
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: February 5, 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 Fred H. Madden, Jr.
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



ALSO PRESENT:

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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Co-Chairwoman
ELIANA PINTOR MARIN
Co-Chairwoman



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

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GORDON M. JOHNSON
PAMELA R. LAMPITT
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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 - FEBRUARY 5, 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 Tuesday, February 5, 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 1/31/19

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

If we could please have roll call?

MS. WOZUNK (Committee Aide): Assemblywoman Schepisi.
(no response)

Assemblywoman DeCroce. (no response)

Assemblywoman Reynolds-Jackson.

ASSEMBLYWOMAN REYNOLDS-JACKSON: Present.

MS. WOZUNK: Assemblywoman McKnight.

ASSEMBLYWOMAN McKNIGHT: Here.

MS. WOZUNK: Assemblywoman Lampitt.

ASSEMBLYWOMAN PINTOR MARIN: She's here.

MS. WOZUNK: She's here?

ASSEMBLYWOMAN PINTOR MARIN: Yes.

MS. WOZUNK: Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Here.

MS. WOZUNK: Senator Oroho.

SENATOR OROHO: Here.

MS. WOZUNK: Senator Ruiz.

ASSEMBLYWOMAN PINTOR MARIN: She's here as well.

MS. WOZUNK: Senator Madden.

SENATOR MADDEN: Here.

MS. WOZUNK: Senator Cunningham.

SENATOR CUNNINGHAM: Here.

MS. WOZUNK: Co-Vice Chair Muñoz.

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

MS. WOZUNK: Co-Vice Chair Corrado.

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

MS. WOZUNK: Co-Chair Pintor Marin.

ASSEMBLYWOMAN PINTOR MARIN: Here.

MS. WOZUNK: Co-Chair Weinberg. (no response)

Assemblywoman Pinkin is on her way.

ASSEMBLYWOMAN PINTOR MARIN: So is Co-Chair--

MS. WOZUNK: We have a quorum.

Oh, Co-Chair Weinberg is also on her way.

ASSEMBLYWOMAN PINTOR MARIN: And Co-Chair Weinberg is on her way as well.

MS. WOZUNK: Okay.

ASSEMBLYWOMAN PINTOR MARIN: Good morning, everyone.

Mr. Cammarano, thank you very much for coming.

I first want to start off by saying that we really appreciate you coming back for the third time. This is a trilogy. (laughter)

P E T E R C A M M A R A N O: No problem.

ASSEMBLYWOMAN PINTOR MARIN: Since it's been a while since we've seen you, Mr. Cammarano, if you don't mind, we'd like to re-do at least just the oath portion, if that's okay with you. I don't think we need to go over everything else beforehand.

MR. CAMMARANO: Oh, yes, that's fine.

ASSEMBLYWOMAN PINTOR MARIN: That's fine? Okay.
(Assemblywoman Pintor Marin administers the oath)

And for the record, for the third time, if you can please state your name.

MR. CAMMARANO: Peter Cammarano.

ASSEMBLYWOMAN PINTOR MARIN: It's my understanding that for today's portion for you, Mr. Cammarano, it's just the attorneys who we have left. So you should not be here very long.

MR. CAMMARANO: Good to know; thank you.

ASSEMBLYWOMAN PINTOR MARIN: Thank you.

Mr. Critchley.

MR. CRITCHLEY (Special Counsel): Good morning, Mr. Cammarano; Counsel, good morning.

CHRISTOPHER S. PORRINO, Esq.: Good morning.

MR. CAMMARANO: Good morning.

MATTHEW BOXER, Esq.: Good morning.

MR. CRITCHLEY: I just want to, just for the record, remind everyone, in part, why we're here, so that when I ask questions people do not think I'm engaging in some sort of frolic.

The Concurrent Resolution, as adopted by the Senate and the Assembly, states, in part, "The New Jersey Legislative Select Oversight Committee shall review," in part, "all aspects of the policies and procedures regarding the screening of perspective employees and continued employment in the public sector of persons with questionable backgrounds."

And the reason I emphasize that is because there's been a focus on who hired Al Alvarez. And we're not going to let that die; we're going to pursue it. Because when we formed this Committee, we realized that there were probably two silos of information we had to gather. We had to gather the facts that gave rise to the formation of this Committee. And then once we gathered the facts, we had to come up with prophylactic measures to make certain that whatever problems we find occurred could be corrected.

But we always thought that the problem of finding the facts would not be difficult. But it turns out that one of the platform facts that we have to establish has become, unfortunately and to some extent, difficult to explain -- is, basically, who hired Al Alvarez.

And I'm reminded of the importance of that question because I went back -- and I have an article here from Matt Friedman of December 5, 2018, regarding the comments of Governor Murphy. And in it the article basically states, "Murphy defended the limited scope, saying he was confident in the processes he had established and thought the issues that needed to be addressed surrounded the hiring of Al Alvarez -- not what followed after his hiring."

So he focused on the importance of how did Mr. Alvarez get hired.

And then he says, "The question is, how this person was hired." That's from the Governor.

And it's an appropriate and apt question; because we've been told, and we've been instructed, that we have to find out the balls and strikes, in terms of what took place. And I know there's been, recently, an article in the newspaper, which basically -- I think maybe today or yesterday

-- which quotes someone close to the Administration. And it's an article by Brent Johnson from the *Ledger*. And it quotes, "A source familiar with the situation said Alvarez had been around Murphy's team for a long time, serving in the Campaign and the Transition, and it was expected he'd get a job in the Administration."

Not controversial at all. "But the source said it's not surprising no one could recall who signed off on Alvarez's hiring, since the Transition was a hectic time and the conversation would have been a short one."

Now, on one level, I understand that comment, if we're talking about a low-level position in an organization. But in this situation, the question does not relate to a low-level individual; it relates to a senior official. And you would think that the hiring process of a senior official would not be that haphazard. Now, I'm not suggesting it was haphazard; we're trying to find out. And when it says that "The source said it's not surprising no one could recall who signed off on Alvarez," that's a little misleading. Because what we heard is not a question of people not being able to recall; we, as a matter of fact, had people who we feel are the ones in the hiring process who specifically said, "I do recall; I do recall. And I did not hire Al Alvarez." That's what you said, Mr. Cammarano.

Another person who was involved in the hiring process, we found out, is Jose Lozano. He didn't say, "I didn't recall;" he said, "As a matter of fact, I do recall. And I did (*sic*) hire him."

Matt Platkin testified. He didn't say, "I didn't recall;" he said, "As a matter of fact, I do recall, and I did not hire him." And I assume from the Governor's comments in the newspaper, when he said, "We have to find out who hired him," he didn't hire him.

So it's not a question of a lack of recollection; as a matter of fact, we do have recollection. And our position is, basically, when you have a position like this, if the four people involved who I just mentioned specifically stated they didn't hire him, who else would be in the hiring chain? Who would be in a position to hire Mr. Alvarez to a position that's not insignificant -- to a Chief of Staff position in a very important agency, with a salary that tracks at a Cabinet Officer's salary of \$141,000? Do you know who would be in the chain of hiring?

MR. PORRINO: I'm sorry, Mr. Critchley; what's the question?

MR. CRITCHLEY: Who would be in the chain of hiring Al Alvarez?

MR. CAMMARANO: I think, as I've testified before, there was a process for hiring during the Transition. And the folks you indicated, through your opening, certainly would be involved in that process.

If there were Cabinet members who were in place -- in this case, that was not the case -- they would be involved in that process as well.

MR. CRITCHLEY: Who would be involved in the process of hiring Al-- I know we have Cabinet-- Apparently, you were involved in the hiring of front office people, particularly in Cabinet Officers.

MR. CAMMARANO: Correct.

MR. CRITCHLEY: There's been testimony that, with the Authorities Unit, that would have been Matt Platkin. And then, sometimes, Mr. Lozano would be involved in a combination of the hiring process.

MR. CAMMARANO: Correct.

MR. CRITCHLEY: But all three of you have testified that you did not hire Al Alvarez. And Governor Murphy has basically said the issue is to find out who hired him. Now, following up on that, if the four, who I just mentioned, would not be involved in hiring Al Alvarez, who else would be?

MR. CAMMARANO: Unfortunately, I don't know the answer to that.

MR. CRITCHLEY: Because, I mean, when we-- A few sessions ago, Assemblywoman Muñoz, tongue-in-cheek, joked, "Well, maybe he hired himself." And we thought that that was kind of funny; and I'm not suggesting that's the case. But in terms of the options we see now, it's not that far-fetched. And I would just hope that the hiring process, of somebody like Mr. Alvarez in a key position, would not be as haphazard as that.

And the reason that's important to us is because that part of the hiring process is part of the process that we have to look at. And we're supposed to call balls and strikes. And what we'd like to know is who hired him and what information they had. And it's kind of unfortunate that we don't have that information.

Now, I'd also like to just refer to -- and maybe you could answer this -- the Governor was quoted in the *Wall Street Journal* by Kate King on October 14, 2018. He states -- the Governor -- according to the article, "We are confident that this allegation was handled appropriately by the Administration, and that the policies and procedures were properly and promptly followed. However, it is clear that the process during the

Transition was inconsistent with our values, and the hire should not have happened.”

So I ask you a question. Do you know what the Governor means when he said, “And it’s clear that the process during the Transition was inconsistent with our values”? Do you know what *process* he was referring to?

MR. CAMMARANO: I do not.

MR. CRITCHLEY: And do you agree with him that the hire should not have happened?

MR. CAMMARANO: I’m sorry?

MR. CRITCHLEY: Do you agree with the Governor that the hiring of Al Alvarez should not have happened?

MR. CAMMARANO: You know, I’m not going to speculate. The hiring happened, and it is what it is. It did happen.

MR. CRITCHLEY: But you were the Chief of Staff--

MR. CAMMARANO: That’s correct.

MR. CRITCHLEY: --and I’m not going to-- Well, do you agree or disagree with the Governor that Al Alvarez should not have been hired?

MR. CAMMARANO: I don’t know. I mean, it’s a tough one to speculate on. Hindsight is 20/20, as I’ve said before. There are plenty of times where I look back and say, “Geez, I wish we had done things differently,” but we didn’t, and we have to deal with it.

MR. CRITCHLEY: Hindsight is 20/20; and we, as lawyers, know about that. No one better than trial lawyers know about hindsight and 20/20 as being perfect. I agree with that.

But you're an important component in this. We're trying to gather information. And your opinion -- not having your opinion is kind of important.

Now, I'm asking you, based upon what you know-- The Governor expressed his opinion in October. Based upon what you know now -- not hindsight, based upon what you know now, do you think Mr. Alvarez should have been hired?

MR. CAMMARANO: Again, I'm not going to speculate on the situation. It's something that's happened already; it is what it is.

MR. CRITCHLEY: I understand. And I'll just ask you-- I know Counsel-- I'm asking you not to speculate; I'm asking you to give us an informed opinion, as best you can, based upon the facts you know. People are asked that all the time. That's the difference between speculation-- Speculation is just, "I have no facts; I'm just going to guess." I'm not asking you to guess. Based upon the record that has been developed as you know it, I would assume you have an opinion, one way, or another. Do you want to give us that opinion?

MR. CAMMARANO: I'm not going to give you my opinion on that.

MR. CRITCHLEY: All right.

MR. CAMMARANO: I spent seven-and-a-half hours before the Committee giving my factual knowledge of this. And I try to leave opinions out, because they're opinions.

MR. CRITCHLEY: Well, actually, opinions are very important, because people who have first-person knowledge could be informed as to what we should do. And I would expect that an opinion

such as that -- that that's basic, that you might be able to advise us as to whether you thought that was a proper hire or not a proper hire.

I'm not going to go any further.

Now, there's the issue of confidentiality. And I'm not going to go over everything. Basically, you said that you were following the advice of Counsel, Transition Counsel. And I'll read some testimony about that.

And going back to Mr. Platkin's-- I'll tell you some of Mr. Platkin's testimony. Mr. Platkin also expressed -- told us he gave you advice; no dispute. But then he said he told a few people; he said that he told you -- he told you about the information which, on its face, would be in violation -- technically, technically -- of the confidentiality. And he explained, because you were in charge of Personnel, you had a need to know about the Al Alvarez allegation; which is perfectly understandable.

And then he said he also told Jonathan Berkon. And why did he tell Jonathan Berkon? Because he said the Attorney General's Office had advised that the Campaign should conduct an investigation into the Al Alvarez incident, and he felt it was appropriate to tell Jonathan Berkon.

And the question that it raises is -- that's perfectly appropriate. But if Mr. Platkin felt there were qualifications to tell you, because you were in charge of Personnel, isn't the Governor in the same situation? Isn't he in charge of Personnel? And if you should know about a Personnel issue, the boss, the ultimate boss should know about the Personnel issue. And my question is, did you discuss that -- whether -- since you were being advised because it's a Personnel issue, should the Governor be advised because it's a Personnel issue?

MR. CAMMARANO: I'm not sure I follow your question.

MR. CRITCHLEY: Okay; let me just break it down.

You have the factual background. The basis for Mr. Platkin saying that although confidentiality requires no one to discuss this, he felt that it was appropriate to tell you because you were in charge of Personnel, which is perfectly understandable. I understand that.

Now, my question is, if you're in charge of Personnel and because of that you have to be informed about the Mr. Alvarez matter, the Governor, who is the ultimate person in charge of Personnel -- wouldn't that same logic apply to him, that he should be informed of the Mr. Alvarez matter?

MR. CAMMARANO: The only thing I could tell, Mr. Critchley, is that I was advised not to share it with anybody, including the Governor.

MR. CRITCHLEY: Okay. Now, there was some testimony -- and you gave that testimony. And when Mr. Parikh was here, he was asked by Senator Weinberg, some questions about the advice that he had given. And there appeared to be, on its face -- and I'll go over it, I'll read it to you -- some inconsistencies.

And one of the issues we have here is there seems to be a number of inconsistencies on kind of significant facts. And the problem we have with that is, we are obligated to come up with a report. And the report is going to require a format. And one of the formats is going to be lay out the facts. Normally we'd expect that we could lay out the facts and there would be no issues. But it seems here, on kind of some significant facts, there are a number of inconsistencies. And I just don't know how we resolve them.

For example, you indicated, in your testimony -- let me just get it, so I don't misread it.

MR. PORRINO: Which day?

MR. CRITCHLEY: This is his opening statement.

In your statement, basically you stated -- and it was incorporated into your testimony -- regarding what Justin Braz was authorized to tell you. And it's on page 2 of your statement. You state, "It was also my understanding, at the time, that the victim did not know Justin was sharing this information with us, and she did not authorize a disclosure."

Now, I'm not suggesting that you did not hear that. I'm not suggesting at all that you are lying; not at all. But let me just tell you the dilemma we have. We have the person who is involved, Mr. Justin Braz -- he gives testimony just to the opposite, basically. He says, in his statement, "Katie and I spoke about the need to inform the Transition, and her desire not to be identified. So with Katie's authorization, I reached out and spoke to the Transition's Counsel." Then he said, "When they asked me the name of the accuser, I said I was not authorized to give that information."

That -- the inconsistencies there-- And these are-- What I'm saying, these are inconsistencies, that Mr. Hayden expressed here, that happen in life; that people hear things, and it's perfectly understandable that there are inconsistencies in life. Because her position is, "Not only did I authorize him, I affirmatively wanted the Administration to know, because there was going to be, potentially, a newspaper explosion, and I think they should be forewarned."

But that is an inconsistency that is something we understand.

And one of the things I think we have to make a recommendation, when we do, is when we have an allegation such as this, a serious, serious matter, that there be some file created so there will be some documentation; so that people don't have misrecollections of important events. For example, I mean, maybe someone should have said, "Let's take a statement from Justin Braz so it's memorialized in case, God forbid, none of us are around next week. There would be no record of what took place."

That is something that we have to focus on. And I just don't know why there was no record of that significant event.

Another inconsistency that we have to deal with: You've testified that you told Mr. Alvarez, on March 26, that he has to leave government. Mr. Alvarez, in his unemployment application, under oath -- basically, he's swearing to tell the truth -- says that the first time that he was told that he had to leave government was in June. An apparent inconsistency.

There are also inconsistencies in terms of Mr. Alvarez saying that when he was told to leave in June, he said, "I'll leave, but I need some time. And I want some assistance from the Administration in obtaining a position." And he said they agreed. Mr. Platkin said, "While there was some discussion about it, that was not the case."

That's an inconsistency that we have to deal with.

And another one that's not that important, but I'm just saying that these things just seem to keep creeping up. There's testimony that Mr. Alvarez volunteered his resignation on October 2, when the *Wall Street Journal* started making inquiries. Mr. Alvarez, in his unemployment application, says it was demanded of him; it was demanded of him that he

submit a faxed resignation to the front office. And the reason I say that, is to say that it's going to be difficult for us to come up with a resolution of the facts, and call balls and strikes, when there are so many balls outside the strike zone. It's easy to call balls and strikes when that ball is right over the strike zone. But when they're so far off, it's kind of difficult.

And now let me tell you one of the ones that is particularly difficult. And actually it was Senator Weinberg who asked the question. And Counsel, I'm referring to Mr. Parikh's testimony of January 25, at page 39.

Let me know when you get there, Counsel.

MR. BOXER: Page 39?

MR. CRITCHLEY: Yes, please.

MR. BOXER: Sorry.

MR. CRITCHLEY: Let me know when you're there.

MR. BOXER: Okay.

MR. CRITCHLEY: Now, just for the record, these are questions asked by Senator Weinberg of Mr. Parikh, regarding the advice that Mr. Parikh said he gave you. And Senator Weinberg states, "I am going to read you a little bit of a snippet of testimony from Mr. Cammarano's testimony; and I think this goes back to January 10.

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

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

And Mr. Cammarano answered, “It was based on the advice of our legal counsel; and generally we do try to follow that advice. I don’t know exactly what he based it on, but he was pretty clear in his instructions to us,” basically.

And then page 40, Senator Weinberg continues, “And there is another point in here where I asked Mr. Cammarano, ‘Did you ask the Transition Counsel if you could disclose it to the Governor?’ ‘I don’t remember if I did or not. Either way, the answer was we could not disclose it to anybody.’”

Senator Weinberg continues, “That’s Mr. Cammarano’s testimony that, based on instructions from you, he had no ability to disclose this information to anybody, which he assumed also meant the Governor. I just want to put that on the record that that is his testimony.”

And then there’s conference with Counsel.

Senator Weinberg continues, “Well, I think I asked you once -- did you give that advice to him? And I thought your answer was, no, you did not.” Mr. Parikh, “That is correct, Senator.” Senator Weinberg, “Correct?” Mr. Parikh, “With the one exception being that I did advise him and Mr. Lozano not to discuss the matter with Mr. Alvarez.”

Now, here’s the problem we have with that testimony. We have Mr. Parikh, under oath, saying he never advised you that you could not tell anybody. As a matter of fact, the only advice he gave to you was that you could not tell Mr. Alvarez. He testified under oath. We have no reason to disbelieve him.

Now, you have testimony saying just the opposite. You understood that you could not tell anybody, including the Governor. And I'm not suggesting that you're lying. But those are the kinds of-- And that's not an insignificant contradiction; that's a very significant contradiction. And the question is, as a Committee, how do we resolve those conflicts? Do you have any idea?

MR. CAMMARANO: The only thing I can tell you is my recollection is what's reflected in my testimony of the conversations. I can't tell you how to correct the conflict there.

MR. CRITCHLEY: But you admit there is a contradiction there.

MR. CAMMARANO: There appears to be; but my recollection of the conversation is what I testified to.

MR. CRITCHLEY: And again, I'm not challenging that. I'm just saying that, in terms of process and procedures going forward, I think what we have to do when attorneys, skillful and as respected as Mr. Parikh, from a well-respected firm, gives advice such as that, obviously it should be memorialized so we don't have that problem. Because we, as a Committee - - that's an important fact here. I mean, do we just flip a coin? How do we make that determination -- whether your version is correct or Mr. Parikh's version is correct? And then, after a while, we say, why do we have so many inconsistencies? Some are insignificant facts, and some are very significant facts. It's a massive dilemma we have.

Now, there was also testimony that Mr. Platkin gave regarding Mr. Alvarez's desire to work at Rutgers. Have you read Mr. Platkin's testimony?

MR. CAMMARANO: I have not read any of the testimony.

MR. CRITCHLEY: Very good. Have you discussed Mr. Platkin's testimony with anyone?

MR. CAMMARANO: I have not.

MR. CRITCHLEY: Okay; just let me put it in substance, and I'll come back and I'll read it to you, if you want to make-- So you'll understand why I'm asking these questions.

Mr. Platkin basically said he had discussions--

MR. PORRINO: You're not asking whether he discussed it with Counsel, right?

MR. CRITCHLEY: I'm not.

MR. CAMMARANO: Because that I had.

MR. CRITCHLEY: That goes obviously; I apologize.

MR. CAMMARANO: Okay.

MR. CRITCHLEY: I apologize, I apologize.

And again, I'm not suggesting any-- I'm just saying the dilemma we have.

Now, Mr. Platkin said that he had discussions with Mr. Alvarez about Mr. Alvarez's desire to go work at Rutgers. And this is post-June. When I asked him when the conversation took place -- was it in July? He said, "I can't remember; it was some time in the summer."

When I asked him did Mr. Alvarez tell you the position he was seeking at Rutgers, he said yes. I said, "What was it?" He said, "I can't remember."

He also said that he talked to you about it, and asked you to contact someone at Rutgers to find out if, in fact, he had applied for a

position at Rutgers. And that you informed Mr. Platkin that he had not submitted an application for a position at Rutgers.

MR. CAMMARANO: That's correct.

MR. CRITCHLEY: Now, did you contact anybody at Rutgers about--

MR. CAMMARANO: No--

MR. CRITCHLEY: Let me finish the question please.

Did you contact anyone at Rutgers about Mr. Alvarez seeking employment?

MR. CAMMARANO: I contacted Pete McDonough at Rutgers to find out if, indeed-- Just to more find out what the status of his application was.

MR. CRITCHLEY: And what did Mr. McDonough -- Pete McDonough tell you?

MR. CAMMARANO: Pete got back to me a short time later and advised me that they had no record of Mr. Alvarez applying for the position that I had asked him about.

MR. CRITCHLEY: Did you ever find out from-- Did Mr. Platkin ever tell you what position Mr. Alvarez told him he desired at Rutgers?

MR. CAMMARANO: He did at the time, because I--

MR. CRITCHLEY: I'm sorry?

MR. CAMMARANO: He did at the time, because I asked him. I couldn't inquire about-- Rutgers is a very large institution; I needed to know what the position was so that they could look it up. So he did, but I-- I wrote it down, but I don't have it.

MR. CRITCHLEY: You don't -- was it--

MR. CAMMARANO: I don't remember what it was.

MR. CRITCHLEY: You don't remember the position?

MR. CAMMARANO: I don't, I don't.

MR. CRITCHLEY: Was your habit to take notes about these types of conversations with people--

MR. CAMMARANO: No, I would not.

MR. CRITCHLEY: Let me finish, please.

Was it your habit to take notes about these types of conversations and keep them in a file?

MR. CAMMARANO: I would not.

MR. CRITCHLEY: Now, it's kind of-- We're talking about June; and when it becomes June, you know, this has taken on a different dimension. We have -- over the summer we have-- Now, Katie Brennan coming, contacting the Governor, wanting to talk about a sensitive matter. Jonathan Berkon involved. Were you involved, post-June, in terms of Mr. Alvarez, in terms of what--

MR. CAMMARANO: As I testified before, the last time I spoke to Mr. Alvarez was in March -- when I sat with him.

MR. CRITCHLEY: Now, did anyone, at any point in time, say, "Okay, now that we have Campaign Counsel, let's keep a record of what's going on; let's keep a record of our conversations"?

MR. CAMMARANO: I wouldn't-- I'm not aware of that.

MR. CRITCHLEY: Okay.

Now, do you recall the type of position that Mr. Alvarez was seeking; what area? Was it Operations, was it teaching, was it--

MR. CAMMARANO: I don't recall specifically; but it was not a teaching position, if my memory is correct. But I don't recall what type of position.

MR. CRITCHLEY: Did he tell you what salary?

MR. CAMMARANO: No; it was a very basic conversation where -- I got the position, made the inquiry, and that was it. When I found out he didn't; apply, it was over.

MR. CRITCHLEY: Did you find it unusual, based on facts you knew then -- that Mr. Alvarez had been accused of sexual assault, you told him he had to leave where he was working -- that he was attempting to find employment at Rutgers? Did you find that unusual?

MR. CAMMARANO: Did I find that unusual? I don't know. But I'll tell you I was somewhat relieved he hadn't applied.

MR. CRITCHLEY: I'm sorry?

MR. CAMMARANO: I was somewhat relieved he had not applied for that position.

MR. CRITCHLEY: Well, he may not have applied formally; but we don't know if he had any inquiries with anyone informally to see the availability. Because in his mind, one of the places he wanted to go to was Rutgers. He had a position in mind that he wanted to apply for; he had spoken to Mr. Platkin about it; and he asked Mr. Platkin, or someone in the Administration, for his assistance. I'm just surprised, in light of what's going on post-June, someone doesn't say to Mr. Alvarez, "We can't have you working in the Administration. How could you even expect to get a job at Rutgers?"

MR. CAMMARANO: I didn't have any conversations with Mr. Alvarez at that point. So I wouldn't have had that conversation.

MR. CRITCHLEY: Did you have that conversation with Mr. Platkin, saying, "This is kind of unusual that he would even think of having a position at Rutgers, and that we would even entertain it," as opposed to saying, "We cannot have you working in State government."

MR. CAMMARANO: I can't completely recall the conversation with Mr. Platkin. But I did have that in my mind.

MR. CRITCHLEY: Now, in terms of hiring, do you know how Mr. Alvarez received the position that he received in the Transition?

MR. CAMMARANO: Do I know-- I'm sorry?

MR. CRITCHLEY: Do you know how he obtained that position?

MR. CAMMARANO: I don't. That would all be handled by the Transition Committee.

MR. CRITCHLEY: I'm sorry?

MR. CAMMARANO: That would be handled by the Transition Committee at the beginning. Many of the people on the Campaign moved over to the Transition, either in a paid or non-paid capacity. I assume it was part of that process.

MR. CRITCHLEY: Well, I have his application. His application-- He was one of the few people -- I won't say *few*; I don't know how many -- but he was a paid Transition worker, correct?

MR. CAMMARANO: There were a number of paid-- The exact numbers, I'm not sure. But there were a fairly large number of paid folks.

MR. CRITCHLEY: Well, I have his application here; his application here basically says he wants to make -- for the Transition, he wants to make \$100,000. And it states, in terms of who hired him for the Transition -- it's kind of clear. We have-- Now, we're talking about not working for the SDA; we're talking about working for a temporary position in the Transition. And we have a record; and we know who hired him. The Governor hired him. It states, in his application, "The Governor-elect has requested the captioned employee be hired as a member of the new Transition Team at the salary requested, on the effective date identified." And the salary requested is \$100,000.

MR. BOXER: Do we have that document, Mr. Critchley?

MR. CRITCHLEY: I'm sorry, I'm sorry. It's SDA-- We'll get you a copy, Counsel. I apologize.

For the record, it's SDA-0006.

MR. PORRINO: We may have it.

MR. CRITCHLEY: See if you have it.

MR. PORRINO: Okay, we have it.

MR. CRITCHLEY: Do you see that, where I'm referring?

MR. PORRINO: Where, sir?

MR. CRITCHLEY: Do you have it?

MR. PORRINO: We have the document.

MR. CRITCHLEY: Okay; now, the only reason I emphasize that is, you would think for a temporary position, such as Transition -- and you have a documented file as to what he's going to do, who hired him, how much money he's going to make-- One would think if you have that type of precision in the hiring of a Transition official, you would not have all the

imprecision we find in the hiring of him in the Administration for a much more significant position, at a much higher salary.

Do you understand the dilemma we have?

I'm sorry; you have to say "yes" or "no."

MR. CAMMARANO: Can you repeat it, just so I'm sure?

MR. CRITCHLEY: You understand the dilemma that we have. On one hand, we have the process in hiring that's documented. We know who hired Al Alvarez for the Transition. We know what he was going to do, and we know his salary. You would think that same process would carry over when you hire someone for the Administration. And my question is, can you explain why the process does not follow from the Transition into the Administration?

Do you want me to repeat that?

MR. CAMMARANO: No, I think the answer is, I'm not sure if I would agree or disagree with that. Because there's a process in place; I'm not sure who actually hired him on Transition.

MR. CRITCHLEY: Here's the problem--

I'm sorry; I didn't mean to step on your question (*sic*). You were saying?

MR. CAMMARANO: No, I mean, I wouldn't be involved in that.

MR. CRITCHLEY: No; there is a process. But amazingly-- This is the process we have. And we always say the chain is only as strong as its weakest link. So we have information here; we have information that Al Alvarez applied for a job. We have that information; he submitted an application. We also have information that he applied to be the CEO of

the SDA. We have that information. We also find out that he filed an application on, I think, January 2. Then we have January 12 -- a letter signed by Lynn Haynes -- one of those auto-pen letters -- saying that he was hired. He was hired not as the CEO, but he was hired as the Chief of Staff at \$140,000.

And then we find out -- we have a record -- that he was told to leave in March.

So we have the process; the only link that's missing is who hired him.

Now, you can say, "Well, you know, things happen. And it's hectic in the Administration; people just get hired." And I can understand that on low-level positions. As you go up the organization, you would hope that the hiring process would not be that loosey-goosey; that it would be, kind of, more controlled. Because you have a situation -- if we don't know who hired him, the question is, okay, he submitted an application; he wants to be the CEO. He didn't become the CEO. Who told him "no"?

