

# *Committee Meeting*

of

## NEW JERSEY LEGISLATIVE SELECT COMMITTEE ON INVESTIGATION

*“The testimony of Kevin O’Dowd, Esq., concerning the committee’s investigation into all aspects of the finances, operations, and management of the Port Authority of New York and New Jersey, and any other matter raising concerns about abuse of government power or an attempt to conceal an abuse of government power, including, but not limited to, the reassignment of access lanes in Fort Lee, New Jersey, to the George Washington Bridge”*

**LOCATION:** Committee Room 11  
State House Annex  
Trenton, New Jersey

**DATE:** June 9, 2014  
10:30 a.m.

### **MEMBERS OF COMMITTEE PRESENT:**

Senator Loretta Weinberg, Co-Chair  
Assemblyman John S. Wisniewski, Co-Chair  
Senator Nia H. Gill  
Senator Linda R. Greenstein  
Senator Kevin J. O’Toole  
Assemblywoman Marlene Caride  
Assemblyman Louis D. Greenwald  
Assemblywoman Valerie Vainieri Huttle  
Assemblyman Michael Patrick Carroll  
Assemblywoman Amy H. Handlin  
Assemblywoman Holly T. Schepisi



### **ALSO PRESENT**

Philip M. Mersinger  
Michael R. Molimock  
Office of Legislative Services  
Committee Aides

Francisco Maldonado  
Senate Majority  
Kate McDonnell  
Assembly Majority  
Committee Aides

Frank Dominguez  
Senate Republican  
Keith A Loughlin  
Assembly Republican  
Committee Aides

**Meeting Recorded and Transcribed by**  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey



LORETTA WEINBERG  
Co-Chair

JOHN S. WISNIEWSKI  
Co-Chair

SENATE

NIA H. GILL  
LINDA R. GREENSTEIN  
KEVIN J. O'TOOLE

ASSEMBLY

MARLENE CARIDE  
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**New Jersey State Legislature**  
**NEW JERSEY LEGISLATIVE SELECT COMMITTEE**  
**ON INVESTIGATION**  
**STATE HOUSE ANNEX**  
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**COMMITTEE NOTICE**

**TO: MEMBERS OF THE NEW JERSEY LEGISLATIVE SELECT COMMITTEE ON INVESTIGATION**

**FROM: SENATOR LORETTA WEINBERG, CO-CHAIR AND ASSEMBLYMAN JOHN S. WISNIEWSKI, CO-CHAIR**

**SUBJECT: COMMITTEE MEETING - JUNE 9, 2014**

*The public may address comments and questions to Michael R. Molimock, Philip M. Mersinger Committee Aides, or make bill status and scheduling inquiries to Kimberly Johnson, Secretary, at (609)847-3840, fax (609)292-0561, or e-mail: OLSAideLSI@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.*

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**The New Jersey Legislative Select Committee on Investigation will meet on Monday, June 9, 2014 at 10:30 AM in Committee Room 11, 4th Floor, State House Annex, Trenton, New Jersey.**

The committee has subpoenaed Kevin O'Dowd to testify before the committee concerning the committee's investigation into all aspects of the finances, operations, and management of the Port Authority of New York and New Jersey and any other matter raising concerns about abuse of government power or an attempt to conceal an abuse of government power, including, but not limited to, the reassignment of access lanes in Fort Lee, New Jersey to the George Washington Bridge.

Issued 6/4/14

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For changes in schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840.

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**ASSEMBLYMAN JOHN S. WISNIEWSKI (Co-Chair):** Good morning. I'd like to call this meeting of the Joint Select Investigative Committee of the New Jersey Legislature to order.

Could we start with a roll call, please?

**MR. MOLIMOCK (Committee Aide):** Assemblywoman Schepisi. (no response)

Assemblywoman Handlin.

**ASSEMBLYWOMAN HANDLIN:** Here.

**MR. MOLIMOCK:** Assemblyman Carroll.

**ASSEMBLYMAN CARROLL:** Here.

**MR. MOLIMOCK:** Assemblyman Moriarty. (no response)

Assemblywoman Vainieri Huttle.

**ASSEMBLYMAN WISNIEWSKI:** On the Turnpike.

**MR. MOLIMOCK:** Senator O'TOOLE.

**SENATOR O'TOOLE:** Here. And Assemblywoman Schepisi is stuck on the Turnpike; we expect her at about 11:00.

**MR. MOLIMOCK:** Majority Leader Greenwald. (no response)  
Senator Greenstein.

**SENATOR GREENSTEIN:** Here.

**MR. MOLIMOCK:** Senator Gill.

**SENATOR GILL:** Here.

**MR. MOLIMOCK:** Assemblywoman Caride.

**ASSEMBLYMAN WISNIEWSKI:** On the Turnpike.

**MR. MOLIMOCK:** Co-Chair Wisniewski.

**ASSEMBLYMAN WISNIEWSKI:** Present.

**MR. MOLIMOCK:** Co-Chair Weinberg.

**SENATOR LORETTA WEINBERG (Co-Chair):** Here.

**ASSEMBLYMAN WISNIEWSKI:** We have a quorum.

Good morning, Mr. O'Dowd; thank you for coming this morning.

**KEVIN O'DOWD, ESQ.:** Good morning; thank you.

**ASSEMBLYMAN WISNIEWSKI:** I'm just curious -- I don't see our projection illuminated. Does that mean it's not working?

**UNIDENTIFIED MEMBER OF STAFF (off mike):** It will be (indiscernible) will be back.

**ASSEMBLYMAN WISNIEWSKI:** It's coming back? Okay.

I understand, Mr. O'Dowd, I have here somewhere a statement that you wish to make prior to your testimony; and we will do that as soon as I go through some preliminaries.

**MR.O' DOWD:** Thank you.

**ASSEMBLYMAN WISNIEWSKI:** Seated to my side is Co-Chair of this Committee, Senator Loretta Weinberg.

And I see you are accompanied by counsel today.

**MR.O' DOWD:** That is correct.

**ASSEMBLYMAN WISNIEWSKI:** Could you have your counsel introduce himself?

**P A U L H. Z O U B E K, ESQ.:** Good morning. Paul Zoubek, Montgomery McCracken and Rhoads, on behalf of Kevin O'Dowd.

**ASSEMBLYMAN WISNIEWSKI:** Good morning; thank you.

Just logistics -- you have two sets of microphones in front of you. The ones that are illuminated are for amplification only. The ones that are not illuminated are the transcription recorders. And so if you wish

to consult with your counsel, not only shut off the illuminated microphones, but I would suggest you place your hand or cover up the other microphone. Otherwise, what you tell your counsel will become part of the record -- which I'm not sure you would like to do.

MR. O'DOWD: Understood.

ASSEMBLYMAN WISNIEWSKI: Mr. O'Dowd, you understand that the statements you make today, if they are willfully false, or if you fail to answer a pertinent question, or commit perjury you may be subject to penalties under the law?

MR. O'DOWD: I understand that.

ASSEMBLYMAN WISNIEWSKI: Did you receive a subpoena from this Committee compelling your testimony this morning?

MR. O'DOWD: Yes.

ASSEMBLYMAN WISNIEWSKI: Did you receive with that subpoena a copy of the Code of Fair Procedure?

MR. O'DOWD: Yes.

ASSEMBLYMAN WISNIEWSKI: Do you understand that you have certain rights under the Code of Fair Procedure, including the right to be accompanied by counsel, with whom you shall be permitted to confer during your questioning, advise you of your rights, and submit proposed questions on your behalf?

MR. O'DOWD: I understand that.

ASSEMBLYMAN WISNIEWSKI: At this point in time, counsel, do you have any questions?

MR. ZOUBEK: I do not.

ASSEMBLYMAN WISNIEWSKI: Okay, thank you.

Mr. O'DOWD, as you can see, we have the Hearing Reporter seated to your side, and the transcript that will be prepared will be based on your responses made through the microphone. So it's very important that your responses be verbal -- neither shakes of the head or phrases such as "uh-huh" or "uh-uh" -- because later on no one will understand them. Do you understand that?

MR. O'DOWD: I understand that, yes.

ASSEMBLYMAN WISNIEWSKI: Okay. You have a right to file a brief sworn statement relevant to your testimony, for the record, at the conclusion of your examination. Do you understand that?

MR. O'DOWD: I do.

ASSEMBLYMAN WISNIEWSKI: Before I proceed with the oath, do you have any questions?

MR. O'DOWD: I do not.

ASSEMBLYMAN WISNIEWSKI: Mr. O'Dowd, would you please stand and raise your right hand?

(witness stands and raises right hand)

Mr. O'Dowd, do you swear or affirm that the testimony you are about to give is true, correct, and complete to the best of your information, knowledge, and belief?

MR. O'DOWD: I do.

ASSEMBLYMAN WISNIEWSKI: Thank you; you may be seated, and you may provide your statement.

MR. O'DOWD: Thank you.

Co-Chair Wisniewski, Co-Chair Weinberg, and members of the Committee, thank you for the opportunity to be here today and for

allowing me to assist the Committee in its investigation of the George Washington Bridge lane closures.

I would like to start my appearance today by making very clear to the Committee that I had no prior knowledge of, or played no role in, the decision to close the lanes at the Bridge last September. I have great respect for this Committee and the work you are doing, and I look forward to fully cooperating with this Committee in answering your questions to the best of my ability.

Thank you for providing me an opportunity to address the Committee prior to the questioning.

ASSEMBLYMAN WISNIEWSKI: Thank you very much.

Okay, then we'll proceed.

I'd like to draw your attention to our exhibit 19. Exhibit 19 is a call log, that was provided through counsel from Mr. Samson, that indicates that on the morning of December 12 there were two phone calls that he made to you -- one at 9:37 a.m., which was 1 minute, which might be a missed call; but then at 10:33 a.m. for 11 minutes. Could you share with the Committee what you discussed with Mr. Samson that morning?

MR. O'DOWD: I don't remember specifically what I spoke with Mr. Samson about in that phone call. But I know generally that I spoke with Mr. Samson that day about a meeting that I was to have with Bill Baroni on the evening of December 12.

ASSEMBLYMAN WISNIEWSKI: Okay. That morning you were on your way to Drumthwacket, isn't that correct?

MR. O'DOWD: I had an 11:00 a.m. meeting at Drumthwacket that morning; that's correct.

ASSEMBLYMAN WISNIEWSKI: And the call that you had with Mr. Samson was at 10:33 a.m. that morning, is that correct?

MR. O'DOWD: According to this record, the phone call with Mr. Samson looks like it began at 10:33 a.m.

ASSEMBLYMAN WISNIEWSKI: And lasted 11 minutes. Is it possible that that call was about your upcoming meeting at Drumthwacket?

MR. O'DOWD: I don't believe so.

ASSEMBLYMAN WISNIEWSKI: Okay. Were you on time for your 11:00 a.m. meeting at Drumthwacket?

MR. O'DOWD: I believe I ultimately made it on time, but I was rushing. I had a meeting-- It was my first day back in Trenton, I had been out of the office the previous six days or so. And I had a meeting in the State House that morning -- a personnel matter -- and then was on my way to the Drumthwacket for an 11:00 a.m.

ASSEMBLYMAN WISNIEWSKI: And so you said earlier, in answer to my first question, that you believed that it was about another matter -- the phone call with Mr. Samson.

MR. O'DOWD: I believe that -- I'm not certain what the phone call was about, but I know that I spoke with him that day about my meeting with Bill Baroni that evening. But I don't know whether or not this particular phone call was about that.

ASSEMBLYMAN WISNIEWSKI: And then there were subsequent follow-up phone calls -- on that same exhibit -- later on that day, at 4:36 p.m., 5:36 p.m. -- one for 10 minutes and one for 5 minutes. Do you know what those calls were about?

MR. O'DOWD: I believe those phone calls were phone calls prior to my meeting with Bill Baroni and after my meeting with Bill Baroni on December 12.

ASSEMBLYMAN WISNIEWSKI: And what did you meet with Bill Baroni about on December 12?

MR. O'DOWD: I met with Bill Baroni on December 12 to inform him that his last day at the Port Authority was the next day, December 13.

ASSEMBLYMAN WISNIEWSKI: And why did you have that meeting on December 12?

MR. O'DOWD: I was directed to do so by the Governor.

ASSEMBLYMAN WISNIEWSKI: And when did the Governor direct you to have that meeting?

MR. O'DOWD: I believe it was on December 11.

ASSEMBLYMAN WISNIEWSKI: The day before?

MR. O'DOWD: That's my best recollection, yes.

ASSEMBLYMAN WISNIEWSKI: Okay. I'd like to turn your attention now to Tab 33. Tab 33 is the Gibson Dunn and Crutcher interview memorandum of your interviews on January 19 and March 8. I believe it's on the screen as well. I'd like to turn your attention to page 14 of that memo -- actually 13 going over to 14.

MR. O'DOWD: So the bottom of 13, Section U?

ASSEMBLYMAN WISNIEWSKI: It's the Section U, concerning December 12, 2013, subsection 1, "Meeting with the Governor."

On the morning of December 12, 2013, you had a meeting at Drumthwacket with the Governor?

MR. O'DOWD: That's correct.

ASSEMBLYMAN WISNIEWSKI: And where did that meeting take place at Drumthwacket?

MR. O'DOWD: The 11:00 a.m. meeting, or the interaction I had with the Governor that's referenced in here?

ASSEMBLYMAN WISNIEWSKI: I had asked you about your meeting with the Governor, and you said an 11:00 a.m. meeting at Drumthwacket. I'm assuming that when you said you had an 11:00 a.m. meeting, you were referring to the meeting with the Governor. Was there more than one meeting?

MR. O'DOWD: There was an encounter that I had, on the way to that meeting, with the Governor and Bill Stepien.

ASSEMBLYMAN WISNIEWSKI: Okay, so walk me through it. When you arrived at Drumthwacket, how did you enter Drumthwacket?

MR. O'DOWD: I believe I entered the normal way that I would enter; I don't specifically recall, but through the side entrance at Drumthwacket, back through the kitchen, and into the dining room area.

ASSEMBLYMAN WISNIEWSKI: Okay. And when you walked into the dining room, you encountered people?

MR. O'DOWD: I did.

ASSEMBLYMAN WISNIEWSKI: And who did you encounter?

MR. O'DOWD: I encountered the Governor and I encountered Bill Stepien.

ASSEMBLYMAN WISNIEWSKI: Okay. Did you sit and participate in that meeting?

MR. O'DOWD: I do not believe I sat.

ASSEMBLYMAN WISNIEWSKI: Did you participate in that meeting?

MR. O'DOWD: It wasn't a meeting.

ASSEMBLYMAN WISNIEWSKI: Okay. There was an encounter that you encountered, and the encounter that you encountered was Bill Stepien and the Governor speaking, correct?

MR. O'DOWD: Mr. Co-Chairman, if I could. Maybe I can explain what-- I walked in-- Maybe this will answer your question; I'm not trying to be difficult. I walked into the dining room area and the Governor was sitting with Bill Stepien. And the Governor looked up at me when I walked in and addressed me.

ASSEMBLYMAN WISNIEWSKI: So then you became part of a conversation.

MR. O'DOWD: The conversation between me and the Governor, yes.

ASSEMBLYMAN WISNIEWSKI: Okay. And what did the Governor say to you?

MR. O'DOWD: Something to the--

MR. ZOUBEK: If I can, Co-Chairman. You said part of a conversation; I think he's identified -- I just want to make sure the record states clear that the conversation so far that he's talked about doesn't presume that it includes Mr. Stepien. I just want to make sure that he makes the record clear on that.

ASSEMBLYMAN WISNIEWSKI: All I asked him was what the Governor said to him.

MR. O'DOWD: The Governor said something to the effect of, "Kevin, this Bridge issue is still out there. All the noise about politics, local retribution -- this is a major distraction. I need you to talk to Bridget Kelly and ask her whether or not she had anything to do with closing the lanes at the Bridge."

ASSEMBLYMAN WISNIEWSKI: Were you aware of this Bridge issue before December 12?

MR. O'DOWD: Yes.

ASSEMBLYMAN WISNIEWSKI: And when did you first become aware of it?

MR. O'DOWD: When you say this *Bridge issue*, can you clarify exactly what you mean by that?

ASSEMBLYMAN WISNIEWSKI: Well, I'm following the language you used in the description of the conversation with the Governor.

So the Governor had mentioned to you -- I think the words you used -- "this Bridge issue." So you have to tell me what you understood that to mean.

MR. O'DOWD: In that context I think what the Governor was -- what I understood he was focused on was allegations associated with the lane closures, political retribution allegations associated with the lane closures.

ASSEMBLYMAN WISNIEWSKI: And the Governor expressed concern to you about those allegations?

MR. O'DOWD: He expressed concern that those allegations were still out there and that this was a major distraction for the Administration.

ASSEMBLYMAN WISNIEWSKI: Did he explain to you why it was a major distraction for the Administration?

MR. O'DOWD: He did not.

ASSEMBLYMAN WISNIEWSKI: Did you ask him why it was a major distraction?

MR. O'DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Did you understand why it was a major distraction?

MR. O'DOWD: I had an understanding that it was a distraction -- something that he was being asked about. That's my general understanding.

ASSEMBLYMAN WISNIEWSKI: Okay. So this distraction that you understood -- when did you first become aware of this distraction?

MR. O'DOWD: So the allegations that there were some politics associated with the lane closure -- I first became aware of that allegation, I believe, some time in late September; certainly by early October.

ASSEMBLYMAN WISNIEWSKI: And how did you become aware of it?

MR. O'DOWD: I became aware of it through either press accounts, or an interaction with Mike Drewniak from our staff, or both. I believe that was how I first learned of it.

ASSEMBLYMAN WISNIEWSKI: Okay. The Governor asked you specifically to inquire of Bridget Kelly whether she had any information?

MR. O'DOWD: He said, "Ask her whether she had anything to do with closing the lanes at the Bridge."

ASSEMBLYMAN WISNIEWSKI: Did you ask him why?

MR. O'DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Why not?

MR. O'DOWD: I had a logical -- from my perspective -- understanding that what the concern here was, was that there was this noise, this distraction about potential political retribution involving a local official. And Ms. Kelly ran the shop in our office that interfaced with local officials.

ASSEMBLYMAN WISNIEWSKI: So you felt it was logical for the Governor to ask you to question Bridget Kelly about this matter?

MR. O'DOWD: I felt that it was logical that at that point, that if we were going to ask people inside the Administration about this, that she would be someone logical to ask. But all he indicated to me was what I indicated to you earlier.

ASSEMBLYMAN WISNIEWSKI: Did you ask the Governor if you should ask questions of anyone else?

MR. O'DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Why not?

MR. O'DOWD: I did not. It was a brief encounter, and then we moved on to our next meeting.

ASSEMBLYMAN WISNIEWSKI: Now, at that time, was that the first-- When the Governor asked you to inquire of Bridget Kelly -- whether she had anything to do with this issue, the lane closures -- was that the first time that you became aware that Bridget Kelly had any involvement or suspicion-- Let me rephrase that. Was that the first time that you had heard Bridget Kelly's name mentioned as being involved in the lane closures?

MR. O'DOWD: When you say "involved in the lane closures," what do you mean by that?

ASSEMBLYMAN WISNIEWSKI: Well, the Governor asks you to inquire of Bridget Kelly whether she had any involvement in the lane closures.

MR. O'DOWD: Anything to do with closing the lanes.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. O'DOWD: Prior to that, I had not -- I do not believe I heard an assertion or an allegation that she had anything to do with closing the lanes.

ASSEMBLYMAN WISNIEWSKI: Okay. So that's the first time that someone had come to you with an allegation or assertion that Bridget Kelly might have had something to do with the lane closures?

MR. ZOUBEK: If I may, I think his testimony was, he was specifically asked by the Governor to find out--

SENATOR WEINBERG: Excuse me; put your microphone on, please.

ASSEMBLYMAN WISNIEWSKI: Excuse me, counsel. You have to press the red button.

MR. ZOUBEK: Oh, I'm sorry. I have a loud voice, but it helps with the magnification.

I think it's critically important for this fact witness, with a number of matters going on at the same time, that this area is very clear. And he testified that he was asked to find out whether she had something to do with the lane closure. He has said that, and I think you asked him a different question. You asked him about general information that she might have had. So I just want to make sure the record's clear.

ASSEMBLYMAN WISNIEWSKI: No, no. I first want to establish that this is the first time that he became aware or had any information that there was some connection between Bridget Kelly and the lane closures.

MR. ZOUBEK: If I may, Co-Chairman, that's substantially different from finding out what his assignment was that day, and he's testified to that -- as opposed to-- You want to ask him the question of whether he had heard rumors or something about what Bridget Kelly's involvement was--

ASSEMBLYMAN WISNIEWSKI: I don't want to ask him if he heard rumors. My question very simply, counsel, is this. Is this the first time that the name Bridget Kelly and the issue of the lane closures -- or whatever we want to call it -- the Bridge issue -- is that the first time that he heard Bridget Kelly's name connected with the Bridge issue -- with the lane closures? A simple question.

MR. O'DOWD: Well, there was an interaction in my office in the first week of December, but there wasn't an allegation that she was involved with the lane closures. If that's what you're referencing, that's

something that's documented in my report; I'd be happy to talk about that as well.

ASSEMBLYMAN WISNIEWSKI: What date was that?

MR. O'DOWD: That occurred-- I'm not certain of the date. My best recollection is that it was on December 2, but I'm not certain of that.

ASSEMBLYMAN WISNIEWSKI: And what happened on December 2?

MR. O'DOWD: Well, if it was December 2, there was-- Mike Drewniak came to see me in my office. And my recollection is that he came to see me to congratulate me about the press conference that had occurred earlier that day, where the Governor announced his intention to nominate me to be Attorney General. And Mike came down to see me to congratulate me -- congratulate me for that. That's my recollection.

ASSEMBLYMAN WISNIEWSKI: Okay. And then how did Bridget Kelly's name come up in that conversation where Mike Drewniak came to congratulate you?

MR. O'DOWD: So at some point the Governor enters the room -- my office. And Mike Drewniak then addresses the Governor. And I believe that the nexus, the reason he raised the issue, was, "I know what you said at the press conference about the lane closures, talking about the cones. You need to know that Wildstein is saying that -- or Wildstein has told me that he spoke with you, he mentioned to you something about the lane closures at the 9/11 memorial service in lower Manhattan earlier this year."

ASSEMBLYMAN WISNIEWSKI: So just let me be clear. So you, the Governor, and Mike Drewniak are talking, correct?

MR. O'DOWD: In my office, correct.

ASSEMBLYMAN WISNIEWSKI: In your office. And at that meeting on December 2, Mike Drewniak says to you and the Governor that Wildstein made a mention about the lane closures. Is that correct?

MR. O'DOWD: Effectively. So Mike Drewniak indicated to the Governor that he had learned from Wildstein that Wildstein is maintaining that he spoke with you (*sic*), he mentioned you, he said something to you about the lane closures while he saw you at the 9/11 ceremony -- memorial.

ASSEMBLYMAN WISNIEWSKI: And that was after the Governor made his statement at the December 2 press conference about having moved the cones?

MR. O'DOWD: That's the way I recall it.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. O'DOWD: Whether or not it's December 2 or at some point that week, I'm not certain. But it's my best recollection.

ASSEMBLYMAN WISNIEWSKI: So in that conversation, Mr. Drewniak says to the Governor, in your presence, that Wildstein had mentioned that he told the Governor at 9/11 about this Bridge lane closure.

MR. O'DOWD: That he mentioned something to him about the lane closure.

ASSEMBLYMAN WISNIEWSKI: How does Bridget Kelly's name come in? Because that's where we started.

MR. O'DOWD: Yes, so the Governor responded to that, "No, that didn't happen. I was there that day with Wildstein -- David Wildstein -- with Samson" -- I don't know if he used first names or last names -- "with Baroni. And I don't remember him saying that to me. But even if he had, I don't know that I would recall that." And then Drewniak said, "Well, just so you know, he's told -- Wildstein has told Kelly and Stepien the same thing."

ASSEMBLYMAN WISNIEWSKI: So on December 2, the Governor knows that Wildstein's claiming to have told him on September 11, and that Wildstein's claiming to have told Kelly and Stepien the same thing?

MR. O'DOWD: Well, when you say "told them," I believe what Mike Drewniak said was that Wildstein was alleging that he mentioned this to you, he talked to you about the lane closure, and that Drewniak indicated to the Governor -- Drewniak's understanding is that Wildstein made the same claim to both Kelly and Stepien.

ASSEMBLYMAN WISNIEWSKI: Okay. So on December 2, at least what you knew was that Wildstein had made this claim about the lane closures, and that Wildstein had, through Drewniak -- you had learned that Wildstein was claiming to have told Kelly and Stepien the same thing.

MR. O'DOWD: That's correct.

ASSEMBLYMAN WISNIEWSKI: Okay.

So let's go back to Drumthwacket on December 12. You came in through the kitchen-- I'm just curious -- is that how you usually come in, you come in through the kitchen?

MR. O'DOWD: It is, yes. Or the room right next to it, and that enters into the dining room.

ASSEMBLYMAN WISNIEWSKI: You walked into the dining room; the Governor and Stepien were seated?

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: Okay. When you walked into the dining room did you hear any of that conversation?

MR. O'DOWD: I don't remember hearing anything of that conversation.

ASSEMBLYMAN WISNIEWSKI: But at some point in time the Governor spoke to you as you were walking through?

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: Okay. And when the Governor spoke to you, he said what?

MR. O'DOWD: He said to me something to the effect of, "This bridge issue is still out there; the noise on the local retribution is still out there. This is a major distraction. I need you to talk to Bridget Kelly and ask her whether or not she had anything to do with closing the lanes at the Bridge."

ASSEMBLYMAN WISNIEWSKI: Is it not true that the Governor, also, in that conversation relayed to you what Mr. Stepien had told him?

MR. O'DOWD: In that conversation? I don't recall that.

ASSEMBLYMAN WISNIEWSKI: If you take a look, Tab 33, page 14.

MR. O'DOWD: Is Tab 33 mine?

ASSEMBLYMAN WISNIEWSKI: Tab 33-- So the Tab comes before the exhibit, not after.

MR. O'DOWD: Got it.

ASSEMBLYMAN WISNIEWSKI: So that's your Gibson Dunn memo.

MR. O'DOWD: Page 14?

ASSEMBLYMAN WISNIEWSKI: That's correct.

MR. ZOUBEK: Is there a specific--

ASSEMBLYMAN WISNIEWSKI: I'm getting to that. I wanted to draw his attention to the page of that.

In your Gibson Dunn memo, it says halfway through the first paragraph, "The Governor told O'Dowd that the Governor had been questioning Stepien about his knowledge of, or involvement in, the lane realignment. And that Stepien explicitly denied any such knowledge or information." Do you see where I'm pointing to?

MR. ZOUBEK: If I could, I think there are a couple of words before that. It says, "Outside of Stepien's presence."

ASSEMBLYMAN WISNIEWSKI: He could tell me that.

MR. O'DOWD: So, I'm sorry--

ASSEMBLYMAN WISNIEWSKI: When did this exchange take place?

MR. O'DOWD: The exchange--?

ASSEMBLYMAN WISNIEWSKI: That I'm pointing to right now. This says, "The Governor told O'Dowd that the Governor had been questioning Stepien about his knowledge, and that Stepien explicitly denied any such knowledge or involvement."

MR. ZOUBEK: And the only thing I'll put on the record, which is in the interest of completeness -- it's a sentence, and reading one-half of the sentence I don't know is an appropriate record to set forth here. But I will let him answer the question.

ASSEMBLYMAN WISNIEWSKI: Well, just for the record as well, I'm asking him when that-- And this is a recollection printed by Gibson Dunn of his interview. And if this is in some way not reflective of what he heard, or did not take place, then the witness can tell me. But I'm trying to understand exactly when this particular interaction took place.

MR. O'DOWD: I believe it occurred upstairs prior to the 11:00 a.m. meeting. He asked me about the meeting that I had at the State House earlier that day, which I had briefed him on. And he indicated to me that he spoke with Stepien about the lane closures and Stepien didn't have anything to do with it.

ASSEMBLYMAN WISNIEWSKI: So the dining room -- we'll call it the *dining room encounter* -- when you first walked into Drumthwacket that morning, you are walking in, you go through the dining room to get into the main lobby area of Drumthwacket. You encounter the Governor and Stepien conversing; they're both seated?

MR. O'DOWD: They're both seated in the dining room. This encounter is in the dining room.

ASSEMBLYMAN WISNIEWSKI: You're walking by, the Governor speaks to you, you stop.

MR. O'DOWD: I do.

ASSEMBLYMAN WISNIEWSKI: The Governor says to you that he would like you to follow up with Bridget Kelly to see if she knew anything, or knows anything about the lane closures.

MR. ZOUBEK: Objection, Co-Chairman. He's answered this question directly three or four times. He testified what he said; you've now asked him whether she knew anything generally, whether -- find out if Bridget knew anything generally--

ASSEMBLYMAN WISNIEWSKI: No, I didn't ask him whether Bridget Kelly-- I'm saying the Governor asked him-- Is this what the Governor asked him?

MR. O'DOWD: The Governor asked me whether or not Bridget Kelly had anything to do with closing the lanes. He asked me to ask her that question.

ASSEMBLYMAN WISNIEWSKI: And you didn't ask why?

MR. O'DOWD: I did not ask why.

ASSEMBLYMAN WISNIEWSKI: You didn't have any follow-up questions?

MR. O'DOWD: I didn't. I didn't. We moved on to the next meeting; before the next meeting he told me, in bottom-line terms, that it was -- after speaking with Stepien, that Stepien didn't have anything to do with this; by *this*, I mean closing the lanes.

ASSEMBLYMAN WISNIEWSKI: Okay. So the only thing that happened in the dining room was this: You walked through and the Governor says this one thing to you. You say yes or something to that effect?

MR. O'DOWD: Something to that effect. It was a short encounter, and we both moved on to the next meeting.

ASSEMBLYMAN WISNIEWSKI: When you left the dining room, Stepien and the Governor were still seated?

MR. O'DOWD: My best recollection is that the Governor and I left to go upstairs to the next meeting together.

ASSEMBLYMAN WISNIEWSKI: Oh, so he got up and left when you were leaving at the same time.

MR. O'DOWD: I believe that's right.

ASSEMBLYMAN WISNIEWSKI: Okay. And the next meeting -- what was that meeting for?

MR. O'DOWD: It was an unrelated meeting with an outside person.

ASSEMBLYMAN WISNIEWSKI: With someone outside of government, or with somebody else in State government?

MR. O'DOWD: Outside of government completely.

ASSEMBLYMAN WISNIEWSKI: Okay. And you and the Governor went to that meeting?

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: Okay. And that meeting lasted how long?

MR. O'DOWD: I don't know exactly -- an hour-and-a-half, two hours. I'm just not certain.

ASSEMBLYMAN WISNIEWSKI: Okay. Was it during this meeting, that you and the Governor went to with this outside person, that

the Governor relayed to you what Mr. Stepien had said to him in the dining room?

MR. O'DOWD: I believe it was prior to this meeting.

ASSEMBLYMAN WISNIEWSKI: Did the Governor take you aside into a private room and tell you, or did he tell you as you were walking up the steps?

MR. O'DOWD: I don't recall specifically. I recall learning that prior to the meeting, but I don't recall exactly where we were.

ASSEMBLYMAN WISNIEWSKI: Now, the Governor did not ever say to you that Stepien had prior knowledge of the lane closure?

MR. O'DOWD: He did not.

ASSEMBLYMAN WISNIEWSKI: Okay. And the Governor never said to you that he had heard from Wildstein -- what Stepien had heard from Wildstein, and described Wildstein as having "50 crazy ideas a day" -- or a week?

MR. O'DOWD: I believe the first time I learned about the *50 crazy ideas a week* terminology was on January at Drumthwacket.

ASSEMBLYMAN WISNIEWSKI: That was the first time you heard that phrase?

MR. O'DOWD: That's the first time I remember hearing from the Governor that piece of his interaction with Stepien.

ASSEMBLYMAN WISNIEWSKI: So it's still December 12; you're on your way to your second meeting, and the Governor tells you that Stepien had denied having any involvement in the lane closures.

MR. O'DOWD: I think it was something more summary -- "Stepien had nothing to do with the closing of the lanes" -- something like that.

ASSEMBLYMAN WISNIEWSKI: Okay. And you went to your secondary meeting, which you said lasted about an hour-and-a-half. What happened next at Drumthwacket?

MR. O'DOWD: After the second meeting -- the 11:00 a.m. meeting concluded and I returned back to the State House.

ASSEMBLYMAN WISNIEWSKI: Okay. When you were having this--

MR. ZOUBEK: May I have a moment?

ASSEMBLYMAN WISNIEWSKI: Yes.

(attorney/client confer)

MR. O'DOWD: We're all set, Co-Chair.

ASSEMBLYMAN WISNIEWSKI: So the Governor speaks to you on your way to this secondary meeting and relays to you what Stepien had told him in the dining room. Did you raise with the Governor, at this point in time, any question about his instructions to you to inquire of Bridget Kelly?

MR. O'DOWD: I don't believe so.

ASSEMBLYMAN WISNIEWSKI: At that point in time, did you raise to the Governor any question about whether there were other people who you should make inquiries of?

MR. O'DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Now, at this point in time, Bridget Kelly was a Deputy Chief of Staff.

MR. O'DOWD: That's exactly right, she was.

ASSEMBLYMAN WISNIEWSKI: And your role was Chief of Staff.

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: And so she was somebody who reported to you.

MR. O'DOWD: She did.

ASSEMBLYMAN WISNIEWSKI: Okay. Did you, at that point in time, raise any questions with the Governor whether you should ask anybody else?

MR. O'DOWD: I don't believe so,

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. O'DOWD: At that point in time you knew -- at Drumthwacket that morning--

ASSEMBLYMAN WISNIEWSKI: This passing conversation with the Governor, that you recounted, on your way to the meeting you had scheduled at Drumthwacket -- you said the Governor took you aside, or said to you at some point in time what Stepien had told him. I'm just trying to understand fully the conversation between you and the Governor.

So the Governor tells you what Stepien told him in this meeting. And I'm trying to understand what you did as a follow-up to that. Did you have any inquiry to him about anything else you should do?

MR. O'DOWD: The Governor told me what his impression was -- his conclusion of his interaction with Stepien. That Stepien had nothing to do with the lane closures.

ASSEMBLYMAN WISNIEWSKI: Just so I'm clear -- was that his impression, or was he recounting what Stepien said?

MR. O'DOWD: It was his impression, it was his conclusion. He wasn't quoting Stepien.

ASSEMBLYMAN WISNIEWSKI: Okay. And you didn't follow up with him and ask him, "Did Stepien say that?"

MR. O'DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Okay. You didn't have any curiosity?

MR. O'DOWD: When the Governor tells me a definitive statement, I respected his interactions with Bill Stepien. In that context I didn't see any reason to question that.

ASSEMBLYMAN WISNIEWSKI: Okay. At this point in time, while you were having this brief conversation with the Governor, did you ask him whether he was concerned about there being any e-mails?

MR. O'DOWD: I don't believe so.

ASSEMBLYMAN WISNIEWSKI: Did you ever ask the Governor whether he was concerned about any text messages?

MR. O'DOWD: I don't believe so.

ASSEMBLYMAN WISNIEWSKI: So the Governor-- Just so I'm clear. At this point in time, the Governor asked you to speak with Kelly, and the Governor tells you -- or gives you his impression of what Stepien had said. And in so far as the lane closures are concerned, on December 12, while you were at Drumthwacket, those are the only two transactions that took place?

MR. O'DOWD: What transactions? What do you mean by that?

ASSEMBLYMAN WISNIEWSKI: First transaction being Governor says, "Go talk to Bridget Kelly."

MR. O'DOWD: Conversation. I get an order from him to go do that.

ASSEMBLYMAN WISNIEWSKI: The second one being, "I spoke with Stepien and he had nothing to do with this." Were there any other conversations, discussions you had at Drumthwacket that day about the lane closures?

MR. O'DOWD: I don't believe so, until the very tail end of this 11:00 a.m. meeting -- and maybe you're referring to some press communications that occurred while this meeting was going on.

ASSEMBLYMAN WISNIEWSKI: Okay. When you say *this meeting*, this is the meeting with the outsider at Drumthwacket that lasted an hour-and-a-half?

MR. O'DOWD: Correct -- an hour-and-a-half, two hours or so.

ASSEMBLYMAN WISNIEWSKI: And the press inquiries were about what?

MR. O'DOWD: There was a press story that broke while we were there in this meeting that, if I understood it and if I remember it correctly, the *Wall Street Journal* or another outfit had run a story indicating that Governor Christie had contacted Governor Cuomo with regard to the lane closure issue and asked him -- Governor Christie asked Governor Cuomo to back off, or have Foye back off -- something like this. I think

that the press account could tell the story better than I. But that came into play while that meeting was occurring.

ASSEMBLYMAN WISNIEWSKI: How did it come into play to you? Did somebody come to you with it?

MR. O'DOWD: I think it was either a text communication, an e-mail communication, or both. I can't specifically recall, but it also could have been the clip service that comes through my office -- something like that.

ASSEMBLYMAN WISNIEWSKI: You get the clip service every day?

MR. O'DOWD: I believe every morning, yes, and sometimes during the day.

ASSEMBLYMAN WISNIEWSKI: Do you review those on a daily basis?

MR. O'DOWD: I couldn't say that with any consistency; sometimes yes, sometimes no.

ASSEMBLYMAN WISNIEWSKI: Is there a reason on some days why you would look at them, and a reason on other days why you would not?

MR. O'DOWD: Not specifically; the volume of my day -- I would suspect the answer is no, no specific reason.

ASSEMBLYMAN WISNIEWSKI: So why on this day did you notice the clip service having this article and not noticing clip services on another day?

MR. O'DOWD: I believe that I was sent a text alerting me to this article. And I also -- distinguishable from articles that we get sent to us

in the morning, there are certain articles that we get in isolation during the day. And I believe this was one of those articles. I may be wrong about that, but that's my recollection.

ASSEMBLYMAN WISNIEWSKI: Well, if your recollection is correct, you said that there are articles that are sent to you in isolation -- your words. Who would send them to you?

MR. O'DOWD: Our press shop.

ASSEMBLYMAN WISNIEWSKI: Is there a particular person at your press shop?

MR. O'DOWD: At different points in time, it has been different people.

ASSEMBLYMAN WISNIEWSKI: Is there a person in the press shop who makes the decision as to what to send to somebody like you, the Chief of Staff?

MR. O'DOWD: I don't know the answer to that.

ASSEMBLYMAN WISNIEWSKI: Okay. And you had gotten this press clipping as a stand-alone, through some communication, correct?

MR. O'DOWD: I believe that's correct. That's the way I remember it.

ASSEMBLYMAN WISNIEWSKI: So you're still at Drumthwacket; there's an issue being raised about communication between the two states' governors about the lane closures. Did you then go back and find the Governor and say, "What about this?"

MR. O'DOWD: I believe we talked about it as soon as that meeting -- that 11:00 a.m. meeting was over.

ASSEMBLYMAN WISNIEWSKI: Okay. And when you say *we*, who is--

MR. O'DOWD: I'm sorry, I apologize -- me and the Governor spoke about it.

ASSEMBLYMAN WISNIEWSKI: Okay. You and the Governor had spoken about this particular clip right after your 11:00 a.m. meeting ended?

MR. O'DOWD: I think that's generally right.

ASSEMBLYMAN WISNIEWSKI: Okay. And did you ask the Governor a question about it?

MR. O'DOWD: I don't know if he raised it, or if I raised it -- I don't recall that specifically. But we spoke about it at the conclusion of that meeting. I don't know who raised it first. He may have seen it as well.

ASSEMBLYMAN WISNIEWSKI: Okay. And what was said?

MR. O'DOWD: Whoever started the conversation -- but what I recall from the conversation -- whoever started it, I'm not certain -- but what I recall is him indicating that it wasn't true and that he was going to call Cuomo on it directly.

ASSEMBLYMAN WISNIEWSKI: Okay. Did the fact that this had now been raised in a press article raise your curiosity about your mission to go see Bridget Kelly and ask her questions?

MR. O'DOWD: Well, what was raised in the article was that there was some interaction between the two governors concerning the lane closure. And the Governor indicated to me, as soon as we interacted on it, that it wasn't the case.

ASSEMBLYMAN WISNIEWSKI: So at that point in time when Governor said it wasn't the case, did you ask the Governor, "Now that we have this article, Governor, is there anybody else you want me to talk to?"

MR. O'DOWD: I don't believe so.

ASSEMBLYMAN WISNIEWSKI: Did the Governor suggest to you that you talk to anybody else other than Bridget Kelly at that point in time?

MR. O'DOWD: I don't believe so.

ASSEMBLYMAN WISNIEWSKI: Now, on Tab 33, page 14 in your Gibson Dunn memo, paraphrasing you, the memo states that you believe that the Governor stated that the announcement of Stepien's appointment to lead the New Jersey Republican Party had been delayed. Are you familiar with that?

MR. ZOUBEK: My concern is that here we have a statement written by Gibson Dunn summarizing his interview; and now you're trying to paraphrase; they're paraphrasing his interview--

ASSEMBLYMAN WISNIEWSKI: I just want him to read it. I just wanted to call his attention to that section of the report and--

MR. ZOUBEK: And my request is, after he looks at it, is that he has questions that allow him to create a clear, factual record--

ASSEMBLYMAN WISNIEWSKI: That's fine.

MR. ZOUBEK: --not necessarily through somebody else's interpretation of what he might have said.

ASSEMBLYMAN WISNIEWSKI: Is what is written by the Gibson Dunn report, in which you believe that the Governor stated that the

announcement of Stepien's appointment to lead the New Jersey Republican Party had been delayed -- is that correct?

MR. O'DOWD: My memory is that the Governor also informed me that that's something that he had informed Bill Stepien of that day.

ASSEMBLYMAN WISNIEWSKI: Okay. When the Governor informed you of that, did you ask him why?

MR. O'DOWD: I don't remember asking him that.

ASSEMBLYMAN WISNIEWSKI: Did the Governor tell you why?

MR. O'DOWD: He may have; I just don't remember.

ASSEMBLYMAN WISNIEWSKI: Did the Governor tell you it was because of the lane closure?

MR. O'DOWD: Again, I don't remember specifically what was proffered in connection with that; I just don't remember.

ASSEMBLYMAN WISNIEWSKI: Okay. In your conversations with the Governor that day -- just so I can characterize what I understand -- there were essentially three: one in the dining room, in which he asked you to inquire of Bridget Kelly; one as you left to go to your next meeting, in which he recounted his impression of the conversation with Stepien; and the final one was about the press inquiry between the two states' governors. In any of those three conversations, did the Governor discuss with you Mr. DuHaime's involvement, with or connection to, any of these conversations concerning the lane closures?

MR. O'DOWD: I don't remember that, no.

MR. ZOUBEK: If I can, just so the record is clear, so you can move this along and you don't miss anything in getting a full factual record --

ASSEMBLYMAN WISNIEWSKI: I think the record's clear, but go ahead. You can--

MR. ZOUBEK: No, no, no, but just bear with me for a second. You had said that in your final encounter with the Governor -- I want to make sure that we don't finish at that point in the day; you continue the day so that--

ASSEMBLYMAN WISNIEWSKI: Are there more than three encounters with the Governor at Drumthwacket that day?

MR. O'DOWD: Not at Drumthwacket.

MR. ZOUBEK: Well, you hadn't asked the question *at Drumthwacket*.

ASSEMBLYMAN WISNIEWSKI: No, I think I had, but--

MR. ZOUBEK: You said your final encounter with-- You said the "final encounter with the Governor that day." I want to make sure the record just stays clear.

ASSEMBLYMAN WISNIEWSKI: At Drumthwacket. It started out by referencing Drumthwacket.

At Drumthwacket, three conversations, correct, with the Governor?

MR. O'DOWD: Three interactions that we referenced here.

ASSEMBLYMAN WISNIEWSKI: Three interactions with the Governor. I've thus far correctly characterized them: one in the dining room where the Governor talked about Kelly, one after the dining room

where the Governor mentioned Stepien-- Counselor, you're going to have to let me finish my question, all right?

MR. ZOUBEK: I was just adjusting my seat.

ASSEMBLYMAN WISNIEWSKI: Yes, I know, I know. You're reaching for the button.

And the final one where you discussed the press inquiry -- the press issue concerning the communications between the two governors. In none of those conversations did Mr. DuHaime's name come up?

MR. O'DOWD: I do not remember his name coming up in any one of those three interactions.

ASSEMBLYMAN WISNIEWSKI: Is it possible his name came up and you don't remember?

MR. O'DOWD: Anything's possible, but I don't remember it.

ASSEMBLYMAN WISNIEWSKI: Counsel, I think his answers can speak for themselves. But if we're going to have an objection every time there's a question asked-- It's not a jury here.

MR. ZOUBEK: Well, no, but--

ASSEMBLYMAN WISNIEWSKI: Think of this as a bench trial.

MR. ZOUBEK: No, but it is clear as well, Co-Chairman, that there are other proceedings underway here. And it's absolutely vitally important that the record is clear here. And all I'm trying to do is assist the Committee in a clear record, and asking him whether it's possible that something could have possibly happened doesn't make a clear record.

ASSEMBLYMAN WISNIEWSKI: It's a yes or no question.

So I'll just ask the question again. Is it possible that his name came up and you're just not remembering?

MR. O'DOWD: I don't remember him raising Mike DuHaime's name in those three interactions.

ASSEMBLYMAN WISNIEWSKI: The Governor never said that Mr. DuHaime would be speaking with Mr. Stepien?

MR. O'DOWD: I don't remember him saying that, no.

ASSEMBLYMAN WISNIEWSKI: Did the Governor ask you to coordinate with Mr. DuHaime in gathering further information on the lane closures?

MR. O'DOWD: I don't remember that, no.

ASSEMBLYMAN WISNIEWSKI: Did you discuss with the Governor the need for Baroni to resign the next day?

MR. O'DOWD: I believe we discussed that the day before. It's possible that it was discussed on December 12 in one of these three transactions, but I believe we discussed that on December 11.

ASSEMBLYMAN WISNIEWSKI: Okay. Now, with regard to the communication that you received-- The press clipping -- the *stand-alone press clipping*, as you called it, concerning the press story on the New York governor's office, or there being a source saying that there was a communication where one governor asked the other governor to do something: Did you receive that from Howard Glaser from Governor Cuomo's office?

MR. O'DOWD: Did I receive the clipping from him?

ASSEMBLYMAN WISNIEWSKI: Or did you receive a text message from him in that regard?

MR. O'DOWD: I believe that I did.

ASSEMBLYMAN WISNIEWSKI: Okay. I'd just like to-- That's shown in Tab 33, page 14, at the bottom of the page -- noting it's in very fine print.

MR. O'DOWD: Okay, I found it.

ASSEMBLYMAN WISNIEWSKI: Okay. The text message from Glaser to you says, "Please call me. Time sensitive press inquiry." Did you understand why it was time sensitive?

MR. O'DOWD: I don't believe I responded to Mr. Glaser until much later in the day, when we did speak on the telephone.

ASSEMBLYMAN WISNIEWSKI: Right. But just when you received that text message which says, "Call me, please. Time sensitive press inquiry--" When you received it, did you have an understanding as to why it was time sensitive?

MR. O'DOWD: I don't remember the order that I received these texts in. I mean, if someone is saying that something's time sensitive, I assume that that's the case, based on his representation. But I don't know.

ASSEMBLYMAN WISNIEWSKI: Then later on you texted him saying, "What does it say?"

MR. O'DOWD: I don't believe that's right, Co-Chair. If these footnotes are, in fact, accurate, I would say -- I believe if you follow that thread through the, "What does it say?" it's me responding to somebody in my office.

SENATOR O'TOOLE: Is that O'Dowd to Matey, Chair?

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. O'DOWD: I'm sorry, Co-Chair. I thought you said did I respond that to Glaser?

ASSEMBLYMAN WISNIEWSKI: Well, I guess you're getting e-mails from both of them -- or text messages from both of them. Is the "What does it say?" in reference to the *Wall Street Journal* article?

MR. O'DOWD: It appears that way, based on what's here. And the rest of those communications appear to be between me and someone from our office.

ASSEMBLYMAN WISNIEWSKI: And then the final text and a note -- text from you to Matey, "With the Governor now," on December 12. Does that mean you're with the Governor now, or is it that the issue is with the Governor now?

MR. O'DOWD: I believe what I meant was, "I'm with the Governor right now."

ASSEMBLYMAN WISNIEWSKI: Okay. And that's when the Governor told you that that didn't happen; that that conversation alleged to have happened between him and Governor Cuomo did not happen.

MR. O'DOWD: At the conclusion of that meeting. I believe these text communications are occurring while the meeting is happening. And I don't speak with the Governor, I believe, until the end of that meeting.

ASSEMBLYMAN WISNIEWSKI: Now, these are texts that either you sent or received.

MR. O'DOWD: It seems that way, yes.

ASSEMBLYMAN WISNIEWSKI: Is there a reason why, in response to our subpoena, the Committee did not receive these texts?

MR. ZOUBEK: If I could speak to that, Co-Chairman.

They're quoted verbatim in here; they were available, and up, and referenced as of April 14. We received this subpoena to appear last Tuesday, and did not receive any subsequent requests. Those are listed verbatim in there. I can represent to you, they're listed verbatim in there.

ASSEMBLYMAN WISNIEWSKI: I'm sure they're verbatim, counsel. I guess the question is, there had been a separate document subpoena; these were not supplied in response to that document subpoena which requested materials such as these. Is there a reason why, in response to the Committee's document subpoena, these particular communications were not supplied?

MR. ZOUBEK: These communications were set forth here -- that was Office of the Governor; Gibson Dunn was handling that production. If I had known that you wanted these additional texts that are listed here, when we received the subpoena for Mr. O'Dowd's testimony here today, last Tuesday-- And I reached out to counsel for the Committee, and I wasn't aware that there was any issue with respect to that. If you want me to get you those texts, I'd be happy to get you those texts.

ASSEMBLYMAN WISNIEWSKI: We have them; I don't need you to get them to me. The question is, there was a document subpoena, so let's-- I just want to understand. Who handled Mr. O'Dowd's production pursuant to that document subpoena?

MR. ZOUBEK: The Gibson Dunn firm, on behalf of the Office of the Governor. And we coordinated with that Office. And you have a number of documents that have been produced. And part of the limited production by Mr. O'Dowd -- on his behalf -- is his limited contact with the

issue. If there are any questions with respect to that, I'm happy to work with counsel for the Committee. It is our understanding you received a complete production, and we stand by that.

ASSEMBLYMAN WISNIEWSKI: Why is it your understanding we received a complete production when, in fact, these communications, which were asked for as part of our subpoena, were not supplied in the response?

MR. ZOUBEK: Well, in this context these--

ASSEMBLYMAN WISNIEWSKI: Let me help you out here just before you go any further.

All right, did you review or have an opportunity to review what was being provided to this Committee that was being produced by Gibson Dunn on your client's behalf?

MR. ZOUBEK: I had an opportunity to review some of what was produced, and it was my understanding that the production was complete. If there were issues with respect to the production, instead of being asked that for the first time today when he was subpoenaed last Tuesday, I would have expected -- particularly with respect to texts that have been out in the public domain since April 14 -- if there was an issue with respect to that, I would have expected-- We're here to cooperate and we'll continue to cooperate. If there was an issue with respect to that I would have thought there would have been something we could have worked out in advance. And indeed--

ASSEMBLYMAN WISNIEWSKI: Well, we have them, so we don't need to work out getting them; we have them.

MR. ZOUBEK: Well, and that's why when I read the report and I saw the texts, and I saw that you had those -- and I saw that you had them from April 14 or-- I can tell you, they're quoted verbatim, and they're set forth there. So you've had them since April 14.

ASSEMBLYMAN WISNIEWSKI: The question is, is what other documents don't we have?

MR. ZOUBEK: Well, I can't answer that question because I don't know what documents you're referring to that you hypothetically don't have. There's been a production--

ASSEMBLYMAN WISNIEWSKI: Well, we didn't know that we didn't have these until we got the Gibson Dunn memos. Had we not gotten the Gibson Dunn memos we would have never seen these.

MR. ZOUBEK: The production was made as it relates to documents that relate specifically to the lane closures, and I'd be happy to work with the Committee. Mr. O'Dowd is here to fully and completely cooperate. These in this instance were, in effect, produced to the Committee by the issuance of the report.

ASSEMBLYMAN WISNIEWSKI: And just for the record, they weren't produced pursuant to the subpoena that this Committee issued.

MR. ZOUBEK: I know you have valuable time here; I don't want to spend additional time on this issue. In this instance, the issue -- the report was issued; they are listed specifically here. I can tell you they are absolutely verbatim. So you have those. And, again, I'll be happy to work back with the Committee if there are any questions with respect to that. I reached out-- We received the subpoena on Tuesday evening, after

representations that there wouldn't be any further -- let me just finish -- as it relates to Mr. O'Dowd testifying today. If there were any remaining questions you had with respect to the production, in an effort for us to work that out, all someone had to do was call me and identify that issue and I would have framed it for the Committee to make sure that you had what you needed, and we were cooperating fully.

ASSEMBLYMAN WISNIEWSKI: It just raises the question that if you relied on Gibson Dunn to do a full production of documents requested under the subpoena, clearly these were not submitted pursuant to that subpoena production. Are there other documents that we're not aware of?

MR. ZOUBEK: I will work with the Committee; and, again, here I think we're talking about angels dancing on the heads of pins with respect to these. I'm telling you, you have had these since April 14.

ASSEMBLYMAN WISNIEWSKI: What I would like you to do is, I'd like you to verify that we have all the documents that are responsive to the subpoena.

MR. ZOUBEK: I will work back with Mr. Schar, who I called on Friday and introduced myself to him, about the testimony that we were asked to give on three days' business notice.

ASSEMBLYMAN WISNIEWSKI: We didn't issue a document subpoena.

MR. ZOUBEK: No, but you did--

ASSEMBLYMAN WISNIEWSKI: We weren't asking you to produce documents on three days' notice.

But let's move on.

MR. ZOUBEK: No, but you waited until this moment to raise that question, as opposed to my reaching out to the Committee and in pre-cooperation.

ASSEMBLYMAN WISNIEWSKI: Well, I think it's a relevant question as to why we didn't get these documents through the production.

MR. ZOUBEK: And I'll stop at this point, as it relates to these; you've had them since April 14.

ASSEMBLYMAN WISNIEWSKI: Going back to the text communications that you had from Mr. Glaser. Did you phone Mr. Glaser in response to any of these text communications?

MR. O'DOWD: I believe I spoke with Mr. Glaser later on that afternoon, prior to meeting with Bill Baroni.

ASSEMBLYMAN WISNIEWSKI: And your reason for calling Mr. Glaser after meeting with Bill Baroni had nothing to do with your meeting with Bill Baroni?

MR. O'DOWD: I'm sorry, could--

ASSEMBLYMAN WISNIEWSKI: Your testimony was that you called Mr. Glaser back after you met with Bill Baroni.

MR. O'DOWD: No, no, on my way to the meeting.

ASSEMBLYMAN WISNIEWSKI: On your way to the meeting.

MR. O'DOWD: I'm sorry, on my way to the meeting with Mr. Baroni.

ASSEMBLYMAN WISNIEWSKI: Okay. And what did you say to him in that conversation?

MR. O'DOWD: I believe I said to Howard, "I'm going to meet with Bill Baroni now; I'm going to give you a head's up. Tomorrow you'll be hearing it's his last at the Port Authority." And then with respect to this, something to the effect of, "Our guys spoke earlier today."

ASSEMBLYMAN WISNIEWSKI: Some of our guys--

MR. O'DOWD: No, no -- *our guys*.

SENATOR O'TOOLE: Chair, just a question.

Please establish who Glaser is for those of us who don't know who Howard Glaser is.

ASSEMBLYMAN WISNIEWSKI: Sure. Who is Mr. Glaser?

MR. O'DOWD: Howard Glaser-- I'm not exactly sure of his title, because their structure in the governor's office in New York is slightly different than ours. But he's a principal advisor to Governor Cuomo. I don't think they have a Chief of Staff title -- if they do, I'm not aware of it -- something akin to Chief of Staff who works for Governor Cuomo.

ASSEMBLYMAN WISNIEWSKI: Okay. And just going back -- so what did you ask Mr. Glaser when you called him back?

MR. O'DOWD: I don't believe I asked him anything.

ASSEMBLYMAN WISNIEWSKI: You called him?

MR. O'DOWD: I did -- oh, so what did we talk about?

ASSEMBLYMAN WISNIEWSKI: So you called him and you said what?

MR. O'DOWD: I called him to give him a head's up -- principally to give him a head's up on the meeting that I was going to have a short time after that, with respect to Mr. Baroni.

ASSEMBLYMAN WISNIEWSKI: Okay. But his text communication to you earlier in the day was about this alleged communication between the governors, correct?

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: You did not address that with him at all?

MR. O'DOWD: I believe I did.

ASSEMBLYMAN WISNIEWSKI: Okay. So you first talked about Bill Baroni.

MR. O'DOWD: I don't know the order.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. O'DOWD: The two things I remember from the conversation: I spoke with him about the Baroni meeting I was to have.

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. O'DOWD: And I believe something to the effect of "our guys," meaning the two governors, "already spoke on the other issue."

ASSEMBLYMAN WISNIEWSKI: Okay. And you said what to him back?

MR. O'DOWD: No, that's what I said to him.

ASSEMBLYMAN WISNIEWSKI: And what was his response to you?

MR. O'DOWD: Thanks for the head's up on the Baroni thing -- I don't remember exactly.

ASSEMBLYMAN WISNIEWSKI: Okay. And that's it? That's the last time you talked to him about that two-governor communication?

MR. O'DOWD: That's the last time I can remember speaking with him about that.

ASSEMBLYMAN WISNIEWSKI: Okay. Just before we go to your discussion with Bridget Kelly, I have just one last question concerning your communications with the Governor at Drumthwacket that day.

Did the Governor ever tell you that Stepien had told the Governor that Stepien told Wildstein to run his crazy ideas by Trenton?

MR. O'DOWD: The first time I remember hearing the crazy idea interaction -- the 50 crazy ideas a week, something like that -- was-- The first time I can remember hearing that was January 8.

ASSEMBLYMAN WISNIEWSKI: So the Governor did not say anything like that while you were at Drumthwacket with him that day, on December 12?

MR. O'DOWD: I don't remember him saying that at Drumthwacket that day.

ASSEMBLYMAN WISNIEWSKI: Okay. In addition to talking with Mr. Glaser on your way to meet with Mr. Baroni, you also spoke with Bridget Kelly, I would assume, by phone that evening.

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: What did you say to Bridget Kelly?

MR. O'DOWD: I had tried to stop by the State House office and see her earlier that day, and learned that she was not in. She was out of the office that day. So while I was driving up to the Governor's Newark office -- which is where the Baroni meeting occurred -- she sent me a text,

something to the effect of, “Heard you stopped by to see me. I’m on the cell,” or something like that.

ASSEMBLYMAN WISNIEWSKI: Okay, so did you then call her on the cell?

MR. O’DOWD: I called her a short time after that.

ASSEMBLYMAN WISNIEWSKI: And when you called her, what did you ask her?

MR. O’DOWD: We spoke-- The conversation started with her telling me about her daughter’s surgery. Her daughter had surgery that morning, or that afternoon, and they were home now. We spoke about my trip to Florida that I had just been with my family on for the previous five or six days or so. I believe we spoke about a conversation that I had had with an Assemblyman about getting a meeting with the Governor on a totally unrelated matter. And then I pivoted to the Bridge issue.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. O’DOWD: So I said--

ASSEMBLYMAN WISNIEWSKI: What did you say about the Bridge issue?

MR. O’DOWD: I said, “Bridget, I need to ask you about the lane closures.” And I think she said something like, “Sure, what about?” I said, “Did you have anything to do with closing the lanes at the George Washington Bridge?” She responded with, “Absolutely not. Why are you asking me that?” I said, “Well, I was at Drumthwacket today with the Governor and he asked me to ask you that. So I am.” I think she said something like, “Does he think I did?”

ASSEMBLYMAN WISNIEWSKI: Say that again?

MR. O'DOWD: I think she said something like, "Well, does he think I did?" I said, "He just told me to ask you that question directly, so I'm asking you directly: Did you have anything to do with closing the lanes at the Bridge?" And she said, "Absolutely not." I believe I said, "Check your e-mails, check your texts. Make sure nobody sent you anything on this, and let me know if you find anything or if anything jogs your memory. Call me or see me tomorrow," something like that.

ASSEMBLYMAN WISNIEWSKI: Did you find her denial credible?

MR. O'DOWD: I did.

ASSEMBLYMAN WISNIEWSKI: Why?

MR. O'DOWD: Bridget Kelly is someone who I have worked with and known for four years; someone who I thought very highly of; hardworking, energetic, loyal; someone who I believed and trusted.

ASSEMBLYMAN WISNIEWSKI: So in the conversation, you asked her if she had anything to do with the lane closures and she denied it. You believed her. Did you ask her specifically for any documents?

MR. O'DOWD: I believe I asked her to check her e-mails and texts to see if anyone had sent anything to her.

ASSEMBLYMAN WISNIEWSKI: At that point in time, when you asked her to check, was it just her texts or texts and e-mails?

MR. O'DOWD: I believe my best recollection is e-mails and texts.

ASSEMBLYMAN WISNIEWSKI: Okay. When you asked her that, did she have an immediate response?

MR. O'DOWD: I don't remember if she did or she didn't. She didn't suggest that she had either one of those. What I remember was her direct response to my direct question.

ASSEMBLYMAN WISNIEWSKI: You had said earlier that she had told you she was on her cell; she was out of the office.

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: So she was not in the office, presumably, when you spoke with her?

MR. O'DOWD: I assume that's the case, yes.

ASSEMBLYMAN WISNIEWSKI: Okay. What time of the day was the call?

MR. O'DOWD: I think it was around 4:00 p.m.

ASSEMBLYMAN WISNIEWSKI: Okay. So you asked her if she had any documents and she had no immediate response.

MR. O'DOWD: I asked her if she had anything to do with closing the lanes, and then I asked her to check her e-mails and texts to see if anyone sent her anything.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. O'DOWD: That's what I remember.

ASSEMBLYMAN WISNIEWSKI: And did she ask specifically why the Governor wanted to know whether she had any texts or e-mails?

MR. O'DOWD: She didn't ask that, and I don't know that the Governor did. I'm the one who asked that.

ASSEMBLYMAN WISNIEWSKI: Yes, but I'm saying you're calling on behalf of the Governor.

MR. O'DOWD: Oh, she asked me, "Why are you asking me this?"

ASSEMBLYMAN WISNIEWSKI: Right.

MR. O'DOWD: And I told her that I was at Drumthwacket that day -- earlier that day -- and the Governor asked me to ask her.

ASSEMBLYMAN WISNIEWSKI: Right. And then you asked her if she had any texts or e-mails.

MR. O'DOWD: I think it was something like "Check your e-mails, check your texts. Make sure no one sent you anything on this."

ASSEMBLYMAN WISNIEWSKI: Right. And just with regard to that specific subsection of your conversation, did she then have any response along the lines of, "Why, does the Governor think there is one?" or "Why is the Governor asking that?"

MR. O'DOWD: With respect to a document?

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. O'DOWD: No, I don't remember that.

ASSEMBLYMAN WISNIEWSKI: Okay. And your testimony is she had no immediate response to that, whether there were documents.

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: So did you set a time for the two of you to reconnect, talk again about whether there would be documents, or whether she checked for documents?

MR. O'DOWD: I don't remember setting a time.

ASSEMBLYMAN WISNIEWSKI: Did you tell her to report to you by tomorrow?

MR. O'DOWD: I don't remember that. I think I said something generally, "I'm on the cell. Call me." I don't remember setting a particular time for that.

ASSEMBLYMAN WISNIEWSKI: So it was basically an open ended, "Check your e-mails and get back to me"?

MR. O'DOWD: I think that's probably what I said.

ASSEMBLYMAN WISNIEWSKI: Okay. Did she get back to you?

MR. O'DOWD: The next time I speak with Bridget Kelly is, I believe, some time in between 10:00 and 11:00 the next morning on December 13.

ASSEMBLYMAN WISNIEWSKI: Okay. When you-- Just going back to your request to her, when you asked her for any documents, texts or e-mails -- or however you may have phrased it -- were you specific to her, or were you asking her in general, are there any documents or e-mails that she knew of?

MR. O'DOWD: The way I remember it is I asked her to check to see if anyone sent you anything -- that's my memory of it.

ASSEMBLYMAN WISNIEWSKI: You didn't ask her to check with anybody else for documents?

MR. O'DOWD: I don't remember that, no.

ASSEMBLYMAN WISNIEWSKI: Okay. At 4:30 that day on December 12, approximately, you and Mr. McKenna met with Mr. Baroni in Newark, correct?

MR. O'DOWD: I'm not sure; it may have been a little bit later than that, but in any event, late afternoon. Charlie McKenna and I met with Bill Baroni in the Governor's Newark office that afternoon, correct.

ASSEMBLYMAN WISNIEWSKI: Okay. Again, referring to Tab 33, page 15 in your Gibson Dunn memo, you state that Baroni was surprised by the timing of his resignation. Do you see that?

MR. O'DOWD: Which paragraph are you in, Co-Chair? I'm sorry -- in Section 3?

ASSEMBLYMAN WISNIEWSKI: Give me a second.

I think it's in the first paragraph.

MR. ZOUBEK: Are you talking about the first paragraph?

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. ZOUBEK: First paragraph, about the fourth or fifth line down of Section 3?

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. O'DOWD: So what I remember from that interaction is, I believe that Bill Baroni knew he was not going to stay on as the Deputy Executive Director. And he may or may not have known at that time who his replacement was going to be, but I let him know that as well. But what he did not know, from my perspective, was that his last day was to be the next day, December 13.

ASSEMBLYMAN WISNIEWSKI: And in some fashion he expressed surprise to you?

MR. O'DOWD: I believe he was surprised about that he had 24 hours to no longer be an employee of the Port Authority.

ASSEMBLYMAN WISNIEWSKI: Now, you didn't take it on your own initiative to go up and tell Bill Baroni that tomorrow would be his last day, correct?

MR. O'DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Somebody told you or asked you to go up and do that.

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: Who did?

MR. O'DOWD: The Governor.

ASSEMBLYMAN WISNIEWSKI: And when the Governor told you to do this, did he Governor explain to you why?

MR. O'DOWD: I don't remember specifically; I know he had already named a replacement, internally. We have Deb Gramiccioni who had been offered the position a month earlier and had accepted it. I knew for some time prior to that, that Bill Baroni wouldn't be staying on in the second term as the Deputy Executive Director.

ASSEMBLYMAN WISNIEWSKI: When the Governor asked you to go up and have this meeting with Bill Baroni, did the Governor mention the lane closures at all as a rationale for asking for Bill Baroni's resignation?

MR. O'DOWD: It's very logical that he did; I don't remember specifically, but it's very logical that he would have mentioned that as a part of the equation -- particularly the acceleration part of the equation, which is that tomorrow's his last day.

ASSEMBLYMAN WISNIEWSKI: When you were asked to go up and tell Bill Baroni that he was going to be resigning the next day, did you ask the Governor why?

MR. O'DOWD: I may have; I think I got that phone call while I was in Florida. I was standing outside my hotel room; I just don't remember the precise interaction as it relates to that issue.

ASSEMBLYMAN WISNIEWSKI: So you were going up-- You were having a meeting with Bill Baroni -- and I don't want to mischaracterize; I want to understand whether you understood the reason why you were there.

MR. O'DOWD: I did. Oh, I'm sorry, Co-Chair. I just don't remember exactly what he said. I understood that the acceleration component to this had something to do with the lane closures.

ASSEMBLYMAN WISNIEWSKI: And why did you understand that?

MR. O'DOWD: That's what I don't specifically know -- whether it was the Governor, or someone else -- but I had an understanding. It's logical that it would be the Governor, but I just don't remember the exact conversation.

ASSEMBLYMAN WISNIEWSKI: Did Mr. DuHaime say something to you about this -- about the rationale for having Bill Baroni depart early?

MR. O'DOWD: No.

ASSEMBLYMAN WISNIEWSKI: Did Mr. Stepien say something to you about this?

MR. O'DOWD: I do not believe so.

ASSEMBLYMAN WISNIEWSKI: You don't recall if the Governor said something to you about it?

MR. ZOUBEK: If I can, his testimony was that it would be very logical for him to have that conversation with the Governor. And if he said he can't specifically recall the conversation-- If we had a tape we could recall all the conversations--

ASSEMBLYMAN WISNIEWSKI: He can't recall the conversation. I'm just asking specifically if the Governor had a conversation with him.

MR. O'DOWD: The Governor did have a conversation with me. The Governor is the one who told me to go meet with Bill Baroni. So that's where I got that direction from.

ASSEMBLYMAN WISNIEWSKI: No, but the specific conversation that the Governor said to you that, because of the lane closures, Bill Baroni now needs to leave early.

MR. O'DOWD: I don't remember that specifically, but I certainly knew that that was the factor driving -- a major factor driving the acceleration of being out in 24 hours. So I don't-- I learned it from him; that's logical. I don't remember him actually using those words.

ASSEMBLYMAN WISNIEWSKI: When you met with Bill Baroni to discuss his resignation within 24 hours, did you discuss with Mr. Baroni the lane closures?

MR. O'DOWD: He discussed them with me.

ASSEMBLYMAN WISNIEWSKI: And what did he tell you?

MR. O'DOWD: Well, Bill Baroni said to me, without me prompting him -- after I went through the first part of the meeting which was saying something to the effect of, "I know that you know that you're not likely to be here for the second term, and you may or may not know who your replacement is," and I indicated who his replacement was. And then I indicated, "What I don't think you do know is that tomorrow is your last day," and then we talked about that.

And then the part of the conversation that concerns the lane closures: Bill Baroni looked at Charlie McKenna and me and said, "I'm sorry that this Bridge issue -- these lane closures -- have become such a distraction. But I want you guys to know that everything that I said before that Committee that day was truthful. I'm a former State Senator, I'm a former constitutional law professor, I'm a member of the bar. There was a traffic study, and there were notification problems associated with it," something like that.

ASSEMBLYMAN WISNIEWSKI: So did you-- After he voluntarily told you that, in response to your telling him that tomorrow was his last day, did you inquire of Mr. Baroni on who authorized the traffic study?

MR. O'DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Did you ask Mr. Baroni whether Mr. Stepien knew about the traffic study?

MR. O'DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Did you ask Mr. Baroni whether Mr. Wildstein knew about the traffic study?

MR. O'DOWD: Mr. Baroni and I did -- other than what Mr. Baroni said to me, I don't believe I asked him any questions. At that point, I have an understanding that approximately a week earlier, when Charlie McKenna met with David Wildstein, David Wildstein said to Charlie McKenna, "This was a traffic study, and this was my idea." That was my understanding.

ASSEMBLYMAN WISNIEWSKI: And it was your understanding, was it not, that Mr. Wildstein reported to Mr. Baroni?

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: And Mr. Baroni is in front of you, and you're telling him that tomorrow is his last day. Why didn't you ask him, "Why did you let Wildstein do this?"

MR. O'DOWD: Well, Mr. Baroni's indicating to me at this point that there was a traffic study, and that what he told your Committee was truthful.

ASSEMBLYMAN WISNIEWSKI: And would you agree, he also admitted, handled poorly?

MR. O'DOWD: Handled poorly.

ASSEMBLYMAN WISNIEWSKI: So again, my question is, you knew at that point in time that Mr. McKenna had had a conversation with Mr. Wildstein, correct?

MR. O'DOWD: Correct, on December 6.

ASSEMBLYMAN WISNIEWSKI: And that Mr. Wildstein had told Mr. McKenna that it was his idea.

MR. O'DOWD: Correct, according to McKenna.

ASSEMBLYMAN WISNIEWSKI: And now you're in front of Bill Baroni, to whom Wildstein reports. And part of the reason for your having this -- or advising Mr. Baroni that the following day was his last day was, in part, because of the lane closures, correct?

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: So you've got the guy in front of you who is the boss of the person who poorly -- taking all of those things at face value -- poorly implemented the lane closures. You never once asked him, "Why didn't you do this the right way?"

MR. O'DOWD: I did not ask him that. I was there to tell him that tomorrow was his last day, and a short time after that Charlie McKenna met with Mr. Wildstein and told him the same thing.

ASSEMBLYMAN WISNIEWSKI: So earlier that day the Governor had asked you to find out from Bridget Kelly whether she had any involvement. Did you ask Mr. Baroni -- since you were with him, and since part of why you were doing what you were doing involved the lane closures -- did you ask Mr. Baroni whether Ms. Kelly had any involvement in the lane closures?

MR. O'DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Why not?

MR. O'DOWD: I had asked Bridget Kelly probably about an hour earlier a very point-blank, direct question and got a direct answer. And I believed her.

ASSEMBLYMAN WISNIEWSKI: And you had no inclination to verify that by asking anybody else?

MR. O'DOWD: I did not feel the need to ask Bill Baroni that question. I felt comfortable with Bridget Kelly's answer to me on the phone that day.

ASSEMBLYMAN WISNIEWSKI: At that point in time, did Mr. Baroni express to you -- and we're talking about your meeting with Mr. Baroni at the office that evening with Mr. McKenna, and you're telling him tomorrow is his last day -- did he express any frustration about the situation he had been put in?

MR. O'DOWD: I don't remember that; I remember him expressing concern about, what I would call, some *HR matters*. He asked questions about severance, benefits, and things like that. And I said, "You're going to need to talk to David Samson about that. I don't know anything about that. I don't know how all that comes together. And whatever Deputy Executive Directors get at the Port Authority, I'm sure you'll get the same thing. I'm just not familiar with that, nor am I going to get that involved with that."

ASSEMBLYMAN WISNIEWSKI: Did he express any animus or frustration towards anyone in particular?

MR. O'DOWD: I don't remember that.

ASSEMBLYMAN WISNIEWSKI: Did he mention any involvement by Mr. DuHaime in the lane closures?

MR. O'DOWD: He did not.

ASSEMBLYMAN WISNIEWSKI: Did he mention any knowledge by Mr. Stepien of the lane closures?

MR. O'DOWD: He did not.

ASSEMBLYMAN WISNIEWSKI: Okay. Was there a discussion about finding Mr. Baroni post-Port Authority employment?

MR. O'DOWD: There was.

ASSEMBLYMAN WISNIEWSKI: Why?

MR. O'DOWD: I told Baroni that he should contact Mike DuHaime, because I understood that Mike DuHaime would be willing to offer him a job.

ASSEMBLYMAN WISNIEWSKI: How did you understand that Mike DuHaime would be willing to offer him a job?

MR. O'DOWD: The Governor told me that.

ASSEMBLYMAN WISNIEWSKI: And when did the Governor tell you that?

MR. O'DOWD: I don't remember specifically; logically, it would have been when I spoke with him on December 11, but some time prior to December 12.

ASSEMBLYMAN WISNIEWSKI: Okay. And why would Mr. DuHaime want to offer Mr. Baroni post-Port Authority employment?

MR. O'DOWD: I don't know the answer to that. I was told that he was willing, or that he would -- something to that effect. And what I told Baroni was, "You should call DuHaime."

ASSEMBLYMAN WISNIEWSKI: Okay. And pursuant to what's written in the Gibson Dunn memo, Tab 33 again, page 16 this time-

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MR. O'DOWD: Page 16, Co-Chair?

ASSEMBLYMAN WISNIEWSKI: One-six, yes; 16.

After this meeting with Mr. Baroni, you called Mr. DuHaime?

MR. O'DOWD: I did. I made a few calls prior to that, but I did call DuHaime that evening as well.

ASSEMBLYMAN WISNIEWSKI: Okay. And what did you discuss with Mr. DuHaime?

MR. O'DOWD: I told him that, "I had the meeting with Baroni, and that you should expect a call from him."

ASSEMBLYMAN WISNIEWSKI: And did you ask Mr. DuHaime why he would be hiring Mr. Baroni?

MR. O'DOWD: I don't believe I did.

ASSEMBLYMAN WISNIEWSKI: Okay. All right then, also on page 16, Tab 33, after this meeting you made a call to Dave Samson.

MR. O'DOWD: After the Baroni meeting? Yes.

ASSEMBLYMAN WISNIEWSKI: And why did you call Mr. Samson?

MR. O'DOWD: To let him know that the Baroni meeting had just concluded, number one; and number two, to give him a head's up that he should expect a phone call with respect to some of the issues -- some of the HR issues that Baroni had raised in the meeting.

ASSEMBLYMAN WISNIEWSKI: Did the issue of indemnification ever come up?

MR. O'DOWD: I believe it did.

ASSEMBLYMAN WISNIEWSKI: That came up in your meeting with Mr. Baroni?

MR. O'DOWD: I believe it did.

ASSEMBLYMAN WISNIEWSKI: Why did Mr. Baroni raise indemnification to you in his meeting?

MR. O'DOWD: I don't remember specifically; he may have been subpoenaed that day. I can't be sure if I learned that later in time. But in any event, I should have put that in the umbrella of an HR-related matter that he needed to speak with David Samson about.

ASSEMBLYMAN WISNIEWSKI: But you weren't sure at that point in time what the indemnification referred to?

MR. O'DOWD: I can't remember, specifically, if I knew that at that time.

ASSEMBLYMAN WISNIEWSKI: And what did you tell Mr. Baroni about indemnification?

MR. O'DOWD: That he would need to speak with Mr. Samson.

ASSEMBLYMAN WISNIEWSKI: And what did you tell Mr. Samson about indemnification?

MR. O'DOWD: That he should expect a call on a series of HR matters from Bill Baroni. I don't know if I specifically mentioned indemnification to Samson or not, but I may have.

ASSEMBLYMAN WISNIEWSKI: Okay. Just going back, you had spoken to Mr. DuHaime after the Baroni meeting. When you spoke with Mr. DuHaime, you had said that Baroni might be calling him for a job, right?

MR. O'DOWD: I don't know if I said, "You should call him," or "He's going to call you" -- but something to that effect.

ASSEMBLYMAN WISNIEWSKI: Now, did Mr. DuHaime mention, in that conversation, his conversations with Mr. Stepien earlier that day?

MR. O'DOWD: I don't believe so.

ASSEMBLYMAN WISNIEWSKI: Okay. Did you mention your conversation with Kelly earlier that day?

MR. O'DOWD: It's possible; I don't remember specifically. I remember the point of me calling him, from my perspective, was to connect him with Baroni.

ASSEMBLYMAN WISNIEWSKI: Did you mention what the Governor had told you earlier that day about his own conversation with Stepien?

MR. O'DOWD: I don't believe so.

ASSEMBLYMAN WISNIEWSKI: It's 6:48; Mr. DuHaime called you, and I guess it's a 1 minute call so you probably didn't answer. But then at 7:02 you called DuHaime. Was that a subsequent call, or was that the call that you just testified to?

MR. O'DOWD: I'm not sure. Is there something I could look at it to refresh my recollection?

ASSEMBLYMAN WISNIEWSKI: Tab 19.

SENATOR O'TOOLE: Sorry, Chairman--

MR. O'DOWD: This is David Samson's phone log.

ASSEMBLYMAN WISNIEWSKI: Sorry, wrong Tab. Tab 36 is the call log.

MR. O'DOWD: Okay.

MR. ZOUBEK: Mr. Co-Chair, you were referring to the calls on December 12?

ASSEMBLYMAN WISNIEWSKI: My Tabs are numbered incorrectly, so I think it's Tab 36.

MR. O'DOWD: So you're referring to what looks like--

MR. ZOUBEK: I think the Co-Chair needs to get his copy.

MR. O'DOWD: Oh, I'm sorry. I'm sorry.

MR. ZOUBEK: We have that; thank you, sir.

ASSEMBLYMAN WISNIEWSKI: My Tabs are numbered incorrectly.

So just going back to the question--

MR. ZOUBEK: I think you had been referring to the 6:48 and the 7:02 calls, Mr. Co-Chair?

ASSEMBLYMAN WISNIEWSKI: Yes, the 6:48, there's a 1 minute call, which suggests to me it was -- it could not have been answered, possibly. So then there is a 7:02 call, in which you called DuHaime and you spoke for 6 minutes. Is that the call in which you relayed to Mr. DuHaime that you had informed Mr. Baroni that tomorrow was his last day, and that Baroni would be looking for work, and either he would call or you should call?

MR. O'DOWD: I believe, Mr. Co-Chair, that that's the 5:41 call; I believe that's a 3-minute call -- that's a little bit up on the sheet, there. And I believe that when I first connected with DuHaime, he was on a train or something and couldn't speak -- there was some connection problem. And then I believe he called me back, or I call him back -- it'd not clear to me who the originator is on these calls underneath -- the 7:02.

ASSEMBLYMAN WISNIEWSKI: Well, it looks like, from the logs, that at 6:48 DuHaime called you.

MR. O'DOWD: Okay.

ASSEMBLYMAN WISNIEWSKI: Then at 7:02 you called DuHaime. So my question -- a long way around it -- was you had a 5:41 call with Mr. DuHaime, and then there was a 7:02 call. Why the subsequent call?

MR. ZOUBEK: If I can, I think he just testified that there may have been a problem with the connection on the 5:41. If you look, it's Philadelphia.

And where do you believe he was at the time you were talking to him?

MR. O'DOWD: He was on a train, I believe, when I first connected with him -- the first call after the Baroni meeting ended, the 5:41 call.

ASSEMBLYMAN WISNIEWSKI: So my question still stands.

MR. ZOUBEK: I was just trying to be helpful, Co-Chair.

ASSEMBLYMAN WISNIEWSKI: I appreciate your help.

MR. O'DOWD: Well, in any event, what I remember speaking to DuHaime about that day was letting him know about what had transpired in my Baroni meeting, and that Baroni would be calling him, or that he should call Baroni; something like that.

ASSEMBLYMAN WISNIEWSKI: Okay. In any way, did you discuss-- Strike that.

The next morning, on December 13, page 16 of Tab 33, which is your Gibson Dunn memo, the first thing you did -- or one of the first things you did -- was to meet with Deb Gramiccioni.

MR. ZOUBEK: If you could, Co-Chair, go back on--

ASSEMBLYMAN WISNIEWSKI: Tab 33.

MR. ZOUBEK: Thirty-three.

ASSEMBLYMAN WISNIEWSKI: His interview memo with Gibson Dunn, page 16.

MR. ZOUBEK: Okay, thank you.

ASSEMBLYMAN WISNIEWSKI: I only raised that as a point of reference, because this is allegedly your recollections of what took place. If it's not correct, that's fine, you can tell me that.

But according to this memo, on December 13, one of the first things you did was meet with Deb Gramiccioni. Is that correct?

MR. O'DOWD: That's correct.

ASSEMBLYMAN WISNIEWSKI: And why did you meet with her?

MR. O'DOWD: On the way into work that day I walked past Deb Gramiccioni's office and I recall that she kind of waved me into her office, or invited me into her office to have a conversation.

ASSEMBLYMAN WISNIEWSKI: And when she invited into her office, what did she tell you?

MR. O'DOWD: She indicated to me that she had communicated with Baroni -- and I don't remember exactly when that was. What I mean by that is, her communication with Baroni -- she had communicated with Baroni, and Baroni had indicated to her that there was some document or some documents showing that Bridget Kelly knew something about the lane closures, but that Bill Baroni had not seen the document or documents in question.

ASSEMBLYMAN WISNIEWSKI: Did that surprise you?

MR. O'DOWD: It did surprise me, because I had just met with Bill Baroni the evening before and hadn't heard anything like that.

ASSEMBLYMAN WISNIEWSKI: But you hadn't asked him either, correct?

MR. O'DOWD: I'm sorry?

MR. ZOUBEK: Just a second.

(attorney/client confer)

MR. O'DOWD: I'm sorry, Co-Chair, could you ask that again? I apologize.

ASSEMBLYMAN WISNIEWSKI: You said that you were surprised because you had met with Bill Baroni the evening before, and he hadn't said anything about that.

MR. O'DOWD: I did say that, yes.

ASSEMBLYMAN WISNIEWSKI: But you also hadn't specifically asked him that question, correct?

MR. O'DOWD: That's correct. I was also surprised because I had had a conversation with Bridget Kelly at 4:00 or so in the afternoon the day before.

