had not heard from the EEO Officer.

MR. HAYDEN: At this point in time, now, it would almost be a month; would it also have been prudent to look and see what Mr. Alvarez was doing about separating himself from State government?

MR. PLATKIN: I think at many points along the way we probably could have checked and encouraged Mr. Alvarez to leave State government.

MR. HAYDEN: I understand you're telling us, to some extent, doing a lot of things; the Heather Taylor stuff got away from you. A month later, you get a text from Katie Brennan; you follow-up. One of the other things you could've followed up on was, "What's Alvarez doing and is he gone yet." But you didn't do it.

MR. PLATKIN: I did not at that time.

MR. HAYDEN: And you were also asked -- sent a text by Heather Taylor about the reaction of Katie Brennan to the bad news, so to speak, about there was no jurisdiction. And I assume you were concerned, on human terms, as to what her reaction was.

MR. PLATKIN: Of course.

MR. HAYDEN: But there is also the reference in there, "She did not indicate she was going to the press." And one of my questions -- and it was alluded to by others -- is, were there prior conversations between you and Ms. Taylor about whether or not Katie Brennan would go to the press?

MR. PLATKIN: Again, my first and foremost concern was Ms. Brennan's complaint and whether Mr. Alvarez was leaving State

government. In every matter I deal with there's always a potential for press, so it's possible it came up. But I don't specifically recall discussing it.

MR. HAYDEN: Well, the fact is, the reference to the press in the text suggests that there may have been an earlier conversation about it.

MR. PLATKIN: I understand that.

MR. HAYDEN: Now, on June 1, we then have the e-mail by Katie Brennan to Governor Murphy and Tammy Murphy, which we've talked about a lot in connection with this case. And I'm sure you saw it, because it was forwarded to you.

MR. PLATKIN: Correct.

MR. HAYDEN: And the Governor responded promptly, "I know who you are. We're going to get on it; you can always get back to me." And then, after that, he forwarded something to you and Jonathon Berkon, "FYI," and with just initials.

At some point in time, Mr. Platkin, you must have had a conversation with the Governor, at least to say, "I got your e-mail; I'm handling it." "I got your e-mail; Mr. Berkon's involved, because it's the Campaign." I mean, there would have been some response the next time you saw the Governor to the e-mail, wouldn't there have been?

MR. PLATKIN: I don't recall having that discussion with the Governor.

MR. HAYDEN: In other words, not even the fact that you're handling it, and Mr. Berkon is handling it because it's a Campaign matter; not even that much?

MR. PLATKIN: I don't recall ever having that discussion.

MR. HAYDEN: So your best recollection is, you received the e-mail, you interpreted the e-mail as something you should be involved in, and you went forward, and you never mentioned it to the Governor again?

MR. PLATKIN: Again, it's just -- when the Governor forwards something on, it's typically so that we would handle it. And I don't believe there was ever a follow-up request for a meeting, as I understand it.

MR. HAYDEN: I understand that. But your boss forwards something to you. Was there even a follow-up request on what's being done or why it was forwarded it to you?

MR. PLATKIN: Not that I recall.

MR. HAYDEN: And did you take any notes as to your conversations with Jonathan Berkon?

MR. PLATKIN: No, I did not.

MR. HAYDEN: Now, you then-- Did you call Mr. Berkon that night, or did he call you?

MR. PLATKIN: I don't remember who called who; but we spoke. It was either that night or that weekend.

MR. HAYDEN: And you-- Because somebody had to fill him in as to what the sensitive matter was. He would not have known before he spoke to Katie Brennan; and at that point in time you told him it was sexual assault?

MR. PLATKIN: I believe I told him what the allegation was, yes.

MR. HAYDEN: Yes. And did you tell him who Katie Brennan was -- that she was somebody who was also a Chief of Staff in the Administration?

MR. PLATKIN: I don't know if I gave him her title, but I told -- in so many words, I think that's accurate.

MR. HAYDEN: Did you tell him-- I guess, another way to ask the question, did you tell him you thought she was a credible person?

MR. PLATKIN: We didn't get into her credibility.

MR. HAYDEN: Did you tell him whether or not you believed the allegation?

MR. PLATKIN: I informed him that we had recommended that Al leave State government. So I don't know that I said I believed it or didn't.

MR. HAYDEN: And did-- Mr. Berkon told us it was very shortly within the conversation, that you and he had, that he used the word *untenable* that somebody stay on in a position in State government, given the allegation, given the fact that somebody else was there. Do you remember him quickly coming to that decision, also, that Alvarez should go?

MR. PLATKIN: I don't remember the word *untenable*; we both agreed that he should not remain in State government.

MR. HAYDEN: And he didn't have to convince you, because you already made the decision.

MR. PLATKIN: Again, we had made that recommendation -- or, at least, when Mr. Cammarano and I met in March, we both agreed he should leave.

MR. HAYDEN: Now, again, we go a little bit on two tracks here. There's the Jonathan Berkon track and there is the Charlie McKenna track.

Take your time. Do you need a minute?

MR. PLATKIN: No, I'm good.

MR. HAYDEN: Okay.

There's the Charlie McKenna track. You then call Mr. McKenna and ask him to come up to your office; and you tell Mr. McKenna there's a serious allegation about something that happened in the Campaign. And you want Alvarez to be told it's time to separate himself from State government. Something to that effect?

MR. PLATKIN: With the only exception -- I don't believe I told him that it was something that happened in the Campaign. But yes, I told him that he should, again, be told that he should leave State government.

MR. HAYDEN: And by the way, Alvarez was an at-will employee, wasn't he?

MR. PLATKIN: I believe he was.

MR. HAYDEN: I mean, he could have just been told, "Leave tomorrow," and he would have to leave immediately.

Now, was any consideration given -- and this was a question asked by Assemblywoman DeCroke -- about, at that point in time, suspending Mr. Alvarez's with pay in order to move quickly and resolve the issue?

MR. PLATKIN: When I first reported the matter to Ms. Taylor -- based on how I understand these matters are handled in the private sector -- that was an option I assumed they would consider, perhaps pursue. But we were, again, advised that we couldn't conduct an investigation.

MR. HAYDEN: But how about in June, when all of a sudden the matter surfaces again. Could you have suspended him with pay so he's not functioning as a Chief of Staff in State government; he is not supervising female employees; and there could be some time for him to get his bearings, as opposed to allowing him to stay in the job?

MR. PLATKIN: I'm not sure if that's an option that we can do in State government.

MR. HAYDEN: He was an at-will employee; you could have suspended him, you could have fired him. You would have been doing him a favor if you suspended him with pay.

MR. PLATKIN: Again, some of these are complicated legal questions, with respect to Mr. Alvarez -- I'm not sure that I can answer them.

MR. HAYDEN: I guess the answer, though, is you didn't consider that option at the time.

MR. PLATKIN: In June, I don't know if I considered it or not.

MR. HAYDEN: You meet with McKenna, and McKenna tells you he talks to Alvarez; and Mr. Alvarez understands he has to separate himself from State government. And then Alvarez calls you for confirmation; you indicate it was an emotional conversation on Alvarez's side. But you stick to your guns and tell him he must separate.

MR. PLATKIN: Correct.

MR. HAYDEN: Did you have any concerns in June, after he had told Cammarano in March he was going to leave, that he would continue to "yes" you, but not leave?

MR. PLATKIN: I assumed he would be leaving in June.

MR. HAYDEN: You assumed he'd be leaving in June.

Do you think it would have been helpful to have written a confirming letter or e-mail to Mr. Alvarez indicating he's been directed he has to find -- he's been directed to leave, and he should leave by a certain end date? Do you think it would have been more helpful to put the direction in writing?

MR. PLATKIN: It's probably something we should have considered doing.

MR. HAYDEN: Now, did you tell us, during your testimony, that once or twice during the summer you had some conversations with Mr. Alvarez?

MR. PLATKIN: Correct.

MR. HAYDEN: And were-- You know, let me ask you about locations; because everybody here may understand who's where; I don't, and maybe or maybe not it has some relevance. And maybe, in fairness, it should also be part of the record.

Where-- How far from your office was Mr. Alvarez's office at the SDA?

MR. PLATKIN: I actually don't know where the SDA is; I've never been there.

MR. HAYDEN: Blocks away?

MR. PLATKIN: It's in Trenton somewhere, but I don't know physically how close it is to our office.

MR. HAYDEN: How far from your office -- the Governor's suite of offices was Katie Brennan's office, do you know -- at the HMFA?

MR. PLATKIN: I actually have never been to the HMFA's offices.

MR. HAYDEN: In a different location, I guess, is the question?

MR. PLATKIN: Yes.

MR. HAYDEN: And I take-- Was the location of Katie Brennan's office at the HMFA in the same building or in a different building than the Schools Development Authority?

MR. PLATKIN: I believe they are in different buildings.

MR. HAYDEN: You could not tell us, offhand, how far away they were?

MR. PLATKIN: I could not.

SENATOR WEINBERG: Excuse me.

Some of the members are having trouble hearing you.

MR. PLATKIN: Okay.

SENATOR WEINBERG: So if you would speak into the microphone and speak up.

MR. PLATKIN: I will do that.

SENATOR WEINBERG: You're practicing as a new dad.
(laughter)

Go ahead.

MR. HAYDEN: Okay.

So you had a couple of -- were they calls you made to Alvarez, meetings you had with him that were chance, where you asked him what was happening about him leaving employment?

MR. PLATKIN: They were phone calls; I don't recall who called who.

MR. HAYDEN: At some point in time you advised Jonathan Berkon, within the first week or so of June, that Alvarez would be leaving State government.

MR. PLATKIN: Correct.

MR. HAYDEN: And I take it you then authorized Mr. Berkon to speak to Katie Brennan to let her know that Alvarez was leaving State government.

MR. PLATKIN: Correct. It was clear it was a fact that she was interested in knowing. I felt okay sharing it.

MR. HAYDEN: And you thought that might give her some solace -- the fact that this man was not going to be around anymore.

MR. PLATKIN: I'm not sure what my thought was; but I said that he could share.

MR. HAYDEN: And I take it you would not have authorized Berkon to share it if you didn't believe it was true, that he was--

MR. PLATKIN: I believed it was true.

MR. HAYDEN: Right. But didn't that impose some kind of an obligation to follow-up on the representation made to Ms. Brennan that the man was leaving.

MR. PLATKIN: I'm not sure if it imposed an obligation; again, I thought he was leaving, and I expected he would.

MR. HAYDEN: But once you tell the victim that the person is leaving, given his history of stonewalling to some extent, don't you think there's an obligation to make sure he followed through in what he was directed to do?

MR. PLATKIN: Again, as I've testified, that's one of the things we probably could have done better.

MR. HAYDEN: Now, were you involved in the hiring of Lizette Delgado-Polanco to be the CEO of the SDA?

MR. PLATKIN: I was not.

MR. HAYDEN: You were not.

MR. PLATKIN: No.

MR. HAYDEN: Do you think that it would have been appropriate to advise her that her existing Chief of Staff had an allegation of sexual assault against him?

MR. PLATKIN: I wasn't involved. I think it's something that we could have advised her.

MR. HAYDEN: I mean, whether or not you were involved, we're all here looking for policy, sir. I mean, common sense tells us that if you're giving somebody a Chief of Staff, the boss should know the basics about them, particularly an allegation as to a heinous crime, doesn't it?

MR. PLATKIN: I would think it does.

MR. HAYDEN: And as a matter of fact -- and I know you've told us you were not aware of the raise at the time -- but it might have even been a factor in a decision of hers as to whether or not to give this man a raise, might it not?

MR. PLATKIN: I don't know who decided to give him a raise.

MR. HAYDEN: She testified for us she did.

MR. PLATKIN: I did not watch her testimony.

MR. HAYDEN: But you would agree it might have been a factor to the CEO as to the background of the person she's giving a \$30,000 raise.

MR. PLATKIN: That might have been a factor, yes.

MR. HAYDEN: Now, with respect to the *Wall Street Journal* article, I believe you told us, and you told certain other members of the Committee, that it was on October 2 that the press inquiries came in, I guess, to Justin Braz; one came for you; one may have come for Mr. Cammarano -- that they were doing a story on this. And you received -- I believe you were asked about a text message, "Call me ASAP," in caps. And you indicated you didn't return that text message?

MR. PLATKIN: Correct.

MR. HAYDEN: Why not?

MR. PLATKIN: I didn't want to speak to him, given that we had just had a press inquiry--

SENATOR WEINBERG: Can you talk up a little bit, please, Mr. Platkin?

MR. PLATKIN: I did not think it was appropriate to call him at that point. And he also was-- I can't remember if that was before or after, but he issued his -- he submitted his letter of resignation that same day.

MR. HAYDEN: Well, I guess my question is, did anybody from the front office send him directions or a direct order, "Resign right now."

MR. PLATKIN: I don't know.

MR. HAYDEN: You're saying you didn't do it; you don't know whether somebody else did?

MR. PLATKIN: I did not do it. I don't know if somebody else did.

MR. HAYDEN: Okay. But all of a sudden, this man who has treaded water about leaving -- on the day of the story, all of a sudden gives a one-sentence resignation on the same day. That's correct?

MR. PLATKIN: That's correct.

MR. HAYDEN: And Mr. Berkon told us that he also had a conversation with you on that day where Mr. Berkon said he was very surprised that Alvarez was still working in the Administration. Do you recall that conversation?

MR. PLATKIN: Yes, he was surprised.

MR. HAYDEN: Mr. Platkin, if you could do it again, would you tell the Governor about Mr. Alvarez?

MR. PLATKIN: Mr. Hayden, I've already testified that I understand why a different conclusion would be drawn. I think it's hard to say what I would do again, given that we have a lot more facts today than I did at the time I was making those decisions.

MR. HAYDEN: If you could do it again, though, knowing the facts you know now, would you tell the Governor?

MR. PLATKIN: That's a much easier question to answer than what I would do if I could do it again.

MR. HAYDEN: And that answer is?

MR. PLATKIN: I think given the facts we know now, I would inform the Governor.

MR. HAYDEN: And if you could do it again, would you fire Mr. Alvarez more promptly?

MR. PLATKIN: I still don't know the answer to that, legally. But it's definitely something we should have explored more fully.

MR. HAYDEN: In terms of common sense, if you could do it again, would you have fired him more promptly?

MR. PLATKIN: I can't answer in terms of common sense. I still have to make sure I'm following legal guidelines.

MR. HAYDEN: Thank you for your patience in answering the questions.

MR. PLATKIN: Thank you.

SENATOR WEINBERG: Mr. Critchley.

MR. CRITCHLEY: Just curious: What facts do you have now that you didn't have then?

MR. PLATKIN: There were a number of facts in the *Wall Street Journal*, and subsequent stories, that I did not have at the time.

MR. CRITCHLEY: What are they?

MR. PLATKIN: A number of facts regarding the incident; but--

MR. CRITCHLEY: Well, like what?

MR. PLATKIN: I can't say specifically what. I had very little information; we had an allegation and a denial.

MR. CRITCHLEY: It seems like what you were told on March 20, 2018, the facts were in cement then, and those are the same facts that are in cement now.

MR. PLATKIN: I was told in March of an allegation of rape. I did not have all the other facts with regards to the timeline of events. And I

certainly did not have as good of an understanding of my authority in the position that I could have used, as I do now.

MR. CRITCHLEY: You didn't have understanding of the authority that you could have used now (*sic*)?

MR. PLATKIN: Yes; as I said, looking back, it's something I thought maybe I should have pushed for different guidance from the Attorney General's Office. You know, there are a lot of things I know now that I didn't know in March of 2018.

MR. CRITCHLEY: But that's -- but I'm just trying-- Like, can you just give me, like, a couple of examples of what you didn't know then that you know now?

MR. PLATKIN: I can't give you specific examples. There were a lot of facts in the *Wall Street Journal* and subsequent stories that I did not know. I did not know, for instance, about people and what had been looked into in Transition.

MR. CRITCHLEY: I'm sorry?

MR. PLATKIN: I did not know, for instance, about everyone who knew in Transition.