He submitted an application; he gets \$140,000. Who told him he's going to get \$140,000? I mean, those are operation decisions; salary has to be given to somebody. Because, for example, I believe Katie Brennan -- her salary, as the Chief of Staff of the Housing and Mortgage Finance Agency, was, like, \$121,000. So someone had to make a decision to give her \$121,000. Someone made a decision to give Al Alvarez \$140,000, which tracks at Cabinet-level salary under the prior Administration.

So, yes, we do have a process, and we do have links. The only link that's missing is who hired him.

And you understand our dilemma?

MR. CAMMARANO: I do.

MR. CRITCHLEY: Can you help us solve our dilemma?

MR. CAMMARANO: I think I have been very clear--

MR. CRITCHLEY: Okay

MR. CAMMARANO: --probably 200 times that I can't.

MR. CRITCHLEY: Hope runs eternal. (laughter)

Excuse me, please.

(confers with staff)

Now, for the record, Counsel -- Counsel, I'm referring to January 10, 2019; the testimony of Mr. Cammarano, page 8.

Tell me when you get there, Counsel.

MR. BOXER: You mean January 10, Mr. Critchley?

MR. CRITCHLEY: Yes; I may have misspoken. Did I say the 8th? I apologize, Counsel; it's January 10, page 8.

MR. BOXER: We have it.

MR. CRITCHLEY: Okay, thank you.

Now, Senator Weinberg asked a question of you, Mr. Cammarano, regarding assistance to anyone. And I just want to ask a follow-up; a couple of questions.

The question reads, on page 8, "Now, when you called Mr. Alvarez into your office on March 26, and you testified to us that anybody who has been around Trenton -- I would tend to agree with you -- when you're called into the Chief of Staff's Office and told to separate yourself from employment, start looking for another job -- that should be taken seriously. At that time, did you offer to help him find a job?" And you said, "I did not." "Did he ask you to?" "He did not."

Is that still your testimony?

MR. CAMMARANO: That is correct.

MR. CRITCHLEY: Have you read Mr. Alvarez's unemployment application, yes or no?

MR. CAMMARANO: I have not.

MR. CRITCHLEY: Okay. Again, because I'm not suggesting-- You were just-- We have questions about --- not you; we have some questions about that.

Now, I just have a couple other minor areas.

Now, bear with me one second.

(refers to notes)

Now, during the Transition -- I'm talking about the Transition-- And what was your role in the Transition again?

MR. CAMMARANO: I had been announced as the incoming Chief of Staff; so my primary role was interviewing Cabinet members, putting together the Governor's Office staff itself, and generally helping out with other tasks.

MR. CRITCHLEY: Now, during the Transition, there was an investigation conducted by the Transition about allegations of improper activity that took place during the Campaign. Do you recall that?

MR. CAMMARANO: I'm not sure what you're referring to.

MR. CRITCHLEY: Involving Mr. Kelley.

MR. CAMMARANO: Yes, correct.

MR. CRITCHLEY: So these are the questions I have. Now -- and I'm not suggesting anything is true; I'm just knowing what's reported in the press.

There were allegations made by someone -- I believe Julia Fahl -- that there was a toxic environment during the Campaign -- and I'm not getting into the Campaign -- there was a toxic environment during the Campaign. And she talked about, again, Mr. Kelley throwing chairs and things of that nature.

Now, as I understand it, from reading the *Wall Street Journal*, Katie King, that the Transition conducted an investigation into that to determine whether Mr. Kelley should be hired. Is that accurate?

MR. CAMMARANO: I believe the Transition Counsel did utilize an attorney from his firm to investigate that issue, correct.

MR. CRITCHLEY: Now, the thing I find a little puzzling -- and I'm not minimizing the role of throwing a chair. I'm not saying it's insignificant. But if the Transition felt it was so important to conduct an investigation regarding Mr. Kelley's (*sic*) allegations of throwing a chair -- as to whether he is an appropriate person to be hired in the Administration -- why wasn't there -- why didn't the Transition conduct an investigation into Ms. Brennan's allegation as to whether Mr. Alvarez--

Let me finish; I know -- as to whether Mr. Alvarez was appropriate to be hired by the Administration?

MR. CAMMARANO: I think, first of all, I was following the advice and guidance of the Counsel. But I think the facts were a little bit different, unfortunately. We did not know who Ms. Brennan was at the time; we did not know who the victim was. It's difficult to conduct an investigation. We did believe that it was handled by law enforcement, through the Prosecutor's Office, which would have been the appropriate place for that investigation to take place.

MR. CRITCHLEY: Understandable. But the Attorney General's Office -- in April, Ms. Liebermann said she recommended -- when she was advised -- the Attorney General's Office -- when she was advised about these allegations that occurred during the Campaign, she said there is no jurisdiction, but she said the better course and the better recommendation is for the Campaign to conduct an investigation.

Now, my question is, I understand you're saying, "Oh, time issues; what we knew in October, November--" But once you find out about these allegations, and the Attorney General makes their recommendation to conduct an investigation, and the Transition had already conducted an investigation about chair-throwing, why wasn't there an investigation conducted in April?

MR. CAMMARANO: In April by whom?

MR. CRITCHLEY: By the Campaign.

MR. CAMMARANO: I was not part of the Campaign, Mr. Critchley, so I don't know the answer to that.

MR. CRITCHLEY: Yes; because let me just tell you, again, another perplexing issue.

There's no doubt in my mind that the investigation that was conducted by the Transition -- we're not going to get it -- but there's no doubt in my mind, knowing the respected firm that conducted the investigation, there's a file, there are statements, there's a record of what took place regarding the throwing of the chairs. Why that was conducted in the way it was conducted in a professional manner, in terms of Mr. Kelley, when you compare what was happening in terms of what should

have been done with Ms. Brennan-- Again, it seems to be sloppy to the point where it's almost, you know, difficult to explain or justify.

MR. CAMMARANO: I think in the case of Mr. Kelley -- that was conducted because I was aware that he wanted to work in the Governor's Office. And speaking with Mr. Parikh, we deduced that that would be appropriate before we-- We wanted to know the situation before we hired him.

MR. CRITCHLEY: Did you know that the Attorney General's Office had advised the Campaign that the better course was to conduct an internal investigation about what happened regarding the allegations made by Katie Brennan?

MR. CAMMARANO: No, I did not.

MR. CRITCHLEY: You were never advised of that?

MR. CAMMARANO: No; today is the first time I think I'm hearing that.

MR. CRITCHLEY: Today is the first time? Mr. Platkin never told you that?

MR. CAMMARANO: I don't believe he did.

MR. CRITCHLEY: You find that a little unusual?

MR. CAMMARANO: I don't know if it's unusual or not, but I don't think we had that conversation.

MR. CRITCHLEY: Did you speak to Heather Taylor about it?

MR. CAMMARANO: Did I speak to her? No, I did not.

MR. CRITCHLEY: Okay.

Now, on October 2, when all of this breaks-- When I say *breaks*, now we have Katie King asking questions, and people are resigning,

and e-mails are going out seeking information. There's a conversation with the Governor, and you were present--

MR. CAMMARANO: I was.

MR. CRITCHLEY: --when the Governor-- Did the Governor ask, "Who hired him?" Did the Governor express exasperation as to what he was finding out?

MR. CAMMARANO: I think he was certainly shocked; certainly concerned. I don't recall exactly what questions were asked or what were not. It was a very hectic environment, as I testified earlier. But I don't recall if he asked that or not.

MR. CRITCHLEY: Did he call for anyone's resignation?

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

MR. CRITCHLEY: I have nothing further.

Thank you very much, Mr. Cammarano.

MR. CAMMARANO: Thank you.

MR. HAYDEN (Special Counsel): Good morning, Mr. Cammarano.

MR. CAMMARANO: Good morning.

MR. HAYDEN: As I understand your testimony, you have indicated, in general, that given the benefit of hindsight and looking back, mistakes were made and you might have done things differently. Is that a fair characterization?

MR. CAMMARANO: I'm not sure what you're referring to; exactly what testimony. Is there something specific? I mean, generally speaking, I think I've talked about hindsight a number of times.

MR. HAYDEN: And you've also used the term "mistakes were made," and you've also, during the course of your testimony, indicated--

MR. CAMMARANO: I don't know if I used "mistakes were made" or "could we have done things differently." And there's a difference there, a distinction.

MR. HAYDEN: And is one of the things you could have done differently is told the Governor?

MR. CAMMARANO: As I've testified, there are times I do think I should have; and there were times, during the process, where I wondered if I should or shouldn't, despite the advice I got.

MR. HAYDEN: But looking back, do you think that you should have told the Governor?

MR. CAMMARANO: I don't know the answer, given the circumstances, at this point. I'm not sure I would handle it differently or not, given the confidentiality and the barriers to it.

MR. HAYDEN: You have told us, during the course of your testimony, that I believe you said you were advised by two lawyers -- Counsel to the Transition and the Chief of Staff (*sic*) -- that the information was confidential and, "I should not share it with anybody, including the Governor." That's essentially your testimony, right?

MR. CAMMARANO: That was my understanding.

I just want to clarify; it was the Chief Counsel, not the Chief of Staff, I think you mentioned.

MR. HAYDEN: I'm sorry, the Chief Counsel and the Transition Counsel--

MR. CAMMARANO: Correct, correct.

MR. HAYDEN: --that it was confidential. And both of them expressly told you you shouldn't share, including with the Governor.

MR. CAMMARANO: That is correct; that's my recollection, correct.

MR. HAYDEN: And you are aware, however, that when Transition Counsel came, Transition Counsel expressly denied that he gave you that advice. And I'd like to just take some time and read the testimony for the record.

Starting on page 123.

MR. CAMMARANO: Okay.

MR. HAYDEN: "But although there is no writing, the gist of your legal conclusion is there should not be retaliation; there should be protection against retaliation. But at no time," and this is Mr. Parikh, "in any way, shape, or form, did you advise anybody that the Governor could not be told of this allegation, did you?" Mr. Parikh, "Correct; I did not tell anyone that the Governor could not be told about this."

Mr. Hayden, "And in particular, Mr. Cammarano was not told by you--" Mr. Parikh, "I'm sorry; I missed the end of that question." "Mr. Cammarano was not told by you that the Governor could not be told." "No, I did not tell Mr. Cammarano that."

I then continued, "And as a matter of fact, did you not tell us, at one point in time, it was discussed as to whether or not the Governor could be told? And you said to Lozano and Mr. Cammarano, 'That's up to you. It's your choice.'"

Mr. Parikh, "I don't know that it was discussed; but I do recall saying that whether or not any issue was to be raised with the Governor,

was up to them and Mr. Platkin, frankly, as the senior members of the Transition Team.”

Mr. Hayden, “So not only was somebody not told they couldn’t tell the Governor, it was told that it was up to them whether or not they wanted to raise an issue like this with the Governor.” And he then says, “Right.”

So as was discussed, that is a dramatic difference than your recollection of the conversation. Because when pressed, Mr. Parikh indicated he didn’t say you couldn’t tell the Governor and he affirmatively said it was your choice. Does that, in any way, refresh your recollection as to the conversation?

MR. PORRINO: Excuse me, Mr. Hayden. I think there’s a separate conversation referenced separately in the transcript -- I don’t have it all in front of me -- where Mr. Parikh gives the advice unequivocally that they are not to tell anyone. That is right after he gets information from Mr. Braz.

MR. HAYDEN: No, no, no. Mr. Parikh gives the unequivocal advice after the first conversation when he wants to prevent obstruction of justice and he says to everybody, “Don’t interfere with the arrest.”

MR. PORRINO: I think for purposes of completeness, though, for the witness who wasn’t there and didn’t listen to the testimony, you have to give him that as well.

MR. HAYDEN: That Mr. Parikh indicated after the first conversation, when everybody was advised there could be an arrest of Alvarez from the Prosecutor’s Office, and he said to everybody, “Do

nothing, because we don't want to interfere with an arrest." And there's no doubt that that's undisputed.

MR. PORRINO: And I have it from January 25. The question was, "Did you at any time advise them that confidentiality meant a blanket confidentiality; that they were not to tell anybody?" Parikh, "No. The only time that I had that type of language that I used with them was after the first phone call from Mr. Braz, because I wanted to ensure that the Transition, as my client, was not going to be put in a position of obstructing justice."

MR. HAYDEN: That's correct; and I pressed him on that. But in terms of having told Mr. Cammarano, "You can't tell the Governor," he says he didn't say it. And having told Mr. Cammarano that, "It's really your choice," he said he gave him the option. That's what the transcript says.

MR. PORRINO: Yes; I think as long as we have full disclosure on the advice that was given initially, and whatever Mr. Parikh said later--

MR. CAMMARANO: Yes.

MR. PORRINO: --I think Mr. Cammarano can speak to his recollection.

MR. CAMMARANO: I think the initial conversation, where he advised us not to tell anybody was, I would say, probably a much simpler conversation than the way you just phrased it. It was, "This is a confidential matter; you cannot tell anybody." I don't recall him articulating why, other than that we should not share with anybody.

As to the second conversation, I do not remember that conversation taking place.

MR. HAYDEN: Well, he-- So you have a stark contradiction as to you saying you relied on him; plus, you've gotten affirmative confirmation where he says it's your choice.

Now, that brings me-- And with respect to Platkin, do you remember Mr. Platkin, in March, giving you advice that expressly -- you cannot tell the Governor; or just giving you a blanket conversation about you must maintain confidentiality?

MR. CAMMARANO: No, the conversation was about confidentiality, and expressly about not telling the Governor included in that confidentiality.

MR. HAYDEN: He used the words, "Don't tell the Governor"?

MR. CAMMARANO: I think I asked the question, "Does that include the Governor?" And the answer was, "Yes, it does."

MR. HAYDEN: And I'll tell you, my recollection of Mr. Platkin's testimony was he did not say he thought he mentioned the Governor; but he said that the advice was broad enough that it might include the Governor because it was "nobody."

MR. CAMMARANO: My recollection is that it was a little more specific.

MR. HAYDEN: Now, one of the things which has always struck me about reliance on this advice is -- there would seem to be very little pushback, by you and Mr. Lozano, with respect to the advice of Counsel. By pushback -- there's a lot of years of experience of the attorneys on this side. And one of the difficulties of being an attorney is frequently clients won't take lawyers' advice; frequently clients challenge lawyers' advice; and frequently clients ask for something in writing before they make

a very significant decision. And you just seemed to have accepted the advice without any pushback at all. Is that a fair characterization?

MR. PORRINO: That's actually not consistent with his prior testimony; but go ahead.

MR. CAMMARANO: Yes, I would disagree. In my prior testimony, I did indicate there was a discussion. In the case of Mr. Platkin, I had questions for him as to what was covered; why including -- whether that included the Governor. And at the end of that conversation, I accepted the advice.

MR. HAYDEN: All right; but let's talk about December 1, which is what occurred around the time -- or before the hiring, when you received the advice that you recall receiving from Mr. Parikh -- was there any pushback or explanation requested?

MR. CAMMARANO: No, there wasn't, because I understood it was a serious matter, and it's not something that people should have been freely talking about. It's a confidentiality, at that point. It seemed pretty straightforward to me.

MR. HAYDEN: And don't you think that maybe if you had challenged Mr. Parikh a little bit, for example, we could have a better understanding between you and him as to exactly what his advice was, if there were questions asked about, "Well, what do you mean is there a need to know? Can I go to the Governor?" If you had not just accepted it, but had challenged his advice a little bit, there might not be this gulf between what he said and what you said.

MR. CAMMARANO: Is there a question? I'm not sure--

MR. HAYDEN: Yes, yes, my question is, do you agree that perhaps if you had challenged his advice, and asked for more specificity, there might not be the misunderstanding between you and him as to exactly what his advice was?

MR. CAMMARANO: No, I don't necessarily agree with the question. I generally do ask questions; whether or not I did that day-- I'm not one to take the initial advice without following up with questions in general. So I don't know the answer to that.

MR. HAYDEN: But I think you told us your best recollection is you didn't ask follow-up questions the first time in December.

MR. CAMMARANO: It was pretty straightforward in that case. I don't remember if I actually asked questions or not. But it was pretty straightforward in that we had a serious matter; we were advised, informally, that a law enforcement agency was involved. So it seemed pretty logical to me that that had to remain confidential.

MR. HAYDEN: Well, you knew, about the next day, that a law enforcement agency had decided not to bring criminal charges, didn't you?

MR. CAMMARANO: Within a short period; if it was the same day or the next day -- that's correct.

MR. HAYDEN: Now, as of that time, you knew that no criminal charges were going to be brought; which means that an accusation doesn't mean it happened, but the failure to bring charges doesn't mean it didn't happen. Is that correct?

MR. CAMMARANO: I think that's a fair statement.

MR. HAYDEN: So at that point -- and we're looking back; and I understand -- don't you think something should have been done to get a better investigation as to exactly what happened here? Because merely because charges weren't brought doesn't mean it didn't happen; it just meant it's not for the criminal justice system.

MR. CAMMARANO: As I have said before, I am not an attorney; and I relied, at the time as well as later on, on the advice of the attorneys in how it should be handled. And I think that was the appropriate way for me to handle it.

MR. HAYDEN: One of the things you could have done is asked Justin Braz -- who worked with you in the Transition and was the emissary from Katie Brennan, or delivered the information about Katie Brennan -- could he go back to the person and try to persuade her to come forward with more information. And you could indicate she would be protected from retaliation, and the Administration would take these allegations very, very seriously. You could have attempted to persuade her to come forward, couldn't you?

MR. CAMMARANO: I think, as I testified previously, we had an indication that she did not wish to come forward, and we respected that privacy. And I would do that again, given-- That's a decision that really should be made by the individual, the victim; and certainly, no pressure, in my opinion, should be applied to her to come forward.

MR. HAYDEN: You could also have-- In terms of people who were potentially going to be hired for either Cabinet or subcabinet positions, was there anybody else who had a sexual assault allegation

against them, involved with somebody you knew was part of the Transition?

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

MR. HAYDEN: I mean, this was a special circumstance, sir, was it not?

MR. CAMMARANO: This was the only time this had come up; it was unique.

MR. HAYDEN: I mean, was not this enough of special circumstances to ask the State Police to do a four-way investigation; and perhaps go into the Prosecutor's Office and question to find out what the facts were?

MR. CAMMARANO: Four-way investigations are done for Cabinet-level positions. This was coming at a time during Transition where Cabinet four-ways were significantly backlogged, given the number of appointments that were moving during the Transition period of the previous Administration. So it would be extremely, extremely unusual, and maybe -- I don't even know if I've ever heard of them doing a four-way on anybody beyond the Cabinet.

MR. HAYDEN: Mr. Cammarano--

MR. CAMMARANO: I mean, I don't know if that's the way it is or not. It could have happened in the past, but I'm not familiar with it.

MR. HAYDEN: It would have been extremely unusual; but this was an extremely unusual situation where you had a rape allegation against somebody who might be hired, involving somebody from the Transition, where there was some law enforcement investigation.

MR. CAMMARANO: Sure.

MR. HAYDEN: This was an extremely unusual situation, wasn't it?

MR. CAMMARANO: It was.

I would add that background checks were-- I was not involved in them during Transition. My role in background checks did not start until after the Inauguration. The background checks for Cabinet-level positions were handled by the Transition Committee, the Executive Director, and the Transition Counsel. So they would have made that determination, not me, if there was one.

MR. HAYDEN: Well, whether or not it should have been you-- Perhaps somebody should have said, "We better find out more facts about this before we go forward." Would you agree with that?

MR. PORRINO: When, when? I'm sorry.

MR. CAMMARANO: When are we talking about? Yes.

MR. HAYDEN: At the Transition-- When you find out all of this, and you know that somebody is in the hiring chain; and there's a sexual assault allegation. And merely because there's no prosecution--

MR. CAMMARANO: Sure. I think that was the intent -- and I testified to this previously -- of doing an initial background -- although not a four-way -- through Transition Counsel, to look at Mr. Alvarez's background. As I testified before, nothing came up.

MR. HAYDEN: Well, because you've seen, by now, the special background check -- and it really was a public records check and a social messaging check.

MR. CAMMARANO: Yes, I'm not sure exactly what it covers.

MR. HAYDEN: All right.

We then come to January; we're into the hiring process. And Mr. Critchley and other people have asked you who hired Mr. Alvarez. And my question is that, but a little different. Shouldn't the person who -- I'll use the word *decision-maker* -- who was the decision-maker on where Mr. Alvarez would be hired have at least been given the information of the allegation of sexual assault against him, so that person can factor that into the decision as to whether or not he should have been hired?

MR. CAMMARANO: I'm not sure, legally, what the answer to that is. So I'm not going to speculate.

MR. HAYDEN: How about common sense? How about, in terms of sheer common sense, don't you think that whoever hired was entitled to know about this allegation?

MR. CAMMARANO: I don't know the answer to it, because there are-- Common sense, you could say; but there are legal issues involved in sharing information.

MR. HAYDEN: Well, Charlie McKenna, from SDA, came over here and told us, under oath, that he would have wanted to know it. And if he knew it, he would have gone back to the powers that be and told them not to hire him. And Lizette Polanco indicated she would have wanted to know it, and it would have been a factor with her. So you have two of the two directly involved, from a commonsense point of view, saying of course they would have wanted to know it.

But to your knowledge, the information you and Mr. Lozano had was not -- because you were instructed; I agree with that -- was not told to Mr. Platkin?

MR. CAMMARANO: I don't remember specifically if it was or was not. But I can't sit here today and say it was. So since I don't recall, I'm not going to--

MR. HAYDEN: It was not told to the Governor?

MR. CAMMARANO: It was not told to the Governor.

MR. HAYDEN: Did you have any concerns yourself about the situation where this allegation was aired, it had been investigated; and somebody was in the hiring chain, clearly in the hiring chain, without a full inquiry as to exactly what happened? Did it bother you, as the potential Chief of Staff -- yet you had this issue hanging out there?

MR. CAMMARANO: I was -- I believed the Transition Counsel was handling the situation, and that they would tell us what the appropriate actions would be at that point.

MR. HAYDEN: And you've indicated in no way, shape, or form were you the decision-maker as to the hiring of Mr. Alvarez.

MR. CAMMARANO: That's correct.

MR. HAYDEN: And in no way, shape, or form do you have any actual knowledge as to who the decision-maker was?

MR. CAMMARANO: That is correct.

MR. HAYDEN: There was testimony by Parimal Garg that he spoke to Katie Brennan at the Inauguration and she told him that she had information about wrongdoing of a high-ranking Administration official. And Mr. Garg said he told Mr. Platkin and then, later on, he followed up on it.

Did you -- were you, at any time, made aware of the information that Katie Brennan gave to Parimal Garg after the Inauguration?

MR. CAMMARANO: I was not.

MR. HAYDEN: If somebody had told you that Katie Brennan said that she had information about wrongdoing of a high-ranking Administration official, would you have thought that should have been looked into?

MR. CAMMARANO: Would I have thought what?

MR. HAYDEN: Should have been investigated.

MR. CAMMARANO: I think if anybody makes an accusation of wrongdoing by an official in the Administration, I would have investigated it, regardless of what it was.

MR. HAYDEN: And regardless-- Once somebody says, "I have information of wrongdoing," they have let the cat out of the bag, because the wrongdoing could be a continuing wrongdoing, as opposed to only past wrongdoing.

MR. CAMMARANO: It could.

MR. HAYDEN: Now, on March 22, I believe that's when you have the conversation with Matt Platkin, who told you about his dinner meeting with Katie Brennan.

MR. CAMMARANO: Yes; I'm not sure of the exact date, but that's right around the time.

MR. HAYDEN: About two days later? And how long was your conversation with Mr. Platkin?

MR. CAMMARANO: I don't remember specifically; but I would say a good 5, 10 minutes.

MR. HAYDEN: And I take it Mr. Platkin took it very seriously?

MR. CAMMARANO: He did.

MR. HAYDEN: And you took it very seriously?

MR. CAMMARANO: I did.

MR. HAYDEN: Now-- And was it at that point in time that you maybe -- you and Mr. Platkin made the decision that he had to be -- Mr. Alvarez had to be terminated and separated from State government?

MR. CAMMARANO: The decision was made that I would meet with Mr. Alvarez and inform him that he needed to leave State government.

MR. HAYDEN: And by the way, at this point, what fact was it that caused you to go almost 180 degrees from your view on December 1, where you kind of stepped back; and your view on March 22, that you decide, "This man should be terminated and asked to leave"?

MR. CAMMARANO: We learned additional details as to who the victim was and what the accusation more specifically was. Mr. Platkin learned that, and relayed it to me. And it was a significant issue that triggered that.

MR. HAYDEN: So it was the identity of the accuser--

MR. CAMMARANO: Correct.

MR. HAYDEN: --who was believed to be a credible person.

MR. CAMMARANO: You know, as I've said before, I've only met her once; but I have no reason to doubt her credibility at all.

MR. HAYDEN: Did Mr. Platkin, at all, mention to you that he knew her and he considered her to be a credible person?

MR. CAMMARANO: He did tell me they were friends from the Campaign. But I assumed all along she had credibility. There was never a doubt in my mind.

MR. HAYDEN: At this point in time did you consider this situation to be a *hot potato*? And I use that term as meaning something that you may be uncomfortable with, and we're not quite sure how to handle.

MR. CAMMARANO: No, I don't think I would consider it a hot potato. I mean, I think as Chief of Staff I deal with situations all the time that are very uncomfortable and difficult. So to me this was more-- We have this situation; it's a serious issue. We need to address it. It was being handled, at that point, through the EEO Office in our office, which handles harassment complaints and others. So that part of the investigation was being handled. I just felt that it was appropriate to tell Mr. Alvarez he should leave State government.

MR. HAYDEN: Now, you met with Mr. Alvarez -- I believe you told us on March 28, about six days later.

MR. CAMMARANO: It may have been March 26, 28; somewhere in there.

MR. HAYDEN: And how long was the conversation?

MR. CAMMARANO: It was probably a good 20-minute to half-hour meeting.

MR. HAYDEN: And you indicated Mr. Alvarez denied the allegations; but you were firm and said he had to separate himself from government.

MR. CAMMARANO: I did; that's correct.

MR. HAYDEN: At any time did you make a memo to the file reflecting your meeting with Mr. Alvarez, and the fact that you gave him instructions to terminate himself from government?

MR. CAMMARANO: I did not.

MR. HAYDEN: Why?

MR. CAMMARANO: I don't think I've ever done a memo to my file in that case, in any case.

MR. HAYDEN: Didn't it occur to you that, given this situation, it might be important to have a record of your conversation with Mr. Alvarez, and your instructions -- which were not suggestions, but instructions -- to terminate himself?

MR. CAMMARANO: I did not make a memo, to answer your question.

MR. HAYDEN: Did it occur to you that it might be helpful to have written a follow-up letter or e-mail to Mr. Alvarez, saying, in effect, "This is to confirm our meeting of March 26, that you will separate yourself from State government and do it promptly," so that there was no confusion as to what your instructions were?

MR. CAMMARANO: I did not.

MR. HAYDEN: Do you think it would have been a better practice if you had done it?

MR. CAMMARANO: I didn't think it about it at the time, so--

MR. HAYDEN: Well, how about looking back? Do you think it would have been a better practice if we had a record of your conversation?

MR. CAMMARANO: Listen, as I've said before, looking back there are things I would do differently. And that is certainly something-- Up until right now, it's the first time it's been suggested to me -- that it could have been done; and it's a good suggestion.

MR. HAYDEN: Well, I mean, there are a lot of misunderstandings in conversations, starting with Mr. Raj Parikh and yourself. And I'm using the word *misunderstandings* purposely.

But if we had memoranda as to what the legal advice was; if we had memoranda back as to, "You're sure you want me to do this?" we wouldn't be in the position of having some of these stark contradictions. And the fact that we don't have a memorandum of any kind here, or confirming e-mail, when you're telling somebody to terminate themselves, makes the situation more difficult. Would you agree with that?

MR. CAMMARANO: I understand it; yes, I understand the point.

MR. HAYDEN: And I believe Mr. Critchley may have pointed out, talking about the unemployment litigation going on, that Mr. Alvarez takes a different position as to the timing of when he was fired. He claims it happened after June, as opposed to September--

MR. CAMMARANO: March.

MR. HAYDEN: --March; as opposed to March.

MR. CAMMARANO: I understand.

MR. HAYDEN: Was any consideration given to a suggestion made by Assemblywoman DeCroce about suspending Mr. Alvarez with pay at that point in time?

MR. CAMMARANO: As I indicated at the time, no, there was no consideration given to that. It didn't even dawn on me to do that. I'm not even sure it's permitted. There are a lot of things that-- The answer is "no."

MR. HAYDEN: Did you have any concern -- given the nature of the allegation, and your decision -- that Mr. Alvarez should be separated from government -- that for him to continue to be in a supervisory position in the SDA could create additional problems?

MR. CAMMARANO: I did not.

MR. HAYDEN: And the obvious question, sir, is after having had that definitive conversation with Mr. Alvarez, why didn't you follow up on it on a weekly or monthly basis?

MR. CAMMARANO: That is one of the things I have thought about quite a bit. And I wish I had a better answer for you, but I don't. That's one thing I'd say, if I had to do differently, it would have been a different situation.

MR. HAYDEN: Now, we roll along until June 1; and, of course, we have -- we've all talked about it -- the "sensitive matter" e-mail, which came from Katie Brennan to the Governor. The Governor responded in about 40 minutes to Ms. Brennan; then the Governor forwarded the e-mail to Mr. Platkin and Jonathan Berkon.

And I believe you told us in your testimony--

Do you need a second, sir?

MR. PORRINO: No, go ahead.

MR. HAYDEN: You told us, in your testimony, at some point in time you became aware of the e-mail.

MR. CAMMARANO: Correct.

MR. HAYDEN: And who did you become aware of this e-mail from?

MR. CAMMARANO: I believe it was Mr. Platkin.