ASSEMBLYMAN WISNIEWSKI: So when you heard this from Deb Gramiccioni that -- she was recounting to you what Mr. Baroni had said to her, did you call Baroni to find out more information?

MR. O'DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Why not?

MR. O'DOWD: Well, two things: one, if I understood O'Dowd correctly, she indicated that Baroni had not seen the documents,

he had just heard of them; but more importantly, I was going to speak with Bridget Kelly again that day, directly.

ASSEMBLYMAN WISNIEWSKI: You weren't curious as to whether Deb Gramiccioni had gotten the story correct?

MR. O'DOWD: I assumed O'Dowd passed along to me what she knew, and I was going to approach -- which I later did -- Bridget Kelly, directly.

ASSEMBLYMAN WISNIEWSKI: So when you later went to see Bridget Kelly, you never spoke with Baroni before you went to see Bridget Kelly?

MR. O'DOWD: I don't believe so.

ASSEMBLYMAN WISNIEWSKI: Okay. And before you went in to see Bridget Kelly -- now that you have this information, with these allegations -- did you do any other due diligence -- call anybody, ask anybody whether they knew anything about this allegation that Deb Gramiccioni had just relayed to you that morning?

MR. O'DOWD: Well Deb's allegations, or Deb's information was that Baroni is indicating that there is some e-mail or some documents that Bridget Kelly knows something about the lane closures; that's what I learned from Deb.

ASSEMBLYMAN WISNIEWSKI: Understood. And you said you were surprised to hear that.

MR. O'DOWD: I was.

ASSEMBLYMAN WISNIEWSKI: So being surprised, you didn't call Mr. Baroni?

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: You didn't call Mr. Stepien?

MR. O'DOWD: I have a call with Bill Stepien, but I don't believe it's on this. I was to address Bridget Kelly; and I do, ultimately, address Bridget Kelly directly on what I've heard from Deb that morning -- Deb Gramiccioni that morning.

ASSEMBLYMAN WISNIEWSKI: You don't call Mr. DuHaime?

MR. O'DOWD: I have a conversation with Mr. Duhaime that morning, but I believe that was concerning Baroni's issues that he was still raising on indemnification and other HR matters.

ASSEMBLYMAN WISNIEWSKI: You don't call Mr. Wildstein?

MR. O'DOWD: I do not.

ASSEMBLYMAN WISNIEWSKI: Do you call anybody about this information that Deb Gramiccioni gave you?

MR. O'DOWD: I don't believe so.

ASSEMBLYMAN WISNIEWSKI: So after that conversation, was it immediately after that that you went to see Bridget Kelly?

MR. O'DOWD: No.

ASSEMBLYMAN WISNIEWSKI: Okay, why not?

MR. O'DOWD: Because we had a staff meeting with the Governor a short time after that.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. O'DOWD: When I say *that*, after the interaction with Deb Gramiccioni.

ASSEMBLYMAN WISNIEWSKI: Did you tell the Governor at any point before, during, or after this staff meeting about the information that Deb Gramiccioni had just given you?

MR. O'DOWD: Yes.

ASSEMBLYMAN WISNIEWSKI: When did you tell him?

MR. O'DOWD: I believe after the staff meeting, and after I had interacted with Bridget Kelly.

ASSEMBLYMAN WISNIEWSKI: Okay -- immediately after the staff meeting, and before you went in to meet with Bridget Kelly.

MR. O'DOWD: No, no, I'm sorry. So staff meeting ends--

ASSEMBLYMAN WISNIEWSKI: Right.

MR. O'DOWD: I have some interactions with Ms. Kelly. Somewhere in that one-hour window before his press conference I speak with him about the Baroni information, if you will, as passed through Deb Gramiccioni.

ASSEMBLYMAN WISNIEWSKI: Were you concerned that now a high-ranking member of the Office of the Governor, who had given you one set of facts, was being contradicted by somebody else in the Office of the Governor?

MR. O'DOWD: I'm not sure I'm following you.

ASSEMBLYMAN WISNIEWSKI: Deb Gramiccioni suggested to you that Bill Baroni had said that Bridget Kelly has more information; that there may be e-mails.

MR. O'DOWD: Something to the effect of Bridget Kelly -- there's some documents or some e-mails saying Bridget Kelly knew

something about this -- something like that. So was I concerned to learn that from Deb Gramiccioni?

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. O'DOWD: Yes.

ASSEMBLYMAN WISNIEWSKI: At that staff meeting, the Governor had specifically asked members of his staff whether they had any information or knowledge about the lane closures?

MR. O'DOWD: I think the direct question was, "whether or not anyone in this room had anything to do with closing the lanes," and looking around at all of us. That's the way I recall that piece of it.

ASSEMBLYMAN WISNIEWSKI: Okay. Mr. DuHaime's call log -- that's Tab 36 again -- indicates that he called you at 9:05 that morning and you spoke for 5 minutes. What was the purpose of Mr. DuHaime calling you that morning?

MR. O'DOWD: What I remember from that call was DuHaime passing along information about Baroni being concerned about not having some of the HR issues resolved.

ASSEMBLYMAN WISNIEWSKI: Tab 36 indicates that the prior night Mr. DuHaime had several lengthy conversations with Mr. Wildstein -- one for 12 minutes and one for 73 minutes. Did Mr. DuHaime talk to you at all about those conversations?

MR. O'DOWD: I don't remember that, no.

ASSEMBLYMAN WISNIEWSKI: Okay. Did he relay anything concerning Mr. Wildstein having information about Bridget Kelly having e-mails that related to the lane closures?

MR. O'DOWD: What I remember Mike bringing up to me was issues and concerns that Baroni was raising with respect to the fact that that was his last day, and the HR issues that he had raised with me the day before.

ASSEMBLYMAN WISNIEWSKI: Okay. And at that point in time, this is now post -- so we're going back to where we were before -- the Governor had his staff meeting, directed people to reveal whether they knew anything about the lane closures and, if I'm not mistaken, it was either you or McKenna who people were told to go see about whether they had any information about the lane closures?

MR. O'DOWD: The way I recall it was the Governor said that if anyone had any information to bring forward, or something that they wanted to say that was different than the fact that no one had responded in that meeting, they could come see either me, McKenna, or himself. But, essentially, I agree with what you're saying.

ASSEMBLYMAN WISNIEWSKI: Okay. So after that staff meeting, you then go to see Ms. Kelly.

MR. O'DOWD: I do.

ASSEMBLYMAN WISNIEWSKI: Okay. Where did that meeting take place?

MR. O'DOWD: Well, I had a few interactions with Ms. Kelly during the one-hour window, if you will, between the conclusion of the senior staff meeting and the start of the press conference.

ASSEMBLYMAN WISNIEWSKI: Okay. So let's walk through the first, the second, or however many there may have been.

So the staff meeting ends; you then immediately go to see Ms. Kelly?

MR. O'DOWD: I believe I did.

ASSEMBLYMAN WISNIEWSKI: Okay. And the purpose of you immediately going to see Ms. Kelly was--?

MR. O'DOWD: To ask her if she has any idea what Baroni is talking about -- with Baroni saying that there's an e-mail or there's e-mails that indicate that "you knew something about this" -- so confronting her with the Baroni information.

ASSEMBLYMAN WISNIEWSKI: And what did she say?

MR. O'DOWD: She didn't know what he was talking about.

ASSEMBLYMAN WISNIEWSKI: Okay. She did mention, in that meeting, the September 12 e-mail.

MR. O'DOWD: She does. Whether it's in that interaction or a subsequent interaction in her office, she does hand me a document that I believe is a September 12 e-mail.

ASSEMBLYMAN WISNIEWSKI: And she hands you the September 12 e-mail -- it's a printout?

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: And did she describe it to you before you read it, or did you just read it?

MR. O'DOWD: I don't remember what order it occurred in.

ASSEMBLYMAN WISNIEWSKI: Did you read it?

MR. O'DOWD: I did.

ASSEMBLYMAN WISNIEWSKI: Okay. Did you ask her about it?

MR. O'DOWD: I did.

ASSEMBLYMAN WISNIEWSKI: What did you ask her?

MR. O'DOWD: I asked her why, when she received this, she didn't say anything to anyone, or to me -- is probably what I said.

ASSEMBLYMAN WISNIEWSKI: Back in September?

MR. O'DOWD: Oh, I'm sorry -- back in September. So this is 90 days after she's received this. She's showing me something that she's received 90-or-so days earlier.

ASSEMBLYMAN WISNIEWSKI: Was this the first time you had any communication with her about whether she had any information about the lane closures?

MR. O'DOWD: Between December 12 and December 13, over those two days; other than that, no other time.

ASSEMBLYMAN WISNIEWSKI: But the day before you had a conversation with her--

MR. O'DOWD: December 12.

ASSEMBLYMAN WISNIEWSKI: --and she essentially said she had no information.

MR. O'DOWD: Correct. She said she had nothing to do with closing the lanes.

ASSEMBLYMAN WISNIEWSKI: Okay. Well, let's be clear. Let's take "nothing to do with closing the lanes" as a separate issue. Did she know anything about the lane closures?

MR. O'DOWD: What I asked her was, "Did you have anything to do with closing the lanes?" That's the question I asked here.

ASSEMBLYMAN WISNIEWSKI: On December 12?

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: Okay. And she said no.

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: So then she shows you this e-mail on December 13.

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: And do you in any way believe this e-mail contradicts what she said the day before?

MR. O'DOWD: I don't. May I look at a copy of it; is that possible?

ASSEMBLYMAN WISNIEWSKI: It's Tab 1.

MR. O'DOWD: Well, this actually isn't the e-mail that she handed me.

ASSEMBLYMAN WISNIEWSKI: Give me one second.

MR. ZOUBEK: Mr. Co-Chair, having been quite familiar with Mr. O'Dowd's testimony, it may be helpful if you ask him to describe the e-mail that he saw, because that will help put it in context and, I think, make this go more efficiently.

ASSEMBLYMAN WISNIEWSKI: Okay, I think what Tab 1 is, is a forward of the e-mail we're talking about. So--

MR. ZOUBEK: But if I can, the phrasing in this is incredibly important -- that e-mail we're talking about. And since there could be a lot of versions of this e-mail--

ASSEMBLYMAN WISNIEWSKI: Understood, understood. So what we're looking at in Tab 1 is an e-mail from Davis Wildstein to Bridget Kelly. If you scroll down through the e-mail--

MR. ZOUBEK: I know exactly where you're going, Co-Chair. I'm only suggesting -- and you don't have to follow the suggestion -- is to ask Mr. O'Dowd what he recalled seeing that day. It will then put this into context.

ASSEMBLYMAN WISNIEWSKI: Going about it a different way but, essentially, getting to the same point.

Halfway through this page it says, "Begin forwarded message." And there's a message from Christina Genovese Renna to Bridget Kelly, with the area below, "begin forwarded message." Is that the e-mail that you were shown that day?

MR. O'DOWD: I believe so. That's the base e-mail of what I saw.

ASSEMBLYMAN WISNIEWSKI: Okay. And did this e-mail surprise you?

MR. O'DOWD: It did.

ASSEMBLYMAN WISNIEWSKI: Why?

MR. O'DOWD: It surprised me that I had not heard about this sooner.

ASSEMBLYMAN WISNIEWSKI: And that's all?

MR. O'DOWD: That's what I recall being my initial reaction to it.

ASSEMBLYMAN WISNIEWSKI: Now, at that point in time you had been made aware that Bill Baroni had said to Deb Gramiccioni that there was an e-mail out there about the lane closures, correct?

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: Did you think that this was the e-mail?

MR. O'DOWD: I ultimately conclude that, yes.

ASSEMBLYMAN WISNIEWSKI: Well, before you get to the ultimate conclusion, you're in this meeting with Bridget Kelly, all right? Did you conclude that while you were in the meeting with Bridget Kelly?

MR. O'DOWD: I don't remember exactly when I concluded it.

ASSEMBLYMAN WISNIEWSKI: Okay. Did it-- Strike that.

Who else was in this meeting with Bridget Kelly when you were handed this e-mail?

MR. O'DOWD: I recall the interaction between just Bridget and myself, but I know Bill Stepien was around that day. He may have been present for this; I know he was there in a good part of that one-hour window.

ASSEMBLYMAN WISNIEWSKI: He was in the meeting with you and Bridget Kelly?

MR. O'DOWD: I don't know that it was a meeting. He may have been; he was definitely there that day. I don't know whether or not he was specifically in this interaction.

ASSEMBLYMAN WISNIEWSKI: Was he in any of your interactions with Bridget Kelly?

MR. O'DOWD: Again, he was present -- he was in and around, by her office. I can't specifically put him in the room, but I'm not precluding it, either.

ASSEMBLYMAN WISNIEWSKI: This is an important point, so I'm just trying to understand. Because you said he was "present," but he

was “in and around.” And that says yes and no to me. So I’m trying to understand.

MR. O’DOWD: I recall him, at some point, being in the doorway right outside in the outer office. Bridget’s desk is very close to the outer office -- 3 or 4 feet connects the outer office from her desk.

ASSEMBLYMAN WISNIEWSKI: Right.

MR. O’DOWD: So he may well have been right there for this.

MR. ZOUBEK: If I can, Co-Chair. I think his distinction is, in the office you can be around an office and still be able to hear, as opposed to being in the office. That’s the distinction he’s making.

ASSEMBLYMAN WISNIEWSKI: But what I’m trying to understand is did Mr. Stepien participate in any way in your conversation with Bridget Kelly?

MR. O’DOWD: I don’t remember him participating in any way.

ASSEMBLYMAN WISNIEWSKI: Was there a point in time where you were looking at her computer trying to help locate an e-mail?

MR. O’DOWD: I was standing over her desk -- in front of her desk -- and I recall her looking through e-mails, making some reference to the fact that she deletes e-mails on occasion. Mr. Stepien may have been present for that, but I don’t remember him being part of it in any way. I was interacting with her, is the way I remember it.

ASSEMBLYMAN WISNIEWSKI: It was at this point in time where Ms. Kelly said that she deletes e-mails?

MR. O’DOWD: She referenced the fact that sometimes she deletes e-mails.

ASSEMBLYMAN WISNIEWSKI: Did that concern you?

MR. O'DOWD: It did, but I said, "You need to check your deleted files; you can still retrieve e-mails that have been deleted."

ASSEMBLYMAN WISNIEWSKI: Did you give her any instructions about the propriety of deleting e-mails related to government business?

MR. O'DOWD: I know that she's been present for training on this, and there is very clear training on this from the Office of the Governor with respect to not doing that. But I don't know-- She didn't reference what type of e-mails she had deleted; it was just a general reference to that.

ASSEMBLYMAN WISNIEWSKI: Right, but you now have somebody who reports to you, as Chief of Staff, saying, "I delete e-mails."

MR. O'DOWD: "Sometimes I delete e-mails," I believe is what she said.

ASSEMBLYMAN WISNIEWSKI: Okay. Were you concerned that she had deleted e-mails about this lane closure?

MR. O'DOWD: I wasn't, because she wasn't concerned. And nothing in this interaction changed her very, very clear indication to me that she didn't have anything to do with the lane closures. So she was concerned, I think, maybe someone sent her something -- which is what I indicated the day before. "Check your texts, check your e-mails, see if someone sent you something," some kind of a notification, or something like that. That's what I was thinking of.

ASSEMBLYMAN WISNIEWSKI: But it didn't rise to a level of concern that, at a point in time when there was a legislative Committee conducting a formal investigation into this issue, somebody who reports to

you said, in the context of you looking for e-mails -- she said to you, "Sometimes I delete e-mails." That didn't--

MR. O'DOWD: She didn't say that she deleted any e-mail associated with this.

ASSEMBLYMAN WISNIEWSKI: Well, why would she tell you that if it didn't have some-- I mean, I'm trying to understand the context. She tells you, "I sometimes delete e-mails." Why would she say to you, "Sometimes I delete e-mails," when you're asking her for e-mails about the lane closure?

MR. O'DOWD: I'm not sure.

MR. ZOUBEK: If I could -- your question was, "Why does she," do the following, and so he can't answer that question.

MR. O'DOWD: Yes.

ASSEMBLYMAN WISNIEWSKI: And it didn't pique your curiosity, as her boss, as to why your employee might, in the context of you asking her for e-mails on this topic, say to you, "Oh, and I sometime delete e-mails."

MR. O'DOWD: I don't remember it being, "Oh, and by the way." This was-- I'm trying to focus on the particulars of the transaction. She provided this e-mail, and indicated to me that she does not believe there are any other e-mails on the topic.

ASSEMBLYMAN WISNIEWSKI: On Tab 39, page 9 -- I'm sorry, is that right? Hold on one second.

Yes, Tab 39--

MR. ZOUBEK: If I can, Mr. Co-Chair, and, obviously, it's your proceeding. I would just like--

ASSEMBLYMAN WISNIEWSKI: We're going to take a break.

MR. ZOUBEK: No, no. My client has not read these other reports. I've instructed him not to read the other reports. I would ask that you, perhaps, you not ask him to read somebody else's statement, but just ask him a factual question.

ASSEMBLYMAN WISNIEWSKI: I'm going to ask him a factual question, but I want him to know from where I am basing my question.

MR. ZOUBEK: I understand that. But particularly in the context with all the proceedings going on here, I think the instruction that I've given my client not to read anyone else's statements is appropriate. And so I would hope that we could ask the question without referring him to a page of somebody else's report.

ASSEMBLYMAN WISNIEWSKI: I'm not going to question your legal advice to him; that's your business. I just wanted him to understand why I'm asking the question. If he would just listen to the question -- I mean, it makes it easier if he read it, but he can listen and he can answer the question, if possible.

MR. ZOUBEK: That sounds like a perfect approach.

ASSEMBLYMAN WISNIEWSKI: So according to the memo prepared by Gibson Dunn of the interview with Mike DuHaime on page 9, "Mr. Stepien called DuHaime from the State House before the Governor's press conference asking Mr. DuHaime to confirm that Mr. Wildstein had said that Kelly had knowledge of the lane realignment beforehand. Stepien

asked DuHaime to determine if Wildstein had proof of Kelly's knowledge beforehand."

My question for you, based on that, is did you ever ask Mr. Stepien to call Mr. Duhaime that morning, and ask DuHaime to call Mr. Wildstein?

MR. O'DOWD: I don't remember that -- making that call.

ASSEMBLYMAN WISNIEWSKI: It didn't happen, or you don't remember?

MR. O'DOWD: I don't remember my interactions with Mr. Stepien that day regarding -- having regard to the lane closures.

ASSEMBLYMAN WISNIEWSKI: Did you have interactions with Mr. Stepien that day?

MR. O'DOWD: I did.

MR. ZOUBEK: If I may just have a moment.

(attorney/client confer)

MR. O'DOWD: I don't remember the substance of that call. I did have a telephone conversation with Bill Stepien that day, and I also saw him in person that day.

ASSEMBLYMAN WISNIEWSKI: Okay. At that point in time, Bill Stepien was working for the campaign, correct?

MR. O'DOWD: I think--

ASSEMBLYMAN WISNIEWSKI: Or it was actually after the campaign.

MR. O'DOWD: I think the campaign was over.

ASSEMBLYMAN WISNIEWSKI: Well, he was no longer an Office of the Governor employee.

MR. O'DOWD: He was no longer an Office of Governor employee; that's correct.

ASSEMBLYMAN WISNIEWSKI: Okay. So what would you be calling Mr. Stepien about?

MR. O'DOWD: I had just seen Bill Stepien that day before; I was having conversations with Bill Stepien, generally, about the future. We had been in Arizona together for a week in November. So I don't remember specifically, is my answer.

ASSEMBLYMAN WISNIEWSKI: But that call to Mr. Stepien is not mentioned in your Gibson Dunn memo.

MR. O'DOWD: Is that the case?

ASSEMBLYMAN WISNIEWSKI: Is there a reason why it wouldn't -- why you wouldn't have mentioned that in your interview to Gibson Dunn?

MR. O'DOWD: I don't know. They are not my notes, they are not my statements. I'm telling you that I don't remember the substance of that call. I know I spoke with Bill, no question. I know I saw Bill at the State House that day, no question. I just don't remember the substance of those interactions.

ASSEMBLYMAN WISNIEWSKI: Okay. According to your memo, on page 18--

MR. O'DOWD: What Tab is that, again?

ASSEMBLYMAN WISNIEWSKI: Your memo is--

MR. ZOUBEK: It's 33.

ASSEMBLYMAN WISNIEWSKI: Yes, 33. I just want to understand the process while you went to Bridget Kelly's office. And I

know you said it was more than one occasion that morning -- or that day, correct -- on December 13?

MR. O'DOWD: Correct. Prior to the press conference, I believe I was in her office a couple of times, and she was in my office once.

ASSEMBLYMAN WISNIEWSKI: Okay. Were you and Bridget Kelly trying to go through her e-mails before the Governor's press conference?

MR. O'DOWD: I don't remember doing that, no.

ASSEMBLYMAN WISNIEWSKI: Were you trying to go through her e-mails?

MR. O'DOWD: I don't remember me-- I was not trying to go through her e-mails.

ASSEMBLYMAN WISNIEWSKI: Were you standing over her desk while she went through them, and you were observing from behind?

MR. O'DOWD: It's possible that she accessed her computer while I was there, but I don't remember it that way.

ASSEMBLYMAN WISNIEWSKI: Okay. When you were in Bridget Kelly's office, didn't Bridget Kelly tell you that Wildstein had called her at one point, prior to the lane closures, and told her that the lane closures had been given the green light from Trenton?

MR. O'DOWD: No.

ASSEMBLYMAN WISNIEWSKI: That never happened?

MR. O'DOWD: No.

ASSEMBLYMAN WISNIEWSKI: No words to that effect?

MR. O'DOWD: No words to that effect.

ASSEMBLYMAN WISNIEWSKI: Was there any indication that Bridget Kelly, at that point in time, had prior knowledge of the lane closures?

MR. O'DOWD: Not that I was aware of. The e-mail that I had been given from her was, I think, three days or four days into the lane closures.

ASSEMBLYMAN WISNIEWSKI: While they were occurring?

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: Okay. Did you tell the Governor before his press conference that Bridget Kelly had a contemporaneous e-mail while the lane closures were going on?

MR. O'DOWD: I did.

ASSEMBLYMAN WISNIEWSKI: You told the Governor that one of his staff members knew about the lane closures while they were going on?

MR. O'DOWD: I showed him the e-mail.

ASSEMBLYMAN WISNIEWSKI: Okay.

I have no further questions at this point in time.

We're going to take a lunch break, and then we're going to resume questioning with Co-Chair Weinberg.

MR. O'DOWD: What time, sir?

ASSEMBLYMAN WISNIEWSKI: We're going to take a half-hour, so that would take us to 1:05 p.m.

MR. ZOUBEK: Thank you.

MR. O'DOWD: Thank you.

(recess)

(Committee returns from recess)

ASSEMBLYMAN WISNIEWSKI: I'd like to bring the meeting of the Select Investigative Committee back to order.

Mr. O'DOWD, thank you for your testimony this morning. We're going to continue with the questioning now, led by the Co-Chair of the Committee, Senator Loretta Weinberg.

SENATOR WEINBERG: Good afternoon.

MR. O'DOWD: Good afternoon, Co-Chair.

SENATOR WEINBERG: I'm going to go back a little further in the chronology than my Co-Chair. Assemblyman Wisniewski kind of concentrated on those first couple of weeks in December.

Okay, and let me start off with a reference, it's in Tab 5, and it talks about a weekly conference call -- September 19 plan to call, but it was put off to a new date. And I'm curious as to why that group of people participate in a weekly conference call -- particularly why is Mr. Bill Palatucci involved in those weekly conference calls.

MR. O'DOWD: Well, Senator, I don't know about this particular call on Friday, the 20th, but as a general matter we had a Friday call -- a scheduling and logistics call -- between the Governor's Office employees and members of the campaign.

SENATOR WEINBERG: Okay. So that was done weekly.

MR. O'DOWD: I believe it was done weekly.

SENATOR WEINBERG: And Mr. Palatucci, I guess, and Mr. DuHaime represented the campaign, or strategists--

MR. O'DOWD: And Mr. Stepien as well. I think Mr. Palatucci was the Chairman of the campaign; I think that was his title.

SENATOR WEINBERG: I'm sorry?

MR. O'DOWD: Mr. Palatucci was the Chairman of the campaign; I think that was his title.

SENATOR WEINBERG: Okay, now we fast-- Well, I'm going to skip back-and-forth in the timeline.

But on October 2 -- this is Tab 33 -- and this pertains to Pat Foye's e-mail.

MR. O'DOWD: I'm sorry, Senator, which Tab, Tab 33?

SENATOR WEINBERG: Tab 33.

MR. ZOUBEK: It's your statement.

MR. O'DOWD: Oh, okay.

SENATOR WEINBERG: And that's the "Pat Foye is a bad guy" e-mail.

ASSEMBLYMAN WISNIEWSKI: Tab 33 is his statement.

SENATOR WEINBERG: We'll hold that while we look.

Let me move forward.

On page 5--

MR. O'DOWD: Page 5 of the memorandum of interview?

SENATOR WEINBERG: Okay, it's on page 9 -- the Pat Foye e-mail issue that I just raised is on page 9 of Tab 33, the top paragraph. It talks about, "The relationship between Wildstein and Baroni on the one hand, and Foye on the other had never been great and that there was a tension between them. As such, O'Dowd discounted information. O'Dowd viewed the fact that the Foye e-mail was leaked as evidence of the tension.

O'Dowd believes then, on October 2, a text that he received from Stepien stating, 'Pat Foye is a bad guy' was sent in the context of this historical tension."

So you got a text, perhaps on or about October 2, from Mr. Stepien?

MR. O'DOWD: That's correct.

SENATOR WEINBERG: Okay. And everything that Pat Foye said in that e-mail -- didn't follow any of our processes, laws were probably broken, both Federal and State laws -- were all kind of dismissed -- *dismissed* is my word -- because of this so-called tension between some of the New York and New Jersey employees.

MR. O'DOWD: Which e-mail are you referring to, Senator?

SENATOR WEINBERG: The e-mail that -- pardon me. The original e-mail that Pat Foye sent, that talked about the fact that the lane closures did not follow any of the Port Authority process and, in fact, Federal and State laws probably were broken.

MR. O'DOWD: I don't believe that I saw that e-mail until much later in time -- after January 8. But the article that makes some of the assertions in there I am familiar with -- which I think is what you're asking me.

SENATOR WEINBERG: Okay. That article appeared around October 1 or 2.

MR. O'DOWD: That's my understanding.

SENATOR WEINBERG: And you received it-- According to this, that on October 2 a text that you received from Stepien stated, "Pat

Foye is a bad guy” -- and that text was sent in context of this tension, correct? Or that’s how you--

MR. O’DOWD: I believe it was.

SENATOR WEINBERG: Okay. So the fact that the Executive Director of the Port Authority of New York and New Jersey reversed these lane closures, stated in an e-mail that was, by that time, published in the newspaper -- again, I’ll repeat, “the processes have not been followed. The lane closures were reversed. And State and Federal laws were probably broken.” That was just dismissed as a result of the tension between the New York and New Jersey sides -- and *dismissed* is my word, but I wanted to perhaps help put a more direct question to you, Mr. O’Dowd. When you saw that e-mail, did you feel any responsibility to look into this a little more closely, or to speak to anyone at the Port Authority?

MR. O’DOWD: I don’t believe I saw the e-mail, but, again, the article -- the October 1 article, the *Wall Street Journal* article, I’m familiar with that and I did not dismiss that article.

SENATOR WEINBERG: So what was your reaction when you read about the e-mail?

MR. O’DOWD: The article which references the e-mail?

SENATOR WEINBERG: Yes, when you read the article.

MR. O’DOWD: I’m just trying to be clear; I’m not trying to be cute with that. So I had an understanding that the article makes references to laws were broken, Pat Foye was going to investigate what had happened, there may have been reference to political overtones -- so I am familiar with that article. And I, a short time after that article is published, I’m present

for a meeting with the Governor and Charlie McKenna concerning the matter.

SENATOR WEINBERG: Okay. After you read the article, you didn't ask to see the e-mail, or you didn't speak with anybody at the Port Authority?

MR. O'DOWD: I did not. I don't recall speaking with anybody at the Port Authority, and I don't think I saw the e-mail itself until much later. But again, I did see-- I'm familiar with the article and the allegations, generally.

SENATOR WEINBERG: Okay. On page -- I'm still in Tab 33 -- on page 5, and it's the first full paragraph, the last sentence. I'm sorry -- go down to the Roman numeral II, paragraph A. "O'Dowd did not know about an attempt in the spring of 2013 to get the Fort Lee Mayor to endorse the Governor. O'Dowd was not involved, did not know about the process of getting endorsements from local elected officials, but would learn about the endorsements either right before or as they were announced." Do you recall who generally told you about some potential endorsement of the Governor during the campaign before they were announced?

MR. O'DOWD: Do I recall who would have told me that?

SENATOR WEINBERG: Yes, who would have told you about endorsements that were about to happen of the Governor prior--

MR. O'DOWD: Most likely it would be Bill Stepien; but I don't recall specifically. But when we had those Friday calls, if we talked about scheduling for the week that would follow, there would be time blocks on the schedule for -- I think they were blocked as CCFG. That meant Chris Christie for Governor, and that was the opportunity for them

to tell us -- the campaign -- where they wanted him to be for that -- say, from 3:00 to 5:00 p.m. he needs to be in South Orange on Thursday. And at that time we may learn what the purpose of that meeting -- event was to be. And that's what I meant by that, I believe.

SENATOR WEINBERG: Okay, on page 10, also Tab 33 -- "He indicates that Bill Baroni was going to be replaced in the new term prior to his testimony, prior to more information about the lane closures. That, in fact, his replacement was told on or about November 13 that she was going to replace Mr. Baroni at the Port Authority."

Is that so?

MR. O'DOWD: I think this date is inaccurate. I think it was earlier than that. It was some time after the reelection and before Ms. Gramiccioni went away to Hawaii -- that she was, as I understood it, offered the job from the Governor and had accepted it. But there had been discussions even prior to the election with me and Deb Gramiccioni about her interest level in taking the position.

SENATOR WEINBERG: Did Mr. Baroni know at that time that he was going to be replaced?

MR. O'DOWD: Not from me.

SENATOR WEINBERG: Do you know whether he knew or not at all, through somebody?

MR. O'DOWD: I don't -- not from me, and I don't know-- I don't know when he knew he was going to be replaced, other than when I told him about -- on December 12 --

SENATOR WEINBERG: That he was going to be replaced the next day.

MR. O'DOWD: --that tomorrow was his last day. Yes, but if he knew prior to that -- which is likely in the space between O'Dowd accepting the position and the meeting on December 12 -- I never communicated that with him directly.

SENATOR WEINBERG: Do you have any idea why Mr. Baroni was going to be replaced in the second Administration?

MR. O'DOWD: Generally, I think there were some frustrations, and a notion that he may be burned out. If I understood it correctly, he had the position for almost four years and no one prior to -- if I understood it correctly -- no one prior to that had held that position for more than two years, or something like that. So as I understood it, he was burned out. That is what I understood to be the case.

SENATOR WEINBERG: So it's just a question of the fact that he had some term of office there that was over?

MR. O'DOWD: No, I mean, it was performance-based. I mean, it was a decision to move on. I think part of it was that he's burned out, he's been there for too long. There is lots of tension, which I think is natural in certain positions. So there were conversations months and months and months earlier that I was present for about Bill not being there in the second term -- Bill Baroni not being there in the second term.

SENATOR WEINBERG: Did-- At any time during this period of time did Mr. Baroni announce that he wanted to resign, or did he ask to be replaced or transferred into another position?

MR. O'DOWD: I don't believe directly to me, and I don't know if he communicated that to other folks.

SENATOR WEINBERG: So as far as you know, as of several months before November 13, there were plans to replace Mr. Baroni, but chances were Mr. Baroni was not aware of that.

MR. O'DOWD: I don't know what he was aware of, but I'm certain of the fact that there were conversations several months, at least, prior to that about him not being around in the second term.

SENATOR WEINBERG: Was Mr. Samson aware of that?

MR. O'DOWD: Yes. Those were some of the conversations I had with David Samson about that.

SENATOR WEINBERG: But nobody ever asked whether anybody had a discussion with Mr. Baroni about it?

MR. O'DOWD: Well, I didn't ask that.

SENATOR WEINBERG: Okay. Now, on page 15, also Tab 33-- Okay, we're going back to, I guess, it's that same dining room meeting -- for want of a better title for it. And it was during that meeting that the Governor asked you to talk to Kelly to determine whether she had any knowledge of the lane closures.

MR. O'DOWD: Anything to do with closing the lanes -- that's exactly right.

SENATOR WEINBERG: That's on page 14, I'm sorry.

MR. O'DOWD: Page 14, Senator? I'm sorry.

SENATOR WEINBERG: Yes. And the report goes on to say, when asked why the Governor would be discussing-- Well, let me read the prior sentence. "O'Dowd also believed that the Governor told him at this time that the announcement of Stepien as the head of the New Jersey Republican Party had been delayed. When asked why the Governor would

be discussing the Fort Lee issue with Stepien, O'Dowd thought by this point Drewniak had already told O'Dowd and the Governor about Wildstein's claims." Correct?

MR. O'DOWD: It's correct that that's what the report says.

SENATOR WEINBERG: I'm sorry?

MR. O'DOWD: What you just read is here; I'm not sure what you're asking about it, though.

SENATOR WEINBERG: Okay, all right.

Now, go to the next page, page 15 -- and you testified to this a little earlier. "During that meeting, Baroni said that everything he said in his testimony was true, and reiterated that the traffic study was legitimate, and the only mistakes made were that they didn't inform local officials. Mr. O'Dowd found Baroni credible and did not consider this meeting to be the proper forum to further discuss the lane realignment."

Did anybody ever think to check Mr. Baroni's testimony? Did you think that after that testimony was delivered on November 25, in which it was claimed that a traffic study was being done because there were these dedicated roads that only Fort Lee residents could use, did anybody ever check that little basic statement in Mr. Baroni's testimony? Did you ever-- You said that you considered him credible. Did you check anything about the basics of his testimony before the Assembly Transportation Committee?

MR. O'DOWD: I never watched his testimony.

SENATOR WEINBERG: I think I read that you were on vacation.

MR. O'DOWD: No, I wasn't. I was just in the office that day, but I didn't watch it.

SENATOR WEINBERG: Well, you read about it? There were oped pieces written subsequent -- soon after the testimony. I assume you read something about what the story was: that a traffic study was needed because there were private, resident-only roads from Fort Lee over the George Washington Bridge. Do you remember reading about that from Mr. Baroni's testimony?

MR. O'DOWD: I don't know if it's specifically from Mr. Baroni's testimony, but I knew generally -- and had learned, at some point, generally -- that there was some issue with dedicated lanes. But I don't know if it was directly connected to Baroni's testimony.

SENATOR WEINBERG: Okay, now, you testified a little earlier to Assemblyman Wisniewski's questions that you were standing-- There was a press conference that was going to be held -- and I am fast-forwarding to December, the Governor's early December press conference. You actually-- An hour, an hour-and-a-half before the press conference you were searching with Ms. Kelly her e-mails to see if anything else was going to show up.

MR. O'DOWD: I didn't search Ms. Kelly's e-mails.

SENATOR WEINBERG: Well, you were standing over her, or next to her desk as she was looking?

MR. O'DOWD: I never stood over her, I didn't stand-- I stood in front of her desk. So I came into the room from the outer office--

SENATOR WEINBERG: You were kind of watching what she was doing.

MR. O'DOWD: I don't remember standing there specifically with her searching her e-mails or being a part of searching her e-mails. She may have searched them; she may have accessed them while I was there. But that's where I was standing any time I was in her office.

SENATOR WEINBERG: Okay, let's go to Tab 12, dated October 16, from Regina Egea. What was Ms. Egea's title at that point?

MR. O'DOWD: Was, and still is, the Director of the Authorities Unit in the Governor's Office.

SENATOR WEINBERG: Okay. At 2:34 p.m. that Wednesday, she forwards to you an e-mail in which she tells you that, "I attended a Board meeting. I did not speak at that Board meeting. I had a hallway conference with Steve Strunsky and Ted Mann. And then I was admitted into the anteroom where the press gaggle is held, typically. Questions ensued on Fort Lee, but holding to the script of 'all under review'" And might I tell you, by the way, just an editorial comment, they did hold to that script through October, November, and December quite well.

So what did that mean, "holding to the script"? She sent that e-mail to you. Who, as far as you know, orchestrated that script, and why was the Governor's Office involved with a script of "all under review?" Or what was referred to by Ms. Egea as a script?

MR. O'DOWD: I'm not aware of any script, Senator. My understanding is that what was announced at that day at the Port Authority was that they had launched a review -- an internal review, of some type, of the lane closure matter. I don't know what Ms. Egea is referring to by saying, "a script." That's not a question I can answer.

SENATOR WEINBERG: So you didn't ask her what she was referring to, or what that meant in terms of the Port Authority and its reaction?

MR. O'DOWD: I don't remember getting this specifically; but what my reaction is -- I would get this sent to me for two reasons: one, and principally, letting me know about a matter that involves legislative leadership -- someone like yourself, who I interact with frequently; and second, indicating -- which I believe I know prior to this -- that there was going to be an announcement of a review that day. They were going to be formally announcing a review of some type.

So to be clear, I'm not aware of any script; I don't know what she was referring to when she says "script."

SENATOR WEINBERG: Okay. Let me review with you, if you don't mind, Mr. O'Dowd -- because I've used this expression many times in summing up what I think this -- at least one thing that this Committee has learned about this whole issue: is that there was a, what I dubbed, *curious lack of curiosity* about what was going on here, in terms of the Governor's Office.

And I'm going to review some dates with you. On September 26 you met with David Samson. By that date-- Now, everybody gets these clips -- the Governor's Office clips -- which came to us as a result of the subpoenas that we issued to the Governor's Office. By September 26 there were three stories about the lane closures that actually appeared in the Governor's clips. And by that date, I assume you received a copy of the letter I sent to the Governor -- pardon me, that I sent to Commissioner

Schuber, with a copy to the Governor, asking questions about the lane closures.

MR. O'DOWD: I did not see that letter until much later in time.

SENATOR WEINBERG: Until when?

MR. O'DOWD: Much later in time.

SENATOR WEINBERG: Okay. All right, October 17, Michael Drewniak texts you, "A new high-level of shit is hitting the fan tonight on the Fort Lee-George Washington Bridge issue. Maybe you should know about it." Did you ask any questions after receiving that e-mail (*sic*) from Mike Drewniak?

MR. O'DOWD: My understanding of what Mike was referring to in that text was a press inquiry concerning-- Someone had reached out indicating that Wildstein was the one who actually did something with the cones, or was on the Bridge that day; that's my understanding. But, ultimately, a story never ran like that because it wasn't the case. That's what Drewniak explained to me.

SENATOR WEINBERG: Okay. By that date, by the way, Pat Foye's e-mail had appeared in the *Wall Street Journal*; the Governor was asked about the lane closures during a *Bergen Record* editorial board meeting; I have attempted two meetings at the Port Authority by that point; gubernatorial debate was held where the lane closures, as an act of political retribution, was raised; and according to Mike Drewniak's testimony, Mr. McKenna is aware of the allegations and is looking into it.

So now we've got 15 stories about the lane closures. You've -- well, you didn't receive a copy of my letter, at that point, but Pat Foye's e-

mail had appeared in the *Wall Street Journal*; the Governor was asked about this at an editorial board interview; and, in fact, it was actually raised in the context of a gubernatorial debate.

You didn't think about -- or did you think about asking anybody anything, by that date, about these lane closures?

MR. O'DOWD: In early October, I was present for a meeting between Charlie McKenna and the Governor, where Charlie McKenna -- the Chief Counsel who oversees the Authorities Unit, which interfaces with the Port Authority -- briefed the Governor about his interactions with the Port Authority concerning the lane closures.

SENATOR WEINBERG: And that was the extent of your involvement at that point?

MR. O'DOWD: In and around early October, Charlie McKenna indicated to me and the Governor that he had conferred with the Port Authority and that this was, in fact, a lane closure, a traffic study, and that mistakes were made with respect to notifications. So I was present for that briefing to the Governor.

SENATOR WEINBERG: Okay. On October 22 you had dinner with David Samson. And by October 22, a story about the lane closings had appeared on the first page (indiscernible) of the Governor's Office. There were 18 stories about the lane closures. I don't know whether you might have received a copy of my letter by then; Pat Foye's e-mail appeared in the *Wall Street Journal*. And again, the editorial board interview, the debate, etc.

Any questions asked beyond your inquiry with Mr. McKenna at that point?

MR. O'DOWD: I relied on Mr. McKenna; Mr. McKenna's interface with the Port Authority -- it's part of his jurisdiction and his job, so I relied on Mr McKenna. Everything I had learned at that point--

SENATOR WEINBERG: Well, did you-- Were you getting any answers? Did you ask Mr. McKenna about what was going on with his inquiry?

MR. O'DOWD: I don't remember specifically what we talked about other than what he had briefed the Governor out of my presence. And nothing changed, from my understanding, as to what Charlie McKenna knew from that point -- throughout all these time periods that you are referring to.

SENATOR WEINBERG: You know, I bring this up because I just want to set the stage. This is not an issue that was kind of happening someplace else; that people directly involved with the Governor's Office should have, perhaps, taken note of. And I'm trying to find out if, in fact, anybody took note. Did they ask any questions to actually get to the bottom of this?

On November 18 -- and I know you referred to it in your Gibson Dunn transcript -- you and I had a meeting about issues other than the lane closures. And I did bring this up at the end of that meeting. What I recall saying to you is, "Please tell the Governor that I'm not letting this issue drop." I thought I was kind of sending a message. So we have a direct meeting on November 18, which I thought I was expressing to you the seriousness that I thought this issue warranted.

MR. O'DOWD: I also recall in that meeting, Senator, that you indicated to me that you didn't think the Governor's Office had any involvement.

SENATOR WEINBERG: And I'm not sure-- I doubt I said the Governor's Office wasn't involved. I think that I have said publicly -- certainly, at that point, that I did not believe the Governor called somebody and told them to close the lanes to the George Washington Bridge. I said that publicly, as well as privately to you.

November 25 is the time that Bill Baroni testifies before the Assembly Transportation Committee. And by that time there were 24 stories about the lane closures that appeared in the Governor's Office clips -- those clips that go to you once, and sometimes twice a day, as you said. Reporters from the *Wall Street Journal*, the *Bergen Record*, and the *Star-Ledger* were making inquiries; they were filing OPRA requests; and at that point, I believe, Assemblyman Wisniewski, and Assemblyman Gordon Johnson, and I had attempted another Port Authority meeting where, by the way, the script was carried quite well. We were told the matter is under review.

Now, we were told-- Are you aware of anybody who helped prepare Bill Baroni for his testimony before the Transportation Committee?

MR. O'DOWD: I'm not certain who prepared it; I did not. I was not involved, and I learned about his appearance during interactions with Charlie McKenna. But I can't say with any specificity, because I don't know who prepared the testimony.

SENATOR WEINBERG: What did you hear about his preparation?

MR. O'DOWD: I didn't. Charlie McKenna just called me to talk about Bill Baroni going to testify. But the preparation associated -- we did not discuss that at all.

ASSEMBLYMAN WISNIEWSKI: Did Charlie McKenna tell you what the subject of his testimony would--

MR. O'DOWD: Oh, absolutely.

SENATOR WEINBERG: Yes. And what did Charlie McKenna tell you, do you recall?

MR. O'DOWD: He was going to testify about the traffic study.

SENATOR WEINBERG: What was the subject of the traffic study that he was going to testify to?

MR. O'DOWD: I don't remember it being that precise. I was out-of-town; he called me while I was out-of-town to talk about Bill Baroni testifying, and I thought it was a great idea.

SENATOR WEINBERG: All right. Now we move to December 5, when Mr. Drewniak apparently told you and the Governor about David Wildstein's claims that Bridget Kelly and Bill Stepien knew about the plan to close the lanes ahead of time.

MR. O'DOWD: That's not what happened. That's not my recollection, no.

SENATOR WEINBERG: What is your recollection?

MR. O'DOWD: My recollection is that that interaction occurred -- I believe it was December 2, but in any event, in that first week of December. And that what Drewniak told the Governor is that Wildstein is saying that he spoke with you (*sic*), talked to you, about the lane closures

at 9/11 when he saw you there -- the 9/11 memorial service. And that he's made the same claim to both Kelly and Stepien.

SENATOR WEINBERG: Did he make that same claim about Mr. Stepien, or just about Ms. Kelly?

MR. O'DOWD: Both. In other words--

SENATOR WEINBERG: Both.

MR. O'DOWD: --Wildstein is saying he told you this. And Wildstein's also saying that he told this same story -- that he talked to you about the lane closures on 9/11; he told the same thing, according to what Drewniak's saying, to Kelly and Stepien.

SENATOR WEINBERG: Okay. And by that date -- whether it's December 3 or December 5 -- there were 39 stories that appeared in the clips that were sent to the Governor's Office.

Did you mention earlier that you, and the Governor, and Mr. McKenna met some time earlier in October to talk about the lane closures?

MR. O'DOWD: I believe that's correct.

SENATOR WEINBERG: Do you recall what that conversation was?

MR. O'DOWD: It was Charlie McKenna briefing the Governor, in my presence, about his interactions with the Port Authority concerning the lane closures.

SENATOR WEINBERG: And the substance of that -- do you recall that?

MR. O'DOWD: That it was a traffic study, but that mistakes had been made -- notification mistakes had been made.

SENATOR WEINBERG: Did anybody ever ask to see the traffic study?

MR. O'DOWD: I did not; I don't know if others did.

SENATOR WEINBERG: You don't know if anybody else did? Okay.

By the way, there was no mention in the Gibson Dunn report about Mr. McKenna having that meeting. Just to comment; you don't have to answer that.

December 13 is the day that the Governor held the senior staff meeting to interrogate the staff about the knowledge of the lane closures. He held a press conference in which he said no one on his staff had any involvement in the lane closings. Bridget Kelly had shown O'Dowd Christine Renna's e-mail relaying the Sokolich consternation over the lane closures.

Okay, so now we have a Mayor, who the Governor says never showed up on his radar screen, claiming that this was carried out as an act of retribution. Did anybody check that out?

MR. O'DOWD: Well, this-- The e-mail that you're referring to, that I saw for the first time on December 13, referenced something that had happened three months earlier. And what I did when I received the e-mail was express concern and frustration that this was not brought to my attention when Ms. Kelly had received it. So that was my interaction with her. And I took a copy of that e-mail and showed it to the Governor prior to the press conference.

SENATOR WEINBERG: Did you take seriously, in any way, shape, or form, Mayor Sokolich's allegations?

MR. O'DOWD: Well, I think we generally knew at that point -- or there was a general allegation about politics or political retribution -- so that wasn't the first time that concept had been raised in some of the news articles that you're referring to.

SENATOR WEINBERG: Well, whenever it was raised, did you feel it necessary in any way, shape, or form to look into it? It's a pretty serious allegation.

MR. O'DOWD: Sure. When the Foye article comes out that has references to the e-mail in it; and in, again, around early October I'm present for what I think is -- it's in a briefing setting -- what I think is a follow-up where the Governor must have asked Charlie McKenna to look into this. Because Charlie, without provocation, briefed out to the Governor in my presence that he's communicated, he's connected with the Port Authority on this and that this was a traffic study but they made mistakes in its execution. And I believe that's after the Foye article that embeds the e-mail is out.

SENATOR WEINBERG: Did you ever actually see Pat Foye's e-mail?

MR. O'DOWD: I believe the first time that I saw that e-mail was when it was displayed on *Meet the Press* a short time after January 8.

SENATOR WEINBERG: Okay. And so what did you consider that the mistakes were made -- what mistakes were made, here? We have innumerable articles; it has become somewhat of a campaign issue; it's brought up in a debate; it was the subject of an editorial board interview with the Governor. And all this time everybody accepted -- or you accepted that this was a traffic study.

MR. O'DOWD: I did accept that.

SENATOR WEINBERG: And what mistakes did you consider were made?

MR. O'DOWD: What I was told -- the mistakes that were made were notification mistakes -- failure to notify local police or local officials, or both; I don't recall.

SENATOR WEINBERG: Did you or anybody in your office reach out to the Mayor to find out why he felt this way?

MR. O'DOWD: I did not.

SENATOR WEINBERG: Did anybody in your office?

MR. O'DOWD: I don't know.

SENATOR WEINBERG: Did you ask anybody to reach out to the Mayor and find out?

MR. O'DOWD: You mean upon receipt of the e-mails?

SENATOR WEINBERG: Well, once the e-mail had been publicized, once the allegations started to appear in the press -- all the other things that I outlined -- did you or anybody in your office-- Did you direct anybody to reach out to Mayor Sokolich and ask him directly, "Why are you under the impression that this was done for some political retribution?"

MR. O'DOWD: I did not do that myself, and I didn't direct anyone to do that.

SENATOR WEINBERG: And you didn't ask anybody else to do it?

MR. O'DOWD: I did not; that's correct.

SENATOR WEINBERG: Are you aware, or-- And this is just apparently press reports that appeared that claimed that Governor Christie

had actually spoken to Governor Cuomo about getting Pat Foye or anybody else to back off the lane closures.

MR. O'DOWD: I am aware of that.

SENATOR WEINBERG: And do you know about any such conversations that took place?

MR. O'DOWD: A conversation asking him to back off?

SENATOR WEINBERG: Yes.

MR. O'DOWD: No, I'm not aware of that.

SENATOR WEINBERG: Conversations between the two governors.

MR. O'DOWD: I'm aware of a conversation between the two governors on December 12 where that issue is addressed -- where the Governor, as I understand it, calls Governor Cuomo and says, "There's this article alleging this. This isn't true, this never happened;" and that Governor Cuomo -- although I didn't hear what Governor Cuomo said -- indicated that, in fact, it had not happened.

SENATOR WEINBERG: Okay. On December 14, did Mr. Stepien tell you that Assemblyman Wisniewski stated, at some kind of a social affair, I guess, or some political affair that he had proof that someone in the Office of the Governor had knowledge of the lane closures?

MR. O'DOWD: That wasn't the terminology. What I understood from Mr. Stepien on December 14 was that he had received a phone call from Mayor McCormick from Woodbridge who had been attending -- if I understood it right -- a holiday party. And I don't know if it was the night before or some time thereabouts. I think it was in Middlesex County somewhere, where Assemblyman Wisniewski was

present, indicating that he was aware of some document that shows the Governor's Office knew something about the lane closures.

SENATOR WEINBERG: So did you take that information seriously enough to check anything out after that?

MR. O'DOWD: I believed what they were referring to was the e-mail that I had been handed the day before -- on December 13.

SENATOR WEINBERG: So that was the earlier e-mail -- the Renna e-mail?

MR. O'DOWD: Correct, the Renna to Kelly e-mail.

SENATOR WEINBERG: And is that the e-mail where Ms. Renna is explaining why Evan Ridley took the call from Mayor Sokolich?

MR. O'DOWD: Correct.

SENATOR WEINBERG: Did you think that it was a little strange that somebody in the Office of Intergovernmental Affairs, the office which we have received much testimony that their function was to help municipalities get through the bureaucracy or whatever--

MR. O'DOWD: Customer service-type function.

SENATOR WEINBERG: --else they needed to do -- that in that e-mail there seemed to be an excuse as to why, by accident -- they don't use the words *by accident*, those are my words -- that why Mayor Sokolich's call actually got through to somebody? Did you think there was anything strange about that little interchange?

MR. O'DOWD: When I received this e-mail on December 13, I was concerned that when my office received this three months earlier that I wasn't made aware of it.

SENATOR WEINBERG: So did you, perhaps, check with Evan Ridley as to why he had to explain that he took a call from a Mayor by accident?

MR. O'DOWD: I didn't.

SENATOR WEINBERG: Okay. And if you attributed that story that you heard -- that one from Mayor McCormac (*sic*) to Mr. Stepien, to you--

MR. O'DOWD: Correct -- on December 14?

SENATOR WEINBERG: --from Assemblyman Wisniewski. Did you wonder how he might have gotten hold of Christine Renna's e-mail, if that's the e-mail he was referring to?

MR. O'DOWD: I wasn't sure what he was referring to.

SENATOR WEINBERG: And you were informed of the Renna e-mail just, what, about an hour before the press conference, or do I have that timeline confused?

MR. O'DOWD: Maybe less, but within that one-hour window.

SENATOR WEINBERG: All right. Now, back to-- I want to go back to Tab 33, page 22 I think I want.

MR. O'DOWD: Okay, I'm there, Senator.

SENATOR WEINBERG: Yes, I'm sorry -- page 22.

MR. O'DOWD: Page 22.

SENATOR WEINBERG: On January 8 you had the discussion with the Governor over severing ties with Stepien. That was where the Governor instructed Mr. DuHaime to go and talk to Mr. Stepien, who was also at Drumthwacket. And there was some discussion about -- I think it

was in this discussion about lawyers for people who were being terminated or being asked for their resignations.

In fact, there were names mentioned. Why were-- If these folks were being terminated, would it not have been appropriate for them to get their own lawyers? Why was there a discussion about your -- at this meeting, about recommending attorneys for these folks, or actually bringing in attorneys to-- The way it reads is, "Whether Kelly and Stepien should have attorneys to help them navigate the media onslaught that has already begun in connection with the so-called lane realignment. Walter Timpone and Kevin Marino were mentioned as potential lawyers for Kelly and Stepien." Why was that a topic of conversation for you at that particular meeting?

MR. O'DOWD: Well, just as you cited, what I remember specifically was the notion that -- and I believe we knew from Maria Comella that Bridget Kelly had already had media camped outside of her house -- was that they'll need people to interface with the media on. This wasn't a meeting around a table; there were lots of moving pieces at Drumthwacket that day. There were several people there. I remember hearing that, but it wasn't as though we sat around and had a very specific conversation on this that I was present for.

SENATOR WEINBERG: Okay, I don't have any further-- I have no further questions at this time.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman Schepisi, do you have any questions?

ASSEMBLYWOMAN SCHEPISI: I don't know if Senator O'Toole wants to go first?

SENATOR O'TOOLE: No, I'll defer to you, Holly.

ASSEMBLYWOMAN SCHEPISI: Okay.

I have a couple of quick questions. One, just from a clarification perspective, because I was a little confused myself.

Would you go to Tab 1?

MR. O'DOWD: Okay.

ASSEMBLYWOMAN SCHEPISI: And this was not the entire Tab 1, but just the bottom portion of Tab 1 is what Bridget Kelly provided to you, correct?

MR. O'DOWD: She showed me an e-mail which included the base e-mail, if you will, which is the Renna-to-Kelly.

ASSEMBLYWOMAN SCHEPISI: Okay.

MR. O'DOWD: And then she showed me that she had sent it off to Wildstein.

ASSEMBLYWOMAN SCHEPISI: Okay.

MR. O'DOWD: But not -- I'm sorry, Assemblywoman -- but not the response, the "Call me when you have a moment." Just the one sent out to Wildstein.

ASSEMBLYWOMAN SCHEPISI: And with respect to this e-mail itself, there are just a couple of questions that were posed. If you can read the portion that you saw. Is there any reference in here to the Mayor not receiving calls back, or somebody trying to ignore his calls, or anything else?

MR. O'DOWD: I don't believe so.

ASSEMBLYWOMAN SCHEPISI: At any time when you saw this e-mails, did anybody ever discuss with you that the Mayor was not

receiving phone calls, or that there had been instructions not to get in touch with the Mayor?

MR. O'DOWD: No.

ASSEMBLYWOMAN SCHEPISI: Okay. So you had no reason to believe that people were not corresponding back, and doing their jobs, and speaking to the Mayor on this issue themselves?

MR. O'DOWD: I didn't know either way.

ASSEMBLYWOMAN SCHEPISI: Okay. I'm going to kind of bring you to a total different line now. We are all here to try to understand what took place with the lane realignments, as well as what reforms we can put forth as a result of the testimony that we elicit. We've had quite a few people in from the Governor's Office now -- yourself included -- who have all indicated, "We had absolutely no knowledge of this prior to it taking place. We found out in varying degrees through press reports after the fact," and the like. From what you've been able to garner, sitting in the position that you are in, is there any reason that you believe that if we put forth reform legislation that the Governor would veto it, or that the Administration would be against it?

MR. O'DOWD: I have no reason to believe that. Obviously, that's the Governor's decision, but I think he's expressed, publicly and privately, that he's open minded and very much interested in reforming, and moving forward with legislative reforms concerning the Port Authority -- and other Authorities as well.

ASSEMBLYWOMAN SCHEPISI: Are there any specific items that you would like to see reformed, based upon what has transpired, what we are attempting to do here? I mean, are there any things that you think

that we need to -- or that you would like to see changed in the Port Authority?

MR. O'DOWD: It's not a question that I've focused a great deal on. I know that there's -- as I understand it, generally -- there's recommendations in this report that I have not read. I've tried to keep my perspective and what I knew at the time -- focused on what I knew at the time. So I haven't, as my counsel indicated, I haven't read the Mastro report; I haven't read the interview reports of others. So my understanding generally is that there have been suggestions for reforms put out, or that there are folks looking at it. But it's not something that I spend a lot of time on.

ASSEMBLYWOMAN SCHEPISI: This is going to be a hard one. I mean, you personally looking back-- And I know it's very difficult to look back over the past six, seven, eight months and try to go back in time. But is there anything that you believe you could have done differently that would have prevented what transpired here?

MR. O'DOWD: If you mean by "what transpired" -- if you mean the lanes being closed--

ASSEMBLYWOMAN SCHEPISI: Right.

MR. O'DOWD: --I don't know what I could have done different to stop that.

ASSEMBLYWOMAN SCHEPISI: Okay. Do you have any specific recommendations that you can think of as to how to avoid a problem like this from arising again in the future?

MR. O'DOWD: I don't. I'm sorry, Assemblywoman. It's not something that I focused on.

ASSEMBLYWOMAN SCHEPISI: Okay. And is there anything that you think that throughout this process the Office of the Governor should have or could have done differently during the process?

MR. O'DOWD: That's a really difficult question to answer. A central issue here is that -- as it relates to, obviously, e-mails that came out later in time with Ms. Kelly -- you work together in a close environment, you trust people, you work with people. It's difficult to divorce that when you're inquiring of people. You have a certain perspective of who it is who you're dealing with. You know, I had a very high opinion of Ms Kelly throughout the time of us working together. So it's that perspective that I brought with me that day to interacting with her over December 12 and 13.

ASSEMBLYWOMAN SCHEPISI: So it's fair to say that when you had the direct communications with Bridget, with other people, you took them at their word.

MR. O'DOWD: There's no question -- and gave them the benefit of the doubt.

ASSEMBLYWOMAN SCHEPISI: And based upon your years of working with them you thought that that was fair to do.

MR. O'DOWD: With Ms. Kelly, absolutely.

ASSEMBLYWOMAN SCHEPISI: Okay.

I have no further questions at this point.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblywoman.

Senator Nia Gill will be next.

Senator Gill.

SENATOR GILL: Thank you, and good afternoon.

MR. O'DOWD: Good afternoon, Senator.

SENATOR GILL: Nice of you to be here.

I guess I, in part, have the first question for some clarification with respect to your attorney's position that he's advised you not to read any other interviews except your own in the Mastro report, correct?

MR. O'DOWD: That's correct.

SENATOR GILL: And is that because there are ongoing investigations?

MR. ZOUBEK: Assemblywoman -- Senator--

SENATOR GILL: No, I don't blame-- (laughter)

MR. ZOUBEK: Sorry about that.

Based upon the fact that there are ongoing investigations, and it's based upon my experience both in the U.S. Attorney's Office and the Attorney General's Office. I thought it was prudent to advise my client to focus on what his personal knowledge is, and to not look at what the conclusions of others were, or what the statements of others were.

SENATOR GILL: And when did you advise him of that?

MR. ZOUBEK: When the report came out, and the interview memos were released.

SENATOR GILL: Okay. So that there may be other investigations -- or there are other investigations going on.

MR. ZOUBEK: I'm not going to comment on that. I'm just saying that that's what my instruction was.

SENATOR GILL: Okay. And the reason I want to know about the other investigations that are going on, or that may be going on -- is it

your position that your client may either be called to testify, or that his testimony may be important?

MR. ZOUBEK: I don't believe that's an appropriate question for me to answer, Senator, respectfully.

SENATOR GILL: It's not appropriate?

MR. ZOUBEK: No, it's not an appropriate question for me to answer.

SENATOR GILL: Can you answer it?

MR. ZOUBEK: I will not--

SENATOR GILL: I wanted to know the basis upon which-- Because I was--

MR. ZOUBEK: It's a general instruction based upon my experience in my practice, which I think is prudent; and I wanted to just advise, before people started asking questions, about that. But asking me the question as to anything with respect to any ongoing investigations, I don't think is appropriate and I won't respond.

SENATOR GILL: And I'm not-- And this is why I'm asking the question -- is because there are certain questions that I'm going to ask Mr. O'Dowd that are based on testimony of information provided by others in the Mastro report. And as you say, in order to make the record clear, I intend to read those statements so now he'll know; or have him read them, if it's appropriate, in order to question him today.

So I'm-- You can object each time, but I wanted to lay out to you what would happen (indiscernible).

MR. ZOUBEK: Senator, I think that process can work. If you direct him to a particular, factual issue he'll certainly respond.

SENATOR GILL: All right, thanks.

So I just first want to talk a little bit about your background and previous experience. You served as the Deputy Attorney General in the Attorney General's Office, correct?

MR. O'DOWD: I served as *a*, singular, Deputy Attorney General, not *the*; but a Deputy Attorney General. In the Federal system there's a singular Deputy Attorney General; it's very high up. I was a lone DAG.

SENATOR GILL: Yes, I understand; yes, yes. I practice in both the Federal and State, so yes.

You served as-- And who was the Attorney General who you worked under when you were a Deputy Attorney General?

MR. O'DOWD: Verniero, Farmer, and I think Samson as well.

SENATOR GILL: Right. And for how long did you work as a -- under, he would have been then, General Samson at the AG's Office?

MR. O'DOWD: I think that I was in the Division of Law -- it was 2000 -- in 2002. I think it was roughly January 2002 to November 2002.

SENATOR GILL: And then you worked in the Governor's Counsel Office. Did you go from the Attorney General's Office, where you worked under Mr. Samson -- did you then go to the Governor's Counsel Office as an Assistant Counsel?

MR. O'DOWD: No, when I left the AG's Office -- the Division of Law in 2002, I then started in the U.S. Attorney's Office in January 2003.

SENATOR GILL: Okay. And you did, at some point, work in the Governor's Counsel Office as Assistant Counsel.

MR. O'DOWD: That's correct, Senator.

SENATOR GILL: And for what Governor?

MR. O'DOWD: Whitman and DeFrancesco.

SENATOR GILL: Okay, so Whitman, DeFrancesco; and then ultimately Samson as the Attorney General; and then you went to work for Governor Chris Christie when he was the United States Attorney.

MR. O'DOWD: Correct.

SENATOR GILL: All right. Now, during your time at the United States Attorney's Office, you were Assistant U.S. Attorney in the Criminal Division?

MR. O'DOWD: I was an Assistant U.S. Attorney in the Criminal Division.

SENATOR GILL: And you prosecuted various crimes?

MR. O'DOWD: I did.

SENATOR GILL: And you received awards from the FBI, Immigration, Customs Enforcement, and the United States Secret Service, correct?

MR. O'DOWD: I think that's-- I think that's right.

SENATOR GILL: Okay.

MR. O'DOWD: Generally some accolades or award; I don't know if awards is the right word -- but yes.

SENATOR GILL: So you would agree with me that you are a skilled prosecutor. Would you agree with the people who gave you awards that you are a skilled prosecutor?

MR. O'DOWD: I'll agree with them, yes. I don't want to characterize myself that way. That's what I meant, Senator.

SENATOR GILL: I will, okay? I will.

MR. O'DOWD: I'll agree with you and I'll agree with them. I don't want to call myself a skilled prosecutor.

SENATOR GILL: Okay. I will say you are a highly skilled prosecutor.

And then after seven years in the U.S. Attorney's Office you came to the State House with the Governor.

MR. O'DOWD: That's correct.

SENATOR GILL: And there you served as Deputy Chief Counsel?

MR. O'DOWD: That's correct.

SENATOR GILL: And now as Chief of Staff.

MR. O'DOWD: Correct.

SENATOR GILL: And not only are you a skilled prosecutor -- highly skilled -- but Governor Christie, when he nominated you to be the next Attorney General, said that you were both "loyal and smart." Did you know he made those comments about you?

MR. O'DOWD: I don't remember exactly what he said that day.

SENATOR GILL: But you are both loyal and smart. I will agree with the Governor. We don't agree on many things, but I'll agree with that. (laughter)

So given your background; and the knowledge that you had as outlined -- or the knowledge that was there -- by Senator Weinberg; and the

Governor already had regarding the lane closures, it would come as no surprise to you that on December 12, only 10 days after you were chosen to be the next Attorney General, that the Governor would order you to speak to Ms. Kelly and the rest of the senior staff for an internal investigation to get to the bottom of the lane closures. Would that come as a surprise to you?

MR. O'DOWD: I was a little surprised that day that I got that assignment, yes.

SENATOR GILL: And would you agree that the assign-- Why were you surprised? You had a vast amount of experience, you had served both as Deputy Chief Counsel for the Governor, served with him in the AG's Office -- I mean, in the U.S. Attorney's Office, and as Chief of Staff. Why did that come to you as a surprise that he would look to you and ask you to undertake the investigation with respect to Kelly and the--

MR. O'DOWD: It was a surprise that it happened that day as I walked into that room and got the assignment. That's what I meant by that, Senator.

SENATOR GILL: Okay. But it's not surprising that he would assign it to you.

MR. O'DOWD: It's not surprising that he would ask me to ask someone who works for me if he wanted to know something -- to use me as a vehicle to ask something of someone who works for me.

SENATOR GILL: And now, you were aware that the lane closures happened on September 11, correct?

MR. O'DOWD: That's, at least, part of the time they were closed.

SENATOR GILL: And we know that on September 11 there was a heightened level of concern and security in the United States, correct?

MR. O'DOWD: I believe that's generally correct, yes.

SENATOR GILL: And you were at the U.S. Attorney's Office on 9/11.

MR. O'DOWD: I was not.

SENATOR GILL: You were still at the AG?

MR. O'DOWD: I was in the Governor's Office, working for Governor DeFrancesco.

SENATOR GILL: Okay. And so at any point did you ever ask anyone--

MR. O'DOWD: I'm sorry, Senator. Is there any way we can slow down with the flashes in my eyes? That's not directed towards you; it's just the person back there, and that one was a flash. I'm sorry.

SENATOR GILL: Oh, are we-- Are you comfortable? You okay now?

MR. O'DOWD: Yes, I just--

SENATOR GILL: Okay.

MR. O'DOWD: Just the constant flashes in the eyes; that's all. I'm just trying to focus on you, Senator.

SENATOR GILL: Okay.

At any point in your inquiry as to what took place, did anyone ever-- Did you ever ask, "Why did you close the lanes on September 11?"

MR. O'DOWD: I did not ask that, Senator, no.

SENATOR GILL: And do you feel that that was an important issue -- a lane closure on September 11? Just to ask, generally.

MR. O'DOWD: I didn't ask the question. That's the best answer I can give you. I never asked anyone why that date was chosen, or why that week was chosen.

SENATOR GILL: Now, when you met with the Governor at Drumthwacket on December 12--

MR. O'DOWD: Correct.

SENATOR GILL: --did you take any notes?

MR. O'DOWD: I don't believe so, no.

SENATOR GILL: When you spoke to Ms. Kelly on December 12 at the Governor's directive, did you take any notes?

MR. O'DOWD: No.

SENATOR GILL: When you spoke to Ms. Gramiccioni on December 12 and December 13 about her knowledge of the lane closures, did you take any notes?

MR. O'DOWD: I didn't take any notes at any conversation with Gramiccioni or with Ms. Kelly on December 12 or the 13.

SENATOR GILL: When you spoke to Mr. Stepien on December 13 about the lane closure, did you take any notes?

MR. O'DOWD: I'm not sure if I spoke with Mr. Stepien on December 13 about the lane closures; but, in any event, any conversations that I can recall that I would have had with Mr. Stepien I would not have taken notes.

SENATOR GILL: When you met with Mr. Wildstein -- or talked to him on the night of December 12, did you take any notes?

MR. O'DOWD: No, it was a very, very brief interaction.

SENATOR GILL: But you did meet with him, or--

MR. O'DOWD: I think I met him that night, but I didn't speak with him that night, yes.

SENATOR GILL: And you didn't take any notes.

MR. O'DOWD: I did not, correct.

SENATOR GILL: When you met with Mr. Baroni on the night of December 12, did you take any notes?

MR. O'DOWD: I did not.

SENATOR GILL: Throughout this procedure -- a process -- when you had conversations with Mr. Stepien, Ms. Kelly -- did you take any notes at all?

MR. O'DOWD: I don't believe so.

SENATOR GILL: Now, while you were doing this investigation and talking to people, you were aware at that point, were you not, that the Legislature -- the Assembly, in particular -- had issued subpoenas?

MR. O'DOWD: Well, just, if I could clarify one point. I never did an investigation, Senator, but at certain points in time I am aware of the fact that there are subpoenas issued.

SENATOR GILL: Well, the Governor asked you to undertake an inquiry.

MR. O'DOWD: He asked me to ask Bridget Kelly a direct question.

SENATOR GILL: Did he ask you to speak to senior staff members?

MR. O'DOWD: No.

SENATOR GILL: Did you speak to senior staff members at any time?

MR. O'DOWD: There was a senior staff meeting the next morning, on the 13th, with the Governor. One of them may have mentioned something to me on the way out of that about, "Obviously I had no involvement," something like that. But, no, I didn't independently -- other than speaking with Ms. Kelly.

SENATOR GILL: So you didn't take any notes because you didn't think it was an investigation?

MR. O'DOWD: I didn't take any notes.

SENATOR GILL: And at the time that you didn't take any notes, you were aware, were you not, that the Legislature was undertaking an investigation of the lane closures?

MR. O'DOWD: I was aware. I don't know exactly when I became aware of what steps, but I was aware, generally, that Co-Chair Wisniewski and his Committee were looking at this issue.

SENATOR GILL: And you were aware, were you not, that Pat Foye said that "State and Federal laws were violated"?

MR. O'DOWD: I believe what I learned from that article was just generally laws were violated. I don't know if it was that precise. But I was aware of Pat Foye's assertion -- allegation -- that laws had been violated.

SENATOR GILL: And you are a former prosecutor?

MR. O'DOWD: I am.

SENATOR GILL: And there's one thing-- And lawyers, particularly as prosecutors, you take notes, correct?

MR. O'DOWD: As prosecutors?

SENATOR GILL: Yes.

MR. O'DOWD: Sometimes.

SENATOR GILL: And the value of taking them is, when you take them it's so that you can memorialize the conversations, or the investigation, or the questions you asked and answered at a particular time, with respect to a particular person.

MR. O'DOWD: If you're conducting an investigation, that's exactly right.

SENATOR GILL: Or even if you're just talking to someone with respect to issues that may be vitally important. You had to report back to the Governor, correct, as to what Kelly said or didn't say?

MR. O'DOWD: That's correct, Senator.

SENATOR GILL: And that was very important, because the Governor was depending on you, in part, to make decisions, going forward, with respect to those personnel matters.

MR. O'DOWD: With respect to my interactions with Ms. Kelly, yes.

SENATOR GILL: And the Governor was depending on you and, Mr., I think, McKenna--

MR. O'DOWD: McKenna.

SENATOR GILL: --to question senior staff members -- you were charged with that -- to see who was involved, or if anyone was involved, correct?

MR. O'DOWD: Not correct.

SENATOR GILL: Okay, correct me.

MR. O'DOWD: I wasn't charged with that. The charge that I received from the Governor was to speak with Ms. Kelly.

SENATOR GILL: So you did-- We know for Ms. Kelly -- and if we narrow it to Ms. Kelly, we know for that one you never took notes.

MR. O'DOWD: Correct.

SENATOR GILL: Okay. Now, did the Governor ever say, on December 13, after his press conference or before his press conference for you and Mr. McKenna to -- you would speak to the senior staff members?

MR. O'DOWD: That's not what I remember. What I remember -- I'm sorry.

SENATOR GILL: No, tell me what you remember; let's go with that.

MR. O'DOWD: What I remember was the Governor asking the senior staff, plus Mike Drewniak, the direct question about -- as part of a larger meeting -- whether anyone in the room had anything to do with closing the lanes; and then saying that in one hour's time he was going to be going out and having a press conference and indicating that no one in the room had anything to do with closing the lanes. If anybody had anything different to say on that, they should come see either me, McKenna, or him in the next hour.

SENATOR GILL: So you knew that that was important to the Governor.

MR. O'DOWD: Sure.

SENATOR GILL: Okay. Now, you say *closing the lanes*. Was that a specific quote from the Governor? Was that what he asked people, "closing the lanes?" Did they have anything to do with "closing the lanes?"

MR. O'DOWD: That's the way I remember it.

SENATOR GILL: Only because there's a difference, I would assume, between closing the lanes -- which would be a very narrow question -- and knowledge of the closure of the lanes, which would be a broader question in investigating this matter. Would you agree?

MR. O'DOWD: I would agree with your characterization, yes.

SENATOR GILL: And, in fact, we know that sometimes for taking notes -- it's not just because it's an investigation, but you knew that this issue was serious -- the issue of the lane closure.

MR. O'DOWD: Yes.

SENATOR GILL: And you knew it was something very serious with the Governor, because I think in some testimony they said the Governor teared up at the staff meeting and was very emotional about getting to the bottom of the issue, correct?

MR. O'DOWD: Well, I don't remember him tearing up in that senior staff meeting. Where I remember him tearing up was on January 8 at Drumthwacket. But he was very emotional and agitated about the senior staff's performance -- and that was expressed in the December 13 meeting. But I don't remember him being sad and emotional.

SENATOR GILL: Okay.

MR. O'DOWD: There was that-- That emotion was displayed on December 8.

SENATOR GILL: But we will agree that this was extremely important to the Governor.

MR. O'DOWD: This was an important issue.

SENATOR GILL: This was an important issue. So when you -- you did have-- I'll withdraw that.

There are some times when you don't take notes because, if you don't take notes, there's nothing to refresh your recollection with respect to either conversations or information gathered, correct?

MR. O'DOWD: It was not my practice as a Chief of Staff to take notes on my interactions with my co-workers.

SENATOR GILL: Well, this was an unusual situation, correct? You were sent to get information, by the Governor, with respect to the senior staff.

MR. O'DOWD: I was sent to get information from Ms. Kelly in a very direct way, and was able to do that with a very direct question.

SENATOR GILL: And you never even took notes on the question that you asked her, nor did you take notes on the answer that she gave.

MR. O'DOWD: You're right about that.

SENATOR GILL: So what you are here talking about now may simply be based on a recollection that has not been memorialized or documented previously.

MR. O'DOWD: It is, in fact, based on recollection that has not been memorialized.

SENATOR GILL: And you, at the point you were sent to interview -- and we'll just keep it with Ms. Kelly, now, but we'll get to generally with respect to other people you talked to -- you had already been nominated to be the Attorney General.

MR. O'DOWD: As a practical matter, yes -- announced his intention to nominate; but, yes.

SENATOR GILL: And not only the nomination of Attorney General, but given your previous experience as a prosecutor, you understood the importance of taking notes when you question an individual about an event that was an issue, or of importance, correct?

MR. O'DOWD: Senator, I asked her a very direct question and got a direct answer.

SENATOR GILL: No, I'm not asking you what question you asked her; I'm asking you the question, that as a prosecutor, and the fact that you were nominated a couple of days before that to be the Attorney General, given the fact that the Governor, in a very emotionally charged meeting, tasked you with talking to someone who may or may not been involved in a lane closure on 9/11 -- that given those facts, it was not important to take notes?

MR. O'DOWD: I didn't take notes.

SENATOR GILL: Now, there is also a strategy -- and we know the strategy, as lawyers, even in terms of investigation -- that if you don't take notes, then nothing-- If subpoenas are issued, then no notes have to be turned over.

MR. ZOUBEK: Objection; is there a question there?

SENATOR GILL: Let me do this as a statement so we won't have to have the objection.

We know as lawyers you can take notes, and that then preserves and memorializes what happened at a given time. Or we understand there's a strategy when you don't take notes so that the events

are not memorialized, so that in the future when you're asked about the events you could say, "I don't recall." We know that that's a strategy.

And when you knew that Pat Foye said that the lane closures violated Federal laws and laws of both states, did you ever refer Pat Foye's concerns to the Attorney General?

MR. O'DOWD: Did I? No.

SENATOR GILL: There was nothing prohibiting you from referring the information to the Attorney General, correct?

MR. O'DOWD: There would have been nothing prohibiting me from referring that allegation, which was in the press, to the -- correct.

SENATOR GILL: And it would be nothing for you -- to prohibit you from referring that allegation to the United States Attorney's Office.

MR. O'DOWD: Nothing prohibiting me from referring that article to them.

SENATOR GILL: And it would not have been anything to prohibit you from referring this to the New York District Attorney's Office.

MR. O'DOWD: Correct; nothing prohibiting me from doing that.

SENATOR GILL: Now, I would like to go to Tab 33, page 9.

Now, Counsel, I don't know if this is someone else's -- this is--

MR. ZOUBEK: I think this is Mr. O'Dowd's.

MR. O'DOWD: Yes, this is mine.

SENATOR GILL: This is Mr. O'Dowd's. So you are allowed to look. (laughter)

MR. ZOUBEK: This is Mr. O'Dowd's. Go for it.

SENATOR GILL: Okay. (laughter)

Tab 33, page 9 -- and we'll go--

When you were in the meeting, and you discussed-- And in that meeting was Mr. McKenna and the Governor. That was at some point in October 2013?

MR. O'DOWD: Correct.

SENATOR GILL: Okay. And it was you, the Governor, and Mr. McKenna.

MR. O'DOWD: That's correct.

SENATOR GILL: And Mr. McKenna was a former U.S. Attorney.

MR. O'DOWD: He was a former Assistant U.S. Attorney for 20-some-odd years; 20-year Federal prosecutor. He is a very skilled prosecutor.

SENATOR GILL: Now, he is a very skilled--

MR. O'DOWD: And he's very well decorated.

SENATOR GILL: You're highly skilled; he's very skilled. And he was in charge of the criminal -- at some point, all the criminal and civil investigations.

MR. O'DOWD: You're exactly right, Senator.

SENATOR GILL: And in that meeting, did you or Mr. McKenna advise the Governor that Mr. Foye stated that the lane closures violated Federal, and laws of both states?

MR. O'DOWD: I did not in that meeting. My impression of that meeting -- that briefing was that Charlie McKenna was following up to an inquiry from the Governor because we were going through a session, and

then Charlie addressed this issue unprompted. So that was my impression. But the answer to your question is, I didn't raise that issue.

SENATOR GILL: And you know why I asked that question is because -- once either the Governor knows, you know, and Mr. McKenna knows that Mr. Foye made allegations of violations of State and Federal laws -- in that room, all combined, there was 31 years of United States Attorney's experience: McKenna was 18, you're about 7; Governor Christie was United States Attorney for 6 -- that's about 31 years combined of United States Attorney experience. And no one raised the issue of whether State or Federal laws were violated?

MR. O'DOWD: I believe it was after that issue was raised in the media accounts that McKenna was indicating to the Governor and me that he had conferred and interacted with the Port Authority, and they had advised him -- and he accepted that -- this was a traffic study where mistakes were made.

SENATOR GILL: Did he state to the Governor that he had investigated, and there were no Federal or State laws that were violated?

MR. O'DOWD: He did not say that in my presence.

SENATOR GILL: And did the Governor ask you or Mr. McKenna to pursue the issue of whether State or Federal laws had been violated?

MR. O'DOWD: He didn't ask me that.

SENATOR GILL: Now, you say generally -- that it's a general view -- your view -- that the Port Authority, as a structural matter, is a dysfunctional entity. You remember? And that would be--

MR. O'DOWD: Generally, yes.

SENATOR GILL: Okay. And we know that when an institution is dysfunctional, that is when there's a breakdown in governance, a breakdown in policy or procedure, and a breakdown in oversight that could, in fact, have resulted in a violation of State and Federal laws. It appears that when you talk about dysfunctional, when you say it's structurally dysfunctional, that that is one of the reasons you did *not* take the concerns of Mr. Foye as legitimate concerns.

MR. O'DOWD: I don't know whether-- Let me back up a step.

After the concerns are alleged through that article, in and around October 1, after that period of time Charlie McKenna -- on our staff, on our team -- has interactions with the Port Authority and makes clear to the Governor and myself, based on those interactions, that it's his understanding that this was a legitimate traffic study.

SENATOR GILL: If you give me just one moment here.

MR. O'DOWD: Sure.

SENATOR GILL: I wanted to make-- And I'm trying to make sure I direct you not to anyone else's--

MR. O'DOWD: I appreciate that.

SENATOR GILL: And I'm taking this time because I don't want to direct you to someone else's interview.

MR. O'DOWD: Thank you.

SENATOR GILL: Okay. So we'll go directly to your interview, and that will be page 8--

SENATOR O'TOOLE: Senator, I'm sorry, I couldn't hear. What page is that?

SENATOR GILL: That will begin on page 8, under G, and will continue on page 9.

Could you read into the record -- we'll start where it says, "O'Dowd explained."

MR. O'DOWD: Okay, so I'm reading page 8, section G, Mastro report. "O'Dowd explained his general view that the Port Authority, as a structural matter, is a dysfunctional entity and probably has been for years."

SENATOR GILL: Continue.

MR. O'DOWD: "In addition, it was O'Dowd's understanding that the relationship between Wildstein and Baroni, on the one hand, and Foye on the other, had never been great and that there was a lot of tension between them."

SENATOR GILL: Continue.

MR. O'DOWD: "As such, O'Dowd generally discounted information coming out of the Port Authority and explained that his focus instead was generally on the Executive Branch, including the Office's Cabinet members and various departments."

SENATOR GILL: Thank you.

Did the Governor, if you know, feel that the Port Authority was a dysfunctional institution?

MR. O'DOWD: I don't know that specifically.

SENATOR GILL: And you know my question was because oversight, when an institution is perceived to be dysfunctional -- that's when oversight is really crucial in order to carry out the fiduciary responsibilities of an institution.

I'd like to put up the diagram of the Governor's Office.

MR. O'DOWD: Is that an exhibit, Senator?

SENATOR GILL: I don't know. It wasn't-- I supplied it to everyone.

MR. ZOUBEK: Is it a Tab in this binder?

SENATOR GILL: No, it isn't. That's why I want to put it up. I don't know if it's a Tab.

ASSEMBLYMAN WISNIEWSKI: It's in the *New York Times* article.

MR. ZOUBEK: Does someone have a copy of that we could put in front of the witness?

SENATOR GILL: Yes.

MR. ZOUBEK: Particularly for his older counsel?

MR. O'DOWD: I can't see it, either.

SENATOR GILL: That includes both of us.

Now, you do have that?

MR. O'DOWD: I do, Senator.

SENATOR GILL: Okay. And before I question you on that, you consider indemnification to be a Human Resource issue? Isn't indemnification a legal issue?

MR. O'DOWD: A human resources issue, just very generically. In other words, it's an issue that I don't know what the Port Authority's practices and procedures are with who gets indemnified and who doesn't. The Governor's Office has no role in that, and I was directing him back to the Port.

SENATOR GILL: Okay. Now, we see that in this diagram -- is the diagram accurate?

MR. ZOUBEK: If I can, Senator. This is something that's pulled from the *New York Times*; it includes a description, "Inner Sanctum." I don't know if asking him to look through this chart and adopting a whole chart is going to be efficient.

SENATOR GILL: It may not-- You may not think it's efficient, but it's going to be determined if it's accurate. And my question to him is, was it -- is it accurate? That's what I was-- Is this an accurate diagram of the position of the offices that are labeled?

MR. ZOUBEK: So your question goes to the geography of the office, not with respect to the comments on the document.

SENATOR GILL: Just the locations.