MR. CRITCHLEY: And that's puzzling. You are a high-ranking officer in the Transition, coming in to be Chief Counsel. And you did not know that the Transition Counsel had discussions with Mr. Cammarano and Jose Lozano. You didn't know that. When did you find that out?

MR. PLATKIN: I don't recall when I found that out. I just know I knew -- I learned it at some point. It's hard for me to keep straight

when I found out certain things, given the number of press stories there have been about this.

MR. CRITCHLEY: Oh, I understand that. I said, you know, sometimes there are events that occur in life that are not what I call *freeze-frame moments*; meaning, that they're not important. But events such as this, I think -- *I think*; but we're different. I don't know -- but some material events I would have a concrete memory of what took place.

And let me just-- You know, this Committee has many questions that we need to have answers to. But although we have many questions that are somewhat difficult to answer, one of the questions that seems to be a simple question that requires a simple answer-- And I think if we asked these 15 Committee members, "If you want to know one bit of information, what is it?" And if we asked the media, "What are the two questions you want this Committee to get an answer to?" And if we asked the public, "What is it that you want to find out?" One question we want to find out is, who hired Al Alvarez? Can you help us out?

MR. PLATKIN: I've already testified I don't know who hired Al Alvarez.

MR. CRITCHLEY: Yes; I mean, that's-- I don't know why it's so difficult to find that answer. Because people may say, "Well, why, after five days of hearings, having 15 members of this Committee stop their lives, come down here; and everybody wants to cooperate-- It's no secret that the Administration knows, right now -- because they're following these hearings -- all we want to know is, who hired Al Alvarez? You would think they'd say, "Okay, guys. Save your time, save the hundreds of questions. This is

the answer. X hired Alvarez, and these are the e-mails that support the hiring.” Is that such a difficult thing to accomplish?

MR. PLATKIN: Again, I don’t know, and I’m not -- I haven’t taken my own investigation to figure it out.

MR. CRITCHLEY: Forget the investigation. This is not an investigation; it’s a question. We’re asking if anybody’s watching; we want to know, and we can save a lot of time -- could you please come here and tell us who hired Al Alvarez?

MATTHEW BOXER, Esq.: Mr. Critchley, the witness is here to provide whatever factual information he has. He’s been asked this question numerous times. I think it’s fair to say he’s given you every-- Any information he has on this, he’s now provided to you.

MR. CRITCHLEY: Okay; Counsel, here’s what I want to find out.

Because it seems to be a secret as to us not being able to find out who hired Al Alvarez. And what we want to find out -- if it’s a secret, why is it a secret? Because of all the questions we have to ask witnesses, that’s the basic question. And when we have some bafflement, you can understand why. Because you can draw an adverse inference from the Administration not telling us who hired Al Alvarez. That’s all we want to find out.

And if-- Counsel, if you guys could help us out, that would be very good. We could save a lot of time; that’s all I’m trying to get at. Because as I say, you know, there are some mysteries in life that are explainable. I like history; like, for example, Stonehenge, you know? Who brought the concrete (*sic*) slabs to Stonehenge? (laughter) They’re 25 tons.

MR. BOXER: We'll get you an answer on that tomorrow, Mr. Critchley. (laughter)

MR. CRITCHLEY: Okay; if you could. That took 4,000 years (*sic*); and I can understand. But we don't want to find out who brought the concrete slabs to Stonehenge; we want to find out who brought Al Alvarez to the SDA. It's not that difficult.

Because we always have that analogy -- when you talk about operations, in government or in business, sometimes you have the statement, "The left hand doesn't know what the right hand is doing." And okay, that's-- You know. But it seems, in this situation, the left hand doesn't know what the left hand is doing. That's what we want to--

And it's almost-- And we don't want it to be this way. But it's almost an embarrassment that we can't get that answered. That's just being said.

And we talk about confidentiality. I want to pass something around; and to the witness, please.

(distributes document)

Okay; I just have a couple of questions.

We've had a lot of people testify that the reason they did not tell the Governor is because of the confidentiality provisions within the EEO. And, for example, Mr. Cammarano said one of the lawyers who told him not to discuss the allegations involving rape with Mr. Alvarez and Ms. Brennan was yourself, correct?

MR. PLATKIN: I'm sorry; could you say that one more time?

MR. CRITCHLEY: Did you advise Mr. Cammarano not to discuss with anyone the allegations regarding the complaint that Ms. Brennan filed against Mr. Alvarez?

MR. PLATKIN: I advised him of the confidentiality provisions, yes.

MR. CRITCHLEY: Now, when you did that, did you submit any written direction to people, saying, "Okay, if you know about these allegations, confidentiality requires us not to discuss them with anyone."

MR. PLATKIN: I'm not sure what type of written directions.

MR. CRITCHLEY: Well, you gave directions to Mr. Cammarano; were they written or oral?

MR. PLATKIN: They were oral.

MR. CRITCHLEY: Did you give any directions to Ms. Heather Taylor?

MR. PLATKIN: No, Ms. Taylor is the Chief Ethics Officer. She would have been advising me.

MR. CRITCHLEY: Did you give any directions to Justin Braz?

MR. PLATKIN: I never spoke to Justin Braz about it.

MR. CRITCHLEY: Well, you knew he knew about this. Did you feel it was important to tell him -- meaning Mr. Braz -- "Confidentiality requires us not to discuss this matter"?

MR. PLATKIN: I'm not sure when I found out that Justin knew about it. I think it was after the *Wall Street Journal* story.

MR. CRITCHLEY: I'm sorry?

MR. PLATKIN: I think it was after the *Wall Street Journal* story came out that I learned about Justin Braz.

MR. CRITCHLEY: Okay, how about Ms. Brennan? Did you tell Ms. Brennan, "Don't discuss this; it's confidential."

MR. PLATKIN: I don't believe I told her that she shouldn't discuss it.

MR. CRITCHLEY: And it seems to me, you know, this is-- You know, the advice that's given -- it seems to be ad hoc and almost, on some level, could be self-serving. Because on one hand we talk about inconsistencies. You say that you told Mr. Berkon about this because you were advised by the Attorney General that the Campaign could find out, correct?

MR. PLATKIN: Correct.

MR. CRITCHLEY: Well, the avatar of the Campaign is the candidate; he's the personification of the Campaign. Well, if you can tell the attorney for the Campaign, why can't you tell the candidate of the Campaign? If the Campaign could know, who is more of a personification of the Campaign than the candidate; in this case, Governor Murphy?

MR. PLATKIN: I think I've been pretty clear that whether we should have told the Governor is a question that I've considered myself in light of how things have played out.

MR. CRITCHLEY: I understand that. But you said you were told that you could tell the Campaign, correct?

MR. PLATKIN: We were advised that the State could not conduct an EEO investigation; but that a third party entity, such as the Campaign, possibly could.

MR. CRITCHLEY: But you were told -- and one of the reasons you said you told Mr. Berkon about these allegations is because you were

informed that he could advise the Campaign of the allegations made by Ms. Brennan against Mr. Alvarez. Did you say that?

MR. PLATKIN: Correct; I said that because we were advised they could conduct an investigation, and I felt comfortable sharing that.

MR. CRITCHLEY: We use the term that the Campaign could be told. Did you use that term?

MR. PLATKIN: If I did, then that's fair.

MR. CRITCHLEY: You did.

MR. PLATKIN: But I'm not sure if I did or not.

MR. CRITCHLEY: Well, if the Campaign can be told, and you told the Campaign attorney, why can't you tell the Campaign candidate?

MR. PLATKIN: Again, I was exercising the best judgement I had at the time. But I've been very clear that I understand why you might come to a different conclusion.

MR. CRITCHLEY: And I understand that judgement, and I'm not questioning that judgment; 20/20 is perfect. But from your statement -- and I know Counsel will be hitting that button pretty soon (laughter) -- from your statement, you said, "Okay, the Campaign could know, and therefore we let Mr. Berkon know, who is the Campaign attorney." If the Campaign attorney could know, it seems just a logical follow-up that the candidate could know. It just-- It baffles me that, with that logic -- that the Campaign could know -- that you could not tell -- just on that simple proposition, that the Governor could know. Do you understand why I'm confused on that?

MR. PLATKIN: I understand why you're confused on that.

MR. CRITCHLEY: Okay.

Now, have you seen-- I have a document in front of me; I guess we should have a marking for it. We'll have it -- *Committee Exhibit 1*, I guess.

MR. PORRINO: While you're marking it, Mr. Critchley, we'd like to take just a very brief break; five minutes or less.

MR. CRITCHLEY: Okay, fine.

(Committee recesses)

(Committee reconvenes)

ASSEMBLYWOMAN PINTOR MARIN: Mr. Critchely, you can continue.

MR. CRITCHLEY: Thank you.

Mr. Platkin, as I understand it, the reason that you did not tell the Governor about the Mr. Alvarez-Brennan allegation is that, as you understood it -- the law -- the Governor could not be told that one high-ranking member of his Administration was accused by another high-ranking member of his Administration of rape because of confidentiality, correct?

MR. PLATKIN: I understood that the confidentiality policy was of utmost concern and I made a judgement call in light of that policy.

MR. CRITCHLEY: I understand that. And I've been listening to the testimony of people who've testified to that. And I-- You know, when I hear answers I sometimes refer to different things in my life; and when I heard those answers-- Have you ever read *Oliver Twist*?

MR. PLATKIN: Have I ever -- what?

MR. CRITCHLEY: Read *Oliver Twist*?

MR. PLATKIN: A long time ago.

MR. CRITCHLEY: Yes; well, there's a little minor character in there called Mr. Bumble. When he was confronted with a proposition law that he disagreed with, he said, "If the law supposes that," "The law is a ass -- a idiot." And I often cite Mr. Bumble because, from what we've learned, if a law, as we understand it, was that we could not tell the Governor that a high-ranking member of his Administration was accused by another high-ranking member of his Administration of rape -- if that was the law, then I would say, "The law is a ass."

But as I read this document in front of you, that's not the law. So let's go through what I understand the law is.

The document-- Have you ever seen this document before -- a copy of this document?

MR. PLATKIN: It's not numbered, so is this the document "New Jersey State--"

MR. CRITCHLEY: Yes.

MR. PLATKIN: I have not seen this document before.

MR. CRITCHLEY: Okay. But it's put out by the State of New Jersey, and basically incorporates the revisions of law N.J.A.C. 4A:7-3.1(j). And it basically says, in terms of confidentiality, that confidentiality is not absolute. It's subject to a number of exceptions, where information regarding an investigation can be told to certain people, correct?

MR. PLATKIN: Correct.

MR. CRITCHLEY: And it also says that you can reveal this information; and the secrecy only applies to the extent possible under the circumstances, correct?

MR. PLATKIN: I think it says to the extent practical and appropriate.

MR. CRITCHLEY: Okay, the extent practical and appropriate. Let me just-- "All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved." Understandable.

"To the extent practical and appropriate under the circumstances, confidentiality shall be maintained throughout the investigatory process.

"During the course of an investigation, it may be necessary to discuss the claims with the persons--" and then it goes, "It may also be necessary to disclose information to persons who have a legitimate need to know about the matter."

Now, obviously, that's a matter of interpretation, I guess, correct?

MR. PLATKIN: Correct.

MR. CRITCHLEY: Now, I'm trying to figure out -- because we're talking about exercising judgement, as you talked about, correct?

MR. PLATKIN: Correct.

MR. CRITCHLEY: And judgement is nothing but common sense; and common sense of does not equate with a high-minded individual. It's just exercising good judgement in dealing with practical matters. Would you agree with that?

MR. PLATKIN: I believe that you exercise judgement when-- I'm not sure I understand the question.

MR. CRITCHLEY: Okay. Well, you've been described-- Your reputation is stellar. The words that have been used to describe you -- you should be very proud. Brilliant -- that's one word that comes all the time when they discuss Matt Platkin; that he is brilliant.

Now, with that brilliance, in terms of interpreting this document -- when you, say as it states, "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," not it's discretionary. "It may be necessary." So you're compelled to tell people with a legitimate need to know about the matter.

Are you saying your judgement call, at the time, was when there are rape allegations involving two high-ranking members of the Administration, that you didn't think it was necessary that the Governor had a legitimate need to know this?

MR. PLATKIN: Again, as I testified, I made a judgement as to who I needed to inform. And as I've said, with hindsight I understand why you might come to a different conclusion.

MR. CRITCHLEY: Why do you understand I may come to a different conclusion?

MR. PLATKIN: I think it was a judgement call, and I can understand why someone would come to a different conclusion.

MR. CRITCHLEY: Okay, I understand. But why? What's the base -- what do you base that on?

MR. PLATKIN: I'm basing it on the fact that there's been a fair amount of attention on that decision, and I understand why people may have a different view.

MR. CRITCHLEY: Because it seems, in terms of exercising judgement -- it doesn't seem to be too difficult a judgement call to tell the Governor that Mr. Alvarez, who is working with him for two-and-a-half years, was accused of rape.

That seems to me a rather simple proposition. I guess to you in terms of the judgement call you would disagree with it at the time.

MR. PLATKIN: Again, violation of the confidentiality policy has serious ramifications. So I did make a judgement call.

MR. CRITCHLEY: Well, that would not be a violation. You think, by reading this document, if you had told the Governor that Mr. Alvarez was accused of rape -- you did not believe that that would fall under the category of necessary information that the Governor would have a need to know? You thought you would be disciplined if you told the Governor?

MR. PLATKIN: I'm saying I took the confidentiality policy seriously; and again, I made a judgement call which, as I've said, I understand why you would come to a different conclusion.

MR. CRITCHLEY: Yes, I understand that, and that's very nice and I appreciate that.

But it seems to be difficult to comprehend that something that seems to be so commonsensical would cause all this controversy that requires us to be here today.

Now, when you made the judgement call, you made judgement calls over a period of time. It was not just one judgement call of keeping information from the Governor; there are multiple times when you made that same decision -- to keep information from the Governor, correct?

MR. PLATKIN: Correct.

MR. CRITCHLEY: Now, for example, on March 26, you, as the Chief Counsel, and Mr. Cammarano, as the Chief of Staff, made the decision to terminate Mr. Alvarez from State employment, correct?

MR. PLATKIN: We made a decision, I believe it was, March 22.

MR. CRITCHLEY: March 22; okay, I believe it makes no big deal, but I think Mr. Cammarano testified it was March 26.

MR. PLATKIN: Okay.

MR. CRITCHLEY: But neither here-- But a decision was made to terminate Mr. Alvarez from State government, correct?

MR. PLATKIN: It was. A decision was made to ask Mr. Alvarez -- or tell Mr. Alvarez he should leave.

MR. CRITCHLEY: Why the euphemisms? I mean, why did you leave it ambiguous? You want him to go.

MR. PLATKIN: I'm not an employment lawyer; I don't fully, even sitting here today, understand the consequences for telling someone -- or firing someone on the basis of an allegation.

MR. CRITCHLEY: Well, he's an at-will employee, Mr. Hayden said. At-will -- because when you see the letter that the Senator referred to, it says you are an "at-will employee," are you saying you don't understand what that means?

MR. PLATKIN: I'm saying I'm not sure if there are legal restrictions around the ability to terminate someone based on an allegation that had not been prosecuted.

MR. CRITCHLEY: Well, let me see if I can understand. When you told him whatever you told him -- you and Mr. Cammarano -- what is it that you told Mr. Cammarano to tell Mr. Alvarez?

MR. PLATKIN: I don't recall specifically what I told him. We decided that we would tell him he should leave State government.

MR. CRITCHLEY: Sorry?

MR. PLATKIN: We decided that he would be instructed to leave State government.

MR. CRITCHLEY: Okay, leave State government. When someone is fired from a job, they're told to leave the job, correct?

MR. PLATKIN: When someone's fired, they're usually told to leave immediately.

MR. CRITCHLEY: When you told him to leave State government, do you in your mind have an idea as to how long it should take for him to *leave* the government?

MR. PLATKIN: I did not have a specific time frame in mind.

MR. CRITCHLEY: So let's put that in context.