MR. HAYDEN: You believe it was Mr. Platkin? And what did Mr. Platkin tell you about the e-mail, and what was going to happen going forward?

MR. CAMMARANO: I don't specifically remember the conversation; but I think it was an indication that the e-mail -- about the e-mail. And I think he said he was going to refer it to the Campaign Counsel, if I recall, because it was something that happened during the Campaign.

MR. HAYDEN: Since the e-mail was to the Governor, did you ever have any conversation with the Governor, like, "We're handling that e-mail," or "Somebody is going to work with Jonathan Berkon"?

MR. CAMMARANO: I think that would have been handled by Mr. Platkin, as Counsel.

MR. HAYDEN: Did you become aware that Mr. Platkin was then going to enlist Charlie McKenna to get involved in trying to get Mr. Alvarez to leave his position at SDA?

MR. CAMMARANO: What time frame are we talking?

MR. HAYDEN: In June; we're now in June.

MR. CAMMARANO: In June? No, I was not.

MR. HAYDEN: When you became aware of the e-mail, did Mr. Platkin say to you, "Why is this guy still there? What can we do to get rid of him?"

MR. CAMMARANO: I'm a little confused as to--

MR. HAYDEN: The e-mail of June--

MR. CAMMARANO: The e-mail in June?

MR. HAYDEN: Yes.

MR. CAMMARANO: I don't recall a conversation happening that said, "Why is he still there?" But it's possible it could have. At that point, it was really being handled by Mr. Platkin, as I've said before.

MR. HAYDEN: But at that point in time, when you became aware of Katie Brennan reaching out to the Governor, you could have also just called Alvarez and said, "I gave you some time; I tried to be gracious. It's time to separate yourself." You seem to have now let somebody else handle the termination.

MR. CAMMARANO: Well, as I've said in the past -- the Authorities -- and the Schools Development Authority is an Authority -- do fall under the jurisdiction of the Counsel's Office, and the Authorities Unit within the Counsel's Office.

And the only reason I had handled the initial situation -- conversation with Mr. Alvarez, was because Mr. Platkin had stepped back because of the EEO investigation; which by that time had been concluded.

MR. HAYDEN: Now, some time over the summer, you indicated you had a conversation with Mr. Platkin about Rutgers, and Mr. Alvarez was looking for a position at Rutgers.

MR. CAMMARANO: Mr. Platkin did approach me about that, correct.

MR. HAYDEN: Can we try to fix a date for that, sir?

MR. CAMMARANO: I can't.

MR. HAYDEN: It would have been after the June e-mail?

MR. CAMMARANO: I would imagine it was, but I can't speculate the exact date.

MR. HAYDEN: And what was it that Mr. Platkin wanted you to do in connection with Rutgers?

MR. CAMMARANO: He was asking me to find out the status of his application there.

MR. HAYDEN: The obvious question is, was there some understanding or expectation that you or the Administration would try to help him get a job at Rutgers?

MR. CAMMARANO: There was not on my part at all.

MR. HAYDEN: Then why was there any interest in seeing what was happening at Rutgers?

MR. CAMMARANO: I was asked by Mr. Platkin if I could find out, and I did. That's not unusual for him to ask, because I had a better relationship there.

MR. HAYDEN: And you end up speaking to Mr. McDonough at Rutgers?

MR. CAMMARANO: Correct.

MR. HAYDEN: And you talked to Mr. McDonough, why?

MR. CAMMARANO: I was asking him if he could find out the status of the application.

MR. HAYDEN: Well, what would have happened if the application was active? Would the Administration have given Mr. Alvarez a recommendation?

MR. CAMMARANO: I'm not going to speculate, because he didn't apply for the job. So there was never that situation.

MR. HAYDEN: You indicated that you were relieved.

MR. CAMMARANO: I was.

MR. HAYDEN: And because that may have presented its own dilemma as to what your duty of disclosure was?

MR. CAMMARANO: It wasn't necessarily a dilemma as to what I would have done. It was a dilemma -- a legal dilemma, in that I probably would have violated confidentiality laws.

MR. HAYDEN: And advised Rutgers as to the background of Mr. Alvarez?

MR. CAMMARANO: Had I found out that he was, indeed, being considered? Yes, I would have, regardless of what the law said.

MR. HAYDEN: And as a matter of fact, I believe you told us -- and I agree with you -- but I believe you told us, even very early in your testimony, that when you sat Mr. Alvarez down March 28 and talked to him about the matter, you were probably violating the legal advice; but you didn't care, because you thought you were doing the right thing.

MR. CAMMARANO: Correct.

MR. HAYDEN: And I agree with that. But my point is, if you felt you could violate legal advice as to Alvarez leaving, as to Rutgers, if it happened, you could have also violated the legal advice to give the Governor a head's up as to Mr. Alvarez, couldn't you?

MR. PORRINO: Except that none of that actually happened, right? It's a hypothetical.

MR. CAMMARANO: That is correct.

MR. PORRINO: So he didn't violate legal advice; let's be clear.

Let me just say -- we have talked about an hour; we're at about an hour-and-a-half for Mr. Cammarano. He's been incredibly patient.

MR. HAYDEN: I've got about -- about 10--

MR. PORRINO: We're happy to sit for a little bit longer, but--

MR. HAYDEN: Thank you, Mr. Porrino; a few more minutes.

MR. CAMMARANO: Good timekeeper. (laughter)

MR. HAYDEN: But when you thought it was appropriate, you were prepared to -- would have been prepared to violate the legal advice. But you didn't do so with the Governor.

MR. CAMMARANO: Each of these situations had different context to them and different conversations. As I indicated, relating to the advice I got on advising the Governor, there was a discussion; there were questions asked. And I did follow the advice, based on the completion of those conversations.

MR. HAYDEN: We've had testimony from the successor to Charlie McKenna, Lizette Polanco; and she said that you interviewed her for her position as the CEO of the SDA.

MR. CAMMARANO: I did.

MR. HAYDEN: And didn't you think it would have been appropriate to tell her about the allegations about Mr. Alvarez?

MR. CAMMARANO: At that point, I believe I had an indication that Mr. Alvarez would not be there much longer; that he was

leaving, if I recall. And again, I'm not sure of the legalities of sharing that information with anybody.

MR. HAYDEN: I believe it was early August that you may have interviewed her, and she may have been hired. And she indicated she would have wanted to know that. And she indicated-- Do you think when she decided whether or not to give Mr. Alvarez a \$30,000 pay raise, that might have been information she might have factored in -- as to whether or not she was going to grant that pay raise?

MR. CAMMARANO: I think what you're referring to is the reorganization -- the structural reorganization they did over there with a large number of employees. It wasn't necessarily a-- It was a pay raise for that position, as well as many others, that she had put forward. I was not involved in that, though.

MR. HAYDEN: When did you first become aware of the *Wall Street Journal* investigation article?

MR. CAMMARANO: I'm not sure of the actual date; but it was probably shortly before the story ran and they started inquiring with our press shop. I don't know what date that would be, though.

MR. HAYDEN: And to your knowledge, did anybody from the Administration give Mr. Alvarez direction that it was time to resign?

MR. CAMMARANO: At what point?

MR. HAYDEN: When the *Wall Street Journal* investigation started, as of October 2.

MR. CAMMARANO: My understanding is that when he got a call from the reporter -- and I believe this is -- I have no reason to believe it's not accurate -- that he submitted his resignation because of that.

MR. HAYDEN: Because of the call from the reporter?

MR. CAMMARANO: I can only speak for myself; I did not ask for his resignation at that time.

MR. HAYDEN: So there's a certain irony here where, in March, you gave him the direction, that it's time to separate himself from the SDA; in June, Mr. McKenna gave him a direction, that it was time to separate himself from the SDA. But it was call from a newspaper reporter which actually prompted him to do it.

MR. CAMMARANO: Correct. And the reason I didn't have to ask him is because by the time we found out about that, he had already resigned. So that's my understanding of the situation.

MR. HAYDEN: You've indicated that you would help us in connection with the reform process. And this is it, so -- can I just ask you a couple of questions--

MR. CAMMARANO: Sure.

MR. HAYDEN: --from the process point of view. Let's put aside hypothetical legal advice or hypothetical legal (indiscernible), and try to focus on common sense.

You told us you were the Mayor of Metuchen?

MR. CAMMARANO: I was.

MR. HAYDEN: You were just elected as Mayor of Metuchen. You're going through the transition. And somebody comes to you with a recommendation. "We have this great guy Al; he's dynamic, he can do the job, he's charismatic. He worked for the campaign, he's loyal. But there is one problem. There was a sexual assault allegation by somebody from the campaign, which law enforcement says they're not going to prosecute."

Using common sense, the first thing you would want to know is what are the facts of this allegation so I can make a decision.

MR. CAMMARANO: Correct.

MR. HAYDEN: It's-- Beyond a doubt, you're going to have to balance due process; an accusation is not a crime. The sanctity of the accuser, the reputation of your Administration. And it may require Solomonic judgements at all times; there may not be an algorithm or a formula. But the old fashioned way is to do the pick-and-shovel work and get the facts, isn't it?

MR. CAMMARANO: I mean, you always want to gather the facts. I'm not sure I've answered your question, but yes, you do want to gather the facts.

MR. HAYDEN: And staying with that hypothetical, let's say you're not the Mayor-elect; let's say you're the Chief of Staff of the Mayor-elect.

MR. CAMMARANO: I didn't have one, but that's okay.

MR. HAYDEN: And you're the campaign manager of the Mayor-elect; you get the same facts. Wouldn't the first thing you'd say, with common sense, be, "We have to make sure to bring the Mayor into this; because it's his Administration, and his reputation, and he should not be blindsided."

MR. CAMMARANO: As was the case with Mr. Alvarez, I think the first thing you would do is bring in legal counsel, because there are a lot of legalities. And that's exactly what we did, both during the Transition and in the Governor's Office itself. So I think that's your first

step; because before you advise or tell anyone, or think about it, you need to know what the legalities are and you need to consult your Counsel.

MR. HAYDEN: And wouldn't you talk to your Counsel about, "Is there a way we can bring the Mayor-elect into this, because it's going to impact on him?"

MR. CAMMARANO: It's possible you would ask that question.

MR. HAYDEN: And if your Counsel somehow told you "no," you'd push the Counsel and say, "We have to bring the big guy in. He has to be involved."

MR. CAMMARANO: I'm not sure I would agree with that.

As I indicated, I did question whether or not it included the Governor, and I questioned as to why. But I was satisfied, based on the legal responses I got.

MR. HAYDEN: And if somehow the person had been hired, and you found out after the fact-- And you gave directions to that person he had leave your Administration, wouldn't common sense tell you you should follow up on it and make sure the direction is fulfilled?

MR. CAMMARANO: Mr. Hayden, I have answered that question a number of times. And if I could go back and change something, that would absolutely be one of the things I would change.

MR. HAYDEN: And the last thing is, if during the course of an inquiry of Counsel to the accuser -- to the survivor, if the survivor was promised that the person was going to leave the Administration, don't you think that promise should be followed up on?

MR. CAMMARANO: It's not a conversation that I was part of, nor-- It was being handled by the Counsel. It's not something I was aware of.

MR. HAYDEN: But you are-- I'm just in the hypothetical. You are aware that Ms. Brennan was promised that the person was leaving; and it turns out, months later, he was still there?

MR. CAMMARANO: I have read that, so yes.

MR. HAYDEN: Mr. Cammarano, thank you for your patience.

MR. CAMMARANO: Thank you.

MR. PORRINO: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Mr. Critchley, you just want to read something--

MR. CRITCHLEY: --into the record, yes.

I think in light of the questions that have been asked, I think something should be in the record now. It's just for completeness; and we don't know, in terms of Mr. Alvarez's availability--

Mr. Alvarez has submitted his unemployment application. And on important details relevant to the questions of this witness, I think the record should reflect what he put in his unemployment application so we have an understanding of the facts.

And now I'm referring to, for the record, SDA-0038.

"On multiple occasions" -- this is according to Mr. Alvarez's unemployment application -- "On multiple occasions, I was told by my superiors at the New Jersey Governor's Office and at the New Jersey Schools Development Authority that if I did not resign my position I would, in fact, be terminated.

“I was first told this in June, 2017(*sic*), by former CEO of the Schools Development Authority and the Governor’s Chief Counsel.

“The reason my superiors wanted me to leave my employment was that I was being accused of having committed a criminal sexual act before my employment at the Schools Development Authority. Although the accusation had been investigated by local law enforcement and no charges had been filed, the Governor’s Office felt that if accuser went public with the allegations it would reflect poorly on the Administration.

“At that time, in June, I requested additional time and assistance in finding a new job before resigning. Both the Governor’s Office and the Schools Development Authority agreed with that request.

“On October 2, 2018, a reporter contacted me, seeking -- looking for comment on the above-referenced allegation. I ignored the query, and attempted to contact the Governor’s Office for guidance. They did not respond to me directly. However, the CEO of the Schools Development Authority advised me that she had made contact with the Governor’s Office and that they were demanding that I resign immediately and provide a resignation letter to the Governor’s Office, via fax, as proof. At that moment, I felt that I had no choice but to resign or be terminated.”

And the reason I just wanted to read that into the record is because, obviously, we’re asking questions about what took place at his termination. And there’s been a difference of opinion as to what the facts are. And I thought that should have been placed in the record at this time.

That’s all.

ASSEMBLYWOMAN PINTOR MARIN: Thank you, Mr. Critchley.

I think now we'll get started with our second witness for today, Ms. Haynes.

We'll take a break around 1 p.m.--

L Y N N H A Y N E S, Esq.: Okay.

ASSEMBLYWOMAN PINTOR MARIN: --for lunch, Ms. Haynes, so that you'll know that as well.

MS. HAYNES: Okay; thank you.

MS. WOZUNK: Good morning, Ms. Haynes.

MS. HAYNES: Good morning.

A N N I E M. C O L L A R T, Esq.: Good morning.

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

MS. HAYNES: Yes.

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

MS. HAYNES: Yes.

MS. WOZUNK: Ms. Haynes, 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?

MS. HAYNES: Yes.

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

MS. HAYNES: Yes.

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

MS. COLLART: No, we do not.

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

MS. HAYNES: Yes.

MS. WOZUNK: You have a 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?

MS. HAYNES: Yes.

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

MS. HAYNES: No.

ASSEMBLYWOMAN PINTOR MARIN: Thank you, Ms. Haynes.

(Assemblywoman Pintor Marin administers oath)

You may have a seat, and state your name for the record.

And if you could let us know who else is accompanying you.

MS. HAYNES: Sure.

My name is Lynn Haynes; this is my attorney, Annie Collart.

ASSEMBLYWOMAN PINTOR MARIN: Ms. Haynes, the acoustics in this room are pretty bad. If you can do me a favor, and just pull the microphone a little closer to you.

MS. HAYNES: Pull it closer? Sure.

ASSEMBLYWOMAN PINTOR MARIN: Yes; thank you.

Ms. Haynes, it's my understanding that you have a prepared opening statement.

MS. HAYNES: I do.

ASSEMBLYWOMAN PINTOR MARIN: You can start whenever you're ready.

MS. HAYNES: Okay, thank you.

ASSEMBLYWOMAN PINTOR MARIN: Thank you.

Good morning ladies and gentlemen of the Committee.

My name is Lynn Haynes. Until January 2, 2019, I served as Governor Murphy's Deputy Chief of Staff for Cabinet Affairs and Operations, where I served as the front office initial point of contact for Cabinet members and their staff, and assisted with the day-to-day operations of their Departments,

In November 2017, a day or so after Governor-elect Murphy and Lieutenant Governor-elect Sheila Oliver won the election, Peter Cammarano asked me if I would be interested in serving as the Director of Personnel on the Transition2018 Team to help staff the subcabinet positions.

At the time, I was a partner at the Advocacy and Management Group, a public affairs and issue advocacy firm.

Mr. Cammarano explained the roles and reporting structure of the Transition Office. He said I would be working with Mr. Alvarez, who had begun serving as the Deputy Director of Personnel, to staff the subcabinet positions. I would report to Jose Lozano, the Transition Team Executive Director; and Mr. Alvarez and the Personnel team would report to me.

Mr. Cammarano said that Mr. Alvarez and I would be responsible for reviewing résumés, interviewing candidates, and making recommendations for potential hires to him, for senior staff level positions, and to Mr. Lozano for all other positions. Mr. Cammarano said that he would be responsible for hiring for the front office, and Mr. Platkin would be responsible for hiring for Counsel's Office and the Authorities Units. Finally, he, Mr. Lozano, and Mr. Platkin would work with the Governor-elect to select Cabinet members.

After some consideration, I accepted Mr. Cammarano's offer, but told him that I would need about a week to notify my clients, delegate some work matters, and then take a leave of absence from my firm.

On November 15, I began my volunteer position as the Director of Personnel with Transition2018.

When I arrived at the office, Mr. Lozano escorted me to the office that I shared with Mr. Alvarez, whom I had previously met when his former law firm had served as outside counsel to the Senate Majority Office during my tenure as General Counsel and Deputy Executive Director of the Senate Majority Office. I was also introduced to Azra Baig and Sirfaraz Piracha, who were part of the Transition Personnel team and former campaign staffers with Mr. Alvarez.

Mr. Alvarez and I decided that the best way to tackle the hiring process, in the short time span we had, and given the thousands of résumés we had received, was to interview for senior staff positions first, and then move to the mid- and lower-level staff positions, time permitting. The hiring process for the subcabinet positions was as follows. Mr. Alvarez and I would review a pool of résumés of potential candidates submitted for consideration and decide which candidate best fit the position. Most of the résumés were submitted online via a portal, but we also received résumés via unsolicited e-mails, in hard copy from individuals who dropped by the Transition Office to leave their résumé, and from Transition staff.

At times, Mr. Cammarano and Mr. Lozano also provided us with résumés of potential candidates to interview.

Members of the Personnel team would print and gather the résumés from the portal and give Mr. Alvarez and me hard copies of all résumés to be considered in folders. We would then schedule and conduct interviews with the candidate. Initially, Mr. Alvarez and I interviewed candidates together, but we conducted some interviews separately due to time constraints.

Post-interview, Mr. Alvarez and I would discuss the candidates' performance, skills, and other factors; then we would present our recommendations to Mr. Cammarano and Mr. Lozano. If they approved, Mr. Alvarez or another Personnel team staffer would e-mail the successful candidate a vetting and background questionnaire to complete, sign, and return to Mr. Parikh, the Transition Counsel.

If the candidate for a senior position was green-lighted by Mr. Parikh, the next phase would be for the candidate to meet with the Cabinet

member -- if one had been selected -- for a second interview. A member of the Personnel team would arrange a meeting between the Cabinet member and the candidate. The Cabinet members would either approve or disapprove the hire and, at times, ask to meet with additional candidates.

Alternatively, a Cabinet member might select his or her own candidate, and request that I meet with the individual.

After a candidate was approved by the Cabinet member, I would inform Mr. Cammarano or Mr. Lozano of the approval, and they would sign-off on the candidate. The successful candidate's name, Department, position, and salary were catalogued on a spreadsheet. The Operations team used this spreadsheet to create offer letters, which were issued at the end of the Transition. Once the Operations Team created the offer letter template, around January 9 we began sending the hard copy offer letters to the successful candidates.

By mid to late December, with the volume of résumés, scheduling conflicts, and the impending holidays, we realized our window was closing and it became increasingly apparent that we needed to change course. We shifted from conducting a first interview of individual candidates and focused on preparing résumé binders for each Department, to enable the Cabinet members and their staffs to continue the hiring process post-Transition. We included every résumé received, and placed it in the referenced Department's binder.

Due to the volume of work, the Personnel team added Stephanie Lezcano, Brandon Parrish, and Jillian Scott to assist with the workload. Mr. Alvarez oversaw the binder project, while I continued with

some outstanding interviews, onboarding Cabinet members, and meeting with Transition staff who were interested in Department.

If a Transition staffer was interested in working in the front office, I would have them speak with Mr. Cammarano. If a staffer were interested in a position at an Authority, I would have them speak to Mr. Platkin or Mr. Cammarano; and if they weren't available, Mr. Lozano.

Mr. Alvarez never spoke to me about an interest in either.

During this time, from approximately mid-December, Mr. Lozano and I met almost daily to discuss personnel matters, because Inauguration Day was fast approaching and we wanted to keep track of progress with staffing.

During the last couple of weeks of Transition, Mr. Alvarez had begun splitting his time between the Transition Office and the Inaugural Committee. On one of the last days of Transition, I asked what he was doing post-Transition. He said, "They're sending me over to SDA to be the Chief of Staff." I congratulated him; he expressed how excited he was for the opportunity, and we moved on.

Later that day or the next, during a Personnel meeting with Mr. Lozano, he confirmed with me that Mr. Alvarez would be going to the Schools Development Authority to be Chief of Staff. I was not involved with his selection.

Mr. Alvarez's offer letter was among a number of other offer letters that were prepared by the Operations team, and reviewed by me to ensure that the names, department, title, and salary information was included and correct. I remember that Mr. Lozano provided me with Mr. Alvarez's salary information because the Operations team did not have

access to the information. All other salary information was kept on the spreadsheet maintained by the Operations team.

We had an electronic image of my signature in the office, so depending on the number of letters prepared at a given time, I either signed the letter by hand; or if there were multiple letters, they would be digitally signed for efficiency. I believe that Mr. Alvarez's offer letter was digitally signed.

After the Transition, I served in the Administration for one year. In mid-December, Mr. Cammarano had asked me to serve as Deputy Chief of Staff for Cabinet Affairs and Operations. He said that I would need to meet with the Governor-elect before it could be approved. Shortly thereafter I met with the Governor-elect, Mr. Cammarano, and Mr. Platkin. Mr. Cammarano called me shortly after the meeting and said that the Governor had approved my hiring. I accepted, and committed to staying in the position for one year, which ended shortly before my departure approximately one month ago.

I am happy to answer any questions that you have.

SENATOR LORETTA WEINBERG (Co-Chair): Good morning, Ms. Haynes.

I am not going-- I'm sure you're going to be disappointed to hear that I can't stay for the whole afternoon. (laughter)

But I have one -- I have, really, one question for you.

This would not be unusual if a candidate-elect -- or a Governor-elect in this case -- had worked with a number of people during the course of his prior life, of his Campaign, during his Transition -- that there would be an approved list of who should be hired in top positions coming from the

top person himself. And I preface that with -- that's been my experience in almost every campaign I've ever been involved with.

Did the Governor have an approved list that anybody was aware of, of people who should be hired in his Administration?

MS. HAYNES: I don't have knowledge of any such list, Senator.

SENATOR WEINBERG: Thank you.

That's it.

ASSEMBLYWOMAN PINTOR MARIN: That was quick.
(laughter)

Ms. Haynes, thank you for being here today.

Just for the record, I know OLS asked me -- can you please have your attorney state her name?

MS. COLLART: Sure. My name is Annie Collart; I'm with the firm Gibbons PC.

ASSEMBLYWOMAN PINTOR MARIN: Okay; great.

Thank you.

Ms. Haynes, I know that you gave us a very good description of what your role was when you first came onto not only the Transition, but when you were helping for the hiring. I just want to point out a couple of things.

In the third paragraph down, you said that, "Mr. Cammarano said that he would be responsible for hiring for the front office, and Mr. Platkin would be responsible for hiring for Counsel's Office and the Authorities Units. Finally, he, Mr. Lozano, and Mr. Platkin would work with the Governor-elect to select Cabinet members."

So at that point, you were clear that you were going to be facilitating on some of the hires, correct?

MS. HAYNES: That's correct; on the subcabinet positions.

ASSEMBLYWOMAN PINTOR MARIN: On the subcabinet positions.

And then you go on to explain that you had previously known Mr. Alvarez because of your work at the Senate Majority Leader (*sic*), correct?

MS. HAYNES: That's correct.

ASSEMBLYWOMAN PINTOR MARIN: I'm sorry; I meant Senate Majority Office.

So did you feel comfortable in working with Mr. Alvarez?

MS. HAYNES: I'm sorry, what was the question?

ASSEMBLYWOMAN PINTOR MARIN: Did you feel comfortable working with Mr. Alvarez?

MS. HAYNES: During the Transition?

ASSEMBLYWOMAN PINTOR MARIN: Yes.

MS. HAYNES: Yes.

ASSEMBLYWOMAN PINTOR MARIN: And by any chance do you know how Mr. Alvarez started working for the Transition? Do you know if he applied, if it was just-- He was there before you got there, am I correct?

MS. HAYNES: That's correct. He was there when I joined the Transition Team.

ASSEMBLYWOMAN PINTOR MARIN: So did he ever have a conversation with you about how it was that he was selected to be part of the Transition Team?

MS. HAYNES: He never talked about how he was selected, but he had worked on the Campaign. So he was now on Transition, so it just seemed like a natural progress.

ASSEMBLYWOMAN PINTOR MARIN: A natural progress, right?

MS. HAYNES: Yes.

ASSEMBLYWOMAN PINTOR MARIN: As one of the -- I would say because of his role in the Campaign--

MS. HAYNES: Correct.

ASSEMBLYWOMAN PINTOR MARIN: --probably had some sort of trust with the Governor and those who were part of that process. And now he came onto the second part, which was the Transition.

MS. HAYNES: That's correct. He had long-standing relationships with the Campaign, and the folks on the Campaign, and Transition, and the Governor. So it was kind of a natural progression.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

I want to go down to when -- on the second page, around the fifth paragraph, where it starts, "Due to the volume of work," and then you go on to say, "Mr. Alvarez oversaw the binder project, while I continued with some outstanding interviews."

Obviously you saw that the workload was becoming very heavy, and you kind of had to really separate and delegate who was going to be doing what, correct?

MS. HAYNES: That's correct.

ASSEMBLYWOMAN PINTOR MARIN: And I'm assuming -- I am only assuming that, because of your experience in having worked at the Majority Office, and because of you also having been Deputy Chief Counsel -- correct, if I'm not mistaken?

MS. HAYNES: I was General Counsel.

ASSEMBLYWOMAN PINTOR MARIN: General Counsel.

MS. HAYNES: And Deputy Executive Director of the Senate Majority Office.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

I would assume that because of your experience you did a lot of the interviewing yourself. Am I correct to say that?

MS. HAYNES: That's correct.

ASSEMBLYWOMAN PINTOR MARIN: The reason why I point that particular line out is because when Mr. Raj Parikh was here with us, at some point there was a discussion that Mr. Alvarez's situation-- People began to know -- certain people knew in the Administration -- well, now the prior Administration -- that Mr. Alvarez was accused of something. And they informed the Committee that, at some point, Mr. Alvarez, in his duties, became a little bit more minimal within the hiring process. Were you aware of that?

MS. HAYNES: His duties didn't become-- They changed because of the volume of work. He began overseeing the binder project. He was still involved in meetings regarding personnel matters, so--

ASSEMBLYWOMAN PINTOR MARIN: So no one had a conversation with you to advise you that Mr. Alvarez should not really be interviewing or hiring per se?

MS. HAYNES: No; no one told me about changing his responsibilities.

ASSEMBLYWOMAN PINTOR MARIN: Okay. So it was just -- it happened to be that there was a natural flow, and his duties were then changed to just making sure that all the résumés were put in particular areas.

MS. HAYNES: That's correct -- in the binders.

ASSEMBLYWOMAN PINTOR MARIN: Okay. I'm just asking that, just for clarification.

MS. HAYNES: Sure.

ASSEMBLYWOMAN PINTOR MARIN: Because it seemed that in our -- in one of our testimonies from Mr. Parikh, he did not-- He told us that he did not tell you to minimize the job duties, but that there was a natural progression that his job duties were minimized. But you're saying that that happened on its own.

MS. HAYNES: It did happen on its own. And my recollection is a little different than Mr. Parikh's.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

And your recollection is just solely that because of the job duties, because of the volume of flow, his job duties, then, naturally changed, correct?

MS. HAYNES: That is correct.

ASSEMBLYWOMAN PINTOR MARIN: And no one told you to change his job duties; that no one told you that Al was not allowed to hire people; that he was, in a sense, really not supposed to be making any sort of those kinds of decisions?

MS. HAYNES: No; no one told me that. And it would have raised red flags.

ASSEMBLYWOMAN PINTOR MARIN: Okay.
Why do you think it would have raised red flags?

MS. HAYNES: Because if you're asking me to change a staffer's duties, I would really be interested in why.

ASSEMBLYWOMAN PINTOR MARIN: Okay; so you would have asked that question if someone told you to mitigate his job duties, correct?

MS. HAYNES: Correct.

ASSEMBLYWOMAN PINTOR MARIN: You state here, in the same paragraph, that, "Mr. Alvarez never spoke to me about an interest in either" -- right? -- meaning in any particular position.

MS. HAYNES: That's correct.

ASSEMBLYWOMAN PINTOR MARIN: Did you often have a conversation with him about anything that he was interested in, particularly, in joining the Administration at that point?

MS. HAYNES: That first day, when we saw each other, I did inquire what he planned for post-Transition. And he said he wasn't sure; he'd figure it out. He was going to look at some things, but he wasn't sure what he wanted to do.

ASSEMBLYWOMAN PINTOR MARIN: Okay

And then, towards the last paragraph on the second page, you said, “During the last couple of weeks of Transition, Mr. Alvarez had begun splitting his time between the Transition Office and the Inaugural Committee.”

That must have been a lot for you, because now you were kind of stuck doing the majority of the bulk work, correct?

MS. HAYNES: Well, the rest of the Personnel team was helping; but it was a lot of work. It was a hectic time.

ASSEMBLYWOMAN PINTOR MARIN: And is that around the time point that you found out from Mr. Alvarez that he was going to be working at the SDA?

MS. HAYNES: I found out the last week of Transition, which was the week of January 9, I believe.