MR. O'DOWD: So for certain my office is on one side of the Governor's Office, and Charlie McKenna's -- or the Office of the Chief Counsel is on the other side. Then there's an office next to Charlie McKenna -- it's not clear whether they're showing that, but throughout 2012 and 2013 it was occupied by a woman named Rosemary Iannacone. Then there is a ceremonial -- there's an outer office that has four or five staff who sit out there. And then out to the left, if you are standing with the Governor's Office to your back, out to the left would be Bridget Kelly's office at the time, in 2013. There is an office to your right if you're standing there; that would be Lou Goetting -- then Maria Comella would sit there. So not to scale, but--

SENATOR GILL: But to location.

MR. O'DOWD: Generally, yes.

SENATOR GILL: And there's one thing we know about the Governor's Office -- it's small. You're pretty close together.

MR. O'DOWD: My office is definitely small; that's true.  
(laughter)

SENATOR GILL: And Mr. McKenna's office is small. You're all in a pretty confined area. It's almost like if somebody takes the wrapping off their bubble gum, the other person can hear it.

MR. O'DOWD: I hope that's not true. I don't think that's true. Hopefully, nobody can hear anything in each other's offices. I don't hear-- When I'm back in my office, I'm pretty tucked away.

SENATOR GILL: Okay.

MR. ZOUBEK: To use a phrase, I think the map speaks for itself.

SENATOR GILL: Well, no, you didn't want the map to speak for itself.

MR. ZOUBEK: No, I didn't want the comments. The map is fine.

SENATOR GILL: So then it doesn't speak for itself. I'm letting him speak with respect to location because, in fact, I was taking your considerations in the question.

MR. ZOUBEK: I appreciate that.

SENATOR GILL: So now, as Deputy Chief of Staff, Bridget Kelly reported directly to you, correct?

MR. O'DOWD: She did, yes.

SENATOR GILL: And you reported directly to the Governor.

MR. O'DOWD: That's right.

SENATOR GILL: So the chain of command was Deputy Chief of Staff, Ms. Kelly; Chief of Staff, you; and then the Governor.

MR. O'DOWD: In that context, yes. There are other Deputy Chiefs of Staff. But in that context, you're exactly right.

SENATOR GILL: And on Tab 33, page 14--

MR. O'DOWD: Okay.

SENATOR GILL: Well, we already know that on December 12 asked you to speak to Mr. Stepien. I'll withdraw that, and rephrase it.

Did the Governor ask you to speak to Mr. Stepien or Ms. Kelly? Just Ms. Kelly, correct?

MR. O'DOWD: Ms. Kelly.

SENATOR GILL: Okay. And that evening you spoke to her on the phone.

MR. O'DOWD: It was the afternoon.

SENATOR GILL: Afternoon. In your conversation did you ever tell her that other people said she had knowledge and e-mails about the lane closures?

MR. O'DOWD: I did not say that to her.

SENATOR GILL: I don't know if you're aware of Mr. Drewniak's testimony where he said that the issue of -- knowledge on Ms. Kelly's part, and Wildstein, was in the *bloodstream*. Was it the bloodstream of the front office -- they knew about it?

MR. O'DOWD: My counsel has tried to shield me from watching other testimonies or reading them, for the same purposes as he set forth before.

SENATOR GILL: Okay, so you-- You don't read anything about the lane closure?

MR. O'DOWD: Sometimes it's inevitable; I try not to, but it's inevitable that at some point you're going to see coverage of it.

SENATOR GILL: Okay. So did you tell the Governor, following your conversation with Ms. Kelly, that Ms. Kelly had no knowledge of the lane closure?

MR. O'DOWD: When I spoke with the Governor that evening -- an hour-and-a-half or so after I spoke with Ms. Kelly -- I told him that I spoke with Bridget and she said she had nothing to do with closing the lanes.

SENATOR GILL: And you told the Governor that?

MR. O'DOWD: That's exactly right.

SENATOR GILL: Then later that night you and Mr. McKenna met with Mr. Baroni, I think--

MR. O'DOWD: Actually, the Baroni meeting was prior to that, Senator. I called the Governor after the Baroni meeting to inform the Governor of both the Baroni meeting and the Kelly conversation.

SENATOR GILL: So did either of them tell you that-- Did Mr. McKenna say to you that he knew Kelly had -- or heard that Kelly had knowledge of the lane closings?

MR. O'DOWD: He did not.

SENATOR GILL: Okay. After your meeting in Newark, you spoke with Ms. Gramiccioni?

MR. O'DOWD: Gramiccioni. (indicating pronunciation) I spoke with her that night.

SENATOR GILL: Okay. Now, I am going to -- don't you turn to this, because-- Let me see -- I'm going to turn to Tab 35.

MR. O'DOWD: I won't.

SENATOR GILL: And page 7. And don't look at the screen, either.

MR. O'DOWD: I will look straight ahead, Senator.

SENATOR GILL: You look straight ahead.

MR. O'DOWD: I'll look at you. I'm sorry, that's what I meant.

SENATOR GILL: Oh, look at the Co-Chairs.

MR. O'DOWD: No, I'll look at you. (laughter)

SENATOR GILL: Now, after you speak with Ms. Gramiccioni, there's a difference in her understanding of the meeting than what you had testified to here or that's in the report. And so her interview memo states that she told you, that Mr. Baroni told her, that Ms. Kelly had e-mails showing knowledge of the traffic study. Do you remember Ms. Gramiccioni telling you that?

MR. O'DOWD: On the morning of December 13, something to that effect, yes.

SENATOR GILL: Her interview states that she told you, on December 12, that Mr. Baroni told her that Ms. Kelly had e-mails showing knowledge of the traffic study. Not December 13, but December 12. Do you have any independent recollection of the day that Ms. Gramiccioni told you?

MR. O'DOWD: I do. I remember it being December 12. I don't have it memorialized in any capacity, though.

SENATOR GILL: And that's why notes are important, correct?

MR. O'DOWD: In this context, if I had a note to show that I met with her, obviously, you'd have it; but I don't.

SENATOR GILL: And so Ms. Gramiccioni continues that on December 12 she met with the Governor to relay the substance of the conversation with Baroni. She also states that she told the Governor that there was a hum that Kelly was on the e-mails about the lane closures. She said that the Governor was visibly upset and that the source of the information was Mr. Baroni. She then says right after that meeting, or soon thereafter, that she had with the Governor, she called you to fill you in on her meeting with the Governor.

Do you remember if that, in fact, happened?

MR. O'DOWD: I don't believe it did. I did speak with her on the way to Newark on December 12 -- a brief conversation -- to let her know what I was about to do with Baroni and that I was going to be telling Baroni that she was the replacement. And I speak with her again that evening on the phone. I do not believe and do not remember having a face-to-face meeting with her on December 12. I spoke with her on the phone before the Baroni meeting, and later that evening.

SENATOR GILL: And this is where the notes become extremely important, because Ms. Gramiccioni says that she told the Governor, and that she told you that she told the Governor. And what independent-- Do you have an independent recollection that what Ms. Gramiccioni stated is incorrect?

MR. O'DOWD: I only recall what my interaction was with her, in her office, on the morning of December 13.

SENATOR GILL: So when you say you *only recall*, that doesn't mean that it didn't happen, but simply that you can't recall if it did happen? Would that be fair?

MR. ZOUBEK: Just-- I want to clarify. I think you had read a part; I just want to make sure the questions -- that I understand the question. You had read a part where you talked about Ms. Gramiccioni talking to the Governor, so that's something between the Governor and Gramiccioni. If you're asking whether that's correct--

SENATOR GILL: No, because this is why I'm asking the witness the question. Because what I asked him was-- She said after-- I read him what she said to the Governor, so that we are in-- And then I asked him-- Then she said, after she met with the Governor she called Mr. O'Dowd to tell him what she said to the Governor.

MR. ZOUBEK: I just want it broken out that way, and that's fine. Thank you.

SENATOR GILL: That's the way it was broken out.

MR. O'DOWD: So Senator, I don't remember that interaction. The interaction I remember, with respect to what she had learned from Baroni, was in her office the next morning.

SENATOR GILL: And so my question to you is this. It's not that it may not have happened the way Ms. Gramiccioni states, but it's just that you don't recall if it happened that way or not.

MR. O'DOWD: Right. I'm just testifying to what I remember.

SENATOR GILL: Okay. Tab 33, page 16 -- page 19.

MR. O'DOWD: Page 19, Senator?

SENATOR GILL: Yes, page 19. And the reason we're taking this in detail is because we don't have any notes -- independent notes, so that I want to make sure that we establish any foundation from which I ask the question.

So on page 16, and -- in page 19, second paragraph. This is-- Do you have that, sir? Page 19?

MR. O'DOWD: Yes, Senator, page 19 -- I'm on it.

SENATOR GILL: You're on it? Okay. The second paragraph. And this is after the senior staff meeting on December 13, and then it's after Ms. Kelly gives you Ms. Renna's e-mail, but before the press conference. Is that a correct? Take your time.

MR. O'DOWD: I just want to buzz back to make sure I'm understanding the context of that paragraph.

SENATOR GILL: Okay.

MR. O'DOWD: Okay, so the first-- You're asking where the first full paragraph--

SENATOR GILL: Yes, it's--

MR. O'DOWD: "A short while--"

SENATOR GILL: "A short while."

MR. O'DOWD: Yes, okay, I'm there.

SENATOR GILL: Okay, all right.

Now, in that meeting-- Yes, can you read that into the record, please.

MR. ZOUBEK: If I can -- as a basis for a question, but just so the record isn't suggesting that he's adopting that as his words.

SENATOR GILL: Let's do it this way. I'm going to give you an opportunity to read that paragraph. And this is from the Gibson Dunn report. I'm going to ask you if this paragraph is accurate in terms of what you told Dunn and what they reported.

MR. O'DOWD: I would say this, Senator, if I could. The line that jumps out at me, is that I would submit to the Committee is not a line that I would adopt, is the line that indicates the -- one, two, three, four -- I guess the fifth line down, beginning with "Kelly." "Kelly was habitually concerned--" Am I reading the correct paragraph?

SENATOR GILL: Yes.

MR. O'DOWD: So that's-- "Kelly was habitually concerned about how she was perceived by the Governor." That's not a characterization that I would offer.

SENATOR GILL: Okay. And so other than that, "Habitually concerned" -- other than that, the paragraph is, in sum and substance, correct?

MR. O'DOWD: Yes.

SENATOR GILL: Okay. So with that caveat, could you please read the paragraph that begins at "A short--"

MR. O'DOWD: So page 19, first full paragraph, and I quote, "A short while after this meeting, Kelly came to O'Dowd's office. Kelly said she was concerned about what the Governor thought of her and asked O'Dowd whether the Governor had lost confidence in her. She asked O'Dowd if she needed to talk to the Governor. O'Dowd responded that it was her decision -- a response prompted, in part" -- this is the part I disagree with --

SENATOR GILL: Right.

MR. O'DOWD: "--by the fact that" -- so I will omit that -- "and Mr. O'Dowd was anticipating soon leaving the Governor's Office."

SENATOR GILL: And where were you going to-- You were anticipating going to the Attorney General's at that time?

MR. O'DOWD: I was. So at this point, within a matter of weeks.

SENATOR GILL: So you told her, "Well, if you want to talk to the Governor, you can go to the Governor."

MR. O'DOWD: Yes, absolutely.

SENATOR GILL: Did you ever take any notes as to what she -- what concerns she had with respect to going to the Governor?

MR. O'DOWD: I didn't take any notes.

SENATOR GILL: Did you ask her, "Why do you want to see the Governor?"

MR. O'DOWD: My impression was that she was concerned over the questioning of two days -- the questioning of December 12, and then on December 13 as well. And also, in part, my reaction to her not handing over the September 12 e-mail earlier.

SENATOR GILL: But did you ask her -- not what did you assume -- did you ask Ms. Kelly, "What do you want to see the Governor about, and is it with respect to the lane closures, and what is it?" Why didn't you just ask her?

MR. O'DOWD: I don't recall asking that question, no.

SENATOR GILL: Because you were tasked already with trying to find out from Ms. Kelly, it would not have been outside the ground of what the Governor had already assigned you to do, correct?

MR. O'DOWD: I had already asked her that question, correct.

SENATOR GILL: And so did you tell the Governor, "Governor, Ms. Kelly wants to talk to you"?

MR. O'DOWD: I believe later that day or the next day, I said, "You should anticipate her coming to see you. I think she's going to come see you."

SENATOR GILL: Now, during the press conference -- because Ms. Kelly obviously is-- She comes to you and says she wants to talk to the Governor. Now, during the press conference, Ms. Kelly, who was standing about 15 feet from you, texts you and says-- Again, she asks you -- because you're the person interfacing with her, with respect to the Governor -- whether or not she should speak to the Governor. Again, she's asking you. Did you respond to her texts?

MR. O'DOWD: I don't believe so.

SENATOR GILL: Did you ever ask her right after the meeting what she wanted to talk about to the Governor?

MR. O'DOWD: I do speak with her again after the press conference, a short time later -- later that afternoon.

SENATOR GILL: Did you ask her what she wanted to talk about with the Governor?

MR. O'DOWD: I don't think she was asking me for permission. I think what she was expressing was, does she *need* to talk to the Governor.

SENATOR GILL: And you knew the Governor needed to know everything, correct?

MR. O'DOWD: He did.

SENATOR GILL: And we have already seen the diagram and, I guess, Bridget's office, and going over to your office or the Governor's, is about 30 feet, maybe, correct?

MR. O'DOWD: How many feet?

SENATOR GILL: About 30, maybe?

MR. O'DOWD: Less.

SENATOR GILL: Less than 30?

MR. O'DOWD: Less than 30?

MR. O'DOWD: Less than 30 feet, I think.

SENATOR GILL: Less than 30.

MR. O'DOWD: I think so.

SENATOR GILL: And you were even closer to the Governor than Ms. Kelly's office.

MR. O'DOWD: That's right.

SENATOR GILL: And nobody went to the Governor-- Oh, I'll ask this.

Was there ever a decision made for the Governor not to speak to Ms. Kelly?

MR. O'DOWD: He addressed his entire team, including Ms. Kelly, that morning.

SENATOR GILL: Addressed the entire team -- but was there ever a decision-- And you can say yes or no.

MR. O'DOWD: Not that I'm aware of. He sent me to do it.

SENATOR GILL: Okay, all right.

MR. ZOUBEK: You're talking about on that date, correct, Senator?

SENATOR GILL: On that date?

MR. ZOUBEK: Yes.

SENATOR GILL: On that date.

MR. O'DOWD: On that date, yes.

SENATOR GILL: Or any date thereafter.

MR. O'DOWD: I'm not aware of any decision prior to January 8 of anyone suggesting anyone shouldn't talk to Bridget Kelly.

SENATOR GILL: Well, *my* anyone is the Governor.

MR. O'DOWD: --or the Governor.

SENATOR GILL: Now, the Governor, we know, spoke to Mr. Stepien, but he did not speak to Ms. Kelly. Do you know why?

MR. O'DOWD: I don't.

SENATOR GILL: Just a couple more questions on this.

Now, the deleted e-mails-- Because when Bridget Kelly tells you that she deletes e-mails, we know there's an ongoing investigation by the Assembly Transportation Committee. And we also know you are her direct supervisor, correct?

MR. O'DOWD: I was her direct supervisor, that's correct.

SENATOR GILL: And we also know that there's an NJSA -- states that "No person shall destroy, sell or otherwise dispose of any public record, archives, or printed public documents which are under his or her control or his care or custody, whether or not they are in current use." And the Destruction of Public Records Act states that "The person must receive

prior written authorization from the Division of Revenue and Enterprise Services of the Department of the Treasury, the State's Record Management program, to dispose of their public records regardless of the medium in which the information is maintained." And you were aware of that, correct?

MR. O'DOWD: I'm not aware of that particular statute verbatim; but I'm generally aware of the obligation to retain records.

SENATOR GILL: Well, not only were you just announced as the Attorney General, you also previously today indicated that the front office -- the Governor's staff -- you received training on the issue of destruction of public records -- maintaining public records.

MR. O'DOWD: And OPRA applying to things like that, exactly.

SENATOR GILL: Okay, so-- And in your prior role as United States Attorney, you know of the issue of destruction of public records.

MR. O'DOWD: I'm not sure what the question is; I'm sorry, Senator.

SENATOR GILL: With respect to deleting e-mails that are public records -- you know that it shouldn't be done.

MR. O'DOWD: Yes. I'm sorry, I do know that.

SENATOR GILL: Okay.

MR. O'DOWD: There are rules governing when it can be done, but--

SENATOR GILL: But -- yes.

So when Ms. Kelly tells you that she deletes e-mails, did she tell you that she had received prior written notice and approval to delete the e-mails?

MR. O'DOWD: She did not.

SENATOR GILL: Did you tell her to stop deleting e-mails?

MR. O'DOWD: I don't recall saying that specifically. And just to put some context in this: What I think she was pursuing -- and the reason that she offered that to me -- was, "What if somebody sent me something, and I deleted it?" -- something that would indicate that she knew something about it. That's, I think, what her focus was.

SENATOR GILL: But you didn't ask her?

MR. O'DOWD: Ask her what?

SENATOR GILL: You didn't tell her to stop deleting e-mails. Whatever her focus was, did you tell her to stop deleting e-mails because it was in violation of the law?

MR. O'DOWD: Well, it depends what e-mails that she deleted. She didn't tell me that she deleted a relevant e-mail. If it was an e-mail about what time she was going to dinner, I think she can delete that.

SENATOR GILL: We know that you were not there to talk to her about what time she went to dinner.

MR. O'DOWD: Well, absolutely; absolutely, Senator.

SENATOR GILL: And we know you were there having a conversation with her, and she was having a conversation with you, with respect to e-mails as it relates to the lane closures.

MR. O'DOWD: Correct.

SENATOR GILL: Correct?

MR. O'DOWD: Correct.

SENATOR GILL: So that when she tells you that she deletes e-mails, did you tell her to stop deleting e-mails?

MR. O'DOWD: I don't remember saying that, no.

SENATOR GILL: And did you ask her how often she deletes e-mails?

MR. O'DOWD: I believe she said, "Sometimes I delete e-mails."

SENATOR GILL: Did you ask her--

MR. O'DOWD: No, I did not ask her that.

SENATOR GILL: Did you ask her, "Did you delete any e-mails with respect to the lane closures?"

MR. O'DOWD: Yes.

SENATOR GILL: And what did she say?

MR. O'DOWD: She did not believe so.

SENATOR GILL: Now, that was another conversation you had with her, but we don't have any notes for that.

MR. O'DOWD: There are no notes of any conversation that I had with her.

SENATOR GILL: Just a couple more questions.

Did you ever tell the Governor, prior to the press conference on December 12, or anytime before January 8, that Bridget Kelly told you that she deleted e-mails and that Deborah Gramiccioni told you that Ms. Kelly told her that she deleted e-mails? Did you tell the Governor?

MR. ZOUBEK: If I can, Senator, I think you used December 12; we'll accept the question, but it's December 13.

MR. O'DOWD: So there were two pieces in there. So if the question is--

SENATOR GILL: Thank you very much, Counsel. See, two heads are better than one.

MR. ZOUBEK: I'm here to work two-headed monsters -- one or the other, right?

SENATOR GILL: So December 13, or anytime before January 8, did you go to the Governor and say, "Governor, Bridget Kelly told me she deletes e-mails. Deborah Gramiccioni told me that Ms. Kelly told her that she deleted e-mails." Did you ever tell that to the Governor?

MR. O'DOWD: I don't think Deborah Gramiccioni ever said that to me. But with respect to whether or not I passed that information along, based on my interactions with Ms. Kelly, I don't believe I passed that on to the Governor, but I'm not certain either way.

SENATOR GILL: Okay. And I want to just-- I'm not referring you to the document, but Ms. Gramiccioni states--

MR. ZOUBEK: I have looked at the reports; could you tell me what Tab and page you're looking at?

SENATOR GILL: Page 9.

MR. ZOUBEK: Of which Tab?

SENATOR GILL: We're going to get it. Page 9, Tab 35.

MR. ZOUBEK: Thank you.

SENATOR GILL: And Counsel, it's the second paragraph, and I will read it.

"Gramiccioni then told Kelly to go talk to O'DOWD again. Gramiccioni sensed that Kelly got the message. After Gramiccioni left

Kelly's office, she went to O'Dowd's office and told him that she had told Kelly to talk to O'Dowd again. Gramiccioni relayed to Mr. O'Dowd that Kelly looked really upset, but had also denied having any e-mails showing knowledge of the traffic problems when Gramiccioni talked to her. Gramiccioni also told O'Dowd that Kelly said she deleted most of her e-mails because of a bad relationship with her ex-husband. Gramiccioni left the office after she spoke with Mr. O'Dowd."

Did you ever ask Gramiccioni what e-mails--

MR. O'DOWD: I don't know what you're referring to, Senator. That's not a meeting that I recall ever having occurred.

SENATOR GILL: Okay, okay.

As a former-- When you received what was marked Tab 1-- And I only have two more questions--

MR. O'DOWD: The portion of 1 that I saw.

SENATOR GILL: The portion of 1 that you saw. And there's still-- In the portion that you did see-- And this came -- at least it was given to you by Ms. Kelly, right, Bridget Kelly?

MR. O'DOWD: That's correct.

SENATOR GILL: Okay. And when Bridget Kelly gave it to you, did you ever simply either go upstairs or across the hall and ask Mr. Ridley about the information contained in the e-mail?

MR. O'DOWD: I didn't; I'm not even sure if I ever met Mr. Ridley. But in any event, I didn't go speak to him.

SENATOR GILL: Well, you could always find him, though. You're the Governor's Chief of Staff.

MR. O'DOWD: If he works there, then I could have found him. But the answer is I didn't; I did not.

SENATOR GILL: Okay. And did you ever bother to-- And you received this e-mail before the Governor had his press conference -- or after?

MR. O'DOWD: Before the press conference on December 13.

SENATOR GILL: So you knew the Governor was going to have that press conference, and the e-mail indicated at least something with respect to someone -- like a Mayor of Teaneck (*sic*) thought it was a political retribution.

MR. O'DOWD: That's what this e-mail indicates.

SENATOR GILL: Fort Lee -- of Fort Lee. He thought it was political retribution.

MR. O'DOWD: Yes, the notion -- the allegation of political retribution had been out there prior to this, but that's what this e-mail says.

SENATOR GILL: And this was the first time you saw it in an e-mail, or written document by someone on the staff with respect to an allegation of political retribution?

MR. O'DOWD: That the allegation came into our office-- This is the first time that I saw that.

SENATOR GILL: First time you saw it. Did you go to Mr. Ridley and ask Mr. Ridley, "Look, I have this e-mail; the Governor's about to have a press conference in an hour. I've been tasked with talking to Bridget Kelly. I want to know, Mr. Ridley -- I want you to tell me about the issues surrounding this e-mail, and anything else you may know about the

lane closing. Because the Governor is about to have a press conference, and I want to know everything with respect to this.”

Did you just go to Mr. Ridley and do that?

MR. O'DOWD: I did not do that, Senator, no.

SENATOR GILL: And did you go to-- And is Ms. Renna involved in this e-mail?

MR. O'DOWD: Yes, she sent it.

SENATOR GILL: She sent it, correct? Somebody thought this e-mail was important enough to forward to someone else. Am I correct?

MR. O'DOWD: I'm not sure what Ms. Renna thought, but she did forward this to Ms. Kelly -- absolutely.

SENATOR GILL: But you could have found out what Ms. Renna thought in forwarding the e-mail, correct? You could have spoken-- You could have gone to Ms. Renna. And how far is Ms. Renna's office from yours?

MR. O'DOWD: I don't know. I'm not sure where her office is.

SENATOR GILL: But you could have found out where her office was and gone to Ms. Renna and said, “I have this e-mail. The Governor is going to, in one hour, have a press conference. Tell me what this e-mail was about, when did you receive it, and what do you know about the lane closings.” Did you go to her and say that?

MR. O'DOWD: I did not.

SENATOR GILL: Did you call her up on the telephone and at least ask her?

MR. O'DOWD: I did not.

SENATOR GILL: Did you text her and say, "What's with this e-mail I have?"

MR. O'DOWD: I didn't communicate in any capacity with either Renna or Ridley concerning this document -- this e-mail.

SENATOR GILL: Okay. Now on January 8, when you were at Drumthwacket, you say in your interview -- and that would be -- Tab 33 is yours, page 21.

MR. O'DOWD: Okay, I'm there.

SENATOR GILL: Now, this is where you say you first-- Is this where you first read Ms. Kelly's e-mail, "Time for some traffic problems"?

MR. O'DOWD: That day.

SENATOR GILL: That day. But you also indicated that on that day you were effected on a personal level because you were concerned that your confirmation to become Attorney General might be postponed, correct?

MR. O'DOWD: I was in conversations with folks on that issue, as well as pending legislation. It was the end of lame duck, so there was a lot going on that day.

SENATOR GILL: Okay. So after you read the e-mail, you spoke to the Governor, who instructed you to convene a meeting that day at Drumthwacket, right?

MR. O'DOWD: He did.

SENATOR GILL: And he also told you who to invite, didn't he?

MR. O'DOWD: We had some back-and-forth on it, but ultimately he signed off on folks and I made the invitations to a number of them.

SENATOR GILL: Okay. But according to your memo, even though you organized the meeting, and the Governor told you who to invite, you couldn't even recall who was there, correct?

MR. ZOUBEK: Ask him the question if he recalls who was there; the question of whether they recorded it is a different issue.

MR. O'DOWD: Yes, I can--

SENATOR GILL: No, I'm going to ask him the question I want to ask him.

MR. ZOUBEK: Well, I think in fairness, Senator--

SENATOR GILL: And I will then--

MR. ZOUBEK: --that presumes this takes all of the information that he said that day, and I think--

SENATOR GILL: And the record will maintain that you have an objection; but I am going to ask him this question.

MR. ZOUBEK: That's fine.

SENATOR GILL: And this is the--

MR. ZOUBEK: If you want to ask him an unfair question, go ahead and ask him an unfair question.

SENATOR GILL: Then you're--

ASSEMBLYMAN WISNIEWSKI: Counsel, let Senator Gill finish.

SENATOR GILL: As long as there's no privilege you are invoking, he is required to answer it.

Now, you were told by the Governor who to invite, correct?

MR. O'DOWD: The Governor and I discussed who should be there, and I made a number of calls to ask people to go to Drumthwacket that day

SENATOR GILL: Okay. But when you were asked about who was at the meeting -- when you were asked by Gibson Dunn who was at the meeting, you indicated that you couldn't remember, correct?

MR. O'DOWD: I don't know that I indicated-- I do remember who was there, so I don't know what they memorialized with respect to that or not.

SENATOR GILL: Okay. Well, why don't we look at page 21.

MR. O'DOWD: Okay, I'm on it.

SENATOR GILL: And does it indicate--

MR. O'DOWD: The second paragraph up from the bottom, the second line, "But he did not specifically recall who was there."

SENATOR GILL: Okay.

MR. O'DOWD: I don't know what their impressions were; maybe I didn't know all 12, but I certainly remember-- I don't know if I remember everybody who was there.

SENATOR GILL: Well, and I'm just-- And my question went to what was in this particular report.

MR. O'DOWD: Oh, okay.

SENATOR GILL: Okay, and in this report it says that you did not remember who was at the meeting, correct?

MR. O'DOWD: That's what the report says, correct.

SENATOR GILL: Okay. Now, let me refresh your recollection -- I don't know if you know now. It would be the Governor, or do you-- The Governor, Chris Porrino -- is that correct?

MR. O'DOWD: Porrino, yes.

SENATOR GILL: Porrino. Regina Egea?

MR. O'DOWD: She was there.

SENATOR GILL: Michele Brown?

MR. O'DOWD: Correct.

SENATOR GILL: Paul Matey?

MR. O'DOWD: Correct.

SENATOR GILL: The Governor's brother?

MR. O'DOWD: At some point he was there, correct.

SENATOR GILL: Mike DuHaime?

MR. O'DOWD: Yes.

SENATOR GILL: Bill Palatucci?

MR. O'DOWD: Yes.

SENATOR GILL: And Davis Samson?

MR. O'DOWD: Correct.

SENATOR GILL: Okay. And at some point, Senator Jeff Chiesa.

MR. O'DOWD: Correct.

SENATOR GILL: And, of course, Michael -- Mr. Drewniak.

MR. O'DOWD: Drewniak was there at some point.

SENATOR GILL: Did I miss anyone?

MR. O'DOWD: Let me see. I don't think so, but it's possible.

SENATOR GILL: Now, you indicated that it was a quick-- You stated there was a quick consensus.

One question before I get there: Why didn't you speak to Ms. Renna or Mr. Ridley between December 13 and January 8 about the e-mail?

MR. O'DOWD: Why did I not do that?

SENATOR GILL: Yes.

MR. O'DOWD: I didn't. The allegations contained in that e-mail about political retribution were already allegations that were out in the public space. And I was focused on Ms. Kelly that morning of December 13, and I never followed up with Renna or Ridley.

SENATOR GILL: Okay. And did you know if anyone spoke to Mr. Ridley or Ms. Renna about this e-mail?

MR. O'DOWD: I don't know that.

SENATOR GILL: Okay. A couple more questions.

You stated that there was a quick consensus among the group -- not you -- the Dunn--

MR. O'DOWD: Oh, the report.

SENATOR GILL: Gibson Dunn report--

MR. O'DOWD: No, I understood what you meant, Senator.

SENATOR GILL: --states, on page 33, that there was a quick consensus among the group that it would not be appropriate for the Office of the Governor to have dialogue with Ms. Kelly because those involved--

SENATOR O'TOOLE: Chair, she's referencing page 33? Is that a mistake?

SENATOR GILL: Yes, page 33.

MR. O'DOWD: Tab 33.

SENATOR GILL: Page 22.

SENATOR O'TOOLE: Okay, thank you.

SENATOR GILL: You stated that, "There was a quick consensus among the group that it would not be appropriate for the Office of Governor to have dialogue with Ms. Kelly because those involved did not want to allow for any suggestion that the Office was trying to coach or influence Kelly." Is that a correct statement of what you told them -- Gibson Dunn?

MR. O'DOWD: I don't know exactly what I told them. But if you're asking me, generally, if that was a consensus of people who were there that day, then that's accurate.

SENATOR GILL: Okay. Because the Governor says that he concluded that he wasn't going to talk to her because she had a potential legal problem. Were you aware of that?

MR. O'DOWD: I don't remember him using those words, but he would have been part of these conversations and would have signed off on this direction, if you will -- or non-direction -- with respect to speaking with her.

SENATOR GILL: Okay. And this is the last question I have. We know that your wife is the Commissioner of Health -- Commissioner O'Dowd. The Gibson Dunn attorney's interview an Anthony -- I think it's Marchetta--

MR. O'DOWD: Marchetta.

SENATOR GILL: Marchetta (indicating pronunciation). And he is the Executive Director of HMFA, which is the State agency

responsible for administering part of the Sandy disaster recovery. Is the Mr. Marchetta who was interviewed by the attorneys -- is he your father-in-law?

MR. O'DOWD: He is. He's my wife's father.

SENATOR GILL: I have no further questions at this time.

ASSEMBLYMAN WISNIEWSKI: Thank you, Senator Gill.

Majority Leader Greenwald.

Majority Leader, please.

ASSEMBLYMAN GREENWALD: Mr. O'Dowd, thank you.

Mr. O'Dowd, since these hearings have started, what has troubled me is -- and what I'm trying to get to the bottom of -- is who ordered the closure of the lanes and why.

I think it has been stated by the Governor's Office, as well as by the Legislature, as well as people, really, across the state -- even around the country -- that there was an abuse of power. And it really comes down to those two questions for me: Who ordered the closure and why?

And I understand your attorney's indication that you have not been watching these hearings, necessarily, or that you have not read the Gibson Dunn reports. So I'm going to summarize for you things that have come to light through these hearings, assuming that people are under oath and everything that they're saying is true. And then I'm going to give you a synopsis of where I think we are, and I'm just going to ask you some pointed questions about what your role was in trying to discover those questions; because I think that's where the Governor really had instructed you, as his Chief of Staff, along with Charlie McKenna, his Chief Counsel.

So we had Christina Genovese -- her maiden name -- came in to testify-- Oh, I'm sorry, what is Christina's married name?

SENATOR WEINBERG: Renna.

ASSEMBLYMAN GREENWALD: Renna, I apologize. Christina Renna comes in and testifies. And she testifies, point blank, that in her dealings with Bridget Kelly -- while she may have been involved with this, she would not have orchestrated or ordered the closure of the lanes.

And that has been pretty much universal from the people who have come in and testified, and what we've seen.

We have now seen, through a number of testimonies -- including some of the statements in the Gibson Dunn report -- whether it was to Mr. Stepien, or whether it was to Mr. Drewniak, that Mr. Wildstein stated specifically that it was his idea to close the lanes. Now, Mr. Wildstein hasn't testified, so we don't know that he would confer with that, but we have now heard through a number of different people, in different channels, and through a number of different documents, that Mr. Wildstein ordered the closure of the lanes.

It also was indicated that Mr. Stepien, at that time, recommended to Mr. Wildstein that, "You ought to probably bring that up with the Governor's Office" -- and I'm paraphrasing, but to get to the point here.

Are you aware of Mr. Wildstein, prior to the closing of the lanes, ever coming to anybody in the Governor's Office and recommending that he had this idea? Did he talk to anybody? And I think from what we've heard you testify today, that you were not involved with it at that point. But when you were assigned to look into this, and you were asking questions, and you were interviewing staff, did anybody at any time say to you, "Yes, Mr. Wildstein came to me and said he had this crazy idea."

MR. O'DOWD: So if the question is what did I ever learn with respect to representations made by Wildstein--

ASSEMBLYMAN GREENWALD: Yes.

MR. O'DOWD: --in connection to the lane closures, two things: My understanding from Charlie McKenna is that when Charlie McKenna met with David Wildstein on December 6, to tell him that he was no longer going to be a Port Authority employee, at that point -- it was at the end of the year, so December 31, 2013 -- that in that meeting Wildstein told McKenna that, "It was a traffic study; it was a legitimate traffic study and it was my idea." So I learned that from Charlie.

And then on December 14 I have a conversation with Mike DuHaime, who had had a conversation with David Wildstein prior to that; I don't know exactly when. But my impression is that it was after the Governor's December 13 press conference, where Wildstein -- again, through another party, Mike DuHaime to me -- indicated, again, that, "This was a traffic study, we made some mistakes; this was a traffic study, this was my idea," something to that effect.

ASSEMBLYMAN GREENWALD: And Mr. Wildstein -- we also learned through testimony through Mr. Drewniak -- that Mr. Wildstein met Mr. Drewniak for dinner in New Brunswick and actually brought a file with him to say, "Here is the study," and he had it with him. Mr. Drewniak chose not to look at it. Are you aware, because you and Mr. McKenna had been assigned to kind of find out why this lane -- why these lanes had been closed, and who had ordered it. Did you interview Mr. Wildstein at all?

MR. O'DOWD: No.

ASSEMBLYMAN GREENWALD: Okay. So Charlie McKenna interviews Mr. Wildstein. Are you aware, when Mr. Wildstein makes the statement, "There was a legitimate traffic study; maybe it could have been done better, but there was a traffic study," did Mr. McKenna ask for the documents around the traffic study?

MR. O'DOWD: I don't know the answer to that.

ASSEMBLYMAN GREENWALD: Okay. So you have never seen any documents of the traffic study?

MR. O'DOWD: I've never seen any documents associated with a traffic study, or whatever you want to--

ASSEMBLYMAN GREENWALD: In your investigation at the request of the Governor to find out what happened and why -- in the conversation, as now -- it's been all over the map, somewhat, of whether or not there's a traffic study. Have you made a determination or made a recommendation to the Governor that there was just no traffic study?

MR. O'DOWD: So just to be clear, Assemblyman. I did not conduct an investigation into whether or not there was a traffic study. I was never assigned to do it, never initiated one on my own. I was directed to talk to Ms. Kelly on December 12, and I did, but I never conducted my own investigation to figure out what went on here. I didn't engage in that.

ASSEMBLYMAN GREENWALD: Did Mr. McKenna?

MR. O'DOWD: I don't know what Mr. McKenna did or didn't do. I referred earlier to the conversation that I was present for between McKenna, and the Governor, and myself. I know that McKenna -- because he reached out to me in connection with the testimony of Baroni in November -- I know McKenna deals with Port Authority issues, generally; it

goes through the Authorities unit, and through McKenna, on that side of the house. But I don't know specifically what Charlie did to offer that conclusion that it was a traffic study.

ASSEMBLYMAN GREENWALD: Mr. Drewniak testified that there was a meeting at Drumthwacket, up on the residence level, where there were interviews of the Governor's Office employees. Are you familiar with that day?

MR. O'DOWD: January 8; I am familiar with that. My understanding is that Mike Drewniak was interviewed that day, but not by me.

ASSEMBLYMAN GREENWALD: And you were not in that group, that was doing the interview process, as Mr. Drewniak walked past the table of senior advisors to the Governor; he was interviewed by people, and then was allowed to take a chair in the main office as Mr. Drewniak testified.

MR. O'DOWD: Yes, I don't know whether or not Mr. Drewniak came back into the room; that may well be the case. But--

ASSEMBLYMAN GREENWALD: He testified that he did. He somehow got clearance from this submeeting and was brought back.

MR. O'DOWD: Yes, I'm not quibbling with that, but the question of whether or not I interviewed Mike or talked to Mike at all -- I know what you're speaking about; I wasn't a party to that.

ASSEMBLYMAN GREENWALD: Okay. Who was doing those interviews?

MR. O'DOWD: My understanding is that they were conducted by Paul Matey and Chris Porrino from the Governor's Counsel Office

ASSEMBLYMAN GREENWALD: And do you know what was the purpose of those interviews?

MR. O'DOWD: Generally, to find out whether or not Mike Drewniak was involved with the lane closures; was there something more; did Mike not reveal something prior? Something like that -- but I wasn't there when they got their charge, and I wasn't part of the interactions with Drewniak.

ASSEMBLYMAN GREENWALD: Were there other people, other than Mr. Drewniak, interviewed that day--

MR. O'DOWD: At Drumthwacket?

ASSEMBLYMAN GREENWALD: --who then became a part of the larger senior staff meeting?

MR. O'DOWD: I don't believe so.

ASSEMBLYMAN GREENWALD: Okay. So Kevin, I have to tell you. What amazes me, and I find somewhat appalling through this whole process, is the absolute lack of curiosity of why this was done. And you have reports coming left and right, calls from reporters going through the Port Authority, and now to the Governor's Office and to the Governor's campaign, that there was lane closures for political retribution. And even in some of the e-mails and piecing together the reports, it seems to suggest that that was a crazy idea -- that it was closed for political retribution.

I don't know if it was or it wasn't; but it seems that in the guise of these e-mails, people are suggesting that was crazy. But you're such an

attention-to-detail -- and I've known this from you, Kevin, in dealing with you over your time. But even today in testifying, after you got done telling Mr. Baroni that he going to be let go -- you're such attention to detail -- you call DuHaime to say, "Look, you're going to get a phone call from Baroni about Human Resources."

MR. O'DOWD: No, about a job.

ASSEMBLYMAN GREENWALD: About a job.

MR. O'DOWD: The DuHaime conversation was about getting a job with DuHaime.

ASSEMBLYMAN GREENWALD: About a job.

You get done talking to Kelly and you go in -- at some point later in the day, you walk in the Governor's Office and you let him know, "You should be aware that Kelly's probably going to reach out to talk to you." I'm struggling to understand how this-- You've got one of your key communications people in the office, Michael Drewniak, who originally starts to get phone calls -- and this is around September -- and goes in to meet Maria Comella who, I think at the time, gave the absolute right answer: "This is a Port Authority issue. Let them handle it."

And then they keep getting phone-- Drewniak keeps getting phone calls. And I said to Michael when he was here, "Michael, there was something in your gut that something wasn't right here -- because Wildstein kept talking to you, Baroni kept talking to you, you kept getting these phone calls. And after your immediate supervisor, Maria Comella, said to you, 'It's a Port Authority issue,' that was the right advice."

He then goes to McKenna. He has conversations with Bridget Kelly, and then goes to McKenna. McKenna says, "We're looking into

this.” This is some time around October -- the middle of October. But he keeps getting these phone calls, and I said to Michael, “Michael, at some time during the course of these months this went from being a Port Authority issue to damage control within the Governor’s Office. And he got so concerned about it he was sitting in your office. And the Governor walks in” -- and we’ve all been in meetings like this; we’re having a conversation, someone else walks in, and Michael turns to get the Governor caught up to speed on what’s going on. And the Governor dismisses it. He says, “Yeah, he talked to me about some study -- like I’m supposed to know about some study.”

We’ve all been in conversations like that. I can picture that.

But at that point, you said today, the Governor says to you -- right near or around that time, on December 12 -- “This is becoming a major distraction.” And at some point the Governor’s Office went into hypergear to find out, to really -- I don’t know to do what, to be honest with you. And I guess that’s what I’m turning to you to find out. It became a major distraction. And the Governor’s Office went to do damage control around this because it was starting to hurt the Governor, when I think what should have happened is-- There was a significant abuse of power, because now you’re starting to see the e-mails that first responders couldn’t get to where they had to go. The overall lack of curiosity as to what happened and why -- I just cannot get my arms around. Can you explain what was going on at that period of December 12? What was the major distraction? And what was the goal, what was the mission at that point, in the Governor’s Office?

MR. O'DOWD: So the distraction on December 12 was, I understood from the Governor, was the allegations -- the political retribution allegations -- the Bridge issue. That was the distraction that he was referring to on December 12 when he gave me the assignment to talk to Ms. Kelly.

ASSEMBLYMAN GREENWALD: And Ms. Kelly was the only one who you were assigned to talk to? Because--

MR. O'DOWD: Yes. I'm sorry, yes.

ASSEMBLYMAN GREENWALD: No, it's a one-word answer.

And you know, Kevin, we've all dealt-- I've said this a lot of times, and a lot of people are watching these hearings. But this is a small building and we all interact with each other all the time. Whether it's Kevin O'Dowd, whether it's Jamie Fox, whether it's Gary Taffet -- when you're the Chief of Staff to the Governor, the buck kind of stops with you. It comes to your desk; you're the one who, kind of, at the end of the day has to parse through these things.

At some point, when this was blowing up, you weren't assigned to talk to anyone else other than Bridget Kelly?

MR. O'DOWD: I wasn't. And I would just point to one, maybe, structural difference; and it may not change the mix from your perspective, but you referred to prior Administrations where the Chief of Staff oversees everything. We have a model in our office where we have two, co-equal Chiefs that report directly to the Governor. That's how we're structured. And Charlie McKenna oversees the Authorities Unit, which interfaces with the Port Authority, and I relied on him for that.

ASSEMBLYMAN GREENWALD: And that's a fair point. And so these questions may be more appropriately directed to Mr. McKenna. Is that what you're saying? Because this would be an Authority--

MR. O'DOWD: The Authorities Unit answers to McKenna, and then reports to the Governor. But I can only answer what I know, and what I did.

ASSEMBLYMAN GREENWALD: So when Charlie McKenna -- and you weren't there for the conversation when Charlie McKenna says to Mr. Drewniak-- When Mr. Drewniak is concerned that these questions keep coming up and reporters keep calling, and he goes to Mr. McKenna, and Mr. McKenna says, "We're looking into it," is there any meeting where you're present where Mr. McKenna brings this up with you or with the Governor's Office to say, "There's something boiling over there. We have to take a deeper look at this." Are you a part of any of those conversations?

MR. O'DOWD: Not that I remember.

ASSEMBLYMAN GREENWALD: If you can't answer this question, just say so. But based on not what you necessarily knew at the time, but what you've learned as you've gone through this process, is it your belief that Mr. Wildstein ordered the closures?

MR. O'DOWD: I think out of respect to this Committee and the multiple, ongoing inquiries, I don't think I should venture a guess. I don't know the answer and I don't think I should venture a guess into that space.

ASSEMBLYMAN GREENWALD: Okay. So if you don't know if Mr. Wildstein closed them, you probably don't -- but if you do, I'd like you to answer the question. Do you know why these lanes were closed?

MR. O'DOWD: I don't.

ASSEMBLYMAN GREENWALD: I'm going to probably not pronounce her name correctly, but Deborah Gramiccioni (indicating pronunciation) --

MR. O'DOWD: Gramiccioni.

ASSEMBLYMAN GREENWALD: Gramiccioni. You stated here today that she had actually-- It had actually been determined by the Governor that she was going to replace Mr. Baroni 30 days before you had notified him.

MR. O'DOWD: That's about right.

ASSEMBLYMAN GREENWALD: Okay. Why was Mr. Baroni being replaced?

MR. O'DOWD: Mr. Baroni was being replaced, generally, for performance-based issues. The Governor and David Samson wanted Mr. Baroni to move on in the second term. So that discussion had occurred months and months prior. But with respect to Deb in particular, those conversations heated up before the election -- about a specific candidate.

ASSEMBLYMAN GREENWALD: Now, were you a part of those conversations on replacing Mr. Baroni?

MR. O'DOWD: I was present for some of them, sure.

ASSEMBLYMAN GREENWALD: Were you part of a decision-making process on -- that Ms. Gramiccioni would be the replacement?

MR. O'DOWD: I was. I actually talked to Deb about whether or not she would be interested in the job. So yes, I think I may have started that dialogue.

ASSEMBLYMAN GREENWALD: What were the performance issues that led to Mr. Baroni's being replaced?

MR. O'DOWD: As I understood it, generally, David Samson had expressed concerns about him having to be pulled into day-to-day matters that he thought Bill Baroni should be able to handle, and that he wouldn't have to handle -- things like that, generally.

ASSEMBLYMAN GREENWALD: Okay. And what would Ms. Gramiccioni's background-- What's her background that she would have been better suited to handle those than Mr. Baroni -- as a lawyer and a former member of the legislature -- that Mr. Samson didn't think he was qualified to-- Did you take that into consideration when you hired his replacement?

MR. O'DOWD: Did I take what into consideration?

ASSEMBLYMAN GREENWALD: Deborah's background and ability.

MR. O'DOWD: Sure. Deborah ran the Authorities Unit for two years -- the first two years of the Administration. She was the Director of the Division of Criminal Justice in the Corzine Administration, and a former AUSA.

ASSEMBLYMAN GREENWALD: Okay.

MR. O'DOWD: So I thought, and still think, Deb is very highly qualified in that position.

ASSEMBLYMAN GREENWALD: But the lane closure issue was not part of the performance issue that led, 30 days prior, to the change to go to Deborah.

MR. O'DOWD: I think the lane closure issue was part of the acceleration.

ASSEMBLYMAN GREENWALD: Accelerated. But it wasn't part of the decision 30 days earlier.

MR. O'DOWD: Not that I'm aware of.

ASSEMBLYMAN GREENWALD: Did you talk to Mr. Kwon at all -- who is a former colleague of yours -- prior to his prepping Mr. Baroni to come before the Transportation Committee?

MR. O'DOWD: No.

ASSEMBLYMAN GREENWALD: Did you talk to Mr. Kwon after he prepped Mr. Baroni?

MR. O'DOWD: No.

ASSEMBLYMAN GREENWALD: Did you talk to Mr. Kwon after Mr. Baroni testified?

MR. O'DOWD: No.

ASSEMBLYMAN GREENWALD: Did you talk to Mr. Kwon after it was determined that there may not have been a study at all?

MR. O'DOWD: I don't think I've spoken to Mr. Kwon for some time -- maybe not since he left the AG's Office after his Supreme Court nomination. But it's possible that I ran into him some place, but it would not have been a substantive interaction, that I can recall.

ASSEMBLYMAN GREENWALD: Mr. Drewniak testified that he had become aware about Mr. Wildstein's activities; he had numerous

conversations with Mr. Wildstein. At any time after he was having those conversations, before the one meeting when the Governor came in, did Mr. Drewniak ever come in and talk to you about those concerns -- the questions from the reporters?

MR. O'DOWD: Sure, I interacted with Mike during that process -- not with respect to Wildstein, in particular, though.

ASSEMBLYMAN GREENWALD: But about the calls from the reporters coming in?

MR. O'DOWD: Generally, that there was press issues; Mike had sent me some e-mails, sent me some communications on that -- some we went through earlier today.

ASSEMBLYMAN GREENWALD: Did he ask you-- Were the context of those conversations, "How should we respond to this?" Was he looking for insight, or was he just keeping you abreast?

MR. O'DOWD: Keeping me abreast -- that's how I interpreted it.

ASSEMBLYMAN GREENWALD: He was also receiving phone calls from Mr. Baroni -- same question -- about press calling in, and Mr. Baroni referring press calls over to Mr. Drewniak. Did he ever talk to you about that?

MR. O'DOWD: I don't believe so.

ASSEMBLYMAN GREENWALD: Okay. And also from Mr. Stepien, at that point in time -- Mr. Stepien was calling Mr. Drewniak to help deal with some of the press calls and funnel some of those. That was Mr. Drewniak's testimony. Again, I don't know if any of that is accurate;

he was testifying under oath. Did he talk you to about any of that interaction?

MR. O'DOWD: I don't remember those types of interactions.

ASSEMBLYMAN GREENWALD: The Governor said that Mr. Samson did not have an operational role at the Port Authority. Was Mr. Baroni's performance making Mr. Samson take more of an operational role? Was that part of the concern?

MR. O'DOWD: I don't know if I'd use those words, but maybe what I said earlier is effectively the same thing. I mean, there was some-- Samson's perspective was that he was getting pulled into some day-to-day things, over his time as Chairman, that led him to conclude, from his perspective, that we needed somebody else at the Port Authority.

ASSEMBLYMAN GREENWALD: So Mr. O'Dowd, now that there's been a statement by Mr. Foye that there was both State and Federal crimes committed, in his opinion, has anyone at the State Attorney General's Office-- Are you aware or have you had any meetings with the Governor -- is there anyone at the State Attorney General's Office looking into this at all?

MR. O'DOWD: I have no idea.

ASSEMBLYMAN GREENWALD: Okay. You are all-- It's not your role anymore, but you are all former U.S. Attorneys.

MR. O'DOWD: Well, the Governor is a former U.S. Attorney; the rest of us are former AUSAs. But we all worked in the U.S. Attorney's Office, that's correct.

ASSEMBLYMAN GREENWALD: I apologize for the-- Yes.

I can't imagine this isn't the topic of lunchtime conversation as to what happened there. Has anybody indicated, "maybe we should look into this from a State crimes base"?

MR. O'DOWD: I was never present for a conversation like that.

ASSEMBLYMAN GREENWALD: Do you believe that there could be State crimes and worthy of an investigation?

MR. O'DOWD: I think that gets, with all due respect, into another area where I don't think I should venture a guess. I'm not familiar enough with the facts, particularly in light of the ongoing inquiries.

ASSEMBLYMAN GREENWALD: Thank you.

I have no further questions at this time.

ASSEMBLYMAN WISNIEWSKI: Thank you, Majority Leader Greenwald.

Assemblywoman Handlin.

And then just before we do that, Assemblywoman -- we're going to take a short break after Assemblywoman Handlin's questioning so that everybody can grab a drink or use the restroom.

ASSEMBLYWOMAN HANDLIN: Thank you, Mr. Chairman.

Mr. O'DOWD, I wanted to revisit the saga of what happened to Bill Baroni. I was actually looking for documentation related to that, and I don't see any. So what I-- Part of what I had in my mind, at this point, must be as a result of testimony alone.

We may have heard of this from other witnesses; I don't think so. I think you were the first one to address the question of why it was that

he was being *let go* -- is the proper term. He was being encouraged to move on at the end of the first term.

MR. O'DOWD: I told him, point blank, that tomorrow is your last day. So it wasn't encouragement; it was a direct statement.

ASSEMBLYWOMAN HANDLIN: Okay. Here's the question I wanted to ask: We all are aware of what his job was at the Port Authority -- at least what his title was. I don't think anyone is completely clear about what his job responsibilities were. But we know he held that title and that others had held it before him. There's a new person who holds that same title. And what I want to explore with you just a little bit is the following: I am making the assumption -- and correct me if I'm wrong -- that to the extent he was viewed as being *burned out* -- I think was the word that you used?

MR. O'DOWD: I did use that, yes.

ASSEMBLYWOMAN HANDLIN: Okay. And to the extent there were *performance issues* -- I think that was your term as well?

MR. O'DOWD: Correct.

ASSEMBLYWOMAN HANDLIN: Okay. That the likelihood is it wasn't entirely about him; that I think all of us here had encounters with him and/or worked side-by-side with him while he was in the Legislature. We all know he's very smart.

MR. O'DOWD: No question.

ASSEMBLYWOMAN HANDLIN: In a number of ways, very talented. So I am thinking that what -- much of what went wrong might well have been due to the fact that he was given a job that either was very, very fuzzy in terms of the nature of the responsibilities; or carried within its

structure and within that set of responsibilities a lot of, kind of, inherent conflict.

And I wanted to ask you, number one, if you could-- Based on your knowledge, your interactions with him, your understanding of what it was he was supposed to deliver, do you think, in fact, that the job is problematic? So that's my first question; and that also is connected to your comments about the Port Authority being a dysfunctional agency. So honing in on his job within that dysfunctional agency, are there certain things, again, about the job that you think are problematic and could well have caused similar issues for many other people?

And number two -- if you can hone in on that, what about the job would need to be changed so that someone, going forward, could do it in a way that would be viewed, generally, as a responsible, accountable, top notch performance?

MR. O'DOWD: Unfortunately, I don't know much about what his day in and day out job responsibilities or obligations were, so I won't be very helpful in that regard.

And then related to that, I won't be very helpful in offering suggestions to the Committee as to how things may change in order to address maybe what happened here and other instances. So I don't have a lot of insight as to what Bill Baroni's day-to-day tasks were. I didn't interface with the Port Authority frequently.

ASSEMBLYWOMAN HANDLIN: Okay. I think at some point you did make a comment along the lines of there being a lot of tensions; that he was reflecting -- reflecting, or had been worn down by, or whatever.

MR. O'DOWD: Yes, the tensions are the New York/New Jersey tensions.

ASSEMBLYWOMAN HANDLIN: Okay.

MR. O'DOWD: It's an institution that, unlike our Executive Branch departments that we all think of around here and that are my primary focus -- you have a Commissioner with his or her team below them and a clear sort of chain of command -- this is an entity that has -- is controlled by Commissioners from other states that are appointed from other governors. Deputy Executive Director -- I'm not even sure if Bill Baroni reports to the Board, or does he report to Pat Foye, or, at the time-- So it's not set up in a way that is similar to what our traditional Executive Branch departments are like.

ASSEMBLYWOMAN HANDLIN: Okay. So in other words, you're not really sure what it was about the job that wore him down, if you want to put it that way, or that caused him insurmountable problems-.

MR. O'DOWD: I don't, because I'm not familiar enough with what he would do, day in and day out. So I'm sorry -- I don't have much insight on that.

ASSEMBLYWOMAN HANDLIN: Okay.

Thank you, Mr. Chairman.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblywoman.

We're going to take a 10-minute recess. We'll reconvene here at, let's say, 4:00 p.m.

(recess)

(return from recess)

ASSEMBLYMAN WISNIEWSKI: I'd like to begin the meeting. Would our members kindly take your seats.

We're going to resume our questioning, Mr. O'Dowd, with Senator Linda Greenstein.

Senator.

SENATOR GREENSTEIN: Okay, thank you very much.

ASSEMBLYMAN WISNIEWSKI: Please turn your microphone on.

SENATOR GREENSTEIN: Good afternoon.

MR. O'DOWD: Good afternoon, Senator; good afternoon.

SENATOR GREENSTEIN: I wanted to talk a little bit about the relationship between the Governor's Office and the Port Authority. And I was wondering if you could describe the manner in which the front office communicated the Governor's "clear vision and strong leadership" -- tucking that one in quotes -- to the Port Authority on policy matters. How did the Governor get across what he was looking for to the Port Authority?

MR. O'DOWD: Well, the way the Office is set up is, there's an Authorities Unit that is headed by a Director of Authorities. And that particular person has four or five Assistant Counsels who work for her. One of those Assistant Counsels has, as part of their portfolio, the Port Authority and interfacing with the Port Authority. So through the Authorities Unit, I think, is probably the best answer that I can give you.

SENATOR GREENSTEIN: What person in the front office identified policy priorities for the Port Authority to pursue on the Administration's behalf?

MR. O'DOWD: I don't know that it's one, singular person. But in general, the Authorities Unit is the interface and the go-between between the Governor's Office and all the Authorities -- but Port Authority New York/New Jersey in particular.

SENATOR GREENSTEIN: And I know you mentioned before Regina Egea--

MR. O'DOWD: Regina Egea, correct.

SENATOR GREENSTEIN: --was the person.

MR. O'DOWD: She was.

SENATOR GREENSTEIN: Would she be the Administration's point person at the Port Authority for ensuring that the priorities of the Administration were executed? Would she have been that person?

MR. O'DOWD: Depending upon what the issue is, but Regina Egea, Assistant Counsel who worked for her -- either/or, depending upon the issue.

SENATOR GREENSTEIN: And what's the relationship of your office, or yourself as Chief of Staff, with that Authorities Unit? I mean, do you oversee it, or are you on equal level in some way? I guess you wouldn't be on equal level.

MR. O'DOWD: Well, no, it's in the Counsel's Office. So there's a Chief Counsel, who reports to the Governor, who oversees the Authorities Unit and a few other components, structurally.

SENATOR GREENSTEIN: So you wouldn't have a position of, sort of, evaluating how that unit did? That would be under the Counsel's Office? You, yourself, as Chief of Staff, wouldn't do that sort of evaluation?

MR. O'DOWD: I did not; I do not.

SENATOR GREENSTEIN: Okay. What role did David Samson play in communicating the Governor's vision to the Port Authority? What would his role have been?

MR. O'DOWD: Well, he was Chairman of the Port Authority. I would imagine that, as Chairman, he conducted meetings and sessions in a way that was consistent with his philosophies and the Governor's philosophies.

SENATOR GREENSTEIN: Okay. Did the Administration come into this office -- into their (indiscernible) -- with a concrete plan to get the Port Authority to take over the payment of transportation infrastructure projects that had traditionally been financed through the Transportation Trust Fund?

MR. O'DOWD: It's possible; I'm not familiar with that plan if there is one.

SENATOR GREENSTEIN: Okay. What alternatives, if any, other than diverting Port Authority funding to New Jersey transportation projects, did the Administration consider as a means of addressing the Transportation Trust Fund's insolvency? Is that something you would know anything about?

MR. O'DOWD: The Transportation Trust Fund issue is an issue that, I think, people are starting to look at now, again, as it recycles

through every couple of years. But specifically, I don't remember being involved in any of that at the outset of the Administration.

SENATOR GREENSTEIN: Okay. What person in the Administration was in charge of coordinating between the front office and the Port Authority on the issue of toll hikes?

MR. O'DOWD: I don't know the answer to that. If you're referring to the toll hikes of the summer of 2011 -- which I think you probably are -- that's generally what people refer to--

SENATOR GREENSTEIN: Yes.

MR. O'DOWD: I think at the time Deb Gramiccioni was the Director of the Authorities Unit; Rich Bagger was the Chief of Staff; I was Deputy Chief Counsel.

SENATOR GREENSTEIN: Okay. Were you involved in the decision to raise Port Authority tolls?

MR. O'DOWD: I don't believe so, no.

SENATOR GREENSTEIN: Okay. Did you direct Drewniak to make that request?

MR. O'DOWD: Which--

SENATOR GREENSTEIN: The request about Port Authority tolls.

MR. O'DOWD: I'm not sure I'm following you, Senator. I don't know what request you're referring to.

SENATOR GREENSTEIN: I don't know if it was a specific date of a request, but I guess there was some place in which he was involved in that decision. I was just trying to figure out if you would have directed him. But it sounds like you wouldn't, since you're--

MR. O'DOWD: Yes, I'm not sure what you are referring to.

SENATOR GREENSTEIN: Okay. Let me just see here.

Well, you know what? There's a line of questioning here that I'm not going to go through because it sounds like you weren't involved. So I'm not going to continue going through it.

But for now, thank you; thank you very much.

MR. O'DOWD: Thank you, Senator.

ASSEMBLYMAN WISNIEWSKI: Thank you, Senator.

And I know Assemblywoman Caride was next, but she has stepped out to take a phone call.

Senator O'Toole.

SENATOR O'TOOLE: Thank you, Chair.

Good afternoon, Kevin and Paul. Through the Chair, I just have some follow-up questions. And I don't mean to be repetitive, I don't mean to have questions re-asked and re-answered, but there are some points of clarity that I need. And I know we've been at this for six hours, or so -- so if you would indulge me.

And just a note: I never really heard that before -- the advice that Paul Zoubek gave Kevin about not reading the other reports. I found it to be interesting and fascinating, and I'm not asking about or intruding upon the attorney/client privilege and asking about the wisdom of that. But I will tell you, as someone who has been involved in these type -- from the private sector-- That's a really interesting tool, because as we have seen -- we've seen a number of them. We've read so many Gibson Dunn reports and other reports. At some point in time you start to lose the compartmentalized versions of one or another, and sometimes what you

read in one report may lend itself to the vision of another report. So I will tell you -- attorney to attorney -- that I find that to be a very interesting tool that you've employed.

Having said that, I want to go back and step back a little bit. You know, Kevin, through the Chair, when you got sworn in it was just an interesting and odd place for you to be for a person who has been in the background for many years. And I've kind of felt that it was like that movie *The Truman Show*, where we're trying to slow down the tape and look at every moment in really, really short time and just pull out every second of every meeting that occurred in August, September, October, November, December, and January. And that, to me, personally and professionally, would be very hard to do. I see that you're doing the challenge, but it's-- With an apology, I'm going to have to ask you to continue with that just so I can try to follow up with some of the conversations and testimony you've given here today.

With regard to the Chief of Staff role -- these are, first, more general questions I've asked Michael Drewniak and others -- just, on a given day, how many e-mails would you get on any subject on any given day? And after you answer that, how many phone calls do you have, do you receive on any given day as the Chief of Staff?

MR. O'DOWD: Significant volume; it's the most difficult job I've ever had. The volume is intense and nonstop. I deal with a lot of legislators and legislative matters; folks would reach out to me frequently. So I don't know if I could quantify a particular number of e-mails or calls or meetings a day, but it's usually a seven-day-a-week job and a high-volume job.

SENATOR O'TOOLE: And on every phone call that you get, do you take notes?

MR. O'DOWD: No.

SENATOR O'TOOLE: Okay. Every e-mail or text message that you receive, do you take notes?

MR. O'DOWD: No.

SENATOR O'TOOLE: Okay. And that's been your practice as the Chief of Staff, I suspect; and was it your practice as Deputy Counsel as well?

MR. O'DOWD: I think that's right, yes -- not taking notes for those interactions.

SENATOR O'TOOLE: And when you served as Deputy Counsel to Whitman and DeFrancesco, did you have that same model -- that you didn't take notes on every phone call or e-mail or text message you received?

MR. O'DOWD: I don't know that we had e-mails or texts back then. (laughter)

SENATOR O'TOOLE: I don't know when that started, actually.

MR. O'DOWD: But your general question is -- I believe, the answer is yes.

SENATOR O'TOOLE: And with regard to every meeting you have, with every constituent, every Commissioner, every legislator, every Chief of Staff, is it your practice to sit there and take notes during those meetings?

MR. O'DOWD: Not generally, no.

SENATOR O'TOOLE: And so I understand, through the Chair, your role -- and I don't think everyone really-- It's the day-in-the-life video, when if somebody had to peer into your life -- *The Truman Show* -- and say, "What's a day in the life like for you?"-- Let's put this aside and talk about generalities. You get to work. How many employees? What are you doing? How many Commissioners are you interacting with? How many Legislators? What types of processes are going through your office on any given day?

MR. O'DOWD: Every day is different. It depends what's going to happen that day with respect to legislative outreach, in particular; that's frequent and voluminous. Every day presents a different challenge.

SENATOR O'TOOLE: Let's talk specifically about your testimony regarding the December 12 meeting -- where you came in the kitchen, some side door, some fascination on how you get into Drumthwacket, about how you ran into the Governor and Bill Stepien and, at some point, the Governor pointed to you and says, "I want you to talk to Bridget Kelly and find out if she was involved." I think that was your -- you were told something like that.

MR. O'DOWD: Anything to do with the lane closures; that's exactly right.

SENATOR O'TOOLE: Were you asked, as an investigator, to investigate that, or as a Chief of Staff?

MR. O'DOWD: As a Chief of Staff -- I wasn't an investigator at the time -- as a Chief of Staff to ask someone who works for me a question.

SENATOR O'TOOLE: So she was a subordinate. You were asked as the boss or one of the superiors to that particular employee.

MR. O'DOWD: Yes.

SENATOR O'TOOLE: Okay. And I suspect as the Chief of Staff your role would not be to launch a criminal investigation and you be a fact witness. I suspect that there are other processes that would take place if, in fact, we had all this information -- in the abstract, whether it would rise to that level, so to speak.

MR. O'DOWD: Yes, as a Chief of Staff I have no ability to conduct a criminal investigation.

SENATOR O'TOOLE: Okay. And on the Chief of Staff side-- You said it was broken down, you have two equal Chiefs. Just describe that, the two Chief system, that may be separate and apart from what McGreevey did or, say, Corzine, or others.

MR. O'DOWD: Well, it's similar to the structure of the office that existed under Governor Whitman, which was retained by Governor DeFrancesco; which was similar to the model that, when I worked in Counsel's Office, I was familiar with -- which is that you have a Chief Counsel and a Chief of Staff who are co-equals -- one does not work for the other -- who report directly to the Governor. And that was the change that, if you will, that Governor Christie implemented to sort of revert back to the Whitman-DeFrancesco era in that structural sense. And also to physically move the Chief Counsel's Office back over to be right next to the Governor's Office, as opposed to being across the hall from the Governor's Office -- which is where I understood it to be for at least part, if not all of, the eight years in between DeFrancesco and Christie.

So within those two Chiefs there's a part of the office that answers to me. So you have Communications through Maria Comella -- if you're talking about the 2013 time period--

SENATOR O'TOOLE: I should have said that.

MR. O'DOWD: The back end of 2013. Maria Comella, who answers to me; Deputy Chief of Staff Bridget Kelly; Deputy Chief of Staff for IGA; Rosemary Iannacone, who was Director of Operations; Deb Gramiccioni, who was Deputy Chief of Staff for Policy and Executive Branch Liaison; and then Lou Goetting, Deputy Chief of Staff, kind of catch-all -- a little bit of everything, but principally Budget.

The other side of the office -- the Chief Counsel side of the Office -- there's Counsel's Office, overseen by the Deputy Chief Counsel, which the legislative body would have -- does interact with frequently in terms of legislative matters; there's an Appointments Office that's run by a Director of Appointments; and there's an Authorities Unit that's run by Director of Authorities. Those three offices answer to the Chief Counsel.

SENATOR O'TOOLE: There was some issue about the proximity of each other -- the offices. I think there was a *New York Times* article that came out that had the layout, and there was a comment as to whether you're kind of in close proximity to each person or each fellow staffer. Having seen that through McGreevey, or Corzine and others, and Christie it appears to me that-- Well, let me ask you this question. What goes on in one office -- are you privy to what goes on in McKenna's office, or the four staffers out in the general -- as they call it -- the ceremonial office, or the Governor's Office, for that matter, in your current office?

MR. O'DOWD: No, back where I sit I'm not aware of -- unless I leave my office, I'm not aware of what's going on in other people's offices. I can't hear what's going on in other offices.

SENATOR O'TOOLE: There was some discussion that you've had -- we've had here today about -- I think you used the word *tension* with regard to the Foye e-mail. And I think that there was some sense that I got, Kevin, through the Chair, that it had come into, I guess, into your mind at some point that there-- Was it a natural tension between New York and New Jersey, or was it a personality tension that occurred between Baroni and Foye?

MR. O'DOWD: I don't know the answer to that because I don't have a point of reference from their predecessors -- Pat Foye's predecessor, necessarily. But there was tension between Foye and Baroni; I did become aware of that. So I don't know if it's something that always exists at the Deputy ED and the ED level; it may. It may have existed for all time; I just don't know.

SENATOR O'TOOLE: See, part of, I think, this examination is the obvious. And I think the first part as to -- as Assemblyman Greenwald asked the question, we want to find out who's responsible for the closure and why. I think in your opening you said, "Let me be clear," to the Committee. "I had no prior knowledge of, or played no role in the decision to close the lanes at the Bridge last September." I think you were pretty clear about that. The second part, I think, of this Committee -- I think some of us believe -- is to find out what's the root of the label *dysfunctionality* that the Port-- There was an expert report at the Port Authority -- a consultant report -- that talked about some real issues. And I

don't know if you're familiar with, I think, the Navigant consulting report. And to me, having been here for a little bit, it seems like there's been, historically speaking, natural tensions between New York and New Jersey

From my standpoint -- and I'm going to ask it as a question at the end of this -- it seems like the New York Commissioners would have their issues, the New Jersey Commissioners would have their issues. It seems -- the Executive Director from New York appointed by the governor and the Deputy appointed from the New Jersey side, and the Counsel -- I'm not so sure how that gets -- whether one gets a general Counsel and one gets Assistant Counsel -- it seems kind of confusing.

But from my vantage point, having had conversations over the past few years with some of the folks who work there, there seems to be-- Inherently, New York wants to get what's theirs, and New Jersey wants to get what's ours, so to speak. Has that been your-- Have you come to appreciate or accept that, that the dysfunctionality may rest on your having two states clamoring for the same revenue, the same staff, the same policies? That they're both trying get more, or get more than the other side, so to speak?

MR. O'DOWD: That's part of the structural dysfunction that I referred to. And again, I compare it to-- I understand that you can't directly do this, but I compare it to the way the Executive Branch departments run. It's clear; there's one Commissioner -- it's clear who's in charge -- who reports to one governor. And things -- obviously, things don't always go perfectly in those departments, but there's a clear chain of command. And while I don't have vast experience in interfacing with the Port, the structural setup that you just outlined -- with the New York and

New Jersey sort of co-oversight of things -- I think lends itself to this friction and tension. And it may well be the case that it's always been the case; I just don't know that.

SENATOR O'TOOLE: If I can refer you to Tab 33, which is a summary of your interviews -- the Gibson report. There have been a couple of times today, Kevin, through the Chair, that you've either taken exception or qualified a line or two in some of the paragraphs. With those noted exceptions, the 24-page summary of the interviews that you have -- would you agree with the body of what has been included as an accurate depiction of what you have relayed to the attorneys?

MR. ZOUBEK: With all due respect, Senator, I don't think that's a fair question for him. I mean, everybody had an opportunity to go through and ask him specific questions on specific facts.

SENATOR O'TOOLE: Well, let me ask it this way. I'm sorry I'm not being as artful as you'd like, Paul, and probably not as I should.

Is there anything, as you've reviewed your Tab 33 -- I know you didn't review the other ones -- is there anything in there that stands out that either you don't recall saying or that gives you pause to say it's in -- probably in contrast to what you may have related to the attorneys? Is there anything that you just say, "That doesn't sound like me"?

MR. O'DOWD: We referenced a couple of those points today. I think Senator Gill asked me about a particular paragraph concerning a characterization of Ms. Kelly, and certainly, as I--

SENATOR O'TOOLE: Habitually concerns about how you and-- Right.

MR. O'DOWD: Certainly; right. I object to that; I don't want to adopt that.

Senator, I didn't review it that carefully to go through and try to adopt it. I think I've read through it twice, and didn't go through it with respect to trying to identify what I agree with and what I don't.

SENATOR O'TOOLE: Okay.

MR. O'DOWD: It's their impressions -- it's Gibson Dunn's impressions of having sat with me twice. And I figured this Committee will ask me whatever they want, and I'll answer any question--

SENATOR O'TOOLE: Okay.

MR. O'DOWD: --whether it's to find out if a particular line I agree with or not. But I guess the short answer is, I didn't go through that exercise of identifying what I agree with and what I don't -- or, in your case, what I don't agree with.

SENATOR O'TOOLE: If I could turn your attention to page 21, Tab 33. The topic is the meeting at Drumthwacket. I'll give you a minute to get there.

MR. O'DOWD: I'm there. Section 2, page 21?

SENATOR O'TOOLE: Yes.

MR. O'DOWD: I'm there, Senator.

SENATOR O'TOOLE: Great. The second paragraph, through the Chair, starts, "O'Dowd explained that everyone at the meeting at Drumthwacket was there in shock and spinning--" If you could just read through that one paragraph, I'm going to have a couple of specific questions for you.

MR. O'DOWD: Okay, I've read it, Senator.

SENATOR O'TOOLE: Great. Did you use the word *shock and spinning* to describe either the atmosphere or the reaction from anyone at Drumthwacket that day, if you recall?

MR. O'DOWD: I don't. If they're quoting me--

SENATOR O'TOOLE: Okay, let's--

MR. O'DOWD: --I may have, but I don't remember.

SENATOR O'TOOLE: Okay. Tell me what was the atmosphere then, that day--

MR. O'DOWD: Shock.

SENATOR O'TOOLE: Tell me; I wasn't there. Tell me what was the shock about? What was everyone shocked about?

MR. O'DOWD: Shocked to see the e-mail, "Time for traffic in Fort Lee," and principally, that's what led. And then reviewing some of the other documents. But my focus was on, and my shock, my feeling, was on seeing that e-mail.

SENATOR O'TOOLE: And there's a word in here -- *surreal*. Would you have described that environment then as surreal?

MR. O'DOWD: It's not a word that I use, so I don't know that I would have used that word.

SENATOR O'TOOLE: What word would you say to describe the environment? I know you were shocked, others were shocked because of the revelation of that e-mail. Others have testified that they had never seen the Governor as emotional as he was that particular day. And they said all eyes -- I've heard from a series of other witnesses, which you're probably not aware of -- they've testified that they were -- they couldn't

keep their eyes off the Governor because of what he said and how he said it. And can you relate your reaction to what the Governor was saying?

MR. O'DOWD: I do recall that when I walked in he was very emotional, and this characterization, "welled up in tears" -- I believe that's accurate. I did see tears in his eyes.

SENATOR O'TOOLE: Is that a normal reaction you get -- that you've seen from this Governor in the last five years?

MR. O'DOWD: I don't believe that I had seen him welled up in tears prior to that. I can't recall an instance prior to that time where I would have seen him welled up in tears.

SENATOR O'TOOLE: And you personally, you were shocked?

MR. O'DOWD: Yes.

SENATOR O'TOOLE: Was your breath taken away?

MR. O'DOWD: I was blown away when I saw that e-mail.

SENATOR O'TOOLE: Because it was news to you?

MR. O'DOWD: One hundred percent.

SENATOR O'TOOLE: And would you say that was the reaction -- that there was an emotional component to the Governor because, I assume -- was there a newness to that? Is that what shocked everybody?

MR. O'DOWD: Newness to that e-mail communication becoming -- exposed to this group, yes.

SENATOR O'TOOLE: So the group, as far as you knew, in your observations, they were not aware of the existence of that e-mail prior to the morning newspaper.

MR. O'DOWD: I don't believe so.

SENATOR O'TOOLE: As far as you knew.

MR. O'DOWD: As far as I know, and I certainly was not.

SENATOR O'TOOLE: If you could just give me a second, Kevin. I'm one of the few who takes a lot of notes, and I want to go through all my notes to make sure I have all the follow-ups; if you could just give me a second.

MR. O'DOWD: By all means.

SENATOR O'TOOLE: Tab 12, you were asked about an e-mail -- I'll give you a second to get there -- from Regina Egea. The subject matter is PANYNJFYI -- Port Authority of New York/New Jersey FYI. Now, we talked about the "all under review," the "script holding," and all this. And we never discussed the subject matter; it was an FYI. That was not an action for you; it didn't require a response; it was, it seems to me, in the subject matter it was an FYI. Is that accurate?

MR. O'DOWD: That's what it appears to be, yes.

SENATOR O'TOOLE: You referenced a meeting that you had with Senator Weinberg on November 18, and you said that a number of issues were discussed at that meeting. Is that accurate?

MR. O'DOWD: Yes, there was sort of two parts. There was a meeting where we talked about a number of issues and legislative matters; and I think she had some staff with her. And then when that meeting concluded, the staff left and the interaction I described was a one-on-one interaction. That's the way I remember it.

SENATOR O'TOOLE: And it was your recollection -- not Senator Weinberg's -- your recollection that Senator Weinberg said that she

didn't believe that either -- the front office had anything to do with the closing of the lanes. Is that what your testimony was?

MR. O'DOWD: The Governor's Office. I don't think it was front office -- Governor's Office, this office.

SENATOR O'TOOLE: --had anything to do with it; okay. Those are all the questions that I have for now, Chair.

Thank you; thank you, Kevin, for your testimony.

ASSEMBLYMAN WISNIEWSKI: Thank you, Senator.

MR. O'DOWD: Thank you, Senator.

ASSEMBLYMAN WISNIEWSKI: We're going to Assemblywoman Caride; but first we have a housekeeping issue with a motion.

SENATOR GILL: Yes. I make a motion that all exhibits provided to the Committee here today be made part of the official public record and attached to the official transcript of today's meeting.

ASSEMBLYMAN WISNIEWSKI: Do we have a second?

ASSEMBLYWOMAN SCHEPISI: Mr. Chairman, real quick.

ASSEMBLYMAN WISNIEWSKI: Yes, Assemblywoman

ASSEMBLYWOMAN SCHEPISI: The same issue that has been brought up in prior sessions. There are documents in here that were not produced by this witness. And the witnesses that have produced them have not been called, have not authenticated them. And just with respect to the propriety of releasing some of those documents-- I know in a prior session our Counsel had indicated that we should amend to only release the documents that were either produced by this witness or have been produced by a witness who had already come and testified before us.

ASSEMBLYMAN WISNIEWSKI: Well, I think what we've done in the past is anything witnesses testified with regard to anything referred to in the testimony. Otherwise, the transcript is incomplete. So if you're amending the motion to that--

ASSEMBLYWOMAN SCHEPISI: Is that what we did last time?

SENATOR O'TOOLE: I think that's what we-- Can we just repeat the motion so we're clear on exactly the documents--

ASSEMBLYMAN WISNIEWSKI: The motion that was made was to release all of the documents that are part of the exhibit binder today. Assemblywoman Schepisi had asked about not releasing those that were not produced by this witness; we've asked this witness questions about a variety of documents that have been produced, largely, by the Office of the Governor. And so that's the questions on the floor.

Do we have a second for the motion?

SENATOR O'TOOLE: I think that's consistent, I believe.

ASSEMBLYWOMAN CARIDE: I'll second it.

ASSEMBLYMAN WISNIEWSKI: Motion made and seconded.

SENATOR O'TOOLE: No, I think what they're saying is to release all the documents--

ASSEMBLYMAN WISNIEWSKI: That are part of the binder.

SENATOR O'TOOLE: --that are part of the binder.

ASSEMBLYMAN WISNIEWSKI: Which are all released as part of the Office of the Governor.

ASSEMBLYWOMAN SCHEPISI: But not all of the documents that are in the binder were either discussed today-- And some of them, I don't believe -- may have come -- from the Office of the Governor. Like we have stuff in there pertaining to Michael DuHaime's phone records; we have items in there--

ASSEMBLYMAN WISNIEWSKI: Well, actually, we did have testimony about Michael Duhaime's phone records -- phone calls that were made to and from him.

We have a motion on the floor; if there is no other discussion we'll have a roll call.

SENATOR O'TOOLE: One other question, Chair.

ASSEMBLYMAN WISNIEWSKI: Sure. Senator.

SENATOR O'TOOLE: The issue we dealt with in the past--

ASSEMBLYMAN WISNIEWSKI: Redactions.

SENATOR O'TOOLE: The redaction issue -- have we dealt with the redaction issue?

ASSEMBLYMAN WISNIEWSKI: That's what we did last time. Personal identifying-- I mean, there's no Social Security numbers in here, but there are e-mail addresses.

SENATOR O'TOOLE: Right. Has either OLS or Counsel gone through them?

ASSEMBLYMAN WISNIEWSKI: I think those were -- I think what we released--

OLS is in the process of doing the redactions on the personal e-mail addresses from our last meeting. That hasn't been completed yet; so they would do the same process on this.

SENATOR O'TOOLE: And will we get a final copy of the produced exhibits, minus redactions?

ASSEMBLYMAN WISNIEWSKI: Say that again?

SENATOR O'TOOLE: The end product that OLS--

ASSEMBLYMAN WISNIEWSKI: Of whatever gets released, yes.

SENATOR O'TOOLE: Yes. So will we be able to go over that to make sure it's consistent; or will it just be released and if there's an issue we'll take that up at the next meeting?

ASSEMBLYMAN WISNIEWSKI: We've already released that for prior hearings.

SENATOR O'TOOLE: Okay, all right.

ASSEMBLYMAN WISNIEWSKI: All right, so the motion--

The only the amendment is that personal identifying material, such as personal e-mail addresses and personal phone numbers, would be redacted.

SENATOR WEINBERG: I'll second that amendment.

ASSEMBLYMAN WISNIEWSKI: Okay; roll call.

MR. MOLIMOCK: On the motion, as amended.

Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: Yes.

MR. MOLIMOCK: Senator O'Toole.

SENATOR O'TOOLE: Yes.

MR. MOLIMOCK: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. MOLIMOCK: Senator Gill.

SENATOR GILL: Yes.

MR. MOLIMOCK: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. MOLIMOCK: Co-Chair Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. MOLIMOCK: Co-Chair Weinberg.

SENATOR WEINBERG: Yes.

ASSEMBLYMAN WISNIEWSKI: Thank you, all.

Now, Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Thank you.

Good afternoon.

MR. O'DOWD: Good afternoon, Assemblywoman.

ASSEMBLYWOMAN CARIDE: In the Gibson Dunn report, which would be Tab 33 -- that's your report. On page 4, the Attorney's Office had written in here -- I don't know if it was a direct quote from you or a summary of what you had said -- that Ms. Kelly used to go to your office more often than Stepien used to, I guess on matters of IGA. That would be in the second paragraph, second line.

MR. O'DOWD: Second paragraph--

MR. ZOUBEK: Is that under F or E?

ASSEMBLYWOMAN CARIDE: It would be under E; I'm sorry.

MR. ZOUBEK: Thank you very much.

ASSEMBLYWOMAN CARIDE: It would be under E. The sentence starts on the first line; it says, "O'Dowd said that Kelly, in her role as Deputy Chief of Staff--"

MR. O'DOWD: Yes, I'm familiar with this line, Assemblywoman.

ASSEMBLYWOMAN CARIDE: Okay. Was that an accurate statement?

MR. O'DOWD: Yes.

ASSEMBLYWOMAN CARIDE: And I don't know if it was asked -- it might been asked when I had stepped out. I know that Christina Renna, when she was present here before us -- and I know that you've been instructed by your attorney not to read other statements or anything that's been going on with the other witnesses -- but she had testified that Ms. Kelly was not someone who could make decisions on her own; would look for guidance and counseling. Would it be fair to say that that was an accurate statement of Ms. Kelly?

MR. O'DOWD: That that was accurate or inaccurate?

ASSEMBLYWOMAN CARIDE: Accurate.

MR. O'DOWD: That she couldn't make decisions on her own?

ASSEMBLYWOMAN CARIDE: Right.

MR. O'DOWD: Inaccurate.

ASSEMBLYWOMAN CARIDE: Inaccurate; okay. Do you think that Ms. Kelly could have made the decision with regards to that text message, "Traffic in Fort Lee -- time for traffic in Fort Lee"?

MR. O'DOWD: As I alluded to earlier, Assemblywoman, with all due respect to the Committee and the ongoing investigations, I don't think I should speculate on that. I don't have anything to help the Committee advance its investigation in that regard.

ASSEMBLYWOMAN CARIDE: Okay, fair enough.

Now, another report -- which I am sure you have not read -- would have been Mr. McKenna's--

MR. O'DOWD: Correct.

ASSEMBLYWOMAN CARIDE: --interview. And something that he stated in his interview was that you and he were more focused, at the time, on making sure that campaign stuff was kept separate from office work. Is that correct?

MR. O'DOWD: During the campaign, during the election cycle, that's something that Charlie McKenna and I focused on.

ASSEMBLYWOMAN CARIDE: What exactly did you do to ensure that the two were kept separate?

MR. O'DOWD: Have conversations directly with people who we worked for about, also them, speaking with their staff to make the lines clear, in simple terms.

ASSEMBLYWOMAN CARIDE: Would this include IGA?

MR. O'DOWD: Sure, I had conversations with Ms. Kelly about this.