So now you have -- you're telling Mr. Alvarez, on March 26, according to Mr. Cammarano, to leave State government. Now, who is Mr. Alvarez? Mr. Alvarez is someone who has worked with the Governor, personally, correct?

MR. PLATKIN: Correct.

MR. CRITCHLEY: He also worked for New Way for New Jersey, correct?

MR. PLATKIN: Correct.

MR. CRITCHLEY: You also worked for New Way for New Jersey, correct?

MR. PLATKIN: Correct.

MR. CRITCHLEY: He worked on the Campaign, correct?

MR. PLATKIN: Correct.

MR. CRITCHLEY: He worked in a high-level position in the Transition, correct?

MR. PLATKIN: Yes, he had a position on the Transition--

MR. CRITCHLEY: Deputy Director of Personnel.

MR. PLATKIN: --that could be characterized as a high-level position.

MR. CRITCHLEY: Okay. So now-- And he starts employment with the SDA on January 18, 2017 (*sic*), correct?

MR. PLATKIN: I don't have the start date in front of me.

MR. CRITCHLEY: Okay; that's the date -- January 18.

MR. PLATKIN: Okay.

MR. CRITCHLEY: And so here's a guy -- meaning Mr. Alvarez -- who's basically committed two-and-a-half years of his life to advancing, understandably, the interests and political goals of Governor Murphy. He starts a job that he particularly wants, and the job is not an insignificant job. Although he wanted to be the CEO of the SDA, he became Chief of Staff of an entity that has between \$8 billion and \$9 billion in projects. And he has a relationship with the Governor.

Now, considering all that, he's on the job for only seven weeks. He's devoted two-and-a-half years of his life to the Governor; he's on the job for seven weeks and he's told to leave. Is that the timeline?

MR. PLATKIN: Roughly, to March, seven to eight weeks, yes.

MR. CRITCHLEY: So, I mean, suppose-- He could have left-- You tell him March 26, he could have left March 27. And all of a sudden the newspapers are saying, "Okay, Governor, why did Al Alvarez leave?" "I don't know." He's gone. I mean, don't you think the Governor should have been aware, because in the event Mr. Alvarez said, "Okay, I'm leaving tomorrow," should, you think, the Governor should be made aware of that?

MR. PLATKIN: I think I've answered this question.

I did the best I could at the time, and I understand why you would think otherwise.

MR. CRITCHLEY: No, and believe me, you know -- it's just you would think that something like that the Governor would be made aware of. But -- understanding --but that's not the only time.

So now we come to March; and then you have -- in April. So you have discussions with Heather Taylor in April of 2017 (*sic*). Do you recall those discussions -- that Mr. Hayden had talked to you about them?

MR. PLATKIN: We spoke in March; again, at the end of April, when Ms. Brennan reached out.

MR. CRITCHLEY: And in March, according to Heather Taylor's notes, you said, as you testified here, that because of your relationships with both Mr. Alvarez and Ms. Brennan, you felt you had a conflict of interest, correct?

MR. PLATKIN: I felt that I had -- that there was a potential conflict and I would not participate in the EEO investigation; correct.

MR. CRITCHLEY: Well, a conflict of interest there, was interest based upon relationships. And those relationships remained,

whether it was in March or April; whether it was an EEO or any decision affecting the two of them -- potentially could be influenced based upon your relationship with them.

MR. PLATKIN: I believe I was exercising an abundance of caution, as I said, the first time I dealt with a case like this in my job; and I didn't want to be perceived as tipping the scales one way or another. As I sit here today, I don't believe I actually had a conflict.

MR. CRITCHLEY: But you say at the time, because of the relationship; and her testimony was that you said you recused yourself.

MR. PLATKIN: I did not participate in the EEO investigation.

MR. CRITCHLEY: Okay. And I withdraw that line; we understand that.

But if there's a conflict of interest based upon relationships, that conflict could carry over into many areas, not only limited to the EEO, correct?

MR. PLATKIN: If the conflict in fact existed and Ms. Taylor recommended that I have an ongoing recusal, yes. But that did not happen.

MR. CRITCHLEY: And let me tell you why I just have a little bit of a problem here.

We have the State -- we have Title 52:13D-23 -- and you don't -- I'm not expecting you to -- (7) -- which deals with the Code of Ethics. It basically says that a State employee shall not "knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his acts that he may be engaged in conduct violative of his trust."

Now, I'm not suggesting -- don't get upset -- I'm not suggesting that you engaged in any conduct that was violative of your trust. But the Code of Ethics says we're concerned about "acting in a way that can create an impression or suspicion among the public."

And let me tell you why the conflict of interest, in my mind, raises a question; and a very real question.

There's been testimony by Heather Taylor -- I have it, in terms of her testimony -- that the Attorney General's Office recommended to her, when Ms. Lieberman was advised of the allegations against Mr. Alvarez -- her recommendation was that Campaign conduct an investigation. That's what Ms. Taylor testified to. Did you recall that?

MR. PLATKIN: The recommendation to me was that a third party entity, such as the Campaign, could conduct an investigation.

MR. CRITCHLEY: Okay. I'll stop and I'll read the testimony from Ms. Taylor, just so--

And let me just do that now.

For the record, Counsel, I'm referring to testimony of January 10, page 190.

Question by me, "Who initiated the recommendation of investigation? Was it Ms. Lieberman during the conversation, or was it you to Ms. Lieberman?"

Ms. Taylor, "I'm sorry, I don't understand the question."

Me, "Who initiated the concept of having the Campaign conduct an investigation about this matter?"

Ms. Taylor, "Ms. Lieberman."

Me: "She did."

Ms. Taylor: "Yes."

Me: "Did she suggest to you how it should be done?"

Ms. Taylor: "She did not. I may have said that I didn't know if the Campaign existed, because it was March and the Campaign had obviously been the prior year. But she had recommended that the Campaign do an investigation."

So she testified that one of the highest-ranking members of the Attorney General's Office suggested that the Campaign conduct an investigation. That's what she testified to. She may be wrong, but that's what she recalls.

And I asked her, "Was an investigation of the Campaign done?" And she said, as far as-- She said no. Then she said she told you, and she didn't tell anybody else about the Attorney General's recommendation that an investigation be conducted.

Now, the reason I say about creating a suspicion, one could say -- I'm not suggesting this is the case -- one could argue on why the Code of Ethics and conflict of interest is important-- One could say, "You know, there's a suspicion that Mr. Platkin did not follow up on the Attorney General's recommendation to have the Campaign conduct an investigation because of his relationship with Mr. Alvarez."

Now, I'm not suggesting that is the fact at all. But do you understand how the Code of Ethics, in terms of conflict of interest, could cause a problem here regarding your decisions involving the Alvarez-Brennan matter?

MR. PLATKIN: I'm not sure I understand your question.

MR. CRITCHLEY: Well, do you understand now why someone could have an impression, if Ms. Taylor is accurate that the Attorney General's Office said the Campaign should conduct an investigation; and she said that she told you that Ms. Lieberman said the Campaign should conduct an investigation-- An investigation was not conducted. Someone could say, "Well, the reason it was not conducted -- we are suspicious because of Mr. Platkin's relationship with Mr. Alvarez." I'm not saying that's the case; but you understand how that could raise an issue?

MR. PLATKIN: I'm not going to speculate on what other people--

MR. CRITCHLEY: Fair enough, fair enough.

Now, just one little question about Rutgers.

You indicated that you had conversations with Mr. Alvarez post-June 2017 (*sic*).

MR. PLATKIN: Correct.

MR. CRITCHLEY: How many conversations did you have with him?

MR. PLATKIN: I believe it was two; I can't remember exactly.

MR. CRITCHLEY: Phone, in person, e-mail, text?

MR. PLATKIN: Phone.

MR. CRITCHLEY: Have you read any e-mails or are you aware of any e-mails from anyone suggesting that Mr. Alvarez be hired by the State of New Jersey during the Transition period?

MR. PLATKIN: I'm sorry, I couldn't hear your question.

MR. CRITCHLEY: Are you aware of any e-mails generated by anyone suggesting that Mr. Alvarez be hired by the Murphy Administration?

MR. PLATKIN: Any e-mails that he be hired by the Administration?

MR. CRITCHLEY: Yes.

MR. PLATKIN: As in back in January or December?

MR. CRITCHLEY: December, January--

MR. PLATKIN: I'm not sure.

MR. CRITCHLEY: Okay, now you said back in January; does that mean you were aware of e-mails some other time?

MR. PLATKIN: I am using-- You asked about the Murphy Administration, but you told me he was hired in January, as I understand it as well.

MR. CRITCHLEY: Right.

MR. PLATKIN: So I just want to make sure I understand what you're asking me.

MR. CRITCHLEY: Right.

Well, let me see if I can break it down even more, because I don't want to get caught in timelines.

Generally, are you aware of any e-mails by anyone at any time suggesting that Mr. Alvarez be hired for a job in the Murphy Administration?

MR. PLATKIN: I'm not sure if there were e-mails in Transition about his hire or not.

MR. CRITCHLEY: Does that mean "yes," or would that be "no"?

MR. PLATKIN: It means I'm not sure.

MR. CRITCHLEY: Okay; that creates uncertainty, right?

MR. PLATKIN: I'm not aware of any, if that's--

MR. CRITCHLEY: Okay, that's fair enough. You have not seen any.

MR. PLATKIN: I have not.

MR. CRITCHLEY: Has anybody told you about e-mails that may exist?

MR. PLATKIN: No.

MR. CRITCHLEY: No one has told you?

MR. PLATKIN: No, I'm not-- Again, I'm not-- Are you saying-- I want to make sure I understand..

MR. CRITCHLEY: And I want you to understand, because it's a very specific question. So we can--

MR. PLATKIN: E-mails about his hire in the Administration at the Schools Development Authority?

MR. CRITCHLEY: No; anything.

MR. PLATKIN: Anywhere in the Administration?

MR. CRITCHLEY: Yes.

MR. PLATKIN: I'm not aware of any.

MR. CRITCHLEY: Of any hiring; of anything of any nature.

MR. PLATKIN: No.

MR. CRITCHLEY: Okay; fair enough.

Now, in terms of the discussion about him seeking a job at Rutgers -- and I use the word *involved*, and we may disagree, so we'll break it down. You were involved somewhat in the discussion with him -- meaning Mr. Alvarez -- about a job at Rutgers, correct?

MR. PLATKIN: He informed me that he was applying for a number of jobs, including one at Rutgers.

MR. CRITCHLEY: And when did he advise you about this?

MR. PLATKIN: I don't recall exactly. It was sometime over the summer.

MR. CRITCHLEY: Did you tell him, "Al, are you crazy? We just fired you from the State of New Jersey Governor's Office. Why do you think we could allow you to work for the Rutgers University State agency?"

MR. PLATKIN: I didn't say that.

MR. CRITCHLEY: Okay. Now, you indicated that Mr. Cammarano told you something about his -- meaning Mr. Cammarano told you something about Mr. Alvarez's efforts to obtain a job at Rutgers, correct?

MR. PLATKIN: He informed me that he hadn't actually applied for a job.

MR. CRITCHLEY: How did he know that, meaning Mr. Cammarano?

MR. PLATKIN: I'm not sure how he knew that.

MR. CRITCHLEY: Well, that means the Governor's Office had to contact someone at Rutgers about this, correct?

MR. PLATKIN: Again, I'm not sure how he knew that.

MR. CRITCHLEY: Well, let's break down inferences.

Is it a reasonable inference to draw from what you did know that *a*) Alvarez wanted a job from Rutgers. Did you inquire and ask Cammarano to follow-up with Mr. Alvarez's statement that he wanted a job at Rutgers to find out what was going on?

MR. PLATKIN: I let Mr. Cammarano know that he had said he applied for jobs, including one at Rutgers.

MR. CRITCHLEY: Why did you let him know that?

MR. PLATKIN: Just passed the information along.

MR. CRITCHLEY: When did you let him know that?

MR. PLATKIN: I don't recall exactly.

MR. CRITCHLEY: Did you tell Mr. Cammarano to do anything, as a result of you being advised that Mr. Alvarez wanted to apply for a position at Rutgers?

MR. PLATKIN: I don't really recall what we said at the time. It was not a long conversation.

MR. CRITCHLEY: Well, did Mr. Alvarez tell you what position he was seeking?

MR. PLATKIN: I think he did, yes.

MR. CRITCHLEY: What position was he seeking?

MR. PLATKIN: I don't remember.

MR. CRITCHLEY: Can you have an idea what area he was seeking?

MR. PLATKIN: I don't remember.

MR. CRITCHLEY: Did he tell you who he spoke to about getting a job at Rutgers?

MR. PLATKIN: No, not that I recall.

MR. CRITCHLEY: Did he tell you when he applied for a job at Rutgers?

MR. PLATKIN: Again, we found out that he didn't actually apply.

MR. CRITCHLEY: Oh, I'm going to get to that.

Once he told you that he's seeking a job at Rutgers -- meaning Mr. Alvarez -- how much time passes from you finding out that he's seeking a job -- and he told you what type of job it was, but you don't remember now -- how much time passed between then and you having Mr. Cammarano contact someone from Rutgers to find out if Mr. Alvarez submitted an application?

MR. PLATKIN: I don't remember.

MR. CRITCHLEY: Was it in July?

MR. PLATKIN: It was sometime over the summer; I don't remember exactly when.

MR. CRITCHLEY: Did you tell the Governor, without discussing anything about Katie Brennan, that Mr. Alvarez is leaving the SDA and he's seeking a job at Rutgers?

MR. PLATKIN: No, I did not.

MR. CRITCHLEY: Now, when Mr. Cammarano told you that he found out -- that, meaning he, Mr. Cammarano, found out -- that Mr. Alvarez did not fill out an application, did you ask Mr. Cammarano who he spoke to at Rutgers?

MR. PLATKIN: No, I did not.

MR. CRITCHLEY: Did you talk to Mr. Alvarez -- after you found out that he did not submit an application for employment at Rutgers -- that there was no application submitted by him?

MR. PLATKIN: I can't remember if I did or not.

MR. CRITCHLEY: Well, when you seek a job in government -- Sheriff's Officer, Prosecutor -- there are multiple steps. One, the initial inquiry. Talk to somebody, "Can I get a job? Anything open down there?" And then after you have those discussions, then you go to the formal process of an application. Do you know if he went through that initial phase, meaning Mr. Alvarez, in talking to someone, saying, "Hey, are there any openings down there at Rutgers?"

MR. PLATKIN: I don't know anything about his job search other than what I just told you.

MR. CRITCHLEY: Did you offer him any assistance? Now, I'm asking you this question. During the period of time, did you offer him any assistance about getting him a job at Rutgers?

MR. PLATKIN: I don't recall what we said at the time.

MR. CRITCHLEY: Okay. Well, see, there again, I'm not suggesting. But when you say, "I don't recall," that means you could have offered him some assistance at getting a job at Rutgers.

MR. PLATKIN: Like I said, there was a lot going on with him, and he was very emotional. I don't recall what I said. Is it possible he left with that impression? Sure, it's possible. But I don't recall saying, "I will offer you assistance at Rutgers."

MR. CRITCHLEY: Okay, you're saying it's possible he left with the impression that you were going to assist him to get a job at Rutgers. Did you just say that?

MR. PLATKIN: I said it's possible, in his mind, that was his impression. But we never actually got him a job at Rutgers.

MR. CRITCHLEY: Anything you recall now that just would cause him -- to have that possibility emanate in this mind that you were going to assist him in getting a job?

MR. PLATKIN: Somebody-- I read testimony or a statement that he made earlier as to that effect -- that he had that impression. So I can't tell you what was in his mind.

MR. CRITCHLEY: I know; I'm not asking for his mind. I'm using that, maybe, to refresh your recollection. Having read that, does that cause your recollection to be fresh -- that yes, you told him, "I'll provide some assistance"?

MR. PLATKIN: No, it does not.

MR. CRITCHLEY: Now, in this discussion about him -- meaning Mr. Alvarez -- getting a job at Rutgers, did you discourage him, and say, "Al, how could you get a job at Rutgers, because they'll contact us and we have to tell them we told you to leave." Did you attempt to discourage him from getting a job at Rutgers?