ASSEMBLYWOMAN PINTOR MARIN: And you said in your statement, “He said, “*They’re* sending me over to SDA to be the Chief of Staff.” And you congratulated him.

Did you ever ask him who was *they*?

MS. HAYNES: No, I didn’t.

ASSEMBLYWOMAN PINTOR MARIN: Did he ever allude to who it was who offered him the position?

MS. HAYNES: No.

ASSEMBLYWOMAN PINTOR MARIN: Did you ever ask anyone else to confirm that?

MS. HAYNES: Yes; Mr. Lozano confirmed it.

ASSEMBLYWOMAN PINTOR MARIN: So when Mr. Lozano confirmed it, did he allude to you who made that decision?

MS. HAYNES: No, he didn't; he just confirmed it.

ASSEMBLYWOMAN PINTOR MARIN: Did you think that was odd, or did you just trust that someone did their due diligence, and interviewed Mr. Alvarez, and hired him for the position?

MS. HAYNES: No, it wasn't odd. I mean, Al had long-standing relationships from the Campaign; he knew -- he was friends with the folks on the Campaign; he had relationships on Transition; and he knew the Governor well. So it was just a natural progression to me that I wouldn't have looked into it.

ASSEMBLYWOMAN PINTOR MARIN: So when you said that Mr. Platkin would be responsible for hiring for Counsel's Office and for Authorities Units, did you think maybe it was Mr. Platkin who had offered him the position?

MS. HAYNES: I didn't know for sure; but I believed it would have had to have been Mr. Lozano, Mr. Cammarano, or Mr. Platkin, or some combination thereof. He said *they're*.

ASSEMBLYWOMAN PINTOR MARIN: *They're*.

MS. HAYNES: Right.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

And just-- I'm sorry; I'm just asking you, because that's the--

MS. HAYNES: Oh, yes.

ASSEMBLYWOMAN PINTOR MARIN: --million-dollar question to all of us here today. (laughter)

MS. HAYNES: Yes, I know.

ASSEMBLYWOMAN PINTOR MARIN: So we're just trying to figure out--

MS. HAYNES: Right.

ASSEMBLYWOMAN PINTOR MARIN: And being that Mr. Platkin was supposedly in charge, more so, of Counsel/Authorities, it might have been that he was the one; but then again, you're correct, because it could have been Mr. Cammarano or it could have been Mr. Lozano.

When Mr. Lozano confirmed to you that Mr. Alvarez was going to the SDA, what was the next step?

MS. HAYNES: I'm sorry; what's the question?

ASSEMBLYWOMAN PINTOR MARIN: So when Mr. Lozano confirmed to you-- So you asked Mr. Lozano, "Hey, by the way, Al told me," I'm assuming; please correct me if I'm wrong--

MS. HAYNES: Okay.

ASSEMBLYWOMAN PINTOR MARIN: "Al told me he was going to be the Chief of Staff to the SDA," right? And then he confirmed it. Were you asked, then, to do anything else?

MS. HAYNES: Oh, so when I found that out, we were doing our last -- it was like the last couple of days of Transition. So we were completing our paperwork, including the offer letters. So that was part of my confirming these last few offer letters that needed to be created. So that's where the conversation came up with Mr. Lozano.

ASSEMBLYWOMAN PINTOR MARIN: And Ms. Haynes, how did that happen? So how was the process when you received a notice that someone was going to be hired by the Administration? Was it, like, a list that whoever would give to you? Was it like a résumé that was attached to something? Can you explain to us what that process was like?

MS. HAYNES: Once the final approval was given?

ASSEMBLYWOMAN PINTOR MARIN: Yes.

MS. HAYNES: So after a candidate was interviewed and had gone through the process, was green-lighted, and then met with the Cabinet member, I would speak with Mr. Cammarano or Mr. Lozano. They would give the sign-off, and then the person would be added to the spreadsheet. We kept a running tally on spreadsheets as people were hired.

ASSEMBLYWOMAN PINTOR MARIN: And then from there, that's when you would -- you or your team members, as you described, would create the offer letters?

MS. HAYNES: So the offer letters were created the last week of Transition. Everything was catalogued on the spreadsheet so that it could be uploaded to the offer letters. The Operations team did that.

ASSEMBLYWOMAN PINTOR MARIN: Were you the only one who had the ability to, I would say, execute the offer letters? I know that you had an electronic signature, correct?

MS. HAYNES: Yes; so I signed the letters for the Departments; and Al's letter was, of course, a one-off, because he was the only one who went to an Authority from there. But there was another letter for the front office that Mr. Cammarano signed off on.

ASSEMBLYWOMAN PINTOR MARIN: Okay. So did you do all of the Authorities, or no?

MS. HAYNES: What do you mean did I do all of the Authorities?

ASSEMBLYWOMAN PINTOR MARIN: So you did Al's letter, correct?

MS. HAYNES: Correct.

ASSEMBLYWOMAN PINTOR MARIN: And he was part of an Authority. Was your name or your electronic signature on all of the Chiefs of Staff from the Authorities who were hired, or no?

MS. HAYNES: He was the only Chief of Staff on Transition who was hired for an Authority. No one else went to an Authority from Transition.

ASSEMBLYWOMAN PINTOR MARIN: From Transition.

MS. HAYNES: Correct.

ASSEMBLYWOMAN PINTOR MARIN: Okay.

So if you were not part of Transition, then, how did those people from the Authority get hired?

MS. HAYNES: They would have been hired through Counsel's Office and the Authorities Unit.

ASSEMBLYWOMAN PINTOR MARIN: Okay. So he was the only odd one.

MS. HAYNES: He was.

ASSEMBLYWOMAN PINTOR MARIN: I'm asking this because, for example, Ms. Brennan came and testified, right? And she went to the Housing Authority. So we know that, obviously, someone had to execute her letter as well--

MS. HAYNES: Right; of course.

ASSEMBLYWOMAN PINTOR MARIN: --but it was not you--

MS. HAYNES: No.

ASSEMBLYWOMAN PINTOR MARIN: --because she was not part of the Transition.

MS. HAYNES: Correct.

ASSEMBLYWOMAN PINTOR MARIN: So I'm assuming it must have been either Mr. Platkin, or maybe her Executive Director; yes or no?

MS. HAYNES: I assume it would have had to have been either one of them, yes.

ASSEMBLYWOMAN PINTOR MARIN: Okay; thank you for clarifying that.

MS. HAYNES: Sure.

ASSEMBLYWOMAN PINTOR MARIN: Because I wasn't clear.

MS. HAYNES: Sure.

ASSEMBLYWOMAN PINTOR MARIN: And I just-- I'm sorry to repeat this again, but it's just really sticking out in my mind that, when Mr. Parikh came before us and he testified that, obviously, when he became aware of Mr. Alvarez's situation-- Obviously, he was the attorney for the Transition--

MS. HAYNES: Correct.

ASSEMBLYWOMAN PINTOR MARIN: He specifically stated that--

(confers with attorneys)

Okay; and I'm going to read this.

Thank you; that's why I have attorneys. (laughter)

"One evening, after most of the Transition staff had left, I went to Ms. Haynes' office and sat down to discuss this matter with her. I advised Ms. Haynes that there was an issue raised about Mr. Alvarez; and that while she did not need to know the details of the allegations, we

needed to implement some restrictions on Mr. Alvarez's role. I noted that she should prohibit him from taking placement action with respect to any individuals who were seeking positions within the Administration.

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

"She also noted that she had received recommendations from Mr. Alvarez that made her pause, because the individuals did not appear to be qualified or suited for the suggested role."

MS. HAYNES: So my recollection is a little different than Mr. Parikh's.

I do recall that he said there was a problem with Al on the Campaign, and he couldn't talk about it. But he didn't make it seem really serious. But nonetheless, he continued sending e-mails to me and Mr. Alvarez on Personnel matters; Mr. Alvarez continued to attend meetings on Personnel matters. And I don't-- And Mr. Parikh didn't provide anything memorialized, either, to say, "Make sure Al's not involved." So I didn't take--

And I don't remember the context of when he told me that something happened, but I didn't take it that he should be prohibited from doing anything.

ASSEMBLYWOMAN PINTOR MARIN: Well, it makes sense; because in his testimony he said because of the limited time and the number of hires that had to be made-- So, for yourself, it was probably just

a natural kind of work flow; I mean, if Mr. Parikh -- he noticed that Al's duties had declined anyways, in that sense.

MS. HAYNES: Correct.

ASSEMBLYWOMAN PINTOR MARIN: So did you -- did Mr. Parikh elaborate on what it was that Mr. Alvarez had done during the Campaign, or no?

MS. HAYNES: No, he just said "I can't tell you what it is;" but again, it didn't sound as serious as, of course, we now know it was.

ASSEMBLYWOMAN PINTOR MARIN: And then, can you-- When he stated, "She also noted that she had received recommendations from Mr. Alvarez that made her pause."

Did you receive any recommendations from Mr. Alvarez?

MS. HAYNES: Mr. Alvarez gave me a lot of really good recommendations; in fact, two people who he recommended I hired for my staff in the Governor's Office.

There was one person who we had a difference of opinion about, but that's natural on any team-type of Personnel environment. But that was it.

ASSEMBLYWOMAN PINTOR MARIN: That was it.

MS. HAYNES: Yes.

ASSEMBLYWOMAN PINTOR MARIN: So to your recollection, that's what you remember.

MS. HAYNES: That would have been the -- that's the only one I remember that sticks out -- was that one person.

ASSEMBLYWOMAN PINTOR MARIN: Okay; thank you Ms. Haynes.

MS. HAYNES: Thank you.

Assemblywoman Muñoz.

ASSEMBLYWOMAN MUÑOZ: Thank you; thank you very much.

Thank you, Ms. Haynes.

Welcome.

MS. HAYNES: Thank you.

ASSEMBLYWOMAN MUÑOZ: Did you have responsibility in placing Administration staff at the outside Authorities during your role as Deputy Chief of Staff over at the Counsel's Office?

MS. HAYNES: I'm sorry; could you repeat that, Assemblywoman?

ASSEMBLYWOMAN MUÑOZ: Was it your responsibility to place Administration staff at the outside Authorities during your role as Deputy Chief of Staff; or did that role -- was that part of the Counsel Office's responsibility?

MS. HAYNES: Into Authorities are you saying?

ASSEMBLYWOMAN MUÑOZ: Into Authorities.

MS. HAYNES: That would have been Counsel's Office.

ASSEMBLYWOMAN MUÑOZ: And so you had no responsibility at all.

MS. HAYNES: No.

ASSEMBLYWOMAN MUÑOZ: Okay.

Now, we go back to your statement, on the bottom page 2, where you said -- the very last sentence on the bottom of the page -- and

Assemblywoman Pintor Marin already referenced this -- that "They're sending me over to SDA to be the Chief of Staff."

MS. HAYNES: Yes.

ASSEMBLYWOMAN MUÑOZ: You testified that Mr. Alvarez did not tell you who *they* were.

MS. HAYNES: Correct.

ASSEMBLYWOMAN MUÑOZ: Did anyone in the Administration tell you that he was going over to SDA?

MS. HAYNES: Did anyone in the Administration, meaning--

ASSEMBLYWOMAN MUÑOZ: Did anybody other than Mr. Alvarez tell you that Mr. Alvarez was going over to SDA?

MS. HAYNES: The only person who confirmed that for me was Mr. Lozano during Transition, when I went and spoke to him about Personnel matters. But no one else did, no.

ASSEMBLYWOMAN MUÑOZ: Now, you mentioned that Mr. Alvarez coordinated the green-light process for potential hires. Is that correct?

MS. HAYNES: Mr. Parikh's office is the one that green-lighted the candidates. They did the background checks. But the Personnel team sent out the questionnaires.

ASSEMBLYWOMAN MUÑOZ: And that was Mr. Alvarez?

MS. HAYNES: Mr. Alvarez at times, and then others as well. If Mr. Alvarez was busy, some of the other Personnel team members would send it out.

ASSEMBLYWOMAN MUÑOZ: How many other Personnel were there?

MS. HAYNES: There was Azra Baig, Sirfaraz Piracha, Stephanie Lezcano, Brandon Parrish, and Jillian Scott. So there were five of us -- five of them, I should say.

ASSEMBLYWOMAN MUÑOZ: And did Mr. Alvarez keep track of these spreadsheets that Mr. Parikh made up? Who was in charge of keeping track of the spreadsheets? Was that part of your job; did you share that with Mr. Alvarez?

MS. HAYNES: No; keeping track would have been Mr. Parikh, because every time a questionnaire came in, it was sent to him. So that was his job.

ASSEMBLYWOMAN MUÑOZ: Is it possible that Mr. Alvarez coordinated his own hire at the SDA independently of you and Mr. Lozano? I mean, there has been a lot of discussion about how he got this position; obviously, you've heard a lot of this.

MS. HAYNES: Yes.

ASSEMBLYWOMAN MUÑOZ: Is it possible that he could have independently got himself hired to this position?

MS. HAYNES: I don't believe so. I mean, there were people in positions of authority who were approving the hires. So I don't believe he would have gotten himself--

ASSEMBLYWOMAN MUÑOZ: And yet you testified, and everyone has testified, that all those people in position to hire never approved the hire, or never hired him. So can you give us any idea of who you think approved his hiring?

MS. HAYNES: As I said earlier, I believe that after Mr. Lozano confirmed it, it would have either had to have been Mr. Cammarano or Mr. Platkin involved.

ASSEMBLYWOMAN MUÑOZ: And so there is no way in your mind that he could have possibly done this independently without -- and just simply said, "I've got this position;" even though he was sort of in a parallel position to you during the Transition of approving hires? Because, I mean, "They're sending me there." We still don't know who *they* is; and you don't know who hired him. We know that your signature is on there--

MS. HAYNES: Point.

ASSEMBLYWOMAN MUÑOZ: --but we don't-- When you're saying that you didn't actually approve the hire, is that correct?

MS. HAYNES: I did not approve it; I didn't have authority to approve any hires. I just had authority to recommend--

ASSEMBLYWOMAN MUÑOZ: To recommend.

MS. HAYNES: --people to be hired.

ASSEMBLYWOMAN MUÑOZ: Did you recommend him to anybody?

MS. HAYNES: No, I did not.

ASSEMBLYWOMAN MUÑOZ: So when you heard from Mr. Alvarez that they were sending him over to SDA, were you surprised?

MS. HAYNES: No, I wasn't. Because as I said, he was involved -- he was a part of Campaign; he was friends with the people on the Campaign; he was involved in Transition; he knew the Governor-elect. So I wasn't surprised at all. And his background and experience -- Al is an

attorney; he had worked in an Administration before as a Deputy Chief of Staff. So I wasn't surprised at all.

ASSEMBLYWOMAN MUÑOZ: When he told you this, on that day, he said, "They're sending me--"

MS. HAYNES: Right.

ASSEMBLYWOMAN MUÑOZ: --had you already had a conversation, where he-- Wait; let's go back. Did you say that you were told to limit his hiring responsibilities?

MS. HAYNES: No, I was not told.

ASSEMBLYWOMAN MUÑOZ: So despite what we've already heard from other people, you were not told that.

MS. HAYNES: I was not told.

ASSEMBLYWOMAN MUÑOZ: So when was the first time that you were ever told there was a problem with Mr. Alvarez? Who was the first person to tell you that?

MS. HAYNES: Who told-- I'm sorry.

ASSEMBLYWOMAN MUÑOZ: Who told you that there was an issue? Who was the first person to tell you?

MS. HAYNES: As I said before--

ASSEMBLYWOMAN MUÑOZ: Mr. Parikh?

MS. HAYNES: --Mr. Parikh said there had been a problem on Campaign with Al.

ASSEMBLYWOMAN MUÑOZ: Okay.

MS. HAYNES: But he couldn't tell me. But again, he didn't make it seem serious. I mean, I forget what context it was in, but I didn't

take it like it was something serious that had happened. I mean, he was working on Transition, so--

ASSEMBLYWOMAN MUÑOZ: I guess you would agree that an alleged rape is serious.

MS. HAYNES: Of course; absolutely.

ASSEMBLYWOMAN MUÑOZ: Now, looking back, are you completely shocked that it would appear not to be a serious allegation? I mean, I know I'm asking you to look in hindsight but, you know, it's-- Rape is a crime--

MS. HAYNES: Of course.

ASSEMBLYWOMAN MUÑOZ: --and it's certainly a serious allegation. So I'm just asking, you know, do--

So he spoke to you-- When did Mr. Alvarez tell you that "They're sending--" Was that before that conversation with Mr. Parikh, or after the conversation with Mr. Parikh? Or do you not know?

MS. HAYNES: That was after. This was the-- As I said, this was the last week of Transition, when we were moving out. We were finishing up our offer letters. That's when he told me.

He had -- as I said, he was working on the Inaugural Committee, so he wasn't in the office a lot.

ASSEMBLYWOMAN MUÑOZ: Right.

MS. HAYNES: So when we finally saw one another is when I asked what he was doing.

ASSEMBLYWOMAN MUÑOZ: So you had heard from Mr. Parikh that there was an issue that was a serious issue. But you didn't

know how serious it was. And then subsequent to that, that's when you heard from Mr. Alvarez that "They're sending me up to the SDA."

MS. HAYNES: That's correct.

ASSEMBLYWOMAN MUÑOZ: Okay.

Hold on one second.

(references notes)

Did Mr. Alvarez have any ability to hire anybody independently? Or was that a coordinated effort between you and Mr. Alvarez?

MS. HAYNES: No, he didn't have that independent authority. And it was coordinated to make recommendations to Mr. Lozano and Mr. Cammarano.

ASSEMBLYWOMAN MUÑOZ: So Mr. Lozano and Mr. Cammarano were the only two individuals who were authorized to make hiring offers. Is that what you're saying?

MS. HAYNES: That's correct.

ASSEMBLYWOMAN MUÑOZ: Okay.

MS. HAYNES: To approve an offer to be given.

ASSEMBLYWOMAN MUÑOZ: So can we-- I mean, can we suspect that it's one of those -- Mr. Cammarano or Mr. Lozano -- who actually approved the hiring of Mr. Alvarez, if they're the only two who are given the authority to do so?

MS. HAYNES: It was my belief that it was either Mr. Lozano, Mr. Cammarano, and/or Mr. Platkin. They were the three with the authority to make those hires.

ASSEMBLYWOMAN MUÑOZ: And yet, all three testified that they did not hire Mr. Alvarez. I mean, that's not a question; that's a statement. Yes, okay; correct. Does that surprise you now, at this point, that that's what you're hearing? I mean, you know the facts are that those three had the authority -- those three gentlemen had the authority. You made recommendations; and yet all three testified they did not hire him. Is there any other way that he could have been hired without their approval?

MS. HAYNES: I don't see another way.

ASSEMBLYWOMAN MUÑOZ: Thank you.

Did you receive any other information about any other red flags on any other people who came before you during that recommendation process?

MS. HAYNES: When you say *red flag*-- I'm sorry.

ASSEMBLYWOMAN MUÑOZ: Well, remember there were green, amber, red--

MS. HAYNES: Oh, the lights.

ASSEMBLYWOMAN MUÑOZ: Did you--

MS. HAYNES: The red light, green light.

ASSEMBLYWOMAN MUÑOZ: Yes.

MS. HAYNES: No, I would only-- Well, let me back up. Sometimes if a candidate's background check was flagged, Mr. Parikh might say, "Oh, I have to talk to this person. So just -- you need to wait." Because--

ASSEMBLYWOMAN MUÑOZ: No, I was going to-- So you would always refer that candidate to Mr. Parikh.

MS. HAYNES: Correct.

ASSEMBLYWOMAN MUÑOZ: Okay. So he had a good deal of authority over this hiring process as well then.

MS. HAYNES: He was very involved, yes.

ASSEMBLYWOMAN MUÑOZ: He was very involved; okay. You know, I think that's all I have for you right now.

MS. HAYNES: Okay.

ASSEMBLYWOMAN MUÑOZ: So thank you.

MS. HAYNES: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Senator Corrado, you have four minutes.

Do you want to break?

SENATOR CORRADO: Whatever you want to do.

ASSEMBLYWOMAN PINTOR MARIN: Ms. Haynes, it's about a few minutes to 1 p.m. So we'll break for a half-hour.

Thank you.

(Committee recesses)

(Committee reconvenes)

ASSEMBLYWOMAN PINTOR MARIN: Welcome back, Ms. Haynes.

MS. HAYNES: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: I think we left off with Senator Corrado going next.

SENATOR CORRADO: Thank you.

Good afternoon.

MS. HAYNES: Good afternoon.

SENATOR CORRADO: Can you tell us a little bit about your background?

MS. HAYNES: Sure.

I started out in government as a Deputy Attorney General in 2000. After that, I joined the Department of Labor and Workforce Development, which was my client at the Attorney General's Office. And then following that I joined the Senate Majority Office as General Counsel. And then I left there, and went into private practice at a law firm.

SENATOR CORRADO: Were you a member of the Murphy for Governor Campaign?

MS. HAYNES: No.

SENATOR CORRADO: Your position on the Transition Team -- was that as a volunteer?

MS. HAYNES: Yes.

SENATOR CORRADO: Were you paid?

MS. HAYNES: No.

SENATOR CORRADO: Do you know who made the decision to pay people on the Transition Team?

MS. HAYNES: I do not.

SENATOR CORRADO: There's been testimony that \$250,000 was allocated; and we also know that Mr. Alvarez received \$100,000 of that \$250,000.

MS. HAYNES: I don't know.

SENATOR CORRADO: Do you know who would have the authority to make that decision?

MS. HAYNES: I don't know.

SENATOR CORRADO: Can you describe the organizational chart for the Transition Team? Who was at the top, and where everybody fell?

MS. HAYNES: Okay; so at the top were Pete Cammarano, Matt Platkin, and Jose Lozano. Al Alvarez and I reported in to Jose Lozano; and the rest of the Transition kind of flowed into Jose Lozano and some into Pete Cammarano as well.

SENATOR CORRADO: Al Alvarez was actually below you on the organizational chart.

MS. HAYNES: Correct.

SENATOR CORRADO: And did he answer to anyone else on the Transition Team, or just you?

MS. HAYNES: He answered to Jose Lozano as well.

SENATOR CORRADO: And who did you answer to?

MS. HAYNES: Jose Lozano.

SENATOR CORRADO: Just Jose Lozano?

MS. HAYNES: Yes; I mean, I would talk to Pete about things, but Jose was my supervisor.

SENATOR CORRADO: And as a member of the Transition Team, did you have interaction with Governor-elect Phil Murphy?

MS. HAYNES: Only if he would stop by our office -- the office that I shared with Mr. Alvarez. He would stop by just to see how things were going and say hello. But he did that all the time with a lot of the staff.

SENATOR CORRADO: Okay; and how about the First Lady, Tammy Murphy; was she there?

MS. HAYNES: She would come around sometimes, yes.

SENATOR CORRADO: Who on the Transition Team would you describe as being the person you interacted most with?

MS. HAYNES: I would say I interacted most with Jose Lozano; and, of course Al Alvarez, working with him; and our Personnel staff that worked under us.

SENATOR CORRADO: And as the Personnel Director, was there anybody outside the Transition that you interacted with frequently?

MS. HAYNES: Outside of-- No.

SENATOR CORRADO: Did you interact with anybody from the Campaign?

MS. HAYNES: No.

SENATOR CORRADO: Today the only people who have been named in these hearings as having decision-making authority were Jose Lozano, Pete Cammarano, Matt Platkin, Al Alvarez. Would you say you had decision-making authority as a member of the Transition Team?

MS. HAYNES: You mean like ultimate authority to hire or something? No, we just had the authority to make recommendations. We had no decision-making authority.

SENATOR CORRADO: And who would you make the recommendations to?

MS. HAYNES: I would make the recommendation to Pete Cammarano and Jose Lozano.

SENATOR CORRADO: Was Marcellus Jackson part of the Transition Team?

MS. HAYNES: I don't know.

SENATOR CORRADO: Was Derrick Green?

MS. HAYNES: Yes.

SENATOR CORRADO: He was. Do you know what his role was?

MS. HAYNES: I do not.

SENATOR CORRADO: Raj Parikh testified that he was only at the Transition Office two to three times a week and did not have an office there. And you have testified that you shared an office. How many offices were there actually within the Transition Office?

MS. HAYNES: Physical offices? There were probably-- So there were several sides to the Transition Office. So on the side where Mr. Alvarez and I sat, there may have been five to six physical offices, and several cubicles in between. And on the other side, people shared offices as well, so there were probably four or five on that side as well.

SENATOR CORRADO: How did you actually-- Let me go back. Mr. Parikh testified that the Transition Office was actually located on West State Street.

MS. HAYNES: Correct.

SENATOR CORRADO: And how did you actually get into the office? Did you need to have an ID card or a fob to get into the building?

MS. HAYNES: Yes, we had IDs. And there was a State Trooper outside, and a receptionist.

SENATOR CORRADO: Where did you get the IDs from?

MS. HAYNES: I got my ID from David Miller, who was part of the Operations team.

SENATOR CORRADO: So everybody who was a member of the Transition Team had to have an ID to get into the building.

MS. HAYNES: That's correct.

SENATOR CORRADO: And did you need a key or--

MS. HAYNES: There was a fob on the back, yes.

SENATOR CORRADO: A fob. And you needed that fob to get into the building?

MS. HAYNES: Yes.

SENATOR CORRADO: And if the State Trooper wasn't there, you could still get into the building with your fob?

MS. HAYNES: With your fob, yes.

SENATOR CORRADO: After hours.

MS. HAYNES: There was a guard downstairs; and if you had your fob, he would swipe you in or something, and then you'd go up and you could get into the office.

SENATOR CORRADO: Okay; and that was the only way you could get in, is if you had an ID and a fob.

MS. HAYNES: That's correct.

SENATOR CORRADO: Were there members of the Campaign who were present in the Transition without ID?

MS. HAYNES: Were there-- I'm sorry.

SENATOR CORRADO: The Governor didn't have an ID card to get in.

MS. HAYNES: No, I don't think so. I think we knew who he was. (laughter)

SENATOR CORRADO: Okay.

During the Transition, was there a policy about using your personal devices to text or e-mail communications?

MS. HAYNES: I don't recall a formal policy.

SENATOR CORRADO: So did you use the government computers, or did most people use their personal devices?

MS. HAYNES: We were issued government computers, so that's what most people used.

SENATOR CORRADO: Did some people use their personal?

MS. HAYNES: I'm sure some did.

SENATOR CORRADO: Did you?

MS. HAYNES: I didn't; not for work. I did not.

SENATOR CORRADO: Okay.

And so can you take us through the actual hire process? If I wanted to get a job in the Administration, I would go and put my résumé on the portal.

MS. HAYNES: Correct.

SENATOR CORRADO: And then what would happen?

MS. HAYNES: And then your résumé would be-- Well, let me back up.

On the portal, you could indicate which department you were interested in; and people often selected more than one. So that's why the résumé binders were so huge and voluminous, because some people would pick three or four departments they were interested in.

During the hiring process, whatever position we were looking to bring on -- your résumé could be pulled to see if your qualifications matched what we were looking for. And then, ultimately, it would be

placed in the binder for all of those departments you selected. So that if you weren't selected on Transition, you could possibly be called once those binders went to the Cabinet members, once they started at the departments.

SENATOR CORRADO: And you also, I believe, in your opening statement said there were other ways that you got résumés as well.

MS. HAYNES: Correct.

SENATOR CORRADO: Could you elaborate?

MS. HAYNES: Sure.

So people would send us e-mails unsolicited; people would drop by the Transition Office and drop them off. I even saw people when I was walking down the street, saying, "Hey, can you take my résumé?" So there were many ways. And then the Transition staff would give résumés of, like, friends and colleagues who were interested in joining the Administration.

SENATOR CORRADO: And when you say *Transition staff*, do you mean the top, or everybody working within the Transition Team?

MS. HAYNES: Everybody working -- a combination.

SENATOR CORRADO: Okay.

Did everyone who was hired either fill out an application or submit a résumé?

MS. HAYNES: During the Transition you mean? Yes, they would have sent in a résumé.

SENATOR CORRADO: You couldn't have gotten past the initial step unless you submitted a résumé.

MS. HAYNES: Correct.

SENATOR CORRADO: Raj Parikh testified that once he got an application -- or the questionnaire, I believe it was -- he would do a public records search and social media check, with the understanding that once somebody was hired in the Administration, a background check would be done. Do you know if those background checks were done?

MS. HAYNES: Once the persons went into the departments? Yes, the department takes over from there and goes through their normal hiring processes -- which are background checks, and paperwork, and other things.

SENATOR CORRADO: And I know you were a Deputy Chief of Staff in the Administration. How did you actually get your job?

MS. HAYNES: How did I get my job?

SENATOR CORRADO: Were you recruited--

MS. HAYNES: Pete Cammarano asked me if I would be interested in joining the Administration.

SENATOR CORRADO: And then once you made the decision, once you were hired-- Who actually hired you?

MS. HAYNES: Well, I had to meet with the Governor-elect, and Mr. Cammarano, and Mr. Platkin; so the Governor had to approve my hire.

SENATOR CORRADO: Once you were hired, did you go through a background check?

MS. HAYNES: Yes, I did.

SENATOR CORRADO: Do you know of other people who were hired who interviewed with the Governor?

MS. HAYNES: I don't.

SENATOR CORRADO: Do you know of people who interviewed with the First Lady for their jobs?

MS. HAYNES: I do not.

SENATOR CORRADO: Okay.

When did you learn about the nature of the allegations against Mr. Alvarez?

MS. HAYNES: The complete nature of the-- When the story came out.

SENATOR CORRADO: And according to Mr. Parikh's opening statement, he had said that he told you there was an issue raised; that you didn't need to know the details of the allegation.

MS. HAYNES: Right.

SENATOR CORRADO: Now that you know, do you think you should have been told?