ASSEMBLYWOMAN CARIDE: And if an employee from that office would send a memo during work hours that not only outlined what he had done for that office, but also put in there information concerning the political atmosphere of a particular town, the possibility of a mayor -- being able to turn to endorse the Governor -- would that be mixing the two?

MR. O'DOWD: I'm not familiar with the exact memo that you're referring to, but it sounds like, if it's not exactly mixing the two, it's certainly on point. I mean, general common speak -- you can't use

government resources to advance a particular campaign or a particular candidate.

ASSEMBLYWOMAN CARIDE: So those were the kinds of examples that you might have given the staff about not doing?

MR. O'DOWD: Don't use government resources to advance a campaign, yes.

ASSEMBLYWOMAN CARIDE: Okay, but then -- I understand about the government resources. But with the memos -- if the memos incorporated Moonachie, with the flooding and Sandy, "needs all this help; and, by the way, I spoke with the Mayor of Fort Lee and we might be able to turn him to endorse the Governor." Combining the two -- was that what you and Mr. McKenna were trying to make sure that they didn't do?

MR. ZOUBEK: If I could -- you're referring to memos that have come up with other witnesses in this?

ASSEMBLYWOMAN CARIDE: Yes.

MR. ZOUBEK: With all-- I don't think that's fair to ask him a question on something that he hasn't seen.

ASSEMBLYWOMAN CARIDE: All right. Well, I'm just asking then for an example.

MR. O'DOWD: But if the question is, Assemblywoman, using government resources to secure an endorsement, that's unacceptable, period.

ASSEMBLYWOMAN CARIDE: Okay.

MR. O'DOWD: So I don't know this particular instance, but generally that's unacceptable, period.

ASSEMBLYWOMAN CARIDE: But if the memos that came in during the work hours included political information from the campaign, would that be something that you and Mr. McKenna were stressing not to do?

MR. O'DOWD: Again, we stressed it in very simple terms. You cannot use government resources in connection with the campaign.

ASSEMBLYWOMAN CARIDE: Did you ever go further into, maybe, reviewing documents coming into the office during the election period time, or did you rely on the individual supervising of that department?

MR. O'DOWD: I relied on individuals. So the answer to your question is, no, I never sought to review documents that may or may not have been coming in from the campaign. I never did that.

ASSEMBLYWOMAN CARIDE: The reason I'm asking this is because there were numerous memos that we had reviewed from Matt Mowers and others in IGA that combined the two. And I was wondering if that was something that you had addressed with the staff about not doing, or doing.

MR. O'DOWD: Other than generally, as I indicated earlier -- that's how I addressed staff. Again, just in plain English, "You can't use government resources to advance the campaign,"

ASSEMBLYWOMAN CARIDE: Would you be surprised if they had been doing that?

MR. O'DOWD: Would I be surprised if people--

ASSEMBLYWOMAN CARIDE: If members in IGA were doing that -- employees of IGA.

MR. O'DOWD: If they were using government resources to advance the campaign? Yes.

ASSEMBLYWOMAN CARIDE: You would be surprised?

MR. O'DOWD: I would.

ASSEMBLYWOMAN CARIDE: Okay. You're an attorney for how many years now?

MR. O'DOWD: Let's see -- 1997.

ASSEMBLYWOMAN CARIDE: Most folks have that internal bell that tells them when someone is not being truthful or exaggerating. As an attorney, I assume you tend to, like, tune it up a little bit more than most average folks, correct?

MR. O'DOWD: I don't know. I only have one tune. I am a lawyer, so I don't have the ability to-- (laughter)

ASSEMBLYWOMAN CARIDE: Well, let's say your gut. Have you ever used-- Has your gut ever kicked in when you were an attorney, especially in a criminal case, and said, "That guy's not telling me the truth," or "there's something hinky here"?

MR. O'DOWD: Sure. If I ever had a reaction to an interaction where I thought the person who I was interacting with wasn't telling me the truth -- yes.

ASSEMBLYWOMAN CARIDE: When you interviewed Bridget Ann Kelly -- on December 13, was it?

MR. O'DOWD: I spoke with her on the phone on December 12, and in person on December 13.

ASSEMBLYWOMAN CARIDE: Was there anything there that seemed hinky to you? Did your gut react, I mean, kind of odd?

MR. O'DOWD: I believed what Ms. Kelly told me those two days.

ASSEMBLYWOMAN CARIDE: And when she produced that one e-mail to you on December 13, correct?

MR. O'DOWD: December 13, correct.

ASSEMBLYWOMAN CARIDE: Anything come-- Like any internal bells ring to you that maybe she wasn't being on the up-and-up with you?

MR. O'DOWD: Again, my conclusion coming out of December 13 is, with respect to whether or not she had anything to with closing the lanes, I did not think she did and I believed what she indicated to me.

ASSEMBLYWOMAN CARIDE: And was it on December 13 after the press conference that she came up with the second e-mail that she found?

MR. O'DOWD: That's correct.

ASSEMBLYWOMAN CARIDE: Did that annoy you?

MR. O'DOWD: It did.

ASSEMBLYWOMAN CARIDE: Anything hinky, any bells ring, any bells and whistle ring in your gut telling you that maybe something was off on this?

MR. O'DOWD: I was concerned that it had not been uncovered in the prior -- in the hour prior to the press conference, but not by the substance of it, not by the content of it, with respect to whether she had anything to do with closing the lanes. I wasn't-- It didn't cause any concern in that regard.

ASSEMBLYWOMAN CARIDE: But the fact that she had not produced it prior, when she supposedly had done a thorough check of her e-mails -- that didn't ring untrue to you then?

MR. O'DOWD: What would be untrue?

ASSEMBLYWOMAN CARIDE: Well, it didn't ring to you that it was kind of odd that also now she's finding a second one, when you had specifically asked her the night before to look for it? You had been with her on December 13; she had only found the one. After the press conference she finds a second one. I mean, I know you told me that you were annoyed; but didn't it seem off as far as, maybe, she was trying to, like, not give you all the information that you were asking for?

MR. O'DOWD: I did not believe that she was being dishonest. I did not believe that.

ASSEMBLYWOMAN CARIDE: You continued to give her the benefit of the doubt.

MR. O'DOWD: No question.

ASSEMBLYWOMAN CARIDE: Now, when you went to see Mr. Baroni on December 12--

MR. O'DOWD: December 12, yes.

ASSEMBLYWOMAN CARIDE: And I know he regaled you with all his accomplishments. And then he told you that he had been truthful here before the Committee -- when he appeared before the Transportation Committee. And then shortly thereafter that conversation he then asks you about indemnification, correct?

MR. O'DOWD: I don't know if indemnification came before or after that piece -- but in that same conversation.

ASSEMBLYWOMAN CARIDE: Anything ring untrue to you, or did anything go off, any internal alarm, your gut saying, "Something's not right"? Here he is telling me he's truthful, and then by the same token in the second breath he's asking about indemnification?

MR. O'DOWD: Well, indemnification-- I think what he meant was attorney's fees associated with investigations. I don't know, as I said before, I don't know whether or not I knew that he had been subpoenaed by the predecessor Committee at that point in time, so I'm not certain of that.

ASSEMBLYWOMAN CARIDE: Okay. Did he seem to be truthful to you on December 12?

MR. O'DOWD: He did.

ASSEMBLYWOMAN CARIDE: Were you giving him the benefit of the doubt, or you just believed that he was being truthful to you?

MR. O'DOWD: Well, both. I believed him to be truthful, and I did give him the benefit of the doubt. In fact, I didn't ask him about the lane closures. What I spoke about earlier, he offered to that-- He offered that to Charlie McKenna and I in an unsolicited way.

ASSEMBLYWOMAN CARIDE: Well, let me ask you this -- and I know it's hindsight now -- but knowing what you know now, do you still believe that Mr. Baroni was truthful?

MR. O'DOWD: Again, as I stated to you, those kinds of guesses or conjecture don't do anything to advance this Committee. But I don't want to -- with respect to the ongoing investigations that are out there -- jump into a place where I'm guessing or hindsighting. I didn't watch or

observe, still to this day, Baroni's testimony before Co-Chair Wisniewski, so I can't really speak to that.

ASSEMBLYWOMAN CARIDE: Okay. With regard to December 13, prior to the press conference, did anyone-- Were you involved with helping the Governor prepare for that press conference on December 13?

MR. O'DOWD: I don't believe so, but I may have been present for that. I just don't recall specifically.

ASSEMBLYWOMAN CARIDE: And he had the information that Ms. Kelly had provided you that e-mail, and was aware at the time that there was something going on back in September, correct?

MR. O'DOWD: The e-mail that -- the sort of modified or the shortened version of Exhibit 1, that we talked about earlier, he had -- I gave him that before the press conference, correct.

ASSEMBLYWOMAN CARIDE: So would it be fair to say that on that particular day he knew that someone in his office had knowledge of what had happened that week.

MR. O'DOWD: During that week.

ASSEMBLYWOMAN CARIDE: During that week.

MR. O'DOWD: That would be fair to say.

ASSEMBLYWOMAN CARIDE: But yet he said that no one on his staff had any knowledge, correct?

MR. O'DOWD: I don't know exactly what he said. I'm sure there's a transcript of that. The inquiry that I was engaged in, and the questions that he asked of his staff was whether or not anyone had anything

to do with closing the lanes. And that document did not suggest that anyone in the e-mail or Ms. Kelly had anything to do with closing the lanes.

ASSEMBLYWOMAN CARIDE: Just that she had knowledge that something had happened.

MR. O'DOWD: She had knowledge of the lanes being closed after whatever -- the traffic study -- whatever it was, after that had already occurred. This is midway -- the 12th -- I believe it was September 12.

ASSEMBLYWOMAN CARIDE: Okay. Going back to that impromptu meeting on December 2 that was in your office with Mr. Drewniak and the Governor -- is that correct?

MR. O'DOWD: Correct. It's the first week in December; I think it's December 2, for the reasons I articulated before. But nevertheless, it's just Drewniak, O'Dowd, and the Governor.

ASSEMBLYWOMAN CARIDE: Right. I mean, the dates are a little off between you and Mr. Drewniak's memory, but pretty much just the three of you in the office.

MR. O'DOWD: That's right.

ASSEMBLYWOMAN CARIDE: Okay. Now, when Mr. Drewniak tells the Governor and you about his dinner with Mr. Wildstein and the allegations that Mr. Wildstein made, I know that the Governor pretty much, basically -- based on what you stated here earlier and what Mr. Drewniak stated -- was that he wasn't familiar with any conversation on 9/11.

MR. O'DOWD: I don't believe that Mr. Drewniak talked about his dinner with Wildstein in that interaction. I don't believe I learned about that dinner until after January 8.

ASSEMBLYWOMAN CARIDE: So he just brought up a conversation about a conversation that he had with Mr. Wildstein?

MR. O'DOWD: I believe he brought it up in response to the comments the Governor made at the December 2 press conference about the lane closures. I believe that was the nexus, just so you know, in response to what the Governor had said at the December 2 press conference. That's the way I remember it.

ASSEMBLYWOMAN CARIDE: Now, when Mr. Drewniak appeared before us -- and, again, I'm sure you're not familiar with it, based on counsel's instructions to you -- he stated that after he explained to the Governor what Mr. Wildstein had said, that the Governor had made a statement as to, he "always wondered if Stepien had any knowledge of what had happened." Do you recall that?

MR. O'DOWD: I do not remember that occurring.

ASSEMBLYWOMAN CARIDE: You came into the Governor's Administration as a Chief Counsel, correct, back in 2010?

MR. O'DOWD: That's incorrect.

ASSEMBLYWOMAN CARIDE: Okay. When you first came in, you came in as the Chief of Staff?

MR. O'DOWD: Deputy Chief Counsel.

ASSEMBLYWOMAN CARIDE: Deputy Chief Counsel, all right. So then when you came in as a Deputy Chief Counsel, it's the Chief Counsel that deals with the Authorities, correct?

MR. O'DOWD: Well, there's an Authorities Unit, run by a Director of the Authorities Unit, who answers to the Chief Counsel.

ASSEMBLYWOMAN CARIDE: Okay. Did you have anything to do back then with the Port Authority?

MR. O'DOWD: Very, very limited interactions, and I can't recall one in particular; but as a general matter, no. I dealt with legislative matters and dealt with the Legislature almost exclusively during that two-year period.

ASSEMBLYWOMAN CARIDE: Before I ask you some stuff about the Port Authority, let me ask you a quick question. One of the things that I learned from the hearings that we've had here is that numerous members of the Administration have a tendency of sending e-mails from the government office e-mail to themselves, to their personal e-mails, and then they get e-mails to their personal e-mails -- it just goes up and down the line. They kind of interchange the two. Is there a policy that you might have in place here with regards to your e-mails?

MR. O'DOWD: There is a policy now that it is generally prohibited to use private e-mail accounts.

ASSEMBLYWOMAN CARIDE: Was this policy in place back in September 2013?

MR. O'DOWD: It was not.

ASSEMBLYWOMAN CARIDE: Okay. And back then, did you get your e-mails, like, on your personal e-mail or on the governmental e-mail if it had to do with government information?

MR. O'DOWD: I would--

ASSEMBLYWOMAN CARIDE: Or was it interchangeable. I'm sorry.

MR. O'DOWD: I wouldn't use *interchangeable*, but if your question is if I used my personal e-mail account in connection with -- has government work gone through my personal e-mail account? Yes, and I can think of a very specific example, which is, any document that you want to print from your home printer you forward from your dot-gov to whatever your private is so that you can print it out at home. And I've done that any number of times. There's no other way to print a document from your home computer unless you do that.

ASSEMBLYWOMAN CARIDE: Right. Many of the folks who have been here complained about the system not being good. Okay.

Now, back in 2011 you were still a Deputy Chief Counsel, correct?

MR. O'DOWD: Yes.

ASSEMBLYWOMAN CARIDE: Okay. And at that time we had the toll hike, correct, if you recall?

MR. O'DOWD: Right. The Senator had asked me about that earlier. I do generally recall that.

ASSEMBLYWOMAN CARIDE: Were you aware of an article that came out, about May 14, from the *New York Times* concerning Michael Drewniak requesting from Wildstein the toll hike schedule for you?

MR. O'DOWD: I am aware of that article.

ASSEMBLYWOMAN CARIDE: So you did read it, the article?

MR. O'DOWD: I'm familiar with that article, yes.

ASSEMBLYWOMAN CARIDE: Okay; any truth to that?

MR. O'DOWD: Any truth to what?

ASSEMBLYWOMAN CARIDE: Any truth to the-- Well, was there an e-mail where Drewniak requests the toll hike schedule for you, to be sent to your private e-mail?

MR. O'DOWD: I don't know whether or not Drewniak sent that e-mail. I'll look at the article real quick.

MR. ZOUBEK: There's a reference on the second page of the article; he has it in front of him.

ASSEMBLYWOMAN CARIDE: Yes, if-- I don't have the article in front of me. I'm looking at it on the screen.

MR. O'DOWD: Yes, I think it was one of the supplemental exhibits--

ASSEMBLYWOMAN CARIDE: Right, correct.

MR. O'DOWD: --today.

ASSEMBLYWOMAN CARIDE: Correct.

MR. O'DOWD: So generally, when the tolls were increased in the summer of 2011, I wasn't the Chief of Staff. I didn't become the Chief of Staff until February of 2012 --- so about seven months later. So this article says, "He instructed Mr. Wildstein to share the e-mail -- Gmail only--" I don't have, nor have I ever had a Gmail.

ASSEMBLYWOMAN CARIDE: Okay.

MR. O'DOWD: "--with Kevin O'Dowd, Mr. Christie's Chief of Staff."

ASSEMBLYWOMAN CARIDE: And then where it says that, "I told him what your CFO was putting together, which he thought was a good idea." I assume that's the conversation with Wildstein and has to do with the toll hike schedule. Is that correct?

MR. O'DOWD: I have no idea what this is. I'm completely unfamiliar with this.

ASSEMBLYWOMAN CARIDE: Did you ever discuss with Drewniak getting the toll hike schedule?

MR. O'DOWD: I don't remember that. What the only thing I thought was possible is maybe there was a legislative hearing, and it was about providing something to the Legislature. But I have no independent recollection; I wasn't the Chief of Staff when the tolls were increased.

ASSEMBLYWOMAN CARIDE: Let me ask you this. I mean, I know you don't recall on this specific matter, but have you ever made any request of Mr. Drewniak to get information for you from the Port Authority?

MR. O'DOWD: I can't recall an instance when I did.

ASSEMBLYWOMAN CARIDE: Okay. Have you ever used your private e-mails for any -- with regards to anything that had to -- any e-mails that you might have sent to Mr. Drewniak, any communication with Mr. Drewniak, was it through your private e-mails or through the government e-mails?

MR. O'DOWD: It's possible; I don't -- I'm not ruling it out. It's possible that I would have sent him an e-mail on one occasion. I just don't know.

ASSEMBLYWOMAN CARIDE: So as far as your concerned, this article -- the information may not be so truthful?

MR. O'DOWD: Well, I'm not familiar with what the e-mail is; the e-mail itself is not published; I don't know what the date of it is. If it's referring to the toll hikes, and it's referring to me as Chief of Staff, I don't

become Chief of Staff until seven months later, so that's puzzling to me. But without seeing the document-- But what I read here, I'm not familiar with.

ASSEMBLYWOMAN CARIDE: And you never received any toll hike schedule?

MR. O'DOWD: I don't believe so. When I read this I wasn't sure what this was referring to. That's probably the plainest language I can use.

ASSEMBLYWOMAN CARIDE: Well, let me ask you this. When you read that, did you go back and check into your e-mails to see if you had gotten anything back in 2011?

MR. O'DOWD: I did not. I didn't do any--

ASSEMBLYWOMAN CARIDE: Research.

MR. O'DOWD: --research. I didn't talk to anybody; I didn't talk to Drewniak; I didn't do any research in response.

MR. ZOUBEK: If I can, just for the record. If you're referring to this article -- what was the date of the article?

MR. O'DOWD: I think May 14 -- I think.

MR. ZOUBEK: May 13, 2014. So this is an article now--

ASSEMBLYWOMAN CARIDE: Yes.

MR. ZOUBEK: --during a period of time when he's instructed not to be taking any actions with respect to the investigation of this matter by his counsel. So he wouldn't have done anything.

MR. O'DOWD: So I didn't.

ASSEMBLYWOMAN CARIDE: Oh, even if he was curious you would have instructed him not to go back into his e-mails?

MR. ZOUBEK: No. In this instance, what you're asking him about is a May 13 article in the *New York Times* and pulling out a reference to an e-mail, and you're asking whether or not he took some steps to go find that e-mail after the article came out -- I'm just saying that he wouldn't have done that.

ASSEMBLYWOMAN CARIDE: No, no, I understand what you're saying. But what I'm asking is, that even if he had been curious enough to go back to see if there was any truth to it, you would have instructed him not to?

MR. ZOUBEK: No, but at some point it's like if I had hair I'd be more handsome.

ASSEMBLYWOMAN CARIDE: Well, that's a matter of opinion.

MR. ZOUBEK: But it doesn't matter, because he wasn't asked and he didn't do it. And I appreciate your question, but it's been a long day.

ASSEMBLYWOMAN CARIDE: Okay. All right, I think that's it for me.

MR. O'DOWD: Thank you, Assemblywoman.

SENATOR WEINBERG: Senator Weinberg has some follow-up questions.

SENATOR WEINBERG: Yes, thank you.

On page 13 -- the famous Tab 33.

MR. O'DOWD: Page 13, Senator?

SENATOR WEINBERG: Page 13, right -- in the second paragraph. We're referring to, "Wildstein and Baroni failed to properly

communicate to relevant parties the implementation of the traffic study.” This is as a result of a meeting with Wildstein about his pending resignation. “O’Dowd added that, at that point, it had already been decided that Baroni would resign,” and O’Dowd knew who Baroni’s replacement was. And the failure “that Baroni testified to -- that this failure was viewed as the final straw.” What is-- The final straw to what?

MR. O’DOWD: I’m just taking a quick look if you don’t mind, Senator, just to review this paragraph.

Okay, I see what you’re referring to. I don’t recall using that language -- *final straw* -- so I’m not sure what they’re referring to.

SENATOR WEINBERG: Did you look upon this incident as part of a string of inappropriate incidents?

MR. O’DOWD: On which--

SENATOR WEINBERG: In other words, does the use of the words, “The failure was viewed as the final straw” -- had there been a string of failures prior to this that you were aware of?

MR. O’DOWD: A string of failures by whom?

SENATOR WEINBERG: On the part of either Mr. Wildstein or Mr. Baroni, who I am assuming are the people referred to in the Gibson Dunn report.

MR. O’DOWD: So generally, as I alluded to earlier, I don’t know with respect to Mr. Wildstein; but with respect to Mr. Baroni there were conversations for several months preceding the fall of 2013 -- performance-related conversations about moving on and moving forward without Bill Baroni in the second term.

SENATOR WEINBERG: Okay. Do you recall when you might have first heard the comment, attributed to Mr. Stepien, referring to Mr. Wildstein -- something that went something like, "He came to me with a hundred crazy ideas a day"?

MR. O'DOWD: What I remember is the *50 crazy ideas a week* -- something like that.

SENATOR WEINBERG: Or 50; maybe I exaggerated the number.

MR. O'DOWD: The gist of that-- I recall hearing that, I believe, for the first time on January 8, 2014.

SENATOR WEINBERG: So we had somebody who was -- on whose testimony we were depending; the Governor's Office was depending upon the truthfulness and the appropriateness of Mr. Baroni's testimony of November 25. Somebody who -- it had already been decided -- was going to be replaced because he was burned out; he had a series of whatever the incidents were that led to the idea that the Governor, and you, and one or two other people knew -- although it's unclear that Mr. Baroni himself knew -- knew that Mr. Baroni was going to be replaced.

So there are a number of conversations about Mr. Baroni's performance at the time that this second term was beginning. It was clear to you and one or two others -- and, in fact, to his replacement -- that his performance was not up to whatever standards that had been set for him. Is that correct?

MR. O'DOWD: Correct. There was no -- that I was aware of -- criticism on whether or not he was truthful or honest. It was about

making a change and moving on, but not whether he was someone who was truthful or honest.

SENATOR WEINBERG: Well, I thought you told me earlier that it was decided you were going to make that change because he can't stay in that position--

MR. O'DOWD: Yes.

SENATOR WEINBERG: -- and he was burned out, or his performance wasn't up to some standard.

MR. O'DOWD: That's right.

SENATOR WEINBERG: Okay. And then we talked-- There's been a lot of talk about this so-called *natural tension* between New York and New Jersey. Had that natural tension, in your mind, risen to such a level that the Executive Director of the Port Authority of New York and New Jersey would have accused someone -- who had been described in press reports as the Governor's eyes and ears at the Port Authority -- would have accused someone of breaking laws because there was this tension between the two sides? Is that how Pat Foye's e-mail was looked at?

MR. O'DOWD: I don't think he accused any particular person of breaking laws. I may be wrong about that, but that's not the way I remember it. It was laws *may* have been broken, or laws *were* broken. In any event, as I alluded to earlier, after that and in response to that, Charlie McKenna had interactions with the Port Authority and indicated to the Governor and myself that it was his understanding that this was a traffic study.

SENATOR WEINBERG: Okay, you know-- Senator O'Toole, I know, talks about hindsight -- to which I agree, it's a much clearer vision --

and that a lot of this was made up of various moments. But I would suggest that certainly by mid-November -- November 25 -- that those moments should have come together into some kind of a, "We in the Governor's Office really need to get to the bottom of this."

And as a former prosecutor -- which I know Senator Gill spent a little time on -- are you satisfied, as you sit here today, that the Administration's effort to get to the bottom of this -- as Pat Foye wrote, that "laws were broken" -- are you satisfied that the Administration made every appropriate move to get to the bottom of what took place here?

MR. O'DOWD: It's hard for me to answer that question with respect to the entire Administration. But if you focus on me, I interacted directly with Bridget Kelly, asked her direct questions, and did not get what I believe to be a truthful response. So perhaps I could have done things differently, or better, but I can only focus on myself.

SENATOR WEINBERG: And I appreciate that, Mr. O'Dowd. I know you work very hard in your job, and you have been open to -- certainly to me on a legislative level whenever I've come to you, which hasn't been often. But you've always been courteous.

But I'm dealing here with -- or we're dealing here with Mr. Baroni, who was on his way out, whether he knew it or not prior to this, because of whatever unspecified reasons he wasn't performing well. We're dealing with Mr. Wildstein, who came to Mr. Stepien with whatever -- 20, 50, or 100 crazy ideas every single day. And then we have Ms. Kelly who worked for you who, according to what came through in the Gibson Dunn report, was a slightly off-balanced woman because she was going through

some alleged personal problems. So that's not my depiction; that's what came through in the Gibson Dunn report about Bridget Kelly.

So you have these three people who were kind of in charge of executing this plan. And it wasn't until January 8 that anybody discovered that there could be something amiss here.

MR. ZOUBEK: Could I have a moment?

(attorney/client confer)

MR. O'DOWD: Well, if I could point to one thing in particular, Senator, as it follows up to maybe a combination of the questions from Senator O'Toole and from Senator Gill. But where I took exception to that report is in some of the characterization --- the characterization here about Bridget Kelly. The Bridget Kelly who I knew was, again, honest, hard working, forthright -- someone who had been in this building for 20 years and interacted with many of the members on this Committee and the staff. So characterizations about her -- I know they're not yours--

SENATOR WEINBERG: Yes; hardly.

MR. O'DOWD: --are not characterizations that I adopt; and that's not the Bridget Kelly who I interacted with on December 12 and December 13.

SENATOR WEINBERG: So you would say that you don't agree with the Gibson Dunn characterization of Bridget Kelly?

MR. O'DOWD: Based on the way you just described here.

SENATOR WEINBERG: Or with what I said was the Gibson Dunn characterization.

MR. O'DOWD: Right, and in the particular characterization that was in my report that Senator Gill asked me about -- I directly objected to that.

SENATOR WEINBERG: Okay. All right, I appreciate your being here. It's been a long day, and I thank you for your patience.

MR. O'DOWD: Thank you, Senator.

SENATOR WEINBERG: Thank you, Senator Weinberg.  
Senator O'Toole.

SENATOR O'TOOLE: Again, Chair, as of this moment I don't have any additional. But if you have-- If you raise any issues-- I know you want the last word, and that's the prerogative, but if there are any issues that come up that spur me for additional questions in my second round, I'm entitled to ask them and, obviously, you can finish and have your third round after I'm finished. But as of this moment, I'm okay. (laughter)

ASSEMBLYMAN WISNIEWSKI: We'll wait and see, I guess.

SENATOR O'TOOLE: Okay.

ASSEMBLYMAN WISNIEWSKI: Mr. O'Dowd, just a couple of follow-up questions on the testimony that you've already given.

You testified that you took Bridget Kelly at her word.

MR. O'DOWD: Words to that effect, but yes.

ASSEMBLYMAN WISNIEWSKI: Okay. Yet when you were asked about Mr. Foye's allegation that laws had been broken, you dismissed his words.

MR. O'DOWD: I didn't dismiss his words.

ASSEMBLYMAN WISNIEWSKI: You didn't act upon them.

MR. O'DOWD: I didn't do anything to investigate Mr. Foye's claims. I believe Charlie McKenna, subsequent to the article, interacted with the Port Authority and then briefed the Governor in my presence on that.

ASSEMBLYMAN WISNIEWSKI: Now, let's talk about what you understand Mr. McKenna to have done. What is your understanding of when Mr. McKenna first became aware of this issue, the lane closures?

MR. O'DOWD: I don't have an understanding of that; I'm not sure.

ASSEMBLYMAN WISNIEWSKI: Well, then, how do you have an understanding of what Charlie McKenna did?

MR. O'DOWD: Well, I have an understanding of the meeting that I attended in early October where he briefed the Governor. But I don't know what steps he took prior to that meeting to interact with the Port Authority.

ASSEMBLYMAN WISNIEWSKI: So your testimony -- and I think it's reflected in your Gibson Dunn report -- is that at some point in October, Charlie McKenna, in your presence, briefed the Governor about this issue?

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: And what did Charlie McKenna tell the Governor?

MR. O'DOWD: Charlie McKenna told the Governor that he had been in contact or had contacted Port Authority, Port Authority officials -- I don't recall how he characterized that -- but had learned that this was a traffic study; however, that mistakes had been made ---

notification mistakes had been made. They had screwed some things up, but that this was a legitimate traffic study.

ASSEMBLYMAN WISNIEWSKI: Now, I know you haven't read other summary memos prepared by Gibson Dunn for other people. But for the record, on Tab 34, page 7 -- which is Mr. McKenna's interview-- Page 5.

MR. O'DOWD: Is it okay, Co-Chair, if I don't turn to that?

ASSEMBLYMAN WISNIEWSKI: That's fine, but I know your counsel probably would want to.

MR. ZOUBEK: Thank you, Co-Chair.

ASSEMBLYMAN WISNIEWSKI: I don't want to make him feel left out.

I'm sorry -- page 7. Just, for the record, on page 7 it says that, "McKenna's first recollection of talking to someone about the lane realignment as a traffic study was when he talked to Baroni, shortly before Baroni testified before the Assembly Transportation Committee on November 25." Do you have any understanding as to why there is such a discrepancy between what Mr. McKenna recalls and what you recall?

MR. O'DOWD: I don't.

ASSEMBLYMAN WISNIEWSKI: Do you think your recollection is incorrect?

MR. O'DOWD: Do I think my recollection is incorrect? I do not.

ASSEMBLYMAN WISNIEWSKI: Okay. Do you think Mr. McKenna's recollection is incorrect?

MR. O'DOWD: I don't know what questions Mr. McKenna was asked. I understand what you're saying; but, respectfully, I can only testify to what I remember, and I've done so.

ASSEMBLYMAN WISNIEWSKI: Okay. Further, on page 5 of that, Mr. McKenna states for Gibson Dunn, says -- McKenna states, "McKenna did not recall ever reading Foye's e-mail. This e-mail was not on his radar until Foye's December 9, 2013, testimony."

Did you actually discuss the Foye e-mail with McKenna and the Governor in October?

MR. O'DOWD: The Foye e-mail?

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. O'DOWD: No.

ASSEMBLYMAN WISNIEWSKI: Okay. So your discussion with McKenna and the Governor were that McKenna briefed the Governor and that Foye e-mail never came up?

MR. O'DOWD: I don't recall it coming up, no.

ASSEMBLYMAN WISNIEWSKI: Okay. So in what context, did you observe or listen to McKenna brief the Governor in that October conversation?

MR. O'DOWD: My impression was that it was a follow-up. So Charlie McKenna and I will meet with the Governor -- Charlie was the Chief Counsel -- on occasion and discuss certain matters with him. And then in certain instances we might get an assignment to follow up with, to come back to the Governor on. So the impression I got was that Charlie was briefing him on some sort of a follow-up, but I don't know.

ASSEMBLYMAN WISNIEWSKI: Did you ever have a conversation with Mr. McKenna on whether he was following up on Foye's allegations that laws had been broken?

MR. O'DOWD: I don't remember having that conversation with him.

ASSEMBLYMAN WISNIEWSKI: Did you ever ask him to follow up on that issue?

MR. O'DOWD: The way I remember, the briefing with the Governor occurred, I believe, after the *Wall Street Journal* article came out with the allegations in it. But the specific nexus to the e-mail -- I don't remember. As I said earlier, I don't remember seeing the Foye e-mail until some time after January 8.

ASSEMBLYMAN WISNIEWSKI: Okay. You had a conference call with David Samson on September 18, and then, I think, on September 26 you may have had lunch with him. Do you recall that? You had testimony earlier, and I could refer you to-- One second and I'll give you the Tab.

MR. ZOUBEK: Tab 14?

ASSEMBLYMAN WISNIEWSKI: Yes, Tab 14. Do you recall having a conference call with Dave Samson on September 18?

MR. O'DOWD: I'm sorry -- Tab 14 appears to be a calendar entry -- at least in my book.

ASSEMBLYMAN WISNIEWSKI: Right; just give me one second.

Okay, let's, instead, direct your attention to Tab 33, which is your interview memorandum, page 8, F. "Mid to late September 2013."

MR. O'DOWD: Okay, yes, Co-Chair, I'm there. I'm following you.

ASSEMBLYMAN WISNIEWSKI: So you recall having a call with David Samson about that time?

MR. O'DOWD: As I think I alluded to here, I don't specifically recall that.

ASSEMBLYMAN WISNIEWSKI: And then subsequent to that, later in the month, you had a lunch meeting with Samson?

MR. O'DOWD: I can't attest to the actual date, but I believe that's right.

ASSEMBLYMAN WISNIEWSKI: Okay. Would you agree that at some point in September you had a conference call with Samson, and then subsequently had a lunch meeting with him, based on what's written here?

MR. O'DOWD: I don't recall -- as it even says here, assuming it occurred -- that I spoke with him on September 18 or not. It may have been calendared and didn't occur. But I believe we had lunch together at some point in September. So that very well may be accurate -- September 26.

ASSEMBLYMAN WISNIEWSKI: And so when you met him on September 26, the memo says that you discussed second term personnel decisions and transition to the second term, including your potential nomination as Attorney General, correct?

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: Okay. In terms of planning for the second term, did any discussion about Bill Baroni come up at that meeting?

MR. O'DOWD: I don't remember, specifically. It's possible; I don't remember.

ASSEMBLYMAN WISNIEWSKI: Okay. Now, at that point in time, this is late September 2013, it's after the lane closures, correct?

MR. O'DOWD: Yes.

ASSEMBLYMAN WISNIEWSKI: Okay. Pat Foye had sent out an e-mail on September 13 raising allegations of law breaking -- that's been discussed here before; you recall that e-mail being discussed, correct?

MR. O'DOWD: Right, the one that appeared in the October 1 article.

ASSEMBLYMAN WISNIEWSKI: Correct, correct. Separately, there were e-mails in which Mr. Samson -- you didn't receive this, and it's part of somebody else's interview, so I'm not going to ask you to look at it -- where Mr. Samson says that, "Mr. Foye is playing in traffic," with regard to the e-mail he sent.

My question to you is: With all of this going on, at this point in time, you're having lunch or dinner with David Samson and he never once mentioned anything to you about what was happening at the George Washington Bridge -- in so far as the lane closures, Pat Foye's e-mail, his apparent angst about it? He had no discussion with you at that time?

MR. O'DOWD: He may have; it's certainly logical that he would have. I don't remember, specifically, but it's logical and likely that

he would have. But at no time did I ever learn anything in my interactions with David Samson that would suggest that it wasn't a traffic study.

ASSEMBLYMAN WISNIEWSKI: I'm not sure I understand your answer. So it's possible he did discuss it; you're just saying you don't recall it?

MR. O'DOWD: I don't remember specifically. It's logical that it would've come up in our interactions, but I don't remember it specifically.

ASSEMBLYMAN WISNIEWSKI: But then you said -- and I don't want to put words in your mouth -- you said something to the effect that it was nothing other than a traffic study.

MR. O'DOWD: Correct. I would have-- That I would remember. What I'm saying is, if I had learned that it was not a traffic study, I would have remembered that.

ASSEMBLYMAN WISNIEWSKI: But you don't remember the conversation?

MR. O'DOWD: Specifically -- specifically conversations with him, I do not.

ASSEMBLYMAN WISNIEWSKI: Okay. Bridget Kelly was somebody under your direction or supervision as Chief of Staff?

MR. O'DOWD: That's correct.

ASSEMBLYMAN WISNIEWSKI: What type of decision-making powers did she have?

MR. O'DOWD: Well, I can give you some examples -- maybe that will be helpful. I don't know how to quantify it. But Bridget Kelly, while she served in that role, would be responsible for and overseeing the

apparatus; setting up public bill signings -- if the Governor was going to sign a bill at a particular location; of going to tour a boardwalk stop, public events, town halls; things like that. She also oversaw briefings apparatus -- she prepared the briefings for the Governor's events.

ASSEMBLYMAN WISNIEWSKI: Did all of her interactions with the Governor run through you?

MR. O'DOWD: No.

ASSEMBLYMAN WISNIEWSKI: Were there things that she directly dealt with the Governor on?

MR. O'DOWD: Yes.

ASSEMBLYMAN WISNIEWSKI: Like -- can you give me an example?

MR. O'DOWD: I can. With respect to the Governor's boxes at stadiums and sporting events, who would sit in those boxes with him, who would be asked or invited to sit with him -- that's something that she would deal with him directly on.

ASSEMBLYMAN WISNIEWSKI: She would directly deal with him person-to-person?

MR. O'DOWD: I don't know how they did it -- e-mail, text -- I have no idea. I wasn't involved in that process.

ASSEMBLYMAN WISNIEWSKI: But for at least part of the time when she worked for the Office of the Governor, her office was on the same first floor that yours and the Governor's was, as shown on that *New York Times*' map.

MR. O'DOWD: Right. The entire time that she was Deputy Chief of Staff for IGA that's where her office was.

ASSEMBLYMAN WISNIEWSKI: Right. So she could just walk across that outer office if she chose to. You don't know, though.

MR. O'DOWD: Correct. I don't know, but she absolutely could. It's less than 30 feet that we talked about before. But yes, that's right.

ASSEMBLYMAN WISNIEWSKI: Is it possible that she had conversations with the Governor that you don't know about?

MR. O'DOWD: That's possible.

ASSEMBLYMAN WISNIEWSKI: Is it possible that she had conversations with the Governor about the lane closures that you're not aware about?

MR. O'DOWD: It's possible. If I'm not aware of them, then it's possible. I can't exclude things that I'm not aware of.

ASSEMBLYMAN WISNIEWSKI: Okay. You had a conversation with Bridget Kelly on December 12, and that's when you learned -- I think I have the timeline correctly -- you learned of the first e-mail from Christina Renna. Is that correct?

MR. O'DOWD: December 13.

ASSEMBLYMAN WISNIEWSKI: On December 13 -- that's correct. And you learned about that e-mail December 13 before the Governor went out for his press conference on December 13.

MR. O'DOWD: That is correct.

ASSEMBLYMAN WISNIEWSKI: And that e-mail on December 13 shows that Bridget Kelly had some knowledge about the lane closures, correct?

MR. O'DOWD: It shows that she had some knowledge about the lane closures while they were occurring; it does show that.

ASSEMBLYMAN WISNIEWSKI: Okay. And after you learned about that e-mail you went to the Governor and said, "Bridget Kelly has this e-mail."

MR. O'DOWD: I showed him the e-mail.

SENATOR WEINBERG: Right, you showed it to him, you gave him a copy.

MR. O'DOWD: I only think I had a singular copy, but I showed him the copy that I had.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. ZOUBEK: Just if I can, for the record, so that whenever we refer to *this e-mail*, we're always adopting the fact that he showed the partial e-mail to the Governor.

ASSEMBLYMAN WISNIEWSKI: Partial e-mail, meaning not the response.

MR. ZOUBEK: Right, and certainly we want to not leave this proceeding without it being absolutely clear as to which portion of this he did. And I think he's already stated -- and I just, when we refer to this e-mail, I don't want it to be out there that he handed this e-mail to the Governor. He handed the part that began underneath the "begin forwarded message."

ASSEMBLYMAN WISNIEWSKI: Correct. And that e-mail does not have Bridget Kelly's response as part of it.

MR. ZOUBEK: Correct. I just wanted to make sure the record is clear. Thank you.

ASSEMBLYMAN WISNIEWSKI: Did you, at any point in time, ask Bridget Kelly what was her response to that e-mail?

MR. O'DOWD: So what Bridget Kelly handed me was this, sort of, base e-mail, and then Bridget Kelly forwarding it on to Wildstein at the Port Authority.

ASSEMBLYMAN WISNIEWSKI: Right. But that e-mail does not have Bridget Kelly's response to the e-mail that she received. There's no--

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: --response back to the sender.

MR. O'DOWD: Not what I saw, no.

ASSEMBLYMAN WISNIEWSKI: Did you ask her at that point in time, "Where's the response? Did you respond to this?"

MR. O'DOWD: She characterized what she had done is received this e-mail, and sent it on to the Port Authority in a way that she would if she was sending a complaint about a pothole somewhere in New Jersey that they had gotten from a local mayor -- they would send it out to DOT so it could be dealt with.

ASSEMBLYMAN WISNIEWSKI: Right.

MR. O'DOWD: Customer service-type complaint.

ASSEMBLYMAN WISNIEWSKI: Just a simple question: Did you ask her if she responded to the sender?

MR. O'DOWD: I don't believe I did.

ASSEMBLYMAN WISNIEWSKI: Okay. And she never volunteered that?

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: So then the Governor goes out and has a press conference. And just quoting from the transcript, he says, "Yes, I have absolutely no reason to believe that, Angie. I've made it very clear to everybody on my senior staff that if anybody had any knowledge about this, that they needed to come forward to me and tell me about it. And they've all assured me that they don't." Isn't that statement contradicted by this e-mail?

MR. O'DOWD: The focus that morning was -- as it was the day before -- was anything to do with closing the lanes. So I don't know exactly what he said; I'm sure if you are reading a transcript, it's accurate. But that's what the focus was on.

ASSEMBLYMAN WISNIEWSKI: She had knowledge about the lane closures.

MR. O'DOWD: She knew about the lane closures while they were closed, based on this e-mail.

ASSEMBLYMAN WISNIEWSKI: And the Governor said, "Everybody's assured me that they don't have any knowledge."

MR. ZOUBEK: If you could, read exactly what was said just for the record.

ASSEMBLYMAN WISNIEWSKI: Yes. "I have absolutely no reason to believe that, Angie. I've made it very clear to everybody on my senior staff that if anybody had any knowledge about this, that they needed to come forward to me and tell me about it. And they've all assured me that they don't."

SENATOR O'TOOLE: Chair, just for a clarification, because I don't have that in front of me. Is there a question that he was -- the Governor was responding to?

ASSEMBLYMAN WISNIEWSKI: The question was, "Governor, can you say with certainty that someone else didn't -- on your staff or in your Administration -- act on your behalf for the lane closures for political retribution?" That's a question from Angie at the AP.

MR. ZOUBEK: And if I can, the reason I was asking the question is because the word *this* is used and the question denominates what *this* refers to.

ASSEMBLYMAN WISNIEWSKI: The lane closures.

MR. ZOUBEK: Right -- the lane closures, not knowledge of the lane closures.

ASSEMBLYMAN WISNIEWSKI: Are you sure? The Governor's statement says that, "If anyone had any knowledge," this is his response to the question. So Angie asks, "Can you say with certainty that someone else didn't act on your behalf?" And he says, "I've asked everybody on my senior staff if they had any knowledge" -- any knowledge about this, about the lane closures -- "any knowledge about the lane closures."

MR. ZOUBEK: No, and I don't have it in front of me, and I know we'll try to work hard together today to get a record--

ASSEMBLYMAN WISNIEWSKI: Okay. Your microphone's not on so nobody hears what you're saying.

MR. ZOUBEK: Right, I'm sorry. There we go.

I thought that the question included “act on,” and then there was more to that question. If you don’t mind--

ASSEMBLYMAN WISNIEWSKI: The question again, “Governor, can you say with certainty that someone else didn’t -- on your staff, or in your Administration -- act on your behalf for the lane closures for political retribution?” And the Governor, in responding to that question -- so we’re clear -- “I’ve made it clear to everybody on my senior staff that if anyone had any knowledge” -- any knowledge -- “about this,” referring back to the question that was asked -- any knowledge about the lane closures -- “that they needed to come forward to me and tell me about it. And they’ve all assured me that they don’t.”

MR. ZOUBEK: Right. And my only--

ASSEMBLYMAN WISNIEWSKI: And so my question--

MR. ZOUBEK: For the record, it says, “Act on the lane closures for political retribution.”

ASSEMBLYMAN WISNIEWSKI: Do we have a copy that we can put up?

SENATOR O’TOOLE: It would be helpful if we can give the counsel a copy as well. Because I think there’s confusion, Chair, as to what the question is, and whether it’s responsive to the e-mail.

ASSEMBLYMAN WISNIEWSKI: It’s up; it’s up right there, Senator.

SENATOR O’TOOLE: Wow, I can barely read that one.

ASSEMBLYMAN WISNIEWSKI: We’ll get you glasses.

MR. ZOUBEK: Do you mind if I stretch?

ASSEMBLYMAN WISNIEWSKI: You can do whatever you like.

MR. ZOUBEK: I would submit that the phrase “this” is framed by the question. The question refers to political retribution.

ASSEMBLYMAN WISNIEWSKI: Okay. Now that you have suggested the answer to Mr. O’Dowd -- Mr. O’Dowd, prior to the Governor stating that he made it “clear to everybody on my senior staff that if anyone had any knowledge about this, that they need to come forward to me and tell me about it. And they’ve all assured me that they don’t.” Isn’t that statement contradicted by the e-mail that Bridget Kelly received?

MR. O’DOWD: I can’t, respectfully, Co-Chair, testify to what the Governor thought or what he was trying to communicate.

ASSEMBLYMAN WISNIEWSKI: I’m not asking you what he thought. He made a statement. You have it in front of you now; it’s up on the board. He’s asked everybody on his senior staff, “and they assured me that they don’t.” At that point in time, when the Governor made this statement, you were aware and Bridget Kelly was aware of an e-mail from Christine Renna. Isn’t that contradictory?

MR. ZOUBEK: If we could, for a second -- he doesn’t have it right in front of him yet. So which page is it on? It doesn’t say up there what page it is; I’m sorry.

MR. O’DOWD: Page 32.

MR. ZOUBEK: Thank you. It’s this one right there.

MR. O’DOWD: Okay, I’ve read it.

ASSEMBLYMAN WISNIEWSKI: You recall my question?

MR. O’DOWD: I don’t, I’m sorry.

ASSEMBLYMAN WISNIEWSKI: Okay. At the point in time that the Governor makes this statement, there is an e-mail that a member of his senior staff, Bridget Kelly, is aware of that discusses the lane closures, and that she received it contemporaneous with the lane closures.

MR. O'DOWD: That's correct.

ASSEMBLYMAN WISNIEWSKI: Doesn't that fact contradict his statement?

MR. O'DOWD: A plain read of this, it seems to be inconsistent. And the Governor was aware, as I testified to earlier -- I handed him that document prior to that press conference.

ASSEMBLYMAN WISNIEWSKI: Okay. So then going forward, the Governor goes out on the podium and says a lot of things, including this two-sentence exchange that we're talking about. After he says this, do you go back to the Governor and say, "Governor, you might have forgotten, you might have misspoken, but there was this Renna e-mail that we talked about." Did you do that?

MR. O'DOWD: I did not. My impression of what occurred that morning, and from the day before, the focus was on whether or not anyone from our team had anything to do with closing the lanes. And the distinction that you're making now is not one that jumped out at me at the time.

ASSEMBLYMAN WISNIEWSKI: So even though she had this e-mail and it implicitly, if not explicitly, contradicted the Governor's statement, you did not go back and say, "Hey, I just want to make sure you're aware of this," for purposes of correcting the record?

MR. O'DOWD: I don't remember hearing this and having that reaction or having that follow-up with him.

ASSEMBLYMAN WISNIEWSKI: Okay. So then after this point in time, the Governor has made his press statement and everybody has left the outer office. Subsequent to that, you then speak with Bridget Kelly again.

MR. O'DOWD: I do.

ASSEMBLYMAN WISNIEWSKI: And she reveals to you an Ashmore e-mail, correct?

MR. O'DOWD: Correct, an e-mail that she received from Jeanne Ashmore that I believe contained Senator Weinberg's letter to Pat Schuber.

ASSEMBLYMAN WISNIEWSKI: Now at that point in time, does the thought cross your mind, "Geez, now we've got another e-mail. I've got to go back and see the boss and tell him that we've got two e-mails now." Did you?

MR. O'DOWD: I did tell him about that.

ASSEMBLYMAN WISNIEWSKI: Okay. And did you, at that point in time, say, "And you might want to think about correcting the record on what you said earlier, because Bridget did have an e-mail, contemporaneous, from Mayor Sokolich or through Christine Renna about Mayor Sokolich's complaint"?

MR. O'DOWD: I don't believe I did that. Again, my focus and my impression and understanding of what that press conference was about was focusing on whether or not people on the senior team had

anything to do with closing the lanes. But the answer to your question, Co-Chair, is I didn't do it.

ASSEMBLYMAN WISNIEWSKI: And now that you have these two e-mails -- and I think Senator Gill had asked this question, but I just want to make sure -- you didn't go to anybody else in the Governor's Office, up a flight of stairs or two, to ask anybody else who was involved either with Fort Lee, or with Mayor Sokolich, or with the George Washington Bridge -- anybody else -- "Do you know anything else about this?"

MR. O'DOWD: I did not; I did not ask Jeanne Ashmore, for example.

ASSEMBLYMAN WISNIEWSKI: Why not?

MR. O'DOWD: I didn't-- At that point, I did not see the need to. This was not an e-mail-- Jeanne Ashmore runs the Office of Constituent Relations; she was simply forwarding on a communication from Senator Weinberg. I didn't believe that that would be inconsistent with no one on the senior staff having any involvement in closing the lanes.

ASSEMBLYMAN WISNIEWSKI: Are you aware that later that evening Bridget Kelly called her assistant, Christine Renna, and asked her to delete that e-mail -- the Renna e-mail -- that relayed the conversation or the complaint from Mayor Sokolich? Are you aware of that fact? It doesn't call for an objection; I'm asking him--

MR. ZOUBEK: I'm trying to help the record.

ASSEMBLYMAN WISNIEWSKI: Counsel--

MR. ZOUBEK: You said that evening; you're in the wrong evening.

ASSEMBLYMAN WISNIEWSKI: Well, the discussion of the e-mails was on-- She gave the e-mail to Mr. O'Dowd on December 13.

MR. ZOUBEK: Right, but he hasn't read that testimony. But I think what you're talking about -- Renna -- occurred at approximately 8:00-something on the evening of December 12, after he spoke to Ms. Kelly around 4:00 p.m. or so.

ASSEMBLYMAN WISNIEWSKI: You're right. Okay, going back.

MR. ZOUBEK: I'm just trying to help.

ASSEMBLYMAN WISNIEWSKI: Did you know that Bridget Kelly had called and asked Christina Renna to delete that e-mail?

MR. O'DOWD: To delete this e-mail?

ASSEMBLYMAN WISNIEWSKI: The e-mail that Kelly received from Renna outlining Mayor Sokolich's complaint.

MR. ZOUBEK: For the record, I don't think it's possible for him to know what e-mail Bridget Kelly might have been referring to on the evening of December 12.

SENATOR WEINBERG: I just described it. The e-mail--

MR. ZOUBEK: And I think-- Do you know which e-mail that is?

ASSEMBLYMAN WISNIEWSKI: It's the e-mail that we're talking about. The one that is in Tab 1, that starts halfway down the page.

MR. ZOUBEK: Do we know if that's the e-mail that was deleted that day?

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. ZOUBEK: All right, if you make that representation to him -- he doesn't know that, but if you make the representation he'll try to answer the question.

ASSEMBLYMAN WISNIEWSKI: My question is, are you aware that Bridget Kelly called her assistant to ask to have an e-mail deleted?

MR. O'DOWD: I believe that I became aware of something to that effect in and around January 10.

ASSEMBLYMAN WISNIEWSKI: But not before then?

MR. O'DOWD: No.

ASSEMBLYMAN WISNIEWSKI: Had you ever dealt with anyone in the Office of the Governor who had deleted an official e-mail? Did you have any experience in that regard?

MR. O'DOWD: Deleted an official e-mail?

ASSEMBLYMAN WISNIEWSKI: Yes, part of the Governor's communications -- such as this.

MR. O'DOWD: I don't believe so.

ASSEMBLYMAN WISNIEWSKI: It never came up to you before?

MR. O'DOWD: I don't believe so.

ASSEMBLYMAN WISNIEWSKI: Okay.

I have no further questions.

SENATOR O'TOOLE: I'd like to ask two questions, if it doesn't offend you, Chair.

ASSEMBLYMAN WISNIEWSKI: You can ask away.

SENATOR O'TOOLE: Great, thanks.

Through the Chair, I know it's been a long-- Kevin, I just have, literally, two questions--

MR. O'DOWD: Sure.

SENATOR O'TOOLE: --that I want to follow up, that came up during the Co-Chair's questioning with regard to Mr. Foye's e-mail that you came into, at some point -- I think January 8, or whatnot.

Your testimony was that Mr. McKenna, in fact, handled communication or a query with the Port Authority after Mr. Foye's e-mail became public.

MR. O'DOWD: Correct.

SENATOR O'TOOLE: Okay. Did Mr. McKenna ever relate back to you, or did you ever become aware, that Mr. Foye had to report to either the Federal or State authorities or Inspector General -- any of the authorities -- given the fact that he made the claim that laws had been broken -- New York and New Jersey, and Federal? Did Mr. McKenna ever come back to you and say that Mr. Foye had, in fact, reported his claim to either the Inspector General, the U.S. Attorney's Office, or some law enforcement agent?

MR. O'DOWD: I don't ever remember learning that, no.

SENATOR O'TOOLE: Okay, great. Thank you.

That's all the questions I have.

Madam Co-Chair.

SENATOR WEINBERG: Senator Gill.

SENATOR GILL: I have just one question for clarification.

On October 1 or 2, when you had the meeting with the Governor and Mr. McKenna, you discussed the *Wall Street Journal* article that referenced Foye's e-mail. Is that correct?

MR. O'DOWD: That's not correct.

SENATOR GILL: So in the *Wall Street Journal* article, did it reference--

MR. O'DOWD: I don't remember him referencing the article, specifically. I'm sorry; that's what I thought you meant. I don't remember a specific reference to the article in that meeting, but it was Charlie McKenna's brief-out on his interactions with the Port Authority --- the way I remember it -- after that article came out.

SENATOR GILL: At the meeting with you, Mr. McKenna, and the Governor, was there any discussion that Pat Foye said laws had been broken.

MR. O'DOWD: I don't remember that, no.

SENATOR GILL: And I want that clear, because my understanding -- I'm giving you opportunity to clarify. Because when I first questioned you, it was my understanding that that, in fact, was discussed -- when I referenced 31 years of United States Attorneys' experience in the room. But you're saying no one raised the issue of the violation of any State or Federal laws.

MR. O'DOWD: I don't remember that coming up in that meeting.

SENATOR GILL: Okay. So that we're also clear, you don't recall, but that does not mean that it could not have taken place.

MR. O'DOWD: Correct.

SENATOR GILL: Because you have no notes to reference at all.

MR. O'DOWD: I do not, Senator; that's correct.

SENATOR GILL: Thank you.

ASSEMBLYMAN WISNIEWSKI: Senator.

SENATOR O'TOOLE: Chair, at some point, can we talk about-- If this is concluded, can we talk about the schedule, going forward, either here or at the next executive meeting?

ASSEMBLYMAN WISNIEWSKI: Yes.

Just one final question, Mr. O'Dowd; and I promise, this is the final question.

Going to your interview, page 21, top of the page. It actually starts carrying over from 20 to 21.

MR. O'DOWD: Okay, the bottom of 20, top of 21.

ASSEMBLYMAN WISNIEWSKI: "Later that day, December 14, 2013," you see that paragraph that carries now over to 21?

MR. O'DOWD: I'm just reading it.

ASSEMBLYMAN WISNIEWSKI: That's fine, that's fine. I want you to be familiar with it.

MR. O'DOWD: Okay, I've read it, Co-Chair.

ASSEMBLYMAN WISNIEWSKI: Okay, so the question I have is, you came to the conclusion, after hearing directly from Bridget Kelly, that she had this one e-mail from Christine Renna, and then subsequently the e-mail from Jeanne Ashmore. And then there were conversations, that you were made aware of, that Baroni had said he was aware of there being an e-mail out there. You had come to the conclusion

that what Baroni was talking about was the same thing that Bridget Kelly had shown you -- because it says here, "O'Dowd came away from this call with the understanding that he had finally gotten to the bottom of the issue, and the issue was whether there was other communications." Correct?

MR. O'DOWD: I don't know what they're referring to there with "gotten to the bottom of the issue." But I think you're asking me whether or not I concluded that what Baroni had referenced to Gramiccioni, and Gramiccioni had passed on to me, was the e-mail that I was handed on December 13.

ASSEMBLYMAN WISNIEWSKI: The Renna e-mail?

MR. O'DOWD: Yes. I did reach that conclusion.

ASSEMBLYMAN WISNIEWSKI: You came to the conclusion that they were talking about the same thing?

MR. O'DOWD: I did.

ASSEMBLYMAN WISNIEWSKI: But you never had a conversation with Bill Baroni about it.

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: And you never had a conversation with Christine Renna about it.

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: So you basically just -- you made an assumption?

MR. O'DOWD: It was the position that I reached. It was the conclusion that I formed.

ASSEMBLYMAN WISNIEWSKI: Okay.

Senator Gill, did you have a question?

SENATOR GILL: Yes, please -- just one last question, so I'm not confused.

On your Tab 33, on page 9 -- and, you know, I'll also read it. It's the H -- Post October 1, 2013. And this is what Gibson Dunn wrote, based upon what you were supposed to have said to them. So first I'd like you to read it and tell me if there is anything you either disagree with or would like to amend in any way.

MR. O'DOWD: So I don't specifically remember the Governor asking about the article and what this realignment was about -- that one, two, three, I guess, four lines in.

SENATOR GILL: Okay. So you-- And let's read it -- I'll read it, and you can tell me what part that you don't agree with.

"O'Dowd was asked if he discussed the October 1, 2013, *Wall Street Journal* article and/or the September 13, 2013, Foye e-mail published in that article. At some point, in October 2013, during one of O'Dowd's and McKenna's meetings with the Governor, the Governor asked about the article and what this lane realignment was all about."

Are you saying that you never -- you did not state, in sum and substance, to Gibson Dunn that the Governor at the meeting asked what the realignment was about?

MR. O'DOWD: What I remember, as I'm sitting here before you, is that that didn't happen.

SENATOR GILL: That it did not happen.

MR. O'DOWD: It did not -- did not.

SENATOR GILL: And so that this reference to the Governor in the Gibson Dunn report is totally inaccurate based upon what you recall that you told Gibson and Dunn

MR. O'DOWD: Well, as it relates to that meeting, the notion of McKenna explaining to the -- the rest of that, those three lines there -- are consistent with what I remember. But I don't remember the Governor, in one of those meetings, asking specifically. I get the impression that there may have been a conversation prior to the meeting, but I don't recall that specifically.

SENATOR GILL: Okay. So that-- And I'm going to be very clear. In this Gibson Dunn report, the line that they say, "The Governor asked about the article," this is in H, "and what this lane realignment was all about." You did not state that to the interviewers for Gibson and Dunn?

MR. O'DOWD: I don't believe so.

SENATOR GILL: At any time, on any date, did you state to Gibson and Dunn that the Governor asked about the realignment in relationship to the *Wall Street Journal* article?

MR. O'DOWD: I don't remember that, no.

SENATOR GILL: Do you know-- And you have no idea why the interviewer from Gibson and Dunn would include such a factual statement that was untrue with respect to you stating it to the interviewer?

MR. O'DOWD: I don't, Senator. I'm just testifying to what I remember sitting here before you today.

SENATOR GILL: I have no further questions. Thank you.

ASSEMBLYMAN WISNIEWSKI: Mr. O'Dowd, thank you for your patience today in providing the testimony that you have. I don't

believe any other members have any other questions. As always, we reserve the right to call you again should facts or information become known to the Committee that was not present or available to us today.

With that, I know that there was a question by Senator O'Toole on a future schedule for the Committee. I know that there are some documentary subpoenas that we've internally discussed at the last executive session; but in terms of testimony I don't believe we have anything scheduled through the end of June. We've got staff involved in the budget, so my understanding is that we would not be taking testimony until after we get done with the budget and, obviously, the first week of July is the Fourth of July holiday -- probably not until that second week.

What we will do is, between now and the middle part of this week, get to everybody a tentative schedule of when we would be looking to meet again, to look at everyone's summer schedules to make sure that we have as many members present as possible.

SENATOR O'TOOLE: That was in my request and I appreciate that, Chair. I know for a fact that I'm going to be out looking at colleges with my son in the second week of July. And if we could just have a little head's up as to when we think the next couple of Committees, where we're going to have live testimony -- I'll plan accordingly. But there are one or two things that are just unavoidable.

ASSEMBLYMAN WISNIEWSKI: Understood

Anybody have anything else? (no response)

This meeting stands adjourned.

**(MEETING CONCLUDED)**

## APPENDIX

**Exhibits from the June 9, 2014 meeting  
of the  
New Jersey Legislative Select Committee on Investigation**

# Tab 1



**Re: Fort Lee**

David Wildstein <david.wildstein@...>  
To: Bridget Anne Kelly <bridgetannekelly@...>

Thu, Sep 12, 2013 at 5:30 PM

OF COURSE

On Thu, Sep 12, 2013 at 5:27 PM, Bridget Anne Kelly <bridgetannekelly@comcast.net> wrote:  
On way to seaside. Will call later.

On Sep 12, 2013, at 3:56 PM, David Wildstein <david.wildstein@ny.gov> wrote:

call me when you have a moment

On Thu, Sep 12, 2013 at 3:46 PM, Bridget Anne Kelly <bridgetannekelly@...> wrote:

Begin forwarded message:

From: Christina Genovese Renna <christina.m.genovese@ny.gov>  
Date: September 12, 2013, 3:36:20 PM EDT  
To: Bridget Kelly <bridgetannekelly@ny.gov>  
Subject: Fort Lee

This afternoon, Evan received a call from Mayor Sokolich. It came from a number he was not familiar with that was actually a secretary who patched the Mayor through to Evan.

The Mayor is extremely upset about the reduction of toll lanes from 3 to 1. Not only is it causing a horrendous traffic back up in town, First Responders are having a terrible time maneuvering the traffic because the back up is so severe.

The Mayor told Evan that he has no idea why Port Authority decided to do this, but there is a feeling in town that it is government retribution for something. He simply can't understand why that would be the case however, because he has always been so supportive of the Governor.

Sokolich explained that the Council wants to organize a press conference with picketers at the foot of the bridge. The Mayor feels he is about to lose control of the situation and that he looks like a "fucking idiot."

Evan told the fine Mayor he was unaware that the toll lanes were closed, but he would see what he could find out.

## **Tab 2**

**From:** elise.dietsch@Client Co <Client Confidential >  
**Sent:** 9/12/2013 2:08:45 PM  
**To:** Charlie McKenna <Client Confidential >; odowdkClient Confid<Client Confidential >;  
tjc926 <Client Confidential >; Bill Stepien <Client Confidential >; William Palatucci  
<Client Confidential >; bgrady22Client Confi<Client Confidential >; mcomellaClient Confi  
<Client Confidential >; Mike DuHaine <Client Confidential >  
**Subject:** Updated Invitation: call @ Fri Sep 13, 2013 9am - 10am (elise.dietschClient Confi)  
**Show Time As:** Free  
**Recurrence:** (none)  
**Required Attendees:** Charlie McKenna; odowdkClient Confi; tjc926 ; Bill Stepien; William Palatucci;  
bgrady22Client Confi; mcomellaClient Confi; Mike DuHaine  
**Attachments:** invite.ics

This event has been changed.  
[more details »](#)

call  
Client Confider

When: Changed: Fri Sep 13, 2013 9am - 10am Eastern Time

Where:

Conference Call ([map](#))

Calendar

elise.dietschClient Co

Who:

• elise.dietschClient Co  
organizer

• Charlie McKenna

• odowdkClient Co

• tjc926

• Bill Stepien

• William Palatucci

• bgrady22Client Confi

• mcomellaClient Con

• mduhaineClient Confid

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## **Tab 3**

---

**From:** Regina Egea  
**Sent:** Friday, September 13, 2013 11:07 AM  
**To:** Nicole Crifo  
**Subject:** Fw: Fort Lee eastbound access to GWB  
**Importance:** High

**From:** Baroni, Bill [<mailto:bbaroni@panynj.gov>]  
**Sent:** Friday, September 13, 2013 10:43 AM  
**To:** Regina Egea  
**Subject:** FW: Fort Lee eastbound access to GWB

**From:** Foye, Patrick  
**Sent:** Friday, September 13, 2013 7:44 AM  
**To:** Fulton, Cedrick; Durando, Robert  
**Cc:** Baroni, Bill; Dunne, Joseph P.; Koumoutsos, Louis; Zipf, Peter; Samson, David; 'Rechler, Scott'; Buchbinder, Darrell  
**Subject:** Fort Lee eastbound access to GWB  
**Importance:** High

After reading last night's media pendings, I made inquiries and received calls on this matter which is very troubling. Here is what I learned: reversing over 25 years of PA GWB operations, the three lanes in Fort Lee eastbound to the GWB were reduced to one lane on Monday of this week without notifying Fort Lee, the commuting public we serve, the ED or Media. A decision of this magnitude should be made only after careful deliberation and upon sign off by the ED. Reports are that Fort Lee has experienced severe traffic delays engulfing the entire Fort Lee area since Monday. I am appalled by the lack of process, failure to inform our customers and Fort Lee and most of all by the dangers created to the public interest, so I am reversing this decision now effective as soon as TBT and PAPD tell me it is safe to do so today.

I am making this decision for the following reasons:

1. This hasty and ill-advised decision has resulted in delays to emergency vehicles. I pray that no life has been lost or trip of a hospital- or hospice-bound patient delayed.
2. This hasty and ill-advised decision has undoubtedly had an adverse effect on economic activity in both states. That is contrary to the directive we have from our Governors to do everything possible to create jobs in both States.
3. I will not allow this hasty and ill-advised decision to delay the travels of those observing Yom Kippur tonight or the holidays to follow.
4. I believe this hasty and ill-advised decision violates Federal Law and the laws of both States.

To be clear, I will get to the bottom of this abusive decision which violates everything this agency stands for; I intend to learn how PA process was wrongfully subverted and the public interest damaged to say nothing of the credibility of this agency.

Finally, I am open to considering changes to each of our facilities if there is a case to be made that change will benefit the public interest. In the case of the Fort Lee eastbound access lanes, approval of this action will require:

1. Written sign off by TBT, Traffic Engineering and PAPD. That sign off was not sought or obtained here.

2. Prior discussion with the local government and a communication plan and plenty of advance notice to the commuting public. That did not occur here.
3. Consideration of the effects on emergency vehicles and sign off by PAPD. That did not occur here.
4. Consideration of the financial impact on the PA in terms of O/T. That too did not occur here.

Cedric and Bob—please let this group know when access to three lanes in Fort Lee can be restored as soon as possible today. This is a matter of public safety and time is of the essence.

Pat

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## **Tab 4**

Bridge Jam's Cause a Mystery - WSJ.com

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NY TRANSIT

## Bridge Jam's Cause a Mystery

*New Jersey Officials Say They Weren't Warned That Local Lanes Would Be Closed*

By TED MANN and HEATHER HADDON

Updated Sept. 17, 2013 11:12 p.m. ET

No one denies that the Port Authority of New York and New Jersey triggered massive traffic jams when it shifted local toll lanes at the George Washington Bridge from New Jersey last week. But local officials, and some within the Port Authority itself, are scratching their heads over a larger question: Why?



The number of toll lanes to the George Washington Bridge from Fort Lee was reduced to one from three. Amy Newman/The Record

*Photo provided by The Record*

Police and elected officials in Fort Lee, N.J., say they weren't given warning that the Port Authority planned to reduce the number of local access lanes directly from Fort Lee to the bridge from three to one—causing traffic to back up in the borough—and are still puzzled by the official explanation that the agency was conducting a study of traffic patterns.

After the two local lanes handling Fort Lee traffic were closed, cars and trucks quickly clogged streets used by local travelers to reach the bridge and New York City. Local officials said the backup led to long delays for Fort Lee buses traveling for the first day of school Monday.

Within the Port Authority, meanwhile, the decision to close the traffic lanes caused tension, people with knowledge of the matter said. Those people said the lane closures came as a surprise to some high-ranking officials at the bistate agency, which operates area bridges, tunnels and airports.

The local lanes were reopened Thursday morning, one of the people said, after an order from Executive Director Patrick Foye, who argued that the abrupt shift in traffic patterns caused a threat to public safety and should have been advertised to the public ahead of time.

For its part, the agency was sticking with a written statement. "The Port Authority has conducted a week of study at the George Washington Bridge of traffic safety patterns," it said. "We will now review those results and determine the best traffic patterns at the GWB. We will continue to work with our local law enforcement partners."

Bridge Jam's Cause a Mystery- WSJ.com

A Port Authority spokesman declined to elaborate or provide a further explanation of the origin, purpose or conclusions of the study.

Fort Lee Mayor Mark Sokolich, a Democrat who was first elected in 2007, said he found out about the lane closures Monday morning when the borough was turned into what he called "total gridlock."

The borough hall was flooded with hundreds of calls from angry motorists, Mr. Sokolich said.

"I get that the Port Authority tries different things. I'm very, very grateful that once they realized that this change was causing traffic gridlock, they ended it," said Mr. Sokolich, a local attorney. Mr. Sokolich said it still wasn't clear to him who ordered the closures or why.

Fort Lee police said they learned of the lane closures when traffic began backing up, down the north-south artery of Palisade Avenue, Deputy Chief Timothy Ford said.

"We called their police and they were like, 'We can't help you, it's coming from [our] higher-ups,'" he said. When the local police tried to ask the Port Authority leadership what was going on, he said, "They weren't returning our calls."

Mr. Ford said the police were eventually told the Port Authority was "trying something new" in the layout of the travel lanes leading to the toll plaza.

"I've been here 33 years, and in all that time we've always had three lanes dedicated to the Fort Lee traffic," he said. "And then on this Monday morning, with no prior warning, they decided to try something new."

A spokesman for the Christie administration referred questions to the Port Authority. A spokesman for the state Department of Transportation said the agency has no jurisdiction over the toll lanes and wasn't involved with any traffic study.

Amid the controversy, there was even speculation that the closures could be retribution for Mr. Sokolich's decision not to endorse Mr. Christie in his re-election bid in November. The Christie campaign has received endorsements from at least 48 elected Democrats across the state, including 17 mayors.

Mr. Sokolich said he had a good relationship with the Christie administration and couldn't imagine he would be important enough for the campaign to punish him for not publicly endorsing Mr. Christie. The mayor said he was supporting Democratic Sen. Barbara Buono, Mr. Christie's challenger.

"I've always been incredibly supportive of Gov. Christie even in the face of people criticizing me for it. I find it incomprehensible that there's any truth whatsoever to these rumors," he said.

Kevin Roberts, a spokesman for the Christie campaign, said that any notion that Mr. Sokolich faced retribution for not endorsing the governor was "crazy."

"We don't approach these folks and say, 'You will endorse us.' These are folks who have supported us" on their own, Mr. Roberts said.

Bridge Jam's Cause a Mystery - WSJ.com

Still, Mr. Sokolich said the incident made him wonder if he had run afoul of someone, somehow, though he didn't name anyone or any organization. "Maybe I'm getting too popular. Maybe I'm doing too many things, been too progressive," said the mayor, noting a spate of development in the borough. "We are proud of it. I've got to believe they are happy with the results."

**Write to Ted Mann at [ted.mann@wsj.com](mailto:ted.mann@wsj.com) and Heather Haddon at [heather.haddon@wsj.com](mailto:heather.haddon@wsj.com)**

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## Tab 5

**From:** elise.dietschClient Conf<elise.dietschClient Conf>  
**Sent:** 9/19/2013 12:58:04 PM  
**To:** elise.dietschClient Conf<Client Confidential >; Charlie McKenna  
<Client Confidential >; odowdkClient Confid<Client Confidential >; tjc926  
<Client Confidential >; Bill Stepien <Client Confidential >; William Palatucci  
<Client Confidential >; bgrady22Client Conf<Client Confidential >; mcomellaClient Confid  
<Client Confidential >; Mike DuHaime <Client Confidential >  
**Subject:** Updated Invitation: Friday conference call @ Fri Sep 20, 2013 9am - 10am (elise.dietschClient Conf)  
**Location:** Conference Call  
**Start:** Fri 9/20/2013 9:00:00 AM  
**End:** Fri 9/20/2013 10:00:00 AM  
**Recurrence:** (none)  
**Meeting Status:** Accepted  
  
**Required Attendees:** Charlie McKenna; odowdkClient Confid; tjc926 ; Bill Stepien; William Palatucci;  
bgrady22Client Conf; mcomellaClient Conf; Mike DuHaime  
**Attachments:** invite.ics

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**Changed: Friday conference call  
Client Conf**

When: **Changed: Fri Sep 20, 2013 9am - 10am Eastern Time**

Where:

Conference Call ([map](#))

Calendar:

elise.dietschClient Co

Who:

• elise.dietschClient Co  
organizer

• Charlie McKenna

• odowdkClient Co

• tjc926

• Bill Stepien

• William Palatucci

• bgrady22Client Co

• mcomellaClient Co

• mduhaimeClient Confid

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11/22/13

Port Chief Fumed Over Bridge Jam - WSJ.com

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NY TRANSIT

## Port Chief Fumed Over Bridge Jam

*Patrick Foye Fired Off an Email Message After Learning of Lane Closures*

By TED MANN

Oct. 1, 2013 10:40 p.m. ET

The abrupt closure of local access lanes to the George Washington Bridge last month triggered a pointed private response from the executive director of the Port Authority of New York and New Jersey, who said the move likely broke state and federal laws and could have caused deaths because of snarled traffic.



Patrick Foye Associated Press

The executive director, Patrick Foye, fired off an email message early on the morning of Sept. 13, after he learned of the lane closures and subsequent traffic backups in Fort Lee, N.J., from a daily internal list of pending media inquiries.

Mr. Foye's blistering email, which was sent to top executives of the authority and was reviewed by The Wall Street Journal, denounced the closures as "abusive" and pledged to investigate "how PA process was wrongfully subverted and the public interest damaged to say nothing of the credibility of this agency."

"I pray that no life has been lost or trip of a hospital- or hospice-bound patient delayed," Mr. Foye wrote, a reference to ambulances caught in traffic.

The closure of the lanes was seen by some in Fort Lee and Bergen County as retribution from surrogates of Republican Gov. Chris Christie —who shares control of the authority and its bridges with New York Gov. Andrew Cuomo —at Fort Lee Mayor Mark Sokolich, a Democrat who hasn't endorsed Mr. Christie for re-election.

Mr. Christie's campaign has denied the suggestion, and called the notion "crazy." The governor's

---

### More

Mr. Foye's email

Earlier: Bridge Jam's Cause a Mystery |  
09/17/2013

11/22/13

Port Chief Fumed Over Bridge Jam - WSJ.com

appointees at the authority have said that the lanes were closed to conduct a traffic study, though they have declined to provide any supporting materials or findings.

Mr. Christie's spokesman referred questions to the Port Authority, where a spokesman declined to comment.

Mr. Foye, an appointee of Mr. Cuomo, wrote that the lane closures were made without informing numerous interested parties, including himself, local and Port Authority police, Mr. Sokolich, and commuters.

His email also throws into question the Port Authority's prior explanation for the shutdown: that the lanes were closed so the authority could perform the traffic study.

In the email, Mr. Foye listed the divisions within the authority that weren't consulted before the traffic pattern was changed, including the police department, and the Traffic and Engineering division.

The authority's public response has described the lane closures as part of "a week of study at the George Washington Bridge of traffic safety patterns."

People familiar with the matter disputed that. "There was no study," one of them said.

Mr. Foye's email was sent to Robert Durando, the general manager of the bridge for more than a decade, and Cedrick Fulton, director of the Tunnels, Bridges and Terminals Department and Mr. Durando's boss. Copied on the message were the highest level leadership of the authority, including Mr. Christie's two top appointees, Chairman David Samson and Deputy Executive Director Bill Baroni.

Mr. Durando referred inquiries to the authority's press office. Requests to speak to top port executives weren't answered Tuesday.

The lane closures winnowed the approach routes from Fort Lee to the bridge to one from three, and triggered massive congestion in Fort Lee for four straight weekdays, officials said. The lanes were reopened within minutes of Mr. Foye's email on Sept. 13.

Some Bergen County Democrats were livid over the sudden closures. Senate Majority Leader Loretta Weinberg, a Democrat who represents the county, wrote to authority Commissioner William Schuber to express her dismay last month, saying she was at a "loss for words" about the closure, according to a copy of the letter reviewed by The Wall Street Journal.

"This whole traffic jam still remains a mystery," she said Tuesday.

Mayor Sokolich said he hasn't received answers to his request for information about why the authority ordered the closures. Still, the mayor said he was a supporter of many of Mr. Christie's policies, and didn't believe that the closures were intended to punish him, a theory he said had been the subject of "rumors."

—Heather Haddon contributed to this article.

11/22/13

Port Chief Fumed Over Bridge Jam - WSJ.com

Write to Ted Mann at [ted.mann@wsj.com](mailto:ted.mann@wsj.com)

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# Tab 7

**From:** Bell, Matthew <mbell@panynj.gov>  
**Sent:** Thursday, October 3, 2013 11:55 AM  
**To:** Baroni, Bill <bbaroni@panynj.gov>  
**Cc:** DiMarco, Gretchen <gdimarco@panynj.gov>  
**Subject:** Kevin O'Dowd will be calling you in 20 mins I will transfer to your cell

---

BARONI001182

## **Tab 8**

---

**From:** Michael Drewniak  
**Sent:** Friday, October 04, 2013 7:11 AM  
**To:** Kevin O'Dowd  
**Subject:** PA

Answers from the Port  
Editorial

The Record Editorial Board

Among the scandals plaguing the Port Authority of New York and New Jersey, traffic patterns in Fort Lee would seem to rank pretty low. After all, there's the revelation of the \$10 sale of the World Trade Center name and a federal government report that found the agency shoved through a series of toll hikes without giving the public proper notice. But fooling around with lane closures leading to the George Washington Bridge is actually quite serious. The point was driven home by the bi-state agency's own executive director, Patrick Foye, in a blistering email he is reported to have sent to agency staff. Foye said whittling down the approach to the bridge from three lanes to one, which the authority did for four harrowing days last month, could have caused ambulances to be stuck in the intense traffic jams...

# Tab 9

**From:** eliseClient Confidential <eliseClient Confidential>  
**Sent:** 10/3/2013 2:10:11 PM  
**To:** Charlie McKenna <Client Confidential >; odowdkClient Confic <Client Confidential >;  
tjc926 <Client Confidential >; Bill Stepien <Client Confidential >; William Palatucci  
<Client Confidential >; bgrady22Client Confi <Client Confidential >; Maria Comella  
<Client Confidential >; Mike DuHaime <Client Confidential >  
**Subject:** Invitation: Weekly Friday Conference Call @ Fri Oct 4, 2013 9am - 10am (eliseClient Confidential)  
**Show Time As:** Free  
**Recurrence:** (none)  
**Required Attendees:** Charlie McKenna; odowdkClient Confi; tjc926 ; Bill Stepien; William Palatucci;  
bgrady22Client Confi; Maria Comella; Mike DuHaime

# **Tab 10**

---

**From:** Michael Drewniak  
**Sent:** Monday, October 07, 2013 5:41 PM  
**To:** Kevin O'Dowd  
**Subject:** Fw: Comment on Bridge Closures?

---

**From:** STRUNSKY, STEVE [<mailto:SSTRUNSKY@STARLEDGER.COM>]  
**Sent:** Monday, October 07, 2013 05:07 PM  
**To:** Michael Drewniak  
**Cc:** Colin Reed  
**Subject:** Comment on Bridge Closures?

Hey,

As you may have read, Loretta Weinberg addressed a Port Authority committee today, then later wondered whether Port Authority "Frat Boys"

had orchestrated the closures as retribution for Mayor Sokolich's refusal to endorse Gov. Christie.

So, Any comment on those suspicions?

-S



---

Steve Strunsky | One Star-Ledger Plaza | Newark, NJ 07102-1200  
P: 973-392-1544 | **CONFIDENTIAL** | E: [SSTRUNSKY@STARLEDGER.COM](mailto:SSTRUNSKY@STARLEDGER.COM)

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# **Tab 11**

**From:** elise(Client Confidential)<elise(Client Confidential)>  
**Sent:** 10/10/2013 3:59:23 PM  
**To:** bgrady22Client Confic<Client Confidential >; William Palatucci <Client Confidential >; Bill Stepien <Client Confidential >; tjc926 <Client Confidential >; odowdkClient Confide <Client Confidential >; Charlie McKenna <Client Confidential >; Maria Comella <Client Confidential >; Mike DuHaime <Client Confidential >  
**Subject:** Updated Invitation: Weekly Friday Conference Call @ Fri Oct 11, 2013 9am - 10am (eliseClient Confidential)  
**Location:** Conference Call  
**Start:** Fri 10/11/2013 9:00:00 AM  
**End:** Fri 10/11/2013 10:00:00 AM  
**Recurrence:** (none)  
**Meeting Status:** Accepted  
  
**Required Attendees:** Charlie McKenna; odowdkClient Confic; tjc926 ; Bill Stepien; William Palatucci; bgrady22Client Confic; Maria Comella; Mike DuHaime  
**Attachments:** invite.ics

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### Weekly Friday Conference Call Client Confide

When: **Changed: Fri Oct 11, 2013 9am - 10am Eastern Time**

Where:

Conference Call ([map](#))

Calendar:

eliseClient Confider

Who:

• **eliseClient Confide**  
organizer

• Charlie McKenna

• odowdkClient Conf

• tjc926

• Bill Stepien

• William Palatucci

• bgrady22Client Con

• Maria Comella

• mduhaimeClient Confider

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## **Tab 12**

---

**From:** Regina Egea  
**Sent:** Wednesday, October 16, 2013 2:34 PM  
**To:** Kevin O'Dowd; Charles McKenna; Michael Drewniak  
**Subject:** PANYNJ fyi

Sen Weinberg attended bd mtg but did not speak. Had a hallway conv w Strunsky and Ted Mann before bd mtg. After Bd mtg, she was admitted into ante room where the press gaggle is held. Typically only press and PANYNJ exec team.

Questions ensued on ft lee but holding to script of "all under review.". She held post interview in hallway. R

# **Tab 13**

**Participants**

[REDACTED], [REDACTED] Drewniak Cell

**Source**

iMessage: [REDACTED]

**From**

[REDACTED] Drewniak Cell

**To**

[REDACTED]

**Body**

A new high level of shit is hitting the fan tonight on the Ft Lee/GWB issue. Maybe you should know about it.

**Timestamp: Time** 2013-10-18 01:48:48

**Attachment #1**

**Deleted**

## **Tab 14**

Subject: Dinner with Kevin O'Dowd  
Location: Steakhouse 85, New Brunswick

Start: Tue 10/22/2013 6:00 PM  
End: Tue 10/22/2013 8:00 PM

Recurrence: (none)

Organizer: Samson, David

# Tab 15

**From:** eliseClient Confidentialia <Client Confidential >  
**Sent:** 10/24/2013 2:24:50 PM  
**To:** odowdkClient Confid<Client Confidential >; William Palatucci <Client Confidential >; Mike DuHaime <Client Confidential >; Maria Comella <Client Confidential >; tjc926 <Client Confidential >; Bill Stepien <Client Confidential >; bgrady22Client Confic <Client Confidential >; Charlie McKenna <Client Confidential >  
**Subject:** Invitation: weekly call @ Fri Oct 25, 2013 9am - 10am (eliseClient Confidentialia)  
**Location:** conference call  
**Start:** Fri 10/25/2013 9:00:00 AM  
**End:** Fri 10/25/2013 10:00:00 AM  
**Recurrence:** (none)  
**Meeting Status:** Accepted  
  
**Required Attendees:** Charlie McKenna; odowdkClient Confic; tjc926 .; Bill Stepien; William Palatucci; bgrady22Client Confic; Maria Comella; Mike DuHaime  
**Attachments:** invite.ics

[more details »](#)

**weekly call**  
**Client Confide**

**When:** Fri Oct 25, 2013 9am - 10am Eastern Time

**Where:**

conference call ([map](#))

**Calendar:**

eliseClient Confide

**Who:**

• eliseClient Confid-  
organizer

• Charlie McKenna

• odowdkClient Cor

• tjc926

• Bill Stepien

• William Palatucci

• bgrady22Client Cc

• Maria Comella

• mduhaimeClient Confid

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11/22/13

George Washington Bridge Jam Began With Phone Call - WSJ.com

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NY REGION

## George Washington Bridge Jam Began With Phone Call

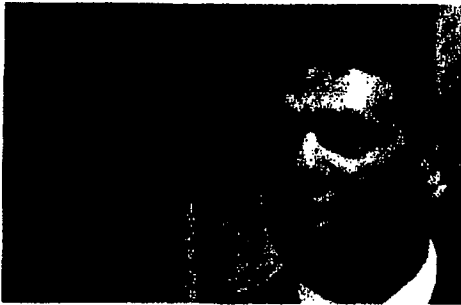
*People Familiar With the Matter Pinpoint a Cause for Traffic Tie-up*

By TED MANN

Nov. 7, 2013 11:27 p.m. ET

Early on the morning of Sept. 9, an official of the Port Authority of New York and New Jersey appeared at the New Jersey side of the George Washington Bridge and looked out over a traffic jam he helped create, according to people familiar with the matter.