MR. PLATKIN: I don't think I attempted to discourage him.

MR. CRITCHLEY: Okay. But you let him go from the Governor's Office because you perceived there were problems with him staying there, correct?

MR. PLATKIN: I'm sorry?

MR. CRITCHLEY: You let him go from the Governor's Office, suggesting he leave in March of 2017 (*sic*), because his staying in the Governor's Office had the potential to be problems for the Governor, correct?

MR. PLATKIN: From the Schools Development Authority.

MR. CRITCHLEY: Yes.

MR. PLATKIN: Yes.

MR. CRITCHLEY: So if there are problems with him being employed with the Schools Development Authority, why aren't those problems carried over to his employment with Rutgers?

MR. PLATKIN: They very well may have. He didn't actually apply.

MR. CRITCHLEY: Well, he didn't make a formal application. We don't know if he made any inquiries informally about applying.

MR. PLATKIN: I don't know that he did anything to apply.

MR. CRITCHLEY: But my question is, in between, why you didn't tell him, "Al, it's a fool's errand. You cannot get a job at Rutgers because we fired you. And when they contact us, we'll have to tell them, 'You were fired.'"

MR. PLATKIN: It wasn't my-- We were just trying to get him out of State government at that point, Mr. Critchley.

MR. CRITCHLEY: But you weren't getting him out of State government; you were just moving him from one position in State government to another position in State government. You're moving him from Trenton to New Brunswick, if he gets the job at Rutgers.

MR. PLATKIN: We were not recommending him for the job at Rutgers.

MR. CRITCHLEY: Okay.

Now, so we're into March of 2017 (*sic*); we made judgement calls not to tell the Governor that we asked him to leave. Now we're into June of 2018. The same dilemma you're confronted with, correct?

MR. PLATKIN: Which dilemma?

MR. CRITCHLEY: "What do I tell the Governor about Al Alvarez?" The Governor sent you an e-mail; and you and Mr. Berkon -- the same evening he received the e-mail from Katie Brennan; very laconic in his wording. It's "TO: M/J FROM: P. FYI." "TO: M/J FROM: P. FYI"

Now, in your mind, when you received that -- you received now the e-mails that are attached to that; and e-mails attached to that contain the reference of Katie Brennan contacting the Governor, wanting to talk to the Governor about a "sensitive matter." That's embodied in the e-mail that you received.

MR. PLATKIN: Correct.

MR. CRITCHLEY: Now, when you're exercising your judgement call, and you now have something that says that Katie Brennan wants to talk to the Governor about a sensitive matter -- and in terms of what facts you have -- you had a whole bunch of facts in June about this. I mean, so we're not talking about-- You have a -- March, April, we're now into June. Did you say, "Governor, you know what that sensitive matter is? That's a matter where Katie Brennan accused Al Alvarez of rape." Did you think of telling him that?

MR. PLATKIN: I did not tell him that.

MR. CRITCHLEY: Now, you understand how people will be a little puzzled as to why, when the Governor forwards you this e-mail from Katie Brennan about a sensitive matter that occurred in the Campaign, they would expect you to respond. I mean, it's tough to accept -- I'm not saying you didn't do it; I'm not saying you did not do it -- but I'm just saying, when we draw reasonable inferences from the facts, it's tough to draw an inference that a judgement call would not be, "Governor, that sensitive matter concerns a rape allegation, and she wants to talk to you about it."

That didn't cross your mind?

MR. PLATKIN: I don't know if it crossed my mind or not.

MR. CRITCHLEY: How about saying, "Governor, in addition to a sensitive matter, you know, I know it involves Al Alvarez. And by the way, we already fired him two months ago." Did you think of telling him that?

MR. PLATKIN: I don't know what I thought of telling him.

MR. CRITCHLEY: I'm sorry?

MR. PLATKIN: I don't know what I thought of telling him.

MR. CRITCHLEY: But do you see how that could cause some trouble by people looking at these facts and saying, "Wait a second. It's baffling how this was conducted." And that's what I was talking about before: left hand, right hand; left hand, left hand. It's just difficult to grasp. But I'll accept what you say.

And then you and Berkon have a conversation; and basically, you agree, yet again, that Mr. Alvarez should be told, "You have to leave State government." Correct?

MR. PLATKIN: We both agreed that he should leave, yes.

MR. CRITCHLEY: And the reason confidentiality didn't apply to him -- meaning Mr. Berkon -- is because, "He was with the Campaign," correct?

MR. PLATKIN: Again, it's a judgement call. We had been advised that a third-party entity, like the Campaign, could conduct an investigation. So yes, I felt it was okay to let Mr. Berkon know.

MR. CRITCHLEY: Because of the Campaign.

MR. PLATKIN: Correct.

MR. CRITCHLEY: Now, the same logic, in your mind, didn't apply to the Governor, who was the candidate in the Campaign.

MR. PLATKIN: I think I've answered this question.

MR. CRITCHLEY: Okay, all right.

Now, did you think it was important to tell the Governor in June, "Guess what? We told him to leave" -- meaning Al Alvarez again -- "We told him to leave."

MR. PLATKIN: I can't-- I don't know what I thought at any -- at that point in time.

MR. CRITCHLEY: Because we were saying before -- that's what I said in the beginning -- it's a judgement. And you're saying you exercised your judgement; and you said if you had to do it again, you might do it differently. All I'm saying here -- it was not just one isolated judgement call; it was bunch of judgement calls that spanned a matter of months. And while people can understand, okay, making one bad judgement call, when you put these bad judgement calls together, it becomes a pattern. That's when people have some difficulty accepting "a bad judgement call," as opposed to an informed judgement call, meaning

you know, it's not just a bad judgement. And people-- I mean, let's-- Let me just say, people would say, "I have a difficult time listening to this testimony and believing" -- and I'm not saying you're not -- "and believing that you didn't tell the Governor." It's just a head-scratcher. Do you understand how people have some difficulty understanding that?

MR. PLATKIN: I did not tell the Governor. I can't speculate as to what people will think.

MR. CRITCHLEY: Now, aside from the Governor, you have other people around. Do you recall discussing the Al Alvarez matter -- I'm not talking about your attorneys; I'm not talking about Mr. Porrino or any others -- do you recall discussing the Al Alvarez matter with anyone else?

MR. PLATKIN: At what point in time?

MR. CRITCHLEY: Any time.

MR. PLATKIN: After the *Wall Street Journal* story hit, there was a fair amount of discussion.

MR. CRITCHLEY: How about before?

MR. PLATKIN: No.

MR. CRITCHLEY: You didn't discuss with-- Well, other than Cammarano, Heather Taylor, and Berkon -- you did not discuss it with anybody else?

MR. PLATKIN: I can't recall having any other discussions about it.

MR. CRITCHLEY: And I'm talking about people in the Administration and people outside of the Administration.

MR. PLATKIN: I don't have any recollection of it.

MR. CRITCHLEY: Sorry?

MR. PLATKIN: I can't recall discussing it with anybody else.

MR. CRITCHLEY: Okay.

Let me just-- Now, there's a document; can we please take a look at -- you guys have it, Mr. Porrino -- it's G, last two 86; the last two numbers are 86.

MR. PLATKIN: I have it.

MR. CRITCHLEY: Okay. Now this is the employment-- It's titled *Transition 2018 Employment Screening Questionnaire*. Have you ever seen this before? Not *this* one; have you ever seen this form?

MR. PLATKIN: I think I have, yes.

MR. CRITCHLEY: Were you involved in hiring anyone during-- Let me just phrase the question; and I apologize.

What was your role during the Transition?

MR. PLATKIN: I was the Chief Counsel designee.

MR. CRITCHLEY: Did you interview anyone for jobs while you were in the Transition? Did you interview anyone for jobs in the Administration while you were in the Transition?

MR. PLATKIN: Yes.

MR. CRITCHLEY: Who?

MR. PLATKIN: I interviewed various attorneys who were looking to work in Counsel's Office.

MR. CRITCHLEY: How about anyone else?

MR. PLATKIN: And Cabinet members.

MR. CRITCHLEY: Besides attorneys and Cabinet officers, did you interview anyone else?

MR. PLATKIN: Not that I can recall.

MR. CRITCHLEY: Okay. Now, why was this document -- and for the record, it's a four-page document; and again, 89. Why was this document created?

MR. PLATKIN: Why was it created?

MR. CRITCHLEY: Yes.

MR. PLATKIN: I assume-- I don't know why; it was part of the employment process.

MR. CRITCHLEY: Now, who's Lynn Haynes?

MR. PLATKIN: Lynn Haynes was, until recently, Deputy Chief of Staff.

MR. CRITCHLEY: Okay. Now, you were shown a document -- we're going, now, back to the mystery -- you were shown a document by Senator Weinberg, G, last number 68, and G-69.

Now, just let me know, Counsel, when you have it.

MR. PLATKIN: I'm seeing it now. I don't know if I was shown it before.

MR. CRITCHLEY: Okay. Well, this is a--

SENATOR WEINBERG: I've read it.

MR. CRITCHLEY: Yes, I know; I'm not going to read the whole thing.

This is a letter from Lynn Haynes, who is the Personnel Director of the Transition, to her subordinate, Al Alvarez, who is the Deputy Director for Personnel for the Transition. And what it is, is she's giving him -- meaning Ms. Lynn Haynes -- a letter saying that Mr. Alvarez has been hired for the position of Chief of Staff. And I note, I'm just saying by information.

Now, do you know who we could contact to find out who told Ms. Haynes to offer Mr. Alvarez the position of Chief of Staff for the SDA?

MR. PLATKIN: Who you could contact to ask Ms. Haynes?

MR. CRITCHLEY: Yes, because Ms. Haynes -- I don't think Ms. Haynes had the authority to hire him, did she?

MR. PLATKIN: Again I've testified I don't know who had the -- who hired him.

MR. CRITCHLEY: Oh, so my question is very simple, and I'll accept your answer. So the question is, do you know who would have told Ms. Haynes to offer a letter of employment to the SDA's Chief of Staff -- to Mr. Alvarez?

MR. PLATKIN: I do not.

MR. CRITCHLEY: Okay, fair enough.

Now, if we go back to 86, it says that Mr. Alvarez wanted to apply for the position of CEO -- CEO of the SDA. Did you have any discussions with Mr. Alvarez, from the joyous occasion in November when Phil Murphy was elected Governor -- well, he won the election -- until January 17, when he was sworn in -- did you have any discussions with Mr. Alvarez about potential positions in the Administration?

MR. PLATKIN: I don't believe I did.

MR. CRITCHLEY: Did you have any discussions with Mr. Alvarez during that period of time -- the election on November 6 and the Administration being sworn in January 17? Did you have discussions with him at all?

MR. PLATKIN: Any discussions at all?

MR. CRITCHLEY: Yes.

MR. PLATKIN: Yes, I did.

MR. CRITCHLEY: How many?

MR. PLATKIN: I don't recall how many.

MR. CRITCHLEY: Did you discuss employment with him?

MR. PLATKIN: He, at one point, pulled together some résumés for my office; so I discussed others' employment, but I didn't discuss his.

MR. CRITCHLEY: Okay. Did anyone discuss his employment with the Administration with you during that period of time?

MR. PLATKIN: I'm sorry; can you repeat the question?

MR. CRITCHLEY: Did anyone discuss with you potential employment by Mr. Alvarez with the Administration?

MR. PLATKIN: Not that I can recall.

MR. CRITCHLEY: Do you know why there was a decision made that he not be offered the position he applied for, CEO; and rather, offered the position of Chief of Staff?

MR. PLATKIN: I don't know that.

MR. CRITCHLEY: Okay; now, if you could go to the third page of that document -- and I'm just going to ask you a question. One of the questions that he answered to-- And just by way of context and background, this document was signed by him on January 2, 2018. And you don't know this, but as of that time, the record has been developed so far, that Mr. Alvarez did not know -- as far as we can tell -- Mr. Alvarez did not know that anybody in the Administration knew about the allegations of rape against him by Ms. Brennan. He knew, because she sent letters to

him; he knew because the Hudson County Prosecutor's Office was investigating him. But as far as he knew, no one knew.

But then he answers this question-- And you did not know, but as of December 1, a number of key figures in the Administration knew about Al Alvarez's involvement -- allegedly by Katie Brennan -- of rape. And this is filled out a month later. And he, Mr. Alvarez, says, "I have disclosed all information that is relevant and should be considered applicable to my candidacy for employment."

Now my question is, based upon -- not this; your experience -- if someone had been accused of rape shortly before -- accused of rape by another member of the Administration, do you think that's something that's relevant that should have been reported in the questionnaire?

MR. PLATKIN: I think that's for this Committee to decide.

MR. CRITCHLEY: I'm asking you. Because we have to rely on testimony coming to us from you, and we just want to get the facts.

MR. PLATKIN: I'm here to provide all the relevant facts. I don't know the legal restrictions on what he could or could not provide.

MR. CRITCHLEY: No, I'm just-- Okay, let me just ask you the question one more time.

"I have disclosed all information that is relevant and should be considered applicable."

Do you think that fact that another member of the Administration accused him of rape is relevant?

MR. PLATKIN: Yes, I personally think it's relevant.

MR. CRITCHLEY: And do you think it should be considered?

MR. PLATKIN: Again, I'm not an expert on *ban the box* and other laws. That's an issue for this Committee to decide.

MR. CRITCHLEY: Well, we won't get into *ban the box*; but *ban the box* does not apply here. We don't have to debate that. That's a timing issue, in terms of when you can ask someone about their prior criminal history. You cannot ask them during the initial interview; but after the initial interview, you can ask those questions. And the purpose of *ban the box* is not to just prevent someone from being hired because they have a criminal record, and no one knows about him. Here, we knew about Mr. Alvarez; so *ban the box* does not apply here. Did anyone tell you *ban the box* applied?

MR. PLATKIN: I'm just saying-- My point was, I'm not an expert on these matters, so I can't give you my opinion.

MR. CRITCHLEY: Nor am I. But I know *ban the box* didn't apply here.

Okay, because it seems like this -- it seems that Mr. Alvarez should have disclosed that information.

Now, if you go, please, to G-284. Let me know when you get there.

MR. PLATKIN: I'm there.

MR. CRITCHLEY: Have you seen a document like this before?

MR. PLATKIN: I saw -- my Counsel showed me this document, but I hadn't seen it before.

MR. CRITCHLEY: Okay. Now, what's your understanding of what this document is?

MR. PLATKIN: It looks like it was a list of people who had gone through vetting in the Transition.

MR. CRITCHLEY: And as of-- Would you draw -- and I'm asking; I don't know. Would you draw an opinion -- as of January 8, 2018, Raj Parikh to David Miller; Subject: vetting -- that Mr. Alvarez had been green-lighted for a job?

MR. PLATKIN: It says he was green-lighted; yes.

MR. CRITCHLEY: And what does *green-lighted* mean?

MR. PLATKIN: I assume it means he was eligible to be hired.

MR. CRITCHLEY: Okay. And similarly, please, Counsel, if you would go to G-283.

MR. PLATKIN: Yes.

MR. CRITCHLEY: Same thing; it will be the next day, January 9, vetting. Updated green-lights; Al Alvarez. That means, as far as you can understand, he was authorized to be hired, correct?

MR. PLATKIN: They look like identical documents.

MR. CRITCHLEY: But you're not aware of any background document -- background investigation that was done on Mr. Alvarez, correct?

MR. PLATKIN: I'm not aware of what background--

MR. CRITCHLEY: I'm sorry?

MR. PLATKIN: I'm not aware of what background checks were done.

MR. CRITCHLEY: Okay; let me just check one thing out, Mr. Platkin.

(references notes)

I just want to follow-up. I missed-- I don't know if somebody asked questions about NDAs. Could you refresh my recollection: What was discussed about NDAs -- I must have missed it -- during the testimony?

MR. PORRINO: I think the Assemblywoman asked a question about NDAs in the Campaign, and I said it wasn't within the scope of our--

MR. CRITCHLEY: I'm sorry, Counsel?