MS. HAYNES: Yes.

SENATOR CORRADO: Does it trouble you that you were the only woman -- in a decision-making, high-ranking role in the Transition -- and you were the only one not told.

MS. HAYNES: Yes.

SENATOR CORRADO: Do you think the fact that you were sharing an office you should have been told?

MS. HAYNES: Yes.

SENATOR CORRADO: Mr. Parikh also said that he told you, you should prohibit him -- Mr. Alvarez -- from taking placement action with respect to any individuals who were seeking placement within the

Administration. Did Mr. Alvarez actually have the ability to place people in the Administration?

MS. HAYNES: No.

SENATOR CORRADO: He did not.

MS. HAYNES: He did not.

SENATOR CORRADO: He could recommend?

MS. HAYNES: He could recommend; and that was just in the beginning -- before he was put on the binder project -- when he and I, at the very beginning of Transition, when we were conducting the interviews. We would discuss the candidate, and then we would recommend. And I would usually be the one advising Mr. Lozano or Mr. Cammarano about who we recommended for a position.

SENATOR CORRADO: So you wouldn't have had the ability to actually place someone in a department.

MS. HAYNES: No.

SENATOR CORRADO: When we talk about the hiring restrictions, Mr. Parikh testified, so did Mr. Cammarano and Mr. Lozano, about these hiring restrictions that were going to be placed on Mr. Alvarez. Who was the only person who actually had the authority to implement that? Would it have been you, as the Personnel Director?

MS. HAYNES: It could have been me; but most likely the best person would have been Mr. Lozano, who was the Executive Director, and who we both reported in to.

SENATOR CORRADO: But your testimony is that although you were told there was an allegation that happened during the Campaign of a serious nature, you were never told to restrict Mr. Alvarez.

MS. HAYNES: That's correct.

SENATOR CORRADO: In fact, you testified that Mr. Parikh continued to send e-mails to both of you.

MS. HAYNES: Yes, and include us in meetings as well.

SENATOR CORRADO: And what was the nature of the e-mails and the meetings?

MS. HAYNES: It was dealing with various personnel matters.

SENATOR CORRADO: So as far as you're concerned, business continued as normal.

MS. HAYNES: Exactly. The telling me not to include him doesn't comport with his actions.

SENATOR CORRADO: One of the things that Mr. Parikh had testified to was that you had said that Mr. Alvarez was already not making any final placement decisions on his own. That you had essentially curtailed what your team was doing because of the limited time left on the Transition. Key staffing decisions for priority agencies were not yet made, and too many individuals were interested in being placed.

Is any of that statement accurate?

MS. HAYNES: Could you repeat that? I'm sorry. (laughter)

SENATOR CORRADO: Mr. Alvarez was already not making final placement decisions on his own. That you had essentially curtailed what your team was doing because of the limited time left on the Transition. Key staffing decisions for priority agencies were not yet made, and too many individuals were interested in being placed.

MS. HAYNES: That's correct.

SENATOR CORRADO: That is correct; okay.

What were the priority agencies that people should be placed at?

MS. HAYNES: The priority agencies? There weren't priority agencies; there were priority positions. We thought that we should start with senior staff first, because a Cabinet member coming in really -- well, we believed they should have their Chief of Staff in place; maybe a Deputy or an Assistant Commissioner, and their Communications staff.

SENATOR CORRADO: Okay.

Do you know if everybody was vetted before they went to the next level in the hiring process? And by vetting, I mean when Mr. Parikh did the social background and public records check.

MS. HAYNES: Yes, everyone who I moved forward to the spreadsheet was vetted. They were green-lighted.

SENATOR CORRADO: And so Mr. Alvarez was--

MS. HAYNES: He was green-lighted as well, yes.

SENATOR CORRADO: And I don't know if you heard Mr. Parikh's testimony; he said that Marcellus Jackson had not been vetted.

MS. HAYNES: I didn't know Mr. Jackson, so I can't speak to that.

SENATOR CORRADO: Okay. And was Derrick Green vetted?

MS. HAYNES: I'm sorry?

SENATOR CORRADO: Derrick Green -- was Mr. Green vetted?

MS. HAYNES: I don't know.

SENATOR CORRADO: So if you weren't recommending somebody be vetted, someone else could be making that recommendation.

MS. HAYNES: Sure; that could have happened. One of the other decision-makers could have asked for someone to be vetted.

SENATOR CORRADO: And the decision-makers would be--

MS. HAYNES: Mr. Lozano, Mr. Cammarano, or Mr. Platkin.

SENATOR CORRADO: How about the Governor or First Lady? Could they recommend someone be hired?

MS. HAYNES: Could they recommend? I'm sure they could; sure.

SENATOR CORRADO: Could they recommend someone be vetted?

MS. HAYNES: I'm sure. He was the Governor-elect; he could do what he wanted.

SENATOR CORRADO: Okay.

And again, Mr. Parikh had testified that you had told them that Mr. Alvarez had made some recommendations that caused you some pause. Your testimony is, that's not true.

MS. HAYNES: There was one who I recall, where we had a difference of opinion; but there weren't a ton of them.

SENATOR CORRADO: Was that person hired?

MS. HAYNES: That person was a State employee who Mr. Alvarez had recommended be promoted. And I just didn't think the qualifications fit the position he thought the person should be promoted to.

SENATOR CORRADO: Was the person promoted?

MS. HAYNES: No.

SENATOR CORRADO: I'm going to pause, so that Senator Ruiz can ask you some questions. (laughter)

MS. HAYNES: Okay.

SENATOR RUIZ: Thank you, Vice Chair.

And I apologize; I have to step out briefly.

And thank you, Vice Chair Corrado, for allowing me just to intercede.

Some of my colleagues have asked you, or kind of pieced together, your conversation with Mr. Parikh. I want you to take an opportunity to tell me your recollection of what that was.

MS. HAYNES: The only thing I recall, as I said before, was Mr. Parikh saying there had been a problem with AI on the Campaign, but he couldn't discuss it with me. And I don't remember what context that was in, or how that came about; but that's my only recollection.

SENATOR RUIZ: And you stated that you didn't think that it was something of a serious nature.

MS. HAYNES: No, he didn't make it seem like it was serious.

SENATOR RUIZ: And in that conversation, according to your recollection, he didn't give you any guidance as to how he should proceed with his workload responsibility.

MS. HAYNES: No.

SENATOR RUIZ: Okay. And the reason why I just want to be clear here, is that we have several witnesses who have come before us that at least have given me the impression that, in an effort to try and do something to abate a looming issue, that responsibilities were taken away. For instance, someone -- and I can't recall who the person was -- wanted to

be sure that the individual couldn't obstruct the hiring process. It appears, today, according to what your recollections are as far as responsibility, it could have been quite easy for Mr. Alvarez to take a résumé and dump it without anybody else knowing it.

MS. HAYNES: That's correct.

SENATOR RUIZ: Okay.

Did you, during this time frame, feel that Mr. Alvarez was one of the guys? And what I mean by that, I mean it in a very generic term, like he was in with the people who you had to be in with; and that he had some level of authority when he spoke.

And if you can't answer, Ms. Haynes, I respect that.

(confers with Counsel)

MS. HAYNES: So Mr. Alvarez-- He was -- long-standing relationships with the Campaign, with the Transition, so he was friendly with a lot of the people from the Campaign and on Transition.

SENATOR RUIZ: Okay; thank you.

The -- and forgive me if you answered this questions before -- when you were told to send "Ms. Perez" a letter that she was coming onboard, you didn't have to clear that by anybody else?

MS. HAYNES: I'm sorry; when I--

SENATOR RUIZ: When the letter went out saying, "Thank you for--" "We're accepting you to join us" in whatever capacity-- That form letter that you would send out for hire.

MS. HAYNES: Yes.

SENATOR RUIZ: It would come to you via e-mail? You didn't have to cross-check it with anybody else before you hit "send" on that letter; or someone hit "send" on your behalf?

MS. HAYNES: No. So the process was, the Operations team would upload the information from the spreadsheet into the letter. And then one of the Personnel team who was working with me would bring me the letters to review to make sure the information was accurate.

SENATOR RUIZ: But you were cross-checking that against what?

MS. HAYNES: The spreadsheet.

SENATOR RUIZ: And the spreadsheet had been checked by whom?

MS. HAYNES: As we were going along, we kept the information on a spreadsheet. So the Personnel team was keeping track of that information.

SENATOR RUIZ: But could it have been easy-- So for instance, I'm part of the Personnel team. Could I have uploaded myself in there without someone-- Do you see where I'm trying to, like--

MS. HAYNES: Yes.

SENATOR RUIZ: I'm just trying to understand, for my purposes, how that internally worked.

MS. HAYNES: No, because I was keeping track of everyone who was being interviewed and who was going on the spreadsheet. So--

SENATOR RUIZ: And that was coming from the three individuals who, you have suggested earlier, only had the power to hire: Platkin, Cammarano, or Lozano.

MS. HAYNES: So we're talking about for the departments; that's the only thing I had responsibility for.

SENATOR RUIZ: Right, okay.

MS. HAYNES: So that would have only been Mr. Lozano or Mr. Cammarano.

SENATOR RUIZ: That's right; sorry, I apologize.

Earlier in your testimony -- and maybe I misheard what you said -- you indicated that Mr. Alvarez had received a letter from you and a letter from Pete Cammarano. Is that accurate?

MS. HAYNES: No, no, no.

SENATOR RUIZ: Oh.

MS. HAYNES: There were two different letters -- offer letters. There was an offer letter for the front office, which Mr. Cammarano would sign; and then there was the letter that I signed for the departments.

SENATOR RUIZ: So would Mr. Alvarez have gotten a letter from Mr. Cammarano in that hiring process?

MS. HAYNES: No.

SENATOR RUIZ: No.

MS. HAYNES: Because those were only for the front office.

SENATOR RUIZ: Because he was in an Authority.

MS. HAYNES: Yes.

SENATOR RUIZ: Do you know if the Authorities had, kind of, a similar letter that would have inevitably come from Mr. Platkin, because he was responsible for that?

MS. HAYNES: They may have; but Mr. Alvarez was the only one one from the Transition going to an Authority. So he was kind of that one-off, which is why the letter came from me.

SENATOR RUIZ: So if you're in this time frame -- and I know you've answered a lot of questions, and I just -- at any point in time-- You've been working alongside this individual; at any point in time did you pause and say, "Geez, his responsibilities have really diminished." Like something completely-- There was this seismic shift.

MS. HAYNES: No, because he was working on the binder project; and then, if you recall, he started helping out on the Inaugural Committee. So he was dividing his time between.

SENATOR RUIZ: Thank you very much, Ms. Haynes.

Thank you.

SENATOR CORRADO: Could you tell us the difference between the Personnel team and the Operations team?

MS. HAYNES: Sure.

So the Personnel team was the five people I outlined earlier. Operations was David Miller and, I think, Maggie Leuzarder was on that. And then Jillian Scott on the Personnel team was kind of our liaison with Operations.

SENATOR CORRADO: And why was it kind of bifurcated that you would-- The Personnel team would get the résumés, separate them, put them to the appropriate department, do the interviews. Operations was sending out the letters.

MS. HAYNES: I guess just how it was-- I mean, Mr. Lozano would have -- and I believe Mr. Parikh probably, also, was involved with some of that kind of bifurcating it.

SENATOR CORRADO: So they would have made the decision to--

MS. HAYNES: Yes.

SENATOR CORRADO: There is document G-80; it's an e-mail from Brandon Parrish to Al Alvarez, dated December 1.

MS. COLLART: So we don't have a copy of the documents. If we could take a look at it, if you have an extra.

Thank you.

MS. HAYNES: Senator, you said it was G-80, you said?

SENATOR CORRADO: Yes.

MS. COLLART: You said G-8; so page 2?

SENATOR CORRADO: G-eight-zero; G-80.

MS. COLLART: Okay; so we have G-7 and G-8; but not G-80.
(confers with Counsel)

MS. COLLART: Okay, thank you for the time to review.

SENATOR CORRADO: This is an e-mail from Brandon Parrish to Mr. Alvarez, dated December 1, 2017. The subject matter is, "Thank you for your interest." And it looks like, "Thank you for sending your résumé to the 2018 Transition Office," and with your name on the bottom.

So can you tell me about how this got to Mr. Alvarez?

MS. HAYNES: I don't recall this letter.

SENATOR CORRADO: This isn't your form -- this isn't your e-mail?

MS. HAYNES: This isn't my e-mail, no.

SENATOR CORRADO: Would Mr. Parrish send out this e-mail without your knowledge?

MS. HAYNES: I don't remember this e-mail going out, so he must have.

SENATOR CORRADO: Okay. And I'm just going to read this into the record.

It says, "Dear Al, Thank you for sending your résumé to the Transition2018 Office. New Jersey's greatest assets are its people; and good State government depends upon the skills and dedication of the people, like you, who are willing to serve the people of the Garden State.

"As we get ready to take on the task of building a stronger, fairer New Jersey, we are carefully reviewing each job applicant. The Governor-elect is committed to ensuring his Administration reflects New Jersey's rich diversity of all backgrounds and experiences, which is why we are opening up these job opportunities to everyone.

"The process will take time, and we appreciate your patience as we prepare ourselves for taking office after the Governor-elect swearing-in ceremony on Tuesday, January 16, 2018.

"Thank you for your interest in getting involved. If you have any questions, please visit" and he gives the transition2018.nj.gov website. "And for more information, contact us at" -- and that number is redacted.

"Regards, Lynn Haynes, Director of Personnel, Governor-elect Transition Team."

Do you have any idea who would have put this e-mail together?

MS. HAYNES: No.

SENATOR CORRADO: And so this is the first time you're seeing it.

MS. HAYNES: It is.

SENATOR CORRADO: On the next document -- which I'm going to ask that we give to you -- is G-81. It's an e-mail from Al Alvarez to David Miller. It's dated December 4, 2017.

The subject matter is "Résumé attachments, AJA 2017 résumé."

It says, "Here you go. Thanks." And it's from Al Alvarez, Esq., Deputy Director for Personnel, Office of the Governor-elect/Lieutenant Governor-elect, State of New Jersey.

Why would Mr. Alvarez have submitted his résumé to David Miller?

MS. HAYNES: I don't know, but I assume they wanted to have a copy of his résumé on file. But I don't know for sure.

SENATOR CORRADO: Did other people submit their résumés directly to the Operations Manager, as opposed to the Director of Personnel?

MS. HAYNES: I don't recall them doing that.

SENATOR CORRADO: Was this normal protocol to give your-- So let me back up. I would think if you're submitting a résumé, it would go to the Personnel Director--

MS. HAYNES: Correct.

SENATOR CORRADO: --of the Transition Team. So why would someone bypass you and go to the Operations Manager?

MS. HAYNES: I don't know.

SENATOR CORRADO: On January 3, 2018, there is an e-mail from Stephanie Lezcano to Raj Parikh; the subject matter is "Alvarez;" and this document is G-85. And G-86 to 89 is the Transition2018 screening questionnaire that was completed by Mr. Alvarez.

So you're familiar with the questionnaire.

MS. HAYNES: Yes.

SENATOR CORRADO: Who prepared the questionnaire?

MS. HAYNES: Mr. Parikh's office, I believe, prepared the questionnaire.

SENATOR CORRADO: And was the questionnaire given to everybody who got past the first round with their résumés?

MS. HAYNES: It was given to everyone who had come in for an interview, once they got past that round, yes.

SENATOR CORRADO: So you only got a questionnaire if you had gotten an interview.

MS. HAYNES: Correct.

SENATOR CORRADO: Did somebody interview Mr. Alvarez?

MS. HAYNES: I don't know.

SENATOR CORRADO: Did you?

MS. HAYNES: No.

SENATOR CORRADO: Did Mr. Alvarez have access to the questionnaire?

MS. HAYNES: Yes.

SENATOR CORRADO: Could he have just completed it himself and passed it on?

MS. HAYNES: You mean passed the green-light process of the questionnaire -- the vetting and all that?

SENATOR CORRADO: Yes.

MS. HAYNES: I mean, we used to get e-mails from Mr. Parikh about who had been green-lighted. So Mr. Parikh's e-mail stated that Mr. Alvarez had been green-lighted, so--

SENATOR CORRADO: Before he could green-light someone, who would send -- who, in the normal course of interaction on the Transition Team, would forward a questionnaire to Mr. Parikh to be vetted?

MS. HAYNES: So when the questionnaires came back in, they came to the Personnel team. So Mr. Alvarez, and others on the team, could have given it to Mr. Parikh for the next step.

SENATOR CORRADO: Any of those five people who were named?

MS. HAYNES: That's correct.

SENATOR CORRADO: Including yourself?

MS. HAYNES: Including me.

SENATOR CORRADO: Including Mr. Alvarez?

MS. HAYNES: Including Mr. Alvarez.

SENATOR CORRADO: Stephanie Lezcano?

MS. HAYNES: Yes.

SENATOR CORRADO: Okay. So this e-mail appears to be from Stephanie to Raj Parikh, forwarding the questionnaire. Who would give her -- who would ask her to send the questionnaire to Mr. Parikh?

MS. HAYNES: Who would ask-- When the questionnaires come back in, Mr. Parikh had asked for them to be given back to him so that the vetting process could begin.

SENATOR CORRADO: When you say "come back in--"

MS. HAYNES: So the questionnaire--

SENATOR CORRADO: --how were the questionnaires submitted? By e-mail, was it a hard copy--

MS. HAYNES: It could be submitted by e-mail or hard copy; but generally, it was e-mail. And when the person submitted it, it would go back to Mr. Parikh.

SENATOR CORRADO: So e-mailed; and then it would be an attachment. The questionnaire document would be an attachment on the e-mail that would be--

MS. HAYNES: With the answers to the questionnaire.

SENATOR CORRADO: Did you share a computer with Mr. Alvarez, or did you have your own?

MS. HAYNES: I had my own.

SENATOR CORRADO: And Mr. Alvarez had his own set-up?

MS. HAYNES: Yes.

SENATOR CORRADO: And was the questionnaire on a Word program?

MS. HAYNES: I think it did come on, like, a PDF or a Word program.

SENATOR CORRADO: Okay; and who had access to that?

MS. HAYNES: I recall Mr. Parikh sending it to me and-- Well, originally he sent it to Mr. Alvarez, and several others, for review; and then he copied me. So that's who would have had access to it.

SENATOR CORRADO: And was it unusual that a résumé interview could bypass you, and somebody would be sending a questionnaire to Mr. Parikh without your knowledge?

I think, before, you testified that you were-- When Senator Ruiz was questioning you, you said that you were able to keep track of everybody. There was a spreadsheet--

MS. HAYNES: Right.

SENATOR CORRADO: And so you knew who was getting questionnaires--

MS. HAYNES: Correct.

SENATOR CORRADO: --and you knew which questionnaires were being sent to Raj Parikh for vetting.

MS. HAYNES: Correct.

SENATOR CORRADO: But you did not know that Mr. Alvarez's questionnaire was being sent.

MS. HAYNES: No.

SENATOR CORRADO: And that's unusual.

MS. HAYNES: Well, it's not unusual, because he wasn't-- I don't believe his questionnaire had a department, which I was responsible for. It had an Authority on it. So Mr. Parikh would have spoken to whoever was responsible for Authorities.

SENATOR CORRADO: Do you think Mr. Platkin was responsible for Authorities?

MS. HAYNES: Yes, he was responsible for Authorities and, sometimes, Mr. Cammarano.

SENATOR CORRADO: Was it unusual that Mr. Alvarez was the only person on the Transition going to an Authority?

MS. HAYNES: Was it unusual? I didn't think it was unusual. There were a couple of other people who were interested in Authorities. They didn't go through Transition, but they were interested.

SENATOR CORRADO: Because Mr. Alvarez was, I would say, a higher-ranking person in the Transition, could he pick the job he wanted? And when I say that, Ms. Brennan testified that her actions on the Campaign as a volunteer were her interview for the job that she ultimately got down the road. So was Mr.-- Could it be possible that Mr. Alvarez's actions on the Campaign could have set up his position down the road that he would get in the Administration, and he could pick the job that he wanted?

MS. HAYNES: In my belief, he could, maybe, say, "Hey, I'm interested in this job." But I don't think he could just place himself there. He would have had to have gone through a process, and someone would have to sign off on that.

SENATOR CORRADO: You just don't know who that person was.

MS. HAYNES: I just don't know.

SENATOR CORRADO: It wasn't you.

MS. HAYNES: It was not me. (laughter)

SENATOR CORRADO: Let's talk about the hire letter.

When Mr. Parikh was here, he testified that he had written the hire letter. But that's not your testimony in your opening statement. I believe you said the Operations team prepared the letter.

MS. HAYNES: So the Operations team prepared the letter; and David Miller, who was head of the Operations team, sent the letter for review to me, Jillian Scott on the Personnel team, and Mr. Parikh, just to review to see if the letter was sufficient.

SENATOR CORRADO: Have you had a chance to look at the letter that was sent to Mr. Alvarez -- the January 12 letter?

MS. HAYNES: Yes.

SENATOR CORRADO: Is this the standard letter that you had reviewed?

MS. HAYNES: Yes.

SENATOR CORRADO: Would you be surprised to know that Mr. Parikh testified that, in his opinion, the letter had been altered?

MS. HAYNES: Altered how?

SENATOR CORRADO: He testified that it should come from the hiring Authority, as opposed to the Transition.

MS. HAYNES: I can't respond to Mr. Parikh's statement. That's not my understanding.

When I confirmed with Mr. Lozano that Mr. Alvarez was going to the Authority -- he was the only one going to the Authority and he was kind of a one-off. So we used the departments -- the same offer letter that we used for departments for him.

SENATOR CORRADO: And you didn't physically send out the hire letters; the Operations team did?

MS. HAYNES: Correct.

SENATOR CORRADO: Okay. And who had access? Did anybody else have access to this hire letter?

MS. HAYNES: No. The Operations team was the only ones that had access to it.

SENATOR CORRADO: So Mr. Alvarez would not have had access to it.

MS. HAYNES: No.

SENATOR CORRADO: Okay.

I have no further questions.

Thank you.

MS. HAYNES: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Assemblywoman DeCroce.

ASSEMBLYWOMAN DeCROCE: Thank you.

Thank you for being here today, Ms. Haynes.

MS. HAYNES: Thank you.

ASSEMBLYWOMAN DeCROCE: I'm just going to go back a little bit--

ASSEMBLYWOMAN PINTOR MARIN: I'm sorry, Assemblywoman.

I'm very sorry to cut you off.

Can we just have the attorneys-- I think they have very few questions, and then we can just follow up?

ASSEMBLYWOMAN DeCROCE: Okay.

MR. CRITCHLEY: Good afternoon, Ms. Haynes.

MS. HAYNES: Good afternoon.

MR. CRITCHLEY: And thank you for your testimony.

I only have a few questions, as the Chairlady indicated.

MS. HAYNES: Okay.

MR. CRITCHLEY: Can you take a look at that hiring letter, please? I'm going to ask you just a couple of questions.

For the record, it's SDA-003.

MS. COLLART: Mr. Critchley, can we have a copy of that, please?

MR. CRITCHLEY: Oh, you don't have it?

MS. COLLART: No.

MR. CRITCHLEY: I'm sorry; I am sorry.

Just see-- If we can just make sure -- it's SDA-003 and SDA-004; okay.

MS. COLLART: So we're looking at G-68--

MR. CRITCHLEY: Is the letter dated January 12, 2008 (*sic*)?

MS. COLLART: It is.

MR. CRITCHLEY: Okay; that's the same one.

MS. COLLART: Okay.

MR. CRITCHLEY: Okay.

The letter has an auto-pen signature: Lynn Haynes, Personnel Director. I assume that's not your original signature, correct? That's an auto-pen signature?

MS. HAYNES: Yes, that's the auto-pen.

MR. CRITCHLEY: And then, below that, it says "Accepted by," apparently accepted by Al Alvarez; and the date that he accepted the

position at the Schools Development Authority was January 12, 2018, from this letter.

MS. HAYNES: Correct.

MR. CRITCHLEY: And the date of the letter that's sent him is January 12, 2018.

MS. HAYNES: Correct.

MR. CRITCHLEY: So basically, looking at those two things, I think we can deduce that the day he received the letter is the day he signed the letter and accepted it.

MS. HAYNES: That's correct.

MR. CRITCHLEY: Now, I assume -- my words, not yours -- that this is a form-type of letter to be filled in with particulars pertaining to each individual; that has to be particularized.

MS. HAYNES: I'm sorry; could you repeat that?

MR. CRITCHLEY: This is a form letter?

MS. HAYNES: Correct.

MR. CRITCHLEY: Okay. Now, it has to be filled in; for example, the opening line says, "It is my pleasure to offer you a position at the Schools Development Authority." So someone had to type in "School Development Authority," correct?

MS. HAYNES: Correct; it's populated by the Operations team, yes.

MR. CRITCHLEY: Do you know who from the Operations team populated that information?

MS. HAYNES: It could have been Mr. Miller, or it may have been Jillian Scott, who was helping us with the letters on the last couple of days.

MR. CRITCHLEY: Okay. And it says, on the second bullet point, “Satisfactory completion (in Transition2018 sole discretion) of a background and reference check for which the required notice and consent forms are attached to this letter, and for which forms must be fully completed.”

Do you know if any reference check was done on behalf of Mr. Alvarez?

MS. HAYNES: I don’t know. That was Mr. Parikh’s responsibility.

MR. CRITCHLEY: Okay. Now, what does *reference check* mean, as you understand it? What does it include?

MS. HAYNES: It would include any former colleagues or employers who would provide references for him.

MR. CRITCHLEY: Would that be normal process -- getting reference checks for people who are being considered for these positions?

MS. HAYNES: In a normal process yes.

MR. CRITCHLEY: Yes. And then it says, going down, “This offer of employment will be withdrawn--” And then it has a bullet point. “Your employment is at-will. This means that either you or your employer can end the employment relationship at any time, for any reason, or for no reason, with or without notice.” I mean, its plain language, obviously. But as an employment lawyer, with your background, there are types of employees who are considered employees at-will, correct?

MS. HAYNES: Correct.

MR. CRITCHLEY: And what is an employee at-will?

MS. HAYNES: That's one who can be fired for no reason or any reason at all.

MR. CRITCHLEY: Right. And particularly, it may not apply to people in the Classified Service; but in an Unclassified Service, which he was, he's an employee at-will.

MS. HAYNES: Correct.

MR. CRITCHLEY: So the Civil Service protections that apply to Classified employees were not attached to him as an Unclassified employee.

MS. HAYNES: That's correct.

MR. CRITCHLEY: And they could just say, "You're gone tomorrow."

MS. HAYNES: Correct.

MR. CRITCHLEY: All right.

And then it was filled in, "You're being hired as Chief of Staff," that was filled in. And it says, "Your initial compensation will be \$140,000 annually."

Now, this is not a memory test. I don't know-- I know the Cabinet members, under the previous Administration, were paid at \$141,000; and I know they got an increase. Do you know when the increase went into effect?

MS. HAYNES: I believe it was last summer, or towards the end of last year.

MR. CRITCHLEY: Was it during the Murphy Administration or during the Christie Administration?

MS. HAYNES: During the Murphy Administration.

MR. CRITCHLEY: Murphy Administration.

MS. HAYNES: Yes.

MR. CRITCHLEY: So he had a relatively high salary, correct, in terms of employees?

MS. HAYNES: I can't speak to what the Authorities pay, but this is what Mr. Lozano confirmed for me.

MR. CRITCHLEY: He told you that he was going to be making \$140,000?

MS. HAYNES: Yes.

MR. CRITCHLEY: When did he tell you that?

MS. HAYNES: When I confirmed with him that Mr. Alvarez was going over. As we were preparing the letters, the Operations team didn't have that info. So I had to call over or walk over -- I can't remember which -- and get that information from them.

MR. CRITCHLEY: So Mr. Lozano told you he's going over as Chief of Staff and he's going to be making \$140,000.

MS. HAYNES: Correct.

MR. CRITCHLEY: Do you know where Mr. Lozano got the information that he was going to be Chief of Staff and his salary will be -- meaning Mr. Alvarez -- \$140,000?

MS. HAYNES: Again, my belief was that Mr. Lozano was part of the decision for Mr. Alvarez to go over and be the Schools Development Authority Chief of Staff. The salary -- I would assume he worked with the

Authority to find out, or either he found out from Mr. Platkin or Mr. Cammarano.

MR. CRITCHLEY: Thank you.

Now, how many members of the Transition Team were paid salaries and how many were volunteers, if you know? An approximation.

MS. HAYNES: I really don't know, Mr. Critchley. I can't respond to that.

MR. CRITCHLEY: Now, you were a volunteer, correct?

MS. HAYNES: Correct.

MR. CRITCHLEY: That means you didn't get paid; no compensation.

MS. HAYNES: That's correct.

MR. CRITCHLEY: Were you surprised, or did you know, that your subordinate, the person working for you, was getting an annual salary of \$100,000 a year, or close to \$2,000 a week?

MS. HAYNES: Was I surprised?

MR. CRITCHLEY: Did you know that he was a paid volunteer (*sic*)?

MS. HAYNES: I knew that he was paid; I didn't know how much.

MR. CRITCHLEY: Do you know, in terms of salary for Transition people, where that ranked?

MS. HAYNES: I don't.

MR. CRITCHLEY: Do you know anyone who got paid more than \$100,000 annually, which would be for a short period of time, so approximately \$2,000 a week?

MS. HAYNES: I don't.

MR. CRITCHLEY: Now, I basically have no more questions. I just have a comment.

I thank you for your testimony. You've been forthright, and precise, and you've been honest.

Conclusion.