The official, according to these people, was David Wildstein, who was hired in 2010 as the authority's director of interstate capital projects by an appointee of Gov. [Chris Christie](#).



David Wildstein in 2012 photo Kevin R. Wexler/The Record

The previous day, a Sunday, Mr. Wildstein called two bridge officials and ordered them to shut off two local access toll lanes for drivers headed across the bridge from Fort Lee, N.J., into New York City, the people familiar with the matter said.

According to these people and authority correspondence reviewed by The Wall Street Journal, the closures were made without notice to police, emergency officials or officials on the New York side of the Port Authority's leadership. As previously reported, the closure triggered large traffic jams for a week in the borough on the New Jersey side of the bridge.

Mr. Wildstein didn't respond to requests for comment.

People familiar with the matter and some local officials believe it wasn't what the Port Authority originally suggested: a lane closure to allow for a

study of traffic patterns. Instead, they believe it was a gesture aimed at the borough's Democratic mayor, who had declined to cross party lines to endorse Mr. Christie for governor two weeks earlier.

The mayor, Mark Sokolich, said he believed the intent was "punitive" in a letter sent to Deputy Executive Director Bill Baroni, Mr. Wildstein's boss, asking for relief from the traffic jam in

### Earlier

Port Chief Fumed Over Bridge Jam

Mr. Foye's email

Lawmakers Seek Subpoenas in Bridge Investigation

Mr. Sokolich's Letter

11/22/13

George Washington Bridge Jam Began With Phone Call - WSJ.com

September. Mr. Sokolich has since backed away from that assertion, and declined to elaborate this week.

Mr. Christie's re-election campaign spokesman has called the notion that the closures were retribution "crazy."

Mr. Wildstein's role could become clearer as some Democrats pressure the authority to release the results of its internal review of the incident. Senate Majority Leader Loretta Weinberg said she is trying to marshal votes for a resolution that would empower a state Senate committee to issue subpoenas seeking answers.

"If in fact somebody has used the George Washington Bridge for any petty reason, whether retribution or just because they think the mayor of Fort Lee is a pain in the rear end, that is disgusting and despicable and dangerous," Ms. Weinberg said in an interview.

Senate President Steve Sweeney said Democrats are continuing to investigate the matter. "I'm not going to accuse anyone of anything yet, but something is clearly not right here," he said.

The governor's spokesman declined to respond to questions about Mr. Wildstein and the authority. "For goodness sake, the Governor of the state of New Jersey does not involve himself in traffic surveys," the spokesman, Michael Drewniak, said.

As previously reported, Patrick Foye, the agency's executive director and an appointee of New York Gov. Andrew Cuomo, reacted with outrage when he discovered the lane closures and ensuing traffic problems.

In an email message previously reported by The Journal, Mr. Foye suggested the closures could have led to deaths of ambulance patients.

The people familiar with the matter said Mr. Wildstein wields considerable clout inside the authority, which manages a vast portfolio of bridges, tunnels, trains and airports in the New York region.

A former mayor of Livingston, N.J., who later ran the influential blog PolltickerNJ under a pseudonym in New Jersey, Mr. Wildstein is a ubiquitous figure at the agency, people familiar with the matter said. They said he is known to roam the authority's Manhattan office to see what employees are working on and also approves even low-level hiring decisions.

Political influence from both sides of the bi-state agency is common, according to people at the authority. Major decisions at the Port Authority—such as what infrastructure projects to fund, and how to manage the two states' shared assets—are typically the result of horse-trading between the states, with respective political appointees acting on behalf of each state's governor.

Messrs. Cuomo and Christie each have the right to veto the minutes of a meeting of the authority's board, essentially enabling them to negate an official action, and in theory requiring the states to cooperate.

—Heather Haddon contributed to this article.

11/22/13

George Washington Bridge Jam Began With Phone Call - WSJ.com

**Write to Ted Mann at [ted.mann@wsj.com](mailto:ted.mann@wsj.com)**

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# Tab 17

**From:** Charles McKenna  
**Sent:** Wednesday, November 20, 2013 6:18 PM  
**To:** Kevin O'Dowd  
**Subject:** FW: Fwd: Invitation-Assembly Transportation Committee 11/25/13  
**Attachments:** Baroni Invite.pdf; ATT00001.htm

**From:** Nicole Crifo  
**Sent:** Wednesday, November 20, 2013 6:17 PM  
**To:** Regina Egea; Charles McKenna  
**Subject:** Fw: Fwd: Invitation-Assembly Transportation Committee 11/25/13

Nicole P. Crifo  
Senior Counsel  
Authorities Unit  
o. 609.777.2481  
c. 609.319.2213

**From:** Baroni, Bill [mailto:bbaroni@panynj.gov]  
**Sent:** Wednesday, November 20, 2013 05:50 PM  
**To:** Nicole Crifo  
**Subject:** Fwd: Invitation-Assembly Transportation Committee 11/25/13

Sent from my iPhone

Begin forwarded message:

**From:** "Chance, Melinda" <MChance@njleg.org>  
**Date:** November 20, 2013 at 4:43:06 PM EST  
**To:** "Baroni, Bill" <bbaroni@panynj.gov>  
**Cc:** "Buono, Charles A." <CBuono@njleg.org>, "Brennan, Patrick" <PBrennan@njleg.org>, "Dempsey, Jillian" <jdempsey@njleg.org>  
**Subject:** Invitation-Assembly Transportation Committee 11/25/13

Attached please find an invitation to appear before the Assembly Transportation, Public Works and Independent Authorities Committee on Monday, November 25, 2013 at 10:00 am in Committee Room 11, 4<sup>th</sup> Floor, State House Annex, Trenton, New Jersey.

*Melinda Chance  
Secretary I  
Office of Legislative Services  
Authorities Section  
Phone: (609) 847-3840  
Fax: (609) 292-0561  
Email: mchance@njleg.org*



JOHN S. WISNIEWSKI  
*Chairman*

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*New Jersey State Legislature*  
**ASSEMBLY TRANSPORTATION, PUBLIC WORKS  
AND INDEPENDENT AUTHORITIES COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

CHARLES A. RUONO, DR.  
PATRICK BRENNAN  
*Office of Legislative Services*  
Co-Committee Aides  
(609) 447-3840  
(609) 292-0561 FAX

November 20, 2013

Mr. William Baroni, Jr.  
Port Authority of New York and New Jersey  
Deputy Executive Director  
225 Park Avenue South  
New York, New York 10003

Dear Deputy Executive Director Baroni:

As you know, on September 9, 2013 the Port Authority inexplicably and without prior public notice reduced the three eastbound lanes to the George Washington Bridge to one lane. These closures resulted in delays to the traveling public and, more importantly, to emergency service vehicles. The community of Fort Lee, New Jersey was engulfed in gridlock during the morning rush hour until the lanes were reopened on September 13<sup>th</sup>. I respectfully invite you to testify before the Assembly Transportation, Public Works and Independent Authorities Committee concerning these issues.

The committee will be meeting on Monday, November 25, 2013 at 10:00 am in Committee Room 11, 4<sup>th</sup> Floor, State House Annex, Trenton, New Jersey.

Please be advised that failure to appear before the committee will result in the issuance of subpoenas to require personal appearance to testify before the committee on this matter.

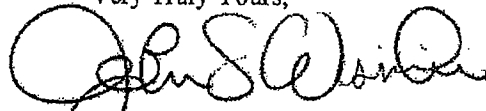
It would be greatly appreciated if you or a staff member would contact Jillian Dempsey at the Assembly Majority Office to discuss your availability to testify before the committee. Ms. Dempsey can be reached at (609) 847-3500 or at [jdempsey@njleg.org](mailto:jdempsey@njleg.org) and would be happy to discuss any questions or other issues you may have.

OGNJ-LEG-032335

Mr. William Baroni, Jr.  
Page 3  
November 20, 2013

I look forward to your presence at this meeting.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "John S. Wisniewski". The signature is fluid and cursive, with a large initial "J" and "W".

John S. Wisniewski,  
Chairman, Assembly Transportation  
Public Works and Independent  
Authorities Committee

mc  
c Jillian Dempsey, Assembly Majority Office

Empty File

# Tab 18

**From:** Luann Belardino  
**Sent:** Thursday, November 21, 2013 9:22 AM  
**To:** GOV Counsel Office; Kevin O'Dowd; Marcia McEntyre  
**Subject:** Assembly Committee Agendas for Monday, November 25, 2013  
**Attachments:** SKMBT\_50113112109390.pdf

Attached please find the Assembly Committee Agendas for Monday, November 25, 2013. Copies have been distributed.

Luann Belardino, Executive Assistant  
Office of Counsel to the Governor  
Dominick DiRocco, Senior Counsel  
Robert Garrenger, Budget Counsel  
Ryan Goodwin, Assistant Counsel  
Colin Newman, Senior Counsel  
609-777-2480/ Fax 609-934-6886  
[luann.belardino@gov.state.nj.us](mailto:luann.belardino@gov.state.nj.us)



PETER J. BARNES, III  
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Vice-Chair

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GORDON M. JOHNSON  
JOHN E. McKEON  
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RAFAELA GARCIA  
MIRIAM BAVATI  
Office of Legislative Services  
Committee Aides  
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(609) 292-6510 fax

*New Jersey State Legislature*  
**ASSEMBLY JUDICIARY COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

**COMMITTEE NOTICE**

TO: MEMBERS OF THE ASSEMBLY JUDICIARY COMMITTEE

FROM: ASSEMBLYMAN PETER J. BARNES, III, CHAIRMAN

SUBJECT: COMMITTEE MEETING - NOVEMBER 25, 2013

*The public may address comments and questions to Miriam Bavati, Committee Aide, or make bill status and scheduling inquiries to Denise Darmody, Secretary, at (609)847-3865, fax (609)292-6510, or e-mail: OLSAideAJU@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 Assembly Judiciary Committee will meet on Monday, November 25, 2013 at 10:00 AM in Committee Room 4, 1st Floor, State House Annex, Trenton, New Jersey.

The following bills will be considered:

AH  
A-1717  
Green/Burzichelli

Establishes the crime of assault by animal.

PM/HH  
A-2945  
Vainieri Huttie

Establishes new standard for court to grant grandparent or sibling visitation rights under certain circumstances.

AH  
A-4151/S278/  
Rumpf/Gove/  
Andrzejczak/Albano/  
Rumana

Allows certain drug dealing offenses to be graded by "units," rather than weight, of controlled dangerous substances.

PM/HH  
S-789 (1R)  
Weinberg/Bucco

Codifies in statute case law developed legal standards for establishing grandparent and sibling visitation with a child when visitation objected to by child's parent, guardian, or legal custodian.

1  
(OVER)

OGNJ-LEG-031567

Assembly Judiciary Committee

Page 2

November 25, 2013

FOR DISCUSSION ONLY:

- |    |                                                                  |                                                                                                                                                                   |
|----|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AH | A-3835<br>Stender/Caputo                                         | Revises penalties for certain drunk driving offenses, including mandating installation of ignition interlock device, and creates restricted use driver's license. |
| AM | A-3909/52750<br>Mannor/Kean, S/<br>Wimberly/Jimenez/<br>Coughlin | Revises alimony laws, including eliminating permanent alimony and establishing guidelines for amount and duration of alimony awards.                              |
| AM | A-4138<br>Mosquera/Singleton/<br>Casagrande/<br>Vainieri Huttie  | Prohibits awarding alimony to domestic violence offenders; permits termination of alimony based on conviction for crime or offense involving domestic violence.   |
| AM | A-4525<br>Giblin/Lampitt<br>(pending intro and<br>referral)      | Clarifies certain factors concerning modification and termination of alimony.                                                                                     |
| AH | S-2427 (2R)<br>Scutari/Whelan                                    | Revises penalties for certain drunk driving offenses, including mandating installation of ignition interlock device, and creates restricted use driver's license. |

Issued 11/20/13

2

For reasonable accommodation of a disability call the telephone number or fax number above, or TTY for persons with hearing loss 609-777-2744 (toll free in NJ) 800-257-7490. The provision of assistive listening devices requires 24 hours' notice. Real time reporter or sign language interpretation requires 5 days' notice.

For changes in schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840.

OGNJ-LEG-031568



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Office of Legislative Services  
Committee Aide  
(609) 847-3850  
(609) 777-2998 fax

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**ASSEMBLY MILITARY AND VETERANS' AFFAIRS  
COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

**COMMITTEE NOTICE**

**TO: MEMBERS OF THE ASSEMBLY MILITARY AND VETERANS' AFFAIRS  
COMMITTEE**

**FROM: ASSEMBLYWOMAN CLEOPATRA G. TUCKER, CHAIRWOMAN**

**SUBJECT: COMMITTEE MEETING - NOVEMBER 25, 2013**

*The public may address comments and questions to Tracey F. Pino Murphy, Committee Aide, or make bill status and scheduling inquiries to Sophia Love, Secretary, at (609)847-3890, fax (609)777-2998, or e-mail: OJSAideAMV@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 Assembly Military and Veterans' Affairs Committee will meet on Monday, November 25, 2013 at 10:00 AM in Committee Room 13, 4th Floor, State House Annex, Trenton, New Jersey.**

The following bills will be considered:

|       |                                           |                                                                                                                                              |
|-------|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| MC    | A-2092<br>Wimberly/Prieto/Coughlin        | Grants credit against business taxes to developer of rental housing reserved for occupancy by veterans.                                      |
| AM/HH | A-4072<br>Sumter/Tucker                   | Establishes pilot program in DOE to recruit, select, and train veterans for school security positions in school districts.                   |
| HH    | ACR-196<br>Tucker/Gove/Lampitt            | Urges Congress to enact reforms addressing sexual harassment and assault in United States Armed Forces.                                      |
| HH    | ACR-204<br>Quijano<br>SCR-149<br>Ruiz/Pou | Urges United States Congress to bestow Congressional Gold Medal upon Puerto Rican 65th Infantry Regiment, also known as "The Borinqueneers." |

Issued 11/20/13

3

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OGNJ-LEG-031569

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Chair

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CHARLES A. BUONO, JR.  
PATRICK BRENNAN  
Office of Legislative Services  
Ch. Committee Aides  
(609) 847-3840  
(609) 292-0561 fax

**COMMITTEE NOTICE**

**TO:** MEMBERS OF THE ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND  
INDEPENDENT AUTHORITIES COMMITTEE

**FROM:** ASSEMBLYMAN JOHN S. WISNIEWSKI, CHAIRMAN

**SUBJECT:** COMMITTEE MEETING - NOVEMBER 25, 2013

*The public may address comments and questions to Charles A. Buono, Patrick Brennan, Committee Aides, or make bill status and scheduling inquiries to Kimberly Johnson, Secretary, at (609) 847-3840, fax (609) 292-0561, or e-mail: OLSAideATR@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 Assembly Transportation, Public Works and Independent Authorities Committee will meet on Monday, November 25, 2013 at 10:00 AM in Committee Room 11, 4th Floor, State House Annex, Trenton, New Jersey.

NN  
The committee will take testimony from invited guests and the public concerning the decision by the Port Authority of New York and New Jersey to close, without prior public notice, access lanes to the George Washington Bridge in Fort Lee, New Jersey from September 9, 2013 to September 13, 2013. The committee will also take testimony concerning the safety hazards and economic losses resulting from that closure.

The following bills will be considered:

NN  
A-205/51009  
DeAngelo/Ramos/Benson

Eliminates DOT approval of municipal traffic calming measures in business districts.

NN  
A-1389/5532  
Wilson/Ramos/Burzichelli

Provides for uniform basic structure of taxicab fares in certain municipalities.

NN  
A-2053  
DeAngelo

Provides that probationary license holder may transport siblings in addition to dependents and one additional passenger.

4  
(OVER)

OGNJ-LEG-031570

Assembly Transportation, Public Works And Independent Authorities Committee

Page 2

November 25, 2013

NN

A-2757/52898  
Quijano

Directs MVC to establish driver's license endorsement for autonomous vehicles.

NN

A-4355/52876  
Spencer

Requires PANYNJ to conduct noise and land use compatibility survey.

NN

A-4458  
Wisniewski/Amodeo/  
Prieto/Giblin

Requires use of headlights on motor vehicles when motor vehicle is operated in an area of highway construction or repair.

NN

A-4461  
Wisniewski

Prohibits operator of motor vehicle from engaging in distracted driving.

NN

AR-168  
Giblin

Supports extension of New York City IRT Flushing Line into New Jersey.

Issued 11/20/13

5

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OGNJ-LEG-031571



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DENNIE WIMBERLY  
CAROLINE CASAGRANDE  
BETTY QU DECROCE

MICHELE LEBLANC  
Office of Legislative Services  
Committee Aide  
(609) 847-1350  
(609) 943-5996 fax

*New Jersey State Legislature*  
**ASSEMBLY WOMEN AND CHILDREN COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

**COMMITTEE NOTICE**

TO: MEMBERS OF THE ASSEMBLY WOMEN AND CHILDREN COMMITTEE  
FROM: ASSEMBLYWOMAN PAMELA R. LAMPITT, CHAIR  
SUBJECT: COMMITTEE MEETING - NOVEMBER 25, 2013

*The public may address comments and questions to Michele Leblanc, Committee Aide, or make bill status and scheduling inquiries to Kathleen J. Liehlang, Secretary, at (609)847-3860, fax (609)943-5996, or e-mail: OLSAideAWC@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 Assembly Women and Children Committee will meet on Monday, November 25, 2013 at 10:00 AM in Committee Room 16, 4th Floor, State House Annex, Trenton, New Jersey.

The following bills will be considered:

|    |                                        |                                                                                                                                                    |
|----|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| RG | A-3702<br>Lampitt                      | Establishes public awareness campaign advising pregnant women, new parents, and women who are breast feeding about dangers of casual milk sharing. |
| RG | A-3703<br>Lampitt                      | Provides for licensure of human milk banks.                                                                                                        |
| HH | A-4339/52918<br>Riley/Mosquera/Lampitt | Establishes "Mom2Mom Peer Support Program" telephone helpline.                                                                                     |

Issued 11/20/13

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OGNJ-LEG-031572

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## New Jersey State Legislature

### ASSEMBLY EDUCATION COMMITTEE

STATE HOUSE ANNEX  
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TRENTON NJ 08625-0068

KATHLEEN FAZZARI  
ALLEN T. DUPREE  
*Office of Legislative Services*  
*Committee Aides*  
(609) 847-3850  
(609) 984-9808 (fax)

### COMMITTEE NOTICE

TO: MEMBERS OF THE ASSEMBLY EDUCATION COMMITTEE  
FROM: ASSEMBLYMAN PATRICK J. DIEGNAN, JR., CHAIRMAN  
SUBJECT: COMMITTEE MEETING - NOVEMBER 25, 2013

*The public may address comments and questions to Kathleen Fazzari, Allen T. Dupree, Committee Aides, or make bill status and scheduling inquiries to Larkin Cugnitti, Secretary, at (609)847-3850, fax (609)984-9808, or e-mail: OLSAideAED@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 Assembly Education Committee will meet on Monday, November 25, 2013 at 1:00 PM in Committee Room 11, 4th Floor, State House Annex, Trenton, New Jersey.

The following bills will be considered:

|                                                                        |                                                                                                                                             |
|------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| PM A-2527<br>Caputo/Giblin/Tucker<br>S-134 (2R)<br>Rice/Turner         | Establishes the Office of Dropout Prevention and Reengagement of Out-of-School Youth in DOE, and the Student Dropout Prevention Task Force. |
| PM A-2574<br>Vainieri<br>Huttle/Coutinho/Caride<br>S-64<br>Codey/Orobo | Establishes measures to deter steroid use among students.                                                                                   |
| PM A-3398<br>Vainieri<br>Huttle/Handlin/Schaer/<br>Wimberly/Wehber     | Allows nonpublic schools to participate in joint purchasing agreements entered into by two or more school districts.                        |

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(OVER)

OGNJ-LEG-031573

Assembly Education Committee

Page 2

November 25, 2013

HH

A-3424  
Greenwald  
S-2086 (1R)  
Whelan

Changes deadline for filing nominating petitions for school board candidates to match filing deadline for nominating petitions for other candidates seeking elective public office.

PM

A-4084  
Dancer/Albano

Authorizes the establishment of federal impact aid reserve account.

PM

A-4300  
Diegnan/Singleton

Extends the timeline for performing certain budget-related tasks in school districts that have moved the annual school election to November.

PM

A-4415  
Eustace/Jasey/Caride  
S-2367 (1R)  
Codey/Beach

"Sudden Cardiac Arrest Prevention Act"; provides student-athletes, parents, and coaches with information on sudden cardiac arrest and establishes protocol concerning removal-from-play for athletes exhibiting symptoms of sudden cardiac arrest.

Issued 11/20/13

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For reasonable accommodation of a disability call the telephone number or fax number above, or TTY for persons with hearing loss 609-777-2744 (toll free in NJ) 800-257-7490. The provision of assistive listening devices requires 24 hours' notice. Real time reporter or sign language interpretation requires 5 days' notice.

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OGNJ-LEG-031574



NELSON T. ALBANO  
Chair

GILBERT L. WILSON  
Vice-Chair

MARLENE GARIDE  
RONALD S. DANCER  
PARKER SPACE

LUCINDA TIAJOLOFF  
Office of Legislative Services  
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(609) 292-0561 fax

ADALINE H. KASER  
Office of Legislative Services  
Committee Aide  
(609) 847-3855  
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*New Jersey State Legislature*  
**ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

**COMMITTEE NOTICE**

**TO: MEMBERS OF THE ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE**

**FROM: ASSEMBLYMAN NELSON T. ALBANO, CHAIRMAN**

**SUBJECT: COMMITTEE MEETING - NOVEMBER 25, 2013**

*The public may address comments and questions to Lucinda Tiajolloff, Committee Aide, or make bill status and scheduling inquiries to Shirley Link, Secretary, at (609)847-3855, fax (609)292-0561, or e-mail: OLSAideAAN@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 Assembly Agriculture and Natural Resources Committee will meet on Monday, November 25, 2013 at 2:00 PM in Committee Room 14, 4th Floor, State House Annex, Trenton, New Jersey.**

The following bills will be considered:

|                                    |                                                                                                                                       |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| GA A-2415<br>Wagner/Gusciora       | Establishes an industrial hemp license.                                                                                               |
| GA A-2694<br>Gusciora              | Clarifies failure to provide minimum care to an animal constitutes animal cruelty.                                                    |
| GA A-4218/52878<br>Greenwald/Russo | Replaces NJ Wine Industry Advisory Council with NJ Wine Board and establishes new duties and authorizes revenue-producing activities. |

Issued 11/20/13

9

For reasonable accommodation of a disability call the telephone number or fax number above, or TTY for persons with hearing loss 609-777-2744 (toll free in NJ) 800-257-7490. The provision of assistive listening devices requires 24 hours' notice. Real time reporter or sign language interpretation requires 5 days' notice.

For changes in schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840.

OGNJ-LEG-031575



L. GRACE SPENCER  
Chairwoman

KRIST GUSCORA  
Vice-Chairman

PETER J. BARNES, III  
PAUL J. CONTILLO  
RUBEN J. RAMOS, JR.  
SCOTT RUDDER  
RODOLFO SIEPISI

CARRIE ANNE CALVO-HAHN  
Office of Legislative Services  
Committee Aide  
(609) 847-3853  
(609) 292-0561 fax

*New Jersey State Legislature*  
**ASSEMBLY ENVIRONMENT AND SOLID WASTE COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

**COMMITTEE NOTICE**

**TO: MEMBERS OF THE ASSEMBLY ENVIRONMENT AND SOLID WASTE COMMITTEE**

**FROM: ASSEMBLYWOMAN L. GRACE SPENCER, CHAIRWOMAN**

**SUBJECT: COMMITTEE MEETING - NOVEMBER 25, 2013**

*The public may address comments and questions to Carrie Anne Calvo-Hahn, Committee Aide, or make bill status and scheduling inquiries to Valarie Jackson, Secretary, at (609)847-3855, fax (609)292-0561, or e-mail: OLSAideAEN@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 Assembly Environment and Solid Waste Committee will meet on Monday, November 25, 2013 at 2:00 PM in Committee Room 9, 3rd Floor, State House Annex, Trenton, New Jersey.**

The following bills will be considered:

|                                   |                                                                                                                                                |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| GA A-1205/5462<br>Stender/McKeon  | Requires boil water notices to be provided by certain public water systems via telephone, email or text message.                               |
| GA A-3500/52575<br>Spencer        | Requires DEP to update Shore Protection Master Plan.                                                                                           |
| GA A-3891/52601<br>Spencer        | Permits fifth and sixth class counties to assume control and responsibility for operation and maintenance of beaches bordering Atlantic Ocean. |
| GA A-3893/52602<br>Spencer/Rudder | Repeals law providing CAFRA permit exemption for certain grading or excavation of a dune.                                                      |
| GA A-4288/52809<br>Caride         | Expands NJ Meadowlands Commission responsibilities to include flood control activities.                                                        |

10

(OVER)

OGNJ-LEG-031576

Assembly Environment And Solid Waste Committee  
Page 2  
November 25, 2013

GA

A-4316  
Caride

Establishes Meadowlands Flood Advisory Task Force.

Issued 11/20/13

For reasonable accommodation of a disability call the telephone number or fax number above, or TTY for persons with hearing loss 609-777-2744 (toll free in NJ) 800-257-7490. The provision of assistive listening devices requires 24 hours' notice. Real time reporter or sign language interpretation requires 5 days' notice.

For changes in schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840.

OGNJ-LEG-031577

VALERIE VAINIERI HUTTLE  
Chair

OLEOPATRA C. TUCKER  
Vice-Chair

JOSEPH CRYAN  
ANGELA MONTES  
MARY PAT ANGELINI



IRENE M. MCCARTHY  
Office of Legislative Services  
Committee Aide  
(609) 847-5860  
(609) 943-5996 fax

*New Jersey State Legislature*  
ASSEMBLY HUMAN SERVICES COMMITTEE  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

COMMITTEE NOTICE

TO: MEMBERS OF THE ASSEMBLY HUMAN SERVICES COMMITTEE  
FROM: ASSEMBLYWOMAN VALERIE VAINIERI HUTTLE, CHAIR  
SUBJECT: COMMITTEE MEETING - NOVEMBER 25, 2013

*The public may address comments and questions to Irene M. McCarthy, Committee Aide, or make bill status and scheduling inquiries to Deborah C. Del Vecchio, Secretary, at (609)847-3860, fax (609)943-5996, or e-mail: OLSAideAHU@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.*

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The Assembly Human Services Committee will NOT meet on Monday, November 25, 2013.

Issued 11/20/13

12  
For reasonable accommodation of a disability call the telephone number or fax number above, or TTY for persons with hearing loss 609-777-2744 (toll free in NJ) 800-257-7490. The provision of assistive listening devices requires 24 hours' notice. Real time reporter or sign language interpretation requires 5 days' notice.

For changes in schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840.

OGNJ-LEG-031578



ANNETTE QUIJANO  
Chairwoman

UTENDRA J. CHIVUKULA  
Vice-Chair

JASON O'DONNELL  
DIANNE C. GOVE  
DAVID C. RUSSO

THOMAS M. KELLY  
KRISTIN BRUNNER SANTOS  
Office of Legislative Services  
Committee Aides  
(609) 847-3870  
(609) 777-2715 fax

*New Jersey State Legislature*  
**ASSEMBLY HOMELAND SECURITY AND STATE  
PREPAREDNESS COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

**COMMITTEE NOTICE**

**TO: MEMBERS OF THE ASSEMBLY HOMELAND SECURITY AND STATE  
PREPAREDNESS COMMITTEE**

**FROM: ASSEMBLYWOMAN ANNETTE QUIJANO, CHAIRWOMAN**

**SUBJECT: COMMITTEE MEETING - NOVEMBER 25, 2013**

*The public may address comments and questions to Thomas M. Kelly or Kristin Brunner Santos, Committee Aides, or make bill status and scheduling inquiries to Daria H. Deakins, Secretary, at (609)847-3870, fax (609)777-2715, or e-mail: OLSAideAHS@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 Assembly Homeland Security and State Preparedness Committee will NOT meet on Monday, November 25, 2013.**

Issued 11/20/13

13  
For reasonable accommodation of a disability call the telephone number or fax number above, or TTY for persons with hearing loss 609-777-2744 (toll free in NJ) 800-257-7490. The provision of assistive listening devices requires 24 hours' notice. Real time reporter or sign language interpretation requires 5 days' notice.

For changes in schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840.

OGNJ-LEG-031579



JOSEPH V. EGAN  
Chairman

Vice Chair

NELSON T. ALBANO  
CRAIG J. COUGHLIN  
WAYNE P. D'ANGILO  
JASON O'DONNELL  
SHAVONDA E. SUMNER  
RONALD S. PANCYER  
PARKER SPACE  
JAY WEBBER

ROBERT A. MELCHER  
Office of Legislative Services  
Committee Aide  
(609) 847-3315  
(609) 777-2928 fax

## New Jersey State Legislature

ASSEMBLY LABOR COMMITTEE  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

### COMMITTEE NOTICE

TO: MEMBERS OF THE ASSEMBLY LABOR COMMITTEE  
FROM: ASSEMBLYMAN JOSEPH V. EGAN, CHAIRMAN  
SUBJECT: COMMITTEE MEETING - NOVEMBER 25, 2013

*The public may address comments and questions to Robert A. Melcher, Committee Aide, or make bill status and scheduling inquiries to Alfonsina Mavros, Secretary, at (609)847-3845, fax (609)777-2998, or e-mail: OLSAideALA@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 Assembly Labor Committee will NOT meet on Monday, November 25, 2013.**

Issued 11/20/13

14  
For reasonable accommodation of a disability call the telephone number or fax number above, or TTY for persons with hearing loss 609-777-2744 (toll free in NJ) 800-257-7490. The provision of assistive listening devices requires 24 hours' notice. Real time reporter or sign language interpretation requires 5 days' notice.

For changes in schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840.

OGNJ-LEG-031580



LINDA STENDER  
Chairwoman

HERB CONAWAY, JR.  
Vice-Chairman

JOHN F. McKEON  
MICHAEL PATRICK CARROLL  
DONNA M. SIMON

PAMELA H. ESPENSHADE  
PHILIP M. MERSINGER  
Office of Legislative Services  
Committee Aides  
(609) 847-3890  
(609) 777-2998 fax

*New Jersey State Legislature*  
**ASSEMBLY STATE GOVERNMENT COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

**COMMITTEE NOTICE**

**TO: MEMBERS OF THE ASSEMBLY STATE GOVERNMENT COMMITTEE**  
**FROM: ASSEMBLYWOMAN LINDA STENDER, CHAIRWOMAN**  
**SUBJECT: COMMITTEE MEETING - NOVEMBER 25, 2013**

*The public may address comments and questions to Pamela H. Espenshade, Philip M. Mersinger, Committee Aides, or make bill status and scheduling inquiries to Audrey M. Bailey, Secretary, at (609)847-3890, fax (609)777-2998, or e-mail: OLSAideASG@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 Assembly State Government Committee will NOT meet on Monday, November 25, 2013.**

Issued 11/20/13

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For reasonable accommodation of a disability call the telephone number or fax number above, or TTY for persons with hearing loss 609-777-2744 (toll free in NJ) 800-257-7490. The provision of assistive listening devices requires 24 hours' notice. Real time reporter or sign language interpretation requires 5 days' notice.

For changes in schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840.

OGNJ-LEG-031581

# Tab 19

Phone Records Associated with David Samson

| Date     | Time     | Associated Person's Number           | Origination   | Destination   | Minutes |
|----------|----------|--------------------------------------|---------------|---------------|---------|
| 11/26/13 | 10:35 AM | William Baroni (Port Authority)      | Aiken SC      | New York NY   | 1       |
| 11/26/13 | 10:36 AM | William Baroni (Port Authority)      | Aiken SC      | New York NY   | 7       |
| 11/27/13 | 10:04 AM | Kevin O'Dowd (cell)                  | Aiken SC      | Morristown NJ | 3       |
| 12/02/13 | 5:51 PM  | William Baroni (Cell)                | Kearny NJ     | Incoming CL   | 13      |
| 12/02/13 | 7:12 PM  | William Baroni (Cell)                | New York NY   | Trenton NJ    | 5       |
| 12/02/13 | 7:59 PM  | Kevin O'Dowd (cell)                  | New York NY   | Morristown NJ | 3       |
| 12/03/13 | 8:57 AM  | William Baroni (Cell)                | West Orang NJ | Trenton NJ    | 1       |
| 12/03/13 | 12:46 PM | Philippe Danielides (Port Authority) | New York NY   | New York NY   | 2       |
| 12/04/13 | 7:33 AM  | David Wildstein (Cell)               | Jersey Cit NJ | Morristown NJ | 1       |
| 12/04/13 | 7:47 AM  | Philippe Danielides (Port Authority) | New York NY   | New York NY   | 3       |
| 12/04/13 | 6:56 PM  | Kevin O'Dowd (cell)                  | Lawrencevi NJ | Morristown NJ | 1       |
| 12/04/13 | 6:56 PM  | Kevin O'Dowd (cell)                  | Lawrence NJ   | Morristown NJ | 1       |
| 12/04/13 | 6:56 PM  | William Baroni (Cell)                | Lawrence NJ   | Trenton NJ    | 1       |
| 12/04/13 | 6:59 PM  | David Wildstein (Cell)               | Lawrence NJ   | Morristown NJ | 1       |
| 12/04/13 | 9:53 PM  | William Baroni (Cell)                | Lawrence NJ   | Trenton NJ    | 6       |
| 12/05/13 | 7:58 AM  | Philippe Danielides (Personal Cell)  | Elizabeth NJ  | New York NY   | 1       |
| 12/05/13 | 8:07 AM  | Philippe Danielides (Personal Cell)  | Elizabeth NJ  | Incoming CL   | 1       |
| 12/05/13 | 1:35 PM  | William Baroni (Cell)                | Roseland NJ   | Trenton NJ    | 1       |
| 12/05/13 | 4:00 PM  | Kevin O'Dowd (business)              | Union City NJ | Trenton NJ    | 8       |
| 12/05/13 | 9:31 PM  | Charles McKenna (cell)               | New York NY   | Incoming CL   | 12      |
| 12/06/13 | 10:25 AM | Kevin O'Dowd (business)              | New York NY   | Trenton NJ    | 6       |
| 12/06/13 | 10:32 AM | Charles McKenna (cell)               | New York NY   | Incoming CL   | 6       |
| 12/06/13 | 12:48 PM | William Baroni (Cell)                | New York NY   | Trenton NJ    | 2       |
| 12/06/13 | 12:52 PM | William Baroni (Cell)                | New York NY   | Incoming CL   | 1       |
| 12/06/13 | 5:25 PM  | Charles McKenna (cell)               | Fort Lee NJ   | Incoming CL   | 3       |
| 12/09/13 | 10:00 AM | William Baroni (Cell)                | New Milfor CT | Trenton NJ    | 3       |
| 12/09/13 | 10:11 AM | William Baroni (Cell)                | New Milfor CT | Trenton NJ    | 2       |
| 12/09/13 | 10:15 AM | William Baroni (Cell)                | New Milfor CT | Trenton NJ    | 1       |
| 12/09/13 | 12:58 PM | Philippe Danielides (Port Authority) | New Milfor CT | New York NY   | 1       |
| 12/09/13 | 1:08 PM  | Philippe Danielides (Port Authority) | New Milfor CT | New York NY   | 2       |
| 12/09/13 | 1:25 PM  | Philippe Danielides (Port Authority) | Washington CT | New York NY   | 1       |
| 12/10/13 | 8:40 PM  | Kevin O'Dowd (cell)                  | Kenilworth NJ | Morristown NJ | 2       |
| 12/10/13 | 8:49 PM  | Kevin O'Dowd (cell)                  | Kenilworth NJ | Incoming CL   | 1       |
| 12/10/13 | 8:49 PM  | Kevin O'Dowd (cell)                  | Union NJ      | Incoming CL   | 8       |
| 12/11/13 | 3:54 PM  | Maria Comella (business)             | Akron OH      | Trenton NJ    | 2       |
| 12/11/13 | 3:56 PM  | Charles McKenna (cell)               | Fort Lee NJ   | Trenton NJ    | 4       |
| 12/11/13 | 10:09 PM | William Baroni (Cell)                | Caldwell NJ   | Trenton NJ    | 4       |
| 12/12/13 | 9:37 AM  | Kevin O'Dowd (cell)                  | Valley Cot NY | Morristown NJ | 1       |
| 12/12/13 | 10:33 AM | Kevin O'Dowd (cell)                  | New Milfor CT | Incoming CL   | 11      |
| 12/12/13 | 12:05 PM | Charles McKenna (cell)               | New Milfor CT | Incoming CL   | 17      |
| 12/12/13 | 4:36 PM  | Kevin O'Dowd (cell)                  | New Milfor CT | Incoming CL   | 10      |
| 12/12/13 | 5:36 PM  | Kevin O'Dowd (cell)                  | New Milfor CT | Incoming CL   | 5       |
| 12/12/13 | 7:32 PM  | Charles McKenna (cell)               | New Milfor CT | Morristown NJ | 2       |
| 12/12/13 | 7:34 PM  | William Baroni (Cell)                | New Milfor CT | Trenton NJ    | 1       |
| 12/12/13 | 7:36 PM  | William Baroni (Cell)                | New Milfor CT | Incoming CL   | 10      |
| 12/12/13 | 9:21 PM  | Charles McKenna (cell)               | New Milfor CT | Morristown NJ | 2       |
| 12/13/13 | 8:53 AM  | Charles McKenna (cell)               | New Milfor CT | Morristown NJ | 5       |
| 12/13/13 | 9:53 AM  | Maria Comella (business)             | New Milfor CT | Trenton NJ    | 4       |
| 12/13/13 | 9:58 AM  | Charles McKenna (cell)               | Roxbury CT    | Incoming CL   | 2       |
| 12/13/13 | 11:07 AM | Philippe Danielides (Port Authority) | New Milfor CT | New York NY   | 68      |
| 12/13/13 | 2:49 PM  | William Baroni (Cell)                | Roxbury CT    | Trenton NJ    | 8       |
| 12/13/13 | 4:45 PM  | Kevin O'Dowd (cell)                  | New Milfor CT | Incoming CL   | 2       |
| 12/14/13 | 12:11 PM | Charles McKenna (cell)               | New Milfor CT | Morristown NJ | 4       |

Phone Records Associated with David Samson

| Date     | Time     | Associated Person's Number           | Origination   | Destination   | Minutes |
|----------|----------|--------------------------------------|---------------|---------------|---------|
| 12/14/13 | 12:39 PM | Philippe Danielides (Personal Cell)  | New Milfor CT | New York NY   | 2       |
| 12/14/13 | 12:53 PM | Philippe Danielides (Personal Cell)  | New Milfor CT | New York NY   | 6       |
| 12/15/13 | 8:44 AM  | Charles McKenna (cell)               | New Milfor CT | Morristown NJ | 1       |
| 12/15/13 | 8:45 AM  | Kevin O'Dowd (cell)                  | New Milfor CT | Morristown NJ | 2       |
| 12/15/13 | 2:13 PM  | Charles McKenna (cell)               | New Milfor CT | Morristown NJ | 2       |
| 12/15/13 | 4:24 PM  | Kevin O'Dowd (cell)                  | New Milfor CT | Morristown NJ | 2       |
| 12/15/13 | 4:26 PM  | Charles McKenna (cell)               | New Milfor CT | Morristown NJ | 10      |
| 12/16/13 | 9:50 AM  | William Baroni (Cell)                | New Milfor CT | Incoming CL   | 8       |
| 12/16/13 | 10:57 AM | Philippe Danielides (Port Authority) | Paramus NJ    | New York NY   | 4       |
| 12/16/13 | 11:01 AM | Philippe Danielides (Port Authority) | Rochelle P NJ | New York NY   | 1       |
| 12/18/13 | 1:31 PM  | Philippe Danielides (Port Authority) | Kearny NJ     | New York NY   | 2       |
| 12/18/13 | 1:36 PM  | Philippe Danielides (Personal Cell)  | Jersey Cit NJ | New York NY   | 1       |
| 12/18/13 | 1:37 PM  | Philippe Danielides (Personal Cell)  | Jersey Cit NJ | Incoming CL   | 4       |
| 12/20/13 | 2:43 PM  | Philippe Danielides (Port Authority) | New Milfor CT | New York NY   | 1       |
| 12/23/13 | 11:43 AM | Philippe Danielides (Port Authority) | New Milfor CT | New York NY   | 11      |
| 12/26/13 | 2:17 PM  | William Baroni (Cell)                | Aiken SC      | Trenton NJ    | 2       |
| 12/28/13 | 10:11 AM | William Baroni (Cell)                | Aiken SC      | Trenton NJ    | 16      |
| 01/02/14 | 11:04 AM | Regina Egea (business)               | Aiken SC      | Trenton NJ    | 1       |
| 01/02/14 | 1:45 PM  | Regina Egea (business)               | Aiken SC      | Trenton NJ    | 5       |
| 01/02/14 | 3:03 PM  | Kevin O'Dowd (business)              | Aiken SC      | Trenton NJ    | 13      |
| 01/07/14 | 9:24 PM  | Kevin O'Dowd (cell)                  | Newark NJ     | Morristown NJ | 2       |
| 01/08/14 | 2:49 PM  | Kevin O'Dowd (cell)                  | Hamilton NJ   | Morristown NJ | 1       |
| 01/09/14 | 9:35 AM  | Kevin O'Dowd (cell)                  | West Orang NJ | Morristown NJ | 5       |
| 01/09/14 | 9:58 AM  | Kevin O'Dowd (cell)                  | Jersey Cit NJ | Incoming CL   | 2       |
| 01/09/14 | 1:40 PM  | Kevin O'Dowd (cell)                  | New York NY   | Morristown NJ | 1       |
| 01/10/14 | 9:13 AM  | Kevin O'Dowd (cell)                  | Aiken SC      | Morristown NJ | 3       |
| 01/10/14 | 9:17 AM  | Kevin O'Dowd (cell)                  | Aiken SC      | Morristown NJ | 10      |
| 01/10/14 | 3:13 PM  | Maria Comella (business)             | Aiken SC      | Trenton NJ    | 1       |
| 01/10/14 | 3:41 PM  | Kevin O'Dowd (business)              | Aiken SC      | Trenton NJ    | 11      |
| 01/10/14 | 3:52 PM  | Kevin O'Dowd (business)              | Aiken SC      | Trenton NJ    | 5       |

# Tab 20

**From:** Maria Comella  
**Sent:** Monday, December 02, 2013 11:31 AM  
**To:** Kevin O'Dowd  
**Subject:** anything to add? this is the hit list for the presser today

**Redacted**

Hearing on GW bridge closure/Foye subpoena

**Redacted**

# Tab 21

**From:** Luann Belardino  
**Sent:** Thursday, December 05, 2013 12:55 PM  
**To:** GOV Counsel Office; Kevin O'Dowd; Marcia McEntyre  
**Subject:** Assembly Transportation, Public Works and Independent Authorities Committee Agenda for Monday, December 9, 2013  
**Attachments:** SKMBT\_50113120514080.pdf

**Attached please find the Assembly Transportation, Public Works and Independent Authorities Committee Agenda for Monday, December 9, 2013**

Only Testimony

Assigned to Ned Nurick

Luann Belardino, Executive Assistant  
Office of Counsel to the Governor  
Dominick DiRocco, Senior Counsel  
Robert Garrenger, Budget Counsel  
Ryan Goodwin, Assistant Counsel  
Colin Newman, Senior Counsel  
609-777-2480/ Fax 609-984-6886  
[luann.belardino@gov.state.nj.us](mailto:luann.belardino@gov.state.nj.us)

JOHN S. WISNIEWSKI  
Chair

LINDA D. STENDER  
Vice-Chair

MARLENE CARUPE  
UPENDRA J. CHIVUKULA  
THOMAS P. GIBLIN  
CHARLES S. MAINOR  
RUDEN J. RAMOS, JR.  
CELESTE M. RILEY  
JOHN P. AMODORO  
SCOTT RUDDER  
BRIAN P. RUMPF  
DAVID W. WOLFE



*New Jersey State Legislature*  
**ASSEMBLY TRANSPORTATION, PUBLIC WORKS  
AND INDEPENDENT AUTHORITIES COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

CHARLES A. BUONO, JR.  
PATRICK BRENNAN  
Office of Legislative Services  
Co-Committee Aides  
(609) 847-3840  
(609) 292-0561 fax

**COMMITTEE NOTICE**

**TO:** MEMBERS OF THE ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND  
INDEPENDENT AUTHORITIES COMMITTEE

**FROM:** ASSEMBLYMAN JOHN S. WISNIEWSKI, CHAIRMAN

**SUBJECT:** COMMITTEE MEETING - DECEMBER 9, 2013

*The public may address comments and questions to Charles A. Buono, Patrick Brennan, Committee Aides, or make bill status and scheduling inquiries to Kimberly Johnson, Secretary, at (609)847-3840, fax (609)292-0561, or e-mail: OLSaideATR@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 Assembly Transportation, Public Works and Independent Authorities Committee will meet on Monday, December 9, 2013 at 10:00 AM in Committee Room 11, 4th Floor, State House Annex, Trenton, New Jersey.**

**The committee will take testimony from Patrick Foye, Executive Director of the Port Authority of New York and New Jersey and other individuals concerning the decision by the Port Authority of New York and New Jersey to reduce, without prior public notice, the number of access lanes to the George Washington Bridge in Fort Lee, New Jersey from September 9, 2013 through September 13, 2013.**

Issued 12/4/13

For reasonable accommodation of a disability call the telephone number or fax number above, or TTY for persons with hearing loss 609-777-2744 (toll free in NJ) 800-257-7490. The provision of assistive listening devices requires 24 hours' notice. Real time reporter or sign language interpretation requires 5 days' notice.

For changes in schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840.

OGNJ-LEG-031391

## **Tab 22**

**Participants**

[REDACTED], [REDACTED] Bridget Kelley Cell

**Source**

iMessage: [REDACTED]

**From**

[REDACTED] Bridget Kelley Cell

**To**

[REDACTED]

**Body**

Barb said you stopped by. Sorry. My daughter had some minor surgery today. I'm reachable by cell.

**Timestamp: Time**

2013-12-12 21:02:56

**Attachment #1**

## **Tab 23**

---

**Subject:** 4:30 - Meeting w/Charlie McKenna/Kevin O'Dowd  
**Location:** 2 Gateway, 8th Floor, Newark  
**Start:** Thu 12/12/2013 4:30 PM  
**End:** Thu 12/12/2013 5:30 PM  
**Recurrence:** (none)

## **Tab 24**

**Participants** [redacted] [redacted] Bridget Kelley Cell  
**Source** iMessage: [redacted]  
**From** [redacted] Bridget Kelley Cell  
**To** [redacted]  
**Body** Let me know what you want me to do.

**Timestamp: Time** 2013-12-13 16:38:24  
**Attachment #1**

## **Tab 25**

**Participants** [REDACTED], [REDACTED] Bridget Kelley Cell  
**Source** iMessage: [REDACTED]  
**From** [REDACTED] Bridget Kelley Cell  
**To** [REDACTED]  
**Body** Stopped to see you. Let me know when you have 5 minutes

**Timestamp: Time** 2013-12-13 18:59:12  
**Attachment #1**

# **Tab 26**

**Participants**

[REDACTED], [REDACTED] Bridget Kelley Cell

**Source**

iMessage: [REDACTED]

**From**

[REDACTED] Bridget Kelley Cell

**To**

[REDACTED]

**Body**

Also needed to tell you that I have to leave early today (3pm)to relieve my mom from taking care of my oldest who still isn't feeling great. I'm sorry. Crappy day for it, but have to be there

**Timestamp: Time**

2013-12-13 19:48:16

**Attachment #1**

OGNJ-LEG-050705

## **Tab 27**

|                      |                                    |
|----------------------|------------------------------------|
| <b>Party</b>         |                                    |
| <b>Participants</b>  |                                    |
| <b>To</b>            |                                    |
| <b>From</b>          |                                    |
| <b>Date Time EST</b> | 2013-12-13 15:02:42                |
| <b>Date Time UTC</b> | 2013-12-13 20:02:42                |
| <b>Path</b>          | Deleted iMessages                  |
| <b>Status</b>        |                                    |
| <b>Message</b>       | No problem. Hope she feels better. |
| <b>Deleted</b>       | Deleted                            |

# Tab 28

---

**From:** Barbara Panebianco  
**Sent:** Friday, December 13, 2013 3:08 PM  
**To:** Kevin O'Dowd  
**Subject:** Bridget wanted to be sure you saw her text

She had to leave for her daughter. I can explain further.

## **Tab 29**

---

**From:** Paul Matey  
**Sent:** Tuesday, December 31, 2013 10:18 AM  
**To:** Kevin O'Dowd; Charles McKenna; Regina Egea; 'Chris Porrino'  
**Subject:** FW: Port Authority of New York and New Jersey Subpoena  
**Attachments:** Wildstein Subpoena.pdf

I assume you have seen -

-----Original Message-----

**From:** Beebe, Glen [<mailto:GBeebe@njleg.org>]  
**Sent:** Tuesday, December 31, 2013 8:58 AM  
**To:** Amy Melick  
**Subject:** FW: Port Authority of New York and New Jersey Subpoena

-----Original Message-----

**From:** Buono, Charles A.  
**Sent:** Tuesday, December 31, 2013 8:51 AM  
**To:** Wisniewski, Asm. D.O.; Stender, Asw. D.O.; Caride, Asw. D.O.; Chivukula, Asm. D.O.; Giblin, Asm. D.O.; Mainor, Asm. D.O.; Ramos, Asm. D.O.; Riley, Asw. D.O.; Amodeo, Asm. D.O.; Rudder, Asm. D.O.; Rumpf, Asm. D.O.; Wolfe, Asm. D.O.  
**Cc:** Dempsey, Jillian; Beebe, Glen; McMahon, Maureen; Buono, Charles A.  
**Subject:** Port Authority of New York and New Jersey Subpoena

Members of the Assembly Transportation, Public Works and Independent Authorities Committee:

Attached please find a Subpoena ad Testificandum and Duces Tecum packet for David Wildstein.

Thank you.

Charles A. Buono, Jr.

Senior Counsel

Office of Legislative Services

State House Annex

P.O. Box 068

Trenton, NJ 08625

[p]: (609) 847-3840

[f]: (609) 292-0561





JOHN S. WISNIEWSKI  
Chairman

LINDA D. STENDER  
Vice-Chair

MARLENE CARIBE  
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SCOTT RUDER  
BRIAN E. RUOFF  
DAVID W. WOLFE

*New Jersey State Legislature*  
**ASSEMBLY TRANSPORTATION, PUBLIC WORKS  
AND INDEPENDENT AUTHORITIES COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

CHARLES A. BUONO, JR.  
PATRICK BRENNAN  
Office of Legislative Services  
Co-Chairman of the  
(609) 847-3840  
(609) 292-8561 FAX

December 30, 2013

Mr. David Wildstein  
9 Rochon Court  
Montville, New Jersey 07045

Dear Mr. Wildstein:

Please find attached hereto a subpoena concerning your appearance, testimony, and production of relevant records at a meeting of the Assembly Transportation, Public Works and Independent Authorities Committee. The meeting will be held on January 9, 2014, at 12:00 p.m., in Committee Room 11, 4th floor, State House Annex, Trenton, New Jersey. This meeting will be recorded by the Hearing Reporter Unit of the Office of Legislative Services. We also enclose herewith a copy of the Code of Fair Procedure.

Please be advised that if you fail to comply completely with the attached subpoena, you may be held in contempt and subject to penalties, including incarceration as set forth in Chapter 13 of Title 52 of the Revised Statutes.

We look forward to your anticipated cooperation in this matter. If you have questions in this matter, please contact Charles A. Buono, Jr. at 609-847-3840.

Very truly yours,

ASSEMBLY TRANSPORTATION, PUBLIC WORKS  
AND INDEPENDENT AUTHORITIES COMMITTEE

John S. Wisniewski,  
Chairman

JW/mc

Enclosures

c Members - Assembly Transportation, Public Works and Independent Authorities  
Committee

Jillian Dempsey, Assembly Majority Office  
Glen Beebe, Assembly Republican Office  
Charles A. Buono, Jr., Office of Legislative Services

OGNJ-LEG-013767

**ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT  
AUTHORITIES COMMITTEE  
S U B P O E N A**

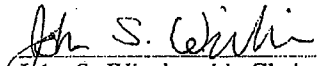
**TO:** David Wildstein  
9 Rochon Court  
Montville, New Jersey 07045

WE COMMAND YOU, That, laying aside all and singular business and excuses, you personally attend and appear before the Assembly Transportation, Public Works and Independent Authorities Committee, constituted as a special committee of the General Assembly pursuant to Assembly Resolution (duly passed by the General Assembly of the State of New Jersey on February 14, 2013), on January 9, 2014 at 12 o'clock p.m., in Committee Room 11, 4th floor, State House Annex, Trenton, New Jersey, to testify to certain matters relevant to the committee's inquiry and investigation into the Port Authority of New York and New Jersey and any other matters related thereto that the committee determines to be necessary for its purposes, and to produce to the committee at that time all documents, correspondence, books, papers and other writings that you have access to relevant to the committee's inquiry and investigation as more particularly set forth on the attached Schedule A.

Your appearance is governed by the Code of Fair Procedure and Chapter 13 of Title 52 of the Revised Statutes. A copy of the Code of Fair Procedure is delivered to you herewith. You shall appear and remain in attendance subject to the direction of the committee.

Failure to comply with this Subpoena shall make you liable for such penalties as are provided by law.

WITNESS, the hand of The Honorable John S. Wisniewski, Chairman of the Assembly Transportation, Public Works and Independent Authorities Committee, on this 30th day of December, 2013.

  
\_\_\_\_\_  
John S. Wisniewski, Chairman  
Assembly Transportation, Public Works  
and Independent Authorities Committee

OGNJ-LEG-013768

## SCHEDULE A

(to Subpoena dated December 30, 2013, issued by  
the Assembly Transportation, Public Works and Independent Authorities Committee.)

For the purposes of this schedule, "employee, officer, or executive" of the Port Authority of New York and New Jersey ("Port Authority") shall include, but not be limited to: the Executive Director, Patrick Foye; Deputy Executive Director, Bill Baroni; Chairman of the Board of Commissioners, David Samson; Director of Interstate Capital Projects, David Wildstein; Director of Bridges, Tunnels, and Terminals, Cedrick Fulton; General Manager of the George Washington Bridge, Robert Durando; President of the Port Authority Police Benevolent Association, Paul Nunziato; and Darcy Licorish of the Port Authority Police Department; any current or former member of the Board of Commissioners; any employee or other staff of the Port Authority of New York and New Jersey; or any individual acting on behalf of the Port Authority of New York and New Jersey.

The terms "document," "documents," and "correspondence" include hard copy documents and correspondence as well as electronic mail transmissions, text messages, telephone records, including a log of telephone calls placed or received, and electronically stored data, documents, correspondence, and other pertinent data compiled or collected. Attachments, exhibits, and enclosures are included as well.

Please deliver the following:

1. A log listing each redacted document provided by David Wildstein to the Assembly Transportation, Public Works and Independent Authorities committee on December 23, 2013, including a specific description of the redacted information; and the reason that the information was redacted sufficient to apprise the committee of its potential relevance to the committee's investigation; and
2. A log of any documents or correspondence withheld from production on the basis of any claimed privilege or protection and a specific, non-conclusionary description of the claimed privilege or protection for each withheld document sufficient to apprise the Committee of its potential relevance to the committee's investigation.

## **Code of Fair Procedure**

### **52:13E-1. Definitions**

As used in this act:

(a) "Agency" means any of the following while engaged in an investigation or inquiry: (1) the Governor or any person or persons appointed by him acting pursuant to P.L.1941, c. 16, s. 1 (C. 52:15-7), (2) any temporary State commission or duly authorized committee thereof having the power to require testimony or the production of evidence by subpoena, or (3) any legislative committee or commission having the powers set forth in Revised Statutes 52:13-1.

(b) "Hearing" means any hearing in the course of an investigatory proceeding (other than a preliminary conference or interview at which no testimony is taken under oath) conducted before an agency at which testimony or the production of other evidence may be compelled by subpoena or other compulsory process.

(c) "Public hearing" means any hearing open to the public, or any hearing, or such part thereof, as to which testimony or other evidence is made available or disseminated to the public by the agency.

(d) "Private hearing" means any hearing other than a public hearing.

L.1968, c. 376, s. 1, eff. Dec. 27, 1968.

### **52:13E-2. Personal service**

No person may be required to appear at a hearing or to testify at a hearing unless there has been personally served upon him prior to the time when he is required to appear, a copy of this act, and a general statement of the subject of the investigation. A copy of the resolution, statute, order or other provision of law authorizing the investigation shall be furnished by the agency upon request therefor by the person summoned.

L.1968, c. 376, s. 2, eff. Dec. 27, 1968.

### **52:13E-3. Right to counsel; submission of proposed questions**

A witness summoned to a hearing shall have the right to be accompanied by counsel, who shall be permitted to advise the witness of his rights, subject to reasonable limitations to prevent obstruction of or interference with the orderly conduct of the hearing. Counsel for any witness who testifies at a public hearing may submit proposed questions to be asked of the witness relevant to the matters upon which the witness has been questioned and the agency shall ask the witness such of the questions as it may deem appropriate to its inquiry.

L.1968, c. 376, s. 3, eff. Dec. 27, 1968.

### **52:13E-4. Records of public hearings; copies**

A complete and accurate record shall be kept of each public hearing and a witness shall be entitled to receive a copy of his testimony at such hearing at his own expense. Where testimony which a witness has given at a private hearing becomes relevant in a criminal proceeding in which the witness is a defendant, or in any subsequent hearing in which the witness is summoned to testify, the witness shall be entitled to a copy of such

testimony, at his own expense, provided the same is available, and provided further that the furnishing of such copy will not prejudice the public safety or security.

L.1968, c. 376, s. 4, eff. Dec. 27, 1968.

**52:13E-5. Sworn statement by witness; incorporation in the record**

A witness who testifies at any hearing shall have the right at the conclusion of his examination to file a brief sworn statement relevant to his testimony for incorporation in the record of the investigatory proceeding.

L.1968, c. 376, s. 5, eff. Dec. 27, 1968.

**52:13E-6. Persons affected by proceedings; appearance or statement of facts**

Any person whose name is mentioned or who is specifically identified and who believes that testimony or other evidence given at a public hearing or comment made by any member of the agency or its counsel at such a hearing tends to defame him or otherwise adversely affect his reputation shall have the right, either to appear personally before the agency and testify in his own behalf as to matters relevant to the testimony or other evidence complained of, or in the alternative at the option of the agency, to file a statement of facts under oath relating solely to matters relevant to the testimony or other evidence complained of, which statement shall be incorporated in the record of the investigatory proceeding.

L.1968, c. 375, s. 6, eff. Dec. 27, 1968.

**52:13E-7. Rights or privileges granted by agencies**

Nothing in this act shall be construed to prevent an agency from granting to witnesses appearing before it, or to persons who claim to be adversely affected by testimony or other evidence adduced before it, such further rights and privileges as it may determine.

L.1968, c. 376, s. 7, eff. Dec. 27, 1968.

**52:13E-8. Dissemination of evidence adduced at private hearing**

Except in the course of subsequent hearing which is open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview conducted before a single-member agency in the course of its investigation shall be disseminated or made available to the public by said agency, its counsel or employees without the approval of the head of the agency. Except in the course of a subsequent hearing open to the public, no testimony or other evidence adduced at a private hearing or preliminary conference or interview before a committee or other multimember investigating agency shall be disseminated or made available to the public by any member of the agency, its counsel or employees, except with the approval of a majority of the members of such agency. Any person who violates the provisions of this subdivision shall be adjudged a disorderly person.

L.1968, c. 376, s. 8, eff. Dec. 27, 1968.

**52:13E-9. Hearing conducted by temporary state commission**

No temporary State commission having more than two members shall have the power to take testimony at a public or private hearing unless at least two of its members are present at such hearing.

Nothing in this section, however, shall be deemed to prevent the State Commission of Investigation from conducting private hearings, on an investigation previously undertaken by a majority of the members of the commission, with one commissioner present, when so designated by resolution pursuant to the provisions of section 12 of P.L.1968, c. 266 (C. 52:9M-12).

L.1968, c. 376, s. 9, eff. Dec. 27, 1968. Amended by L.1984, c. 110, s. 5, eff. Aug. 3, 1984.

**52:13E-10. Right of members to file statement of minority views**

Nothing in this act shall be construed to affect, diminish or impair the right, under any other provision of law, rule or custom, of any member or group of members of a committee or other multimember investigating agency to file a statement or statements of minority views to accompany and be released with or subsequent to the report of the committee or agency.

L.1968, c. 376, s. 10, eff. Dec. 27, 1968.

## **Chapter 13 of Title 52 of the Revised Statutes**

### **Article 1. General Provisions.**

#### **52:13-1. Attendance of witnesses; production of books and papers; legal and clerical assistance**

Any joint committee of the legislature, any standing committee of either house, or any special committee directed by resolution to enter upon any investigation or inquiry, the pursuit of which shall necessitate the attendance of persons or the production of books or papers, shall have power to compel the attendance before it of such persons as witnesses and the production before it of such books and papers as it may deem necessary, proper and relevant to the matter under investigation. Any such committee shall also have the power to employ such legal and clerical assistance as it may deem necessary to the proper conduct of the investigation.

#### **52:13-2. Summons for witnesses; execution**

If any person upon being summoned in writing by order of any committee mentioned in section 52:13-1 of this title to appear before such committee and testify, fails to obey such summons, the speaker of the house of assembly or the president of the senate may, upon application to him, by warrant under his hand order the sergeant at arms of the house over which he presides to arrest such person and bring him before the committee, and the sergeant at arms shall thereupon execute the warrant to him so directed.

#### **52:13-3. Compensation of witnesses; swearing witnesses; perjury; immunity; refusal to answer or be sworn**

Witnesses summoned to appear before any committee authorized by this article or any other law to conduct an investigation or inquiry shall be entitled to receive the same fees and mileage as persons summoned to testify in the courts of the state. All such witnesses may be sworn by any member of the committee conducting the investigation or inquiry; and all witnesses sworn before any such committee shall answer truly all questions put to them which the committee shall decide to be proper and pertinent to the investigation or inquiry; and any witness so sworn who shall swear falsely shall be guilty of perjury. No such witness shall be excused from answering any such questions on the ground that to answer the same might or would incriminate him; but no answers made by any witness to any such questions shall be used or admitted in evidence in any proceeding against such witness, except in a criminal prosecution against the witness for perjury in respect to his answers to such questions.

Any witness who refuses to answer any questions decided by the committee to be proper and pertinent shall be guilty of a misdemeanor; and any witness who, having been summoned to appear before any such committee, fails to appear in obedience to the summons or, appearing, refuses to be sworn shall be guilty of a misdemeanor.

#### **52:13-4. Expenses of investigations; payment**

The state treasurer shall, upon the warrant of the state comptroller, pay the fees and mileage of witnesses called, the compensation of legal and clerical assistance employed and the expenses of the sergeant at arms of either house in the execution of warrants

pursuant to section 52:13-2 of this title, when the same shall be certified as correct and necessary by the chairman of the committee under whose authority and by whose order the same shall have been incurred, but only when the chairman's certificate has received the approval of the governor.

## **Article 2. Contempts of Joint Legislative Committees.**

### **52:13-5. What constitutes contempt; report thereof to legislature**

Whenever, in any investigation or inquiry by any committee constituted by joint resolution of the legislature to enter upon or make such investigation or inquiry, any witness summoned or subpoenaed to appear before such committee to testify or to produce books, documents, papers or records, shall willfully neglect or refuse to appear in obedience to the summons or subpoena, or shall willfully neglect or refuse to produce any books, documents, papers or records commanded to be produced by the summons or subpoena, or shall refuse to be sworn or affirmed, or shall refuse to answer any question put to him which the committee shall decide to be proper and pertinent to such investigation or inquiry, or shall in any other way contemn the authority or privileges of the legislature, and the facts alleged to constitute any such contempt shall have been reported by any such committee to the legislature, the alleged contemner shall be tried, and the alleged contempt determined, as hereinafter provided.

### **52:13-6. Joint session to determine alleged contempt; order for arrest; service**

The senate and general assembly may by concurrent resolution direct that the senate and general assembly meet in joint session at a time and place therein fixed for the purpose of hearing the evidence and arguments regarding the alleged contempt and may order that a warrant, directed to any sergeant at arms of either house or of the joint session or to any sheriff, police officer, member of the state police, constable or other peace officer, issue in such manner as shall be prescribed in and by the concurrent resolution for the arrest of the alleged contemner and the production of him at the bar of such joint session, there to be heard.

### **52:13-7. Hearing by joint session**

At the time and place fixed as aforesaid, or at any adjournment, the joint session shall sit and summarily hear the evidence and the arguments relating to the alleged contempt. The joint session shall adjourn from time to time until the matter shall have been disposed of and the alleged contemner shall appear and attend at each and every such adjourned session.

### **52:13-8. Contemner's rights**

Any alleged contemner shall have the right to be heard before the joint session, to be represented by counsel, to call witnesses in his behalf, and to examine and cross-examine witnesses.

### **52:13-9. Determination of contempt by each house separately; concurrent resolution**

After the joint session shall have heard the evidence and such arguments as may be made, the senate and the general assembly shall separately convene and shall separately

consider and determine the alleged contempt; and the determination shall be by a concurrent resolution, which may originate in either house.

**52:13-10. Sentence; order of commitment**

Any person found to be guilty of a contempt of the legislature by a concurrent resolution of the two houses thereof, as hereinbefore provided, may be sentenced to imprisonment in the state prison or in the common jail of any county for any period not exceeding six months as shall be directed in and by the concurrent resolution determining the contempt, for the execution of which such concurrent resolution may order that a commitment shall issue, directed to any sheriff, police officer, member of the state police, constable or other peace officer, and to the keeper of the state prison or the keeper of the common jail of any county, which commitment shall be signed by the president of the senate and the speaker of the house of assembly in office at the date of the issue thereof.

**52:13-11. Continuing validity of commitment**

Any commitment issued in accordance with section 52:13-10 of this title shall remain valid and effective until the imprisonment therein set forth shall have been served, notwithstanding the legislature which directed the issue of the commitment may meanwhile have adjourned or ended.

**52:13-12. Bail of contemner**

Any judge of the Superior Court may let to bail any person apprehended for hearing on a charge of contempt under a warrant issued by direction of a concurrent resolution as provided in section 52:13-6 of this Title, in such amount and with such surety as the judge shall determine to be reasonable, to appear before the Joint Session of the Legislature, at the time and place fixed by the warrant as well as at any and all adjournments thereof, and to stand to and abide such determination and sentence as may thereafter be found or imposed against the person so apprehended. Such recognizances shall run in favor of the State of New Jersey and shall be filed by the judge in the office of the Secretary of State.

Amended by L.1953, c. 49, p. 853, s. 2.

**52:13-13. Powers given additional to other powers**

The powers given by this article shall be in addition to the powers given by article 1 of this chapter (s. 52:13-1 et seq.).

STATE OF NEW JERSEY, ss:

\_\_\_\_\_ being duly sworn according to law on his oath say that on the \_\_\_\_\_ day of  
December, 2013 at \_\_\_\_\_ he served the within Subpoena upon David Wildstein by exhibiting the same to him  
and informing him of the contents thereof \_\_\_\_\_ and giving  
to David Wildstein a true copy thereof, addressed to David Wildstein, 9 Rochon Court, Montville, New Jersey 07045.

Subscribed and sworn to before me at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ 2013.

OGNJ-LEG-013776

STATE OF NEW JERSEY

---

Assembly Transportation, Public Works and Independent Authorities Committee

to

David Wildstein

---

SUBPOENA

ad Testificandum

and

Duces Tecum

---

Writ Returnable at 12:00 P.M.  
on January 9, 2014

to

John S. Wisniewski  
Chairman, Assembly Transportation, Public Works and Independent Authorities Committee

OGNJ-LEG-013777

# Tab 30

**From:** Luann Belardino  
**ent:** Monday, January 06, 2014 11:59 AM  
**to:** GOV Counsel Office; Kevin O'Dowd; Marcia McEntyre  
**Subject:** Assembly Committee Agenda for Wednesday, January 8, 2014 and Assembly Committee Agendas for Thursday, January 9, 2014  
**Attachments:** SKMBT\_50114010612310.pdf; SKMBT\_50114010612311.pdf

Attached please find the Assembly Committee Agenda for Wednesday, January 8, 2014 and Assembly Committee Agendas for Thursday, January 9, 2014. Copies have been distributed.

Luann Belardino, Executive Assistant  
Office of Counsel to the Governor  
Dominick DiRocco, Senior Counsel  
Robert Garrenger, Budget Counsel  
Ryan Goodwin, Assistant Counsel  
Colin Newman, Senior Counsel  
609-777-2480/ Fax 609 984-6886  
[luann.belardino@gov.state.nj.us](mailto:luann.belardino@gov.state.nj.us)



SCOTT A. BRODSKY  
CANDICE M. ALFONSO  
Office of Legislative Services  
Committee Aides  
(609) 847-3875  
(609) 633-1228 fax

ARKY GREIN  
Chair

MILA M. JASEY  
Vice-Chair

ANGELICA M. JIMENEZ  
ANNETTE QUILAND  
MICHAEL PATRICK CARROLL  
ROBERT D. CLIFTON

*New Jersey State Legislature*  
**ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

**COMMITTEE NOTICE**

**TO: MEMBERS OF THE ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE**

**FROM: ASSEMBLYMAN JERRY GREEN, CHAIRMAN**

**SUBJECT: COMMITTEE MEETING - JANUARY 8, 2014**

*The public may address comments and questions to Scott A. Brodsky, Candice M. Alfonso, Committee Aides, or make bill status and scheduling inquiries to Veronica A. Lupo, Secretary, at (609)847-3875, fax (609)633-1228, or e-mail: OLSAideAHO@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 Assembly Housing and Local Government Committee will meet on Wednesday, January 8, 2014 at 2:00 PM in Committee Room 11, 4th Floor, State House Annex, Trenton, New Jersey.**

**The committee will receive testimony from invited guests on the current status of the State's administration of federal Hurricane Sandy recovery funding.**

Issued 1/2/14

For reasonable accommodation of a disability call the telephone number or fax number above, or TTY for persons with hearing loss 609-777-2744 (toll free in NJ) 800-257-7490. The provision of assistive listening devices requires 24 hours' notice. Real time reporter or sign language interpretation requires 5 days' notice.

For changes in schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840.

OGNJ-LEG-035317

VINCENT PRIETO  
Chairman

GARY S. SCHAEF  
Vice-Chairman

IN J. BURZICHELLI  
JORDON M. JOHNSON  
ELIANA PINTOR MARIN  
TROY SINGLETON  
BONNIE WATSON COLEMAN  
BENJIE E. WIMBERLY  
CHRISTOPHER J. BROWN  
ANTHONY M. BUCCO  
DECLAN O'SCANLON  
JAY WEBBER



*New Jersey State Legislature*  
**ASSEMBLY BUDGET COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

PHILIP N. LILOIA  
Office of Legislative Services  
Committee Aide  
(609) 847-3835  
(609) 943-5995 fax

MATTHEW T. SZUDAJSKI  
Office of Legislative Services  
Committee Aide  
(609) 847-3835  
(609) 943-5995 fax

**COMMITTEE NOTICE**

TO: MEMBERS OF THE ASSEMBLY BUDGET COMMITTEE  
FROM: ASSEMBLYMAN VINCENT PRIETO, CHAIRMAN  
SUBJECT: COMMITTEE MEETING - JANUARY 9, 2014

*The public may address comments and questions to Philip N. Liloia, Matthew T. Szudajski, Committee Aides, or make bill status and scheduling inquiries to Crystal Jordan, Secretary, at (609) 847-3835, fax (609) 943-5995, or e-mail: OLSAideABU@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 Assembly Budget Committee will meet on Thursday, January 9, 2014 at 10:00 AM in Committee Room 11, 4th Floor, State House Annex, Trenton, New Jersey.**

The following bills will be considered:

RG A-1097  
Quijano  
(pending referral)  
S-1598 (1R)  
Weinberg/Vitale  
(pending referral)

Permits attending advanced practice nurse to determine cause of death and execute death certification when physician is not available.

AM A-1269/4507 (ACS)  
Coughlin/Lampitt/  
Casagrande  
(pending referral)

Provides loan redemption for certain physician specialists who work in State four years.

AM A-3177 (1R) / S 2143  
Wisniewski/Singleton/  
Stender/Caride  
(pending referral)

Establishes State Transportation Infrastructure Bank within New Jersey Environmental Infrastructure Trust.

(OVER)

OGNJ-LEG-035318

Assembly Budget Committee  
Page 2  
January 9, 2014

HH  
A-3741  
Conaway/Eustace  
(pending referral)  
S-2998  
Gill  
(pending referral)

Requires certification of persons installing medical gas piping in dental offices, dental clinics, and animal or veterinary facilities.

PM  
A-3783 / S 3036  
Stender/Diegnan  
(pending referral)

Concerns disclosure and reimbursement procedures of board of education and municipal employee health care benefit contracts.

AA  
A-3785 / S 2469  
Quijano/Mainor/Wagner/  
Eustace  
(pending referral)

Creates crime of cyber-harassment.

PM  
A-3791  
Diegnan  
(pending referral)  
S-1127 (IR)  
Greenstein/Whelan  
(pending referral)

Permits a board of education to adopt a salary policy in excess of three years and requires the payment of increments pursuant to an expired policy in certain circumstances.

AM  
A-4170  
Stender/Giblin/Diegnan/  
Rible/Riley/Rumana  
(pending referral)  
S-2747 (IR)  
Gordon/Scutari  
(pending referral)

Prohibits PANYNJ from imposing cargo facility charge in certain instances.

RG  
A-4500 / S 3027  
Cryan  
(pending referral)

Provides for development and implementation of State trauma system.

AA  
A-4517 / S 3055  
Stender  
(pending referral)

Authorizes AOC to assess, collect, and pay service charges and costs for electronic payment of fees and other obligations owed courts; prohibits defendants from using debit cards for bail and penalty payments for certain crimes.

MC  
A-4526  
Lampitt/Casagrande  
(pending referral)  
S-374 (IR)  
Beach/Allen/Sarlo  
(pending referral)

Exempts from sales tax cosmetic makeup services provided in conjunction with reconstructive breast surgery; designated as "Jen's Law."

2

(OVER)

OGNJ-LEG-035319

Assembly Budget Committee  
Page 3  
January 9, 2014

GA A-4531 / S 3107  
Greenwald/Bratnick/  
Chivukula  
(pending referral)

Provides extended validity to wastewater service area designations and sewer service area designations, and revises certain aspects of wastewater management planning process.

NN A-4562 / S 3085  
Greenwald  
(pending referral)

Revises law concerning the rights and responsibilities of motor vehicle franchisees and franchisors.

PM A-4589  
Greenwald  
(pending intro and referral)

Revises the authorities of the Rowan University-Rutgers Camden Board of Governors and authorizes Rowan University to participate in public-private partnerships.

AJM A-4590  
Wilson  
(pending intro and referral)

Authorizes certain municipalities to impose parking taxes and surcharges.

MC A-4591  
Oliver  
(pending intro and referral)

Requires oversight reporting on Hurricane Sandy recovery funds.

PM S-162 (IR) / A 4507  
Singer/Vitale  
(pending referral)

Provides loan redemption for certain physicians who work in State four years.

Issued 1/2/14

3

For reasonable accommodation of a disability call the telephone number or fax number above, or TTY for persons with hearing loss 609-777-2744 (toll free in NJ) 800-257-7490. The provision of assistive listening devices requires 24 hours' notice. Real time reporter or sign language interpretation requires 5 days' notice.

For changes in schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840.

OGNJ-LEG-035320



UPENDRA J. CHIVUKULA  
Chairman

WAYNE P. D'ANGELO  
Vice-Chairman

MARLENE CARIDE  
JOSEPH V. BOAN  
ANGEL FUENTES  
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*New Jersey State Legislature*  
**ASSEMBLY TELECOMMUNICATIONS AND  
UTILITIES COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

**COMMITTEE NOTICE**

**TO: MEMBERS OF THE ASSEMBLY TELECOMMUNICATIONS AND UTILITIES  
COMMITTEE**

**FROM: ASSEMBLYMAN UPENDRA J. CHIVUKULA, CHAIRMAN**

**SUBJECT: COMMITTEE MEETING - JANUARY 9, 2014**

*The public may address comments and questions to Richard Diaconu, Committee Aide, or make bill status and scheduling inquiries to Christine L. Hamilton, Secretary, at (609)847-3840, fax (609)292-0561, or e-mail: OLSAideATU@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 Assembly Telecommunications and Utilities Committee will meet on Thursday, January 9, 2014 at 10:00 AM in Committee Room 9, 3rd Floor, State House Annex, Trenton, New Jersey.**

The following bills will be considered:

GA A-2317/51270  
Chivukula

Establishes uniform real property taxation for commercial renewable energy systems and limits municipal construction permit fees for non-commercial renewable energy systems.

GA A-4552  
Chivukula

Enhances retail competition in electric power and gas supply industries.

GA AR-213  
Chivukula

Urges BPU to establish uniform Statewide reliability standards for electric and gas public utilities.

Issued 1/2/14

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For reasonable accommodation of a disability call the telephone number or fax number above, or TTY for persons with hearing loss 609-777-2744 (toll free in NJ) 800-257-7490. The provision of assistive listening devices requires 24 hours' notice. Real time reporter or sign language interpretation requires 5 days' notice.

For changes in schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840.

OGNJ-LEG-035321



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*New Jersey State Legislature*  
**ASSEMBLY TRANSPORTATION, PUBLIC WORKS  
AND INDEPENDENT AUTHORITIES COMMITTEE**  
STATE HOUSE ANNEX  
PO BOX 068  
TRENTON NJ 08625-0068

**COMMITTEE NOTICE**

**TO:** MEMBERS OF THE ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND  
INDEPENDENT AUTHORITIES COMMITTEE

**FROM:** ASSEMBLYMAN JOHN S. WISNIEWSKI, CHAIRMAN

**SUBJECT:** COMMITTEE MEETING - JANUARY 9, 2014

*The public may address comments and questions to Charles A. Buono, Patrick Brennan, Committee Aides, or make bill status and scheduling inquiries to Kimberly Johnson, Secretary, at (609)847-3840, fax (609)292-0561, or e-mail: OLSAideATR@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 Assembly Transportation, Public Works and Independent Authorities Committee will meet on Thursday, January 9, 2014 at 12:00 PM in a committee room to be determined, State House Annex, Trenton, New Jersey.

AM  
The committee has subpoenaed David Wildstein, the former Director of Interstate Capital Projects for the Port Authority of New York and New Jersey, concerning the decision by the Port Authority of New York and New Jersey to reduce, without prior public notice, the number of access lanes to the George Washington Bridge in Fort Lee, New Jersey from September 9, 2013 through September 13, 2013.

Issued 1/2/14

5

For reasonable accommodation of a disability call the telephone number or fax number above, or TTY for persons with hearing loss 609-777-2744 (toll free in NJ) 800-257-7490. The provision of assistive listening devices requires 24 hours' notice. Real time reporter or sign language interpretation requires 5 days' notice.  
For changes in schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840.

OGNJ-LEG-035322

# Tab 31

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**From:** Maria Comella  
**Sent:** Wednesday, January 08, 2014 9:19 AM  
**To:** Kevin O'Dowd  
**Subject:** Fw: COMM ALERT: The Record: Top Christie aide linked to GWB tieups

**From:** Sarah Dolan  
**Sent:** Wednesday, January 08, 2014 09:18 AM  
**To:** Colin Reed; David Saenz; Foster Morss; Kara Walker; Karen Wolfe; Kathryn Grosso; Lauren Fritts; Maria Comella; Michael Drewniak; Mykwain Gainey  
**Subject:** COMM ALERT: The Record: Top Christie aide linked to GWB tieups

**Top Christie aide linked to GWB tieups**  
Shawn Boburg  
[The Record](#)

Governor Christie's deputy chief of staff told one of his top Port Authority executives that it was "time for some traffic problems in Fort Lee" several weeks before controversial lane closures took place at the George Washington Bridge, according to sources.

Bridget Anne Kelly, one of three deputies on Christie's senior staff, wrote in an email to David Wildstein, a top Christie executive at the Port Authority, on Aug. 13, about three weeks before the closures, according to the sources.

The revelation brings the mystery about the September lane closures out of the confines of the Port Authority and squarely into the top levels of the Governor Christie administration. It also casts serious doubts about months of claims by the Christie administration that the closures of local access lanes to the George Washington Bridge were part of a traffic study initiated solely by the Port Authority. They show that one of the governor's top aides was deeply involved in the decision to choke off the borough's access to the bridge, and they provide the strongest indication yet that it was part of a politically-motivated vendetta — a notion that Christie has publicly denied.

When reached Wednesday morning, Kelly said: "I'm literally in the middle of a conference call. I'm going to have to call you right back."

Kelly, a Ramsey resident and one of Christie's three deputy chiefs of staff, is in charge of legislative and intergovernmental affairs, a role she was named to by Christie in April 2013. Prior to that, she was in charge of outreach efforts to elected officials at all levels of government.

Her emergence adds support to the assertion of Assembly Transportation Committee Chairman John Wisniewski that Wildstein, who has been forced to resign, has been taking orders from a higher authority. Wisniewski is holding hearings on the closures, with the next scheduled for Thursday, when Wildstein has been summoned to appear.

A spokesman for Christie did not immediately respond to request for comment Thursday.

Check back soon for more developments.

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**From:** Sarah Dolan  
**Sent:** Wednesday, January 08, 2014 9:52 AM  
**To:** Maria Comella; Colin Reed; David Saenz; Foster Morss; Kara Walker; Karen Wolfe; Kathryn Grosso; Lauren Fritts; Michael Drewniak; Mykwain Gainey  
**Subject:** RE: COMM ALERT: Politicker NJ: 'Time for some traffic problems in Fort Lee,' Christie senior staffer writes, according to document

Got it will do going forward

**From:** Maria Comella  
**Sent:** Wednesday, January 08, 2014 9:48 AM  
**To:** Sarah Dolan; Colin Reed; David Saenz; Foster Morss; Kara Walker; Karen Wolfe; Kathryn Grosso; Lauren Fritts; Michael Drewniak; Mykwain Gainey  
**Subject:** Re: COMM ALERT: Politicker NJ: 'Time for some traffic problems in Fort Lee,' Christie senior staffer writes, according to document

Add odowd, matey and charlie to comm alerts

**From:** Sarah Dolan  
**Sent:** Wednesday, January 08, 2014 09:45 AM  
**To:** Colin Reed; David Saenz; Foster Morss; Kara Walker; Karen Wolfe; Kathryn Grosso; Lauren Fritts; Maria Comella; Michael Drewniak; Mykwain Gainey  
**Subject:** COMM ALERT: Politicker NJ: 'Time for some traffic problems in Fort Lee,' Christie senior staffer writes, according to documents

**'Time for some traffic problems in Fort Lee,' Christie senior staffer writes, according to documents**  
Matthew Arco  
[Politicker NJ](#)

A member of Gov. Chris Christie's senior staff told a onetime Port Authority official in an email that it was "time for some traffic problems in Fort Lee" in August just weeks before a controversial lane closure, according to documents.

The documents, which were obtained by PolitickerNJ, show an email between Christie's deputy chief of staff for legislative and intergovernmental affairs, Bridget Anne Kelly, sent to a former executive at the Port Authority, David Wildstein.