MR. PORRINO: I think the Assemblywoman asked that question about NDAs in the context of the Campaign. And I commented that it was not within the scope of the Resolution authorizing the work that we're doing here, or that you're doing here.

MR. CRITCHLEY: Okay.

MR. PORRINO: And then there were-- I'm not sure what happened after that.

MR. CRITCHLEY: I respect your opinion eminently, Counsel.

MR. PORRINO: Thank you, sir.

MR. CRITCHLEY: But I disagree with it, but that's okay. (laughter) Because I think there are -- sometimes we draw lines; and certainly we just can't go into the Campaign for the sake of going into the Campaign. But sometimes going to the Campaign is logical to the questions that have to be developed regarding what we are allowed to go into, and that is the Transition, and the Governor, and the Administration. Because we cannot isolate them; we have to put things in context.

MR. PORRINO: We're here to be as cooperative as we can be, consistent with the granted authority. So if you have a question, we're glad to try and answer it.

MR. CRITCHLEY: Okay, thank you.

MR. PORRINO: But if we think it's outside, we'll let you know.

MR. CRITCHLEY: Thank you very much.

MR. HAYDEN: We're here because of something that happened during the Campaign.

MR. CRITCHLEY: Yes, and as Mr. Hayden wisely -- my elderly colleague said (laughter) -- we're here because of--

MR. HAYDEN: Et tu, Brute. (laughter)

MR. CRITCHLEY: We're here because of something that happened in the Campaign, actually. The seeds of what brought us here today is not what happened in the Transition or during the Administration. The seeds -- what brings us here today, and having these colloquies, is because of what happened in the Campaign. So it carries over.

Now, my question is, are you aware of any NDAs that were executed involving any matters that occurred during the Campaign?

MR. PORRINO: I think it's clearly outside the scope of the authorizing Resolution. You know, I mean, if there was --

MR. CRITCHLEY: I'm not asking who, what, where, how; I'm just asking--

MR. PORRINO: Yes, I just don't think Campaign matters were part of what was included in the Resolution. There was a draft that included that and taken out; so I don't -- I'm not sure I see it.

SENATOR WEINBERG: Mr. Critchley, if I may.

We also got testimony from Mr. Berkon--

MR. PORRINO: We have it. As I said--

SENATOR WEINBERG: --about NDAs.

MR. PORRINO: --we've tried to be as transparent and as cooperative as possible. I just--

MR. CRITCHLEY: Good.

MR. PORRINO: We're trying to get through this and--

MR. CRITCHLEY: What we'd like to find out -- that if there are NDAs that were executed during the Campaign that have an influence, in terms of hiring in Transition, maybe we should come up with recommendations; not only as it pertains to the Transition, but saying if there are any NDAs that were executed for matters that occurred during the Campaign, that are relevant to what happens in terms of hiring during the Transition, we should know about that.

MR. PORRINO: So I think it's a matter that I'm glad to talk about offline--

MR. CRITCHLEY: Fine, Counselor.

MR. PORRINO: --and if there is information that we think we can provide to be helpful, we will.

MR. CRITCHLEY: Yes, yes, that's fair enough.

Do you know who Jodi Stipick is?

MR. PLATKIN: Jodi Stipick?

MR. CRITCHLEY: Yes.

MR. PLATKIN: Yes, I've met her. I don't know her well.

MR. CRITCHLEY: When you went to that training session that Mr. Hayden and everybody asked you about, who conducted the training session?

MR. PLATKIN: I believe it was Ms. Stipick and Ms. Taylor.

MR. CRITCHLEY: Ms. Stipick and Ms. Taylor. And I guess-- When you made the recommendation not to tell the Governor, that's a rather important decision -- correct? -- on your mind. I mean, it's not-- A Tier 1 being the most important decisions, and a Tier 10 being, like, every day, mundane decisions-- Like, for example, I tell people to come into my office; I say, "Generally during the course of a representation I may have to make 100 judgement calls; 98 of them will be made by my legal assistant outside. You pay me for 2."

Now, you're in that same position. You have to make a lot of judgement calls; but they're not all the same. In my mind, the judgement call not to tell the Governor is like a Tier 1 judgement call that you had to button up and make sure it's right. Would you agree with that?

MR. PLATKIN: It's an important decision.

MR. CRITCHLEY: Did you think of calling up Jodi Stipick and saying, "Jodi, I just went to your training. I have this dilemma. We have this issue. Am I authorized to tell the Governor because he has a legitimate need to know?" Did you think of calling her up and asking that question?

MR. PLATKIN: I reported the allegation to Ms. Taylor.

MR. CRITCHLEY: I'm sorry?

MR. PLATKIN: I reported the allegation to Ms. Taylor.

MR. CRITCHLEY: Okay; my question is, did you think of contacting Jodi Stipick?

MR. PLATKIN: I don't -- I wouldn't, in the ordinary course, contact Jodi Stipick.

MR. CRITCHLEY: And for the record, Jodi Stipick is the Director of the EEO Office for the Attorney General, correct?

MR. PLATKIN: I'm not sure what her exact title is; but I believe so.

MR. CRITCHLEY: Okay.

I'm almost finished, Mr. Platkin.

Just one second, please.

(references notes)

Mr. Platkin, I thank you very much.

I know it's tough answering these questions, but we have to ask them. And if you found some were not too nice, I apologize; but I'm just trying to do my job.

MR. PLATKIN: I appreciate the opportunity to testify before this Committee.

MR. CRITCHLEY: Thank you very much, Mr. Platkin.

SENATOR WEINBERG: Mr. Platkin, before I go to our Committee for any further questions--

(confers with staff)

All right; before I go to Ms. Alito for any further questions, we have had a lot of difficulty in -- we have had no success in finding out who hired Al Alvarez. Can we get any success in the fact -- was Al Alvarez actually ever fired? Because in your answer to Mr. Critchley, you said when you fire someone, he usually leaves right away. So since Al Alvarez didn't leave right away -- he didn't leave in March, he didn't leave in June, he didn't leave in August. Am I to assume that Al Alvarez really was never fired?

MR. PLATKIN: I'm sorry, Senator. I don't know the answer to that.

SENATOR WEINBERG: Excuse me?

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

SENATOR WEINBERG: Well, you were the one who authorized, at least once or twice, that he separate from State employment.

MR. PLATKIN: I apologize; I thought you were asking me with respect to his resignation on October 2.

SENATOR WEINBERG: No, I am asking about that period between December and October.

MR. PLATKIN: We were not firing him; we were asking -- we were telling him to leave.

SENATOR WEINBERG: And can you tell me the difference in those two actions?

MR. PLATKIN: He was provided an opportunity to find other employment as he was leaving.

SENATOR WEINBERG: So we don't know who hired him, and he really was never, actually, fired, in the common sense of the word that the general public, or we non-lawyers, might understand. Is that correct?

MR. PLATKIN: That's correct.

SENATOR WEINBERG: Okay.

Ms. Alito.

MS. ALITO: Thank you.

Mr. Platkin, I have only a few questions.

You mentioned, several times during your testimony, that you are not an employment lawyer.

MR. PLATKIN: Correct.

MS. ALITO: Are any of the lawyers who report to you as Chief Counsel employment lawyers?

MR. PLATKIN: There are Counsels with employment experience. And as I said, Ms. Taylor has the purview with respect to Ethics and employee issues.

MS. ALITO: Well, Ms. Taylor testified that the scope of her responsibilities, with regard EEO matters, is in taking the complaints and sending them over to the Attorney General's Office. Is it your understanding that she does more than that?

MR. PLATKIN: No, she seeks guidance from -- that's correct -- from the Attorney General's Office, from experienced career attorneys in that office.

MS. ALITO: If you needed to get employment law advice, to whom would you go?

MR. PLATKIN: As a general matter, when we need-- We have a small office; we don't have a ton of lawyers. So if we need specialized advice, we would go to the Attorney General's Office.

MS. ALITO: And is there anyone in particular within the Attorney General's Office to whom you have gone, do go, for advice on employment law matters?

MR. PLATKIN: If it's an issue involving individual employees, typically I would go to Ms. Taylor, and she would go to the Attorney General's Office to get counsel.

MS. ALITO: All right; so you would use Ms. Taylor as the intermediary, and then she would go to an employment lawyer in the Attorney General's Office and ask them for an answer?

MR. PLATKIN: Yes, and as a general matter, just so you understand, I have a lot of issue areas under my responsibility. So oftentimes I will refer an issue to the appropriate person in my office who may, then, themselves go seek specialized legal counsel.

MS. ALITO: Ms. Taylor doesn't have a particular expertise in employment law, correct?

MR. PLATKIN: I'm not sure what her employment law background is.

MS. ALITO: Okay.

Now, you testified that you attempted to train, with regard to the State's policies on EEO and harassment, in the beginning of 2018, correct?

MR. PLATKIN: Correct.

MS. ALITO: Could you take a look at the document you have access to, beginning with the date stamp number G-472.

MR. PLATKIN: Yes.

MS. ALITO: Okay. And this is a document, "The New Jersey Attorney General's Advocacy Institute Class Materials for the New Jersey State Policy Prohibiting Discrimination in the Workplace," February 27, 2018.

Are these the materials from the training that you attended in February 2018?

MR. PLATKIN: Yes, they are.

MS. ALITO: All right. And were these materials displayed via PowerPoint during the training?

MR. PLATKIN: I believe they were displayed via PowerPoint and handed out as printed copies, if I remember correctly.

MS. ALITO: Okay, so you got both the PowerPoint while the presentation was being made, and then you were given a hard copy to take with you, correct?

MR. PLATKIN: Correct. I believe they are also available online.

MS. ALITO: Okay. And there are two sections to these materials. The second section begins on page 490, correct?

MR. PLATKIN: Yes, the reference materials.

MS. ALITO: Yes.

MR. PLATKIN: Okay.

MS. ALITO: And those reference materials include a copy of the New Jersey State Policy Prohibiting Discrimination, as well as the Procedures for Internal Complaints Alleging Discrimination, correct?

MR. PLATKIN: Correct.

MS. ALITO: Okay.

Now, you were asked who presented this training; and you said that you thought it was Jodi Stipick and Heather Taylor. If you would look to the third page of the document, page 474.

MR. PLATKIN: Yes.

MS. ALITO: That says that it was Jodi Stipick and DAG Christina Emerson. Is it possible that it was Ms. Emerson who presented with Ms. Stipick and not Heather Taylor?

MR. PLATKIN: Yes, it's possible that it was not Ms. Taylor.

MS. ALITO: Okay.

MR. PLATKIN: But I believe Ms. Taylor coordinates these trainings.

MS. ALITO: All right.

Now, if you look at page 477--

MR. PLATKIN: Yes.

MS. ALITO: --it says that there is a zero tolerance. A violation of the policy can occur even if there has been no violation of the law. And do you remember that principle from this training -- that the State expects better conduct under its policy than what's required by law? That it's not enough just to comply with the law?

MR. PLATKIN: I believe I did.

MS. ALITO: Okay.

Now, if you go to page 480, under *Sexual Harassment*.

MR. PLATKIN: Yes.

MS. ALITO: Under the subtitle it includes -- it lists *Hostile Work Environment-Harassment*. So Hostile Work Environment-Harassment was discussed during this training, correct?

MR. PLATKIN: It's on the slides. I don't recall, specifically, if it was discussed.

MS. ALITO: You don't remember whether it was discussed or not?

MR. PLATKIN: I do not.

MS. ALITO: Okay. And if you go to the next page, under *Applicability*.

MR. PLATKIN: Yes.

MS. ALITO: The last -- there's a bullet point: Persons doing business with the State. Do you see that?

MR. PLATKIN: I do.

MS. ALITO: So the policy against harassment applies not just to employees, managers, supervisors, co-workers; it also, as Senator Weinberg pointed out, pertains to people who aren't employees of the State, including vendors and contractors, correct?

MR. PLATKIN: Correct.

MS. ALITO: Okay. And if you look to the next page after that, page 482; the second slide on that page, still titled *Applicability*, says, "What"; and then "Conduct"; and it says, "In the Workplace"; then "Offsite Business Related"; and then "Extension of the Workplace, including Social Media and E-mails."

So this training also made clear that applicability of the policy against harassment was not limited to things that happen on State government property, correct?

MR. PLATKIN: Yes, I think that's correct.

MS. ALITO: Okay.

Now, in your opening statement today, you said -- and it's on page 2 of the written copy of the statement -- that you were told that the Attorney General's Office concluded that they didn't have jurisdiction because, one, "the alleged conduct occurred before either Ms. Brennan or Mr. Alvarez were State employees," and, two, "because neither of them was on State property when the alleged assault happened."

And you knew that Heather Taylor had spoken with Jodi Stipick about the Katie Brennan complaint, and had referred it to Jodi Stipick. And Jodi Stipick is the person -- one of the people who just gave you this training on the State policies. And you're being told that Ms. Stipick is saying "no jurisdiction" for two reasons that are directly contrary to the slides that were presented in the training. She says, "The alleged conduct occurred before Ms. Brennan or Mr. Alvarez were State employees." And we know from the slides that the policy wasn't limited to State employees -- to employees, correct?

MR. PLATKIN: Just to be clear, as it was explained to me -- and some of these questions would need to be directed at either Ms. Taylor or the Attorney General's Office -- but as it was explained to me, the conduct that they were seeking to investigate occurred when neither of the individuals would meet any of these descriptions. And I don't think it could be reasonably described as "offsite business-related work."

MS. ALITO: Well, was that explained to you--

MR. PLATKIN: It--

MS. ALITO: --where it was? Or were you just told -- as in your statement, and as testified by Heather Taylor -- that there was no jurisdiction because they weren't State employees and it wasn't on State property?

MR. PLATKIN: That's what I was told. But as I read this now, I'm saying that's how I could understand.

MS. ALITO: Well, did you ask, "How does this square with the fact that, in some circumstances, the policy extends to people who aren't State employees and to conduct that didn't occur on State property?"

MR. PLATKIN: I was pretty clearly frustrated with the guidance we received, yes.

MS. ALITO: I understand that, that you were frustrated. Did you follow-up by asking Jodi Stipick, "How does this square with what you told us during the training?"

MR. PLATKIN: I didn't speak to Ms. Stipick directly.

MS. ALITO: Did you ask Ms. Taylor, "How does this square with what we were told during training?"

MR. PLATKIN: I don't know that I asked, specifically, with respect to the materials we were provided in the training. But I did ask follow-up questions.

MS. ALITO: What follow-up questions did you ask? Is it Ms. Taylor that you asked the follow-up questions of?

MR. PLATKIN: Yes, I recall asking, basically, for more clarification as to why this was the case. But again, this was guidance we were given by the Attorney General's Office. And this is something I testified earlier to, that if this were to happen today, I probably would have pushed a little bit harder for clarification or different guidance.

MS. ALITO: I understand, Mr. Platkin, you're not an employment lawyer. You're being given advice by the Attorney General's Office, from someone who is the head of EEO in the Attorney General's Office.

But my question really is, what were the follow-up questions--

MR. PLATKIN: I don't-- Sorry.

MS. ALITO: --that you asked Ms. Taylor at the time?

MR. PLATKIN: I don't recall specifically. I'm just saying I recall asking, basically, for clarification.

MS. ALITO: And what did she say when you asked for clarification?

MR. PLATKIN: Again, we were advised that this policy did not cover the conduct that Ms. Brennan alleged.

MS. ALITO: And that was the extent of the clarification that she provided?

MR. PLATKIN: I don't recall exactly the conversation.

MS. ALITO: Did she have any discussion with you about the scope of what may be considered to create a hostile work environment?

MR. PLATKIN: There wasn't an allegation of a hostile work environment at that point.

MS. ALITO: I'm sorry; did you not-- Just to get my understanding straight, did you not understand Katie Brennan to be complaining that the fact that her alleged rapist was working with her created a hostile work environment?

MR. PLATKIN: I understood that she was alleging that a rape had occurred in 2017, and I reported it as such.