And the problem I have is, as I said before, we are tasked -- the attorneys and the Committee -- with coming up with a report as to recommendations regarding policies, procedures, and process. And the only way we could come up with a fair recommendation as to policy, procedures, and process is if we have a fair understanding of the facts which will inform what recommendations we make as to policies, procedures, and process. And this is not -- no question.

And the concern I have is that, as I said previously, I'm troubled because I know when Mr. Hayden, and Ms. Alito, and many of the lawyers -- when we have to make a submission in court -- and this is not a courtroom -- but one of the important factors in coming up with an argument is a clear understanding of the facts upon which the argument is based. And if we're going to come up with policies and procedures, we have to have a clear understanding of the facts upon which they are based.

And what I find going on, in terms of common -- and I'm just projecting what's going to happen -- how do we, as a Committee, arrive at a clear understanding as to what the facts are when we keep finding out, as to material elements in the process, there are important and material inconsistencies?

And for example, in just a couple of areas: On the hiring process of Mr. Alvarez. It's so difficult to understand why we have to spend so much time trying to arrive at such a simple -- what appears to be a simple answer; and you even crystalized it today. There were only three people who could make that decision.

And I just don't know why we spent so much time finding out nothing. And I've often found out, really, in trying to process things, it's more difficult to find out nothing than it is to find out something. Because you would think something like this would be a quick answer to a simple question; but it's not. And you just wonder why it is so difficult.

Then we have inconsistencies when it comes to confidentiality. Okay, we have to write a report. Much of the report and facts are based upon the confidentiality provision. Now, which version do we accept? Which version do we accept? Do we accept Mr. Parikh's version, or do we accept Mr. Cammarano's version; or do we accept Mr. Platkin's version? Or is it multiple choice?

And then we get to the point of the termination; I mean, which should be kind of simple. And sometimes we have to look at these things in terms of common sense.

The reason I'm going to my stream of consciousness is because I'm thinking about the report that we have to make a recommendation to, to the public. And we talk about termination. Some things have to pass the giggle test -- common sense. And when you have testimony coming in saying, "Okay, he was told to leave in March; he doesn't go. He was told to leave in June; he doesn't go." Then, all of a sudden, the *Wall Street Journal* sends a couple of inquiry e-mails, and he's gone. And I just don't know

how we frame a factual framework upon which we're going to adopt policies and procedures.

And when I ask questions, I don't want it to seem that I'm being an obstructionist, in terms of some of the witnesses previous to you. I was hoping that we would come up with a clear, concise understanding of what the facts are in this matter; and that from those platform facts come up with clear policies and recommendations.

In the words of Alice from *Alice in Wonderland*, every time we ask a question, it gets more "curiouser and curiouser." And I just don't know why that's the case.

And that's my 10-second vent.

ASSEMBLYWOMAN PINTOR MARIN: Well, Mr. Critchley, now that we know you're going to have a hard time writing the report-- (laughter)

Mr. Hayden.

MR. HAYDEN: Good afternoon, Ms. Haynes.

MS. HAYNES: Good afternoon.

MR. HAYDEN: Thank you for your appearance.

And your testimony today has contributed substantially to the factual record.

And your testimony today has pointed us as to the hiring process, and really narrowed down where we have to look. And I'll get to that in a second.

I'll try not to be too repetitive.

You indicated that when you worked on the Transition you did not have hiring power?

MS. HAYNES: That's correct.

MR. HAYDEN: That Mr. Alvarez reported to you, so he did not have hiring power?

MS. HAYNES: That's correct.

MR. HAYDEN: And that he would not have had the power to hire himself?

MS. HAYNES: That's correct.

MR. HAYDEN: Given the processes that were in play and what you have done.

So they're facts that now are on the board, and are almost irrefutable.

You also told us that despite what the testimony was of another witness, in your conversation with Mr. Parikh at no time did you understand that you were instructed to put any limitations on what Mr. Alvarez did in connection with the hiring process.

MS. HAYNES: That's correct.

MR. HAYDEN: And more importantly, at no time were any limitations placed as to what he could or could not do, in terms of the hiring process.

MS. HAYNES: That's correct.

MR. HAYDEN: So if there had been testimony that the decision made by the Transition leaders, when they heard about the Alvarez allegation, was, "We won't investigate, but we'll certainly put limitations on what Mr. Alvarez could do for purposes of retaliation," you know of no such limitations placed on Alvarez.

MS. HAYNES: No, there were no such limitations.

MR. HAYDEN: Now, getting to the hiring of Mr. Alvarez-- To borrow a phrase, it's almost like a mystery, inside a riddle, inside an enigma. And let's try to unwrap it a little bit; and maybe we can unwrap it, working backwards.

Your letter-- So the Governor was-- The Inauguration was January 16, right?

MS. HAYNES: I believe so.

MR. HAYDEN: Your letter, late in the game, is January 12 to Mr. Alvarez.

MS. HAYNES: Correct.

MR. HAYDEN: He immediately accepts the same day, January 12.

MS. HAYNES: Correct.

MR. HAYDEN: Now, the person who told you that he was going to be hired was Mr. Alvarez; and you told us -- and I take it you have a recollection -- "They're sending me over to the SDA to be Chief of Staff." So Alvarez told you he was being hired, and he said he was told by a number of people, "They're sending me over to the SDA."

MS. HAYNES: Correct.

MR. HAYDEN: You, of course, because of the checks you've talked about, and being very professional, were not going to take his word for it; you wanted to verify it. And you verified it by going to the head of Transition, Mr. Lozano, and asked Mr. Lozano if that was correct.

MS. HAYNES: That's correct.

MR. HAYDEN: And Mr. Lozano affirmed that.

MS. HAYNES: Yes.

MR. HAYDEN: Now, in fairness to Mr. Lozano, you're not saying that he told you he hired Alvarez; he confirmed your request as to whether or not Alvarez was being hired.

MS. HAYNES: Yes, he confirmed it.

MR. HAYDEN: He was a *confirmer*.

MS. HAYNES: Yes.

MR. HAYDEN: And when would that have been, roughly speaking? January 12, 11?

MS. HAYNES: It was, I think, like a couple of days before the last day-- Friday, January 12, was the last day of Transition.

MR. HAYDEN: January 12 was when you wrote the letter.

MS. HAYNES: Correct; so it was like the day before the letter went out.

MR. HAYDEN: January 11, maybe? The earliest, January 10.

MS. HAYNES: Yes.

MR. HAYDEN: It's interesting; I went back and I pulled out the testimony of Mr. Lozano; he was asked a question by our Chair, Assemblywoman Pintor Marin. And she said to him, "Who told you that Mr. Alvarez was going to the SDA as Chief of Staff? And Mr. Lozano says, "Mr. Alvarez." (laughter)

And then the Assemblywoman said, "So Mr. Alvarez informed you he was going to be Chief of Staff of the SDA?" "Mr. Alvarez had come to me and said, 'You know Charlie McKenna well. Do you mind introducing me to Charlie?'" "So how did Mr. Alvarez find out that he was going to be Chief of Staff; do you know? Did he tell you who told him?" Mr. Lozano said, "He did not tell me; again, it was not a focus of mine to

actually facilitate the subcabinet components and the personnel process of departments and agencies. I would defer that question to Mr. Cammarano and Mr. Platkin.”

So the sworn testimony here is that Alvarez told you; that Alvarez told Lozano. And that for the answer -- the mystery in the riddle -- we should look to Cammarano and Platkin. And Mr. Cammarano was here again today, and answered many questions saying he in “No, way, shape or form” -- because I asked the question -- “In any way, shape, or form did you hire Alvarez?” And he said “no.”

Now, in terms of just completing the timeline -- and perhaps refresh our Committee members’ recollection -- if we’re back to January 10, when you verify with Lozano-- On Tuesday, January 9, Mr. Lozano writes a text message to Mr. McKenna, “Can you meet with Mr. Alvarez, your new Chief of Staff. Ha; smiley face.” And then they say, “Sure;” and then they decided to set the meeting up in a Starbucks later on January 9. But again, that takes Mr. Lozano back, setting it up; but he tells us that he got the information from Mr. Alvarez.

And I guess my question to you is, in light of this timeline, can you think of any other person who would have-- Let’s use the word *decision-maker*. *Hiring* is an amorphous word. You would agree with me, I think -- the scope of your testimony is there had to be a decision-maker?

MS. HAYNES: Yes.

MR. HAYDEN: Can you think of any other person who could have been the decision-maker, as to whether or not Alvarez was hired, but Mr. Cammarano or Mr. Platkin?

MS. HAYNES: Those are the only two other decision-makers on Transition.

MR. HAYDEN: You were also asked questions by Senator Corrado about -- would you, as part of Transition, have wanted to have been advised that there was a sexual assault allegation against Mr. Alvarez that was investigated by a Prosecutor's Office; and I believe you said "yes."

MS. HAYNES: Yes.

MR. HAYDEN: And if you were making a hiring decision as to whether or not somebody gets a job with the Administration, would you have hired somebody with a sexual assault allegation hanging over them, absent a full investigation as to what happened?

MS. HAYNES: No.

MR. HAYDEN: Thank you, ma'am.

ASSEMBLYWOMAN PINTOR MARIN: Assemblywoman DeCroce, if you-- I'm going to owe you for this. (laughter)

I had to compose myself because, I'm just frustrated. But I have to laugh about it, because this is more and more insane as each time we sit here and ask a witness a question.

And Ms. Haynes, this is not to you at all; because you have sat here and you've gone through a lot of details with us, and details that obviously have clarified certain things, but yet have brought other questions. Because as we sit here -- and the attorneys-- So Mr. Critchley gave me this. You quoted what I had asked at one point; and then, Senator Corrado, you asked Mr. Lozano, "So who set Mr. Alvarez's salary?" Mr. Lozano said, "Again, that's a question for Mr. Alvarez or Mr. McKenna; not me."

So it seems that every time we try to get somewhere--
(confers with Counsel)

Senator Corrado goes on to say, "You are aware that you had sent a text to Charlie McKenna, and he testified to this. You know, you sent the text saying, 'Hey, I have your new Chief of Staff.' You set up a meeting; put them in touch with each other. They met at Starbucks; he followed up with you. And I believe there was a text about salary as well."

Mr. Lozano responds, "If there was-- I don't set salaries. In no moment at all during the Transition did I have a discussion about a Chief of Staff's salary."

MS. HAYNES: I'm sorry; what was the question?

ASSEMBLYWOMAN PINTOR MARIN: So the last paragraph says -- Senator Corrado asks Mr. Lozano, "Just so you understand, the text was actually from Mr. McKenna; it said, 'Met with Al; nice guy. We'll work together well. You and I need to talk salary. Not my salary, by the way; Alvarez's salary,' was the follow up. And you replied, 'Holla when you can.'"

So Ms. Haynes, we're not at all discrediting everything that you have told us here today. But as you can see, each time someone comes up, there is -- the inconsistencies-- And at the end of the day, all that we're asking for is just -- someone just give us an answer; it's not that big of a deal. But the more you don't give us an answer, the bigger of a deal it becomes, because it just looks unprofessional. And you, as a professional individual -- you have had a great career; not only in private sector, but in the governmental sector. I think all of us here, at one point or another, have worked with you and know that you are a very professional woman.

As you can see, it's just unbelievable. And I'm not asking you this question, but I think that you're experiencing -- you're getting to see what we're experiencing, which is just complete disbelief. It's not that big of a deal; just someone -- let us know who hired him. At the end of the day, we just want to make sure that some of these mishaps that happened don't happen again.

And every Governor who is incoming should have the opportunity to make sure that he builds a team that he wants around him. But we also have to make sure that there are set procedures in place that prevent two individuals being hired who have extreme conflict with each other.

So I'm sorry; I'm done with my rant.

Assemblywoman DeCroce, I owe you, like, three cups of coffee at this point.

ASSEMBLYWOMAN DeCROCE: No you don't; that's okay.

I'm just going to try to keep my mind in place here, because listening to everyone else -- some of the questions may seem a little repetitive. But I'm trying to get to the bottom of it.

And you may not know this; first, I'm going to ask this question, based on what was just stated.

Chief of Staff -- the salary for a Chief of Staff. Do you know if all Chiefs of Staff are at the same salary across the board; or is each one different; or are they all the same, and Mr. Alvarez's was different?

MS. HAYNES: So I can only speak to the Departments' Chiefs of Staff. There are some differences in their salaries; they're very close in range.

ASSEMBLYWOMAN DeCROCE: Right.

MS. HAYNES: Some have been in the position longer, and are more experienced.

So I cannot speak to the Authorities. I just don't know the salaries of Chiefs of Staff there.

ASSEMBLYWOMAN DeCROCE: Okay. So I think that's one thing that we should take a look at -- are the salaries across the board. Because if I recall correctly from my past career in State government, there was a set amount. So we should see if his was out of what everyone else's was. I think we should take a look at that.

A few things I just want to ask, and I'm just going to try to go back. I may be a little off here, and sound repetitive. But I'm just going to read a few things here because, as the Chairwoman said, it's very frustrating for all of us to get to the truth. And you're doing a great job here today.

MS. HAYNES: Thank you.

ASSEMBLYWOMAN DeCROCE: You're very informative. And we appreciate that because some of this is -- by the end of the day when we leave, we're so disgusted because we haven't learned anything after eight hours; it's very hard.

MS. HAYNES: I understand.

ASSEMBLYWOMAN DeCROCE: So with that being said, I'm going to read a few things -- testimony that was given.

MS. HAYNES: Okay.

ASSEMBLYWOMAN DeCROCE: And this is from Mr. Parikh -- testifying that he told you that Mr. Cammarano and Mr. Lozano stated

that he informed Ms. Haynes of their decision to limit Alvarez's hiring authority. That was around December 4, 2017. So I'm going to go on.

MS. HAYNES: Okay.

ASSEMBLYWOMAN DeCROCE: So Mr. Lozano comes in and testifies and says, again-- And the Chairwoman asked, "Were you aware that, at some point, during him working on the Transition, that they -- there was a decision to limit Mr. Alvarez's hiring capability?"

Mr. Lozano said, "Again, Transition had no authority to hire anyone. His role was to facilitate the résumés, and put them into a binder and provide them to Cabinet members when they were coming in. But yes, Mr. Parikh -- I do recall him stating that he had limited his," meaning Mr. Alvarez's -- "involvement, but I did not know the extent of that involvement."

Assemblywoman Pinto Marin said, "Do you know if Mr. Alvarez was aware of his limited capability at that point?"

Mr. Lozano said, "I have to assume that that was communicated to him via Counsel."

So okay; I remember all that, and hear all that.

So then I look at your statement today; and it says, "Mr. Alvarez and I decided that the best way to tackle the hiring process, in the short time span we had, and given the thousands of résumés we had received, was to interview for senior staff positions first, and then move to the mid- and lower-level staff positions, time permitting."

So really, Mr. Alvarez's ability wasn't really challenged there in any way, or limited by what Mr. Lozano testified to. So I'm just confused --

if Mr. Lozano's testimony was accurate or inaccurate. What's your opinion of that?

MS. HAYNES: I believe where you read from was in the very beginning, when I joined the Transition Team, is when that took place -- when we decided to tackle the senior positions first. It was later that we decided to switch and start just doing the binders.

So I just don't know; I can't speak to what Mr. Lozano's understanding was of the different time periods.

ASSEMBLYWOMAN DeCROCE: Okay; so it's not totally accurate -- in fairness -- or not?

MS. HAYNES: I just-- I don't know if he was, maybe, confused about the different -- what was going on in our unit. So I can't say that it was inaccurate.

ASSEMBLYWOMAN DeCROCE: Okay. That's fair; okay.
Did you receive Katie Brennan's résumé?

MS. HAYNES: I don't recall.

ASSEMBLYWOMAN DeCROCE: Did Mr. Alvarez have access to that?

MS. HAYNES: He would have had access to any résumés that were uploaded.

ASSEMBLYWOMAN DeCROCE: Okay.

And then Mr. Cammarano said he didn't know how Mr. Alvarez was hired; but yet, we're hearing today that he did sign a letter for the position for Mr. Alvarez for Chief of Staff. Am I correct, or am I not understanding?

MS. HAYNES: Mr. Cammarano signed the letters for individuals going into the front office only.

ASSEMBLYWOMAN DeCROCE: Okay, okay. So who had -- whose signatures were approved to sign the hiring letters? Because they were electronic, correct?

MS. HAYNES: Some were electronic. It depended on when we-- If I got letters in bulk, they would just be signed electronically. But if they just came, like, a couple at a time, I could just do them -- review them and then sign off on them.

ASSEMBLYWOMAN DeCROCE: Okay.

In your testimony you stated that Mr. Lozano and Mr. Platkin would work with the Governor-elect to select Cabinet members, correct?

MS. HAYNES: Mr. Lozano, and Mr. Cammarano, and Mr. Platkin, correct--

ASSEMBLYWOMAN DeCROCE: Okay.

MS. HAYNES: --worked with the Governor.

ASSEMBLYWOMAN DeCROCE: Okay; but Mr. Lozano was to work with Mr. Platkin and the Governor-elect to select the Cabinet members; but Mr. Platkin, for Authorities. Am I correct on that?

MS. HAYNES: Correct; Authorities falls under the Counsel's Office.

ASSEMBLYWOMAN DeCROCE: Okay. So then why was Mr. Lozano the one informing you, when it should have been Mr. Platkin, of Mr. Alvarez's position at the SDA? Because he would have been in charge of Authorities, not Mr. Lozano.

MS. HAYNES: Correct. So when I spoke with Mr. Lozano, we were having one of our daily Personnel meetings. I reported to Mr. Lozano; and I mentioned that Mr. Alvarez had told me that he was going to SDA. And knowing that Mr. Lozano kept in regular contact with Mr. Cammarano and Mr. Platkin, I had no reason to doubt that this was authorized.

ASSEMBLYWOMAN DeCROCE: So Mr. Platkin never talked to you, one-on-one, or in an e-mail, or anything about the hire that he would have been in charge of, being that he was working with the hires for the Authorities, correct?

MS. HAYNES: No, he did not.

ASSEMBLYWOMAN DeCROCE: Okay.

You know, when I-- I think it was Senator Corrado who talked about Mr. Alvarez being appointed to the SDA as Chief of Staff. And in that -- it's a pretty high position. But when I look at everything, and everything that I've heard -- everyone knew Mr. Alvarez for a long time. Because he had been involved with many on the Murphy's nonprofits; he had been working on the Campaign; had been working on the Transition Team; and then he was a State employee. So when I look at all of that dedication that he gave, and I look at the positions that are available, I wonder why he was sent to an Authority; why he was only made Chief of Staff, and why he wasn't the CEO. Because I think that's what he wanted.

But he was shifted over to an Authority and taken away from the very people who he had worked many years with. And it just makes me wonder as to why he was put over in an Authority -- which, as you know, is nowhere near where the Governor's Office, or the Administration, or anyone else is. They're in a separate building, away from everyone else.

So, you know, it makes me pause to wonder why he was only, after being who he was, and almost, as it looks, part of the inner circle of the Governor-elect-- And yet he was only made Chief of Staff to an Authority that would be away from all of them, as if he was being put in a place where he didn't have access to the Cabinet members, to the different Authorities -- maybe HMFA; let's say a few; and that he was over at the SDA.

I mean, in your professional opinion, with the credentials that he had, and the influence, and the contacts, and the people who he knew, do you think Chief of Staff was a little bit lower level than what Mr. Alvarez could have obtained for employment?

MS. HAYNES: Do I think it was a little bit low?

I think it was a fine position for him. He had been a Deputy Chief of Staff, at one point; so Chief of Staff was the next step up, of course.

So it didn't seem odd to me at all; you know, Authorities are pretty prominent positions, if you get a position at an Authority. So I wasn't shocked by it or, like, "Why such a low position?" because I didn't view it as a low position.

ASSEMBLYWOMAN DeCROCE: Right. You know, I appreciate that. It's just, in my curiosity--

MS. HAYNES: Sure.

ASSEMBLYWOMAN DeCROCE: I wondered why he wasn't able to-- This gentleman, who had so much access to every single person who was going to be working for this Administration, wasn't up in the front office working with the Governor. And I just wonder about that, and I

wonder how he ended up, really, at the SDA. And it appears that no one hired him, and no one knows; and it's just very frustrating that we cannot get those answers.

But I truly appreciate your testimony today, because you've been very forthright; and that's what we need more of. We just need people to tell us. No one's going to be mad, or point their finger, or say that somebody did a really bad thing. We just need answers so we know how to fix things, going forward. We can't fix them unless we have testimony like what was given by you today.

So thank you very much.

MS. HAYNES: You're welcome.

ASSEMBLYWOMAN PINTOR MARIN: Thank you.

Senator Cunningham.

SENATOR CUNNINGHAM: Thank you, Madam Chair.

Lynn, it's nice to see you, as usual.

MS. HAYNES: Thank you, Senator.

SENATOR CUNNINGHAM: And, as usual, your professionalism has shown through; and you've done a wonderful job of guiding us through the hiring process.

You know, you talk about the three people who can make a decision as to who would get a position or not. And I just think that there is one more person who, to me, seems like the viable person to have made the decision to hire Al Alvarez.

And I just want to ask you -- is it possible that the Governor hired -- Governor-elect hired Al Alvarez?

MS. HAYNES: That wasn't a part of the process, having the Governor involved. And so I don't know; I would just be speculating.

SENATOR CUNNINGHAM: And usually, in campaigns -- because Mr. Alvarez had such a long history in campaigns; and we all know how campaigns work. We take jobs in campaigns so that we can get positions. And because he obviously knew all the players and knew everyone, it seems to me that it's very simple that the Governor said, "Hey, take care of Al."

So that's why, to me, it seems like the logical answer to the big question.

Thank you for answering.

MS. HAYNES: You're welcome.

ASSEMBLYWOMAN PINTOR MARIN: Senator Madden.

SENATOR MADDEN: Good afternoon, Lynn.

MS. HAYNES: Good afternoon.

SENATOR MADDEN: And welcome again.

MS. HAYNES: Thank you.

SENATOR MADDEN: And in true fashion, candor, very professional, articulate with your answers. Thank you.

MS. HAYNES: Thank you.

SENATOR MADDEN: Talking about the process, as it relates to applications-- First off, did you have guidelines for screening of résumés?

MS. HAYNES: Did we have guidelines?

SENATOR MADDEN: Guidelines that were in writing. Here you are, you wind up in this spot on the Transition Team; you're a

volunteer. You have thousands of résumés to screen. Who set the process up to do that, and were there guidelines for the screening of the résumés?

MS. HAYNES: There were no guidelines. This was kind of the process that-- I worked with Al; we set up the interview process and hiring process.

SENATOR MADDEN: And do you think -- would it be best to define the review process as a judgement call, on your part, in conjunction with Al Alvarez; together?

MS. HAYNES: Yes, we would discuss the candidates and make a decision about who we would recommend to Mr. Lozano and/or Mr. Cammarano.

SENATOR MADDEN: Just stay with the recommendation to Mr. Cammarano and Mr. Lozano.

If résumé *A* was moving forward for a recommendation as a potential hire, would both of those individuals receive the résumé *A* to review; or did some go to Mr. Cammarano and others went to Mr. Lozano?

MS. HAYNES: So it depended on the position. Mr. Cammarano was usually involved with the senior staff positions--

SENATOR MADDEN: Okay.

MS. HAYNES: --otherwise it would have been Mr. Lozano, who I would have just gone over and spoken with.

SENATOR MADDEN: Can you give the Committee an example of a résumé that would not have moved forward for a recommendation to be hired? Like, here you are, reviewing these résumés. You have no written guidelines. What would the-- Can you give me an

example that comes to mind of a résumé that would not have moved forward, and can you tell us why it would not have advanced?

MS. COLLART: So Senator, can I just clarify?

I assume you're asking for a general example, not a specific résumé, or person's name, or something like that.

SENATOR MADDEN: I'm just talking-- Yes, just a simple, general example as to what would be -- what would disqualify or what would preclude someone from being advanced in the process.

MS. HAYNES: Oh, sure.

So it could be the qualifications for the position that they applied for -- that they didn't meet those qualifications. That was generally when résumés weren't moved forward.

SENATOR MADDEN: If they were not moved forward, what happened to the résumés?

MS. HAYNES: We would still put them in the binder for potential other positions.

SENATOR MADDEN: Now, think about those individuals who were recommended outside of you and Al Alvarez; outside of your operation. I believe you had testified a little while ago that recommendations could come from other parties. Is that true?

MS. HAYNES: Yes, that's correct.

SENATOR MADDEN: And by way of example of *other parties*, you would mean who?

MS. HAYNES: As I said, they could come unsolicited, via e-mail; people dropped by all the time, by the Transition Office, and gave their résumés. Transition staff would give us résumés, as well.

SENATOR MADDEN: But they were-- Were those résumés all placed within your unit, or your operation?

MS. HAYNES: Yes.

SENATOR MADDEN: Okay; so were there any résumés that came forward through -- that were recommended, given to, let's say, Mr. Cammarano or Mr. Lozano, that did not come through your unit, or your review?

MS. HAYNES: They may have. If I understand your question correctly, they may have received résumés from other sources than those that I mentioned. I don't know.

But there were times when Mr. Lozano and Mr. Cammarano would give us résumés as well.

SENATOR MADDEN: And they would give you the résumé for what purpose?

MS. HAYNES: To review for a potential position that we have been interviewing for; to review -- to decide if we wanted to bring the candidate in.

SENATOR MADDEN: Okay; and then just one last question.

If you were -- upon your review, with you and Al Alvarez -- general, just a generalization-- In the résumé, if you knew that the individual had the potential qualifications, you would consider moving them forward; but you also knew that there was an allegation of them having committed a crime, such as sexual assault-- How would you and Al Alvarez -- what would have been your determination there with -- if you ran across that particular scenario?

MS. HAYNES: Well, I can only speak for myself; but I would not move that through.

SENATOR MADDEN: Thank you.

Thanks, Madam Chair.

ASSEMBLYWOMAN PINTOR MARIN: Senator Oroho.

SENATOR OROHO: Thank you, Madam Chair.

Lynn, thank you very much for being here today.

MS. HAYNES: Hi, Senator; sure.

SENATOR OROHO: I would be remiss if I didn't also say thank you very much for your testimony, your statement. It seems, first of all, so detailed, so logical, reasonable, and straightforward to me. And I just really appreciate your thoroughness.

So thank you.

MS. HAYNES: You're welcome.

SENATOR OROHO: And you mentioned that you had shared an office with Mr. Alvarez.

MS. HAYNES: That's correct.

SENATOR OROHO: You also mentioned that there was -- and I know Assemblywoman DeCroce had mentioned -- there was a lot of work on the nonprofits prior to-- Governor Murphy, when he was candidate Murphy, even thinking about working-- Mr. Alvarez had worked on those nonprofits; did a lot of work on the Campaign; a lot of work on Transition. You also mentioned here, and I think it was the first time, I think, I noticed it during the testimony -- when he also worked on the Inaugural Committee.

MS. HAYNES: Correct.

SENATOR OROHO: My Brooklyn accent -- it's tough to say that word sometimes. (laughter)

MS. HAYNES: Yes, Senator.

SENATOR OROHO: But also-- So I would say that you would have to take it that there was a pretty close, professional and personal relationship between Mr. Alvarez and the candidate, the Governor-elect, and the Governor; and obviously, the First Lady as well, correct? I think that's been the testimony as well.

MS. HAYNES: Correct; yes.

SENATOR OROHO: In your testimony, you do mention that you-- Mr. Alvarez was already serving as the Deputy Director of Personnel when Mr. Cammarano had offered you the position, and he was explaining the roles to you. Do you know who appointed Mr. Alvarez to that position?

MS. HAYNES: I don't; I don't know.

SENATOR OROHO: A lot of the questions I have, have already been asked; which was -- I was going down the same path as, obviously, Senator Cunningham; I had the same thoughts in mind.

But let me bring you back to the -- before I finish up here -- the e-mail that Brandon Parrish had sent to Mr. Alvarez; and that was G-80. It was actually, you know, I guess a form letter or form e-mail that would come from you -- the one from Mr. Parrish to Mr. Alvarez.

Is that something that would normally have come from your e-mail account?

MS. HAYNES: No; this was nothing that would-- Anything going out with my name on it, I would have reviewed. I don't recall reviewing this at all.

SENATOR OROHO: No, I understand that; thank you.

Did Mr. Brandon Parrish-- Did you say he also worked for Mr. Alvarez? Did he report to Mr. Alvarez?

MS. HAYNES: He reported to Mr. Alvarez and me. He was on our Personnel team.

SENATOR OROHO: So he could have asked him to say, "Hey, send me this--" when, obviously, normally it would have, say, come directly from you to whoever was applying, thanking them for their interest. But Mr. Alvarez, you know, could have easily said to Brandon, "Send me that e-mail." And then--

MS. HAYNES: Sure; he could have, yes.

SENATOR OROHO: He could have.

And then we have, a few days later -- which is G-81 -- Mr. Alvarez sent a note to Mr. Miller, "Here's my résumé." So they completely went around you, in a process that really would have-- Not even in a process that I would say was out of normal, because, normally, you would have been involved in the process. But here was somebody who, technically, I guess, you know, would have been your subordinate -- Mr. Parrish -- but also was subordinate to Mr. Alvarez. And he ended up -- he could have asked him, "Hey, send it to me, and Lynn doesn't have to know."

MS. HAYNES: Or-- He could have, yes.

SENATOR OROHO: On the-- Now, in your testimony, you do mention Mr. Lozano had provided you with -- we've been over it many times -- the salary information for Mr. Alvarez. And you reported to Mr. Lozano. So, right then, you have to say, obviously, he was directing you -- somebody either told Mr. Lozano or, in your opinion, Mr. Lozano had the authority to say, "Send the letter to Mr. Alvarez. He's going to be the Chief of Staff at the SDA."

MS. HAYNES: Correct.

SENATOR OROHO: Okay.