"Got it," Wildstein responds to Kelly following her August 13 email to Wildstein, according to the documents.

The email was first reported by The Record.

Wildstein, a former editor of PolitickerNJ, has since resigned from the Port Authority.

An email sent to Christie's office for comment was not immediately returned.

Christie has said previously that no one in his administration or on his campaign staff was involved in the lane closings.

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# GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue  
New York, NY 10166-0193  
Tel 212.351.4000  
www.gibsondunn.com

## Memorandum

### PRIVILEGED AND CONFIDENTIAL ATTORNEY-OPINION WORK PRODUCT

To: File

From: Gibson, Dunn & Crutcher LLP

Re: O'Dowd Interview Memorandum

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On January 19, 2014, and March 8, 2014, Kevin O'Dowd was interviewed by Randy M. Mastro, Alexander H. Southwell, Debra Wong Yang, and/or Sarah L. Kushner of Gibson Dunn. On January 19, 2014, O'Dowd was not represented by counsel. On March 8, 2014, O'Dowd was represented by Paul H. Zoubek of Montgomery McCracken Walker & Rhoads. All information contained herein was provided by O'Dowd or as indicated. O'Dowd has not read or reviewed the memorandum and has not adopted or approved its contents. Southwell began the interview by administering the standard *Upjohn* warnings per Gibson Dunn protocol, and requesting that O'Dowd refrain from discussing the investigation and interview with others. O'Dowd stated that he agreed, understood, and did not have any questions.

This memorandum does not contain a verbatim transcript of what was said at the meeting; rather, it is a summary of the discussion that reflects counsel's mental thoughts and impressions and is therefore protected from disclosure by the attorney work product doctrine.

#### I. Background

##### A. Role and Responsibilities

O'Dowd joined the Governor's Office as Deputy Chief Counsel the day that Governor Christie (the "Governor" or "Christie") was inaugurated in January 2010. Previously, O'Dowd had been at the U.S. Attorney's Office for the District of New Jersey. On or around January 31, 2012, O'Dowd became the Governor's Chief of Staff, replacing Richard Bagger, who left the Governor's Office in or around December 2011. During his first two years in the Governor's Office (from 2010–2012), O'Dowd spent the majority of his time dealing with the State Legislature and forming relationships with legislators. O'Dowd eventually reported directly to the Governor on legislative issues, although he kept Christie's then-Chief Counsel, Jeffrey Chiesa, appropriately informed as well. When O'Dowd became

## GIBSON DUNN

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### PRIVILEGED AND CONFIDENTIAL ATTORNEY OPINION WORK PRODUCT

Chief of Staff, he remained the point of contact with the Legislature, which meant that his personal workload was particularly busy.

#### **B. Reporting Lines**

Southwell asked about O'Dowd's line of report as Deputy Chief Counsel and, subsequently, as Chief of Staff. O'Dowd responded that when he was Deputy Chief Counsel, he, Chiesa, and the Governor restructured the Governor's Office such that the Chief Counsel reported directly to the Governor, as opposed to the Chief of Staff. In addition, the Chief Counsel's and Chief of Staff's offices were each located adjacent to the Governor's office. When O'Dowd was Deputy Chief Counsel, he reported to Chiesa.

No substantive reporting changes were made when O'Dowd became Chief of Staff, although, in or around February 2012, two new positions were established: a Principal Deputy to the Chief of Staff and a Principal Deputy to the Chief Counsel. At that time, Lou Goetting became the Principal Deputy Chief of Staff, and Paul Matey became the Principal Deputy Chief Counsel. These new positions established a clear chain of command as to whom a deputy should report if both the Chief of Staff and Chief Counsel were unavailable. O'Dowd identified other personnel changes that were made when he became Chief of Staff, including the appointment of a new Appointments Director, Matthew McDermott, who reported to the Governor's Chief Counsel, Charles McKenna, and Deborah Gramiccioni's transition in the Office from the Director of the Authorities Unit to Deputy Chief of Staff for Policy. Rosemary Iannacone and Bill Stepien remained in their positions as Director of Operations and Deputy Chief of Staff of the Legislative and Intergovernmental Affairs ("IGA") unit, respectively.

Asked to identify his regular direct report as Chief of Staff, O'Dowd explained that he had standing weekly meetings with Gramiccioni and Goetting, although these meetings did not always occur. In addition, O'Dowd met with other members of senior staff twice a week, and had weekly meetings with the Governor's 2013 reelection campaign regarding the Governor's schedule. Post-Superstorm Sandy, O'Dowd had weekly meetings with Marc Ferzan, Executive Director of the Governor's Office of Recovery and Rebuilding ("GORR"), to discuss issues regarding Sandy relief.

Regarding how he managed access to the Governor, O'Dowd explained that he was fairly laid back about it, in part because he had a full workload and found it efficient for others to report to the Governor directly on matters that O'Dowd did not need to know about and/or could not address directly himself. O'Dowd remained apprised of what others had gone to the Governor about through senior staff meetings, and/or through one-on-one meetings that he had with the Governor. O'Dowd frequently interacted with the Governor.

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### PRIVILEGED AND CONFIDENTIAL ATTORNEY OPINION WORK PRODUCT

#### C. "Front Office"

O'Dowd had heard the term "Front Office," which he thought referred to senior staff, including deputies. O'Dowd understood the term "Front Office approval" to mean that someone could rely on a representation about the Governor's position on a certain issue.

#### D. Responsibilities of the Deputy Chief of Staff of IGA

Southwell asked about the responsibilities of Bridget Kelly, the former Deputy Chief of Staff of IGA. O'Dowd understood that Kelly served as the liaison between the executive branch and local elected officials: Kelly and her team were responsible for interfacing with local officials to see what was going on in their respective communities and to identify any issues that the Administration could help address. For example, if there was a pothole in Bridgewater, Kelly might reach out to the New Jersey Department of Transportation ("DOT") and ask if the agency was aware of the issue. Kelly was also responsible for organizing the logistics of various public events, including the Governor's town hall meetings, bill signings, and breakfast meetings at Drumthwacket, where the Governor would host different constituency groups. In this regard, Kelly worked closely with the communications staff, including Deputy Chief of Staff for Communications and Planning Maria Comella, including with respect to communicating with the Governor. Kelly also oversaw who sat in the Governor's box in various stadiums for events, and Kelly communicated with the Governor on this.

Post-Sandy, in addition to establishing GORR, the Office hired eight new staff members within IGA, who worked in the field and interfaced with local officials on Sandy-related issues. O'Dowd did not know these individuals by name. Post-Sandy, O'Dowd and others in the Governor's Office had weekly meetings to discuss Sandy-related issues. If there was a particular Sandy relief issue that IGA's staff in the field had learned about, Kelly would set up a call to address that.

When asked about the decision to promote Kelly to Deputy Chief of Staff, O'Dowd said that Stepien thought that Kelly, who had served as Stepien's number two for three and a half years, was perfect for the position. O'Dowd commented that, at that time, it was unclear whether Stepien would return to the Office after the campaign and assume his former position at IGA.

O'Dowd said that when Kelly became deputy, she assumed the full set of responsibilities that Stepien had previously had in that position. O'Dowd and the Governor both viewed Kelly as qualified for the job.

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### PRIVILEGED AND CONFIDENTIAL ATTORNEY OPINION WORK PRODUCT

#### **E. O'Dowd's Relationship with Bill Stepien**

O'Dowd said that his relationship with Stepien was fine, that they did not interact much, and that they did not have a social relationship. If they did interact, it was usually to see what they each knew about the Governor's position on a legislative matter in response to inquiries the Office received. When he became Chief of Staff, O'Dowd told Stepien that he should continue to talk to the Governor directly on issues that Stepien had previously handled, but should keep O'Dowd informed as necessary. O'Dowd added that Stepien was a hardworking guy who seemed to know what he was doing.

O'Dowd said that the Governor and Stepien interacted frequently. O'Dowd said that Kelly, in her role as Deputy Chief of Staff, came to O'Dowd more often than Stepien had, but that Kelly also spoke to the Governor directly about certain matters. As an example, if the Governor was annoyed that a public appearance that IGA had organized did not go well because of the crowd or because of a technical issue, the Governor would address that with Kelly directly.

Other than with respect to scheduling issues, O'Dowd did not interact with the campaign, including with Stepien, who joined the campaign in or around April 2013. O'Dowd did not recall any discussions with the campaign about securing local elected officials' endorsements of the Governor, including whether the Office could help obtain someone's endorsement.

#### **F. Relationship Between Stepien and Kelly**

Regarding Stepien and Kelly's relationship, it was O'Dowd's understanding that Stepien and Kelly were very close, that Stepien had been the one who hired Kelly, and that they had volunteered for the campaign together. O'Dowd thought that, starting probably around Labor Day 2013, Kelly volunteered for the Governor's reelection campaign at least 4-5 nights a week, and possibly on weekends. At some point, Kelly asked O'Dowd about the rules of the road with respect to volunteering for the campaign. After conveying O'Dowd's general understanding that it was okay to volunteer as long as it was not done on State time or with State resources, he referred Kelly to Matey. O'Dowd understood that Kelly did in fact talk to Matey about volunteering for the campaign. Regarding whether Kelly and Stepien developed a personal relationship, O'Dowd had heard rumors, but did not believe them.

#### **G. Interactions with the Port Authority of New York & New Jersey**

When asked if he had a professional relationship with anyone at the Port Authority of New York & New Jersey (the "Port Authority"), O'Dowd said that he had a relationship with David Samson, the Chairman of the Port Authority Board of Commissioners. O'Dowd did not have a relationship with David Wildstein. The first time that O'Dowd recalled meeting

# GIBSON DUNN

## PRIVILEGED AND CONFIDENTIAL ATTORNEY OPINION WORK PRODUCT

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Wildstein was in December 2013. Wildstein was already working at the Port Authority when O'Dowd became Chief of Staff. O'Dowd's understanding was that Bill Baroni had hired Wildstein.

As for Baroni, O'Dowd knew Baroni when Baroni was a State legislator, but they were not particularly friendly. O'Dowd taught a class at Seton Hall when he was at the USAO and recalled running into Baroni, who was also teaching a class there at the time. O'Dowd thought that the next time that they interacted was after O'Dowd had returned to the Governor's Office. O'Dowd dealt with Baroni sporadically in 2012, and not much in 2013. Although Baroni called the Office frequently, almost without exception, O'Dowd told his secretary to have McKenna and/or someone in the Authorities Unit take the call. As to more important Port Authority business, Samson would generally call O'Dowd or McKenna, and one of them would relay the issue to O'Dowd. O'Dowd interacted with Samson when he had to address Port Authority-related issues.

When asked what types of Port Authority-related issues would rise to O'Dowd's level, O'Dowd recalled three examples. First, he dealt with the Port Authority around the end of 2012, regarding certain post-Sandy damage assessments. Second, in 2013, there was a controversy about the use of Chinese steel for a bridge either under the Port Authority's or DOT's authority, and State Senator Stephen M. Sweeney complained to O'Dowd that, unlike New Jersey and the federal government, the Port Authority did not have a "buy America" policy. O'Dowd said that lawsuits were filed in connection with this event. Because O'Dowd was unfamiliar with the "buy America" policy, he asked Director of the Authorities Unit Regina Egea to put together a memo for him on this issue so that he could get up to speed. Third, O'Dowd was briefed on developments regarding the Port Authority's acquisition of the Atlantic City Airport, which involved high-level communications and meetings in or around September/October 2013 between and among the CEO of United Airlines, the Governor, and Samson.

## II. Chronology of the George Washington Bridge Events

### A. Spring 2013

O'Dowd did not know about an attempt in the spring of 2013 to get Fort Lee Mayor Mark Sokolich to endorse the Governor. O'Dowd was not involved in, and did not know about, the process of getting endorsements from local elected officials, and would learn about endorsements either right before or as they were announced.

### B. August 2013

O'Dowd did not know about any plans or ideas for the lane realignment and had no role in the lane realignment.

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### PRIVILEGED AND CONFIDENTIAL ATTORNEY OPINION WORK PRODUCT

O'Dowd was not aware at the time of an August 2013 communication between Kelly and Wildstein about Fort Lee. O'Dowd first learned of Kelly's August 13, 2013 email to Wildstein on or around January 8, 2014, when the email was publicly released.

O'Dowd did not talk to Kelly about the lane realignment at any point before or during the lane alignment. O'Dowd's attention was directed to meetings and other communications that he had with Kelly in August 2013.<sup>1</sup> O'Dowd confirmed that these texts were unrelated to the lane realignment.

#### C. Early September 2013

Regarding communications between him and Kelly in early September 2013, before the lane realignment, O'Dowd generally recalled that, at the time, the Governor was participating in various boardwalk events that Kelly had organized. O'Dowd explained that the Governor was not happy with the logistics of these events because the Governor thought that he had been overbooked and that the events were otherwise not well-organized. O'Dowd recalled discussing the Governor's concerns with Kelly. O'Dowd confirmed that his communications with Kelly at this time were not about the lane realignment.

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<sup>1</sup> First, regarding an August 12, 2013 calendar entry for a meeting between O'Dowd, Kelly, and Susana Guerrero at the New Jersey Department of Education (the "DOE"), and an August 14, 2013 calendar entry regarding a phone call with the same participants, O'Dowd explained that these meetings concerned an unrelated educational issue—namely, the DOE's Grant Program for school facilities projects in "Regular Operating Districts" (commonly referred to as "ROD grants"). In particular, these meetings concerned an issue in a school in Bergen County in State Senator Sarlo's district and notifying Senator Sarlo that the school was not eligible for a grant under the applicable statute. Kelly was involved in these DOE meetings because it was a constituent service matter that involved a State legislator. At some point, an in-person meeting was scheduled with O'Dowd, Kelly, Senator Sarlo, and his aide, so that O'Dowd and Kelly could relay to the Senator that the relevant school would not be receiving a ROD grant.

O'Dowd's attention was directed to an August 12, 2013 (10:37 PM) text from Kelly to O'Dowd that stated, "I may try to grab 5 minutes with you tomorrow. Just want you to have foresight to a few things," to which O'Dowd responded the next day (August 13, 2013) at 9:16 AM, "Ok. I'm around most of the day." O'Dowd said that Kelly's text was not about the lane realignment. O'Dowd did not specifically remember Kelly's text to him, but recalled in general that he and Kelly were meeting around this time in connection with the ROD grant issue. O'Dowd recalled that an August 15, 2013 text from O'Dowd to Kelly, which said, "can't wait!!!" was about an upcoming concert.

O'Dowd's attention was directed to two Friday, August 30, 2013 texts from Deputy Chief of Staff for Policy and Cabinet Liaison Amy Cradic to O'Dowd relaying information about the first day of school. O'Dowd explained the context in which these texts were sent: on or around Friday through that weekend, which was Labor Day weekend, the Department of Environmental Protection detected a contaminant in a public school and O'Dowd assisted in finding a temporary location to house the school's students until the matter was resolved.

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### PRIVILEGED AND CONFIDENTIAL ATTORNEY OPINION WORK PRODUCT

#### D. September 9–13, 2013 – George Washington Bridge Lane Realignment

O'Dowd was not aware of, and did not communicate with anyone about, the George Washington Bridge lane realignment before or during the week of September 9–13, 2013. O'Dowd was not aware at the time of any reported attempts by Mayor Sokolich to contact the Governor's Office for assistance.

O'Dowd did not specifically recall a story about the lane realignment published in *The Bergen Record* on or around September 13, 2013. O'Dowd received the Office's press clippings, but did not always read them. O'Dowd said that he would not think anything of a press clip about a local traffic issue on the George Washington Bridge.

O'Dowd did not attend a 9/11 Memorial event that the Governor attended. O'Dowd did not recall talking to Baroni on September 11, 2013.

O'Dowd's attention was directed to texts between him and Kelly during the week of the lane realignment. O'Dowd confirmed that these texts were not related to the lane realignment and concerned unrelated issues, including about a State legislator's request for funds in connection with the Marcellus bridge,<sup>2</sup> certain upcoming groundbreaking events in connection with a bond initiative project that the State Legislature had recently approved, and the devastating Seaside fire that also occurred that week. O'Dowd elaborated that, after the Governor's Office learned of the Seaside fire, the Governor and a number of Office employees, including Kelly and Comella, went to Seaside. This group visited Seaside a few days in a row, including possibly through the weekend. O'Dowd explained that Kelly was involved in setting up a mobile cabinet for the Seaside events and that, while Comella and Kelly were at Seaside, they updated him on the Governor's events there.

As for texts between Kelly and O'Dowd on September 13, 2013, O'Dowd confirmed that these exchanges were not about the lane realignment; rather, they were discussing events that Kelly was responsible for planning, likely in connection with the Seaside fire.<sup>3</sup>

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<sup>2</sup> September 10, 2013 12:24 PM Text from O'Dowd to Kelly ("Will you call me re: Marcellus bridge over the Passaic bridge."); September 11, 2013 3:37 PM Text from Kelly to O'Dowd ("Spoke to Drennan. They want the full amount for the Marcellus Bridge that was removed from the budget. He's sending me more info, but that is the ask."); September 11, 2013 3:54 PM Texts Between Kelly and O'Dowd (Regarding the legislator's ask in connection with the Marcellus Bridge, O'Dowd asks, "[s]o no study?" in confirming that the legislator was requesting money and not a study); Kelly, confirming what the ask was, responds, "Nope. The only study is for the Gloucester Improvement Authority request," and, separately, "And the full amount is \$10 million for the bridge."

<sup>3</sup> O'Dowd's attention was directed to a September 12, 2013 text from Kelly to O'Dowd that said, "On the flip side, Bill handled it well." O'Dowd explained that this was a reference to Stepien's reaction upon learning that the Governor would be unable to attend a previously scheduled campaign event because he had decided to go to Seaside in response to the fire there and that the Lieutenant Governor would have to

*(Cont'd on next page)*

## GIBSON DUNN

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### PRIVILEGED AND CONFIDENTIAL ATTORNEY OPINION WORK PRODUCT

#### **E. September 17, 2013 *Wall Street Journal* Article**

O'Dowd was asked about the September 17, 2013 article in the *Wall Street Journal* regarding the lane realignment. O'Dowd did not specifically recall this article, but added that he became aware of the lane realignment around this time from press accounts.

O'Dowd confirmed that a September 17, 2013 text from him to Kelly regarding "a draft of the release," concerned a draft press release in connection with an unrelated event—namely, an upcoming groundbreaking event in Newark regarding Panasonic. O'Dowd explained that Kelly was responsible for organizing the logistics of the event, including its attendees.

#### **F. Mid-Late September 2013<sup>4</sup>**

When asked about a September 18, 2013 calendar entry noting a call with Samson, O'Dowd explained that the Governor had tasked Samson with talking to various cabinet members in the Administration to determine their second-term plans if the Governor was reelected and that O'Dowd assisted Samson in this process. O'Dowd and Samson discussed second-term personnel issues throughout the fall and through December 2013. O'Dowd said that the September 18, 2013 call, assuming it occurred, would have been about this subject. Likewise, O'Dowd's September 26, 2013 lunch meeting with Samson was also about second-term personnel decisions, as well as about planning the transition to the second-term more generally, including O'Dowd's potential nomination as Attorney General.

#### **G. October 1, 2013 *Wall Street Journal* Article**

O'Dowd was asked about the October 1, 2013 *Wall Street Journal* article that included Port Authority Executive Director Patrick Foye's September 13, 2013 email. O'Dowd did not specifically recall reading Foye's email at this time. O'Dowd explained his general view that the Port Authority, as a structural matter, is a dysfunctional entity, and probably has been for years. In addition, it was O'Dowd's understanding that the

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(Cont'd from previous page)

go to the campaign event in the Governor's place. Regarding another September 12, 2013 text from Kelly to O'Dowd that said, "I've just come to see it more. Incredible," O'Dowd believed that Kelly was referring to the Governor's instinct, which proved right, to rearrange his schedule to go to Seaside when he learned of the fire there.

<sup>4</sup> O'Dowd's attention was directed to two September 24, 2013 texts he received from Kelly. O'Dowd did not specifically recall what those texts were about, although he believed that the reference to Lori was about someone's request for tickets to a gubernatorial debate that the Office was unable to grant. O'Dowd said that the "Bill" in the texts would not have referred to Baroni, but he otherwise did not know to whom it referred.

## GIBSON DUNN

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relationship between Wildstein and Baroni on the one hand, and Foye on the other, had never been great and that there was a lot of tension between them. As such, O'Dowd generally discounted information coming out of the Port Authority, and explained that his focus instead was generally on the executive branch, including the Office's cabinet members and various departments. O'Dowd viewed the fact that the Foye email was leaked as evidence of the tension between Wildstein/Baroni and Foye, viewed the email itself as typical Port Authority squabbling, and did not think anything of it because those individuals often fought and had dramas play out in the press. O'Dowd believed that an October 2, 2013 text that he received from Stepien stating, "Patrick Foye is a bad guy," was sent in the context of this historical tension.

### **H. Post-October 1, 2013**

O'Dowd was asked if he discussed the October 1, 2013 *Wall Street Journal* article and/or the September 13, 2013 Foye email published in that article. At some point in October 2013, during one of O'Dowd's and McKenna's meetings with the Governor, the Governor asked about the article and what this lane realignment was all about. At some point thereafter, McKenna explained to the Governor that he had talked to someone at the Port Authority, who had explained that the lane realignment was a traffic study that the Port Authority had conducted.

### **I. October 2, 2013 – Assemblyman John Wisniewski Announces Upcoming Hearing Regarding the Lane Realignment**

Southwell asked O'Dowd about his contemporaneous recollection of Assemblyman John Wisniewski's announcement on October 2, 2013, that he was going to hold a hearing on the lane realignment. O'Dowd heard about the hearing, but at a later date. From Labor Day to Election Day, O'Dowd was constantly talking to the State Legislature, and members of the State Legislature often undertook actions (such as calling for hearings) in an effort to influence the outcome of an election. This was especially true for the 2013 New Jersey election because all 121 State legislators and the Governor were up for reelection, which is something that occurs only once every ten years. As such, O'Dowd generally discounted certain events during that period as political.

O'Dowd added that, the Wisniewski committee had been impaneled since March 2013, and that, as the Chairman of the New Jersey Democratic State Committee, Assemblyman Wisniewski had often identified supposed crises that did not materialize. In addition, O'Dowd had to deal with, and was focused on, several other unrelated issues that dominated O'Dowd's schedule around this time.

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**J. October 16, 2013 – Port Authority Committee Meeting**

O'Dowd's attention was directed to an October 16, 2013 email from Egea to O'Dowd, McKenna, and Drewniak. O'Dowd recalled that State Senator Loretta Weinberg was threatening to issue subpoenas to Port Authority employees around this time.

**K. October 17–18, 2013<sup>5</sup>**

O'Dowd's attention was directed to an October 17, 2013 communication from Drewniak to O'Dowd. O'Dowd recalled that this was about a press inquiry from *The Wall Street Journal*, which was seeking comment from Drewniak about whether Wildstein was at the George Washington Bridge during the lane realignment.

**L. November 2013<sup>6</sup>**

O'Dowd's attention was directed to an email exchange between him and Samson on November 13–14, 2013, and a December 2, 2013 email to him from Samson. O'Dowd explained that this email concerned Baroni's replacement for the Administration's second term. On or around November 13, 2013, Gramiccioni was informed that she would be replacing Baroni as Deputy Executive Director of the Port Authority. From then until Baroni's resignation was secured, Samson frequently checked in with O'Dowd to see when he planned on informing Baroni of his resignation. These November and December 2013 communications with Samson were about this.

O'Dowd first learned that the Governor was going to replace Baroni, and that Samson agreed with that decision, at some point before November 2013. O'Dowd thought that the Governor wanted to replace Baroni because of general performance-based reasons.

**M. November 18, 2013 – Meeting with Senator Weinberg**

The first time that O'Dowd recalled discussing the lane realignment was on or around November 18, 2013. That day, O'Dowd met with Senator Weinberg at the State House about an unrelated legislative issue. After the meeting, as Senator Weinberg was leaving, she came back and came up close to O'Dowd. She then told O'Dowd that she was not sure if he was following the Port Authority issue, that she did not think that anyone in the

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<sup>5</sup> O'Dowd's attention was also directed to an October 17, 2013 text message from Kelly—"Velez did well. A few cranky folks, but all in all, no real blow back." This text was in response to a mobile cabinet meeting that Kelly had helped set up and Kelly was commenting on one of the participant's performance at the meeting.

<sup>6</sup> O'Dowd recalled that a November 4, 2013 text that he received, which said, "[t]ell everyone to call Bridget," was about figuring out the logistics of the Office's election night event.

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Governor's Office had anything to do with it, but that those "two frat boys have to go." O'Dowd assumed that Senator Weinberg was referring to Baroni and Wildstein. O'Dowd did not recall if he said anything in response during this brief interaction.

#### **N. November 19–22, 2013**

O'Dowd recalled that he was at a Republican Governors Association meeting in Arizona with the Governor from around Tuesday, November 19, 2013, through Friday, November 22, 2013. On or about that Thursday (November 21) or Friday (November 22), or on both days, O'Dowd spoke to McKenna, who noted that Baroni was likely testifying before the Wisniewski committee that upcoming Monday, November 25, 2013. O'Dowd recalled telling McKenna that that was fine. O'Dowd explained that it was common for McKenna or Matey to call O'Dowd, the principal contact with the State Legislature, to ask him to sign off before a high-level official in the Administration, such as a commissioner or a cabinet member, testified before the Legislature. O'Dowd was generally not briefed on, or otherwise knew in advance, the substance of such a witness's testimony. Before Baroni's testimony, McKenna told O'Dowd generally that Baroni was going to discuss the traffic study, answer the committee's questions, and explain "soup to nuts" what went on with the lane realignment. O'Dowd did not see the text of Baroni's testimony before or after the hearing.

O'Dowd believed that, around Friday, November 22, 2013, he mentioned to the Governor that Baroni would be testifying before the Wisniewski committee, as it was not uncommon to tell the Governor if someone senior like Baroni would be testifying before a legislative committee.

O'Dowd's conversation with McKenna was not the first time that O'Dowd had heard that the lane realignment was a "traffic study" as an explanation for what had occurred, but did not recall specifically why he thought that or from whom he would have first heard it. When asked if there was any reason to think that there was anything out of the ordinary about such a study, O'Dowd said no. O'Dowd added that, to the contrary, the fact that McKenna was interfacing with Baroni gave O'Dowd confidence in the upcoming hearing because McKenna was non-political. McKenna also told O'Dowd that Nicole Crifo and individuals from the Port Authority were involved in interfacing with Baroni in advance of his testimony.

#### **O. November 25, 2013 – Baroni's Testimony**

O'Dowd did not have time to listen to Baroni's testimony. O'Dowd did not recall if McKenna checked in with him after Baroni's testimony and did not recall discussing the hearing with Baroni.

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**P. November 30, 2013**

O'Dowd's text message exchange with Kelly on or around November 30, 2013, concerned Kelly informing him that she would be out of the office for the next few days due to a death in her family.

**Q. December 2, 2013 – Press Conference and Governor's Nomination of New Attorney General**

O'Dowd recalled that the Governor's December 2, 2013 press conference was about personnel announcements for the Administration's second term. At that press conference, the Governor announced O'Dowd's nomination as the next Attorney General of New Jersey. O'Dowd first learned of his potential nomination in the summer of 2013, when the Governor mentioned the prospect to him.

**R. Post-December 2, 2013 Press Conference<sup>7</sup>**

At some point after the December 2, 2013 press conference, O'Dowd, Drewniak, and the Governor were in O'Dowd's office, during which meeting Drewniak mentioned Wildstein's allegations. O'Dowd explained that this conversation about Wildstein's allegations arose in the wake of the December 2, 2013 press conference because a reporter there had asked the Governor about the lane realignment. During their conversation, O'Dowd recalled Drewniak mentioning the following statements that Wildstein had made to Drewniak—namely, (1) that Wildstein saw the Governor at a public 9/11 Memorial event, where Wildstein mentioned the lane realignment to the Governor; (2) that, in addition to Drewniak, Wildstein had also made this same claim to Kelly and Stepien; and (3) that Samson and Baroni were also at the 9/11 Memorial event. The Governor responded that he was at the 9/11 Memorial event, that he saw Wildstein, Baroni, and Samson there, but that he had no recollection of anyone mentioning to him anything about a lane realignment and that, even if someone had, it would not have registered with him. O'Dowd did not recall discussing Wildstein's resignation or a dinner between Drewniak and Wildstein at this meeting, although he recalled learning of this dinner at some point after January 8, 2014. O'Dowd did not recall the Governor stating that he had spoken to Stepien about the lane realignment and whether Stepien had any knowledge of, or involvement in, the lane realignment.

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<sup>7</sup> O'Dowd's attention was directed to a text message that he sent to the Governor on December 4, 2013, which said, "Got it. Will call bill now." O'Dowd explained that this was in connection with some controversial statements made in connection with the DREAM Act and that this text was in response to the Governor's instruction to him to call either Bill Stepien or Bill Palatucci to address the issue.

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## **S. December 6, 2013 – Meeting with Wildstein About His Resignation**

O'Dowd, who was on a family vacation in Florida from around December 6–11, 2013, was not involved in securing Wildstein's resignation.

O'Dowd learned that Wildstein would be asked to resign at some point before December 6, 2013, but O'Dowd did not specifically recall how or when he learned this. O'Dowd suspected that Wildstein would be let go sometime after Baroni's testimony. When asked if O'Dowd knew why Wildstein was asked to resign, O'Dowd explained that Wildstein and Baroni failed to properly communicate to relevant parties the implementation of the traffic study, that Baroni testified to that, and that this failure was viewed as the final straw. O'Dowd added that, at that point, it had already been decided that Baroni would resign at the end of 2013, and O'Dowd knew that Baroni's replacement, Gramiccioni, did not have a relationship with Wildstein. When asked who in the Governor's Office knew about Baroni's pending resignation on or around December 6, 2013, O'Dowd said that he, the Governor, McKenna, and, possibly Samson knew.

O'Dowd spoke to McKenna after McKenna's meeting with Wildstein, but O'Dowd did not specifically recall when. During O'Dowd's and McKenna's conversation, McKenna said that, during his meeting with Wildstein, Wildstein told McKenna that the traffic study was Wildstein's idea and legitimate, but that it was a mistake not to have informed the police beforehand. Wildstein also told McKenna that Wildstein understood that the Fort Lee situation had become a distraction and, as a result, he would resign. McKenna said that this meeting was pleasant and not contentious. At the time, it was intended that Wildstein's resignation would be effective as of December 31, 2013.

## **T. December 9, 2013 – Wisniewski Committee Hearing**

Southwell asked about O'Dowd's awareness of the December 9, 2013 hearing before the Wisniewski committee. O'Dowd, who was on vacation at the time, did not listen to this testimony, did not have any pre-awareness of, or discussions about, the substance of the testimony, and did not have any discussions about the testimony thereafter.

## **U. December 12, 2013**

### **1. Meeting with the Governor**

On December 12, 2013, O'Dowd had a number of meetings scheduled. First, he had a meeting with McKenna and DCA Commissioner Richard Constable at the State House regarding Constable's plans for the Governor's second term.

Thereafter, O'Dowd had a meeting with the Governor at Drumthwacket that was unrelated to Fort Lee. When O'Dowd arrived at Drumthwacket for that meeting, he walked

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through the dining room, where the Governor was finishing a meeting with Stepien. O'Dowd recalled that the Governor commented that the focus on the lane realignment issue had become a distraction and instructed O'Dowd to talk to Kelly to determine whether she had any knowledge of the lane realignment. O'Dowd then went upstairs and, at some point outside of Stepien's presence, the Governor told O'Dowd that the Governor had been questioning Stepien about his knowledge of, or involvement in, the lane realignment, and that Stepien explicitly denied any such knowledge or involvement. O'Dowd also believed that the Governor told him at this time that the announcement of Stepien as the head of the New Jersey Republican Party had been delayed.

When asked why the Governor would be discussing the Fort Lee issue with Stepien, O'Dowd thought that, by this point, Drewniak had already told O'Dowd and the Governor about Wildstein relaying his claims to Kelly and Stepien. In addition, by that time, there was speculation in the press that the lane realignment was political retribution. As such, it would have been logical for the Governor to ensure that those working on his campaign and those in IGA were not involved with the lane realignment and, as such, it was logical to talk to Stepien and Kelly, the Governor's campaign manager and the head of IGA, respectively, to determine this. Further, it was generally known that Baroni, Wildstein, Stepien, and Michael DuHaime have known each other for a long time and are close, and that, more recently, Kelly had become friendly with this group. Thus, it made sense that the Governor would talk to Stepien to see if he knew anything about those individuals' involvement in the lane realignment.

During O'Dowd's and the Governor's unrelated meeting, a story was released in the press about an alleged conversation between Governor Christie and Governor Cuomo in which the former told the latter that Foye should back off on his investigation of the lane realignment. O'Dowd confirmed that his text messages with Matey and Cuomo's aide Howard Glaser, respectively, were about this news story.<sup>8</sup> O'Dowd and the Governor briefly discussed this article and the Governor said that the allegations in the story were not true.

After their meeting, O'Dowd and the Governor each returned to the State House. At that point, O'Dowd met with Senator Sweeney on an unrelated matter.

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<sup>8</sup> December 12, 2013 Text from Glaser to O'Dowd ("Call me plz time sensitive press inquiry."); December 12, 2013 Text from Matey to O'Dowd ("You are aware of WSJ article reporting call to Cuomo."); December 12, 2013 Text from O'Dowd to Matey ("What does it say?"); December 12, 2013 Text from Matey to O'Dowd ("They spoke privately and he told Cuomo Foy[e] 'pressing too hard to get to the bottom' of issue."); December 12, 2013 Text from Matey to O'Dowd ("It's on Dolan clips now."); December 12, 2013 Text from O'Dowd to Matey ("With [the Governor] now.").

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## 2. Conversation with Kelly

Back at the State House, O'Dowd tried to meet with Kelly in person, but she was out of the office, taking care of her daughter, who had just had surgery. Thus, later that day, O'Dowd called Kelly when he was in a car on his way to the Governor's office in Newark, where O'Dowd was scheduled to meet with Baroni that evening. During the call, O'Dowd asked Kelly if she knew anything about the lane realignment before it occurred. Kelly unequivocally denied any contemporaneous knowledge of the lane realignment. Kelly also asked O'Dowd why he was asking; O'Dowd responded that the Governor had directed him to talk to her. O'Dowd inquired further whether she had any text messages or emails on the subject, and Kelly responded that she did not think so. Nonetheless, O'Dowd directed Kelly to review her text messages and emails and check if she had any evidence on the question. O'Dowd further instructed Kelly that she should let him know right away if she found anything. Later that evening, O'Dowd called the Governor and informed him of Kelly's denial of any contemporaneous or before the fact knowledge of the lane realignment.

## 3. Meeting with Baroni About His Resignation

That evening, December 12, 2013, O'Dowd and McKenna met with Baroni to discuss his resignation. McKenna had driven to Newark in a different car than O'Dowd. At the meeting, O'Dowd got straight to the point since O'Dowd understood from Samson and the Governor that Baroni already knew that he would be asked to step aside at the end of the year. O'Dowd did not think that Baroni was surprised by the meeting other than the timing of his resignation—Baroni was told that he had to resign the next day, December 13, 2013. O'Dowd told Baroni that Gramiccioni would be replacing him. Baroni apologized that the traffic study had become such a distraction, and did not contest resigning.

During the meeting, Baroni said that everything that he had said in his testimony was true, and reiterated that the traffic study was legitimate, although mistakes were made in terms of not providing an appropriate "heads up" about the study. O'Dowd found Baroni credible, and did not consider this meeting to be the proper forum to further discuss the lane realignment.

During the meeting, Baroni asked about his severance package, to which O'Dowd responded that he did not know what employees received when they left the Port Authority. Baroni also expressed concern that it would be hard for Baroni to get a new job. O'Dowd told Baroni that DuHaime might be able to offer Baroni a temporary job until he could find other employment. O'Dowd also told Baroni that he should talk to Drewniak about a resignation statement, which O'Dowd understood the Governor would issue the following day. O'Dowd learned that DuHaime offered a job to Baroni at some point before this December 12 meeting.

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At the end of the meeting, McKenna asked Baroni to send in Wildstein, who was at the Newark office that day because McKenna had asked to meet with him. When Wildstein came down to meet with McKenna, O'Dowd left the room and called the Governor, then Samson, and then DuHaime to confirm to each of them that he had spoken to Baroni about his resignation. During his call with Samson, O'Dowd told Samson to expect a call from Baroni about indemnification. O'Dowd told DuHaime either to call Baroni or that Baroni would be calling DuHaime regarding DuHaime's offer to hire Baroni. After those calls, O'Dowd joined the meeting with Wildstein and McKenna. O'Dowd introduced himself to Wildstein because they had not previously been introduced. At that meeting, Wildstein was told that his resignation would be effective the next day (December 13, 2013), rather than at the end of the month.

#### 4. Conversation with Gramiccioni

At some point that evening, after his meetings with Baroni and Wildstein, O'Dowd spoke to Gramiccioni on the phone, during which conversation O'Dowd told Gramiccioni about his meeting with Baroni earlier that day. On the call, O'Dowd said that Baroni might be reaching out to Gramiccioni as his successor. O'Dowd and Gramiccioni also briefly discussed whether or not the Governor was going to hold a formal press conference the next day or simply issue a press statement about Gramiccioni's new position.

### V. December 13, 2013

#### 1. Pre-Senior Staff Meeting

O'Dowd first learned that the Governor would hold a press conference either on the night of December 12, 2013, or on the morning of December 13, 2013.

O'Dowd recalled that when he arrived at the State House the morning of December 13, 2013, he first talked briefly with Gramiccioni in her office, at which point she told him that she had heard from Baroni that there was an email indicating that Kelly had contemporaneous knowledge of the lane realignment. When asked if his conversation with Gramiccioni was cause for concern in light of O'Dowd's conversation with Kelly the day before, O'Dowd said that it was not. O'Dowd had asked Kelly to review her emails and then follow up with him that day, and it was still early in the morning.

Shortly after his meeting with Gramiccioni, O'Dowd received a text message from the Governor instructing O'Dowd to convene senior staff and Drewniak in the Governor's office for a meeting at 10 a.m. O'Dowd asked a secretary to pass that message along to the senior staff. O'Dowd did not reach out to Kelly before the senior staff meeting because O'Dowd was planning on meeting with Kelly afterwards.

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### 2. Senior Staff Meeting

O'Dowd thought that everyone on senior staff was present at the December 13, 2013 meeting except Ferzan, who was away that day. O'Dowd described the setup of the meeting: everyone other than the Governor was sitting, with O'Dowd immediately to the Governor's right, and McKenna immediately to the Governor's left, which was where the two of them generally sat in relation to the Governor. The Governor stood at the head of the table. At the meeting, the Governor explained that he was upset in general about the way that the Office had been performing since the election. The Governor said that, along with the success that the Administration was experiencing came greater scrutiny, and that a spotlight praising the Administration one day could quickly become a search light the next. O'Dowd explained that he understood that the purpose of the meeting was to serve as a wakeup call to senior staff regarding their overall post-election performance and to address the lane realignment and the press scrutiny surrounding it in particular.

O'Dowd recalled that the Governor then explained that he was going to hold a press conference that day to put the lane realignment issue to bed. The Governor said that if anyone had any knowledge of, or involvement in, the lane realignment that they had to come forward with that information before the press conference. The Governor said that this was the time to speak up because the situation was about to go to a whole new level, as the Governor was going to hold a press conference later that day and tell everyone about this meeting. As he said this, the Governor looked around the room and made eye contact with each person. The Governor then explained that he, O'Dowd, and McKenna would be in their respective offices for the next hour and a half until the press conference began. O'Dowd recalled that the Governor made clear that this meeting was the venue in which to come forward, or, alternatively, to see the Governor, McKenna, or O'Dowd before the press conference began.

O'Dowd said that this meeting was unlike any meeting he had ever had with the Governor. In all respects, O'Dowd said, the environment was unusual. When asked why the meeting was out of the ordinary, O'Dowd elaborated that it was the first time that he recalled the Governor questioning his senior staff about whether there was something that the Governor did not know, although it was not the first time that O'Dowd had seen the Governor agitated. O'Dowd said that the Governor seemed upset about the communications strategy in response to the lane realignment, and that he wanted to put the matter behind the Office in a definitive way since there was no proof of anything improper or any involvement by Office employees. The Governor, however, did not want to make such an announcement until he asked his staff whether anyone knew anything and was assured that he was not being misled. It was obvious to O'Dowd that the Governor had nothing to do with the lane realignment, and that the Governor wanted to make sure that no one else in the Office was involved.

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No one said anything in response to the Governor at the meeting. O'Dowd did not recall others' demeanor in the meeting because he was at the head of the table, looking at the Governor, which meant that everyone else was behind O'Dowd. As everyone was leaving the meeting, O'Dowd observed that people seemed taken aback in response to the Governor's general criticisms of the Office's post-election performance.

#### 3. Post-Senior Staff Meeting and Pre-Press Conference

Shortly after the meeting, O'Dowd went to Kelly's office and asked if she had reviewed her emails, to which Kelly replied she had. O'Dowd recalled that Kelly was sitting at her desk and he was standing over it. Kelly told O'Dowd that she found one email, which she showed in hard copy to O'Dowd. O'Dowd said that it was an email from Christina Renna to Kelly that Kelly had then forwarded to Wildstein. Renna's email in the chain relayed a message from Evan Ridley in IGA that the Mayor of Fort Lee had called to complain about the traffic and that the Mayor sounded annoyed.<sup>9</sup> Kelly explained to O'Dowd that forwarding this email to Wildstein was typical, as Kelly's responsibilities included notifying the appropriate entity/individual of an issue that a local official brought to IGA's attention. O'Dowd said that, on its face, Mayor Sokolich's message clearly concerned an issue involving the Port Authority such that Kelly would know to forward it to Wildstein. O'Dowd said that the date of the email was September 12, 2013, and thus thought that this was the email that Baroni had speculated existed showing Kelly's contemporaneous knowledge of the lane realignment. O'Dowd then asked Kelly if she had any other knowledge of, or involvement in, the lane realignment other than this email, and Kelly responded that she did not. O'Dowd asked Kelly if she had looked through her work and personal email accounts, and her phone, to see if there was anything else about the lane realignment, which Kelly said she did. O'Dowd said that Kelly was a bit defensive at this point and that, in response to O'Dowd asking Kelly whether this was the only document she had about the lane realignment, Kelly said yes, this was all she found, and that she sometimes deletes her emails. O'Dowd then told Kelly to keep looking through her emails and phone and that he would be in his office if she wanted to tell him anything else. O'Dowd took the September 12, 2013 email with him and left Kelly's office. When asked if anyone else was present in this meeting, O'Dowd recalled that Kelly's office door was open during the meeting and that Stepien may have been near or around the office while the meeting was going on, as Stepien was at the State House that day for the press conference.

When asked why O'Dowd did not question Renna and/or Ridley about their knowledge of or involvement in the lane realignment after seeing the September 12, 2013

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<sup>9</sup> The version of the email that Kelly showed O'Dowd did not contain any commentary other than in the initial email from Renna to Kelly. In particular, this version of the email did not contain Kelly's "Good." response to Renna.

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email, O'Dowd explained that this email chain did not strike him as unusual. O'Dowd elaborated that Renna and Ridley would have been the natural recipients in IGA of a complaint that IGA received from a local official, and, in the course of their responsibilities, would have been the ones to relay any such complaint to their boss, Kelly. When asked if O'Dowd ever discussed this meeting with Renna, O'Dowd replied that shortly before Renna left the Office on or around January 30, 2014, she told O'Dowd that, at some point, Kelly had told Renna about this meeting and that Kelly had denied to O'Dowd any involvement in or prior knowledge of the lane realignment.

A short while after this meeting, Kelly came to O'Dowd's office. Kelly said she was concerned about what the Governor thought of her and asked O'Dowd whether the Governor had lost confidence in her. She asked O'Dowd if she needed to talk to the Governor. O'Dowd responded that it was her decision—a response prompted, in part, by the fact that Kelly was habitually concerned about how she was perceived by the Governor and O'Dowd was anticipating soon leaving the Governor's Office.

Before the press conference, O'Dowd reported his meetings with Kelly to the Governor, including that Kelly continued to deny any involvement in the lane realignment, as she had done the day before. O'Dowd also described and showed the Governor the September 12 email that Kelly had provided to O'Dowd. O'Dowd told the Governor that this email was consistent with Kelly's denial of any involvement in or prior knowledge of the lane realignment.

At the time, O'Dowd gave Kelly the benefit of the doubt and had no reason to think that she was lying about her knowledge of or involvement in the lane realignment. O'Dowd noted that Kelly had been at the State House for a long time, and was someone who O'Dowd believed at the time cared deeply about the Governor and the Administration.

O'Dowd did not recall meeting with anyone else before the press conference. O'Dowd did not recall if he spoke to McKenna before the press conference, but O'Dowd may have subsequently learned that Drewniak spoke to McKenna before the press conference.

#### **4. Press Conference**

During the press conference, Kelly, who was standing about fifteen feet from O'Dowd, texted O'Dowd, again asking him whether or not she should speak to the Governor to make sure he had not lost confidence in her. O'Dowd did not respond.

#### **5. Post-Press Conference**

After the press conference, Kelly came back to O'Dowd's office with another email—this time, a September 23, 2013 email from Jeanne Ashmore in the Governor's

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Office of Constituent Relations to Kelly, forwarding without comment a letter from Senator Weinberg to Port Authority Commissioner William "Pat" Schuber, which Kelly then forwarded to Wildstein without comment. At this point, O'Dowd was upset because Kelly had told him before the press conference that she had no other emails regarding the lane realignment. O'Dowd was not upset over the substance of the email, which was still consistent with Kelly's claim that she had no prior knowledge of the lane realignment; rather, he was upset because he could not understand how Kelly had not already found this email because Kelly had been searching through all of her emails and texts since the night before pursuant to O'Dowd's instructions. At that point, O'Dowd directed Kelly to keep looking through her emails and documents to see if there was anything else about the lane realignment therein. O'Dowd relayed this meeting and second email to the Governor either later that day or the next day, on December 14, 2013.

O'Dowd's attention was directed to texts between him and Kelly after their post-press conference meeting, in which texts Kelly told O'Dowd that she had to leave work early that day to take care of her kids. O'Dowd believed that, because he had just reprimanded Kelly, and it was obvious that O'Dowd was upset with her, Kelly probably did not want to tell him this in person.

O'Dowd generally recalled speaking to Egea around this time about whether she would keep the same assistant as O'Dowd when she became Chief of Staff.

#### **W. December 14, 2013**

On December 14, 2013, O'Dowd had a telephone conversation with DuHaime. During that call, DuHaime said that he had talked to Wildstein earlier that day and that Wildstein had reiterated to DuHaime that the lane realignment was Wildstein's idea, that it was a legitimate traffic study, and that there was no merit to the allegations suggesting otherwise.

O'Dowd also spoke to Stepien on December 14, 2013. During that conversation, Stepien said that, at a Christmas party the night before—on December 13, 2013—Assemblyman Wisniewski told Woodbridge Mayor John McCormac that he (Wisniewski) either had or was aware of a document that showed that someone in the Governor's Office knew about the lane realignment. O'Dowd believed that he then told Stepien about the September 12, 2013 document that Kelly had shown O'Dowd the day before (December 13, 2013), and that O'Dowd and Stepien both concluded that this must have been the email to which Assemblyman Wisniewski was referring. It was O'Dowd's understanding that Stepien had also told the Governor that day about Assemblyman Wisniewski's statement.

Later that day, on December 14, 2013, O'Dowd spoke to the Governor on the phone about O'Dowd's conversations earlier that day with DuHaime and Stepien, respectively. During this call, O'Dowd and the Governor concluded that the September 12, 2013 email

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was the email that Baroni and Assemblyman Wisniewski had referenced to others as the email suggesting that someone in the Governor's Office had knowledge of the lane realignment. O'Dowd came away from this call with the understanding that they had finally gotten to the bottom of the issue.

### **X. January 8, 2014**

#### **1. Kelly's Emails Revealed in *The Bergen Record***

On the morning of January 8, 2014, Comella called O'Dowd and told him to go online because an email from Kelly about a traffic study had been released to the press. Either during this call or around the same time (O'Dowd did not specifically recall), Comella told O'Dowd either that she would tell the Governor about the leaked email or that she already had. Also that morning, Kelly tried calling O'Dowd, but they did not connect. O'Dowd understood that Comella spoke to Kelly at some point that morning about the press being outside of Kelly's house, and that Comella told Kelly to stay home and that the Office would get back to her.

That morning, on January 8, 2014, O'Dowd also spoke to the Governor about the leaked email. The Governor was stunned and instructed O'Dowd to convene a meeting that day at Drumthwacket. The Governor told O'Dowd who to invite to the meeting.

#### **2. Meeting at Drumthwacket**

When O'Dowd arrived at Drumthwacket later that day, there was a stack of the emails that had been publicly released that morning. O'Dowd reviewed those emails and the articles in which they appeared later that day.

O'Dowd explained that everyone at the meeting at Drumthwacket was in "shock" and "spinning," as they could not believe that something like this could come out after the Governor's December 13, 2013 meeting, which was the chance to come clean. O'Dowd said that the Governor was outwardly emotional and welled up in tears. At the meeting, the Governor asked those assembled whether there was anyone else who knew anything about the lane realignment, and the answer was, no. O'Dowd sensed that no one could believe that they were sitting in that meeting and that it was a surreal environment. O'Dowd thought that there were approximately 10–12 people in the room at the time, but he did not specifically recall who was there. More people arrived at Drumthwacket as the day progressed.

January 8, 2014, was an extremely chaotic day, and O'Dowd was affected on a personal level for multiple reasons. First, he received calls from legislators as to whether his Attorney General confirmation hearings, which were scheduled to begin the following week, should be postponed. Second, Kelly had worked for O'Dowd, and O'Dowd had questioned her about the lane realignment. O'Dowd was angry that Kelly had lied to him.

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O'Dowd recalled a discussion about whether the Office should try to speak to Kelly. O'Dowd said that there was a quick consensus that it would not be appropriate to have a dialogue with Kelly. O'Dowd did not remember who led that discussion, but generally recalled that those involved did not want to allow for any suggestion that the Office was trying to coach or influence Kelly. Moreover, at that point, it was too late to have a discussion with Kelly because it was now clear that she had lied to him and the Office about her involvement in the lane realignment. Thereafter, the Governor directed his new Chief Counsel, Chris Porrino, to call Kelly the following day (on January 9, 2014) to terminate her employment.

There was also a discussion about whether Kelly and Stepien should have attorneys to help them navigate the media onslaught that had already begun in connection with the lane realignment. O'Dowd did not recall who led this discussion. O'Dowd recalled that Walter Timpone and Kevin Marino were mentioned as potential lawyers for Kelly and Stepien, but he did not recall who mentioned these names or who called either of them and what came of that discussion. O'Dowd was not involved in contacting these attorneys. O'Dowd said that this discussion was not related to any suggestion that there had been unlawful activity in connection with the lane realignment.

O'Dowd recalled that there was also a meeting between Porrino, Matey, and Drewniak at Drumthwacket that day (January 8, 2014). O'Dowd thought that the Governor had asked Porrino to have this meeting, and that the three of them met for over two hours in a separate room at Drumthwacket. O'Dowd did not know the purpose of this meeting, but thought that it was in line with trying to figure out who else knew what. When asked if Drewniak was viewed as close to Kelly, Stepien, Wildstein, and/or Baroni, O'Dowd said that his understanding was that Drewniak had a relationship with Wildstein and Baroni, and that Drewniak was going to be the press secretary at the Port Authority, but that Drewniak did not have a relationship with Kelly or Stepien. O'Dowd generally recalled learning about this Drewniak interview, and that his general impression at the time was that Drewniak was not involved with the lane realignment.

Regarding what else occurred at Drumthwacket on January 8, 2014, O'Dowd said that there was a discussion over severing ties with Stepien. According to O'Dowd, the Governor instructed DuHaime to go talk to Stepien, who was not at Drumthwacket, which DuHaime did. Subsequently, DuHaime returned to Drumthwacket. At some point, after much discussion, the Governor decided to sever ties with Stepien. O'Dowd said that the Governor was unequivocal about that decision, but that the Governor did want to discuss how to publicly communicate that fact. O'Dowd explained that while it was clear from the publicly released emails that Kelly had lied about her involvement in, or knowledge of, the lane realignment, the evidence was less clear at that point as to whether or not Stepien had lied about having prior knowledge of or involvement in the lane realignment, although the released emails suggested that Stepien might have known more about the situation. O'Dowd

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said that, regardless, the Governor knew that he had to sever ties with Stepien because the publicly released emails showed Stepien in a poor light given his potential roles.

On January 8, 2014, there was also a discussion at Drumthwacket as to whether the Governor would hold a press conference that day or on January 9, 2014. Once it was decided that the Governor would speak on January 9, those at Drumthwacket participated in a mock Q&A session with the Governor, which was how the day at Drumthwacket ended. During this session, the Governor became very emotional again.

### **III. Superstorm Sandy Aid Allegations**

O'Dowd had not previously heard about or discussed the allegations that Hoboken Mayor Dawn Zimmer had recently alleged against the Lieutenant Governor in connection with Superstorm Sandy aid and the Rockefeller Group. O'Dowd was shocked when he read Mayor Zimmer's allegations and he did not believe them.

### **IV. Document Retention Notices**

O'Dowd received the document retention notices and is in compliance with them.

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## Memorandum

### PRIVILEGED AND CONFIDENTIAL ATTORNEY OPINION WORK PRODUCT

To: File

From: Gibson, Dunn & Crutcher LLP

Re: McKenna Interview Memorandum

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On January 22, 2014, and March 12, 2014, Charlie McKenna was interviewed by Randy M. Mastro, Debra Wong Yang, Alexander H. Southwell, and/or Sarah L. Kushner of Gibson Dunn. On January 22, 2014, McKenna was not represented by counsel. On March 12, 2014, McKenna was represented by John Azzarello and Matt Whipple of Whipple Azzarello LLC. All information contained herein was provided by McKenna or as indicated. The information in brackets was obtained from publicly-available sources, not from the interview itself. McKenna has not read or reviewed the memorandum and has not adopted or approved its contents. Southwell began the interview by administering the standard *Upjohn* warnings per Gibson Dunn protocol, and requesting that McKenna refrain from discussing the investigation and interview with others. McKenna stated that he agreed, understood, and did not have any questions.

This memorandum does not contain a verbatim transcript of what was said at the meeting; rather, it is a summary of the discussion that reflects counsel's mental thoughts and impressions and is therefore protected from disclosure by the attorney work product doctrine.

#### I. Background

##### A. Role and Responsibilities

McKenna joined Governor Christie's Administration four years ago as the Director of New Jersey's Office of Homeland Security & Preparedness ("OHSP"). Around the end of January 2012, McKenna joined the Governor's Office as Chief Counsel.

*[Prior to working in the Administration, McKenna worked at the U.S. Attorney's Office for the District of New Jersey (the "USAO") for 18 years. Most recently, he was the Chief of the Criminal Division at the USAO. In that capacity, McKenna was responsible for establishing policy for the Criminal Division, and coordinating with other law enforcement*

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*agencies, including the FBI, IRS, and the Department of Defense. Before that, McKenna served as the Executive Assistant U.S. Attorney under then-U.S. Attorney Christie. In that position, McKenna had executive oversight of all Criminal and Civil Division investigations and was responsible for ensuring efficient operations in the office. In 2002, McKenna received the Director's Award for Superior Performance from the U.S. Department of Justice. From 1999 to 2002, McKenna was the USAO's Liaison to the FBI Joint Terrorism Task Force. Throughout his tenure at the USAO, McKenna was the Crisis Management Coordinator for the District of New Jersey.]*

### **B. Reporting Lines**

As Chief Counsel, McKenna had a fifteen minute meeting scheduled daily with the Governor, although these meetings did not always happen. McKenna rarely emailed the Governor because the Governor did not generally use email.

The following individuals/units within the Governor's Office reported to McKenna: the Authorities Unit, Deputy Chief Counsel, Director of Appointments, and David Cohen in the Office of Employee Relations. McKenna interacted with the Authorities Unit as needed, and received that unit's meeting minutes, which were prepared by the Director of the Authorities Unit's staff and then reviewed by the Director. If, however, there was a particular issue within that unit that needed McKenna's attention—for example, cutting employee salaries, or making some personnel change—then the Director would talk to McKenna directly about that issue or the Director would notify McKenna that someone in the unit needed to talk to him about a particular issue. Regarding McKenna's interaction with the New Jersey authorities in general, McKenna interacted with the Port Authority of New York & New Jersey (the "Port Authority") the most, and, second most, with the Waterfront Commission.

### **C. Interactions with the Port Authority**

McKenna interacted occasionally with Bill Baroni, rarely with David Samson (although more so around the time of David Wildstein's and Baroni's resignations), and, occasionally with Philip Kwon. McKenna and Kwon worked together at the USAO, and McKenna was involved in Kwon's nomination to the New Jersey Supreme Court.

#### **1. Relationship with Wildstein**

McKenna did not interact with Wildstein, and had only met him four times that he could recall. First, Wildstein approached McKenna at a store near McKenna's house. McKenna had no idea who Wildstein was, but pretended to know him; a few weeks later, Stepien or Baroni mentioned McKenna's chance encounter with Wildstein, and, at a subsequent time, McKenna made the connection. Second, McKenna said hello to Wildstein at the State House because McKenna realized that he had probably appeared rude at the

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store. Third, when McKenna asked for Wildstein's resignation on December 6, 2013. And, fourth, when O'Dowd and McKenna notified Wildstein on December 12, 2013, that his resignation would be effective the following day, as opposed to the end of the year, as initially planned.

### 2. Relationship with Baroni

Regarding McKenna's relationship with Baroni, McKenna knew Baroni when McKenna was at OHSP and Baroni was at the Port Authority. McKenna said that OHSP had projects that involved the Port Authority, including a project regarding Liberty State Park that McKenna asked the Port Authority, and Baroni in particular, to set aside money for, which McKenna believes that the Port Authority did. McKenna said that there was always tension between New Jersey and New York within the Port Authority regarding which side received credit for a particular project. With respect to their professional relationship, McKenna recalled a couple of instances when Baroni called him on a weekend in connection with business matters—*e.g.*, a security breach at the Port Authority or a plane landing without landing gear.

### D. IGA

McKenna commented that the Office's Legislative and Intergovernmental Affairs ("IGA") unit's purpose was to interface with State legislators, locally elected officials, and municipalities, and to be responsive to them. McKenna was not aware of any changes within IGA during election season. McKenna did not frequently interact with IGA. Occasionally, Stepien asked McKenna to meet with certain constituency groups; Kelly asked the same of McKenna once or twice.

With respect to McKenna's interactions with Kelly, McKenna mainly saw her at senior staff meetings. At those meetings, if someone from the Office was scheduled to visit a certain mayor or town that week, Kelly would provide information about the Office's relationship with mayors. McKenna did not have a social relationship with Stepien, Kelly, or Baroni.

### E. "Front Office"

McKenna understood the term "front office" to mean the senior staff, the Deputy Chief of Staff of IGA, and Deputy Chief of Staff (Lou Goetting). McKenna added that it could also include Egea and Paul Matey, Deputy Chief Counsel, but whether they were "front office" was more amorphous and depended on the context. McKenna did not consider David Cohen or then-Senior Policy Advisor Amy Cradic as part of the "front office." McKenna said that someone might assume that an action had "front office approval" if the approval came from the Deputy Chief of Staff for Policy and Planning (at the relevant time,

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Deborah Gramiccioni). If someone said "front office approval," one might assume that to mean an Office-approved action.

## **F. Interactions with the Governor's Campaign**

McKenna's only interaction with the Governor's reelection campaign was in connection with coordinating scheduling. McKenna and O'Dowd were very focused on maintaining the separation between the Office and the campaign. McKenna made it clear in the Office that this separation was something everyone should be aware of and take seriously.

## **II. Chronology of the George Washington Bridge Events**

### **A. Spring 2013**

McKenna was not aware of any efforts to seek Fort Lee Mayor Mark Sokolich's endorsement of the Governor in the spring of 2013. McKenna did not know who Mayor Sokolich was at the time. In fact, the first time that McKenna recalled hearing Mayor Sokolich's name was at the Governor's December 13, 2013 press conference.

In the spring of 2013, McKenna was probably generally aware of efforts to secure endorsements for the Governor because he knew that local elected officials were endorsing the Governor around then, and that Stepien was working to that end.

### **B. August 2013**

McKenna had no knowledge of any discussions between Kelly and Wildstein in August 2013 about Fort Lee traffic issues or "traffic problems."

### **C. September 9–13, 2013 – GWB Lane Realignment**

Prior to and during the week of the lane realignment (September 9–13, 2013), McKenna had no knowledge of the lane realignment. Had McKenna known about the lane realignment at the time, he probably would have done something to stop it, not for the reasons described in Port Authority Executive Director Patrick Foye's September 13, 2013 email, but because traffic jams were simply not good for the Governor. At some point between September and October 2013, there was a major traffic jam on the Garden State Parkway because a contractor was late in completing a project on the highway, which forced certain lanes to remain closed for several hours longer than expected during the morning rush. The traffic jam was reported in the press and when McKenna learned about it, he called New Jersey Department of Transportation ("DOT") Commissioner Jim Simpson that day, asked Simpson what was going on, and emphasized that people were going to be very unhappy with the Governor if they were sitting in traffic. Because traffic jams on State-

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owned roads were usually blamed on the Governor, this was something that McKenna would have wanted to avoid, especially in the months leading up to the election.

McKenna was asked about a public 9/11 Memorial event that the Governor attended the week of the lane realignment. McKenna did not attend the event, but explained that, every year, the Administration provided free ferry service to families attending this event. McKenna met the Governor and his wife that morning at the ferry station to see them off.

McKenna learned about the fire on the boardwalk in Seaside that began on September 12, 2013 that day. McKenna was not involved in the Governor's decision to go to Seaside in response to the fire.<sup>1</sup>

#### **D. September 17, 2013 *Wall Street Journal* Article**

On or around September 13, 2013, McKenna went on a trip to Bosnia, and returned the following Friday, September 20, 2013. On Saturday, September 21, 2013, McKenna went to the senior staff retreat. McKenna had no recollection of discussing the lane realignment at the retreat. It was unlikely that he learned about Foye's September 13, 2013 email when it was first reported in the *Wall Street Journal* on September 17, 2013, and McKenna did not recall learning about it then. McKenna did not have a subscription to the *Wall Street Journal* at the time, so he would only have learned about the September 17, 2013 article when it was re-reported in New Jersey-based newspapers and/or circulated in the Office's press clips.

#### **E. October 1, 2013 *Wall Street Journal* Article**

McKenna thought that he likely learned of the October 1, 2013 *Wall Street Journal* article, which included a copy of Foye's September 13, 2013 email, sometime after its initial publication. McKenna possibly saw a press clipping about the article, but, even if he had, he would not have given the article much thought because he would have viewed Foye's email as part of the internal, Port Authority sniping between the New York side on the one hand, and New Jersey on the other. McKenna did not recall ever reading Foye's email. This email was not on his radar until Foye's December 9, 2013 testimony before the Wisniewski committee, which was also around when McKenna first recalled seeing a picture of Foye. McKenna did not recall any discussions within the Office regarding the Foye email and/or the October 1 *Wall Street Journal* article around the time of the article's publication.

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<sup>1</sup> Separately, McKenna was asked about a communication during the week of the lane realignment—specifically, a September 12, 2013 email McKenna received from Egea. McKenna believed this email referred to an issue about trains flooding around that time.

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#### **F. October 7, 2013 – Port Authority Committee Meeting**

Regarding State Senator Loretta Weinberg's request to testify at a Port Authority committee meeting, McKenna recalled Philip Kwon or possibly Baroni—McKenna did not have a clear recollection of who—calling McKenna and informing him that Senator Weinberg wanted to attend a Port Authority meeting. McKenna did not recall what Senator Weinberg wanted to discuss at the meeting in part because she had a lot of complaints that she wanted to voice before the Port Authority. Regardless, McKenna said that the Port Authority should allow Senator Weinberg to appear at the meeting, which was not otherwise open to the public.

#### **G. October 16, 2013 – Port Authority Committee Meeting**

McKenna's attention was directed to an October 16, 2013 email from Egea to O'Dowd, McKenna, and Drewniak. McKenna generally recalled this email and that Egea was reporting back about a Port Authority meeting that Senator Weinberg had attended that day. McKenna said that Egea and/or Crifo were generally responsible for interfacing with the Port Authority on behalf of the Governor's Office.

McKenna added that Senator Weinberg—who was the Democratic candidate for Lieutenant Governor in the 2009 New Jersey gubernatorial election—always said negative things about the Administration, and, as such, McKenna did not generally view her criticisms of the Administration as credible.

#### **H. November 2013 – Awareness of Traffic Study as Reason for Lane Realignment & Wisniewski Committee's Request**

McKenna became aware of the lane realignment over time, primarily through press clippings. Once aware, McKenna did not think that the lane realignment was significant, as it was something that had already occurred and because traffic at the Bridge was a regular occurrence. McKenna did not focus on the lane realignment until the Wisniewski committee asked members of the Port Authority to testify about it.

McKenna recalled a request from the Wisniewski committee for certain Port Authority individuals' testimony. In particular, McKenna thought testimony was requested from Baroni, Wildstein, and Kwon. McKenna thought he was aware of the request around the time that it was made to the Port Authority. Kwon called McKenna to discuss this request and explained that the Port Authority was thinking of sending Baroni to testify, which McKenna said was fine.

McKenna did not specifically recall when he first heard that the lane realignment was a traffic study, but said that, by this time, he had heard of this explanation. His general recollection was that he first heard this explanation around when the allegations of political

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retaliation surfaced in the newspapers and, in response, the Port Authority had publicly asserted that the lane realignment was simply a traffic study.

At the time, it seemed perfectly plausible to McKenna that the lane realignment was a traffic study. McKenna traveled across the Bridge all the time and had learned long ago from a former FBI agent that he could take a short cut and avoid the traffic on I-80/95 if he entered the Bridge through Fort Lee and drove through the Fort Lee access lanes. McKenna noted that none of the other bridges or tunnels along the Hudson River had any lanes that were specifically designated for local access. Thus, when McKenna first heard that the lane realignment was a traffic study, his initial reaction was that, although he would lose the short cut he used, the study sounded like an appropriate thing to do. McKenna also commented that he thought such a study was something that would likely not have been brought to his attention beforehand because it was operational, and, as such, it was not a matter with which McKenna would have dealt.

McKenna probably informed the Governor that Baroni would be testifying, but did not specifically recall doing so.

#### **I. November 25, 2013 – Baroni's Testimony**

McKenna's first recollection of talking to someone about the lane realignment as a traffic study was when he talked to Baroni shortly before Baroni testified before the Wisniewski committee on November 25, 2013. In particular, McKenna recalled that he, Egea, and/or Crifo were in Egea's office when they spoke to Baroni and possibly Kwon on the phone shortly before Baroni's testimony. During that call, Baroni relayed that he would testify that the lane realignment was a legitimate traffic study and briefly described the study and related charts. Baroni also recited parts of his prepared testimony to McKenna, including that traffic from I-80/95 moved quicker through the last quarter mile to the Bridge toll booths as a result of the lane realignment. That Baroni had actual results from the traffic study further reinforced in McKenna's mind that the realignment was a legitimate traffic study. Baroni also explained that the public was not informed of the study beforehand because that would skew the results. During their conversation, McKenna gave Baroni two pieces of advice in connection with Baroni's upcoming testimony: (1) to not be combative with the Wisniewski committee, and (2) to apologize to the people of Fort Lee who were stuck in traffic, regardless of whether the lane realignment was right or wrong.

When Baroni said that the realignment was a traffic study, McKenna—who did not know how to conduct a traffic study and did not know whether the Port Authority had taken any preliminary measures in connection with the Fort Lee lane realignment—assumed that the Port Authority knew what it was doing.

McKenna did not receive, and did not know if anyone else in the Office received, a copy of Baroni's testimony in advance of the hearing. On November 25, 2013, McKenna

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listened to the testimony on his computer, but had it on in the background. After the testimony, McKenna spoke to Kwon. During that conversation, McKenna told Kwon that he thought that Baroni's testimony was OK, but that Baroni had been too combative. In addition, McKenna told Kwon that there were times when Baroni's testimony was muddled, and that McKenna did not like the use of the term "lanes"; McKenna would have preferred the term "tollbooths," which he thought was more accurate.

McKenna also may have spoken to Baroni after his testimony and told Baroni that he did OK. McKenna did not speak to Wildstein about Baroni's testimony.

After the November 25, 2013 testimony, McKenna thought that people would realize that the lane realignment was just a traffic study and move on.

**J. December 2, 2013 – Press Conference and Governor's Nomination of New Attorney General**

Even before September 2013, unrelated to the lane realignment, McKenna knew that Baroni and Wildstein would be relieved of their positions at the end of the Governor's first term. McKenna said that Baroni did not know about this decision in advance and felt bad that Baroni did not see it coming; McKenna was not sure if Wildstein knew in advance. McKenna explained that, from the Governor's perspective, Baroni had been in his position for four years, which was long enough. Moreover, Samson, as Chairman of the Port Authority, should not be involved in day-to-day issues, but was forced to intercede more than typical on various issues during Baroni's tenure. As such, at the December 2, 2013 press conference, when the Governor announced that Cradic would replace Gramiccioni as Deputy Chief of Staff for Policy, McKenna understood that to mean that Gramiccioni would eventually assume Baroni's position at the Port Authority.

McKenna did not prepare the Governor for the December 2, 2013 press conference. McKenna noted that the Governor generally did not need a lot of preparation.

At that press conference, the Governor made the "moving the cones" comment in response to a question about the lane realignment. McKenna did not anticipate there would be questions about the lane realignment at this press conference. McKenna said that, had the Governor had even an inkling that there was anything in fact nefarious about the lane realignment, that he would never have made that comment.

When asked about a December 2, 2013 calendar entry for a daily briefing that morning between McKenna and the Governor, McKenna said that his meetings with the Governor usually did not occur at their scheduled time. McKenna believed that this meeting would have occurred after the press conference, which began around 11:00 a.m. On or around December 2, 2013, McKenna believed he may have told the Governor that Foye had been subpoenaed, and that, according to a conversation between McKenna and Kwon around

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that time, the Port Authority viewed the subpoena as beyond the realm of what the Wisniewski committee had the authority to do. McKenna told the Governor that Kwon and others at the Port Authority wanted the committee to withdraw its subpoena and allow Foye to testify voluntarily.

#### **K. December 4-5, 2013**

On or around December 4, 2013—shortly before McKenna met with Wildstein to ask for his resignation—McKenna recalled a conversation he had with Drewniak. At the time, McKenna understood that Drewniak knew that Wildstein would be asked to resign. During their conversation, Drewniak said that he was scheduled to have dinner with Wildstein around that time, and asked McKenna what, if anything, Drewniak should say to Wildstein. McKenna said that Drewniak could foreshadow what was coming, and commented that Drewniak knew Wildstein well and could say what he wanted to.

McKenna did not recall hearing from Drewniak that Wildstein had told Drewniak that others outside of the Port Authority knew about the lane realignment. McKenna did recall hearing at some point that Kelly might have known about the lane realignment, but McKenna assumed that what she knew was that the lane realignment was for a traffic study.

#### **L. December 6, 2013 – Meeting with Wildstein About His Resignation**

On Friday, December 6, 2013, at the Governor's instruction, McKenna met with and, subsequently, accepted Wildstein's resignation, effective at the end of the year. The Governor had explained to McKenna that Wildstein was in the middle of a bad set of circumstances, and that, unrelated to the Bridge events, it had already been decided that Wildstein would be asked to step down at the end of the year anyway.

In particular, McKenna scheduled a meeting with Wildstein at the Governor's Newark office for 10:00 a.m. on December 6, 2013. At the beginning of the meeting, McKenna told Wildstein that he must have realized where this was going, and Wildstein said that he did and understood that he was in the middle of what had become a big distraction for the Office. At the meeting, Wildstein said that "this" was my idea, which McKenna assumed meant the traffic study, which was reinforced when McKenna subsequently heard Foye's testimony. At the meeting, Wildstein also expressed concern about his reputation. Wildstein said that he wanted to talk to his kids, Stepien, and Michael DuHaime before he resigned. McKenna did not know why Wildstein wanted to talk to Stepien and/or DuHaime. McKenna responded that he did not care who Wildstein spoke to, just that he received Wildstein's resignation by 2:00 p.m. that afternoon. Wildstein asked if his resignation could be effective as of January 1, 2014, rather than December 31, 2013, for health benefit reasons, and McKenna agreed. In addition, Wildstein expressed his concern to McKenna about Foye's upcoming testimony, and said that he was worried that Foye, in his testimony, would say bad things about Wildstein, including with respect to an internal harassment complaint that had

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been lodged against Wildstein at the Port Authority. Wildstein told McKenna that the complaint had been trumped up. McKenna, who had not previously heard about this complaint, told Wildstein that he did not know what Foye was going to testify about, but that Foye would probably stick to matters regarding the Bridge events. Before the meeting ended, McKenna gave Wildstein his number in case Wildstein wanted to call him.

Around this time, because Baroni and Wildstein were in the process of being removed, McKenna interacted more with Samson and continued to communicate with Kwon. McKenna recalled that either Samson or Kwon called him when he was with Wildstein, during which call McKenna asked Samson or Kwon about the harassment complaint against Wildstein, to which Samson or Kwon responded that there was an internal investigation of the allegation, but that it appeared likely to be resolved without further consequences to Wildstein. McKenna then relayed this to Wildstein.

McKenna spoke to Drewniak a couple of times on December 6, 2013, seeking updates on the status of Wildstein's resignation letter because Drewniak was tasked with ensuring that Wildstein submitted his resignation letter that afternoon. As the 2:00 p.m. deadline approached, McKenna became concerned that Wildstein was not going to voluntarily resign. That afternoon, McKenna reiterated to Drewniak that if Wildstein did not submit his resignation soon, he would just be fired. Drewniak assured McKenna that Wildstein would submit his resignation letter that afternoon, which Wildstein eventually did. In addition, Stepien called McKenna that day and asked why he had a missed call from Wildstein. McKenna told Stepien that Wildstein wanted to talk to him before Wildstein submitted his resignation.

When asked if it was the Governor's Office's—as opposed to the Port Authority's—role to remove Wildstein, McKenna explained that Baroni would have likely been the one at the Port Authority to secure Wildstein's resignation, but that was not realistic because Baroni was also going to be asked to resign around the same time. Moreover, the Governor's Office was not in a position to ask Foye to fire Wildstein. As such, just as it was always understood that the Governor's Office would ask Baroni for his resignation, as Baroni had been appointed by the Governor, it seemed logical for the Office to also ask Baroni's direct subordinate for his resignation.

Regarding Baroni's resignation, it was still understood at this time that Baroni would not leave the Port Authority immediately and that there would be some overlap between him and Gramiccioni at the Port Authority to facilitate a smooth transition between them. Around this time, McKenna and Gramiccioni discussed whether Baroni knew he would be replaced at the end of the year. During that conversation, Gramiccioni said she had heard rumors that Kelly knew about the lane realignment, which McKenna understood to mean that Kelly had contemporaneous knowledge of the lane realignment. At the time, this did not surprise McKenna because he assumed that what Kelly knew about the lane realignment was

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from complaints that IGA had received at the time about it. McKenna did not recall learning of rumors that there were emails reflecting Kelly's knowledge of the lane realignment. McKenna also did not recall hearing any rumors that Stepien was also implicated in the same rumor, but added that it was his understanding that Kelly and Stepien spoke all the time, and that they spoke on the phone a lot.

McKenna believed that he probably told O'Dowd, who was on vacation at the time, about his meeting with Wildstein and that it went well.

### **M. December 9, 2013 – Wisniewski Committee Hearing**

McKenna listened to the December 9, 2013 Wisniewski committee hearing, which he had on in the background. During the hearing, McKenna recalled that Foye explained that he was outraged in part because he had not been informed of the lane realignment either before or during the period of the lane realignment (September 9–13, 2013). When McKenna heard that, he realized for the first time that the lane realignment was a much bigger botch from a communications point of view than he had previously thought. Before Foye's testimony, McKenna understood that there were external communication failures insofar as no one outside of the Port Authority had been informed in advance of the realignment, but Foye's testimony was the first time that McKenna realized that there was also an internal communications failure within the Port Authority. McKenna added that while he was surprised to learn this, he was not shocked by this internal communications failure because it was in line with the historical tension between the New York and New Jersey factions within the Port Authority.

McKenna recalled that there were two other witnesses who testified before the Wisniewski committee on December 9, 2013, and that they talked about traffic studies and how they were generally conducted. Through their testimony, McKenna learned a bit more about the Fort Lee traffic study in particular, including that it did not follow certain protocols. In addition, McKenna recalled someone testifying that Wildstein had approached that witness two years earlier about a traffic study, which reinforced to McKenna that the lane realignment was a study and not part of any political retaliation scheme against Mayor Sokolich. McKenna said that it did not make sense that the realignment somehow harmed Fort Lee and/or Mayor Sokolich because all the Mayor had to do in that situation was point to the Governor and the Port Authority and blame them for the traffic. In other words, as between the Mayor and the Governor, the only one who could be hurt by the lane realignment was the Governor.

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## **N. December 12, 2013**

### **1. Meeting with Constable About His Second Term Plans**

McKenna was involved in conversations with Constable and O'Dowd about Constable's plans for the second term, but did not specifically recall when these conversations occurred other than that they were sometime after December 11, 2013.

### **2. Meeting with Baroni About His Resignation**

On or around December 12, 2013, either the Governor or O'Dowd told McKenna that Baroni had to resign, effective the next day. Accordingly, that afternoon, O'Dowd and McKenna traveled (in separate cars) to the Governor's office in Newark, where they were scheduled to meet with Baroni to ask for his resignation. McKenna recalled emailing a friend who he was going to meet in New York City that night to say he was coming from Newark. The friend responded, "great, don't get caught in traffic in Fort Lee," to which McKenna jokingly replied the "Bridge-gate" story was getting blown out of proportion and that the Fort Lee shortcut he used all the time was the real "scam," which was how an FBI agent once described it to McKenna.

At the meeting with Baroni, O'Dowd took the lead and explained that the lane realignment had become too big of a distraction, and that Baroni had to resign. Baroni reminded them that he is a lawyer and a constitutional law professor, that he would not have lied to the Wisniewski committee, and that everything he had said and testified to was true, again reinforcing in McKenna's mind that the lane realignment was, in fact, a traffic study. In connection with Baroni's concern about his future and how he would make a living, the possibility of Baroni temporarily working for DuHaime was mentioned.

### **3. Meeting with Wildstein About His Resignation**

After his meeting with Baroni, McKenna briefly met with Wildstein and told him that his resignation would be effective the next day, December 13, 2013, as opposed to January 1, 2014, as initially planned. During that meeting, Wildstein told McKenna that he had hired a lawyer, Alan Zegas, who Wildstein knew because their kids had gone to pre-school together. After this meeting, McKenna spoke briefly to Samson on the phone and told him that everything went okay. McKenna spoke to Samson throughout the day to keep him informed of the status of Baroni's and Wildstein's resignations.

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#### O. December 13, 2013

##### 1. Pre-Senior Staff Meeting

On December 13, 2013, early that morning, McKenna spoke to Baroni, who wanted to know if he would be receiving a severance and/or indemnification package.<sup>2</sup> Thereafter, McKenna said that the Governor stopped by his office, at which point McKenna relayed the substance of his conversation with Baroni. The Governor told McKenna that Baroni should get whatever he is entitled to pursuant to the Port Authority's policy, and that this was not something that the Governor's Office had any say over.

##### 2. Senior Staff Meeting

McKenna learned about the December 13, 2013 senior staff meeting approximately five minutes before it happened. McKenna did not recall anyone asking him before the meeting to find out if anyone had any knowledge of the lane realignment before or at the time it occurred. McKenna learned about the Governor's upcoming press conference that day either during the senior staff meeting or shortly before it.

McKenna described that senior staff meeting. McKenna thought that everyone on senior staff was present, and that Drewniak may have also been there. McKenna said that the Governor was more agitated when he entered the room than McKenna had ever seen the Governor before. McKenna and O'Dowd sat on either side of the Governor at the conference table. At the meeting, the Governor spoke in a rough tone and began by explaining that, since the election, there were too many people in the room who had not been working hard enough and had not been addressing issues as they arose. The Governor said that he did not want to play defense. The Governor then specifically mentioned the lane realignment, and explained that, after the meeting, he was going to have to go in front of the press and get beaten up by them over the situation. The Governor said that this press conference was the last time that he wanted to deal with the Fort Lee story, so if anyone knew anything about the lane realignment, they had to come forward now. McKenna said that he would be surprised if anyone walked out of the meeting thinking that it was a normal meeting. McKenna said there was absolutely no ambiguity in the Governor's message. The Governor made clear that if anything came out at a later date that someone in the Office knew about the lane realignment, but did not say so before the press conference, there would be no opportunity to resign, and the employee would be fired on the spot. The Governor ended the meeting by saying that if anyone knew anything, they should talk to McKenna

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<sup>2</sup> When asked about a December 13, 2013 text message McKenna sent O'Dowd after McKenna's conversation with Baroni earlier that morning, McKenna pointed out a typo therein. Where it read, "I see where gov had pity on 11 am presser," McKenna meant to say, in sum or in substance, "I see gov has set up 11 am presser."

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and/or O'Dowd before the press conference; the Governor may have also said that people could come to him directly. McKenna did not recall the Governor looking around the table at each person because McKenna kept his head down for most of the meeting.

McKenna agreed that it was obvious from the Governor's tone at the meeting that the Governor did not have any reason to believe that there was anything nefarious about the lane realignment, and that, had the Governor known anything, he would not have made the cone statement on December 2, 2013, would not have first convened this senior staff meeting when he did, and would not have held the December 13, 2013 press conference.

After the meeting, McKenna spoke to Egea, which he thought may have been per the Governor's request at the end of the meeting, as McKenna did not believe he would have gone to Egea without being directed to do so. McKenna had a good relationship with Egea and thought that if she knew anything about the lane realignment, she would have already told him. Nevertheless, McKenna went to Egea's office and asked if she knew anything about it, and whether she had any information about it, including any emails/texts/etc. Egea said no. After that, McKenna returned to his office. McKenna did not recall anyone coming to see him before the press conference.

At the time, McKenna knew that O'Dowd spoke to Kelly after the senior staff meeting. McKenna did not recall the details of the conversation between Kelly and O'Dowd, but probably asked O'Dowd if he learned anything from Kelly, and O'Dowd said no.

McKenna recalled that the Governor told him and O'Dowd that the Governor wanted Stepien at the press conference because the Governor wanted Stepien to see what he had to go through. McKenna said this was because Stepien was friendly with Wildstein, who brought about this whole mess.

### 3. Post-Press Conference

McKenna walked away from the press conference with the understanding that no one had come forward with information that changed the playing field.

#### P. December 15, 2013

McKenna's attention was directed to a December 15, 2013 email he received from Samson, forwarding an email from Foye to the Port Authority Board of Commissioners about public reports of Wildstein's purchase of domain names. McKenna understood Samson's email as a means of informing McKenna of this bizarre behavior. McKenna also found Foye's email itself to be odd, as Foye's reaction seemed to be over the top. McKenna viewed Foye's September 13, 2013 and December 15, 2013 emails as odd given that, despite Foye's professed outrage, Foye never confronted the Port Authority employees directly, and

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McKenna believed that Foye did not direct the Port Authority's Inspector General to look into the alleged conduct until long after the fact.

#### **Q. End of December 2013**

On or around December 22, 2013, Wildstein's lawyer, Zegas, called McKenna. On the call, Zegas explained that he had to make a document production the next day on behalf of his client, and wanted to challenge the scope of the document request. In response, McKenna told Zegas that Wildstein should produce any documents responsive to the request, to which Zegas said that there might be some embarrassing information in the production. McKenna then asked what Zegas was referring to, but Zegas said he did not know because he had not yet seen the documents and was just relaying what his client had told him. Before the conversation ended, McKenna asked Zegas to send him a copy of the production once it was submitted.