MS. ALITO: And that the person who allegedly raped her was now an employee, and she was an employee; and that they would run into each other at work and that that made her uncomfortable.

Was that not part of your understanding of what the complaint was?

MR. PLATKIN: She didn't say that to me at the time.

MS. ALITO: Katie Brennan didn't say anything to you about being uncomfortable with her alleged rapist being in the workplace with her?

MR. PLATKIN: Not in those words that I can recall.

MS. ALITO: Did she say -- whether in those words or not -- anything about her feelings about Mr. Alvarez being in the workplace with her?

MR. PLATKIN: She said to me that he had raped her, and I reported that.

MS. ALITO: Yes; but respectfully, Mr. Platkin, that, I don't think, responds to my question.

But let me ask it again to make sure. Did she say anything to you during that conversation about the alleged rape, about how the fact that Mr. Alvarez was in the workplace with her made her feel?

MR. PLATKIN: It was not a very long conversation, and I don't recall her saying how she felt. I think it was clear that she was upset about the incident.

MS. ALITO: And that she was upset about the fact that Mr. Alvarez was working for the State, right?

MR. PLATKIN: That's all I can recall.

MS. ALITO: It was clear from your conversation with Ms. Brennan that she was upset about the fact that Mr. Alvarez was working for the State, correct?

MR. PLATKIN: She did not -- we did not go into that. She said to me that Mr. Alvarez had raped her; it was not a long conversation. I

told her I would report it. And, truly, that's the extent of what I can recall of that conversation.

MS. ALITO: Well, Mr. Platkin, the Internal -- the Attorney General's Office, the EEO Office, and the Internal Procedures for Dealing with Harassment in the Workplace deal with what the State can do with regard to the workplace, correct?

MR. PLATKIN: Correct.

MS. ALITO: And anything that the State could do, with regard to Ms. Brennan's complaint that Mr. Alvarez raped her, would have to do with her employment and Mr. Alvarez's employment, correct?

MR. PLATKIN: I'm not sure I follow the question.

MS. ALITO: Well, I'm having a hard time understanding. What you're saying to me is that the question of a hostile work environment never came up; and you never thought about it, despite the fact that Katie Brennan reported to you that she was allegedly raped by Al Alvarez, and that she and Al Alvarez were both State employees working together. Is that right?

MR. PORRINO: I'm sorry, what is the question?

MS. ALITO: Katie Brennan comes to you and she says, "I was raped; I was" allegedly "raped by Al Alvarez. We're both working for the State." Your testimony is, you don't recall her talking about how it made her feel to be working with Al Alvarez, correct?

MR. PLATKIN: Correct.

MS. ALITO: And now my question is, did it cross your mind to think about how it might feel for Katie Brennan to be working with the person who she alleged raped her?

MR. PLATKIN: I'm sure it did, that's why I reported it immediately.

MS. ALITO: All right. And so when you made the report, it was a report of a hostile work environment situation, where the presence of someone who allegedly committed a rape is working with the alleged victim of the rape, correct?

MR. PLATKIN: When I report something like this, I report the facts. The career attorneys in the Attorney General's Office determine what kind of claims can or cannot be made. In this case, I was advised there was no implication of the policy. I did not say that this was a hostile workplace complaint; I said Ms. Brennan reported that she had been raped.

MS. ALITO: All right. And having received the training, you knew how broad the State's policy, with regard to harassment and discrimination, is. Correct?

MR. PLATKIN: I knew it was broad, yes.

MS. ALITO: All right. And did you know that New Jersey's law against discrimination is one of the broadest anti-discrimination statutes in the country?

MR. PLATKIN: I'm not an expert on the law against discrimination, but I understand it provides strong protections.

MS. ALITO: Okay. And despite knowing those things and having received the training that you did, you made the decision not to ask for any details about how the Attorney General's Office could have reached the conclusion that they had no jurisdiction to do anything at all about this claim, correct?

MR. PLATKIN: Ms. Alito, I reported it to the person I am designated to report it to; she spoke, apparently, multiple times with the Attorney General's Office, career attorneys who handle these matters routinely, and they advised her that the State had no jurisdiction.

MS. ALITO: All right; and you chose not to follow-up on that.

MR. PLATKIN: I don't know that it was a conscious decision; it was counsel that I was given.

MS. ALITO: And you didn't follow-up on it.

MR. PLATKIN: I don't know what you mean by "I didn't follow-up."

MS. ALITO: You didn't ask any questions about, "How could it be that there is no jurisdiction?"

MR. BOXER: That's not what the testimony was, respectfully, Ms. Alito.

MS. ALITO: I understand that he had a conversation with Heather Taylor; he doesn't remember the details of any follow-up questions that were asked. No specific questions were made in regard to what's the exact basis for the State concluding it has no jurisdiction, right?

MR. PLATKIN: I think I've answered this question.

MS. ALITO: Okay.

Mr. Platkin, you said that you relied on the career lawyers who do these things normally. Would you normally expect that EEO would keep a record of all the complaints that went to it?

MR. PLATKIN: I would expect records are kept, yes.

MS. ALITO: All right. And so that for every complaint that comes into EEO, there's a record, you know, "Jane Smith complained;

here's her complaint; here's what we considered; here's our conclusion; etc.," right?

MR. PLATKIN: Sure.

MS. ALITO: And, in fact, the State's policy for dealing with internal complaints of harassment provides for record keeping of complaints, correct?

MR. PLATKIN: I'm not sure what record-keeping requirements are part of the policy.

MS. ALITO: Okay. But it makes sense to you that the State should keep a record of what comes in and how it's disposed of, correct?

MR. PLATKIN: It does make sense, yes.

MS. ALITO: And it would make sense to keep that record, even if a determination is made that there's no jurisdiction, or it's outside of the time period for reporting, or some other preliminary matter, right?

MR. PLATKIN: It would make sense to keep a record.

MS. ALITO: Right; just like if you go to Federal Court, and the Federal Court decides there's no jurisdiction, there's a record of that decision, saying, "No jurisdiction." That order is entered, and the person can appeal from that decision, right?

MR. PLATKIN: I'll stipulate that record-keeping, as a general practice, is a good habit to keep.

MS. ALITO: All right. Have you ever seen any records from the Attorney General's Office recording the fact that they received the Katie Brennan complaint, and that someone in the Attorney General's Office -- for reasons that we haven't been made aware of yet -- determined that there was no jurisdiction?

MR. PLATKIN: I have not reviewed their records, if any.

MS. ALITO: So you've never seen a record to that effect.

MR. PLATKIN: I have not.

MS. ALITO: Do you know whether any such records exist?

MR. PLATKIN: I do not.

MS. ALITO: Would you consider it unusual if the Attorney General's Office had no records indicating the complaint received, the date of disposition, and the reason for the disposition?

MR. PLATKIN: Again, I don't know if it's unusual or not. I would expect records would be kept.

MS. ALITO: Now, when discussing the question of termination, as opposed to a request that Mr. Alvarez leave State government, you raised the question of whether you could legally terminate Mr. Alvarez on the basis of an allegation. Is that-- Am I understanding your testimony correctly?

MR. PLATKIN: It's a question that I'm not sure I know the answer to.

MS. ALITO: Right. It was questioned.

Did you ever seek advice from one of the employment lawyers in the Attorney General's Office, or any other employment law lawyer, as to whether it is legal to terminate an employee because of an allegation as yet not investigated and not proven?

MR. PLATKIN: I don't think I did.

MS. ALITO: Is there a reason why not?

MR. PLATKIN: No.

MS. ALITO: Thank you; nothing further.

ASSEMBLYWOMAN PINTOR MARIN: Thank you, Ms. Alito.

Ms. DeCroce.

ASSEMBLYWOMAN DeCROCE: Thank you.

Thank you, Mr. Platkin.

It's been a long day for all of us, so I'm going to try to get through some of my questions.

I want to go back to your opening statement. In the second paragraph, you said, "Ms. Brennan said that Mr. Alvarez had raped her almost a year before, after a party for a Campaign staffer."

Let me ask you this. Were you at that party?

MR. PLATKIN: I was there very briefly.

ASSEMBLYWOMAN DeCROCE: Who was the "Campaign staffer"?

MR. PLATKIN: Julia Fahl.

ASSEMBLYWOMAN DeCROCE: Okay.

So it's fair to say that under the four entities that we've all brought up -- the nonprofits that the Murphys are a head of; the Transition Team -- or, let's go Campaign-Transition Team; to State employment -- you've known all these people, all these players that we've all been talking about this whole length of time -- most of them.

MR. PLATKIN: I've been involved throughout with the Murphys' political entities.

ASSEMBLYWOMAN DeCROCE: Okay; so knowing all these colleagues, you did testify earlier that you did not discuss the incident pertaining -- or allegations about Mr. Alvarez and what happened to Ms.

Brennan to any of your colleagues, or anybody else within the Governor's Office. Am I correct?

MR. PLATKIN: I discussed it with the people I've testified about discussing it with.

ASSEMBLYWOMAN DeCROCE: Okay. Have you ever discussed this with family or friends?

MR. PLATKIN: Family has now seen the press reports, so there has been discussion since then. But it's not-- Again, I don't typically discuss work matters with my family.

ASSEMBLYWOMAN DeCROCE: Okay; that's fair.

I'm going to talk a little bit about -- everyone's weighing heavy on EEO training, okay? So are you familiar with Civil Service?

MR. PLATKIN: Yes.

ASSEMBLYWOMAN DeCROCE: Okay. So you understand, under Civil Service, there are requirements to letting an employee go. They have to have a track record, and there are certain procedures that you have to go.

MR. PLATKIN: Generally. I'm not an expert on those procedures, but there are folks in my office who are.

ASSEMBLYWOMAN DeCROCE: Okay. Do you know if the Civil Service requirements parallel at-will appointees?

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

ASSEMBLYWOMAN DeCROCE: You know, I am going to share a little. I was a Deputy Commissioner under another Administration; and it does.

MR. PLATKIN: Okay, thank you.

ASSEMBLYWOMAN DeCROCE: Okay; so I'm not a lawyer, okay?

So we talked about paid leave. Mr. Hayden did; I brought it up in the past. So paid leave is when you let an employee go, where there is an allegation, until something happens -- meaning, they're paid, they're on leave, they're not within the employ of the building. But they're being paid until such time there's an indictment or a charge brought against them. At that point in time, you can take an employee and you can put them on unpaid leave until they are found innocent. If they are found innocent, then they get all their pay back, and they're given a position back, of the employ of the State.

If they are found guilty, there's nothing lost; they weren't paid, okay?

So we know that none of you took that under consideration, am I correct?

MR. PLATKIN: We did, but that situation wouldn't have applied here, because there was, to our knowledge, no open criminal investigation.

ASSEMBLYWOMAN DeCROCE: Say that again to me.

MR. PLATKIN: You described a scenario where there was an open criminal investigation--

ASSEMBLYWOMAN DeCROCE: I didn't say an open-- I said an *allegation*.

MR. PLATKIN: Correct; but you said until an indictment was issued. In this case, the Prosecutor had already declined to pursue charges.

ASSEMBLYWOMAN DeCROCE: Then why were you asking Mr. Alvarez to leave employment of the State?

MR. PLATKIN: Again, because we felt it was a serious enough allegation that he should not be serving in State employment.

ASSEMBLYWOMAN DeCROCE: So you don't find that it would have been better for Mr. Alvarez to be on unpaid leave, not in the area of where any other employee could feel as though they were being threatened by him; or something happened that you would have to account for then, too, if it did happen to be true -- if the allegation became something that really was true and another incident happened? You felt, until it was time he found a job, it was safer for the rest of the employees who are employed by the State of New Jersey to allow him to stay in his job, instead of paying him to be away from it; and then look into the allegation and clear it up? I'm not just-- I'm not getting that.

MR. PORRINO: Is there a question? I'm sorry.

ASSEMBLYWOMAN DeCROCE: The question is, why didn't you act on it that way? Why didn't you, or anyone else who was informed -- even an EEO advise you. I think Ms. Alito spoke about the attorney for the Labor Council. So you didn't go to Labor Council; you didn't think any of this was important enough to address?

MR. PLATKIN: Assemblywoman, I thought it was important enough to immediately report it, and to recommend that Mr. Alvarez leave State government. I certainly thought it was important.

ASSEMBLYWOMAN DeCROCE: You thought it was important, but you let him stay there for all those months.

Okay; let me ask you this, Mr. Platkin.

Do you -- and with all due respect; please, all due respect -- do you believe that it was better for him to remain employed-- Let me say this. Was that intentional to leave him employed, or was it just simply a lack of experience?

MR. PLATKIN: I can't answer that question.

ASSEMBLYWOMAN DeCROCE: Okay.

MR. PLATKIN: It was not intentional to leave him for that period of time.

ASSEMBLYWOMAN DeCROCE: Okay.

MR. PLATKIN: I think I've been clear about that.

ASSEMBLYWOMAN DeCROCE: Okay.

Is there an appointment secretary for this Administration; an appointment office?

MR. PLATKIN: *Appointments* meaning appointments submitted to the Legislature, or--

ASSEMBLYWOMAN DeCROCE: No, appointment secretary. Is there an appointment secretary to the Governor?

MR. PLATKIN: I'm not sure anybody has that title.

ASSEMBLYWOMAN DeCROCE: Do you remember Michelle Brown? Is that name familiar?

MR. PLATKIN: I've never met her, but I know who Michelle Brown is.

ASSEMBLYWOMAN DeCROCE: She was Appointment Secretary to another Administration.

Do you remember June Forrest? Is that name familiar?

MR. PLATKIN: I know Ms. Forrest.

ASSEMBLYWOMAN DeCROCE: Ms. Forrest was the head of that Department under Ms. Brown, and vetted people who were appointed to positions, and who went through investigations as vetted by their team.

So you're saying, right here and now, you do not believe this Administration has anyone in that position; or a department conducting those vetting practices?

MR. PLATKIN: No, I said I don't believe anybody has that title.

ASSEMBLYWOMAN DeCROCE: Are those practices being practiced here in the State House, or down the street in the Governor's Office, at this point?

MR. PLATKIN: Yes.

ASSEMBLYWOMAN DeCROCE: Who's in charge of that?

MR. PLATKIN: It was-- For Department hires--

ASSEMBLYWOMAN DeCROCE: Yes.

MR. PLATKIN: --it was Lynn Haynes, before she stepped down.

ASSEMBLYWOMAN DeCROCE: And who's there now?

MR. PLATKIN: The role is currently being transitioned. We have-- As you all know, we have an incoming Chief of Staff, so this is a very-- We will have an incoming Chief of Staff, so it's a bit in flux at the moment.

ASSEMBLYWOMAN DeCROCE: Okay. Mr. Platkin, did you sign a nondisclosure agreement on the Campaign or the Transition?

MR. PORRINO: Again, as it relates to the Campaign, we'll take that matter up separately with Counsel.

As it relates to the Transition--

ASSEMBLYWOMAN DeCROCE: How about the Transition?

MR. PORRINO: --please answer.

MR. PLATKIN: No, not that I'm aware of.

ASSEMBLYWOMAN DeCROCE: Okay. So this I'm going to say to Counsel, both Counsels. It appears to me that many individuals with actual knowledge of the issues we are discussing now feel they cannot contribute to the investigation because they are bound by this nondisclosure agreement.

This, in my mind, appears to be an unfair restriction, on victims and potential whistleblowers, to discuss issues that have an impact on the Campaign, into the Transition, and now into the Administration.

These agreements, and the misuse of the confidentiality clause under the EEO policies, are preventing us from getting simple answers and actually focusing on policy, like everyone on your side of the table likes to tell us to focus on.

I believe a change in policy won't address what happened here without nondisclosure agreements being waived. Then we can truly try to address what happened and where the failures can be fixed.

So that's all I have to say to both Counsels; I think that it's important, and we should take that into consideration and see where it leads us.

Thank you very much, Mr. Platkin.

MR. PLATKIN: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Assemblywoman Lampitt.

ASSEMBLYWOMAN LAMPITT: Thank you, Chairwoman.

Hi, Matt.

Long day, I know.