Now, it's interesting-- So when you got hired -- and you had much, much experience. So people knew your professional background and how qualified you were. And yet, at the same time, the Governor-elect actually did interview you.

MS. HAYNES: Yes, he did.

SENATOR OROHO: So was it routine that the Governor-elect would meet with others; to your knowledge, would he interview or meet other people as well?

MS. HAYNES: I have no knowledge of others.

SENATOR OROHO: But he did meet--

MS. HAYNES: But he did meet with me.

SENATOR OROHO: He met specifically with you--

MS. HAYNES: Yes.

SENATOR OROHO: --and it was -- you were basically told that the Governor had approved your hiring.

MS. HAYNES: Yes; Mr. Cammarano told me.

SENATOR OROHO: Is it-- Because of all the work that Mr. Alvarez had, and the relationships that he had, is it possible that there was a perception that Al Alvarez was so well-known to the Governor, well-known to the First Lady, well-known to everybody around that -- quite frankly, he was the Governor's person -- even though the Governor may not have said, "Take care of Al," or something; people -- just the perception was, "We have to take care of him"

Is it possible that-- Or was that out of the ordinary?

MS. HAYNES: All I know is that Mr. Alvarez had long-standing relationships with the Campaign -- people on the Campaign, the Transition, and the Governor. So--

SENATOR OROHO: Well, do you think -- were there other positions where it got, sort of, like the same kind of treatment that-- You know, say there was a green-lighting -- we heard about all the green-lighting, the yellow light and the red light. Is it possible that the perception was some people just knew the Governor so well, or the First Lady so well, that they were automatically green-lighted?

MS. HAYNES: I wasn't aware of that perception.

SENATOR OROHO: Okay.

Thank you very much.

And once again, I have to thank you very much for your candor, as everybody has mentioned here. It's helped us to understand the process; and, quite frankly, you're a breath of fresh air. (laughter)

Thank you.

MS. HAYNES: Thanks, Senator.

SENATOR OROHO: Thank you, Madam.

ASSEMBLYWOMAN PINTOR MARIN: You're welcome Senator.

Assemblywoman Lampitt.

ASSEMBLYWOMAN LAMPITT: Thank you.

Thank you, Lynn. I know you've been doing this, now, for a while.

I'm going to take a little bit different sort of course of action, in terms of asking you some questions.

MS. HAYNES: Okay.

ASSEMBLYWOMAN LAMPITT: You stated the fact that there was a spreadsheet, a file that the team put information into. Can you walk us through what type of a file it was? Was it a shared file; in the file, would you be able to know who was that person who put that entry in?

So can you enlighten us a little bit more about that?

MS. HAYNES: So it wasn't like a formal Excel spreadsheet. I think it was just something that was created by the Operations team where, once a person was green-lighted and moving through, and was going to eventually be hired, their name, the Department they were going to, salary was uploaded on that document so that we could keep track, once the letters were to be printed.

So the only people who had access to that were the Operations team and the Personnel team.

ASSEMBLYWOMAN LAMPITT: And the Personnel team as well?

MS. HAYNES: Correct.

ASSEMBLYWOMAN LAMPITT: Okay.

So, again -- so it wasn't an Excel spreadsheet? Was it a Google doc, or what?

MS. HAYNES: I don't think so; it was-- I think it was, maybe, like, some Word doc that was created, where the names could just be uploaded. So-- And it would just continue to-- I'm not technologically up -- (laughter)

ASSEMBLYWOMAN LAMPITT: So was it a shared file?

MS. HAYNES: It was a -- amongst the small group there.

ASSEMBLYWOMAN LAMPITT: So it was a shared file amongst a small group.

MS. HAYNES: Right.

ASSEMBLYWOMAN LAMPITT: So when an entry is made, typically, then, there is an associated person, you know, within the IT world; so much so that you know that if an entry is made, you know who it came from.

MS. HAYNES: Right.

ASSEMBLYWOMAN LAMPITT: Okay. So-- Let me go back. So when you started on this Transition Team -- right? -- who helped you set up your computers?

MS. HAYNES: I believe someone from the Department of Treasury set our computers up.

ASSEMBLYWOMAN LAMPITT: Okay. And so did you have new e-mail addresses?

MS. HAYNES: We had Governor-elect e-mail addresses.

ASSEMBLYWOMAN LAMPITT: Governor-elect e-mail addresses.

And so somebody was tech savvy enough, and they created some sort of a shared file that could then be shared between the Operations team and the Personnel team to import important data; that then, therefore, could be shared amongst just a specific group, right? So at any point in time, within this file, you did not know who uploaded this data, who approved that data?

MS. HAYNES: I did not know-- Are you--

ASSEMBLYWOMAN LAMPITT: I'm asking you, yes.

MS. HAYNES: Oh, no, I knew; it was either Mr. Miller on the Operations team, or it could have been Ms. Scott who uploaded it, or maybe one other person who I may have asked to upload it as well.

ASSEMBLYWOMAN LAMPITT: So these were people who worked for somebody.

MS. HAYNES: They worked for me.

ASSEMBLYWOMAN LAMPITT: Okay, all right.

But the clarity of the data -- meaning, the name of the person -- Mr. Alvarez, Chief of Staff, SDA, and \$140,000 a year -- was uploaded by somebody; as you said before, by either the Operations team or the Personnel team.

MS. HAYNES: The Operations team -- there's one person on Personnel who's working with Operations. So it would have been the Operations team.

ASSEMBLYWOMAN LAMPITT: There's one person-- Say it again.

MS. HAYNES: One person on Personnel, Ms. Scott, was my liaison with Operations. She was running letters; those last few days were really -- like, we were just moving--

ASSEMBLYWOMAN LAMPITT: Crazy.

MS. HAYNES: Yes.

ASSEMBLYWOMAN LAMPITT: Yes.

MS. HAYNES: So she-- You know, I didn't sit near Mr. Miller; so when a letter needed to be printed or something, she would run over and bring it back.

ASSEMBLYWOMAN LAMPITT: Right; but you were taking the information off the spreadsheet and creating your spreadsheet--

MS. HAYNES: Right; it was being populated.

ASSEMBLYWOMAN LAMPITT: --from the spreadsheet, and it was being populated into your document to become a hire letter.

MS. HAYNES: Correct.

ASSEMBLYWOMAN LAMPITT: Okay. So I'm trying to get to the person who actually inputted the information into the shared drive -- okay? -- into the shared document, that would have said, "Hire Mr. Alvarez."

MS. HAYNES: That's not how it would have gone.

Once it was confirmed, I would have that information added to the spreadsheet. So by the very nature of being on a spreadsheet, you were going to be -- you were already hired and you were going to get an offer letter.

ASSEMBLYWOMAN LAMPITT: But you also said, too, Lynn, that the Operations team and the Personnel team were the ones that had access to this spreadsheet, where information was uploaded.

Then you took the information from this uploaded file and you created the hire letter.

MS. HAYNES: I didn't physically create it; the Operations team populated the letter.

ASSEMBLYWOMAN LAMPITT: Okay. So--

MS. HAYNES: It was brought to me for review and signature.

ASSEMBLYWOMAN LAMPITT: Yes.

MS. HAYNES: That's what I--

ASSEMBLYWOMAN LAMPITT: So go back to the Operations team.

MS. HAYNES: Okay.

ASSEMBLYWOMAN LAMPITT: So how would you know -- who was the person on the Operations team who put the information, populated the information into this shared file?

MS. HAYNES: How would I know which one of them did?

ASSEMBLYWOMAN LAMPITT: Right.

MS. HAYNES: I wouldn't; Jillian would bring it back to me, or go to David Miller and he may have printed it out. So--

ASSEMBLYWOMAN LAMPITT: So you wouldn't know which person within the Operations team actually put the actual information into this shared document.

MS. HAYNES: I wouldn't know, but I would review it for accuracy. So--

ASSEMBLYWOMAN LAMPITT: Right, right; I get that.

MS. HAYNES: Yes, okay.

ASSEMBLYWOMAN LAMPITT: Because you're just comparing it from the spreadsheet--

MS. HAYNES: Right.

ASSEMBLYWOMAN LAMPITT: --to your hire letter. I get that.

MS. HAYNES: Correct.

ASSEMBLYWOMAN LAMPITT: I get that.

MS. HAYNES: Okay.

ASSEMBLYWOMAN LAMPITT: What I'm trying to do is get to the understanding of the fact that, you know, IP addresses for every computer are unique, right?

MS. HAYNES: Yes.

ASSEMBLYWOMAN LAMPITT: Your lawyer is nodding. (laughter) IP addresses are unique for every single computer.

MS. COLLART: Right.

ASSEMBLYWOMAN LAMPITT: Right?

And when you create a shared document, even though it is a shared document, when an entry is made, it's documented within the shared document -- okay? -- who is the individual who actually typed in Al Alvarez's name, location, and how much.

MS. HAYNES: It could have either been Mr. Miller or Ms. Scott. I'm not sure who did the letter; I just received them.

ASSEMBLYWOMAN LAMPITT: No, no, no. Go back, Lynn.

MS. HAYNES: Okay.

ASSEMBLYWOMAN LAMPITT: I think your lawyer is understanding where I'm going.

So somebody within the Operations team -- either Mr. Cammarano, Mr. Platkin -- right?

MS. HAYNES: They were not on Operations.

ASSEMBLYWOMAN LAMPITT: Okay.

MS. HAYNES: Operations team is separate; it was just David Miller and Maggie Leuzarder.

ASSEMBLYWOMAN LAMPITT: So that was your Operations team.

MS. HAYNES: Correct.

ASSEMBLYWOMAN LAMPITT: How did they receive the information--

MS. HAYNES: They were--

ASSEMBLYWOMAN LAMPITT: --to be able to input this information?

MS. HAYNES: They received the spreadsheet from the Personnel team--

ASSEMBLYWOMAN LAMPITT: Okay.

MS. HAYNES: --which was me, Mr. Alvarez, and the five others.

ASSEMBLYWOMAN LAMPITT: And the five others were--
Just for clarity.

MS. HAYNES: Azra Baig, Sirfaraz Piracha, Brandon Parrish, and Jillian Scott.

ASSEMBLYWOMAN LAMPITT: So any one of those people within the Personnel team were the people who were putting information into this shared spreadsheet.

MS. HAYNES: They could have been, at any particular time, if I had directed them to.

ASSEMBLYWOMAN LAMPITT: Okay; thank you.

Thank you, Lynn, very much.

MS. HAYNES: You're welcome.

ASSEMBLYWOMAN PINTOR MARIN: I think the last person is Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: I'm last. (laughter) You're lucky. We're winding down.

We've heard a lot of information, which you've all taken in. So I just have one basic question.

You said in your comments, "We shifted from conducting a first interview of individual candidates and focused on preparing résumé binders for each Department, to enable the Cabinet members and their staffs to continue the hiring process post-Transition."

My question is, how was that done? Did you, like-- You said you prepared binders. So did each Department get a binder -- Department meaning, the Department of Health, DEP, Education, Corrections. Did each Department get a binder?

MS. HAYNES: Yes; sometimes they got--

ASSEMBLYMAN JOHNSON: Or two or three binders?

MS. HAYNES: --four or five.

ASSEMBLYMAN JOHNSON: Yes, right, right.

MS. HAYNES: Four or five binders because of the number--

ASSEMBLYMAN JOHNSON: In anticipation of the Commissioner being -- going through the process of being selected by, or voted on by, the Senate, through advise and consent, that this person would now have these names of applicants sitting on his or her desk.

MS. HAYNES: Correct. We wanted to make sure everyone who submitted a résumé was looked at. And whatever Department they were interested in, it would be included in that binder and given to the Cabinet member and their staffs.

ASSEMBLYMAN JOHNSON: And the position that they were seeking to try to get.

MS. HAYNES: Correct.

ASSEMBLYMAN JOHNSON: Okay. So there was the Attorney General, right down through all these Departments.

MS. HAYNES: All of them; correct.

ASSEMBLYMAN JOHNSON: Commissions and--

MS. HAYNES: There were Boards and Commissions. There was--

ASSEMBLYMAN JOHNSON: Authorities--

MS. HAYNES: Yes. On the website where you could upload to the portal, there was a place for Commissions and Boards; as well as Authorities, if you were interested in Authorities.

ASSEMBLYMAN JOHNSON: And that was the Operations team that did that?

MS. HAYNES: That part of it? No, that was-- The portal was just--

ASSEMBLYMAN JOHNSON: No, the part-- Putting together the binders to ship off to the Departments.

MS. HAYNES: No, no, no; just the Personnel team.

ASSEMBLYMAN JOHNSON: That was the Personnel team that put that together.

MS. HAYNES: Correct, correct.

ASSEMBLYMAN JOHNSON: So the Operations team didn't see that at all.

MS. HAYNES: The binders?

ASSEMBLYMAN JOHNSON: No; well, yes.

MS. HAYNES: No, they didn't need to see the binders.

ASSEMBLYMAN JOHNSON: No real need to--

Okay, all right.

That's the only question I actually have. Like I said, all the other questions you've answered for me. So I am done.

Thank you for coming

MS. HAYNES: Thank you.

ASSEMBLYMAN JOHNSON: Madam Chair.

ASSEMBLYWOMAN PINTOR MARIN: Thank you, Ms. Haynes.

Thank you for coming before us today. Thank you for your time and your testimony; we truly appreciate it.

Have a great day.

MS. HAYNES: You too.

ASSEMBLYWOMAN PINTOR MARIN: Thank you.

Next, the Committee calls Ms. Liebermann.

We're just going to do a quick, five-minute break.

(Committee recesses)

(Committee reconvenes)

ASSEMBLYWOMAN PINTOR MARIN: Good afternoon, Ms. Liebermann.

MS. WOZUNK: Good afternoon.

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

MELISSA LIEBERMANN, Esq.: Yes.

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

MS. LIEBERMANN: Yes.

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

MS. LIEBERMANN: Yes.

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

MS. LIEBERMANN: Yes.

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

MATTHEW E. BECK, Esq.: Not at this time; thank you.

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

MS. LIEBERMANN: Yes.

MS. WOZUNK: You have a 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?

MS. LIEBERMANN: Yes.

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

MS. LIEBERMANN: No.

ASSEMBLYWOMAN PINTOR MARIN: Thank you, Ms. Liebermann.

(Assemblywoman Pintor Marin administers oath)

Thank you.

Ms. Liebermann, if you can just state your name for the record; and also your attorney's name as well.

MS. LIEBERMANN: Sure.

My name is Melissa Liebermann; and with me is Matthew Beck.

ASSEMBLYWOMAN PINTOR MARIN: Thank you.

And for today's questioning, we're going to begin with Mr.--

Oh, I'm sorry.

Do you have a statement?

MS. LIEBERMANN: I do have a brief statement.

ASSEMBLYWOMAN PINTOR MARIN: Sure.

Ms. Liebermann, go ahead.

MS. LIEBERMANN: My name is Melissa Liebermann, and I am currently an Assistant Attorney General and, since January 2018, have served as the Chief of Staff for the Department of Law and Public Safety.

I am aware that there has been testimony before this Committee regarding advice I provided to Heather Taylor and the Office of the Governor on March 27, 2018.

Before answering your questions today, I thought it would be helpful for me to briefly provide you with my recollection of the relevant events.

On Thursday March 22, 2018, Heather Taylor called me and informed me that she was calling at the request of Matt Platkin regarding an allegation of impropriety made by Katie Brennan against Al Alvarez.

Ms. Taylor indicated that while both individuals were current State employees, the conduct that was complained of took place prior to their State employment, during a time period that both were working on the Murphy or Governor Campaign.

While I do not remember the exact words that Ms. Taylor used to describe the complained-of conduct, I remember understanding that what was being reported was some type of sexual harassment; and that Ms. Brennan was upset about how Mr. Alvarez had treated her during the time period they were working on the Campaign.

During our call, Ms. Taylor and I discussed whether the State's EEO policy was implicated such that an investigation of the allegations could be conducted. I recall that my initial reaction was that the policy was not implicated because the complaint of conduct took place during the Campaign, which is not State activity.

However, I recall exploring potential jurisdiction by asking Ms. Taylor whether the complained-of misconduct continued into either the gubernatorial Transition or into Ms. Brennan's and Mr. Alvarez's employment as State employees. Ms. Taylor said that it did not.

Despite my initial reaction being that the State's EEO policy was not going to be implicated, I took the issue seriously and told Ms. Taylor that I wanted to speak with our Department's EEO Officer, Jodi Stipick, to discuss the issue. Even though I planned on having a conversation with Ms. Stipick myself, I encouraged Ms. Taylor to contact her directly to discuss the EEO issue.

In the event that the EEO policy did not apply, I also told Ms. Taylor that I would look into whether the State could hire outside counsel to conduct an investigation into the allegations.

Following my conversation with Ms. Taylor, I spoke to Ms. Stipick and discussed with her my conversation with Ms. Taylor. I also learned that Ms. Taylor and Ms. Stipick spoke separately with each other, at some point, about this issue. During my conversation with Ms. Stipick, I recall that she came to the same conclusion that I did: the State EEO policy was not implicated under the facts presented, because the complained-of conduct transpired prior to Ms. Brennan applying for, or becoming, a State employee.

I also looked into whether the State could use public money to hire outside counsel. While I do not recall who in the Division of Law I spoke with, I was told that because the complained-of conduct all took place pre-State employment, hiring outside counsel with State funds was not possible.

After running these two issues down, I called Ms. Taylor back, on March 27, and told her that, unfortunately, the state EEO policy did not apply, and that State resources could not be used to conduct an investigation by private counsel.

That said, I did recommend that Ms. Brennan's allegations be investigated, and suggested that the Campaign hire outside counsel to conduct the investigation.

Finally, I understand questions have been asked about whether I have a relationship with Al Alvarez. The short answer to that question is "no." While I did meet and occasionally interact with Mr. Alvarez when we both worked in the Corzine Administration, I do not recall ever working directly with him, nor did we ever develop a friendship. After the Corzine Administration came to an end, in early 2010, I do not recall seeing or speaking to Mr. Alvarez again until I happened to bump into and say hello to him and his then-boss, Charlie McKenna, at the Governor's budget address in March of 2018.

With that, I would be happy to answer the Committee's questions.

MR. HAYDEN: Thank you, Ms. Liebermann, for your appearance here, and your opening statement.

Could you give us the benefit of your legal background, please, and some of the positions you've held?

MS. LIEBERMANN: Sure.

Upon graduation from law school in 1999, I clerked for an Appellate Division Judge; and then went to work in the Attorney General's Office as a Deputy Attorney General, where I served for approximately three-and-a-half years.

I then went to private practice for a couple of years; and returned to public service, in January of 2006, to serve in the Office of Counsel to Governor Jon Corzine.

I spent two years in the Office of Counsel to the Governor before leaving, in early 2008, to join the newly created Office of the State Comptroller as its Chief of Staff.

I served in the Office of the State Comptroller for the next eight years in various positions, including as Deputy State Comptroller and, for a period of time, in 2015, as Acting State Comptroller.

I left State government for most of 2016; I returned, at the end of 2016, to the Attorney General's Office to serve on the Attorney General's Executive Staff as Counsel.

And, in January of 2018, I became Chief of Staff in the Department.

MR. HAYDEN: I take it from your introductory statement that your involvement in this matter is really between March 22, 2018 and March 27, 2018?

MS. LIEBERMANN: Yes.

MR. HAYDEN: And was the person you interacted with only Heather Taylor, and not Mr. Platkin?

MS. LIEBERMANN: During that time period, that is correct.

MR. HAYDEN: So any discussions on the subject matter of this issue -- it was you and Heather Taylor; and she then passed on any conversations she may or may not have had to Mr. Platkin.

MS. LIEBERMANN: Yes.

MR. HAYDEN: When you were advised of the complaint -- of the information that Mr. Platkin had received about Alvarez and Katie Brennan -- you indicate, "I remember understanding that what was being reported was some type of sexual harassment."

Did anybody tell you that the allegation was sexual assault or rape?

MS. LIEBERMANN: No.

MR. HAYDEN: Would it have made a difference whether the allegation was sexual assault or rape?

MS. LIEBERMANN: If a sexual assault or rape had been reported to me, I believe I would have had a conversation about whether there had been a criminal investigation into the matter. And that was not the conversation that I had.

MR. HAYDEN: And the person who relayed to you that the allegation was about sexual harassment would have been Heather Taylor?

MS. LIEBERMANN: Yes.

MR. HAYDEN: Now, when you indicated that you did an initial analysis as to whether or not the Attorney General's Office should be

involved civilly -- and I agree with you about the side piece, criminally -- but civilly, did you do any legal research?

MR. BECK: I'm sorry, Mr. Hayden. I couldn't hear that. Could you just ask that one more time?

MR. HAYDEN: When you did your initial analysis about a lack of jurisdiction, did you do any research -- legal research with respect to that?

MS. LIEBERMANN: No.

MR. HAYDEN: I take it then that nobody-- Do you know of any precedent or administrative decisions which would have been precedent for you, or was it just logic and syllogistic thinking?

MS. LIEBERMANN: My instinct, as someone who had dealt with the policy for a while, was that we did not have jurisdiction. But the reason that I suggested to Ms. Taylor that she speak to Ms. Stipick -- and that I spoke to our EEO officer, Ms. Stipick -- was because she was more familiar with whether, for example, as you heard, there might have been some sort of decision or administrative precedent that might impact the matter.

MR. HAYDEN: And did Ms. Stipick report to you?

MS. LIEBERMANN: I did have a conversation with her, yes.

MR. HAYDEN: From an organizational point of view?

MS. LIEBERMANN: My apologies -- yes, she does.

MR. HAYDEN: She reports to you. I take it you were doing your due diligence in your asking somebody else, "Do you know how the law applies in connection with this scenario?"

MS. LIEBERMANN: Yes.

MR. HAYDEN: You also discussed, or at least considered, the possibility, of recommending the hiring of outside counsel?

MS. LIEBERMANN: Yes.

MR. HAYDEN: Why was that?

MS. LIEBERMANN: I was looking for a way for the matter and the allegations to be investigated. And when I concluded that our office did not have jurisdiction to look into it, as I just described, the conclusion I came to was that the Campaign -- because the conduct had taken place during the Campaign -- could hire a firm or someone to do an independent investigation.

MR. HAYDEN: But you first looked to see whether the State could hire outside counsel, and it was your conclusion the same logic said that you could not.

MS. LIEBERMANN: Correct.

MR. HAYDEN: Now, with respect to the Campaign investigating this matter, was that partially because, as far as you knew, it occurred during the Campaign?

MS. LIEBERMANN: Yes.

MR. HAYDEN: And were you trying to see if there was some way that this woman could have some kind of justice by having somebody look at the allegation?

MS. LIEBERMANN: Yes. I felt strongly that the allegation should be investigated.

MR. HAYDEN: Why?

MS. LIEBERMANN: I was concerned about what I had been told, and I felt strongly that the matter should be looked at by someone; in

this case, my conclusion was the most appropriate place would be the Campaign.

MR. HAYDEN: And you felt strongly, and you didn't even know that the allegation was rape?

MS. LIEBERMANN: That's correct.

MR. HAYDEN: You were only told it was sexual harassment.

How did you envision, when you recommended that the Campaign conduct an investigation, that this would proceed? What did you contemplate?

MS. LIEBERMANN: I contemplated an internal investigation, as is done from time to time, where an independent firm would be engaged to take statements from witnesses and from Ms. Brennan; and would fact-find and provide its findings to either a Campaign Counsel and, ultimately, to, probably, the Administration to determine whether there was any action that should be taken relative to its findings.

MR. HAYDEN: Was there any consideration given -- and I understand we're looking backwards -- to a hostile workplace analysis, where somebody who was the victim of a rape could have been working in the same workplace, by the alleged rapist?

MS. LIEBERMANN: That was not a discussion that we had, specifically, about a hostile work environment -- Ms. Taylor and I. But I did ask her, during our conversation, whether there was any additional conduct or anything that had happened after the Campaign, either during the Transition or since the two had become State employees. And I was advised there was not.

MR. HAYDEN: I understand, and you told us that. And you may not have thought of everything; but were you advised that the complainant was a Chief of Staff at the HFA (*sic*), and the accused was the Chief of Staff at the SDA, and maybe there's some kind of a hostile workplace environment, even if criminal charges can't be brought?

MS. LIEBERMANN: At some point during my conversations with Ms. Taylor, she did tell me that Ms. Brennan was Chief of Staff at the HMFA and that Mr. Alvarez was the Chief of Staff at SDA. But the notion that Ms. Brennan might have been working in a hostile work environment was not something that was brought to my attention, or something that we discussed as a possibility.

MR. HAYDEN: Given the benefit of hindsight, hypothetically, could you see the possibility that you could have a hostile work environment issue even if you did not have jurisdiction over the original event?

MS. LIEBERMANN: At the time, I asked questions about whether there was additional conduct or facts during her current State employment. But as I just noted, we did not discuss the hostile work environment. And I can certainly see, with the benefit of hindsight, that that inquiry might have been one to make, but it was not done at the time.

MR. HAYDEN: One of the things that was discussed with Ms. Taylor, when she was here -- and she was also very candid in terms of -- was the absence of records. And Ms. Alito asked a lot of questions about it.

Do you know of any records of the transmission of the complaint from Mr. Platkin, to Ms. Taylor, to the Attorney General's

Office, or to the EEO -- or however it goes -- which memorialized that there was a complaint, and that there was a decision as to no jurisdiction?

MS. LIEBERMANN: No, I do not.

MR. HAYDEN: You're aware of the *New Jersey State Model Procedures for Internal Complaints Alleging Discrimination in the Workplace*?

MS. LIEBERMANN: Yes.

MR. HAYDEN: And you were aware that paragraph 7--
Take your time.

MS. LIEBERMANN: Yes.

MR. HAYDEN: --indicates that, "Each State agency shall maintain a written record of a discrimination/harassment complaint received. Written records shall be maintained as confidential records to the extent practicable and appropriate."

MS. LIEBERMANN: Yes.

MR. HAYDEN: And in paragraph 12 -- I won't read the whole thing -- indicates that the State agency "will issue a final letter of determination to both the complainants(s) and the person, against whom the complaint was filed, setting forth the results of the investigation and the right of appeal to the Civil Service Commission, as set" above.

Now, do you know why any such records, consistent with this, don't exist in this case?

MS. LIEBERMANN: So let me answer your question with respect to paragraph 12--

MR. HAYDEN: Sure.

MS. LIEBERMANN: --first, because that's a little simpler.

This paragraph of the policy applies when an investigation is done into a complaint. So our agency, for example, will receive a lot of complaints; and not all of them are the subject of a full investigation. And so in that case, where there is not an investigation, a final determination letter and setting forth the results of that is not issued.

And so in this case, because there was no investigation done, for the reasons we talked about--

MR. HAYDEN: Right.

MS. LIEBERMANN: --paragraph 12 would not have applied in this matter.

MR. HAYDEN: How about paragraph 7?

MS. LIEBERMANN: So with respect to paragraph 7, there was no written record of this matter.

In my view, that's because I did not view this as a complaint under the policy; I viewed it as a discussion about whether this matter -- rather, whether the EEO policy applied to this matter. And so, as such, I did not view it as a formal complaint. And I think that's one reason why you would not have found a written record of it in our files.

MR. HAYDEN: And let me argue with you -- or push you just a little bit on that; and maybe I don't understand the law, so you can correct me.

But when Katie Brennan went to Matt Platkin over dinner and complained that she was sexually assaulted, and complained how difficult it was, even during the hiring process, to be around a person; and may have even talked working, forward. In the real world, that was a complaint by Katie Brennan to somebody in the State, wasn't it?

MS. LIEBERMANN: On the facts you just described, I would say that probably was.

MR. HAYDEN: And you -- in fairness to you, you weren't advised of the full facts. But we've had testimony about a woman who was trying to get her voice -- and somebody would hear it; and she made that complaint. And because of that Mr. Platkin, then, trying to do what he thought was appropriate, called Heather Taylor; Heather Taylor reached out for you; you reached out to Jodi Stipick; and perhaps stuff was lost in translation as it washed down the stream, in fairness to everybody.

But to go back to Katie Brennan -- when she went out with Mr. Platkin, that was really a complaint.

MS. LIEBERMANN: For purposes of this policy? It contemplates that complaints are maintained that are received by the agency. And so, I certainly understand, on the facts you just described, that that would seem to constitute a complaint for these purposes, the way it came into our Department and the discussion that we had. I don't think that we viewed it as a complaint under the policy. But I understand what you're suggesting, Mr. Hayden.

MR. HAYDEN: I very much appreciate your candor. You have not tried to, in effect, be argumentative or protected.

So my last question is, the only records we have of the interaction of Platkin, to Taylor, to the Attorney General's Office, are Heather Taylor's handwritten notes. Shouldn't there be more in writing than that?

MS. LIEBERMANN: I can't speak-- Those are, as I understand it, Ms. Taylor's notes. I don't have notes; it's not my typical

practice to take notes of my telephone conversations. And our Department has 8,000 employees, and it's just a lot of fast-moving items. But I certainly can appreciate that it would be easier if there were notes or writings.

MR. HAYDEN: And I'm not even talking about notes. I understand supervisory-- You can't take notes at every meeting; that's a little bit skewed.

What I mean is, shouldn't there be some written record that Taylor goes to you, and you go to Stipick, and come back; and you give some advice, and you close the file, you made a decision -- there's no jurisdiction. Shouldn't there be more memorializing what you were doing, moving fast, than we have here?

MS. LIEBERMANN: This was a quite unusual situation. I think that maybe a relative fact -- our Department EEO handles our Department; we also serve that function for the Governor's Office, to some extent. Getting a call like this about an employee of a State Authority, from conduct that was described as being historic during the Campaign, was a little atypical. And so I can appreciate what you're suggesting, and I'm not quarreling with it. But this was not a typical referral to our Office, because of who it was involving.