McKenna thought that he subsequently relayed the substance of this conversation to the Governor, including that McKenna told Zegas that he should produce any documents responsive to Wildstein's subpoena. McKenna said that the Governor agreed with that assessment.

After the December 23, 2013 production deadline, McKenna called Zegas to follow up on McKenna's request for a copy of the production. Zegas never returned his calls.

#### **R. January 8–10, 2014**

On the morning of January 8, 2014, O'Dowd came by McKenna's office and told McKenna to look at a story in *The Record* that had just published Kelly's "traffic problems" email. McKenna was saddened and shocked by this news—he felt really sad that Kelly would write an email like that, which, on its face, seemed nefarious. McKenna elaborated that even if Kelly was just referencing an otherwise legitimate traffic study and had known about it in advance, she should not have phrased the email the way that she did.

Shortly after McKenna read the story in *The Record*, Matey came to McKenna's office to tell McKenna that his name appeared in two of the released documents. One document was a text from Wildstein to Baroni stating that McKenna thought that Baroni did a "great" job at the November 25, 2013 hearing. There were at least two things that bothered McKenna about this text: (1) McKenna never talked to Wildstein about Baroni's testimony; and (2) McKenna never described Baroni's testimony as "great." The second document was an email from Drewniak to Wildstein, referencing McKenna's "itchiness," which McKenna explained referred to his frustration on December 6, 2013, in connection with obtaining Wildstein's resignation statement. McKenna added that Drewniak did not consult him on Wildstein's resignation statement, which was not unusual because Drewniak only ran such statements by McKenna if he needed to confirm the accuracy of a statement, which was not

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an issue here. After speaking to Matey, McKenna asked O'Dowd if the Governor had been informed of the article and released documents, and was told that Comella had informed the Governor.

McKenna did not attend the January 8, 2014 meeting at Drumthwacket. On January 9, 2014, McKenna left for vacation. January 10, 2014 was McKenna's last official day as Chief Counsel.

### III. Superstorm Sandy Aid Allegations

McKenna had never heard anyone in the Administration ever suggest withholding Superstorm Sandy aid for political reasons or conditioning such aid on private development issues.

McKenna did not recall ever meeting Mayor Zimmer and he did not have any dealings with her. As for his involvement with Sandy, McKenna tried to sit in on the Office's weekly Sandy meetings when he could. Attending these meetings were primarily senior staff members, as well as some non-senior staff employees, including Terrance Brody, the Deputy Executive Director of the Governor's Office of Recovery and Rebuilding and Jim Leonard from Treasury. In addition, individuals from outside of the Office would attend these Sandy meetings, including, almost always, DEP Commissioner Bob Martin, DCA Commissioner Richard Constable, and Banking and Insurance Commissioner Kenneth Kobylowski. Department of Human Services Commissioner Jennifer Velez, a representative from the Department of Children and Families, and Chris Porrino in connection with eminent domain issues, occasionally attended these meetings. If the meeting's agenda involved a DOT issue, Simpson might attend. O'Dowd, Gramiccioni, and GORR Executive Director Marc Ferzan came up with the agenda for these meetings. McKenna did not recall any discussions in any of the meetings that Sandy aid should be contingent upon local elected officials' support for the Governor's political agenda or any particular development projects.

McKenna gathered from the Sandy meetings that Mayor Zimmer was not necessarily the easiest person to deal with. McKenna understood that there was some redevelopment project in Hoboken that Zimmer was on the fence about. McKenna did not have any recollection of that issue ever coming up in the weekly Sandy meetings.

Someone once asked McKenna for a suggestion on where to make a private donation in response to Sandy. McKenna referred that individual to the Hoboken University Medical Center.

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## **IV. Jersey City Mayor Steven Fulop**

McKenna was not aware of a cabinet day that had been scheduled for Jersey City Mayor Steven Fulop and was not aware of any cancelled meetings between Mayor Fulop and the Administration.

In or around December 2013, McKenna recalled hearing about an upcoming meeting about overtime issues in connection with the closing of the Pulaski Skyway, which he thought Simpson and DOT's Public Safety Director should attend. McKenna reached out to Simpson to inform him of this meeting, which Simpson then attended.

In or around January 2014, when Mayor Fulop made allegations against the Governor's Office, Simpson called McKenna and said that he (Simpson) was emailing with Mayor Fulop at the time and that, based on their email exchanges, there was no suggestion that Mayor Fulop had any issues with the Administration. As such, McKenna viewed Mayor Fulop's allegations as contrived and suspect.

## **V. Document Retention Notices**

McKenna received the document retention notices and is in compliance with them.

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## Memorandum

### PRIVILEGED AND CONFIDENTIAL ATTORNEY OPINION WORK PRODUCT

To: File

From: Gibson, Dunn & Crutcher LLP

Re: Gramiccioni Interview Memorandum

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On January 17, 2014, and February 24, 2014, Deborah Gramiccioni was interviewed by Alexander H. Southwell, Debra Wong Yang and/or Sarah Vacchiano of Gibson Dunn. On January 17, 2014, Gramiccioni was not represented by counsel. On February 24, 2014, Gramiccioni was represented by Judy Germano of GermanoLawLLC. All information contained herein was provided by Gramiccioni or as indicated. The information in brackets was obtained from publicly-available sources, not from the interview itself. Gramiccioni has not read or reviewed the memorandum and has not adopted or approved its contents. Southwell began the interview by administering the standard *Upjohn* warnings per Gibson Dunn protocol, and requesting that Gramiccioni refrain from discussing the investigation and interview with others. Gramiccioni stated that she agreed, understood, and did not have any questions.

This memorandum does not contain a verbatim transcript of what was said at the meeting; rather, it is a summary of the discussion that reflects counsel's mental thoughts and impressions and is therefore protected from disclosure by the attorney work product doctrine.

#### I. Background

*[Gramiccioni attended the University of Pennsylvania and the University of Virginia School of Law. She clerked for the Honorable Alfred J. Lechner (District of New Jersey) before working as an associate at Skadden, Arps, Slate, Meagher & Flom LLP. From 1999-2005, Gramiccioni served as an Assistant United States Attorney with the U.S. Attorney's Office in New Jersey. She left the U.S. Attorney's Office to be Assistant Chief of the Fraud Section in the Criminal Division of the Department of Justice from 2005-2007, then served as Special Assistant to the former Attorney General of New Jersey Anne Milgram from 2007-2008. Directly before joining the Governor's Office, Gramiccioni served as the Director of the Division of Criminal Justice in the New Jersey Attorney General's Office from 2008-2010.]*

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*In 2010, Gramiccioni joined the Governor's Office as Director of the Authorities Unit. In 2011, she was promoted to Deputy Chief of Staff for Policy and Cabinet Liaison. Gramiccioni served as Deputy Chief of Staff for two years until she was appointed by Governor Christie to replace Bill Baroni as Deputy Executive Director at the Port Authority.]*

#### **A. Role and Responsibilities**

When Gramiccioni was Director of the Authorities Unit, Gramiccioni technically reported to Jeff Chiesa, former Chief Counsel to Governor Christie.

During her time in the Authorities Unit, Gramiccioni interacted with the Governor on a fairly frequent basis, which she described as sometimes weekly, though there may have been weeks where she did not interact with the Governor at all. Gramiccioni said that her discussions with the Governor often took place in person in the Governor's office.

Gramiccioni described her relationship with Michael Drewniak as very professional, with few, if any, interactions with Drewniak in the office.

#### **B. Interactions with the Port Authority of New York & New Jersey**

When Gramiccioni joined the Authorities Unit, she initially interacted infrequently with former Port Authority Chairman Anthony Coscia and when Coscia left the Port Authority in February 2011, Gramiccioni interacted with Chairman David Samson. Gramiccioni did not know Samson before his appointment as Port Authority Chairman. Gramiccioni had minimal interactions with both Chairman Coscia and Chairman Samson.

Within the Port Authority, Gramiccioni interacted more frequently with Deputy Executive Director Bill Baroni, who she knew since law school. Both Gramiccioni and Baroni attended the University of Virginia Law School (Gramiccioni graduated a year before Baroni). Gramiccioni and Baroni have maintained a friendly relationship since law school, which includes going to dinner every couple of months. When Gramiccioni was promoted to Deputy Chief of Staff in the Governor's Office, she continued to have a social relationship with Baroni, though they no longer had a professional relationship.

Gramiccioni did not recall specific conversations with David Wildstein, but said that she would talk to Wildstein when she saw him. Gramiccioni characterized those conversations as infrequent and sporadic. Gramiccioni said that members of her staff communicated with Wildstein.

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## **C. Interactions with the Office of Legislative and Intergovernmental Affairs ("IGA")**

Gramiccioni only interacted with IGA in the course of normal business, including during senior staff meetings. She did not generally interact with anyone in IGA aside from IGA senior staff.

Gramiccioni described her relationship with Bridget Kelly as a professional, working relationship. Within the Governor's Office, Gramiccioni and Kelly interacted professionally "as needed." Gramiccioni and Kelly did not have a social relationship. Gramiccioni was aware of the fact that Kelly had a close relationship with Stepien, because Kelly was very open about the fact that she and Stepien were close.

When asked about lists kept by IGA staff, Gramiccioni said that she had no awareness of the IGA group keeping good/bad lists of mayors and towns, and indicated that if that in fact occurred, she would find it offensive.

## **D. Interactions with the Governor's Campaign**

Gramiccioni attended Governor Christie's election night events, but did not volunteer during the campaign.

## **II. Chronology of the George Washington Bridge Events**

### **A. Spring 2013**

Gramiccioni said she did not have any knowledge of any effort by the Governor's campaign efforts to obtain the endorsement of the Fort Lee mayor. Furthermore, she had no specific knowledge of any efforts to obtain endorsements generally.

### **B. August 2013**

Gramiccioni did not have any knowledge of emails, discussions, or conversations between Kelly and Wildstein in or about August 2013.

### **C. September 9-13, 2013 – George Washington Bridge Lane Realignment**

Gramiccioni was not aware of any traffic problems in Fort Lee during the timeframe of September 9 to 13, 2013. She did not recall reading anything about the Fort Lee traffic issue in the local papers, and said no one spoke to her or complained to her about the Fort Lee traffic issues.

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Gramiccioni was not aware at that time of Patrick Foye's email announcing reversal of the lane realignment. She did not receive the email and did not remember anyone discussing the email with her.

#### **D. September 17, 2013 and October 1, 2013 *Wall Street Journal* Articles**

Gramiccioni did not recall whether she read the September 17, 2013 *Wall Street Journal* article about the traffic issues in Fort Lee. She remembered reading or hearing about the traffic issues in the press, but could not recall if she read the first article on September 17.

Gramiccioni remembered hearing about the October 1, 2013 *Wall Street Journal* article before she actually read it. She speculated she may have heard about the article from other press outlets. She thought she could have heard it on the radio on her way to work, but she did not specifically remember how she heard of the article before she read it. She recalled that the October 1 article also published a copy of Foye's September 13 email.

Gramiccioni specifically recalled walking into former Chief Counsel Charlie McKenna's office after hearing about the October 1 article. Gramiccioni remembered thinking that the story made no sense and saying something to McKenna along the lines of, "I know we did not do this," (referring to a realignment of the traffic lanes) and there was no way the Port Authority would have realigned the lanes without informing people of the realignment. Gramiccioni recalled McKenna shaking his head in agreement. She did not recall having any discussions with anyone else in the Governor's Office about the Fort Lee traffic issue at that time.

At the time, Gramiccioni did not know she would be transitioning to the Port Authority. She commented that she had no idea during that time that she would be asked to take over Baroni's position at the Port Authority.

#### **E. November 2013**

##### **1. Gramiccioni's Conversation with O'Dowd**

Kevin O'Dowd approached Gramiccioni a few days before Election Day to ask Gramiccioni whether she would consider being Baroni's replacement as Deputy Executive Director for the Port Authority. Gramiccioni knew generally that Baroni was likely to be replaced and that her name had been floated, but said that she had never lobbied for the position. Gramiccioni recalled telling O'Dowd she needed to think about it and to discuss the opportunity with her family.

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### 2. Gramiccioni's Conversation with the Governor

The Governor called Gramiccioni on the evening of Wednesday, November 6, 2013. Gramiccioni specifically recalled this date because it was the night following election night, and she was leaving for vacation the next morning. The Governor called Gramiccioni to make sure he reached her before she left for vacation and asked her to be Baroni's replacement at the Port Authority. The Governor asked her to use her good judgment at the Port Authority. Gramiccioni recalled responding that she would assume the role if the Governor wanted her to. She specifically recalled saying, "if you need me to do it, I'll do it."

Prior to the Governor's call to Gramiccioni on November 6, Gramiccioni had a follow up discussion with O'Dowd wherein she communicated her willingness to assume the role.

### 3. Gramiccioni's Conversation with Nicole Crifo

Upon being offered the position, Gramiccioni asked Nicole Crifo to come with Gramiccioni to the Port Authority as Gramiccioni's chief of staff. Gramiccioni based her decision on Crifo's experience scrutinizing the Port Authority's board actions over three years, as she considered Crifo to have institutional knowledge of the Port Authority. Gramiccioni had originally recruited Crifo to the Governor's Office from private practice in 2011, after the Governor told Gramiccioni to build her team as she saw fit, and Crifo was highly recommended as diligent and hard-working.

### 4. Gramiccioni's Conversation with Baroni

When Gramiccioni returned from vacation, she spoke to Baroni by phone to personally convey that the Governor had asked her to be Baroni's replacement. She felt this was something she needed to do personally because of Gramiccioni and Baroni's long-term friendship.

#### F. November 25, 2013 – Baroni's Testimony

Gramiccioni recalled reading about New Jersey Senator Loretta Weinberg attending Port Authority meetings and raising concerns about the lane realignment, but Gramiccioni did not attend those meetings and was not involved in the lane realignment issue.

Gramiccioni had no involvement in helping Baroni prepare his testimony, and at no point did Gramiccioni and Baroni discuss the substance of Baroni's testimony.

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Gramiccioni said she would not have discussed Baroni's testimony with Wildstein because she had not spoken with Wildstein "in years." Gramiccioni did not recall discussing Baroni's testimony with anyone following the hearing.

#### **G. December 2, 2013 – Press Conference**

Gramiccioni did not recall the press asking questions about the George Washington Bridge lane realignment during the December 2, 2013 press conference. She was not involved with preparing the Governor to answer anticipated questions about that topic.

#### **H. December 6, 2013 – Wildstein's Resignation**

Gramiccioni was not involved in any decisions relating to Wildstein's resignation. She did not recall discussing Wildstein with anyone in the Governor's Office after Wildstein resigned.

#### **I. December 9, 2013 – Wisniewski Committee Hearing**

Gramiccioni was aware that Foye would be testifying on December 9, 2013, but she recalled attending meetings that morning and therefore being unable to stream the majority of the testimony live. She did, however, stream "snippets" of the December 9 testimony. Gramiccioni did not recall speaking to anyone at the Governor's Office about the December 9 testimony or what the testimony meant. She did not recall discussing the testimony with anyone.

#### **J. Gramiccioni's Conversation with Baroni**

Before the Governor's announcement of Baroni's resignation on December 13, 2013, Gramiccioni and Baroni had multiple conversations about their respective transitions.

Approximately one to two days before the December 13, 2013 press conference, Baroni raised the Fort Lee traffic issue with Gramiccioni as an issue Gramiccioni would inherit upon her arrival at the Port Authority. During this telephone conversation, Baroni told Gramiccioni that in her new role, she would have to deal with Kelly and Baroni thought Kelly might be on emails showing knowledge of the Fort Lee traffic issue at the time of the traffic study. Gramiccioni understood the "knowledge" that Baroni was referring to was of a traffic study, not political retribution, as the motivation for the lane realignment. Gramiccioni told Baroni that he should share this information with O'Dowd and McKenna. Baroni then said that he had not seen the emails nor did he personally have any emails.

After Gramiccioni spoke with Baroni, she went out to lunch with Melissa Orsen (Chief of Staff to the Lieutenant Governor) and Amy Cradic (Senior Policy Advisor).

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Gramiccioni recounted what Baroni had told her to Cradic and Orsen, who agreed with Gramiccioni that she needed to talk to O'Dowd about what Baroni said. Shortly after Gramiccioni returned to the State House from lunch, she went to O'Dowd's office to speak with O'Dowd about Baroni's information. Gramiccioni could not recall if she connected with O'Dowd at that point; she thought that she spoke with him later that day, but could not remember if it was in person or over the phone. When they did speak, Gramiccioni shared with O'Dowd what Baroni had told her—specifically that Kelly may have had emails showing knowledge of the traffic study, but Baroni had not seen the emails personally. She then told O'Dowd that she told Baroni to call him.

Gramiccioni separately relayed Baroni's information to McKenna. McKenna responded that he had also heard that there may have been emails.

In relaying to O'Dowd and McKenna that Baroni had mentioned emails, Gramiccioni understood that the emails pertained to knowledge of the traffic study itself, not an ulterior motive of political retribution. Gramiccioni said at that time, she had no reason to believe that political retribution would have been a motive for the traffic study.

At some point soon thereafter, Gramiccioni also relayed Baroni's information to Maria Comella.

#### **K. December 12, 2013 – Gramiccioni's Conversation with the Governor**

Earlier in the day on December 12, 2013, the Governor indicated to staff that he might announce Gramiccioni as Baroni's replacement in the next day or so. That evening, likely around 6:00 p.m. on December 12, Gramiccioni went to see the Governor to relay the substance of her conversation with Baroni. This was Gramiccioni's first opportunity to see the Governor one-on-one since her conversation with Baroni about the possible existence of emails. Gramiccioni told the Governor that there was a "hum" that Kelly was on emails about the lane realignment during the relevant timeframe. Gramiccioni recalled the Governor appeared visibly upset upon hearing this. She told the Governor that the source of her information was Baroni.

After she met with the Governor and during her drive home, Gramiccioni phoned O'Dowd to fill him in on her meeting with the Governor about Baroni. During the phone conversation, O'Dowd mentioned that Baroni had denied any involvement in the lane realignment and denied any knowledge of the existence of emails relevant to the Fort Lee traffic study, and Baroni personally knowing about any emails. Gramiccioni did not recall whether or not O'Dowd mentioned speaking with Kelly at that point.

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#### **L. December 13, 2013**

The Governor called Gramiccioni at or around 5:00 or 6:00 a.m. on the morning of December 13 to inform her that he planned to announce her as Baroni's replacement during the press conference later that day.

##### **1. Senior Staff Meeting**

Gramiccioni attended the senior staff meeting the Governor convened the morning of the press conference on December 13, 2013. She recalled sitting one or two spots from the Governor's right. Gramiccioni recalled that all of senior staff was in attendance, in addition to Drewniak.

Gramiccioni recalled the Governor appeared as angry as she had ever seen him. The Governor began the meeting communicating his dissatisfaction with having to begin his second term dealing with the Fort Lee traffic issue. The Governor mentioned the handling of a party leadership dispute and other examples of things he was unhappy having to deal with.

Gramiccioni recalled that the Governor then pointed to everyone and said that if anyone had any information about the bridge that they had not shared, they needed to come forward with that information right away. She remembered everyone was silent. Gramiccioni did not recall anyone saying anything after the Governor issued the directive to come forth with information, but it was crystal clear that if anyone had information relevant to the George Washington Bridge, they were to come forward immediately, before the Governor went out and announced Baroni's resignation and Gramiccioni's appointment.

##### **2. Post-Senior Staff Meeting / Pre-Press Conference**

Following the senior staff meeting, Gramiccioni returned to her office to prepare for the press conference. She reviewed the press release and documents regarding her tenure in the Authorities Unit.

In the hour or so between the senior staff meeting and the press conference, Gramiccioni saw Kelly sitting at her desk and O'Dowd standing by Kelly's desk, looking at her computer over her shoulder. Gramiccioni thought that Stepien was also in Kelly's office with Kelly and O'Dowd.

Shortly before the press conference began, Gramiccioni and Comella gathered in the Governor's inner office to prepare for the press conference. O'Dowd came in and Gramiccioni overheard him tell the Governor that he had done what the Governor asked and followed up with senior staff about their knowledge of the lane realignment. O'Dowd added

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that he had specifically questioned Kelly about whether she had any emails, and she had said she did not.

### 3. Post-Press Conference

Following the press conference, Gramiccioni planned to leave the office to accompany a friend to a doctor's appointment in New York City. While walking from her secretary's desk back to her office, Gramiccioni noticed Kelly sitting in her office. Kelly looked like she had been crying, although she was not crying at the time. Gramiccioni then went into Kelly's office, sat down, and asked Kelly what was wrong. Kelly told Gramiccioni that she had been going through her emails "all morning" for O'Dowd, could not find any discussing the lane realignment, and did not remember whether she had any emails that were relevant to the George Washington Bridge lane realignment. Gramiccioni said that Kelly was "steadfast in her denials" that she had any involvement in or emails about the lane realignment. Gramiccioni then recalled asking Kelly how she could not remember if she had such emails. Kelly responded that her practice was to delete most of her emails to prevent her kids from reading emails between Kelly and her ex-husband. Gramiccioni recalled thinking that this was an odd answer. Gramiccioni then asked Kelly if she had ever heard of the "prisoner's dilemma," and advised Kelly that if she had something she needed to share, it was always better to be the first person to come forward. Kelly appeared upset and just stared at Gramiccioni blankly in response.

Gramiccioni then told Kelly to go talk to O'Dowd again. Gramiccioni sensed that Kelly got the message. After Gramiccioni left Kelly's office, she went to O'Dowd's office and told him that she had told Kelly to go talk to O'Dowd again. Gramiccioni relayed to O'Dowd that Kelly looked really upset but had also denied having any emails showing knowledge of the traffic problems when Gramiccioni talked to her. Gramiccioni also told O'Dowd that Kelly said she deleted most of her emails because of a bad relationship with her ex-husband. Gramiccioni left the office after she spoke with O'Dowd.

Following the Governor's announcement of Gramiccioni as Baroni's replacement as Deputy Executive Director of the Port Authority, Gramiccioni focused on her transition. She reached out to Baroni to discuss the status of the Port Authority operating budget, capital plan, and issues related to labor negotiations, but recalled that she intentionally did not discuss the substance of the Fort Lee issue at all. At that point, Gramiccioni was singularly focused on the transition.

Gramiccioni's official first day at the Port Authority was December 30, 2013, though she was physically onsite at the Port Authority before December 30 to get up to speed, meet new people, and attend meetings with Foye and her new staff in the Deputy Executive Director's office.

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### **M. January 8, 2014**

On the morning of January 8, 2014, Gramiccioni read the article about Kelly's email to Wildstein about traffic problems. Gramiccioni said she was floored when she read the article.

At some point later in the day on January 8, Gramiccioni left a message for O'Dowd because the Port Authority was getting inquiries about the Kelly email.

Gramiccioni also recalled telling Comella that the Port Authority would not be putting out a statement.

### **N. January 9, 2014 – Press Conference**

Gramiccioni learned about Kelly's termination from the Governor's Office from the January 9, 2014 press conference.

Gramiccioni said that she has not had any other interactions with the Governor's Office regarding the lane realignment since the limited contact noted on January 8, 2014.

### **III. Superstorm Sandy Aid Allegations**

Gramiccioni did not recall being involved in any discussions regarding the Rockefeller Development Group project in Hoboken, and never discussed that project with Hoboken Mayor Dawn Zimmer. Gramiccioni recalled an unrelated discussion with Mayor Zimmer before Hurricane Sandy about the LCOR development project to facilitate discussions between LCOR, NJ Transit and Hoboken.

When asked about a calendared May 6, 2013 phone conversation with Bob Martin (Commissioner of the NJ Department of Environmental Protection), Gramiccioni believed she spoke with Martin to update him on a pre-Hurricane Sandy meeting Gramiccioni had had regarding LCOR and Mayor Zimmer regarding NJ Transit.

Gramiccioni said that she had no reason to believe politics ever played any role in the distribution of Hurricane Sandy aid. Gramiccioni had no involvement in the distribution of relief funds.

### **IV. Document Retention Notice**

Gramiccioni said that she was at the Governor's Office for a resiliency project meeting on January 10, 2014, and recalled being told at that time that a document retention notice had been placed in effect. Gramiccioni added that she did not take any documents

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when she left the Governor's Office. Regarding personal email use, she said she did not use personal email for Office of the Governor of New Jersey work.

## **Tab 36**

Invoice Number Account Number Date Due Page

Detail for Michael Duhaime:

Voice, continued

| Date  | Time   | Number        | Rate     | Usage Type | Origination   | Destination   | Min. | Airtime Charges | Long Dist/ Other Chgs | Total |
|-------|--------|---------------|----------|------------|---------------|---------------|------|-----------------|-----------------------|-------|
| 12/11 | 5:08P  | Unavailable   | Peak     | PlanAllow  | Westfield NJ  | Incoming CL   | 12   | ---             | ---                   | ---   |
| 12/11 | 10:56P | Baroni        | Off-Peak | N&W        | Mountainsi NJ | Trenton NJ    | 28   | ---             | ---                   | ---   |
| 12/12 | 8:55A  | Stepien       | Peak     | M2MAIlow   | Scotch Pla NJ | Morristown NJ | 7    | ---             | ---                   | ---   |
| 12/12 | 9:02A  | Stepien       | Peak     | M2MAIlow   | Westfield NJ  | Incoming CL   | 9    | ---             | ---                   | ---   |
| 12/12 | 11:14A | Stepien       | Peak     | M2MAIlow   | Philadelph PA | Incoming CL   | 1    | ---             | ---                   | ---   |
| 12/12 | 2:17P  | Unavailable   | Peak     | PlanAllow  | Washington DC | Incoming CL   | 8    | ---             | ---                   | ---   |
| 12/12 | 5:18P  | Stepien       | Peak     | M2MAIlow   | Claymont DE   | Incoming CL   | 7    | ---             | ---                   | ---   |
| 12/12 | 5:41P  | O'Dowd        | Peak     | M2MAIlow   | Philadelph PA | Incoming CL   | 3    | ---             | ---                   | ---   |
| 12/12 | 5:53P  | Baroni        | Peak     | M2MAIlow   | Bensalem PA   | Incoming CL   | 1    | ---             | ---                   | ---   |
| 12/12 | 6:17P  | Wildstein     | Peak     | PlanAllow  | Edison NJ     | Incoming CL   | 2    | ---             | ---                   | ---   |
| 12/12 | 6:30P  | Wildstein     | Peak     | PlanAllow  | Iselin NJ     | Morristown NJ | 10   | ---             | ---                   | ---   |
| 12/12 | 6:39P  | Baroni        | Peak     | M2MAIlow   | Clark NJ      | Trenton NJ    | 10   | ---             | ---                   | ---   |
| 12/12 | 6:48P  | O'Dowd        | Peak     | M2MAIlow   | Westfield NJ  | Morristown NJ | 1    | ---             | ---                   | ---   |
| 12/12 | 7:02P  | O'Dowd        | Peak     | M2MAIlow   | Mountainsi NJ | Morristown NJ | 6    | ---             | ---                   | ---   |
| 12/12 | 7:29P  | Unavailable   | Peak     | PlanAllow  | Westfield NJ  | Incoming CL   | 16   | ---             | ---                   | ---   |
| 12/12 | 9:26P  | Wildstein     | Off-Peak | N&W        | Secaucus NJ   | Morristown NJ | 1    | ---             | ---                   | ---   |
| 12/12 | 9:36P  | Wildstein     | Off-Peak | N&W        | New York NY   | Incoming CL   | 12   | ---             | ---                   | ---   |
| 12/12 | 11:26P | Wildstein     | Off-Peak | N&W        | New York NY   | Morristown NJ | 73   | ---             | ---                   | ---   |
| 12/13 | 7:32A  | Gov. Christie | Peak     | PlanAllow  | Westfield NJ  | Incoming CL   | 15   | ---             | ---                   | ---   |
| 12/13 | 9:05A  | O'Dowd        | Peak     | M2MAIlow   | Mountainsi NJ | Morristown NJ | 5    | ---             | ---                   | ---   |
| 12/13 | 9:42A  | O'Dowd        | Peak     | M2MAIlow   | Westfield NJ  | Morristown NJ | 1    | ---             | ---                   | ---   |
| 12/13 | 9:43A  | Wildstein     | Peak     | PlanAllow  | Westfield NJ  | Morristown NJ | 4    | ---             | ---                   | ---   |
| 12/13 | 10:55A | Stepien       | Peak     | M2MAIlow   | Westfield NJ  | Incoming CL   | 2    | ---             | ---                   | ---   |
| 12/13 | 10:58A | Wildstein     | Peak     | PlanAllow  | Westfield NJ  | Morristown NJ | 1    | ---             | ---                   | ---   |
| 12/13 | 11:00A | Wildstein     | Peak     | PlanAllow  | Westfield NJ  | Morristown NJ | 1    | ---             | ---                   | ---   |
| 12/13 | 11:07A | Gov. Christie | Peak     | PlanAllow  | Westfield NJ  | Incoming CL   | 5    | ---             | ---                   | ---   |
| 12/13 | 12:48P | Gov. Christie | Peak     | PlanAllow  | Westfield NJ  | Peapack NJ    | 1    | ---             | ---                   | ---   |

Invoice Number Account Number Date Due Page

Detail for Michael Duhaime:

Voice, continued

| Date  | Time   | Number         | Rate     | Usage Type    | Origination   | Destination   | Min. | Airtime Charges | Long Dist/ Other Chgs | Total |
|-------|--------|----------------|----------|---------------|---------------|---------------|------|-----------------|-----------------------|-------|
| 12/13 | 12:48P | Gov. Christie  | Peak     | PlanAllow     | Westfield NJ  | Incoming CL   | 13   | ---             | ---                   | ---   |
| 12/13 | 1:08P  | Stepien        | Peak     | M2MAAllow     | Westfield NJ  | Incoming CL   | 11   | ---             | ---                   | ---   |
| 12/13 | 3:13P  | Port Authority | Peak     | PlanAllow     | Westfield NJ  | Incoming CL   | 9    | ---             | ---                   | ---   |
| 12/13 | 6:36P  | O'Dowd         | Peak     | M2MAAllow     | Mountains NJ  | Incoming CL   | 4    | ---             | ---                   | ---   |
| 12/14 | 10:08A | Wildstein      | Off-Peak | N&W           | Mountains NJ  | Morristown NJ | 20   | ---             | ---                   | ---   |
| 12/14 | 10:29A | Stepien        | Off-Peak | N&W           | Mountains NJ  | Morristown NJ | 7    | ---             | ---                   | ---   |
| 12/14 | 11:32A | O'Dowd         | Off-Peak | N&W           | Mountains NJ  | Morristown NJ | 20   | ---             | ---                   | ---   |
| 12/14 | 11:51A | Gov. Christie  | Off-Peak | N&W           | Mountains NJ  | Peapack NJ    | 1    | ---             | ---                   | ---   |
| 12/14 | 2:35P  | Gov. Christie  | Off-Peak | N&W           | Scotch Pla NJ | Incoming CL   | 5    | ---             | ---                   | ---   |
| 12/14 | 2:39P  | Gov. Christie  | Off-Peak | N&W           | Scotch Pla NJ | Peapack NJ    | 21   | ---             | ---                   | ---   |
| 12/14 | 4:22P  | Gov. Christie  | Off-Peak | N&W           | Mountains NJ  | Peapack NJ    | 2    | ---             | ---                   | ---   |
| 12/14 | 4:23P  | Gov. Christie  | Off-Peak | N&W, CallWait | Mountains NJ  | Incoming CL   | 2    | ---             | ---                   | ---   |
| 12/14 | 5:38P  | Drewniak       | Off-Peak | N&W           | Westfield NJ  | Princeton NJ  | 4    | ---             | ---                   | ---   |
| 12/14 | 5:43P  | Wildstein      | Off-Peak | N&W           | Garwood NJ    | Morristown NJ | 1    | ---             | ---                   | ---   |
| 12/14 | 5:44P  | Stepien        | Off-Peak | N&W           | Mountains NJ  | Morristown NJ | 7    | ---             | ---                   | ---   |
| 12/14 | 5:50P  | Wildstein      | Off-Peak | N&W, CallWait | Westfield NJ  | Incoming CL   | 8    | ---             | ---                   | ---   |
| 12/14 | 5:58P  | Drewniak       | Off-Peak | N&W           | Westfield NJ  | Princeton NJ  | 4    | ---             | ---                   | ---   |
| 12/14 | 6:01P  | Wildstein      | Off-Peak | N&W           | Westfield NJ  | Morristown NJ | 3    | ---             | ---                   | ---   |
| 12/14 | 6:06P  | Stepien        | Off-Peak | N&W           | Westfield NJ  | Incoming CL   | 4    | ---             | ---                   | ---   |
| 12/14 | 6:26P  | Drewniak       | Off-Peak | N&W           | Westfield NJ  | Princeton NJ  | 3    | ---             | ---                   | ---   |
| 12/16 | 8:58A  | Unavailable    | Peak     | PlanAllow     | Plainfield NJ | Incoming CL   | 14   | ---             | ---                   | ---   |
| 12/16 | 9:14A  | Stepien        | Peak     | M2MAAllow     | Watchung NJ   | Morristown NJ | 1    | ---             | ---                   | ---   |
| 12/16 | 9:46A  | Gov. Christie  | Peak     | PlanAllow     | Westfield NJ  | Peapack NJ    | 34   | ---             | ---                   | ---   |
| 12/16 | 11:43A | O'Dowd         | Peak     | M2MAAllow     | Westfield NJ  | Morristown NJ | 1    | ---             | ---                   | ---   |
| 12/16 | 11:48A | O'Dowd         | Peak     | M2MAAllow     | Westfield NJ  | Incoming CL   | 2    | ---             | ---                   | ---   |

## **Tab 37**

| Conversation with | Date                   | Sent messages                                                                                                   | Received messages                                                                                                                                              |
|-------------------|------------------------|-----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Michael DuHaime   | 12/13/2013 10:58:57 AM | Not getting an answer now.                                                                                      | Meaning he is not telling you, or you cannot connect with him?                                                                                                 |
| Bill Stepien      | 12/13/2013 10:59:18 AM |                                                                                                                 |                                                                                                                                                                |
| Michael DuHaime   | 12/13/2013 10:59:38 AM | No answer on phone                                                                                              |                                                                                                                                                                |
| Michael DuHaime   | 12/13/2013 11:01:27 AM | Tried again                                                                                                     |                                                                                                                                                                |
| Bill Stepien      | 12/13/2013 11:10:40 AM |                                                                                                                 | Still nothing?                                                                                                                                                 |
| Michael DuHaime   | 12/13/2013 11:14:43 AM | Nope                                                                                                            |                                                                                                                                                                |
| Bill Stepien      | 12/13/2013 11:21:20 AM |                                                                                                                 | Gov took podium                                                                                                                                                |
| Michael DuHaime   | 12/13/2013 11:41:26 AM | Having a hard time getting it online.                                                                           |                                                                                                                                                                |
| Bill Stepien      | 12/13/2013 11:42:09 AM |                                                                                                                 | It's going okay                                                                                                                                                |
| Michael DuHaime   | 12/13/2013 11:42:19 AM | Good                                                                                                            |                                                                                                                                                                |
| Bill Stepien      | 12/13/2013 11:46:56 AM |                                                                                                                 | Are you able to sit with him in person ASAP?                                                                                                                   |
| Michael DuHaime   | 12/13/2013 11:50:24 AM | The boss? Yeah. I can come down or whatever. Just need to move some stuff around this afternoon. Not a problem. |                                                                                                                                                                |
| Bill Stepien      | 12/13/2013 11:50:46 AM |                                                                                                                 | No, not the gov.                                                                                                                                               |
| Michael DuHaime   | 12/13/2013 11:51:08 AM | Sure. I can try.                                                                                                |                                                                                                                                                                |
| Bill Stepien      | 12/13/2013 11:51:12 AM |                                                                                                                 | Please do.                                                                                                                                                     |
| Bill Stepien      | 12/19/2013 12:03:22 PM |                                                                                                                 | Are you getting on the call?                                                                                                                                   |
| Michael DuHaime   | 12/19/2013 12:10:23 PM | I'm on                                                                                                          |                                                                                                                                                                |
| Bill Stepien      | 1/8/2014 2:23:32 PM    |                                                                                                                 | On RGA call. Should I hop off and call you?                                                                                                                    |
| Michael DuHaime   | 1/8/2014 2:23:54 PM    | Yes.                                                                                                            |                                                                                                                                                                |
| Bill Stepien      | 1/8/2014 2:41:52 PM    |                                                                                                                 | Let's meet at the Starbucks in market fair on route one. We will find a quiet place to sit somewhere in the coffee shop or in the mall. Just tell me what time |
| Michael DuHaime   | 1/8/2014 3:22:54 PM    | How about around 4pm?                                                                                           |                                                                                                                                                                |
| Bill Stepien      | 1/8/2014 3:22:24 PM    |                                                                                                                 | Ok. See you there.                                                                                                                                             |
| Michael DuHaime   | 1/8/2014 4:00:26 PM    | almost there                                                                                                    |                                                                                                                                                                |
| Bill Stepien      | 1/8/2014 4:00:36 PM    |                                                                                                                 | I'm outside of the Starbucks inside the mall                                                                                                                   |
| Michael DuHaime   | 1/8/2014 4:00:53 PM    | I'm just a few minutes away                                                                                     |                                                                                                                                                                |

# Tab 38

# GIBSON DUNN

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## Memorandum

### PRIVILEGED AND CONFIDENTIAL ATTORNEY OPINION WORK PRODUCT

To: File  
From: Gibson, Dunn & Crutcher LLP  
Re: Drewniak Interview Memorandum

On January 19, 2014, March 10, 2014, and March 22, 2014, Michael Drewniak was interviewed by Randy M. Mastro, Alexander H. Southwell, Debra Wong Yang, Avi Weitzman, and/or Sarah L. Kushner of Gibson Dunn. On January 19, 2014, Drewniak was not represented by counsel. On March 10 and 22, 2014, Drewniak was represented by Anthony Iacullo and Joshua Reinitz of Iacullo Martino. All information contained herein was provided by Drewniak or as indicated. Drewniak has not read or reviewed the memorandum and has not adopted or approved its contents. Southwell began the interview by administering the standard *Upjohn* warnings per Gibson Dunn protocol, and requesting that Drewniak refrain from discussing the investigation and interview with others. Drewniak stated that he agreed, understood, and did not have any questions.

This memorandum does not contain a verbatim transcript of what was said at the meeting; rather, it is a summary of the discussion that reflects counsel's mental thoughts and impressions and is therefore protected from disclosure by the attorney work product doctrine.

#### I. Background

##### A. Role and Responsibilities

Drewniak was the Public Information Officer at the U.S. Attorney's Office for the District of New Jersey (the "U.S. Attorney's Office") from approximately October 1998 until 2010, where he worked under three different U.S. Attorneys. Drewniak did not interact with the Port Authority of New York & New Jersey (the "Port Authority") while at the U.S. Attorney's Office. In 2010, Drewniak became Press Secretary in the Governor's Office. Drewniak described his responsibilities as Press Secretary as follows: he takes incoming questions from reporters or legislators and then "chases down" the relevant people in the Office to declare the answer. Drewniak said that he tended to respond to a lot of these

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inquiries on his own, but if there was a "hot button" issue, he would consult with Maria Comella, the Deputy Chief of Staff for Communications and Planning, on an appropriate response.

Drewniak's most frequent communications were with the Policy office. If the press or other inquiry concerned a political issue, Drewniak would often talk to the Governor's Chief of Staff, Kevin O'Dowd, because he was the expert in the Office on legislative matters and had a close relationship with legislators. Drewniak also often interacted with the attorneys in the Office, including Principal Deputy Chief Counsel, Paul Matey, whom Drewniak considered a helpful resource.

Drewniak's responsibilities also include working with departments in the Administration to help them respond to press inquiries that they receive. Drewniak clarified that a department did not necessarily need the Administration's approval before it could respond to a direct inquiry. Drewniak did not reach out to the Authorities Unit frequently because that unit was generally proactive in keeping Drewniak apprised of any issues that the communications staff should know about. Drewniak added that he might on occasion help direct a department to others in the Office who might have relevant information. For example, Drewniak frequently dealt with the Treasurer's office, possibly on budget issues.

#### B. Reporting Lines

Drewniak reports directly to Comella and the Governor. On certain issues, Drewniak reports directly to the Governor, but keeps Comella involved. When Drewniak raised issues or information with the Governor, it was usually based on the subject matter. Sometimes Drewniak would just flag for the Governor that a certain press issue was not going to be a big deal. If a press issue was significant, Drewniak's practice was to bring it to Comella's attention and then either she or Drewniak would relay that information to the Governor per Comella's instruction.

Drewniak has a working relationship with the Governor. Drewniak said that he communicated with the Governor often, but not daily. Sometimes the Governor called Drewniak at home if, for example, a story came up on a Sunday.

#### C. "Front Office"

Drewniak understood the term "front office" to mean the entire senior staff, including Bridget Kelly when she was Deputy Chief of Staff overseeing the Legislative and Intergovernmental Affairs ("IGA") unit in the Governor's Office. During the Governor's first term, Drewniak was a "junior" senior staff member because he was not on the official masthead, but had full access to senior staff and often attended senior staff meetings.

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## D. Interactions with IGA

Drewniak did not have a lot of interaction with IGA, including little contact with Bridget Kelly and Bill Stepien. Drewniak did not have a personal relationship with either of them. Drewniak would contact IGA, including Kelly, in connection with a press inquiry when, for example, he needed information about a particular municipality and/or a local mayor. In addition, if a State legislator called the Office with a complaint, Drewniak might ask Kelly what she knew about that legislator and if Drewniak should call him/her back.

## E. Interactions with the Port Authority

### 1. Relationship with David Wildstein and Bill Baroni

Drewniak became friends with David Wildstein and Bill Baroni in or around 2010. Drewniak's personal relationship with Wildstein began when Wildstein was an anonymous blogger on PoliticsNJ.com (now, PolitickerNJ.com) and Drewniak still worked at the U.S. Attorney's Office. Drewniak developed a trusting relationship with the blogger, but did not know his identity. In or around 2010, shortly after the Governor was elected and Drewniak joined the Office, Wildstein revealed himself to Drewniak. After that, Drewniak developed a friendship with Wildstein. Drewniak enjoyed talking to Wildstein about politics, as Wildstein was knowledgeable on the subject, especially New Jersey and national politics.

Drewniak became friends with Baroni when Baroni was already at the Port Authority. At some point after Drewniak joined the Governor's Office, and probably in 2010, Wildstein told Drewniak that he should meet Baroni, and, thereafter, the three of them had dinner in Newark. Drewniak noted that, contrary to news reports, Baroni (not the Governor) identified and recruited Wildstein to be his number two at the Port Authority.

When Wildstein accompanied Baroni to the State House for a meeting, Wildstein would often stop by Drewniak's office to say hello. Drewniak and Wildstein used to be friends and Wildstein would reach out to Drewniak fairly regularly, although Drewniak was usually too busy with work to talk for an extended period of time.

Regarding the Governor's interactions with Wildstein, Drewniak recalled very few instances in which Wildstein was present for a substantive conversation with the Governor. For example, when Baroni would come to the State House for a meeting with the Governor, Wildstein usually sat outside of the meeting. Drewniak commented that Wildstein knew his place, and would sit outside of the room and provide information when asked because he was the "fact guy." Drewniak said that, contrary to reports, the Governor and Wildstein were not childhood friends; they ran in different circles.

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As for how Baroni knew Wildstein, Drewniak's understanding was that Baroni and Wildstein have known each other for a long time, dating back to when they both worked for the late Congressman Bob Franks, with whom they were very close.

#### **2. Drewniak's Potential Position at the Port Authority**

In the context of describing his relationship with Baroni and Wildstein, Drewniak explained that Baroni and Wildstein wanted him to join the Port Authority in a senior communications role, replacing Jamie Loftus. Drewniak was concerned about taking on such a high-level job, but Baroni and Wildstein assured Drewniak that he could do it well.

Approximately 18 months ago, Drewniak told the Governor that he was considering going to the Port Authority because he needed a change and wanted to earn a higher salary. The Governor responded that they should see where things stood at the end of the first term.

Drewniak never had any authority over Port Authority-related issues within the Governor's Office as a result of Drewniak's connections to the Port Authority, but Wildstein, and, less frequently, Baroni, would ask Drewniak for his input on a proposed public announcement from the Port Authority. In addition, Wildstein would sometimes seek Drewniak's advice in connection with a New Jersey-centric Port Authority project. For example, recently, Port Authority Executive Director Patrick Foye refused to allow the Port Authority to put out announcements about a New Jersey-centric project under the Port Authority's banner. As a result, Wildstein asked Drewniak if he could put the project on the Governor's daily schedule, which Drewniak said he would do.

Drewniak explained that Wildstein would often complain to Drewniak about personality issues and conflicts within the Port Authority, especially between Wildstein and Foye.

As for interactions Drewniak had with others at the Port Authority, Drewniak sometimes interacted with the Port Authority's press office.

The only time that Drewniak recalled visiting the Port Authority was when Wildstein took Drewniak and his kids on a tour of the Freedom Tower.

Drewniak said that Wildstein described himself as best friends with Paul Nunziato, the head of the Port Authority police union.

#### **F. Interactions with the Governor's Campaign**

Drewniak had very little to do with the Governor's reelection campaign. Drewniak's involvement was limited to (1) participation in daily scheduling calls between the Office and the campaign; and (2) interacting with the campaign's Press Secretary, Kevin Roberts, on

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certain press inquiries that both the Office and the campaign received. Participants on the scheduling call included: Roberts, Comella, Lauren Fritz (who dealt with social media and other media networks), Colin Reed, a researcher, and some additional members of the communications staff. Drewniak volunteered a few times off-hours toward the end of the campaign. For example, he took two days off before election night to volunteer for the campaign.

**G. Nicole Davidman Drewniak**

Drewniak first met his current wife, Nicole Davidman Drewniak, when he was still at the U.S. Attorney's Office and she was working for Governor Christie. In particular, Drewniak took the day off to hear the Governor speak, where he met Nicole and Bill Stepien. Drewniak did not see Nicole again for another 18 months. The next time that Drewniak saw Nicole was when a mutual friend invited Drewniak to meet them for lunch; Drewniak and Nicole then hit it off.

Drewniak briefly described Nicole's employment background: after working on the Governor's first gubernatorial campaign, she went to work for New Jersey's Board of Public Utilities. Subsequently, she helped fundraise for the New Jersey Republican Party. After that, she worked on the Governor's reelection campaign. Nicole was the finance director for the Governor's 2014 inaugural, and now works in consulting.

**II. Chronology of the George Washington Bridge Events**

Drewniak was next asked about his knowledge in connection with the lane realignment from September 9–13, 2013.

**A. Spring 2013**

Drewniak was not aware of any effort to obtain the endorsement of Fort Lee Mayor Mark Sokolich in the spring of 2013. Drewniak had never heard of Mayor Sokolich before the lane realignment was reported in newspaper reports.

Drewniak learned about local officials' endorsements when they were announced or if the Office's schedule showed that the Governor was visiting a certain town and Drewniak would ask someone in the Office what that visit was for.

**B. August 2013**

Drewniak was not aware in August 2013 of any communications between Kelly and Wildstein about traffic problems. Moreover, Drewniak could not think of anything that might have occurred around then to prompt the August 13, 2013 exchange between Kelly and Wildstein regarding Fort Lee traffic issues.

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Drewniak did not specifically recall texting Wildstein on or around August 27, 2013, but said that he and Wildstein could not have been discussing the lane realignment, as Drewniak had no advance knowledge of or involvement in the lane realignment.

### C. September 9–13, 2013 – GWB Lane Realignment

Drewniak was asked about a call he had with Wildstein on September 11, 2013, after a 9/11 Memorial event. Drewniak explained that it was typical for Wildstein—who was always concerned about what the Governor's Office thought of him—to call Drewniak before and/or after a Port Authority event that the Governor attended to make sure that the event went well. On this call, Wildstein was likely following up with Drewniak about the 9/11 Memorial event. During the conversation, Wildstein did not mention anything about having talked to the Governor that day.

Drewniak's attention was directed to a September 12, 2013 press inquiry to the Port Authority from *Bergen Record* reporter John Cichowski regarding the lane realignment, which Wildstein subsequently forwarded to Drewniak and Kelly that day. Drewniak did not specifically recall receiving this email at the time. Drewniak elaborated that September 12, 2013, was also the first day of a large fire in Seaside and, as such, his focus at the time was primarily on the fire and relaying real-time information to Comella, who was on site at Seaside. Drewniak would not have focused on Cichowski's inquiry at the time, as it was typical for Wildstein to pass along to Drewniak, as Press Secretary, press inquiries that the Port Authority received. Drewniak received this email from Wildstein without any background on the lane realignment or having previously had any conversations with Wildstein about it. Drewniak did not know anything about the lane realignment at that time. Drewniak did not reply to Wildstein's September 12, 2013 email—indeed, Drewniak believed that he did not see this email until at least the next day (on September 13, 2013) because he was preoccupied with the Seaside fire—but could not recall if Wildstein called him thereafter to follow up on the email.

Drewniak's attention was directed to a second email that Wildstein sent Drewniak and Kelly on September 12, 2013, which Drewniak also believed he did not read until at least the next day. This second email contained the Port Authority's response to the Cichowski press inquiry: "The Port Authority is reviewing traffic safety patterns at the George Washington Bridge to ensure proper placement of toll lanes. The PAPD has been in contact with Fort Lee police throughout this transition." At the time, Drewniak did not find these emails unusual or alarming in any way because it was common for Wildstein to keep Drewniak apprised of press inquiries that the Port Authority received. Drewniak added that, in hindsight—i.e., since January 2014, when emails about Kelly's and Wildstein's involvement in the lane realignment became public—he has wondered if Wildstein was trying to pull him into something at the time.

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Regarding Drewniak's use of his work email account, as opposed to his personal email account, Drewniak said that Wildstein sent emails to Drewniak's Gmail and work email accounts interchangeably. Drewniak recalled that he once told Wildstein that they should communicate on Gmail if Wildstein was asking Drewniak for advice on something that did not pertain to Drewniak's official responsibilities. Drewniak added, however, that he often forwarded his work emails to his Gmail account because it was easier for him to read his emails on his iPhone than his work-issued cell phone. Asked if Drewniak knew if Kelly used the Yahoo account that Wildstein had emailed her at, Drewniak did not know. Drewniak did not get many emails from Kelly, especially from her personal email account.

Drewniak was asked if he recalled seeing an article in the "Road Warrior" column in *The Bergen Record* on or about September 13, 2013, about the traffic problems. Drewniak received and reviewed press clips every morning, but did not recall this story. Drewniak also did not recall any discussion in the Governor's Office about this article. Drewniak believed that he went down to Seaside on September 13, 2013, to assist with the Governor's boardwalk events and interface with the press regarding the Seaside fire.

**D. September 15, 2013**

Drewniak did not recall talking to Wildstein on the phone on September 15, 2013, but said that it was possible that they spoke that day, as they used to speak relatively often.

**E. September 17, 2013 *Wall Street Journal* Article**

On the evening of September 16, 2013, a reporter for *The Wall Street Journal*, Ted Mann, called Drewniak for a comment about the lane realignment, and, on September 17, 2013, Heather Haddon, another reporter for *The Wall Street Journal* followed up on the same inquiry. Drewniak recalled thinking to himself, what is this? At that point, Drewniak vaguely recalled the September 12, 2013 emails from Wildstein to him and Kelly about the same lane realignment issue, so Drewniak reached out to Kelly and, separately, to Wildstein about *The Wall Street Journal's* inquiry. When Drewniak received a press inquiry about a particular issue, it was his practice to consult the relevant individuals to quickly gather information necessary to respond to press inquiries he received. Here, Drewniak reached out to Kelly and Wildstein (Drewniak's primary contact for Port Authority-related issues) for that reason. Drewniak did not raise the inquiry with Comella around this time because the inquiry did not seem important.

On September 17, 2013, before *The Wall Street Journal* article was published, Drewniak went by Kelly's office and briefly asked her about *The Wall Street Journal's* press inquiry. Kelly acted nonchalant about the inquiry, seemed to be busy with other matters, and said that she had no idea what the inquiry was about other than that it seemed to be about traffic issues. Drewniak elaborated that he ran the press inquiry by Kelly because it was

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relevant to IGA, as the inquiry suggested confusion within the local community of Fort Lee, and because Kelly was on the September 12, 2013 emails from Wildstein.

That same day, September 17, 2013, Drewniak spoke to Wildstein on the phone, during which conversation Wildstein said that the lane realignment was a traffic study that the Port Authority had conducted. Wildstein also told Drewniak that the Port Authority often conducted traffic studies and that the Fort Lee traffic study was blind because it was a pilot study and informing people of it beforehand would skew the results, which seemed logical to Drewniak. Wildstein explained to Drewniak that Fort Lee had three designated lanes on the Bridge and that this was something that the Port Authority had wanted to review to see if there was another traffic pattern that would allow traffic from I-80/95 to move more quickly. Later that afternoon, Drewniak sent an email to Wildstein essentially memorializing Wildstein's explanation of the lane realignment.

Drewniak said that his response by email, dated September 17, 2013, to Heather Haddon of *The Wall Street Journal* reflected the information that Wildstein had provided to Drewniak about the lane realignment, except for a reference to an unrelated DOT study, which was something that Drewniak independently recalled.

Drewniak was shown a September 18, 2013 email he received from Wildstein about the September 17 *Wall Street Journal* article. Drewniak did not know at the time what Wildstein meant in the email by, "I was unusually nervous over this one." Asked about Drewniak's comment in the email that the article did not "run wild with that crazy allegation it was done as political retaliation. That was a nutty suggestion," Drewniak generally recalled learning about this political retaliation allegation at the time and discussing it with a reporter, but could not recall if it was with Mann or someone else.

Following *The Wall Street Journal* article and subsequent public reports about the lane realignment, Wildstein repeatedly told Drewniak that the lane realignment was a traffic study and that it was something the Port Authority had a right to do.

Drewniak was asked about a groundbreaking event in Newark for Panasonic around this time and whether he was involved in drafting a press release for that event. Drewniak recalled the event, but would not have been involved in drafting the press release, although he may have reviewed and revised it.

Drewniak did not recall any discussions with senior staff or the Governor about the lane realignment in September 2013.

### F. October 1, 2013 *Wall Street Journal* Article

Asked about Drewniak's recollection concerning the October 1, 2013 *Wall Street Journal* article that included a copy of Foye's September 13, 2013 email, Drewniak said that,

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on or around October 1, 2013, in connection with this article, Drewniak realized for the first time that he was dealing with something that was not ordinary. Shortly before the article was published, Wildstein forwarded Drewniak *Wall Street Journal* reporter Mann's inquiry to the Port Authority about the lane realignment and, shortly thereafter, Mann asked Drewniak for a comment about the same story. Before he responded to Mann, Drewniak called Wildstein to ask him about the Foye email referenced in the inquiry; Drewniak also requested a copy of the Foye email so that he knew exactly what he was dealing with. Wildstein then sent Drewniak the Foye email, at which point Drewniak realized that, because of Foye's involvement, the situation was more elevated than he initially understood. Drewniak elaborated that this was because of the historical tension between the New York and New Jersey sides within the Port Authority in general and the animosity between Foye and Wildstein in particular.

Drewniak read Foye's email with a colored view because he knew that Foye hated Wildstein. Drewniak explained that the Port Authority was an agency with a lot of money and a lot at stake, and that there was an inherent conflict built into the agency's structure between the New York and New Jersey sides. Drewniak understood that Wildstein was the one who would push hard to advance New Jersey-focused projects at the Port Authority. Drewniak commented that the New York/New Jersey rivalry was not between the two governors and did not take place at that level; rather, this rivalry occurred among the staff and was not at the urging of the governors.

As an example of Foye's disdain for Wildstein, Drewniak explained that a Port Authority employee had filed a harassment complaint with human resources against Wildstein. Human resources apparently looked into the complaint and determined that there was nothing to the allegation. According to what Wildstein told Drewniak, after human resources closed its inquiry, Foye hired special counsel to conduct an independent investigation; Drewniak recalled that the special counsel was a former Assistant U.S. Attorney in the Southern District of New York. Drewniak received an email from Wildstein in which email Wildstein complained that he had to spend \$50,000 for a lawyer because Foye decided to conduct his own investigation in response to this complaint even after human resources had determined there was nothing to the allegation.

Drewniak thought that he spoke to Comella and possibly O'Dowd and/or McKenna about the Foye email, but did not specifically recall whether it was shortly before or shortly after the October 1 *Wall Street Journal* article was published.

#### G. Post-October 1, 2013

On or around October 2, 2013, Drewniak spoke to Kelly at the State House about the October 1 *Wall Street Journal* article, which was the second and last time that Drewniak recalled discussing the lane realignment with Kelly. In particular, after the article was

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published, Drewniak went by Kelly's office and asked if she had any light to shed on this story. As with the September 17, 2013 *Wall Street Journal* article, Drewniak thought to ask Kelly about the October 1, 2013 article because it involved Mayor Sokolich and the lane realignment's impact on the Fort Lee community, which were issues that Kelly would deal with as the head of IGA. Drewniak asked Kelly if she knew anything relevant to this inquiry. Kelly was flippant in her response, rolled her eyes, and commented that this was something about traffic. This type of response was typical of Kelly.

Drewniak did not recall meeting with Wildstein at the State House on or around October 2, 2013.

### H. October 7, 2013 – Port Authority Committee Meeting

Asked what he remembered about State Senator Loretta Weinberg's presence at an October 2013 Port Authority committee meeting, Drewniak recalled that Wildstein had emailed him about who was going to be at this meeting. Drewniak received a lot of press inquiries after either the October 7 or October 16, 2013 Port Authority meeting, so he called Wildstein to ask how the meeting went, as Drewniak typically would.

Drewniak's attention was directed to an October 7, 2013 email he sent to O'Dowd, forwarding a press inquiry that Drewniak had received from *The Star-Ledger* about the lane realignment. By way of background, Drewniak explained that O'Dowd was the expert in the Office on legislative matters and that it was Drewniak's practice to consult O'Dowd on press inquiries implicating legislators. At this point, Weinberg was focused on the lane realignment and Drewniak wanted to inform O'Dowd that the story about the issue was heating up as a result. Drewniak relayed *The Star-Ledger* inquiry to O'Dowd with respect to O'Dowd's involvement in legislative issues and not in O'Dowd's capacity as Chief of Staff.

### I. October 16, 2013 – Port Authority Committee Meeting

Drewniak's attention was directed to an October 16, 2013 email from Regina Egea, the director of the Office's Authorities Unit, to Drewniak, McKenna, and O'Dowd, informing them of that day's Port Authority committee meeting that Weinberg attended. Drewniak said that Egea or Nicole Crifo (also in the Authorities Unit), who were responsible for interfacing with the Port Authority, would typically send these types of Port Authority-related updates.

### J. October 17, 2013

Drewniak's attention was directed to an October 17, 2013 email he received from Wildstein, forwarding another press inquiry from *The Wall Street Journal*. That inquiry asked about Wildstein's presence at the Bridge during the lane realignment. Drewniak did not recall otherwise discussing this inquiry with Wildstein, but said it was possible that they

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spoke on the phone about it. Drewniak did not recall discussing this inquiry with O'Dowd at the time.

Drewniak did not specifically recall talking to Baroni on the phone on October 17, 2013. Around this time, Drewniak sensed that Baroni was frustrated because he wanted the Port Authority to be able to speak out about the lane realignment, and would ask Drewniak for permission for the Port Authority to do so. Drewniak told Baroni that the Port Authority could do what it wanted to, that this was not his (Drewniak's) decision to make, and that Baroni would have to talk to Comella about that.

**K. Sometime Around Mid-October 2013–November 16, 2013**

At some point during the period of mid-October 2013–November 16, 2013 (when Drewniak left for vacation), as the press became increasingly focused on the lane realignment, Wildstein began claiming to Drewniak that others—namely, Stepien and Kelly—knew about the traffic study. With hindsight, Drewniak thought that Wildstein was trying to build up a cover story that others knew about the lane realignment in order to protect himself.

**L. Post-November 5, 2013**

Drewniak was asked who he spoke to about Wildstein's statement that Stepien and Kelly knew about the lane realignment. At some point in or around November 2013, Drewniak went to Comella to tell her about Wildstein's statement, but Comella was not focused on the subject. Drewniak then went to see Matey to relay what Wildstein had told him, but Matey said that he was not handling the matter, instead directing Drewniak to McKenna. Drewniak then went to McKenna and relayed what Wildstein had said. Drewniak was not sure but thought that he likely approached these senior staff members after November 5, 2013 (Election Day), and noted that he was on vacation in Mexico from November 16–25, 2013. Drewniak returned to the office on November 29, 2013, the Friday after Thanksgiving, but the office was relatively empty.

After he spoke to McKenna about Wildstein's statements, Drewniak did not think that he had to report it to anyone else in the Office. Asked if Drewniak spoke to anyone else about what Wildstein told him at the time, Drewniak said that he told his wife but did not specifically recall when.

**M. November 6, 2013**

Drewniak's attention was directed to a November 6, 2013 email exchange between him and Wildstein about an inquiry from *The Wall Street Journal* regarding an upcoming story that Wildstein was the one who ordered the lane realignment. Drewniak did not specifically recall talking to Wildstein on the phone about this inquiry, but said it was

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possible. Drewniak recalled talking to Wildstein about other Port Authority matters around this time, including about the complaint that had been filed within the Port Authority against Wildstein.

**N. November 14, 2013**

Drewniak's attention was directed to a November 14, 2013 email to him from Wildstein, which read, "Checked the sign in sheets – Ted Mann was at the September 20, 2012 board of commissioners meeting where this was announced." Drewniak explained that this was referring to a story that *Wall Street Journal* reporter Mann was writing about the Port Authority's use of Chinese steel in constructing a tower. Wildstein was pointing out to Drewniak that this was not a new issue, but had been previously raised at a 2012 Port Authority meeting that Mann had attended. Drewniak noted that it was typical of Wildstein to do something like this (checking a meeting's sign-in sheets) to prove his point.

**O. November 25, 2013 – Baroni's Testimony**

From November 16–25, 2013, Drewniak was on vacation. Shortly before Drewniak went on vacation, Baroni called Drewniak and reiterated his desire for Drewniak to join the Port Authority.

Asked if Drewniak spoke to Baroni about his testimony before Baroni's November 25, 2013 hearing, Drewniak recalled that he had a brief encounter with Baroni at the State House, during which encounter Baroni said words to the effect of, "we're fine, we have a traffic study." Drewniak was not involved in preparing Baroni for his testimony. Drewniak did not speak to Baroni about his testimony after the hearing.

Drewniak's attention was directed to a November 25, 2013 email exchange between him and Wildstein in which Drewniak said that Baroni's testimony "[s]eems to be going okay overall." Drewniak explained that he was traveling back from vacation that day and did not listen to Baroni's testimony. Therefore, Drewniak believed that he must have seen news reports online suggesting that the testimony was going well.

Drewniak pointed out that one of the documents leaked to the press in connection with the lane realignment contained texts between Wildstein and Baroni from around the time of Baroni's hearing, and that these texts referenced a "Nicole." Drewniak said that this Nicole referred to Nicole Crifo, and not Drewniak's wife, Nicole Davidman.

**P. December 2, 2013 – Press Conference and Governor's Nomination of New Attorney General**

Drewniak was not involved in preparing the Governor for his December 2, 2013 press conference. Regarding the Governor's statement at this press conference about "moving the

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cones," Drewniak pointed out that the Governor would never have said that had he had any knowledge of the lane realignment.

Drewniak was asked about a December 2, 2013 text message he received from Wildstein, asking, "Do you need anything from is re ft lee for gov presser," to which Drewniak responded, "No, I think we're good." Drewniak explained that Wildstein constantly offered things to him (Drewniak) for the Governor's Office and that Drewniak generally declined any such offers.

**Q. December 4, 2013 – Drewniak and Wildstein Dinner**

On December 4, 2013, Drewniak had dinner with Wildstein at Wildstein's request. Specifically, on December 3, 2013, at 10:51 p.m., Wildstein, who was socially friendly with Drewniak, wrote Drewniak that he needed "to talk to you soon, in person, once you get caught up and have some time." The following morning, at 8:15 a.m. on December 4, 2013, Drewniak asked Wildstein if he wanted to meet for dinner that evening in New Brunswick, New Jersey.<sup>1</sup> Wildstein and Drewniak agreed to meet that evening.<sup>2</sup> The dinner was at a steakhouse in New Brunswick, N.J., and lasted for about 90 minutes. At the beginning of the dinner, Wildstein pointed to a packet of documents that he was carrying and said that he wanted to discuss these documents at the end of dinner. The majority of the dinner was social: Drewniak and Wildstein discussed politics, family, etc., as they usually did when they had dinner together.

Towards the end of dinner, Wildstein, who seemed anxious, began to tell Drewniak things that Wildstein seemingly wanted to be relayed back to the Office, including that Wildstein was willing to "fall on the sword" and was a team player. Drewniak said that Wildstein seemed to feel sorry for himself—on the one hand, Wildstein listed all of his and Baroni's accomplishments during their time at the Port Authority, and, on the other hand, Wildstein said that he would do the right thing and step aside because of the lane realignment

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<sup>1</sup> Two minutes after Drewniak suggested a dinner with Wildstein in New Brunswick, N.J. that evening, Drewniak emailed Kelly to ask if she was available "to go over something with you of some importance." Kelly responded: "Yes. Want me to call you now?" Drewniak explained that this exchange with Kelly was about a press inquiry unrelated to the lane realignment. Specifically, this was about an inquiry relating to the Department of Education's criteria for distributing a \$4.5 million donation from the United Arab Emirates to New Jersey schools affected by Superstorm Sandy. Drewniak added that this story was never published in part because the Office successfully undermined any suggestion that this was a political story.

<sup>2</sup> On December 4, 2013, Wildstein texted Drewniak, "6 [for dinner that night] is good Michael Aron and Samson are speaking at 3:15 by phone I will sit in." When asked about the reference to Aron and Samson, Drewniak explained that Aron was the Chief Correspondent of NJTV and thought that Samson might have appeared on NJTV around that time to discuss O'Dowd's recent nomination as Attorney General. Drewniak did not know why Wildstein would have been involved with this.

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if that was asked of him. Wildstein wanted to know if he could nevertheless continue to have a place in the Administration or work on any future campaigns for the Governor. Wildstein said that he did not want his career to end like this, and neither did Baroni.

Wildstein also reiterated that Kelly and Stepien had some knowledge of the traffic study. In addition—and for the first time—Wildstein said that the Governor knew about the traffic study because Wildstein mentioned it to the Governor at a public event during the week of the lane realignment. Wildstein said this as he reiterated that the lane realignment was his idea and a legitimate traffic study. Wildstein did not at all suggest to Drewniak that he (Wildstein) or anyone else had any retaliatory or ulterior motive in conducting the lane realignment.

At the end of the dinner, Wildstein took out his packet of documents and said, “here is the traffic study,” and began to describe the documents. Drewniak said that Wildstein seemed to be trying to justify the lane realignment, asserting that it was a legitimate traffic study, albeit the Port Authority could have handled it better. Wildstein made a point of showing Drewniak internal Port Authority emails with traffic consultants and engineers about the traffic study, including in the days leading up to the lane realignment. Drewniak let Wildstein talk. Drewniak understood at this time that it was largely irrelevant at this point whether or not the lane realignment was a legitimate traffic study or not.

Wildstein also told Drewniak about a letter from Mayor Sokolich in which, according to Wildstein, the Mayor threatened to close down the toll entrance lanes from Fort Lee to cause traffic problems because he was not receiving the services that he wanted from the Port Authority. As a courtesy to Wildstein, Drewniak asked Wildstein to send him the letter. Drewniak told Wildstein to sit tight and to see how everything played out. Drewniak said that he basically just tried to get through the meal, which was painful for him because he sensed at that time that Wildstein was going to have to go. Drewniak did not understand why Wildstein emailed him after the dinner thanking him for his advice when Drewniak had not really given any.

Drewniak did not specifically recall speaking to McKenna around this time about his dinner with Wildstein, but said that it was possible that they spoke about it.

R. ~ December 5, 2013

Shortly after his dinner with Wildstein, Drewniak, who routinely spoke to O’Dowd, recalled going to O’Dowd’s office and discussing O’Dowd’s recent nomination and Drewniak’s role in the second term. The Governor, as he often would, stopped by O’Dowd’s office. Drewniak then informed the Governor about Wildstein’s claims. The Governor said he saw Wildstein at a public event the week of the lane realignment, but had no recollection of Wildstein saying anything to him about traffic or a study, and, even if Wildstein had, his

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alleged drive-by comment would not have registered with the Governor. In the context of Wildstein's other claim—namely, that Kelly and Stepien knew about the lane realignment—Drewniak asked the Governor if Stepien and/or Kelly had been questioned about whether they in fact knew anything about the lane realignment. The Governor responded that he had a feeling that Stepien was not telling the Governor everything. The Governor did not say anything about Kelly.

Drewniak said that the Governor then commented that Wildstein and Baroni would be asked to resign soon and that they had to go, as the Port Authority was too important an entity that the Governor's Office had to work with, which was not possible while Wildstein and Baroni remained at the Port Authority due to the distraction of the lane realignment issue. During this conversation, the Governor also confirmed to Drewniak that Gramiccioni would be replacing Baroni at the Port Authority and that McKenna would be setting up the meetings with Baroni and Wildstein to inform them of their resignations.

Thereafter, Drewniak texted McKenna to ask when he would be speaking to Baroni and Wildstein, to which McKenna responded that he was meeting with Wildstein the next day (December 6, 2013) and Baroni the following week.

**S. December 6, 2013 – Meeting with Wildstein About His Resignation**

On or around December 6, 2013, after meeting with Wildstein, McKenna called Drewniak and described how the meeting went. McKenna had told Wildstein that he had until 2 p.m. that day to resign, effective on or around December 31, 2013, or the Office would fire him. McKenna told Drewniak that McKenna needed Drewniak's assistance in securing Wildstein's resignation by that afternoon.

After Drewniak spoke to McKenna, Wildstein called Drewniak and said that he would resign, but that had to get his ducks in a row, and wanted to talk to Drewniak, Stepien, DuHaime, his dad, and his kids before he submitted his resignation. On the call, Drewniak mentioned that the Office would have to issue some kind of statement, which Drewniak would draft and show to Wildstein.

The plan was for Wildstein to resign at 2 p.m. that day. The Office would notify two newspapers—*The Bergen Record* and maybe (Drewniak did not recall) *The Wall Street Journal*—to disseminate the story. Thereafter, the Office would release its statement in response to further press inquiries. Drewniak drafted the resignation statement, which he sent to Wildstein, who called Drewniak and asked if the statement could be more effusive. Drewniak subsequently emailed Wildstein that he had to balance different interests and that Comella and McKenna had already approved the draft statement. As such, Drewniak did not have much leeway to revise the statement without having to send it back to them for their approval. During this time, McKenna expressed concern that Wildstein seemed to be

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stalling, which was why, that day (December 6), Drewniak emailed Wildstein that "Charlie is getting itchy." Ultimately, Wildstein accepted the resignation statement, and the Office notified the two newspapers about Wildstein's resignation. In the interim, Drewniak reviewed the draft resignation statement with the Governor, who made minor changes.

The weekend following Wildstein's resignation, on the way from an event in New York City, Drewniak sent Wildstein a text to make sure that Wildstein was doing okay. Wildstein responded that he was not feeling good and was having dinner with his wife.

**T. December 9, 2013 – Wisniewski Committee Hearing**

Drewniak was not involved in preparing any of the witnesses for the December 9, 2013 testimony before the Wisniewski Committee. Drewniak watched the testimony. Drewniak did not discuss this hearing with the Governor.

**U. December 13, 2013**

**1. Senior Staff Meeting**

Drewniak described the senior staff meeting that occurred the morning of December 13, 2013, which he learned about that same morning from one of the secretaries. In addition to senior staff, Drewniak was also present, which was typical for meetings held in connection with an upcoming press conference. Drewniak was not sure if Stepien was at the meeting, but remembered seeing Stepien in the State House that morning.

At the meeting, Drewniak sat slightly behind and to the right of the Governor. Drewniak explained that the Governor was angry with him because of a story about an alleged conversation between Governor Cuomo and Governor Christie in which Christie reportedly told Cuomo to have Foye back off, which Christie denied; the story was believed to have been planted by Foye. Drewniak had issued a statement in response to the story that, "Cuomo and Christie communicate often and their communications are private." Drewniak said that Comella, but not the Governor, reviewed the statement before it was issued. At the senior staff meeting, the Governor criticized Drewniak about the statement, which Drewniak said he deserved because the statement seemed to confirm an otherwise false story. At the meeting, the Governor also expressed that he was upset because the Office had now made two mistakes since the election, referring to events involving State Senator Thomas Kean Jr., as well as the communications failure in connection with the lane realignments. The Governor said, in sum or in substance, that given the national attention on the Office in the wake of the election, everything had changed, and, as such, everyone in the Office had to be particularly aware of how they conducted themselves.

With respect to the public reports about the lane realignments, the Governor said, in the strongest tone that Drewniak had ever heard from the Governor, that the Office had taken

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a beating over the Bridge events, that he thought he had put the issue to bed on December 2, 2013, but that he now had to address it further. Drewniak recalled that the Governor said that today was where they would cut this story off. Drewniak recalled the Governor looking around the room and making eye contact with everyone. The Governor instructed his staff that if they knew anything about the lane realignment that they had to come forward now. The Governor noted that he was going to hold a press conference in about two hours and that everyone had until then to tell McKenna or O'Dowd what they knew. The Governor said that McKenna and O'Dowd would be in their offices for the next two hours if anyone had anything they wanted to say to them. At that point, Drewniak was almost certain that Kelly would come forward; Drewniak clarified that this was not because he knew what Kelly knew, just that he suspected that she knew something about the lane realignment. Drewniak did not observe Kelly's demeanor during the meeting because Drewniak barely took his eyes off of the Governor. This meeting was one of the most powerful things Drewniak has ever witnessed the Governor do.

Drewniak explained that, by nature, he was a nervous guy and was very nervous during this meeting because he knew that there would be a massive press turnout at the upcoming press conference and that the Governor would have to bear his soul. Drewniak said it was obvious from the Governor's words and demeanor that he had nothing to do with the traffic realignment, and that the Governor was offended to think that anyone in his Office could have been involved. At the meeting, the Governor said words like, "we don't have scandals" and "this is not us." Drewniak knew the Governor's statements were genuine, and from the heart.

### 2. Post-Senior Staff Meeting and Pre-Press Conference

After the meeting, Drewniak went to Comella's office to reassure her that he had no prior knowledge of the lane realignment or any documents suggesting prior knowledge. Drewniak thinks he then tried to talk to O'Dowd, but O'Dowd was busy, so Drewniak went to see McKenna. Drewniak told McKenna that he did not have any prior knowledge of the lane realignment and then asked McKenna if "everyone" had been talked to, including Kelly and Stepien specifically, referencing the rumors that Kelly and Stepien had knowledge of the study. McKenna responded that everyone had been talked to and asked the same questions. McKenna said that Kelly had denied any prior knowledge of the lane realignment and denied having any documents regarding any such knowledge. McKenna also said that he had never trusted Kelly's judgment and that he did not know Stepien well.

Drewniak did not recall hearing rumors that there were emails that Kelly was on reflecting knowledge of the lane realignment.

Before the press conference, Drewniak, Comella, and Reed put together a mock Q&A for the Governor.

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### V. January 8, 2014

#### 1. Drewniak's Final Communications with Kelly

Drewniak's last communication with Kelly was on the morning of January 8, 2014, after Kelly first learned from a reporter that one of her emails was about to be released. In particular, Drewniak thought that Kelly forwarded him an email from the reporter, which Drewniak then gave to Comella. Kelly's email to Drewniak also asked him to call her, which Drewniak did, but Kelly did not pick up. After Kelly's emails were released that morning, Drewniak and Reed waited at the State House for further instruction. During this time, Drewniak reviewed the released emails and accompanying press stories, and had a conversation with reporter Shawn Boburg, who said that he was going to include Drewniak in a story about the lane realignment. Boburg relayed to Drewniak how he was going to describe Drewniak's role in the Bridge events based on the emails that had been released. Drewniak emphasized to Boburg that he only learned about the lane realignments and the Foye email after the period of the lane realignment.

#### 2. Meeting at Drumthwacket

According to Drewniak, Comella went straight to Drumthwacket on the morning of January 8, 2014. That afternoon, Matey called Drewniak and asked him to come to Drumthwacket, which he did. Drewniak brought some emails with him to Drumthwacket, including those that had already been publicly released.

When Drewniak arrived at Drumthwacket, people were sitting at a big table on the second floor. The Governor's incoming Chief Counsel, Chris Porrino, and Matey then took Drewniak into a separate room, where they proceeded to interview and question Drewniak for approximately two hours. At the time, Drewniak was not concerned about what would happen to him because he was not personally involved in, and did not have any prior knowledge of, the lane realignment. Drewniak clarified that he might have been concerned at the time that the Office would let him go because of the statements in his emails about reporters, but not because he had any involvement with the lane realignment.

After Porrino and Matey finished questioning Drewniak, they told him to wait in the room. Thereafter, the Governor entered the room, and informed Drewniak that he (the Governor) had spoken to Porrino and Matey and that Drewniak's employment would continue.

Afterwards, Drewniak and the Governor rejoined the rest of the group and turned to preparing for the upcoming press conference that the Governor was going to hold the following day. Drewniak said that the Governor was forthright and had great answers for all of the hard questions.

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Drewniak recalled that the Governor was extremely sad that day, and that everyone was in shock. At Drumthwacket, the Governor said that he knew that Stepien had to go, but commented how hard that would be.

Asked if Drewniak recalled any discussion about what would happen to Kelly, Drewniak thought that Kelly had already been let go at that point and that the Governor said that Kelly had lied to him. Drewniak thought that it was easier to let Kelly go because her lies were much more direct, whereas, with Stepien, it was less clear what he knew when.

### 3. Drewniak's Final Communications with Wildstein

The last time that Drewniak and Wildstein communicated was on January 8, 2014, late that night. Wildstein sent Drewniak an email with the subject, "Serbian," and stating, "Did you see that bastard [Sokolich] hamming it up on Wolf Blitzer?" Drewniak was floored when he received this text and immediately thought that it was some kind of trap. Drewniak at first deleted the email because he was so offended, but then restored it shortly thereafter. Drewniak showed the email to his wife and to Matey.

#### W. Publicly Released Emails Regarding Drewniak

Drewniak explained the circumstances surrounding certain emails that he sent to or about reporters, which were leaked on or after January 8, 2014. First, Drewniak referred to an email in which he called a reporter at *The Star-Ledger*, Steve Strunsky, a "fucking mutt." Drewniak explained that this comment referred to a story in or around October 2013, regarding a potential project between the Port Authority and United Airlines, which was unrelated to the lane realignment. In particular, Strunsky unsuccessfully sought comments from Drewniak and then Wildstein about the project. During one of Strunsky's calls to Wildstein, Strunsky had Wildstein on speakerphone with Strunsky's editor, Dave Tucker, in the room, unbeknownst to Wildstein until the end of the conversation. Wildstein relayed this conversation to Drewniak, who was furious because Strunsky's actions represented a significant breach of trust that exists between reporters and their anonymous sources. Shortly thereafter, Drewniak received another email from Strunsky asking for a comment, which Drewniak forwarded to Wildstein and called Strunsky a "fucking mutt." Later, Drewniak confronted Strunsky, who admitted how wrong it was to have called Wildstein with someone else listening.

With respect to an email in which Drewniak said, "fuck him and the SL," in reference to a *Star-Ledger* reporter, Jim Namiotka, Drewniak explained that he was in a daily war with *The Star-Ledger* and that the Governor's Office had no voice with that paper. Although Drewniak actually had a constructive relationship with Namiotka, Drewniak wrote this email in frustration because he was dealing with so many issues with *The Star-Ledger* at the time.

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After the email was publicly released, Drewniak called Namiotka to apologize. Namiotka said that he understood and not to worry about it.

#### **X. Communications from Strangers to Drewniak**

On January 8, 2014, following the release of documents produced by the Assembly Transportation Committee, CNN republished those documents and posted them on its website. Certain of those documents contained Drewniak's personal email address and his State-issued cellphone number. Shortly thereafter, strangers began sending Drewniak hate emails and text messages. Drewniak may have told his wife about these messages, but did not specifically recall. Drewniak continued receiving this hate mail for several days following the CNN report. Drewniak was upset by these messages, but noted that, as Press Secretary, it was not uncommon for him to receive random messages from strangers.

#### **III. Superstorm Sandy Aid Allegations**

Drewniak had not previously heard about the types of allegations that Hoboken Mayor Dawn Zimmer had recently alleged against the Lieutenant Governor in connection with Sandy aid. On January 17, 2014, the Office received an email from MSNBC seeking comment from the Governor's Office about a story MSNBC was going to report that "Governor Christie's administration has withheld Sandy relief funds from the city of Hoboken on the condition that Mayor Dawn Zimmer moves forward with the Rockefeller Group development in North Hoboken." This email inquiry was a follow-up to MSNBC's initial telephone inquiry about the story a few minutes earlier. Kara Walker, an employee in the Office's communications department, who received MSNBC's call, subsequently relayed the substance of that call to Drewniak and Reed. Walker said that MSNBC was seeking comment for a story regarding allegations that Mayor Zimmer was making against the Lieutenant Governor.

After talking to Walker and receiving MSNBC's email, Drewniak went to the Lieutenant Governor's office to inform the Lieutenant Governor's Chief of Staff, Melissa Orsen, of MSNBC's inquiry. Drewniak said that both the Lieutenant Governor and Orsen were in the office, at which point Drewniak relayed to them Mayor Zimmer's allegations. The Lieutenant Governor responded that these allegations were insane and not true. This exchange was brief. Thereafter, Drewniak responded to MSNBC's inquiry with a short statement questioning why, after all of this time, Mayor Zimmer, who had always been very supportive of the Administration, was now making outlandish and false accusations against it. Drewniak recalled that the Office did not know exactly what it was dealing with when it issued the statement.

#### **IV. Document Retention Notices**

Drewniak received the document retention notices and is in compliance with them.

## **Tab 39**

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### Memorandum

#### PRIVILEGED AND CONFIDENTIAL ATTORNEY OPINION WORK PRODUCT

To: File

From: Gibson, Dunn & Crutcher LLP

Re: DuHaime Interview Memorandum

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On March 11, 2014, and March 13, 2014, Mike DuHaime was interviewed by Randy M. Mastro and Sarah Vacchiano of Gibson Dunn. DuHaime was represented by counsel Marc Mukasey during both interviews. All information contained herein was provided by DuHaime or as indicated. The information in brackets was obtained from publicly-available sources, not from the interview itself. DuHaime has not read or reviewed the memorandum and has not adopted or approved its contents. Mastro began the interview by administering the standard *Upjohn* warnings per Gibson Dunn protocol, and requesting that DuHaime refrain from discussing the investigation and interview with others. DuHaime stated that he agreed, understood, and did not have any questions.

This memorandum does not contain a verbatim transcript of what was said at the meeting; rather, it is a summary of the discussion that reflects counsel's mental thoughts and impressions and is therefore protected from disclosure by the attorney work product doctrine.

#### I. Background

*[DuHaime graduated from Rutgers University with a B.A. in journalism and political science.]*

##### A. Relationship with Governor Chris Christie

DuHaime's relationship with Governor Christie dates back to 1997, when DuHaime was working on a New Jersey state senate campaign at the same time that Governor Christie was running for re-election as Morris County freeholder. DuHaime got to know the Governor at that time and they stayed in touch through the years.

On January 1, 2009, DuHaime started working at Mercury Public Affairs, and also started working for Governor Christie when the Governor retained DuHaime's consulting firm, Mercury Public Affairs, to consult for the gubernatorial campaign. The Governor hired Mercury again in 2013 for Governor Christie's re-election campaign. DuHaime worked as a strategist on both of

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Governor Christie's campaigns. In this role, DuHaime coordinated the strategic part of the campaign, including consulting, polling and advertising.

DuHaime also worked as a consultant to the New Jersey Republican Party ("NJGOP") after the primary in 2009, with a focus on the GOTV ("Get Out The Vote") operation.