But I do have a few questions. I think some of them have not been asked before. I know it's a long day, but--

You know, earlier you said a few times, you know, how is it going to look in the press; you know, what's the interpretation of how the press is going to take our actions. Certainly, I think all of us, as elected officials, sitting around here -- that's something that we face all the time.

So with that sort of premise, I'm going to continue asking some questions.

What is so special about Al Alvarez? I don't think we've ever asked it quite like that. Who is he? Why is he so special? And why is he a protected person in all of this?

MR. PLATKIN: I don't believe he was a protected person.

ASSEMBLYWOMAN LAMPITT: We're here because he was a protected person. Why was he so special?

MR. PLATKIN: Assemblywoman, he wasn't special. As I said, we received-- My role-- We received a complaint, and almost immediately recommended that he leave. I understand that it took longer than it should have, but he wasn't a special or protected person.

ASSEMBLYWOMAN LAMPITT: It seems to me that he's special, and he's somebody who's been protected in all of this. And my concern, and probably the concern of others, is that, who else? Is your-- Is the Department, is the Governor's Office-- You know, looking at who else has been hired under the conditions of moving from the election, to

Transition, into Administration -- who else; who else is out there? Are you doing a climate survey of the Cabinet levels? How far and how deep are you going?

I thoroughly understand that during the period of time of going from the election, to Transition, into Administration -- you know, it's a crazy time. And expecting everybody to have a background check is probably too enormous in this process. But have we missed anything, you know? Are we double-checking; are we double-backing to say, "You know, who else might be out there who might be falling through the cracks, or might be the next person who is going to face this press?"

Are you doing any sort of climate survey; are you doing any sort of reference checks that you didn't do before?

MR. PLATKIN: We-- The Governor has commissioned multiple processes, including an investigation by Justice Verniero. I'll defer to those processes as to what we're doing.

ASSEMBLYWOMAN LAMPITT: So you have not said, "Well, you know, this really rose to the level of, obviously, where we are today." We haven't taken, sort of, a breath and said, "You know, I think we maybe should take a real surgical look towards, you know, who within the Administration, who within our organization maybe we might have missed; and we should do this now so we don't have another opportunity where we're facing the press at this point."

So you're saying, at this point in time, no.

MR. PLATKIN: That's not what I'm saying. I'm saying the Governor commissioned multiple processes, including an investigation of

the Transition and ongoing hiring practices. And I'll defer to those processes.

ASSEMBLYWOMAN LAMPITT: All right.

Assemblywoman DeCroce was going down this path. She didn't use this terminology the same way I will; but obviously, hiring this *special* person, Al Alvarez, was a liability. At any point in time -- was it in December, was it in March, was it in June -- did you say to yourself, "This man is a liability to this organization in such a way--" Did you say those words to yourself? Did you say that he was a liability to this organization?

MR. PLATKIN: I don't know what words I said to myself. We made a recommendation that he should leave State government.

ASSEMBLYWOMAN LAMPITT: Do you think, now, he was a liability?

MR. PLATKIN: I don't know what that means.

ASSEMBLYWOMAN LAMPITT: A *liability* -- that due to his presence within the organization, he himself, by the actions that he takes and who he represents, may cause harm to the organization in such a way that brings negative implications to the organization. That's a *liability*.

MR. PLATKIN: I think, from the Governor on down, it's been clear that he should not have been hired.

ASSEMBLYWOMAN LAMPITT: Could we just talk a little bit more about your experience and your background?

MR. PLATKIN: I'm sorry?

ASSEMBLYWOMAN LAMPITT: Just a little bit more about your experience and your background.

Is this probably the largest management job you've had, managing this organization?

MR. PLATKIN: I think it's probably the largest management job most people have had, who have had this job. It's a challenging job.

ASSEMBLYWOMAN LAMPITT: I'm sure it is. I'd never want it. There I go; I said it. So it's a good thing I'm not a lawyer, so I can say that.

Can you just talk about the dynamics in your office? Because I believe that a few of the lawyers, you know, went down the path on this as well. You do have people who are reporting to you, right?

MR. PLATKIN: I do.

ASSEMBLYWOMAN LAMPITT: You have people who are reporting to you who may have had more experience within State government than you do, going into the job, correct?

MR. PLATKIN: That was by design when I built out the team, yes.

ASSEMBLYWOMAN LAMPITT: That they had more experience.

MR. PLATKIN: When I was offered the job, I wanted to ensure that I had staffed out the office with the best possible team we could have, yes.

ASSEMBLYWOMAN LAMPITT: And if you went to one of your lawyers who work directly for you, would that be in a lawyer relationship, in which case they would not have been able to disclose any sort of information that you would have taken to them?

MR. PLATKIN: On any issue?

ASSEMBLYWOMAN LAMPITT: On any issue. I mean, if you had gone to one of your lawyers and you said, "I have this situation. You've been in State government longer than I have. Let me give you the scenario; what would you do?"

Would you have been able to do that?

MR. PLATKIN: I'm not sure; I probably could have posed a hypothetical.

ASSEMBLYWOMAN LAMPITT: Okay. Because that's why you hired them -- because they had more experience than you in State government.

MR. PLATKIN: I hired people who I felt were the best qualified for the positions I was hiring. It wasn't necessarily--

ASSEMBLYWOMAN LAMPITT: And many of them had more experience in State government than you.

MR. PLATKIN: Sure, I hired people with more experience than me. I think that's what you do when you're staffing these offices.

ASSEMBLYWOMAN LAMPITT: I totally agree with you. You surround yourself with really good people, and you utilize them as such, right?

MR. PLATKIN: Correct.

ASSEMBLYWOMAN LAMPITT: Okay.

What did you think your learning curve was going to be in this position?

MR. PLATKIN: I think-- Like I said, I think having spoken to every Chief Counsel who was alive during the Transition, I think everybody says it's a very steep learning curve.

ASSEMBLYWOMAN LAMPITT: I think, again, maybe the lawyers asked this, but who were your resources; who did you turn to? And you gave them some sort of broad answer. But there is Deputy Chief Counsel who oversees the Authorities, correct? His name is Brian Wilton?

MR. PLATKIN: Yes, Brian is now the Deputy Chief Counsel for overseeing Authorities.

ASSEMBLYWOMAN LAMPITT: Okay. Was he the Deputy Chief Counsel during this period of time, during this past year, for the Authorities?

MR. PLATKIN: He hasn't been for the entire time. For a period, it was Mary Maples.

ASSEMBLYWOMAN LAMPITT: At any point in time, were they to be a resource, from a legal perspective, in reference to the fact that Al Alvarez was in an Authority -- an Authority Division -- about how to potentially handle this situation?

MR. PLATKIN: They were not consulted.

ASSEMBLYWOMAN LAMPITT: They were not consulted. But they could have been a resource.

MR. PLATKIN: They could have been a resource, yes.

ASSEMBLYWOMAN LAMPITT: Okay.

But you turned to Heather Taylor. How long have you known Heather Taylor prior to engaging in terms of the work environment?

MR. PLATKIN: I met Heather Taylor in Transition.

ASSEMBLYWOMAN LAMPITT: So you hired people who are supposed to be more experienced than you, who you then had to trust with decision-making, knowing the fact that they were there. But Heather

Taylor is somebody you had known minimally, and you relied upon her ethics and her decision-making skills about what to do, correct?

MR. PLATKIN: Ms. Taylor had served in the role of Chief Ethics Officer for the previous Administration. I met her in Transition, and she carried over into our Administration. It wasn't based on the length of time I knew her that I trusted her counsel; it was based on her experience in her role in the office that I would trust her counsel.

ASSEMBLYWOMAN LAMPITT: I'm just going to, final, close on the Rutgers situation.

So recently the Governor passed the piece of legislation about *pass the trash*. I'm sure -- maybe you remember that one.

MR. PLATKIN: Yes.

ASSEMBLYWOMAN LAMPITT: About school educators moving from one school to the other. You know, when a piece of legislation goes through, and you and your staff are thoroughly vetted to ensure the fact that we're dotting all of our *Is* and crossing all of our *Ts*, how did you not seem to think that this Rutgers position might have been, sort of, linear to *pass the trash*?

MR. PLATKIN: I'm not sure I follow. Again, he didn't apply for the position, and he didn't end up getting the position, as far as I know.

ASSEMBLYWOMAN LAMPITT: But any amount of recommendation or knowledge of the fact that, potentially, he was going to move from -- as Michael was saying -- from one government entity to another government entity, basically is linear to the idea of *pass the trash*.

MR. PLATKIN: I don't know if I thought about it in those terms.

ASSEMBLYWOMAN LAMPITT: Did you, at any point in time, think of the fact that maybe, potentially, now he was going to go to Rutgers where there are young women there; at any point in time, to be concerned about the fact that Al Alvarez should not be working in that type of environment, and put the brakes on it?

MR. PLATKIN: Again, I didn't-- I don't know that I expected he was getting a job at Rutgers. I just passed along information.

ASSEMBLYWOMAN LAMPITT: And wouldn't you want to take it a step further to ensure the fact he would not even be considered for a job at Rutgers?

MR. PLATKIN: Yes, I would have; but I probably would have had to consult Counsel as to what we could disclose.

ASSEMBLYWOMAN LAMPITT: And you realize that, maybe, your inactions for Katie Brennan have led us to where we are today. But then, later on, when it was all exposed, and maybe some lessons learned, that the idea of putting the brakes on Al Alvarez going into another position where he could be in an environment where young women would be surrounding-- It's not something where you felt, at that point in time, again, brakes should've been put on hold?

MR. PLATKIN: I think I've been clear that, in hindsight, there are a lot of things we could have done differently.

ASSEMBLYWOMAN LAMPITT: Okay, thank you.

ASSEMBLYWOMAN PINTOR MARIN: Thank you, Assemblywoman.

Assemblywoman McKnight.

And then it's my understanding that only Senator Oroho has another question, correct?

SENATOR OROHO: Yes, thank you.

ASSEMBLYWOMAN McKNIGHT: Okay.

ASSEMBLYWOMAN PINTOR MARIN: We're almost at that time.

ASSEMBLYWOMAN McKNIGHT: Hi, Matt.

So just some observations that I've observed about how we handle a victim.

You met with Ms. Brennan in March; and in your statement -- I'm going to read it, "I was horrified by what Ms. Brennan said she had gone through, and I told her that I would report her accusation."

Then, in June, Mr. Alvarez called you on the phone after speaking to Mr. McKenna about him separating from the State. And you stated in your statement -- and I will read it -- "The next day, Mr. Alvarez called me. He was very emotional and was sobbing," okay?

So I'm a little concerned about this. You told Mr. McKenna that Mr. Alvarez could call you directly if Mr. Alvarez wanted to discuss the matter. However, you did not tell Ms. Taylor, after she delivered the information to Ms. Brennan, that she could call you to discuss this matter. Why?

MR. PLATKIN: Well, that day she had reached out to me. Ms. Brennan, obviously, knew she could call me. She came to me in the first place.

ASSEMBLYWOMAN McKNIGHT: But the question is, you told Mr. McKenna to tell Mr. Alvarez that he could call you. But you did not tell Ms. Taylor to tell Ms. Brennan that she could call you.

MR. PLATKIN: I'm sorry; I misunderstood your question.

Mr. McKenna felt that, given that he was a carry-over from the past Administration, he asked who could be a point of contact if Mr. Alvarez wanted to verify what he was informed of, or could get more information. And I let him know that I could be that person.

With respect to Ms. Brennan, I had already spoken to her. She had reached out to me. I suppose I could have told Ms. Taylor that she could have called me again, but I think that felt obvious. If she wanted to reach out to me, at any point, she could have done so.

ASSEMBLYWOMAN McKNIGHT: Your assumption.

MR. PLATKIN: Yes.

ASSEMBLYWOMAN McKNIGHT: Okay.

In your statement, you are inclined to let us know your emotional state: horrified. In your statement, you were, again, inclined to let us know that Mr. Alvarez was very emotional and sobbing. But in your statement, you inclined (*sic*) to let us know the emotional state of Ms. Brennan. Why?

MR. PLATKIN: I'm sorry -- I let you know which emotion--

ASSEMBLYWOMAN McKNIGHT: Emotional statement; emotional feelings. In your statement, you were "horrified."

MR. PLATKIN: Yes.

ASSEMBLYWOMAN McKNIGHT: Mr. Alvarez, in your statement, was "sobbing," and "very emotional."

MR. PLATKIN: Yes.

ASSEMBLYWOMAN McKNIGHT: But in your statement, you failed to let us know the emotional state of Ms. Brennan.

MR. PLATKIN: I think that was just an oversight. It wasn't intentional.

ASSEMBLYWOMAN McKNIGHT: And that's an issue. We haven't-- We have a person who came to you about a serious allegation; she was raped. And it seems as if so many people, including yourself, just dismiss her. So we have to change this.

I have another question.

Was Alvarez's employment status part of any conversation you heard about with any other person other than Cammarano and McKenna?

MR. PLATKIN: And Ms. Taylor?

ASSEMBLYWOMAN McKNIGHT: Mr. McKenna.

MR. PLATKIN: And I informed-- And obviously I spoke to Ms. Taylor.

ASSEMBLYWOMAN McKNIGHT: No further questions.

ASSEMBLYWOMAN PINTOR MARIN: Thank you, Assemblywoman.

Senator Oroho.

SENATOR OROHO: Thank you; thank you, Chairwoman.

And thank you, Mr. Platkin, for being here.

MR. PLATKIN: Thank you, Senator.

SENATOR OROHO: It's been a while.

After going after so many -- and Assemblywoman McKnight, some very big issues that you just brought up, as far as the equal treatment.

Going after so many very thoughtful and insightful questions, I can always claim that being one of the last ones -- that all my insightful questions were already asked. So I'll try not to repeat any questions.

We are here about hiring practices and whatnot. I would say, being in the Legislature, I've been -- this is my 11th year -- where I see, probably, the three most influential positions in the government. I look at the Governor, I look at the Chief of Staff, and I look at the General Counsel, the Governor's Counsel.

I mean, everything -- the influence there is-- We have, obviously, two gentlemen sitting right before us who actually had that position. And it's a very weighty position.

Thinking about what I've been hearing -- and particularly about the issue of the hiring of Mr. Alvarez, and just hiring in general -- I get the clear impression that there really was no clear hiring process. Is that a fair assessment?

MR. PLATKIN: At which point in time?

SENATOR OROHO: Through the Transition, through the beginning of the Administration.

MR. PLATKIN: I believe the Transition had a hiring process; and I would defer to the Executive Director and Transition Counsel on that.

SENATOR OROHO: Okay. But yet, everybody we've asked, "Who hired Mr. Alvarez?" -- we don't know. We kind of get the impression he hired himself.

And unfortunately, some of my questions are going to be not necessarily right on the same timeline, because they're all-- I don't want to repeat anything.

But I just want to make sure-- The first time that you believe that you heard about this was-- The event happened in -- the attack happened in April of 2017; the alleged attack. And you heard of it in December 2017?

MR. PLATKIN: I was told about an alleged rape by Mr. Alvarez on Ms. Brennan when she informed me in March of 2018.

SENATOR OROHO: Okay. And I think there was probably testimony -- I think it was Mr. Garg who actually had testified that he thought it was either back in December or January -- December 2017 or January of 2018. My point being is, maybe your memory -- he could have had a different recollection than you did. But it's a significant amount of time that has gone by.

Mr. Cammarano -- he testified that when they were interviewing him, or trying to gauge his interest in taking the job, I guess there were a few people outside the Administration who had reached out to him. Are you aware of that?

MR. PLATKIN: I believe he was-- His hire was a little unique, because the Chief of Staff was such a personal decision for the Governor that there was outreach to him by advisors of the Governor before the election was over.

SENATOR OROHO: Okay; so -- and I believe he mentioned that those were Mr. Gill and Mr. DeMicco.

MR. PLATKIN: I'm not sure who reached out to him.

SENATOR OROHO: I think those were -- I believe that was his testimony.

To your knowledge, did Mr. Gill and Mr. DeMicco have any role in the hiring process?