MR. HAYDEN: Thank you for your candor.

MS. LIEBERMANN: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Mr. Critchley.

MR. CRITCHLEY: Good afternoon, Ms. Liebermann.

MS. LIEBERMANN: Hi.

MR. CRITCHLEY: Hi.

Now, you are the Chief of Staff to the Attorney General?

MS. LIEBERMANN: Yes.

MR. CRITCHLEY: And is he the person you report to?

MS. LIEBERMANN: Yes.

MR. CRITCHLEY: During the period of time when you're having these discussions with either Jodi Stipick and/or Heather Taylor, did you consult with the Attorney General about it?

MS. LIEBERMANN: I did have a couple of brief conversations with some grouping of my most senior Executive Staff, both after I received the call from Ms. Taylor and before I returned her phone call.

One of those or both of those conversations I believe included the Attorney General; but I can't recall specifically what I exactly told him and what our discussion was. It was quite a while ago.

MR. CRITCHLEY: And you indicated that this was not a typical complaint, considering the people involved in the Administration, correct?

MS. LIEBERMANN: Correct.

MR. CRITCHLEY: When you spoke to the Attorney General about this matter, did you take notes?

MS. LIEBERMANN: I do not have any notes relating to this matter; so the answer to that would be "no."

MR. CRITCHLEY: Fair enough.

Do you recall what you said to him?

MS. LIEBERMANN: I don't recall specifically; they were very brief conversations just recounting the call I had received and my plan to look into it.

MR. CRITCHLEY: Do you recall what the Attorney General said to you?

MS. LIEBERMANN: I do not specifically recall, no.

MR. CRITCHLEY: How many conversations did you have with the Attorney General about this matter?

MS. LIEBERMANN: I had one-- I had two conversations with a grouping of him, our First Assistant, and the Executive Assistant Attorney General. Some grouping of the three of them were in the conversation I had right after I received the call, and before I returned Ms. Taylor's call. But I just don't recall specifically when I spoke to him in particular.

MR. CRITCHLEY: Okay, fair enough.

The time span -- what time span are we talking about between your discussions with the Attorney General about this matter?

MS. LIEBERMANN: I received the call from Ms. Taylor on March 22. I believe, at some point soon thereafter, I talked with the group of my staff that I just described, including the Attorney General. And I would have circled back to that same group before I returned Ms. Taylor's call on March 27.

MR. CRITCHLEY: Now, this grouping includes the Attorney General, and who else?

MS. LIEBERMANN: The First Assistant Attorney General and the Executive Assistant Attorney General.

MR. CRITCHLEY: And who would they be?

MS. LIEBERMANN: The First Assistant Attorney General is Jennifer Davenport--

MR. CRITCHLEY: Okay.

MS. LIEBERMANN: --and the Executive Assistant Attorney General is Andrew Bruck.

MR. CRITCHLEY: Andrew Bruck.

Now, when you have -- and you used the term *groupings*--

MS. LIEBERMANN: I'm sorry, Mr. Critchley, can you repeat that? I apologize.

MR. CRITCHLEY: Did you have something to say, Matt?

MR. BECK: No, thank you.

MR. CRITCHLEY: You indicated you had these conversations. Was there an agenda item -- can you let me finish please -- when you had these meetings, was there an agenda listed? Was this one of the agenda items?

MS. LIEBERMANN: No. The group of folks I just described -- we would be speaking all day, informally, on various matters. We all work closely together in the Executive Offices of the Attorney General, and this would not have been a formal agenda item or meeting item. It was our practice to sort of talk as needed during the day, depending upon what was going on.

MR. CRITCHLEY: Fair enough.

So we know you discussed this with the Attorney General, the complaint. Did you discuss it with the First Assistant Attorney General?

MS. LIEBERMANN: I did have some brief conversation with some grouping of them. But I just don't remember specifically who was in what discussion.

MR. CRITCHLEY: Okay. Do you recall the conversations you had about this matter with the First Assistant Attorney General?

MS. LIEBERMANN: I did have a brief conversation that involved her in that time period

MR. CRITCHLEY: Do you recall what you said?

MS. LIEBERMANN: I don't recall specifically what I said, other than that I described the call I had received from the Governor's Office.

MR. CRITCHLEY: Do you recall what the First Assistant Attorney General said in response to whatever you said?

MS. LIEBERMANN: I do not.

MR. CRITCHLEY: Now, the next person you mentioned was the Executive Assistant. Do you recall what you said to the Executive Assistant about this matter?

MS. LIEBERMANN: Not specifically, other than a description of the allegations that had been described to me.

MR. CRITCHLEY: Did you speak with the First (*sic*) Assistant Attorney General more than once about this matter?

Take your time.

MR. BECK: If I may, Mr. Critchley.

(confers with witness)

MS. LIEBERMANN: I just want to clarify that.

MR. CRITCHLEY: Sure.

MS. LIEBERMANN: So after I received the call from Ms. Taylor, I had a very brief conversation with some group of those three individuals -- the Attorney General and the two other senior folks in my office. And before I returned Ms. Taylor's call, I spoke to some group of the

three of them. It was a group discussion, but I just can't remember exactly who was in what discussion.

So I just want to make that clear.

MR. CRITCHLEY: It's perfectly clear.

MS. LIEBERMANN: Okay.

MR. CRITCHLEY: So let me just see if I -- make certain.

There were discussions; involved in those discussions were the three individuals who you just mentioned. But you don't know exactly when or specifically what was said, at any one time, to anyone -- those three.

MS. LIEBERMANN: That's correct.

MR. CRITCHLEY: Now, do you know if any one of the three who you were having conversations with -- did they take notes about what you were telling them in connection with the information received from Heather Taylor?

MS. LIEBERMANN: I don't believe so.

MR. CRITCHLEY: And how many-- I just want to clarify this. You received the call from Ms. Taylor on March 26; is that it -- or March 27?

MS. LIEBERMANN: March 22.

MR. CRITCHLEY: I'm sorry?

MS. LIEBERMANN: March 22.

MR. CRITCHLEY: March 22; 2-2?

MS. LIEBERMANN: Yes; 2-2.

MR. CRITCHLEY: Okay; 2-2.

And when is the last time you had any involvement with this matter, in terms of a time frame, post-March 22?

MS. LIEBERMANN: March 27, when I returned Ms. Taylor's phone call.

MR. CRITCHLEY: So there would be a five-day span; six-day.

MS. LIEBERMANN: Yes, yes.

MR. CRITCHLEY: Now, during that five- or six-day span, is it safe to say there were multiple conversations with this grouping, during that period of time, about what Heather Taylor had said?

MS. LIEBERMANN: It was two conversations -- one very brief after I received the call; and a very brief conversation before I returned Ms. Taylor's phone call on March 27 and gave her the advice.

MR. CRITCHLEY: Okay; so after March 22, you had a discussion with this grouping. And then before you returned the call to Ms. Taylor, you had another discussion with this grouping about what Ms. Taylor had told you, correct?

MS. LIEBERMANN: Yes, with some group of the three individuals I described.

MR. CRITCHLEY: Without recalling exactly what was said, do you recall if any of these groupings gave you advice as to what you should say or do in response to Ms. Taylor?

MS. LIEBERMANN: No. As I recall, I described, in the initial conversation, my plan to look into the matter in the Department; and the couple of steps I just described -- talking to our EEO Department Officer, and looking at the matter of outside counsel. And then, before I returned Ms. Taylor's call, describing that my instincts were confirmed by those two

conversations, and that I did not believe the Department had a jurisdictional role.

But it was me, sort of, delivering the results; we did not have any lengthy discussion about it.

MR. CRITCHLEY: Do you think it was unusual for the Chief of Staff of the Attorney General's Office to be involved in this type of matter? I mean, congratulations; you're a high-ranking official. Is this the type of matter that would rise to the level -- or what caused it to rise to such a high level, where the Chief of Staff is talking about it, as well as the three top-ranking members of the Attorney General's Office?

MS. LIEBERMANN: This was early in the new Governor's Administration; and we were fielding a lot of phone calls from the Governor's Office, in this time period, as the new Administration was being formed.

And so it was just one of a lot of different matters that were being -- I was being contacted about, in those early couple of months. Similarly, in this time period, I was reporting most of what I was being called about by the Governor's Office to the Attorney General, and the First Assistant, and the Executive Assistant, because it was a new Administration. And out of an abundance of caution, until we sort of got our bearings about how the office was going to be run, it felt like the appropriate thing to let them know we were getting those kinds of calls from the Governor's Office.

MR. CRITCHLEY: Fair enough.

Now, I'm going to ask you-- And there's going to be a compound question here.

The first part of it: Between March 22 and March 27, do you know if anyone of the three individuals -- anyone of the four individuals; I'm including you -- had any conversations with the Governor's Office about this matter?

MS. LIEBERMANN: As I mentioned in my opening, Ms. Stipick, our EEO Director-- I'm sorry, did you -- you asked about me and the other three. I apologize.

No, I do not believe anybody other than me, of those four you described, spoke to anyone in the Governor's Office about the matter.

MR. CRITCHLEY: Now, I'm not going to push you. You said, "I don't believe." That has a touch of uncertainty into it, and I'm not putting words in your mouth. Did you have-- Do you know if anybody had any conversation -- of those four individuals -- with the Governor's Office, other than you and Ms. Taylor?

MS. LIEBERMANN: I have no reason to believe that; I believe that nobody did. I have no reason to believe that anybody but me had those conversations.

MR. CRITCHLEY: Okay. Post-March 27, do you know if anybody had any conversations with the Governor's Office, of those three or four people, about what Ms. Taylor and you had spoken about?

MS. LIEBERMANN: I'm not aware of any conversations with the Governor's Office about this matter, until the October period, when the *Wall Street Journal* began to do its investigative reporting.

MR. CRITCHLEY: Fair enough.

Was there any type of discussion -- gossip around the water cooler -- post-March 27, between March 27 and October 2, when the

inquiries come -- about the *Wall Street Journal* making requests for information? Was there any type of discussion about this going on?

MS. LIEBERMANN: I do not remember hearing anything about this after that March 27 time.

MR. CRITCHLEY: Okay; and I'm just going to follow up. So you don't recall having any conversations with the Attorney General, or any of those two other individuals, post-March 27, up until the *Wall Street Journal*, about this matter?

MS. LIEBERMANN: That's correct.

MR. CRITCHLEY: Okay.

Now, in Ms. Taylor's notes -- and she talks about her conversation with you in a very-- Now, she has notes, and she basically says, "Better course recommendation. Campaign could hire someone to do an investigation."

Do we have a copy of that I can show the witness?

And for the record, the witness is being shown G-a lot of zeroes-288. (laughter)

And I'm referring, Ms. Liebermann, to the section that refers to "Calls with Melissa L., 3/27/18"

Take your time, and just let me know when you're finished.

MS. LIEBERMANN: Okay.

MR. CRITCHLEY: Have you ever seen these notes before?

MS. LIEBERMANN: I have seen them.

MR. CRITCHLEY: I'm sorry?

MS. LIEBERMANN: Yes, I have seen them.

MR. CRITCHLEY: When did you see them, other than with Counsel?

MR. BECK: Other than with Counsel, is the question.
(laughter)

MS. LIEBERMANN: Other than with Counsel, I have not seen these notes.

MR. CRITCHLEY: Okay; fair enough.

Now, it says here, in much as what you said in your statement, you did make a recommendation that the Campaign hire someone to do an investigation. And she has written out "Better course recommendation."

Did you use, in substance, the words -- that the "Better course would be to have the Campaign hire someone to do an investigation," and that was your recommendation?

MS. LIEBERMANN: I don't remember using the phrase "better course;" but I did recommend that the Campaign hire someone to do an investigation.

MR. CRITCHLEY: Now, that's -- in terms of recommendations, that's a fairly significant recommendation. That's not an off-the-cuff-type of recommendation that sometimes we have to make during the day. Would you agree with that?

MS. LIEBERMANN: Yes.

MR. CRITCHLEY: Now, when you made that recommendation -- which is kind of significant, considering it's coming from a high-ranking member of the Attorney General's Office to the Ethics Officer of the Governor's Office -- did you consult with anyone in the Attorney General's Office before you made that recommendation?

MS. LIEBERMANN: As I mentioned earlier, I did discuss with the small group of my senior team that what I concluded was our best recommendation, so that the allegations could be addressed and investigated. But beyond that, I did not have any other discussions.

MR. CRITCHLEY: Fair enough.

So at least, now, we have-- Understandable, because you have this to look to. Now your recollection has been refreshed; you and this grouping that you described discussed making a recommendation to the Governor's Office, to Heather Taylor, to have the Campaign conduct an internal investigation, correct?

MS. LIEBERMANN: I'm sorry, could you repeat that?

MR. CRITCHLEY: Yes. Let me see if I can break this down. I see Matt ready to hit that button. (laughter)

MR. BECK: For the record, I already hit it. (laughter)

MR. CRITCHLEY: Okay. You have to take it off now, though.

A recommendation was made by a high-ranking member of the Attorney General's Office to Heather Taylor to tell the Campaign that they should conduct an internal investigation regarding the complaints made by Katie Brennan, correct?

MS. LIEBERMANN: Yes.

MR. CRITCHLEY: I would imagine when you made that recommendation, you didn't fly solo.

MS. LIEBERMANN: That's correct.

MR. CRITCHLEY: Who else participated in making that recommendation from the Attorney General's Office?

MS. LIEBERMANN: As I just described it, when I concluded that we did not have the EEO jurisdiction, based on the facts I knew, and that we could not hire outside counsel in the Department to do an investigation with State resources, I discussed -- before returning Ms. Taylor's call and advising her of this recommendation -- I discussed that briefly with some combination of the First Assistant, Executive Assistant, and Attorney General.

That was the extent of the conversations that I had in the office about this.

MR. CRITCHLEY: Whose recommendation was it that an investigation should be conducted by the Campaign into the allegations raised by Katie Brennan against Mr. Alvarez?

MS. LIEBERMANN: It was mine.

MR. CRITCHLEY: In conjunction with everyone else?

MS. LIEBERMANN: Yes; I recommended a course, and advised them of it before I returned the phone call. But it was certainly my recommendation and suggestion.

MR. CRITCHLEY: Fair enough.

Who was present when you made that recommendation?

MR. BECK: Mr. Critchley, are you referring to her conversation with Ms. Taylor when she gave the recommendation?

MR. CRITCHLEY: No, I-- When you made the-- Because you said, during the discussion with the groupings -- you used the term *groupings* -- who in that grouping was present when you made the recommendation that the Campaign should conduct its own investigation?

MS. LIEBERMANN: I don't remember which of the three individuals I described -- the Attorney General and the two other most senior officials in my Department -- were in that discussion. Some grouping of the three of them. But I can't specifically recall who was there.

MR. CRITCHLEY: Fair enough.

And just picking up Mr. Hayden-- I mean, that was -- my words; you may disagree -- a rather consequential discussion amongst the highest ranking members of the Attorney General's Office, making a rather significant recommendation; and there's no recordation of what was said, what it was based upon. Do you find that a little unusual?

MS. LIEBERMANN: It is not, in the way that our Department operates on a daily basis, with both -- a lot of incoming calls from the Governor's Office, as well as a Department of 8,000 people to run. It's not inconsistent with the way we operate, just because of the volume of work that we -- in matters that we deal with on a daily basis.

MR. CRITCHLEY: That's totally understandable, and I understand it.

But there are sometimes you get information and requests that stop the train; everything stops. Here you have information that one high-ranking member of the Administration has accused another high-ranking member of the Administration -- Mr. Alvarez -- of some sort of egregious conduct. And when you get to that level, do you think there should be some recordation kept about what's going on, so that if anybody has to review your decision, or anyone else's decision, they have a basis to evaluate what took place and what is appropriate?

MS. LIEBERMANN: It was not my typical practice at the time, but I can't quarrel with the notion that it would be a good step to take. I don't disagree with that characterization at all.

MR. CRITCHLEY: And when you make an opinion such as that, as a lawyer, we, as lawyers try to have an opinion based upon a fairly well-informed basis, factually, correct?

MS. LIEBERMANN: Yes.

MR. CRITCHLEY: And did you know that -- if you look at -- you don't have to, but you can look at Ms. Heather Taylor's notes of March 22. Did you know that Matt Platkin had told her, about the time, that he was conflicted?

MS. LIEBERMANN: No, I did not know that.

MR. CRITCHLEY: You were not aware of that?

Because now, this matter is being referred to you, through Heather Taylor, as a result of information that came from her superior, Matt Platkin, correct?

MS. LIEBERMANN: Yes.

MR. CRITCHLEY: And as far as you know, Matt Platkin -- my words, not yours -- is a stranger to the facts. He's just reporting something, correct?

That's an unfair question; let me take it back.

Would you have wanted to have known that Matt Platkin had told Heather Taylor, at this time, when she's calling -- at or about the time she's calling you up, that he felt conflicted?

MS. LIEBERMANN: At the time of our inquiry, around jurisdiction? It wouldn't have been something specifically relevant to that. But it certainly is a fact of note, I would say.

MR. CRITCHLEY: I'm talking about when you made a recommendation for the Campaign to conduct an investigation on itself.

MS. LIEBERMANN: It might have been.

MR. CRITCHLEY: And do you know, and you put in your statement, if you look at the first page, it said that, "On March 22, 2018, Heather Taylor called me and informed me that she was calling at the request of Matt Platkin regarding an allegation of impropriety made by Katie Brennan against Al Alvarez."

And you, later on, state that you thought it was some type of sexual harassment.

And then Mr. Hayden asked you before, "So you had no idea that--" Because the statement, which is obviously correct -- allegation of impropriety; that's absolutely correct -- but there are degrees of impropriety. There's a bad joke impropriety at one end, and there's a sexual assault impropriety at the other end. And sometimes, based upon the nature of the allegation, they are treated differently, correct?

MS. LIEBERMANN: Absolutely.

MR. CRITCHLEY: And in terms of the allegation that Ms. Brennan made here, would you have wanted to have known that it was a sexual assault?

MS. LIEBERMANN: Yes.

MR. CRITCHLEY: Were you told that it was a sexual assault?

MS. LIEBERMANN: I do not recall being told that it was a sexual assault, no.

MR. CRITCHLEY: Did you ask Ms. Taylor, "Give me the facts upon which this matter is based. Give me as much information as you have"?

MS. LIEBERMANN: I don't recall delving deeply into the facts of what had transpired; because I was focused most closely on the fact that the conduct she was reporting had taken place during the Campaign, well before the State -- rather, well before they had become State employees.

MR. CRITCHLEY: Did you know, for example, in addition to Mr. Platkin's saying he's conflicted because of the relationship -- although he didn't mention this -- the allegation of sexual impropriety occurred following an event at which he attended, meaning Mr. Platkin. Did you know that?

MS. LIEBERMANN: I did not know that.

MR. CRITCHLEY: In effect, that Mr. Platkin was, potentially, a witness to the alleged -- in some way, a witness to the alleged impropriety that took place. You did not know that?

MS. LIEBERMANN: I did not.

MR. CRITCHLEY: Ms. Brennan has testified that she received a "confirmation call" from someone at the Attorney General's Office, in which she was asked to confirm the information that Platkin relayed to Heather Taylor. But she does not recall being asked any questions about her then-current work situation.

Do you know who made that call from the Attorney General's Office to Ms. Brennan, asking about details?

MS. LIEBERMANN: I'm not aware of anyone from our Office having reached out to Ms. Brennan. I don't know who that would be.

MR. CRITCHLEY: Did you ever ask, or did you ever find out, if Ms. Stipick reached out? I'm just throwing that out -- maybe, could that refresh your recollection at all?

MS. LIEBERMANN: I'm not aware of Ms. Stipick calling Ms. Brennan either.

MR. CRITCHLEY: Okay.

Now, you made that recommendation that they conduct an investigation. And I'm not-- And you made the recommendation not solo; you consulted with the grouping -- and I'm not suggesting who, what-- But there was consultation with others. My question to you is, why did you recommend that they conduct an investigation?

MS. LIEBERMANN: I was concerned about the allegations that had been described to me -- my understanding of them at the time. And I felt that the way to make sure that they were looked at and received proper attention was to have an investigation done by the entity that I thought was best suited to do that, because of the timing of the conduct and my understanding of the conduct.

My background is in fact-finding and investigative work; and so my instinct is always to do that, and fact-find.

MR. CRITCHLEY: That's good instincts.

Now, you used the word *concerned*; you were concerned about the allegations so much that you suggested that they conduct an investigation on themselves -- the Campaign.

MS. LIEBERMANN: Yes.

MR. CRITCHLEY: And it's coming from a high-ranking member of the Attorney General's Office, after consultation with other high-ranking members of the Attorney General's Office, correct?

MS. LIEBERMANN: Yes.

MR. CRITCHLEY: So when you gave that recommendation, it was not a flip recommendation; it was a very serious recommendation, correct?

MS. LIEBERMANN: That is correct.

MR. CRITCHLEY: And you expected that it be taken seriously, correct?

MS. LIEBERMANN: Yes.

MR. CRITCHLEY: Are you concerned that no one took that recommendation seriously; no one conducted an investigation of the Campaign?

MS. LIEBERMANN: Yes.

MR. CRITCHLEY: I have nothing further.

Oh, I have one follow-up.

There's a document -- it was provided by Mr. Beck -- OAG-009. Do you have that please, ma'am?

MR. BECK: Just give us one second, Mr. Critchley.

MR. CRITCHLEY: Take your time.

MR. BECK: We have it in front of us.

MR. CRITCHLEY: And for the record, Counsel, Mr. Beck, was gracious enough to provide the Committee this information pursuant to our request, and I thank you for it.

Now, this is an e-mail from Sharon Lauchaire, who is identified as Director of Communications, Office of the Attorney General. And it was sent October 10, 2018, 2:55 p.m., to Kate King. Subject: Revised statement.

It reads, "We can confirm that the Governor's Office conveyed information to the Attorney General's Office regarding Mr. Alvarez. Beyond that, we cannot comment on the specifics of the information."

Can you tell us, or give us any enlightenment, as to what this document refers to -- this e-mail?

MS. LIEBERMANN: Let me just take one moment

MR. CRITCHLEY: Take your time.

(witness confers with Counsel)

MS. LIEBERMANN: This is our Communications Director providing an on-the-record statement to Kate King, the reporter from the *Wall Street Journal*, who was investigating the matter between Ms. Brennan and Mr. Alvarez.

MR. CRITCHLEY: Okay; you cannot add any color to that, can you?

MS. LIEBERMANN: No.

MR. CRITCHLEY: Thank you very much.

Thank you; I have nothing further.

MS. LIEBERMANN: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Does any Committee member have a question?

Senator Corrado.

SENATOR CORRADO: Ms. Liebermann, I'm confused.

When Heather Taylor testified, she said that her responsibility was to refer EEO matters to the appropriate person. Are you the EEO Officer?

MS. LIEBERMANN: I am not.

SENATOR CORRADO: So why did she refer this to you?

MS. LIEBERMANN: I also -- I serve as the liaison to the Governor's Office on various matters. And as my statement noted, she indicated when she called me that Mr. Platkin had asked her to give me a call about the matter. I did, from time to time, speak to Mr. Platkin about various matters in my role as a liaison to the Governor's Office. I mean, it would be speculation for me to say exactly why, but that is my best guess, that I'm probably not supposed to be making here. (laughter)

SENATOR CORRADO: Did you discuss this with Mr. Platkin?

MS. LIEBERMANN: I did not discuss it with Mr. Platkin.

SENATOR CORRADO: When you were given the information that you were given, at what point did you bring Jodi Stipick in, who was the EEO Officer?

MS. LIEBERMANN: Relatively quickly, after I spoke with Ms. Taylor I did call Ms. Stipick, our EEO Officer, to discuss the matter.

SENATOR CORRADO: So you considered that there was a possibility that this was an EEO matter.

MS. LIEBERMANN: Yes. I wanted to discuss with Ms. Stipick my instinct that we probably did not have jurisdiction under the policy. But I wanted to discuss that with her, and not make that determination on my own.

SENATOR CORRADO: When you talk about *jurisdiction*, we're talking about Katie Brennan, who made the complaint to Matt Platkin, who referred it to Heather Taylor, who called you. Why wasn't this referred to the EEO Officer in the New Jersey Housing and Mortgage Finance Agency? Was that ever discussed?

MS. LIEBERMANN: It was not something that was discussed at the time, but it is something I have thought about. But that was not the step that was taken at the time.

SENATOR CORRADO: Do you normally get involved in EEO matters from the Governor's Office?

MS. LIEBERMANN: My role in the Department is as -- I oversee our EEO Office, and I am the Attorney General's designee for final determinations of investigations. That is my role, typically, in EEO. So I do oversee our Office.

Our EEO Office has provided services, in this area, for EEO matters to the Governor's Office over the last few years.

SENATOR CORRADO: Was this how you normally-- Would you consider this a normal -- how it was handled -- a normal manner? How many times did Heather Taylor call you directly instead of Jodi Stipick?

MS. LIEBERMANN: This is the only time I can remember Ms. Taylor calling me about an EEO matter. I have spoken to her in other context about other matters, in my tenure, in this role.

SENATOR CORRADO: Do you think it was unusual that she was bypassing the EEO Officer?

MS. LIEBERMANN: At the time, I did not, because it was -- the call was in the vein of, "We have this matter that's been reported to the Chief Counsel, and we wanted to see what your office could do about it, including EEO as a possibility."

SENATOR CORRADO: Knowing what you know now, are you troubled that you were told it was sexual harassment, which is quite different than a sexual assault allegation?

MS. LIEBERMANN: I think -- I can't speculate about why my understanding was different. I know what my understanding of the conversation is, and I by no means want to imply that there was an intentional misreporting of it. It just -- I had a different understanding from that conversation then what we now know -- I now know to be the facts of Ms. Brennan's allegations.

SENATOR CORRADO: And who did you talk to in the Governor's Office besides Heather Taylor?

MS. LIEBERMANN: On other matters?

SENATOR CORRADO: On this matter.

MS. LIEBERMANN: Just Ms. Taylor.

SENATOR CORRADO: Is it normal that you don't talk to the complainant, who was Katie Brennan?

MS. LIEBERMANN: When a complaint is received by our EEO Office, certainly they will speak to the complainant. In this situation, we were determining whether we thought that the Department had jurisdiction; and so that is why there was not a call made to Ms. Brennan.

SENATOR CORRADO: So to me, since Ms. Brennan was the one who had made the allegation to Mr. Platkin and told him what had happened, that would have been the first phone call to find out what happened. So I don't understand why that wasn't done. Can you explain to me why it wasn't done?

MS. LIEBERMANN: At the time, with the information I had -- which was describing historical Campaign conduct that did not trail into either the Transition or State activity, as I was told -- it did not seem to warrant that direct phone call, because the conclusion had been non-jurisdiction. That was the decision that I made at the time, based on the information I had.

SENATOR CORRADO: So while the question of jurisdiction focused on the Campaign, how did it address the fact that they were both State employees at the time you got the phone call in March of 2018?

MS. LIEBERMANN: The information, as reported to me, was not around her current State employment; it was around what had happened in the Campaign. Certainly, with the benefit of hindsight, and all the information we know now, it might have been an inquiry that should have been made. But at the time, based on the analysis we had done of the jurisdiction issues, we didn't think it was warranted.

SENATOR CORRADO: When Ms. Taylor testified, she indicated that she (*sic*) didn't want Jodi Stipick talking to Ms. Brennan. Do you know why she would have said that?

MS. LIEBERMANN: I'm not familiar-- I don't know; I don't know.

SENATOR CORRADO: Did you direct Jodi Stipick not to speak to anyone?

MS. LIEBERMANN: I did not.

SENATOR CORRADO: You testified earlier that you had conversations with senior-level employees, including the AG. Do you know if our AG ever spoke with Matt Platkin on this matter?

MS. LIEBERMANN: I don't know for sure, but I don't have any reason to believe that's the case.

SENATOR CORRADO: When the allegation -- when the complaint was referred to the Prosecutor's Office, did anybody at any time ever look at this as if it was a criminal allegation to be looked into?

MR. BECK: I'm sorry; I didn't hear -- I didn't understand the question. Could you please repeat that? I apologize.

SENATOR CORRADO: So a phone call was made to Ms. Liebermann by Heather Taylor, talking about an incident that had happened in April of 2017. Did anyone in the AG's Office think that, maybe, this was a criminal matter that was being referred?

MS. LIEBERMANN: At the time, my understanding was that it was a sexual harassment, and not a potential criminal assault. And so, at the time, the answer was "no."

SENATOR CORRADO: At any point, did anybody in the AG's Office get more information on what had actually happened, other than Ms. Taylor's phone call?

MS. LIEBERMANN: Not during that March time period, no.

SENATOR CORRADO: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Senator Oroho.

SENATOR OROHO: Yes, just one from the--

Thank you; thank you, Madam Chair.

And thank you very much for being here.

Just one question. You had mentioned, in your mind, you had gotten the concept that it was *sexual harassment*, as opposed to *sexual assault*.

Now, you just mentioned that you didn't think there was any intention or anything like that. Had somebody mentioned to you that it was sexual assault or rape, in your mind that would have conjured about something completely different, correct?

MS. LIEBERMANN: Yes.

SENATOR OROHO: Okay; thank you.

ASSEMBLYWOMAN PINTOR MARIN: Any further questions?

SENATOR OROHO: No; sorry, Madam Chair.

ASSEMBLYWOMAN PINTOR MARIN: Ms. Liebermann, thank you very much for coming today. We appreciate your testimony, and we appreciate you coming.

MS. LIEBERMANN: Thank you.

ASSEMBLYWOMAN PINTOR MARIN: The Committee will adjourn until our next date, which is to be determined.

So thank you very much, everyone, for coming today.

(MEETING CONCLUDED)