MR. PLATKIN: Of State employees?

SENATOR OROHO: Yes.

MR. PLATKIN: No, not to my knowledge

SENATOR OROHO: To your knowledge, any discussion at all with them with respect to Ms. Brennan's case?

MR. PLATKIN: No.

SENATOR OROHO: Or hiring?

MR. PLATKIN: No, not to my knowledge.

SENATOR OROHO: Okay.

I know Mr. Critchley was going and talking about some e-mails that had come in. There was one in January-- And this is the one of G--

MR. PLATKIN: Could I just ask, real quick, to use the bathroom? It will take two minutes.

SENATOR OROHO: You certainly--

MR. PLATKIN: I don't want to-- I will be two minutes.

SENATOR OROHO: You certainly can; that's okay.

The older I get, I understand very well. (laughter)

(Committee recesses)

(Committee reconvenes)

ASSEMBLYWOMAN PINTOR MARIN: Senator, you can continue.

SENATOR OROHO: Thank you, Madam Chair.

Thank you, Mr. Platkin.

Where I had left off -- we were talking about -- I know Mr. Critchely had asked about an e-mail that had come in Monday, January 8, 2018; it is G, the last three number 284. It's to Raj Parikh.

MR. PLATKIN: Yes.

SENATOR OROHO: To Raj Parikh. But we don't really know where he's getting, necessarily, that information from about the updated green-lighted people. Is that possible that that came from people outside the Administration?

MR. PLATKIN: I think that's a question for Mr. Parikh.

SENATOR OROHO: Okay.

So you don't know precisely where that would have come from.

MR. PLATKIN: I don't know.

SENATOR OROHO: The reason why I'm asking a lot about the hiring process -- obviously with Mr. Alvarez, and Mr. Jackson, and Mr. Green; the issue with Mr. Kelley that's been in the newspaper -- and we are tasked with coming up with recommendations for the vetting, and the hiring, and whatnot.

Are you aware of any kind of -- and I apologize if this has already been asked -- any kind of communications, I guess, actually back in April 2017 -- it started with an event from someone who was leaving the Campaign because, I think, it was a toxic environment. Are you aware of any other communications to either anybody within the Administration that asked for -- Administration or, say, the Governor or the First Lady -- asked for any kind of letters regarding what's happening? "Do we have a

toxic work environment?” Were there any other communications that you know of?

MR. PLATKIN: I’m sorry; I’m not sure I follow the question.

SENATOR OROHO: My question -- obviously, you were at an event; you had stopped by for a little bit during the Campaign. And there’s been some articles about, I guess -- Julia Fahl had mentioned that she was leaving because of a toxic work environment. My question is, are you aware of any communications whatsoever with anybody who became part of the Administration, or the Governor or the First Lady, asking for any letters describing, “Do we have -- is there a toxic work environment?” Any examples where that occurred?

MR. PLATKIN: I’m not aware of any requests for letters around that issue.

SENATOR OROHO: Any requests-- Are you aware of anything that was actually written or sent to anybody?

MR. PLATKIN: I am not.

SENATOR OROHO: You are not aware; okay.

One of the things that kind of befuddles me is the issue of when they originally found out about the alleged rape -- which is, obviously, extremely vicious, heinous; the worst thing that could ever happen to someone -- it seems like everybody did something immediately; and then stopped. And it was, like, you know, 18 months before this actually, then, came out into the open. I just find that, kind of-- What we’re hearing is that no one took a step further. Immediately, they knew that there was a problem. They did something immediately, and then “nothing more to do.”

I know there's not a question in there; I just find that hard -- I just find that very confusing. I personally find it very hard to believe.

We have Mr. Alvarez, who was a member of the Transition leadership team; he was an applicant for the CEO for the Schools Development Authority, one of the highest positions in New Jersey. And as far as-- And this is a question; I just want to confirm. You have no knowledge of anybody talking about this whatsoever -- until the *Wall Street Journal* article -- with the Governor or the First Lady?

MR. PLATKIN: That's correct. I'm not aware of anyone discussing this with the Governor and the First Lady.

SENATOR OROHO: Okay.

One of the key issues-- And as I said, we're tasked with policies and procedures. And as I said to a number of the witnesses, we have policies and procedures that are, I don't know, 1,600 pages or something. The issue is, if they're not followed-- It doesn't matter how good they are if they're not followed.

One of the key things -- and you've probably heard it before -- is under the-- There was a timeline; there was a thing called the Treadway Commission. And I was a former auditor, and when I wanted to keep-- And it dealt then with, primarily, financial controls and whatnot.

But since then, it has actually gone on further into more ethical environments. And one of the key things they came up with was the issue of-- You can have all the policies and procedures in the world; and you should have good policies and procedures. Let's not diminish that at all. But if you don't have a good tone at the top, it really doesn't matter. I

mean, the tone at the top is, by far, the most important control that you can have.

So we have an e-mail on, I guess, June 1 or thereabouts; it talks about a sensitive matter. You know about the sensitive matter; that e-mail then gets sent to you and Mr. Berkon, and you guys have a conversation.

And from what we are being told, there was no further, you know, discussion; even though, I guess, the Governor did have an exchange with Ms. Brennan that says, "Hey, we're on it." You're not aware of any other-- The Governor never spoke to you or, to your knowledge, Mr. Cammarano, or anybody else inside or outside of the government about this situation?

MR. PLATKIN: Not to my knowledge, no.

SENATOR OROHO: Okay. You're in one of the top positions in the State. The Governor relies on you every day. You sit right next to the Governor. The Chief of Staff, the Governor, the Governor's Counsel -- they are all right there. You kind of share a common area. You must see each other many, many times -- well, if you're in the office that day -- but many times during the time. And at no time was there ever any -- "What happened with that e-mail?" "What happened with this?" "What is Ms. Brennan talking about? I'm concerned about what happened." There was nothing?

MR. PLATKIN: No.

SENATOR OROHO: I asked this question of Mr. McKenna, who had your position, I guess, for two years. And I know you mentioned it's a judgement call; it's a judgement. And Mr. McKenna -- I asked him, I

said, "What would you have done?" And he said, "If I didn't tell Governor Christie, I'd still be feeling the pain today."

I'm just-- What kind of tone was-- Well, let me retract that for a minute.

What was your feeling when the Governor found out something you had known about for a while? Were you concerned that he was going to be little annoyed with you?

MR. PLATKIN: No. Well, as part of my job -- a big part of my job is delivering bad news to the Governor; I do it on a daily basis. That's not my own personal--

SENATOR OROHO: This was bad news.

MR. PLATKIN: My point is, I'm not concerned about how I personally would have been affected by it. I made a decision, a judgement decision at the time, based on my understanding of the policy.

SENATOR OROHO: So you tell the Governor; he now knows; he had gotten this e-mail. What was the Governor's reaction? Was he annoyed at you? Did he say, "How come you didn't tell me?"

MR. PLATKIN: On October 2?

SENATOR OROHO: Yes.

MR. PLATKIN: As I testified, he was visibly upset. And I don't know if he was annoyed at me or -- he was visibly upset.

SENATOR OROHO: Did he start asking questions about, "How did this happen?" When did this happen?" Did you have to give him a timeline of everything? You had a press conference-- I guess the article came out on October 14, and then there was a press conference on October 15.

MR. PLATKIN: Correct.

SENATOR OROHO: Did you have to provide a timeline for all this stuff within that period of time?

MR. PLATKIN: I think he was provided facts, based on what we knew at the time. But it was clear that he wanted a full accounting, which is why he commissioned an independent investigation into the matter.

SENATOR OROHO: I'm intrigued by Mr. McKenna's comment that, "If I didn't tell Governor Christie, I would still be feeling the pain today." That's in the issue of a tone being set. Was there ever-- Was there a kind of tone that was set that, "We need to protect the Governor"?

MR. PLATKIN: No.

SENATOR OROHO: No; I'm sorry?

MR. PLATKIN: No.

SENATOR OROHO: Okay.

Let's see here, real quick. See if there's anything that I have -- might have further.

(references notes)

I think-- Let me ask you one other -- just one last question.

You've been through this. We're tasked with coming up with policies and procedures. And Senator Madden had gone into it before. I don't know how you write a policy about following your policies.

I don't know how you write a policy about common sense; I don't know how you write a policy about right and wrong, because that's actually what the whole tone at the top is -- people understanding what's right and wrong.

In your opinion-- You've lived through this. In your opinion, what would be the most important thing that we could do in recommending that this never happen again? That the indifference-- I would say -- and Assemblywoman McKnight was 100 percent right. I get the -- kind of like the tone was indifferent to this. There was an immediacy of things happening, and then it stopped. And then there was concern about the press -- and I can understand that; you're always concerned about the press, you know; and then-- But there was no follow-up that I could see with, you know, Ms. Brennan.

So what, in your opinion, would be-- Here's something -- a step that you could take that you really think would matter?

MR. PLATKIN: I can tell you the tone -- for myself, and everybody I spoke to -- is far from indifference. But as I said, I was expecting, when it was reported, that we would be able to conduct an investigation. That was guidance that we got back -- that we could not -- that I was surprised by.

SENATOR OROHO: Okay. So you actually think that the advice that, because it happened outside-- Because that's one of the things -- and Mr. Critchely was 100 percent correct, in a prior meeting -- I was getting very much the impression that, okay, we got three separate legal entities. You have the Campaign, you have the Transition, and you have the Administration. And that actions that occurred in one of those entities could not -- that you could not take any kind of employment action if those employees carried over into a similar -- into a subsequent organization. I mean, I personally find that, you know-- I don't think that's-- Obviously I think that's wrong; I think actions at any time, if you're employed by an

entity, and obviously those employees are there, I think there's a responsibility to the employees as you have them.

So I guess your recommendation would be that you be allowed to investigate things that have occurred. If you become aware of things that occurred prior to employment, that you have the ability to investigate and have that affect current employment.

MR. PLATKIN: I believe that's something that the Committee should consider, yes.

SENATOR OROHO: Okay.

Madam Chair, thank you very much. I appreciate it.

ASSEMBLYWOMAN PINTOR MARIN: Thank you, Senator Oroho.

Senator Weinberg, I think you wanted to finish up.

SENATOR WEINBERG: Oh, I'm sorry.

Let--

ASSEMBLYWOMAN PINTOR MARIN: I stand corrected.

Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Chairwoman, I only have one question to ask.

Chief Counsel Platkin, was Mr. Alvarez fired or did he leave on his own accord -- own volition?

MR. PLATKIN: On October 2, you're asking?

I'm not sure the answer to that.

ASSEMBLYMAN JOHNSON: We're not sure if-- He's not getting paid, though?

MR. PLATKIN: He is not getting paid.

ASSEMBLYMAN JOHNSON: But under what conditions did he leave us? We don't know. We know the conditions, but under what status?

MR. PLATKIN: I've seen his resignation letter from October 2.

ASSEMBLYMAN JOHNSON: Okay.

MR. PLATKIN: That's all I know.

ASSEMBLYMAN JOHNSON: Okay; so he resigned?

MR. PLATKIN: I'm not sure if he was forced to resign or not. That's subject to an ongoing appeal process.

ASSEMBLYMAN JOHNSON: Okay.

Thank you, Chair.

ASSEMBLYWOMAN PINTOR MARIN: Thank you.

Senator.

SENATOR WEINBERG: What is the ongoing appeal process?

MR. PLATKIN: This is just based on what I read in the press about his--

SENATOR WEINBERG: The unemployment claim?

MR. PLATKIN: --unemployment application; yes.

SENATOR WEINBERG: Are you referring to the unemployment claim?

MR. PLATKIN: Yes; yes, Senator.

SENATOR WEINBERG: All right. Well, you know, this has been a source of confusion to me; I assume to the Committee as whole.

Well, let me just backtrack for a moment.

Justin Braz testified he was heartbroken, he was a friend of Ms. Brennan's, and he believed her.

Mr. Garg testified he was heartbroken, he was a friend of Ms. Brennan, and he believed her.

I think Mr. Cammarano -- although he was not a personal friend Ms. Brennan -- also testified that he believed her.

And so did Ms. Delgado-Polanco.

Did you believe her?

MR. PLATKIN: Yes, I did.

SENATOR WEINBERG: Okay.

So then can you explain to me, if you believed Katie Brennan, either Mr. Alvarez should have been fired-- Why was he put into this, "We'd like you to leave." Why did you want him to leave? I'm assuming you wanted him to leave because you believed Ms. Brennan's accusation.

MR. PLATKIN: Correct; however, we were also advised we couldn't conduct an investigation. So the recommendation was to tell him to leave.

SENATOR WEINBERG: So you wanted him -- so he got into this, kind of, never-never land of, "We want you to leave," because we couldn't conduct an investigation even though, as I think I pointed out to you-- First of all, what law school did you go to?

MR. PLATKIN: I went to Stanford Law School.

SENATOR WEINBERG: Stanford Law School. Great school. California is my second home.

MR. PLATKIN: We do share that, Senator. (laughter)

SENATOR WEINBERG: Yes; so I know what a good school that is.

But I think -- at least for me, and I think the lawyers agree -- there was room in those policies for you to conduct an investigation; but for whatever reason, you chose not to follow that route.

So you believed -- collectively, you believed Katie Brennan; but you didn't believe her enough, or you couldn't do an investigation that would have said, "Mr. Alvarez, you must leave this office by Monday, by Friday," whatever. You said, "We think you should separate from employment," but nobody followed up between January, March, June -- and August 1, by the way. When Ms. Delgado-Polanco got there, he was still working there.

So nobody followed up on, "We think you should leave, like, next week, or next month, or three months from now."

MR. PLATKIN: As I've testified, we -- one of the things we could've certainly done better is encouraged him or pushed him to leave sooner.

MR. CRITCHLEY: Can I just ask one-- You just said there was a recommendation that he leave. Did someone advise you to recommend that he leave?

MR. PLATKIN: That wasn't -- that was my recommendation, based on the seriousness with which I viewed that complaint.

MR. CRITCHLEY: Well, a recommendation is something different from a direction he leave. A recommendation is, you know, "I recommend you leave," but that's it. I mean, was it a direction or a recommendation?

MR. PLATKIN: I'm sorry, I thought you were referring to my conversation with Mr. Cammarano. I would characterize it as a *direction*.

MR. CRITCHLEY: Okay.

SENATOR WEINBERG: So you directed Mr. Cammarano to ask Mr. Alvarez to leave.

MR. PLATKIN: I think I'm talking about two different things.

SENATOR WEINBERG: Okay.

MR. PLATKIN: I'm saying my characterization of what Mr. Alvarez was told was a direction to leave.

SENATOR WEINBERG: Okay.

All right; well, so in your mind, the reason he wasn't fired is because you were given-- I just want this clarified for myself.

The reason why he wasn't fired is because you were given direction by Ms. Taylor -- who doesn't keep files by name, by the way; she has some kind of a chronological file about allegations -- and you were told by Ms. Taylor that you could not conduct an investigation. Is that correct?

MR. PLATKIN: That's correct.

SENATOR WEINBERG: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Mr. Platkin, thank you very much for coming before us.

I think that you heard today that you're probably the last person to testify on behalf of the Governor's Office.

SENATOR WEINBERG: No.

MR. HAYDEN: No.

SENATOR OROHO: No, we have more.

ASSEMBLYWOMAN PINTOR MARIN: I'm just saying, at this moment. (laughter)

SENATOR OROHO: For tonight.

ASSEMBLYWOMAN PINTOR MARIN: But I think that-- And I'm saying, just because of the high level between you and Mr. Cammarano, Mr. Parimal Garg -- that's really what I'm referring to. I think that you hear the Committee's frustration, obviously, when we're trying to put policies and procedures forth. But yet, it's difficult to do certain things when you don't know how a person got hired to begin with.

And I think that, you know, you saw that today from all of us. We shared the same sentiment with Mr. Cammarano and with Mr. Garg as well.

So we thank you for coming in today; we appreciate it.

And that's it for today.

We will reconvene next Friday.

MR. PLATKIN: I understand.

Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Thank you.

(MEETING CONCLUDED)