After Governor Christie was elected Governor in 2009, DuHaime served as one of ten volunteer members on the Governor's transition committee. In that role, DuHaime was involved in reviewing resumes and making policy and staff recommendations. DuHaime stated that party affiliation was not a hiring factor, as the team was tasked with finding the best people regardless of political affiliation. DuHaime was not otherwise involved in setting up the structure of the Governor's Office. Aside from serving on the transition committee, DuHaime did not work for the Governor in an official capacity during the Governor's first term in office. DuHaime has not worked for the Governor during his second term since consulting on the Governor's re-election campaign. DuHaime and the Governor are friends, and DuHaime gives the Governor informal advice when he asks for it.

When the Governor took office in 2010, DuHaime also served twice as a consultant for the NJGOP in a general advisory role for restructuring state government. Both of these consulting jobs were brief and done through DuHaime's employment at Mercury.

**B. Relationship with Bill Stepien**

DuHaime and Stepien have a history of working together, in and out of politics, that spans approximately twenty years. For example, Stepien and DuHaime worked together on the Senator Bob Franks and Rudy Giuliani campaigns. When Stepien worked in the Administration as Deputy Chief of Staff for Legislative and Intergovernmental Affairs ("IGA"), DuHaime and Stepien were friends and spoke over time, but DuHaime was not involved with IGA.

**C. Relationship with Bridget Kelly**

DuHaime first met Bridget Kelly during Governor Christie's 2009 campaign. When Kelly worked in the Governor's Office, DuHaime and Kelly interacted infrequently. When Kelly was promoted to Deputy Chief of Staff after Stepien left the Governor's Office, DuHaime coordinated with Kelly on specific things; for example, if DuHaime was planning to attend a speech the Governor was making, DuHaime coordinated with Kelly to get his ticket to the event. He also, from time to time, passed along resumes to her for intern positions.

**D. Relationship with Bill Baroni**

DuHaime first met Bill Baroni in 1998. They first worked together in 2000 on Bob Franks' Senatorial campaign. DuHaime later served as a consultant to Baroni's 2003 New Jersey Assembly campaign. DuHaime and Baroni stayed in touch over the years. During Baroni's 2003 New Jersey Assembly campaign, DuHaime left to work on the Bush campaign in 2004. DuHaime was not involved with Baroni's subsequent Assembly re-election and state

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Senate campaigns, but Baroni called DuHaime every so often to ask for informal campaign advice, and the two maintained a friendship over the years.

DuHaime stated that Baroni approached DuHaime when DuHaime was serving on Governor Christie's transition committee to express interest in serving in the Administration. Baroni asked DuHaime to help circulate Baroni's resume and named a few positions that he specifically had in mind, including Attorney General and a position at the Port Authority. DuHaime said that he was not involved in making those types of decisions, but offered to pass Baroni's resume to the appropriate people.

**E. Relationship with David Wildstein**

DuHaime has known David Wildstein since the late 1990s. In 1999, DuHaime was working for then-Congressman Bob Franks running a political action committee. When Franks decided to run for Senate in the latter part of 1999, DuHaime transitioned to Franks' campaign for Senate. Wildstein did not work on the campaign, but he was a close friend of Franks and was frequently present at campaign meetings and often gave political advice, and DuHaime and Wildstein became friends during this time. After the Franks campaign, DuHaime and Wildstein maintained a friendship. DuHaime knew that Wildstein ran a carpet business, and became aware early in their friendship that Wildstein was running a political blog, PoliticsNJ.com, under the pseudonym Wally Edge.

**1. Wildstein's Position at the Port Authority**

DuHaime said that the recommendation to hire Wildstein as Director of Interstate Capital Projects at the Port Authority came through Baroni, not the Governor. DuHaime was aware that the Governor and Wildstein went to high school together, but was not under the impression that the Governor and Wildstein maintained a close relationship since high school. DuHaime said it was definitely Baroni, not the Governor, who was the driver for getting Wildstein into the Port Authority.

**II. Roles and Responsibilities**

**A. Governor Christie's Re-Election Campaign**

DuHaime went to the Governor with a proposal for DuHaime's role on the re-election campaign, which DuHaime said mirrored the 2009 role both in terms of compensation and responsibilities. DuHaime added that his proposed 2013 compensation may have even been slightly less than in 2009. The Governor and his campaign chairman, Bill Palatucci, approved DuHaime's proposal.

**1. Selection of Stepien as Campaign Manager**

DuHaime said that he always believed Stepien would be the right person to manage the campaign, but DuHaime did not know if Stepien wanted to run the campaign again, having

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served as the Governor's campaign manager in 2009. DuHaime said that the Governor thought that it would be the right call to bring Stepien back for the re-election campaign. Stepien and the Governor made the decision for Stepien to leave the Governor's Office to run the campaign. DuHaime was not involved in any discussion of who should fill Stepien's position in the Governor's Office. DuHaime said that he had always heard good things about Kelly, but had not had a lot of interactions with her.

**2. Potential Endorsement by Hoboken Mayor Dawn Zimmer**

DuHaime explained that he has had a unique relationship with Hoboken because it was DuHaime's hometown from the late 1990s until 2011, and because of that connection, DuHaime interacted with Mayor Zimmer frequently. DuHaime said that Mayor Zimmer reached out to him during her 2013 re-election campaign—she was running for re-election during the same time as Governor Christie—and asked DuHaime if he was interested in being involved in her campaign. In or about December 2012 or January 2013, DuHaime met with Mayor Zimmer and her chief of staff to discuss DuHaime's potential involvement. DuHaime told Mayor Zimmer that he did not really work on municipal campaigns anymore, but because Hoboken was a city that he loved and lived in, he was happy to talk to her about it. DuHaime said they discussed the Governor's contemporaneous re-election race, and recalled Mayor Zimmer expressing concern about getting involved in the Governor's race because of her own election race. Later in 2013, DuHaime met with Mayor Zimmer's husband and her chief of staff to talk about whether or not DuHaime wanted to have a role in Mayor Zimmer's campaign. DuHaime relayed that the Governor's campaign had recently done a poll in Hoboken, and the Governor's numbers were very strong in Hoboken. DuHaime thought this would give Mayor Zimmer comfort and signal to her that her own re-election would not be affected by her endorsement of the Governor. DuHaime thinks that this conversation took place post-primary, in late June or early July 2013.

DuHaime commented that, as late as June or July 2013, Mayor Zimmer had a good working relationship with the Governor and DuHaime had received no indication otherwise, by Mayor Zimmer or her husband, who was very involved in her campaign. Subsequent to the June/July meeting, Mayor Zimmer's husband told DuHaime that Hoboken had also done a poll that showed the Governor in a strong position. DuHaime passed this information to Stepien to follow up on Mayor Zimmer's endorsement, as most of the endorsement process was handled through the campaign's day to day staff and not DuHaime as a consultant.

In August 2013, DuHaime read a *Star-Ledger* article, quoting Mayor Zimmer at an event in Newark, in which Mayor Zimmer stated she would not be endorsing the Governor. DuHaime said this was the first time DuHaime or the campaign learned about Mayor Zimmer's decision not to endorse. Shortly thereafter, the campaign was organizing a small business endorsement event for Governor Christie in Hoboken. DuHaime explained that the bakery is called "City Hall Bakery" because of its proximity to City Hall in Hoboken. DuHaime recalled that Mayor Zimmer had reached out to DuHaime the day before the event, offering to come to the event and welcome the Governor to Hoboken. DuHaime asked her directly if she would be endorsing the Governor; she responded no. DuHaime told her politely that her presence might be a distraction

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to the event. DuHaime said he spoke to the Governor to make sure that he was aware DuHaime had told Mayor Zimmer that her presence at the endorsement event could be a distraction based on her decision not to endorse, and the Governor agreed with DuHaime.

DuHaime explained there was a general frustration among campaign staff that Mayor Zimmer had been particularly supportive of the Governor's policy initiatives over the years, and she had said nice things about the Governor publicly and in conversations with DuHaime and others on the campaign, and had indicated a willingness to endorse—yet when Mayor Zimmer decided not to endorse, her decision was received by DuHaime and others on the campaign by reading a newspaper article along with the general public. However, DuHaime said that, aside from telling Mayor Zimmer that her attendance at a Hoboken endorsement event would be a distraction based on her decision not to endorse the Governor, DuHaime had no knowledge of whether the campaign was frustrated with Mayor Zimmer or took any adverse action against her. DuHaime was similarly unaware of people in IGA being told not to go the extra mile for Mayor Zimmer after she decided not to endorse the Governor.

**3. Potential Endorsement by Fort Lee Mayor Mark Sokolich**

DuHaime was generally uninvolved in obtaining endorsements. DuHaime would speak personally with Democratic officials with whom he had preexisting personal relationships, but he recalls only personally knowing a handful of the more than sixty Democratic elected officials who endorsed Governor Christie's re-election campaign. When asked if he was aware of any instances where a Democratic elected official was targeted for deciding not to endorse, DuHaime stated that he was not.

DuHaime does not currently have and has never had a relationship with Fort Lee Mayor Mark Sokolich. Prior to the GWB allegations, DuHaime did not recognize Mayor Sokolich's name, since DuHaime primarily recognized the names of Democrats who endorsed the Governor, as the list of names was public and everyone who worked on the Governor's re-election campaign was proud of the list of Democratic endorsements. DuHaime did not speak to anyone about Mayor Sokolich as a potential endorser during the campaign.

When the allegations of political retribution came out, DuHaime asked Stepien if Mayor Sokolich had been on the campaign's endorsement radar screen. Stepien reported back to DuHaime that former IGA Regional Director Matt Mowers had approached Mayor Sokolich in April 2013, and Mayor Sokolich had been clear at that time that he did not plan to endorse the Governor. DuHaime never got the impression that Stepien had any issue with Mayor Sokolich.

### III. Chronology of the George Washington Bridge Events

#### A. August 2013

DuHaime had no advance knowledge of, or involvement in, the decision to realign the Fort Lee access lanes.

#### B. September 9–13, 2013 – George Washington Bridge Lane Realignment

DuHaime had no awareness of the lane realignment during the week of September 9 to 13, 2013. He said that he may have spoken to Stepien during that week in the normal course of business, but it would have been unrelated to the traffic issues.

#### C. October 1, 2013 *Wall Street Journal* Article

The first time DuHaime recalls becoming aware that the traffic problem had become a larger issue was when the October 1 *Wall Street Journal* article came out. He knew there had been articles published about the lane realignment before October 1, but the issue had not risen to the level of impacting the Governor's re-election campaign in any way up to that point, so he did not view it as a big story until the October 1 article.

The next recollection DuHaime had of the lane realignment issue surfacing was when the Governor was questioned about it during a *Bergen Record* editorial board meeting after the October 1 *Wall Street Journal* article came out. DuHaime attended the meeting with the Governor, which he did from time to time, and recalled the Governor was questioned once about the lane realignment during the hour-long meeting. The Governor joked in response and dismissively addressed the question because, as DuHaime understood, the Governor did not know anything about the issue.

DuHaime recalled that in addition to a dozen or so people from the newspaper in attendance, Kevin Roberts, from the Governor's Communications Office, and a campaign staffer were also present. DuHaime does not recall having any subsequent discussions with Baroni, Stepien, Kelly or the Governor about the editorial board meeting.

DuHaime stated that, prior to Election Day, he did not discuss the lane realignment with Stepien, Baroni, Wildstein, or Kelly.

DuHaime does not recall the issue coming up again until after the Governor's re-election in early November 2013. DuHaime said that shortly after the re-election, the Governor attended an event in Union City, NJ with Union City Mayor Brian Stack, who had endorsed the Governor. During a staff meeting before the event, DuHaime said that the issue of the lane realignment was raised due to the increased focus from the State Legislature and the scheduled Assembly Transportation Committee hearings.

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**D. Wildstein Tells DuHaime That Kelly and Stepien Had Knowledge Beforehand**

On or about November 11, 2013, Wildstein asked DuHaime to meet for coffee at "Rockin' Joes," a coffee shop in Westfield, New Jersey, where DuHaime's office is located. During the course of the meeting, DuHaime and Wildstein discussed the lane realignment. DuHaime recalled Wildstein said that it was his idea to conduct a traffic study, and regardless of whether or not people thought that the traffic study was poorly executed, Wildstein thought it was an important policy issue worth exploring and he was prepared to take responsibility for his idea. Wildstein also expressed frustration about the way the issue had been handled from a communications perspective, by allowing the narrative that the traffic study was politically motivated to take hold without pushback or refutation that it was nothing more than a traffic study. Wildstein said that he would not have done the traffic study without Trenton knowing about it beforehand, and was upset that other people were not acknowledging that they knew about the traffic study beforehand.

At some point, Wildstein told DuHaime specifically that Kelly and Stepien knew about the traffic study beforehand. DuHaime does not recall when, but it was sometime between the coffee shop conversation and early December. Wildstein reiterated that he would take responsibility for what happened but remained frustrated that other people were not taking responsibility. Wildstein did not say the basis or source of Kelly's or Stepien's knowledge, and did not specify the extent or details of their knowledge.

DuHaime did not recall Wildstein bringing up Mayor Sokolich at all during these conversations.

**E. November 25, 2013 – Baroni's Testimony**

DuHaime did not watch Baroni's testimony before the Assembly Transportation Committee. DuHaime read press accounts of Baroni's testimony. DuHaime did not have a conversation with anyone in the Governor's Office after Baroni testified, and does not recall having a discussion about the testimony with Baroni or Wildstein.

**F. December 6, 2013 – Meeting with Wildstein About His Resignation**

In general, DuHaime's perception was that Stepien stopped talking to Wildstein after Stepien returned from vacation in December 2013. Wildstein had been trying to reach Stepien and was unable to reach him. The Governor shared with DuHaime the Governor's Office statement of Wildstein's resignation.

**G. December 9, 2013 – Wisniewski Committee Hearing**

DuHaime was aware of the December 9, 2013 testimony by Port Authority officials. DuHaime specifically recalled speaking to the Governor during that timeframe, and the

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Governor saying that he believed, as Baroni had testified, that the lane realignment was a traffic study. DuHaime said that the Governor took Baroni at his word.

**H. Conversation Between DuHaime and Stepien**

DuHaime spoke to Stepien at some point after Wildstein told him that Kelly and Stepien had knowledge of the lane realignment beforehand. During this conversation, Stepien told DuHaime that he knew about the traffic study beforehand because Wildstein had come to him with this particular idea about a traffic study, but because Wildstein was always coming to Stepien with crazy ideas, Stepien dismissively told Wildstein to take the idea to "Trenton," because Stepien no longer worked in state government. Stepien said that he did not tell Wildstein whether or not he should go ahead with the traffic study, just that he had to go to "Trenton"—and that was the extent of what Stepien knew before the traffic study was undertaken. Stepien did not discuss any ulterior motives for the traffic study. DuHaime came away with the impression that Stepien did not believe that Stepien had done anything improper.

Based on this discussion with Stepien, DuHaime believed that the traffic study was not Stepien's idea. DuHaime's reaction to Stepien's explanation was that Stepien probably should have told Wildstein that the traffic study was a bad idea, and should not have told Wildstein to take it to Trenton, but DuHaime did not believe Stepien had done anything wrong and had no reason to believe he knew anything more than that.

**I. December 11, 2013 – Conversation between DuHaime and the Governor**

DuHaime conveyed to the Governor what Wildstein told him on or about December 11, 2013. During this conversation, DuHaime specifically reported to the Governor that Wildstein told DuHaime that both Kelly and Stepien had knowledge of the traffic study beforehand. DuHaime recalls that the conversation took place over the telephone and that the Governor's reaction was that he wanted to get to the bottom of things.

DuHaime does not recall whether or not Stepien told DuHaime that Stepien had prior knowledge of the traffic study before DuHaime spoke with the Governor on or about December 11, 2013. He knows Stepien was on vacation in early December. DuHaime said that he knows the conversation with Stepien occurred after DuHaime spoke with Wildstein, but based on the high volume of DuHaime's communications with Stepien during that time—they spoke almost daily about many different issues—DuHaime could not specifically recall if this conversation with Stepien occurred before or after DuHaime relayed Wildstein's claims to the Governor on or about December 11, 2013. And he does not believe he conveyed to the Governor the substance of any conversation with Stepien about the lane realignment at the time he conveyed the substance of his conversation with Wildstein to the Governor on or about December 11, 2013.

**J. Conversation Between the Governor and Stepien**

Stepien had just returned from vacation when Stepien was called in to meet with the Governor on December 12, 2013. DuHaime was aware that Stepien had been called in by the

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Governor on December 12 because Stepien called DuHaime on his way to meet with the Governor. DuHaime believes that Stepien knew what the topic of conversation would be. DuHaime was not present during the Governor's December 12 conversation with Stepien about the lane realignment, and does not know what Stepien told the Governor during that conversation.

DuHaime did not have a conversation with the Governor specifically about the Governor's discussion with Stepien on December 12. DuHaime spoke with the Governor after the Governor's December 12 meeting with Stepien and then twice the next morning before the December 13 press conference, but does not remember the substance of those conversations. DuHaime said that during this timeframe, both before and after December 13, he was constantly in contact with the Governor about many different things.

DuHaime recalls subsequently relaying to the Governor that DuHaime had been told by Stepien of Stepien's firsthand knowledge of the lane realignment beforehand, but believes this conversation was subsequent to both DuHaime's December 11 conversation with the Governor and the Governor's December 12 conversation with Stepien. And DuHaime would have conveyed to the Governor at that time that Stepien did not believe he had done anything wrong in this regard. And DuHaime himself did not believe Stepien had done anything wrong in this regard.

**K. December 13, 2013**

**1. Conversations with Stepien and Wildstein**

Stepien called DuHaime from the State House on the morning of December 13, 2013, before the press conference, asking DuHaime to confirm that Wildstein had said Kelly had knowledge of the lane realignment beforehand. Stepien asked DuHaime if Wildstein had proof of Kelly's knowledge beforehand. Stepien told DuHaime that the Governor would be holding a press conference later that day to address the lane realignment, and Stepien wanted to confirm what DuHaime was told by Wildstein to be sure Stepien had heard it correctly. DuHaime then called Wildstein to verify that Wildstein was certain that Kelly had knowledge beforehand. Wildstein replied that he was one hundred percent certain that Kelly had prior knowledge and that there were emails to further confirm Kelly knew beforehand. DuHaime then spoke to Stepien again to relay Wildstein's confirmation.

**2. Meeting with Baroni About His Resignation**

DuHaime said that Baroni had called him early in December before he was fired, and apparently realized he would be axed. Baroni also called DuHaime right after his resignation, and told DuHaime that he had left on good terms and he was happy that the Governor had said good things about him.

At some point, Baroni confided in DuHaime that he was worried about his future. DuHaime told Baroni that he would land on his feet, and DuHaime would explore hiring Baroni

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at DuHaime's consulting firm, or talk to him about potential law firms. DuHaime added that once the emails came out on January 8, 2014, there was an internal discussion at Mercury and the decision was made not to bring Baroni on.

**L. December 13, 2013**

**1. Press Conference**

DuHaime recalled thinking the Governor did a great job addressing the lane realignment during the press conference on December 13, 2013, but DuHaime does not recall having a conversation with the Governor about the press conference specifically.

**M. December 13, 2013–January 8, 2014**

Following December 13, 2013, DuHaime's only recollection of the lane realignment issue coming up was a rumor that Assemblyman John Wisniewski had said he knew that the Governor's Office had some involvement in the lane realignment.

**N. January 8, 2014**

DuHaime became aware of *The Record* story publishing emails and text messages from the editorial page editor of *The Record*, whom DuHaime was meeting for a previously scheduled breakfast at a diner in Clifton, New Jersey. The editor told DuHaime that *The Record* had just released a story naming Kelly as the person who ordered the lane realignment. At that point, DuHaime had not seen the story or the reprinted communications. The editor was showing DuHaime the story on the editor's phone when DuHaime received a call from the Governor. DuHaime went outside of the diner and took the call with the Governor, who asked DuHaime if he could come to Drumthwacket. DuHaime told the Governor he would make himself available. DuHaime then cancelled a scheduled meeting with Donald Trump for later that day. DuHaime then had a client conference call. Following the call, Kevin O'Dowd called to ask DuHaime to come to Drumthwacket around noon or one o'clock that day.

Earlier that day—before the news broke in *The Record*—DuHaime spoke with Wildstein over the phone to let him know that DuHaime was meeting with Trump that day. This conversation was unrelated to the lane realignment.

DuHaime did not see the email or texts reprinted in *The Record* until he arrived at Drumthwacket. He described being dumbfounded by the story and the reprinted communications. Kelly's level of involvement struck DuHaime the most. DuHaime said that based on the communications, it seemed obvious to DuHaime that Stepien's conversations with Wildstein were different than Kelly's conversations with Wildstein, but that Stepien was being targeted too, and that the Democrats would really be going after Stepien following the news. DuHaime recalls that based on the communications initially released, the focus at the Drumthwacket meeting was mostly on Stepien and Kelly. DuHaime, however, considered the Stepien communications to be consistent with what Stepien had previously told DuHaime about

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having knowledge before the lane realignment based on the idea of a traffic study Wildstein had presented. DuHaime did not think the communications reflected Stepien directing or having a level of involvement beyond the knowledge Stepien had already communicated to DuHaime.

DuHaime believes the following people, at one point or another, were present that day at Drumthwacket: the Governor, O'Dowd, Chris Porrino, David Samson, Jeff Chiesa, Maria Comella, Michele Brown, Regina Egea, and Bill Palatucci. DuHaime recalled the Governor's initial reaction was very emotional. He gathered everyone around the table and said, despite having already asked, he was asking again if anyone knew about the lane realignment beforehand. Everyone reiterated that they did not have any knowledge of the lane realignment before it occurred.

DuHaime recalls that the decision to terminate Kelly was made quickly. There was then a discussion about what to do about Stepien's relationship with the Governor.

Over the next few hours, everyone was reading texts and deciphering what communications meant and whom they were between. When the discussion turned to Stepien, the reaction of the group was negative, and the Governor then asked DuHaime to go meet with Stepien and find out what Stepien actually knew, in light of the reprinted communications. DuHaime believed that, at that point, the Governor had not yet made a final decision what to do about Stepien.

DuHaime left Drumthwacket and met Stepien at the Corner Bakery on Route 1 in Princeton, New Jersey. DuHaime told Stepien that Stepien should get an attorney because Wisniewski had already said earlier in the day that Stepien would be subpoenaed. DuHaime also discussed the political fallout with Stepien, at which point Stepien volunteered to step away from the NJGOP chairmanship. DuHaime told Stepien that his role with the Republican Governor's Association would also be problematic.<sup>1</sup>

DuHaime asked Stepien if he had any belief that Kelly had been lying when she said previously she did not know about the lane realignment beforehand. Stepien essentially responded that he thought Kelly had lied about her knowledge. Stepien said that in his mind, the chain of command for authorizing Wildstein's traffic study idea would be Kelly or Egea as Director of the Authorities Unit. DuHaime added that Wildstein never mentioned Egea having any knowledge of the lane realignment before it occurred, so DuHaime came away thinking Stepien knew the idea had gone only through Kelly in the Governor's Office. And Stepien repeated what he had told DuHaime before about the exchange he had with Wildstein and that he did not believe he had done anything wrong.

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<sup>1</sup> Stepien had already accepted a consulting role with the Republican Governor's Association on or about December 1, 2013.

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DuHaime and Stepien also discussed the published email in which Stepien referred to Mayor Sokolich as an "idiot." Stepien said he was just trying to be comforting to Wildstein as a friend when he used that word. DuHaime recalled that Stepien was incredulous that he was being thrown under the bus for using that word.

Stepien also said that he had spoken with Kelly that day and she was a wreck, and reporters were at both her house and her mother's house. Stepien said he had told Kelly not to speak to reporters.

During this conversation, DuHaime asked Stepien if he had had a romantic relationship with Kelly. DuHaime said that he had not heard this personally before that day, but people gathered at Drumthwacket told DuHaime that the Democrats were pushing the story around. DuHaime added that Stepien was generally uncomfortable talking about his personal life, but told DuHaime that he had had a short-lived personal relationship with Kelly during the summer after Stepien left the Governor's Office and before the George Washington Bridge lane realignment took place.

DuHaime then returned to Drumthwacket and reported back to the Governor what he discussed with Stepien. The Governor then made the decision to sever his ties from Stepien based on a loss of confidence in Stepien. DuHaime said that he personally saw a clear line between the ways in which Kelly and Stepien were implicated: Kelly had sent an email approving of Wildstein's idea beforehand, while there was no indication of Stepien doing anything of the sort.

After the Governor decided what action to take against Stepien, DuHaime participated in a conversation with the Governor and others about the press conference planned for the next day. They also discussed who would fire Kelly and talk to her attorney. The Governor then asked DuHaime to tell Stepien about the Governor's decision as to Stepien.

During his drive home from Drumthwacket, DuHaime called Stepien, who was understandably upset about the situation. DuHaime recalled that Stepien said that he had worked harder than anyone for the Governor over the past years, and could not believe that the Governor was severing ties with him and putting him in the same category as Kelly. DuHaime told Stepien that he was sorry and apologized that things had come to this.

When he got home, DuHaime called the Governor to tell him that he spoke to Stepien, and relayed to the Governor that Stepien understood the situation but was not happy.

Stepien called DuHaime back to lobby for the Governor to change his mind. DuHaime called the Governor back and told him that he had had another tough conversation with Stepien.

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**O. January 9, 2014 Press Conference**

The following morning before the press conference, Stepien and his attorney called DuHaime and lobbied for the Governor to moderate the language he used during the press conference announcing the Governor's decision to separate himself from Stepien. DuHaime called Porrino and relayed to Porrino that he had had an uncomfortable conversation with Stepien's attorney and communicated the attorney's request. DuHaime did not attend the January 9 press conference, but saw the majority of it on television. DuHaime spoke to the Governor following the press conference, either that day or the next, and told the Governor he had handled the situation well, and that DuHaime hoped it would be the turning of a new page for the Governor.

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# GIBSON DUNN

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## Memorandum

### PRIVILEGED AND CONFIDENTIAL ATTORNEY OPINION WORK PRODUCT

To: File

From: Gibson, Dunn & Crutcher LLP

Re: Governor Christie Interview Memorandum

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On February 12, 2014, February 28, 2014, and March 18, 2014, Governor Chris Christie was interviewed by Randy Mastro, Debra Wong Yang, and Alexander H. Southwell of Gibson Dunn. The Governor was not represented by counsel and volunteered to make himself available to be interviewed. All information contained herein was provided by Governor Christie. Governor Christie has not read or reviewed the memorandum and has not adopted or approved its contents.

This memorandum does not contain a verbatim transcript of what was said at the meeting; rather, it is a summary of the discussion that reflects counsel's mental thoughts and impressions and is therefore protected from disclosure by the attorney work product doctrine.

#### I. Allegations concerning Sandy Aid and Mayor Zimmer

In response to questions about the Governor's Administration's focus on Sandy aid, Governor Christie explained that he established a separate office—the Governor's Office of Recovery and Rebuilding, referred to as GORR—within his Office to coordinate Sandy aid. He established GORR to help administer aid in an orderly and responsive manner. The process of funding reimbursements is complicated and needed a dedicated staff. Specifically, the Office was tasked with handling requests for Sandy aid and the extensive federal and state oversight of Sandy aid, including integrity audits. The Governor's charge to those who worked on the Sandy aid response was that because there were lots of different sources of aid, aid should be distributed quickly and efficiently to the people who need it. The Governor established weekly meetings in order to help those in need to access available funds. He hired Marc Ferzan, a former federal prosecutor, to head up GORR because he was a very effective, "by the book" guy. The Governor commented that he was confident that Ferzan would not be overwhelmed or frustrated by the task at hand, which was extraordinarily complex.

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The Governor was involved in some policy decisions concerning the types of recovery programs and projects to pursue. Examples of such decisions included whether to buy out homes in repetitive flood areas and whether to provide aid to elevate homes. The Governor further understood that much of the Sandy aid was based on formulas, and he was not generally involved in issues of where the aid money was distributed after programs were decided upon. On occasion, the Governor would get reports on where the aid money was distributed and any problems with contractors. If something was not working, his GORR team would become aware of it, and sometimes, he would hear how they were trying to fix it. The Governor often commented that aid should be distributed "on the merits." Governor Christie noted that there was always a concern that there was so much need and not nearly enough money.

When asked about Mayor Dawn Zimmer, he believed he spent more time with Mayor Zimmer than most other Mayors in the State. Governor Christie noted that Mayor Zimmer was one of a few mayors he met with alone in his Office about Sandy aid. He recalled that that meeting occurred in the winter of 2013, likely in February. At that one-on-one meeting with the Governor, Mayor Zimmer had come with a presentation that outlined her plan for flood control for Hoboken, including showing the Governor large maps with proposed flood walls and pumps. That one-on-one meeting with Mayor Zimmer, which occurred in the Governor's Office, was followed by another larger meeting that Mayor Zimmer had with Commissioners in the Christie Administration at Governor Christie's behest.

The Governor stated that there is no truth to the allegations that he directed anyone to tie Sandy aid to any political considerations or support for any economic development projects. The Governor made clear that he did not give any such direction and did not send any messages to anyone about tying Sandy aid to economic development projects. The Governor further stated that he did not provide any direction to the Lt. Governor, as alleged, at any time.

### A. Rockefeller Development Group

Asked about awareness of the Rockefeller Group development project in Hoboken, the Governor stated that he had only a very general awareness of the Rockefeller Group and that they were attempting to pursue some development in Hoboken. The Governor was aware of the Rockefeller Group from some other projects around the state, including ground-breakings or ribbon-cuttings that he recalls having attended. The Governor recalls that there was another development project in Hoboken involving NJ Transit, but he does not recall or know if he knew the name of the other developer of that project or any other details about the project; he simply refers to it as the NJ Transit project. [NOTE: LCOR is the developer of the NJ Transit project.] The Governor did recall, however, that NJ Transit was frustrated that Mayor Zimmer was not supporting that other project, despite it being a good project. The Governor did not recall from whom he had heard this.

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The Governor was not aware, and had no recollection of ever knowing, that Mayor Zimmer took any position adverse to the Rockefeller Group project.

The Governor had no specific recollection of any meetings with any Rockefeller Group executives or lobbyists. He acknowledged that he may have met or seen Rockefeller Group executives at events. He recently saw a photograph of himself and a Rockefeller Group executive at a DayTop Village charity event last year. He had not recalled seeing the executive at that large gathering, but realized that he must have, given the photograph.

The Governor stated that he now knows that Wolff & Samson represented the Rockefeller Group, although he was not aware of that at the time of the allegations at issue. The Governor has not met with Lori Grifa of Wolff & Samson since she left DCA.

Concerning the alleged May 10, 2013 meeting with the Lt. Governor, the Governor did not recall having any substantive conversations with the Lt. Governor at the Senior Staff retreat. The Governor recalled only two interactions with the Lt. Governor at the retreat: first, the Governor recalls singing a song with the Lt. Governor after dinner; second, the Governor recalled going to the kitchen for a snack—he recalled having raspberries—and running into the Lt. Governor in the kitchen and briefly saying hello. The Governor did not recall any conversations at all at that Senior Staff retreat about the Rockefeller Group. And he did not recall any conversations with the Lt. Governor about Mayor Zimmer at the Senior Staff retreat. Nor did the Governor recall any conversation with the Lt. Governor about Mayor Zimmer since May 1, 2013, with the exception of a call from the Lt. Governor after these allegations were made by Mayor Zimmer in January 2014, in which the Lt. Governor assured the Governor that the allegations were false.

The Governor further commented that even if the Rockefeller Group's Hoboken development project were to have been mentioned to him, he would not have known anything about the project. He therefore would not have directed the Lt. Governor to "deliver a message" in Hoboken to Mayor Zimmer, and he did not do so.

In response to a question about whether the Governor was familiar with the NJTV program with Commissioner Constable and Mayor Zimmer, the Governor said that he did not see the program. He did not have any conversations with Commissioner Constable beforehand about the program or about what to say at the program. He also did not ask or direct Commissioner Constable to send "a message" to Mayor Zimmer, as Mayor Zimmer suggested. The Governor noted that he does not have any memory of the event happening, that Commissioner Constable was going, that Mayor Zimmer was going, or that Commissioner Constable would interact with Mayor Zimmer. The Governor first heard about the allegations regarding Commissioner Constable when he read the news about it on the way to Florida in January 2014. At some point after the news report, the Governor got a call from Commissioner Constable, who told the Governor that the allegations were false.

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In response to a question about Mayor Zimmer's allegations against Marc Ferzan, the Governor said he had no conversations with Ferzan about delivering any such message to Mayor Zimmer and gave no such direction to Ferzan.

In response to a question about Rebuild by Design, the Governor commented that he cannot recall any discussions with Mayor Zimmer about Rebuild by Design. The Governor had a vague and general recollection that there were three New Jersey proposals in the finals of the competition—one from the shore, one from Hoboken, and the third related to the Meadowlands. The Governor did not recall any prioritization among these three projects. The Governor had no recollection that Mayor Zimmer wanted New Jersey to prioritize Hoboken's project and support only it over the other New Jersey projects, although the Governor did have an understanding that Mayor Zimmer was advocating for Hoboken's Rebuild by Design project. The Governor was aware that a credo of Rebuild by Design was public-private partnerships.

In response to a question about any visits to Hoboken since May 2013, the Governor recalled visiting Carlo's Bakery for an endorsement by a small business group.

In response to a question about a potential endorsement from Mayor Zimmer, the Governor explained that at the end of his February 2013 meeting with Mayor Zimmer, he told her that he was not going to ask that day, but that he may come to ask for her endorsement later, and he asked her to start thinking about that and let him know her views. The Governor thought that he had a good working relationship with the Mayor. The Governor knew the Mayor was concerned about crossing party lines to endorse, in part, because she was up for re-election, and she responded that she couldn't give him an answer. And the Governor said he was fine with that. The Governor had no other direct conversations with Mayor Zimmer about her endorsement, although he understood that the campaign approached her at a later date. He recalled that at some point in the Fall, Mayor Zimmer indicated she might publicly state that she would vote for the Governor but that she did not want to use the word "endorse." At that late date, the Governor had so many other endorsements, and was well ahead in the polls, so he did not see much value in Zimmer's expression of support without an endorsement.

## II. Fort Lee Mayor Mark Sokolich

The Governor had no memory of meeting Mayor Sokolich. The Governor knew Mayor Sokolich's name because of the accusations that Mayor Sokolich made. When those accusations came up, the Governor asked Stepien if there was any truth to them. Stepien responded that they had asked in spring 2013 for Mayor Sokolich's endorsement, but that Mayor Sokolich had said that due to business reasons, he could not be publicly supportive. After that, Stepien remarked, they left Mayor Sokolich alone. Stepien commented that, accordingly, he did not understand the allegations concerning retribution against Mayor Sokolich. This information from Stepien made sense to the Governor because he did not

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recall being asked to court Mayor Sokolich. After speaking with Stepien, the Governor believed that the news stories were just being stirred by the press or Barbara Buono.

### III. Chronology of the George Washington Bridge Events

Governor Christie did not know about any plans or ideas for the lane realignment of the three dedicated Fort Lee lanes at the George Washington Bridge ("GWB") at any time. Governor Christie had no role in the lane realignment and no knowledge of anyone's participation in the lane realignment. He did not discuss the lane realignment with any Port Authority or Administration personnel.

While the realignment was in effect, Governor Christie did not recall being aware of the lane realignment or the traffic caused by the lane realignment.

#### A. 9/11 Memorial Event

For the 9/11 Memorial Event, Governor Christie, at Charlie McKenna's suggestion, took a ferry across the Hudson River with the New Jersey families of 9/11 victims. Upon arrival in Manhattan, the New Jersey State Police drove the Governor to the arrival site, where he was met by Baroni. Wildstein and Samson joined at some point later. Governor Christie then stood around for a while, waiting for Governor Cuomo to arrive, so that the two governors could enter at the same time, per tradition. During this waiting period, various Port Authority employees were brought over by Baroni and/or Wildstein to take pictures with Governor Christie.

The Governor did not believe that Chip Michaels was there. The Governor said he did not know Michaels well, but he is familiar with Michaels' family. They were reacquainted in the past few years because their children played hockey. The Governor recently saw Michaels at the hockey rink, where they discussed their children and hockey, including his son's recent injury. The Governor never discussed the GWB traffic or lane realignment with Michaels.

Mrs. Christie was by the Governor's side throughout the 9/11 Memorial Event, including the period before the event began. Before the 9/11 Memorial Event began, the Governor recalled that Mrs. Christie asked to use a bathroom, and Wildstein directed her to a large white Port Authority trailer. She went into the van, and then exited, saying that there was no bathroom in the trailer. A female Port Authority Police Department officer, who was possibly Baroni's driver, then took Mrs. Christie to the bathroom. Otherwise, Mrs. Christie was with the Governor throughout the event.

During the time before the event started, Baroni and Wildstein, along with others, were present for most of the time. The Governor has no specific recollection of conversations with them, other than light banter. Asked whether anyone raised the subject of traffic in Fort Lee prior to or at this event, the Governor responded that he had no such

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recollection, and any such mention would not have been memorable to the Governor because traffic issues are a regular occurrence. Asked whether anyone raised Mayor Sokolich with him at the 9/11 event, the Governor responded that he did not believe there was any mention of Mayor Sokolich.

The Governor left the 9/11 Memorial Event early to go to a doctor's appointment in Manhattan. Following that appointment, he went to the West 30th Street heliport, and took the NJSP helicopter south to Trenton. The helicopter flew over the Statue of Liberty and the Verrazano Bridge, and then took a hard right, as it always does.

#### B. Bill Stepien

Stepien and the Governor did not meet regularly. Stepien was an incredibly hard worker who put in long hours. He would often remain in his office, focused on his work, and rarely venture to the Governor's office. Stepien was also very formal and respectful of the Governor's time. Stepien generally did not drop by to discuss things with the Governor, as others who worked with the Governor at the USAO would do. Usually, the Governor would have to go to Stepien's office if he wanted to speak with Stepien. As of April 2013, Stepien would need an appointment to meet with the Governor because he was no longer a State employee.

#### C. David Wildstein

The Governor first met Wildstein in 1977, when both were students at Livingston High School and volunteering on Tom Kean's gubernatorial primary election. The Governor and Wildstein attended the same high school, but were not in the same class. The Governor had very little recollection of Wildstein in high school, and believed they did not have significant interaction during that time.

After high school, the Governor recalled that Wildstein was elected to the Town Council, which was notable because he was so young. He also recollected Wildstein's election as Mayor. The Governor read about both of those elections. He also recalled reading that Wildstein took some controversial political steps, including firing a local judge that was the father of a friend—Marty Brenner—in the 1980s. After that, the Governor had no contact with, or any recollection regarding, Wildstein, until around 2000 in the context of the Franks 2000 U.S. Senate campaign. At that time, the Governor was counsel to the George W. Bush presidential campaign in New Jersey. Baroni was Franks' campaign counsel, and Wildstein also worked on the Franks Senate campaign. The Governor interacted directly with Baroni, as they were both counsel to their respective campaigns.

Around the time that he was thinking about getting ready to run for governor, the Governor recalled hearing speculation that Wildstein was "Wally Edge," which made the Governor laugh because he thought it was possible, given that Wildstein is such an "odd

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duck." After the 2009 campaign, DuHaime told the Governor that Wildstein was "Wally Edge."

### D. Port Authority Positions

Upon assuming the Office, the Governor decided to keep Anthony Coscia as Chairman at the Port Authority for a period of time, due to the complexity of negotiations concerning the World Trade Center rebuilding efforts. The Governor discussed the position of Deputy Executive Director with DuHaime, who suggested Baroni for the position. The Governor was reluctant because Baroni sat in a swing seat, but DuHaime made the case that the party could keep the seat, and that Baroni had the necessary smarts and skills. The Governor then decided to name Baroni as Deputy Executive Director, along with the Governor's appointment of Samson as the Port Authority Chairman.

At some point, someone, possibly Deb Gramiccioni, told the Governor that Baroni wanted to bring in Wildstein and pay him over \$200,000 a year, which she said was too high. The Governor agreed and said that Wildstein's appointment was acceptable as long as he was not paid too much. While the Governor did not recall the amount discussed, he now understands that Wildstein made \$150,000 per year while at the Port Authority, and so he believed that \$150,000 may have been the amount discussed with Gramiccioni.

As an indication of his lack of connection to Wildstein, the Governor pointed out that Wildstein is not a contact in his cell phone. The Governor commented that his direct contact with Wildstein was when Baroni brought him to meetings.

### E. September and October 2013

The Governor did not recall reading the "Road Warrior" piece about the lane realignment.

The first week of September was particularly busy for the Governor. He went to a Sunday football game in Texas, and then to Dallas, San Antonio, and Houston. The Seaside fire was a big deal on September 12. He first learned about the fire when he was interrupted during a Sandy recovery meeting by a message from a journalist. He sent Comella to check out the news, and learned that the fire was out of control. The Governor decided to caravan down to Seaside that night with a group that included Michele Brown, Commissioner Constable, Bridget Kelly, and others. During that time, he had no discussion with Kelly regarding Fort Lee or the lane realignment. The Governor was preoccupied with the fire and what needed to be done to respond to it.

The Governor had no specific recollection of the September 17, 2013, and October 1, 2013 *Wall Street Journal* ("WSJ") articles, but generally recalled that the WSJ was the lead outlet reporting on this story. He recalled seeing the substance of Foye's email and an article about it, but was not sure when it was posted—at night or the next day. He was aware that

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the articles included claims of violations of law. The Governor had two reactions to the article: (1) it was typical of Foye to write and then leak an email, rather than directly discussing the issue; and (2) the Governor wanted to know what happened. Soon thereafter, the Governor raised the issue with McKenna and/or O'Dowd. At some point thereafter, the Governor thought McKenna came back and told him that Baroni said this was a traffic study, and that Foye was making a huge deal out of nothing. This explanation was consistent with the Governor's understanding of tensions at the Port Authority, and therefore, after hearing this explanation, he was satisfied at that time.

#### F. November 2013

The Governor next heard about this issue when it was brought to the Governor's attention whether Baroni should appear at a legislative committee meeting without being subpoenaed. The Governor's reaction was that he should appear. The Governor did not listen to or follow the testimony. The Governor did recall asking McKenna how the testimony went, and McKenna told the Governor that it went fine—that Baroni had shared evidence of the traffic study, apologized for not talking to Foye about it, and promised that nothing similar would happen in the future.

Thereafter, the Governor heard about the subpoena to Foye and some employees of the Port Authority. The Governor asked McKenna about the subpoenas, and McKenna told him that it was McKenna's impression that Foye had asked for the subpoena.

#### G. December 2013

Asked about the decision to ask for Wildstein's and Baroni's resignations, the Governor recalled telling McKenna to ask for Wildstein's resignation, and telling O'Dowd and McKenna to ask for Baroni's resignation, although the Governor did not recall when this was.

The Governor listened to part of Foye's testimony and the other Port Authority professionals while he ate lunch. He recalled that his reaction was that it was clear that Foye disliked Wildstein, but liked Baroni. Wisniewski repeatedly attempted to get Foye to "dump on" Baroni, but Foye did not do so. The Governor also noted that the professional Port Authority employees had told the committee that Wildstein had previously asked about the Fort Lee lane issues, as early as the Fall 2010.

After their testimony, and with the increased press attention, the Governor recalled someone (though he does not recollect who), relaying that Wildstein had said something along the lines of, "I'm not stupid; I got this cleared by the Front Office." The Governor recalled that, in response to hearing that, the Governor asked McKenna what was going on. McKenna talked to Egea, who said she never talked to Wildstein and thought that Wildstein was trying to protect himself. At some point, the Governor also heard (although the

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Governor again does not recall from whom) that Wildstein had said that he told the Governor about the traffic study during the period the lanes were closed.

The Governor did recall a telephone conversation with DuHaime about the lane realignment allegations being advanced in the press, which occurred at some point during the week just prior to when Baroni was asked for his resignation, although the Governor could not recall precisely when. In that conversation, DuHaime reported on a recent conversation he had had with Wildstein. DuHaime reported that Wildstein had told him that the traffic study was Wildstein's idea and that Wildstein would take responsibility for it. Wildstein further commented to DuHaime, who repeated this to the Governor, that he (Wildstein) wasn't stupid and would not have proceeded with the traffic study without approval. Additionally, Wildstein told DuHaime that he (DuHaime) needed to know that Kelly and Stepien knew about the traffic study.

The Governor could not recall specifically if DuHaime told him in this conversation that DuHaime had also spoken to Stepien about this, but he does not think that DuHaime did. The Governor recalled thinking that the press and legislature were increasingly focusing on Wildstein and that the Governor wanted to understand what Wildstein was saying and whether he was simply looking to protect himself. The Governor also decided to talk to Stepien.

On the morning of December 12, 2013, there was a breakfast at Drumthwacket for union leaders, which Stepien attended. The Governor had no specific recollection of that event, although typically the breakfast is held in the music room at Drumthwacket, the Governor would come in and speak from the steps, take pictures, and then quickly leave. The Governor did recall that there was no discussion about the Bridge lane realignment at the breakfast, with the Port Authority Police Department, or Bridget Kelly, or anyone else.

The Governor asked Stepien to meet with him after the breakfast to discuss a few issues, and the two met in the dining room following the breakfast. In that meeting, the Governor asked Stepien if he was involved in the lane realignment decision. Stepien denied any involvement. Stepien added that Wildstein would come to him with 50 crazy ideas each week and that Stepien would tell Wildstein that Stepien was not in the government anymore, so Wildstein had to run things by Trenton.

Regarding any conversations with O'Dowd or Drewniak about the lane realignment, the Governor recalled that at some point in December, the Governor walked into O'Dowd's office while Drewniak was there speaking with O'Dowd. The Governor recalled that Drewniak was talking about having dinner with Wildstein, which the Governor found surprising because he did not think that Drewniak and Wildstein were such good friends that they would have dinner together. Leading up to the December 13, 2013 press conference, the Governor knew that when Baroni's departure was announced, the Governor would be asked about the lane realignment. He wanted to address this issue with his senior staff, but

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the meeting he called for that morning with the senior staff was also about his concern about "senioritis" in the aftermath of his re-election victory.

During the December 13, 2013 senior staff meeting, the Governor walked in, slammed the door, and stood the whole time. He was agitated and disappointed. He recalled saying "this is a mess, and now I have to clean it up." He recalled saying that he hoped everyone enjoyed their 38-day vacation, and was pleased with themselves over the 60-percent victory and the TIME magazine cover, but that it was time to get back to work. He said that "the spotlight can turn to a searchlight real quick" and it was time to raise their game. He said that anyone not up to that challenge should tell him. He then pivoted to the Port Authority issue, and said that he now had to clean up the mess. He said that he needed to know everything so that he could clean it up. He said that if anyone had knowledge of or involvement in the lane realignment, they should tell O'Dowd or McKenna in the next 45 minutes—"the confessionals are open." The Governor said that the staff should not let him go out and say anything that is not true. He delivered this message loudly and made eye contact with everyone. He then went to his desk, and everyone filed out silently. O'Dowd and McKenna stayed behind and told the Governor they would talk to the staff.

After that morning meeting, but before the press conference, O'Dowd and McKenna told the Governor that all senior staff denied knowledge of or involvement in the lane realignment. The Governor generally recalled that O'Dowd reported that Kelly had an email about the lane realignment while it was going on, which was consistent with Kelly claiming not to have had any prior knowledge of the lane realignment. Thus, the Governor never had any idea or indication that Kelly was involved in the lane realignment. He thought of Kelly as Stepien's deputy. She was temporarily put in the role of running IGA until it was known whether she could handle it, and he believed part of the scope of the job was taken away from her.

Prior to the press conference, the Governor also called Stepien, inviting Stepien to the press conference and telling Stepien that he was not happy with anyone's performance lately. The Governor did not recall if Stepien attended the press conference.

After learning from O'Dowd and McKenna that all senior staff denied knowledge of, or involvement in, the lane realignment, the Governor went confidently out to his press conference, knowing that O'Dowd and McKenna had been looking at this issue.

The Governor recalled that O'Dowd had reported that Kelly was crying when she had said that she had nothing to do with the lane realignment, claimed she had no emails about it, and swore up and down that she had no knowledge about it. O'Dowd expressed concern because Kelly was so emotional. The Governor did not recall when O'Dowd expressed this concern, but thought it was after the December 13, 2013, press conference. The Governor was not surprised that someone, particularly an individual like Kelly, might be nervous or

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upset in this situation because O'Dowd's inquiries can be very direct, intense and prosecutorial-like, given his background.

The Governor also recalled getting a call from Stepien on December 14, 2013, while the Governor was on his way to a doctor's appointment. Stepien told the Governor that Kelly was fragile and worried. The Governor responded that we would keep an eye on her. He added that she should not be worried because no one had anything to do with the lane realignment. Stepien responded that was right.

The Governor did not recall Gramiccioni telling him anything about what she heard from Baroni.

### H. January 2014

After working out on January 8, 2014, the Governor received a call from Comella regarding a story in *The Record* that she described as "bad." He read the article on his iPad, which made him sick to his stomach. Mrs. Christie called, and the Governor confirmed that he had seen the article and would talk to her later. He believed that he then called O'Dowd, and told him to gather those he would need at Drumthwacket. On the drive down to Drumthwacket, the Governor thought he spoke to DuHaime. Meeting at Drumthwacket were O'Dowd, Porrino, Egea, Brown, Comella, Matey, the Governor's brother, and at some point, DuHaime, Palatucci, and Samson. Others may have been there as well. The Governor recalled McKenna being away.

When the meeting started, the Governor recalled being nervous because he did not know who else might be involved. He got emotional, and with tears in his eyes, asked if anyone else had anything else to do with the lane realignment, because he could not get sand-bagged again. One-by-one, each person denied involvement. Together, they then turned to where to go next. When Samson arrived, which was later in the day, the Governor took him aside and asked if he knew anything about the lane realignment allegations and Samson responded that he did not.

The Governor and his advisors discussed whether his team should talk to Kelly or Stepien. They concluded that they should not talk to Kelly because she had a potential legal problem. There was no conversation about talking to Baroni or Wildstein. They decided that they needed to talk to Drewniak, given the documents that had been publicly disclosed, and called him over to Drumthwacket in order to question him about any knowledge or involvement in the lane realignment he may have had. If Drewniak had any, he would have been fired. He was questioned for a while by Porrino and Matey, and explained that he had no involvement in this lane realignment decision.

The Governor concluded that Kelly had to be fired. He recalled not being sure about the nature of Stepien's involvement in the lane realignment, but felt it was better to sever ties with both at the same time. The Governor decided to sever ties with Stepien in part because

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of the language Stepien used in the released emails, but also because he felt he could no longer trust Stepien. The Governor instructed DuHaime to tell Stepien and to find out if he had a relationship with Kelly. DuHaime argued not to get rid of Stepien, but the Governor said that Stepien needed to go.

The Governor recalled that DuHaime left to talk to Stepien and, after a while, returned and reported to the group. DuHaime reported that Stepien was upset, and claimed he did nothing wrong and did not deserve to be thrown under the bus. DuHaime also reported that Stepien acknowledged a relationship with Kelly, but said that it was over. DuHaime further reported that Stepien was angry that he could not tell the Governor his side of the story in person. DuHaime explained that Stepien felt wronged because nothing in the released emails or other evidence suggested his involvement in the lane realignment decision.

The next day, the Governor went to Trenton in the morning. He then held the press conference, while exhausted, answering all questions. Only after coming back did he realize that the press conference lasted nearly two hours.

# Tab 41

## Phone Records Associated with David Samson

| Date     | Time     | Associated Person's Number      | Origination   | Destination   | Minutes |
|----------|----------|---------------------------------|---------------|---------------|---------|
| 08/01/12 | 7:39 AM  | David Wildstein (cell)          | Jersey Cit NJ | Morristown NJ | 2       |
| 08/01/12 | 6:00 PM  | Kevin O'Dowd (cell)             | Edgewater NJ  | Morristown NJ | 10      |
| 08/01/12 | 6:37 PM  | Kevin O'Dowd (cell)             | Vaihalia NY   | Incoming CL   | 10      |
| 08/06/12 | 12:31 PM | Charles McKenna (business)      | West Orang NJ | Trenton NJ    | 2       |
| 08/07/12 | 8:53 PM  | William Baroni (cell)           | Caldwell NJ   | Incoming CL   | 1       |
| 08/08/12 | 11:56 AM | William Baroni (Port Authority) | West Orang NJ | New York NY   | 2       |
| 08/08/12 | 5:40 PM  | Patrick Foye (Port Authority)   | New York NY   | New York NY   | 5       |
| 08/13/12 | 8:42 AM  | William Baroni (cell)           | Brewster NY   | Trenton NJ    | 10      |
| 08/13/12 | 9:41 AM  | William Baroni (cell)           | Paramus NJ    | Trenton NJ    | 1       |
| 08/13/12 | 9:42 AM  | William Baroni (Port Authority) | Paramus NJ    | New York NY   | 1       |
| 08/13/12 | 9:52 AM  | William Baroni (cell)           | Clifton NJ    | Trenton NJ    | 4       |
| 08/15/12 | 9:16 AM  | William Baroni (Port Authority) | Englewood     | New York NY   | 4       |
| 08/15/12 | 3:27 PM  | William Baroni (cell)           | New York NY   | Trenton NJ    | 1       |
| 08/15/12 | 3:59 PM  | William Baroni (cell)           | West Orang NJ | Trenton NJ    | 2       |
| 08/15/12 | 5:16 PM  | Regina Egea (business)          | Elmood PA NJ  | Incoming CL   | 17      |
| 08/16/12 | 11:31 AM | Kevin O'Dowd (cell)             | New Milfor CT | Morristown NJ | 2       |
| 08/16/12 | 11:31 AM | Kevin O'Dowd (cell)             | New Milfor CT | Morristown NJ | 2       |
| 08/16/12 | 2:07 PM  | William Baroni (Port Authority) | New Milfor CT | New York NY   | 15      |
| 08/16/12 | 2:22 PM  | Maria Comella (business)        | New Milfor CT | Trenton NJ    | 1       |
| 08/16/12 | 4:48 PM  | Maria Comella (business)        | New Milfor CT | Incoming CL   | 15      |
| 08/17/12 | 4:27 PM  | Kevin O'Dowd (cell)             | New Milfor CT | Morristown NJ | 2       |
| 08/18/12 | 5:16 PM  | Regina Egea (business)          | Elmwood PA NJ | Incoming CL   | 17      |
| 08/20/12 | 5:36 PM  | Kevin O'Dowd (cell)             | New Milfor CT | Morristown NJ | 1       |
| 08/20/12 | 5:39 PM  | Kevin O'Dowd (cell)             | New Milfor CT | Incoming CL   | 16      |
| 08/23/12 | 4:05 PM  | William Baroni (Port Authority) | East Granb CT | New York NY   | 9       |
| 08/23/12 | 4:33 PM  | Kevin O'Dowd (cell)             | Winchester CT | Morristown NJ | 13      |
| 08/25/12 | 10:44 AM | Kevin O'Dowd (cell)             | New Milfor CT | Morristown NJ | 2       |
| 08/25/12 | 3:16 PM  | Kevin O'Dowd (cell)             | New Milfor CT | Morristown NJ | 1       |
| 08/25/12 | 3:19 PM  | Kevin O'Dowd (cell)             | New Milfor CT | Morristown NJ | 2       |
| 08/25/12 | 4:02 PM  | Kevin O'Dowd (cell)             | New Milfor CT | Incoming CL   | 17      |
| 08/25/12 | 4:53 PM  | William Baroni (cell)           | New Milfor CT | Trenton NJ    | 3       |
| 08/25/12 | 6:17 PM  | William Baroni (cell)           | New Milfor CT | Incoming CL   | 1       |
| 08/25/12 | 6:24 PM  | William Baroni (cell)           | New Milfor CT | Trenton NJ    | 8       |
| 08/26/12 | 11:25 AM | William Baroni (cell)           | Morristown NJ | Trenton NJ    | 2       |
| 08/26/12 | 11:29 AM | William Baroni (cell)           | Morristown NJ | Incoming CL   | 2       |
| 08/27/12 | 12:11 PM | William Baroni (Port Authority) | Tampa FL      | New York NY   | 14      |
| 08/27/12 | 12:38 PM | Kevin O'Dowd (cell)             | Tampa FL      | Morristown NJ | 3       |
| 08/27/12 | 3:14 PM  | Kevin O'Dowd (cell)             | Tampa FL      | Morristown NJ | 1       |
| 08/27/12 | 4:29 PM  | William Baroni (Port Authority) | Tampa FL      | New York NY   | 7       |
| 08/28/12 | 4:15 PM  | William Baroni (Port Authority) | Tampa FL      | New York NY   | 12      |
| 08/28/12 | 4:28 PM  | Kevin O'Dowd (cell)             | Tampa FL      | Morristown NJ | 3       |
| 08/30/12 | 8:27 AM  | William Baroni (cell)           | New Milfor CT | Trenton NJ    | 7       |
| 08/30/12 | 12:04 PM | Kevin O'Dowd (cell)             | Roxbury CT    | Morristown NJ | 1       |
| 08/30/12 | 12:58 PM | Kevin O'Dowd (cell)             | New Milfor CT | Incoming CL   | 6       |
| 08/30/12 | 3:50 PM  | William Baroni (cell)           | Roxbury CT    | Trenton NJ    | 2       |
| 08/30/12 | 4:51 PM  | William Baroni (cell)           | New Milfor CT | Incoming CL   | 4       |
| 09/02/12 | 3:03 PM  | William Baroni (cell)           | New Milfor CT | Trenton NJ    | 1       |
| 09/02/12 | 3:34 PM  | William Baroni (cell)           | New Milfor CT | Trenton NJ    | 1       |
| 09/02/12 | 4:49 PM  | William Baroni (cell)           | New Milfor CT | Trenton NJ    | 4       |
| 09/04/12 | 11:05 AM | William Baroni (Port Authority) | Armonk NY     | New York NY   | 1       |
| 09/04/12 | 5:05 PM  | William Stepien (cell)          | Roosevelt NY  | Incoming CL   | 4       |
| 09/05/12 | 7:45 AM  | Kevin O'Dowd (cell)             | East Orang NJ | Morristown NJ | 2       |
| 09/05/12 | 9:18 AM  | William Baroni (Port Authority) | Secaucus NJ   | New York NY   | 4       |

Phone Records Associated with David Samson

| Date     | Time     | Associated Person's Number       | Origination   | Destination   | Minutes |
|----------|----------|----------------------------------|---------------|---------------|---------|
| 09/05/12 | 4:06 PM  | William Baroni (Port Authority)  | Jersey Cit NJ | New York NY   | 1       |
| 09/05/12 | 4:06 PM  | William Baroni (cell)            | Jersey Cit NJ | Trenton NJ    | 1       |
| 09/05/12 | 5:11 PM  | Kevin O'Dowd (cell)              | West Orang NJ | Incoming CL   | 2       |
| 09/06/12 | 12:46 PM | Kevin O'Dowd (cell)              | Yardley PA    | Incoming CL   | 1       |
| 09/06/12 | 3:00 PM  | William Baroni (Port Authority)  | Trenton NJ    | New York NY   | 5       |
| 09/07/12 | 9:03 AM  | William Baroni (Port Authority)  | Chicago IL    | New York NY   | 2       |
| 09/07/12 | 9:40 AM  | William Baroni (cell)            | Chicago IL    | Incoming CL   | 3       |
| 09/09/12 | 9:01 PM  | William Baroni (cell)            | Great Fa/MT   | Trenton NJ    | 2       |
| 09/10/12 | 6:15 AM  | William Baroni (cell)            | Belgrade MT   | Trenton NJ    | 2       |
| 09/10/12 | 10:30 AM | William Baroni (Port Authority)  | Chicago IL    | New York NY   | 7       |
| 09/10/12 | 10:36 AM | Kevin O'Dowd (business)          | Chicago IL    | Trenton NJ    | 9       |
| 09/10/12 | 11:07 AM | Kevin O'Dowd (business)          | Chicago IL    | Trenton NJ    | 3       |
| 09/10/12 | 11:09 AM | William Baroni (Port Authority)  | Chicago IL    | New York NY   | 3       |
| 09/12/12 | 12:59 PM | William Baroni (Port Authority)  | Newark NJ     | New York NY   | 6       |
| 09/12/12 | 2:03 PM  | William Baroni (Port Authority)  | Secaucus NJ   | New York NY   | 16      |
| 09/12/12 | 7:14 PM  | Regina Egea (business)           | West Orang NJ | Trenton NJ    | 2       |
| 09/12/12 | 7:48 PM  | Regina Egea (cell)               | Livingston NJ | Incoming CL   | 9       |
| 09/12/12 | 7:57 PM  | William Baroni (cell)            | Chatham NJ    | Trenton NJ    | 2       |
| 09/12/12 | 8:43 PM  | William Baroni (cell)            | Short Hill NJ | Trenton NJ    | 6       |
| 09/13/12 | 8:12 AM  | William Baroni (cell)            | Newark NJ     | Incoming CL   | 3       |
| 09/13/12 | 10:22 AM | William Baroni (cell)            | Kearny NJ     | Incoming CL   | 2       |
| 09/13/12 | 3:06 PM  | William Baroni (Port Authority)  | New Milfo CT  | New York NY   | 3       |
| 09/13/12 | 3:08 PM  | Kevin O'Dowd (business)          | New Milfor CT | Trenton NJ    | 10      |
| 09/13/12 | 5:04 PM  | Kevin O'Dowd (business)          | New Milfor CT | Trenton NJ    | 6       |
| 09/14/12 | 9:17 AM  | William Baroni (cell)            | New Milfo CT  | Trenton NJ    | 7       |
| 09/14/12 | 11:02 AM | Kevin O'Dowd (business)          | New Milfor CT | Trenton NJ    | 10      |
| 09/14/12 | 11:24 AM | Kevin O'Dowd (business)          | New Milfor CT | Trenton NJ    | 2       |
| 09/14/12 | 11:46 AM | William Baroni (Port Authority)  | New Milfor CT | New York NY   | 3       |
| 09/14/12 | 11:57 AM | Kevin O'Dowd (cell)              | New Milfor CT | Incoming CL   | 14      |
| 09/15/12 | 5:00 PM  | William Baroni (cell)            | Spring Val NY | Trenton NJ    | 7       |
| 09/15/12 | 6:18 PM  | Kevin O'Dowd (cell)              | Hamilton NJ   | Morristown NJ | 3       |
| 09/16/12 | 1:41 PM  | William Baroni (cell)            | New Milfor CT | Trenton NJ    | 1       |
| 09/16/12 | 1:59 PM  | William Baroni (cell)            | Litchfield CT | Trenton NJ    | 2       |
| 09/16/12 | 5:14 PM  | William Baroni (cell)            | New Milfor CT | Trenton NJ    | 2       |
| 09/17/12 | 1:32 PM  | Maria Comella (business)         | New Milfor CT | Trenton NJ    | 1       |
| 09/17/12 | 1:36 PM  | William Baroni (Port Authority)  | Roxbury CT    | New York NY   | 7       |
| 09/17/12 | 2:17 PM  | William Baroni (Port Authority)  | New Milfor CT | New York NY   | 6       |
| 09/17/12 | 2:28 PM  | Kevin O'Dowd (business)          | New Milfor CT | Trenton NJ    | 2       |
| 09/17/12 | 2:42 PM  | Maria Comella (business)         | New Milfor CT | Trenton NJ    | 23      |
| 09/17/12 | 3:06 PM  | William Baroni (Port Authority)  | New Milfor CT | New York NY   | 11      |
| 09/17/12 | 3:33 PM  | Maria Comella (business)         | New Milfor CT | Trenton NJ    | 2       |
| 09/17/12 | 5:28 PM  | Kevin O'Dowd (cell)              | New Milfor CT | Morristown NJ | 6       |
| 09/18/12 | 11:25 AM | Kevin O'Dowd (business)          | Goldens Br NY | Trenton NJ    | 9       |
| 09/18/12 | 11:34 AM | William Baroni (Port Authority)  | Pleasantvi NY | New York NY   | 8       |
| 09/19/12 | 12:21 PM | William Baroni (Port Authority)  | Clifton NJ    | New York NY   | 6       |
| 09/19/12 | 5:50 PM  | Maria Comella (business)         | New York NY   | Trenton NJ    | 2       |
| 09/20/12 | 5:47 PM  | Kevin O'Dowd (business)          | New Milfo CT  | Trenton NJ    | 1       |
| 09/20/12 | 5:47 PM  | Kevin O'Dowd (cell)              | New Milfo CT  | Morristown NJ | 1       |
| 09/21/12 | 12:23 PM | Kevin O'Dowd (cell)              | New Milfor CT | Incoming CL   | 8       |
| 09/24/12 | 10:38 AM | David Wildstein (Port Authority) | Bedford NY    | New York NY   | 15      |
| 09/24/12 | 6:53 PM  | Kevin O'Dowd (cell)              | West Orang NJ | Incoming CL   | 8       |
| 09/24/12 | 7:02 PM  | Patrick Foye (Port Authority)    | West Orang NJ | New York NY   | 1       |
| 09/24/12 | 7:15 PM  | Kevin O'Dowd (cell)              | West Orang NJ | Morristown NJ | 1       |

**Phone Records Associated with David Samson**

**[REDACTED]**

| Date     | Time     | Associated Person's Number      | Origination   | Destination   | Minutes |
|----------|----------|---------------------------------|---------------|---------------|---------|
| 09/24/12 | 7:16 PM  | Kevin O'Dowd (cell)             | West Orang NJ | Morristown NJ | 2       |
| 09/24/12 | 7:30 PM  | Kevin O'Dowd (cell)             | West Orang NJ | Incoming CL   | 5       |
| 09/24/12 | 9:02 PM  | William Baroni (cell)           | West Orang NJ | Trenton NJ    | 7       |
| 09/24/12 | 9:12 PM  | William Baroni (cell)           | West Orang NJ | Incoming CL   | 3       |
| 09/25/12 | 8:15 AM  | Regina Egea (cell)              | West Orang NJ | Incoming CL   | 12      |
| 09/25/12 | 5:24 PM  | Patrick Foye (Port Authority)   | Hillside NJ   | New York NY   | 2       |
| 09/26/12 | 8:24 AM  | William Baroni (cell)           | Elmwood PA NJ | Trenton NJ    | 1       |
| 09/26/12 | 8:26 AM  | William Baroni (cell)           | Parasmus NJ   | Trenton NJ    | 1       |
| 09/26/12 | 5:11 PM  | Kevin O'Dowd (business)         | New Milfor CT | Trenton NJ    | 11      |
| 09/26/12 | 5:22 PM  | William Baroni (Port Authority) | New Milfor CT | New York NY   | 2       |
| 09/26/12 | 5:27 PM  | William Baroni (cell)           | New Milfor CT | Incoming CL   | 16      |
| 09/27/12 | 12:12 PM | William Baroni (cell)           | New Milfor CT | Incoming CL   | 5       |
| 09/27/12 | 1:59 PM  | William Baroni (Port Authority) | New Milfor CT | New York NY   | 3       |
| 09/27/12 | 7:07 PM  | Patrick Foye (Port Authority)   | Litchfield CT | New York NY   | 3       |
| 09/29/12 | 11:58 AM | William Baroni (cell)           | New Milfor CT | Trenton NJ    | 11      |
| 10/01/12 | 11:13 AM | William Baroni (Port Authority) | Woodcliff NJ  | New York NY   | 1       |
| 10/01/12 | 5:24 PM  | William Baroni (Port Authority) | Newark NJ     | New York NY   | 5       |
| 10/01/12 | 8:12 PM  | William Baroni (cell)           | New York NY   | Trenton NJ    | 1       |
| 10/01/12 | 8:33 PM  | William Baroni (cell)           | East Orang NJ | Trenton NJ    | 4       |
| 10/01/12 | 8:37 PM  | Kevin O'Dowd (cell)             | West Orang NJ | Morristown NJ | 1       |
| 10/02/12 | 10:40 AM | William Baroni (cell)           | Totowa NJ     | Trenton NJ    | 3       |
| 10/04/12 | 8:04 AM  | Kevin O'Dowd (cell)             | Livingston NJ | Morristown NJ | 1       |
| 10/04/12 | 8:04 AM  | Kevin O'Dowd (business)         | Livingston NJ | Trenton NJ    | 1       |
| 10/04/12 | 12:53 PM | William Baroni (Port Authority) | New Milfor CT | New York NY   | 2       |
| 10/04/12 | 12:54 PM | William Baroni (cell)           | New Milfo CT  | Trenton NJ    | 1       |
| 10/04/12 | 1:06 PM  | William Baroni (cell)           | New Milfor CT | Trenton NJ    | 3       |
| 10/05/12 | 12:23 PM | William Baroni (Port Authority) | New Milfor CT | New York NY   | 2       |
| 10/05/12 | 12:25 PM | William Baroni (cell)           | New Milfor CT | Trenton NJ    | 2       |
| 10/05/12 | 1:05 PM  | William Baroni (cell)           | New Milfor CT | Incoming CL   | 4       |
| 10/05/12 | 2:21 PM  | William Baroni (Port Authority) | New Milfor CT | New York NY   | 1       |
| 10/05/12 | 2:22 PM  | William Baroni (cell)           | New Milfor CT | Trenton NJ    | 1       |
| 10/05/12 | 2:23 PM  | William Baroni (cell)           | New Milfor CT | Incoming CL   | 4       |
| 10/05/12 | 2:26 PM  | Charles McKenna (business)      | New Milfor CT | Trenton NJ    | 9       |
| 10/05/12 | 3:03 PM  | Regina Egea (cell)              | New Milfor CT | Incoming CL   | 7       |
| 10/09/12 | 9:20 AM  | William Baroni (Port Authority) | Danbury CT    | New York NY   | 2       |
| 10/09/12 | 9:31 AM  | William Baroni (cell)           | Croton Fal NY | Trenton NJ    | 7       |
| 10/09/12 | 8:37 PM  | William Baroni (cell)           | Caldwell NJ   | Incoming CL   | 12      |
| 10/10/12 | 6:18 PM  | Kevin O'Dowd (cell)             | Johns Isla SC | Morristown NJ | 15      |
| 10/11/12 | 5:34 PM  | Kevin O'Dowd (business)         | Johns Isla SC | Trenton NJ    | 11      |
| 10/12/12 | 1:55 PM  | William Baroni (cell)           | Johns Isla SC | Trenton NJ    | 6       |
| 10/12/12 | 2:08 PM  | Charles McKenna (business)      | Johns Isla SC | Trenton NJ    | 12      |
| 10/12/12 | 5:16 PM  | William Baroni (cell)           | Johns Isla SC | Trenton NJ    | 1       |
| 10/12/12 | 5:18 PM  | William Baroni (cell)           | Johns Isla SC | Trenton NJ    | 3       |
| 10/14/12 | 11:11 AM | William Baroni (cell)           | Aiken SC      | Trenton NJ    | 20      |
| 10/15/12 | 2:53 PM  | Kevin O'Dowd (cell)             | Jersey Cit NJ | Morristown NJ | 5       |
| 10/15/12 | 5:27 PM  | Kevin O'Dowd (cell)             | West Orang NJ | Incoming CL   | 8       |
| 10/15/12 | 9:27 PM  | Kevin O'Dowd (cell)             | West Orang NJ | Morristown NJ | 9       |
| 10/16/12 | 5:50 PM  | Kevin O'Dowd (cell)             | West Orang NJ | Incoming CL   | 12      |
| 10/16/12 | 6:02 PM  | William Baroni (cell)           | East Orang NJ | Trenton NJ    | 1       |
| 10/17/12 | 10:26 AM | Charles McKenna (business)      | Weehawken NJ  | Trenton NJ    | 7       |
| 10/17/12 | 10:34 AM | Charles McKenna (business)      | New York NY   | Trenton NJ    | 8       |
| 10/17/12 | 5:24 PM  | Kevin O'Dowd (cell)             | New York NY   | Incoming CL   | 2       |
| 10/17/12 | 6:29 PM  | Kevin O'Dowd (cell)             | New York NY   | Morristown NJ | 5       |

Phone Records Associated with David Samson

| Date     | Time     | Associated Person's Number | Origination   | Destination   | Minutes |
|----------|----------|----------------------------|---------------|---------------|---------|
| 10/18/12 | 12:46 PM | Charles McKenna (business) | New York NY   | Trenton NJ    | 1       |
| 10/18/12 | 12:46 PM | Charles McKenna (cell)     | New York NY   | Morristown NJ | 4       |
| 10/18/12 | 3:54 PM  | Charles McKenna (business) | New York NY   | Trenton NJ    | 1       |
| 10/19/12 | 4:06 PM  | Kevin O'Dowd (business)    | New Milfor CT | Trenton NJ    | 1       |
| 10/19/12 | 4:06 PM  | Kevin O'Dowd (cell)        | New Milfor CT | Morristown NJ | 2       |
| 10/19/12 | 5:57 PM  | Kevin O'Dowd (cell)        | New Milfor CT | Incoming CL   | 6       |
| 10/20/12 | 11:55 AM | Kevin O'Dowd (cell)        | New Milfor CT | Morristown NJ | 1       |
| 10/23/12 | 8:42 AM  | Charles McKenna (cell)     | Milltown NJ   | Morristown NJ | 2       |
| 10/23/12 | 2:29 PM  | Charles McKenna (business) | West Orang NJ | Trenton NJ    | 1       |
| 10/25/12 | 12:34 PM | William Baroni (cell)      | New Milfor CT | Incoming CL   | 4       |
| 10/25/12 | 2:22 PM  | Kevin O'Dowd (business)    | Roxbury CT    | Trenton NJ    | 12      |
| 10/28/12 | 12:50 PM | Kevin O'Dowd (cell)        | New Milfor CT | Morristown NJ | 4       |
| 10/28/12 | 1:21 PM  | William Baroni (cell)      | New Milfor CT | Trenton NJ    | 2       |
| 10/28/12 | 1:38 PM  | William Baroni (cell)      | New Milfor CT | Trenton NJ    | 1       |
| 10/29/12 | 5:59 PM  | Kevin O'Dowd (cell)        | New Milfor CT | Morristown NJ | 2       |
| 10/30/12 | 7:33 AM  | William Baroni (cell)      | New Milfor CT | Trenton NJ    | 1       |
| 10/30/12 | 3:14 PM  | Kevin O'Dowd (cell)        | New Milfor CT | Morristown NJ | 4       |
| 10/30/12 | 5:19 PM  | Kevin O'Dowd (cell)        | Roxbury CT    | Morristown NJ | 2       |
| 10/30/12 | 5:59 PM  | William Baroni (cell)      | New Milfor CT | Trenton NJ    | 6       |
| 10/31/12 | 11:28 AM | Charles McKenna (cell)     | New Milfor CT | Morristown NJ | 7       |
| 10/31/12 | 11:51 AM | William Baroni (cell)      | New Milfor CT | Trenton NJ    | 3       |
| 10/31/12 | 2:23 PM  | William Baroni (cell)      | New Milfor CT | Trenton NJ    | 5       |
| 10/31/12 | 6:21 PM  | William Baroni (cell)      | Yonkers NY    | Trenton NJ    | 6       |
| 10/31/12 | 6:28 PM  | William Baroni (cell)      | Bronx NY      | Trenton NJ    | 5       |
| 11/01/12 | 9:40 AM  | Charles McKenna (cell)     | Nyack NY      | Morristown NJ | 2       |
| 11/01/12 | 10:05 AM | Charles McKenna (cell)     | Woodcliff NJ  | Morristown NJ | 2       |
| 11/01/12 | 10:19 AM | William Baroni (cell)      | Ridgefield NJ | Trenton NJ    | 3       |
| 11/01/12 | 6:20 PM  | Charles McKenna (cell)     | New Milfor CT | Morristown NJ | 3       |
| 11/02/12 | 9:34 AM  | William Baroni (cell)      | New Milfor CT | Trenton NJ    | 1       |
| 11/02/12 | 6:22 PM  | William Baroni (cell)      | New Milfor CT | Trenton NJ    | 1       |
| 11/05/12 | 10:48 AM | William Baroni (cell)      | Woodcliff NJ  | Trenton NJ    | 1       |
| 11/05/12 | 3:13 PM  | William Baroni (cell)      | West Orang NJ | Trenton NJ    | 1       |
| 11/05/12 | 3:15 PM  | William Baroni (cell)      | West Orang NJ | Incoming CL   | 1       |
| 11/05/12 | 3:17 PM  | William Baroni (cell)      | West Orang NJ | Incoming CL   | 5       |
| 11/06/12 | 8:19 AM  | William Baroni (cell)      | New York NY   | Trenton NJ    | 7       |
| 11/06/12 | 8:51 PM  | Kevin O'Dowd (cell)        | Weehawken NJ  | Morristown NJ | 7       |
| 11/08/12 | 11:03 AM | William Baroni (cell)      | New Millfo CT | Trenton NJ    | 13      |
| 11/11/12 | 2:04 PM  | William Baroni (cell)      | Roxbury CT    | Trenton NJ    | 1       |
| 11/11/12 | 2:05 PM  | William Baroni (cell)      | New Milfor CT | Incoming CL   | 1       |
| 11/11/12 | 2:06 PM  | William Baroni (cell)      | Roxbury CT    | Trenton NJ    | 12      |
| 11/14/12 | 10:37 AM | Kevin O'Dowd (cell)        | West Orang NJ | Morristown NJ | 1       |
| 11/14/12 | 10:37 AM | Kevin O'Dowd (cell)        | West Orang NJ | Incoming CL   | 25      |
| 11/14/12 | 7:42 PM  | Charles McKenna (cell)     | New York NY   | Morristown NJ | 2       |
| 11/14/12 | 7:56 PM  | Charles McKenna (cell)     | New York NY   | Incoming CL   | 6       |
| 11/16/12 | 12:10 PM | William Baroni (cell)      | Aiken SC      | Trenton NJ    | 1       |
| 11/16/12 | 12:13 PM | William Baroni (cell)      | Aiken SC      | Trenton NJ    | 1       |
| 11/16/12 | 12:18 PM | William Baroni (cell)      | Aiken SC      | Incoming CL   | 5       |
| 11/18/12 | 10:55 AM | Kevin O'Dowd (cell)        | Aiken SC      | Incoming CL   | 3       |
| 11/20/12 | 7:17 PM  | Kevin O'Dowd (cell)        | Aiken SC      | Morristown NJ | 2       |
| 11/23/12 | 3:46 PM  | Kevin O'Dowd (cell)        | Aiken SC      | Morristown NJ | 1       |
| 11/26/12 | 6:22 PM  | William Baroni (cell)      | West Orang NJ | Trenton NJ    | 1       |
| 11/28/12 | 2:20 PM  | Kevin O'Dowd (cell)        | Morrisvill PA | Morristown NJ | 2       |
| 11/28/12 | 2:23 PM  | Kevin O'Dowd (cell)        | Trenton NJ    | Incoming CL   | 1       |

Phone Records Associated with David Samson

| Date     | Time     | Associated Person's Number       | Origination   | Destination   | Minutes |
|----------|----------|----------------------------------|---------------|---------------|---------|
| 11/28/12 | 2:24 PM  | Kevin O'Dowd (cell)              | Trenton NJ    | Morristown NJ | 2       |
| 11/28/12 | 5:28 PM  | Kevin O'Dowd (cell)              | New Brunsw NJ | Morristown NJ | 1       |
| 11/28/12 | 5:35 PM  | Kevin O'Dowd (cell)              | New Brunsw NJ | Morristown NJ | 1       |
| 11/28/12 | 5:37 PM  | Kevin O'Dowd (cell)              | East Bruns NJ | Incoming CL   | 7       |
| 11/28/12 | 5:49 PM  | William Baroni (cell)            | Woodbridge NJ | Trenton NJ    | 1       |
| 11/29/12 | 11:34 AM | Kevin O'Dowd (cell)              | New York NY   | Morristown NJ | 2       |
| 11/29/12 | 1:04 PM  | Kevin O'Dowd (cell)              | New York NY   | Incoming CL   | 2       |
| 11/29/12 | 3:00 PM  | Kevin O'Dowd (cell)              | Newark NJ     | Morristown NJ | 1       |
| 12/03/12 | 8:27 PM  | Kevin O'Dowd (cell)              | West Orang NJ | Morristown NJ | 3       |
| 12/04/12 | 6:51 PM  | Kevin O'Dowd (cell)              | West Orang NJ | Morristown NJ | 5       |
| 12/05/12 | 7:07 PM  | Kevin O'Dowd (cell)              | New York NY   | Morristown NJ | 2       |
| 12/05/12 | 10:10 PM | Kevin O'Dowd (cell)              | New York NY   | Morristown NJ | 2       |
| 12/10/12 | 2:02 PM  | Regina Egea (cell)               | Aiken SC      | Incoming CL   | 3       |
| 12/12/12 | 6:21 PM  | Regina Egea (cell)               | West Orang NJ | Elizabeth NJ  | 10      |
| 12/14/12 | 8:41 AM  | Kevin O'Dowd (cell)              | Aiken SC      | Morristown NJ | 14      |
| 12/18/12 | 8:33 PM  | Kevin O'Dowd (cell)              | Livingston NJ | Morristown NJ | 2       |
| 12/19/12 | 4:08 PM  | Kevin O'Dowd (business)          | Kearny NJ     | Trenton NJ    | 5       |
| 12/20/12 | 3:35 PM  | William Baroni (Port Authority)  | Rock Hill SC  | New York NY   | 6       |
| 12/21/12 | 9:27 AM  | Regina Egea (cell)               | Aiken SC      | Elizabeth NJ  | 1       |
| 12/21/12 | 9:35 AM  | Regina Egea (cell)               | Aiken SC      | Elizabeth NJ  | 1       |
| 12/28/12 | 11:09 AM | William Baroni (cell)            | Augusta GA    | Trenton NJ    | 11      |
| 01/07/13 | 12:38 PM | William Baroni (Port Authority)  | Clifton NJ    | New York NY   | 1       |
| 01/08/13 | 8:20 AM  | William Baroni (cell)            | West Orang NJ | Trenton NJ    | 5       |
| 01/08/13 | 10:50 AM | Charles McKenna (business)       | Hamilton NJ   | Trenton NJ    | 10      |
| 01/08/13 | 5:41 PM  | William Baroni (cell)            | Harrison NJ   | Trenton NJ    | 15      |
| 01/10/13 | 1:12 PM  | Kevin O'Dowd (cell)              | East Ruthe NJ | Morristown NJ | 1       |
| 01/10/13 | 8:47 PM  | William Baroni (cell)            | Lexington SC  | Trenton NJ    | 1       |
| 01/10/13 | 8:50 PM  | William Baroni (cell)            | Lexington SC  | Trenton NJ    | 1       |
| 01/10/13 | 8:59 PM  | William Baroni (cell)            | Lexington SC  | Trenton NJ    | 1       |
| 01/10/13 | 9:01 PM  | William Baroni (cell)            | Lexington SC  | Incoming CL   | 6       |
| 01/12/13 | 9:32 AM  | William Baroni (cell)            | Aiken SC      | Trenton NJ    | 1       |
| 01/12/13 | 9:34 AM  | William Baroni (cell)            | Aiken SC      | Incoming CL   | 27      |
| 01/12/13 | 10:55 AM | William Baroni (cell)            | Aiken SC      | Trenton NJ    | 1       |
| 01/14/13 | 12:43 PM | Kevin O'Dowd (cell)              | Aiken SC      | Morristown NJ | 5       |
| 01/14/13 | 12:54 PM | William Baroni (cell)            | Aiken SC      | Trenton NJ    | 2       |
| 01/14/13 | 2:32 PM  | William Baroni (cell)            | Aiken SC      | Trenton NJ    | 5       |
| 01/16/13 | 8:40 AM  | William Baroni (cell)            | Aiken SC      | Trenton NJ    | 2       |
| 01/24/13 | 5:47 PM  | William Baroni (cell)            | Elizabeth NJ  | New York NY   | 1       |
| 01/24/13 | 5:52 PM  | William Baroni (cell)            | Elizabeth NJ  | Trenton NJ    | 1       |
| 01/24/13 | 5:58 PM  | William Baroni (cell)            | Elizabeth NJ  | New York NY   | 10      |
| 01/29/13 | 7:31 AM  | William Baroni (cell)            | Augusta GA    | Trenton NJ    | 8       |
| 01/31/13 | 1:38 PM  | Kevin O'Dowd (cell)              | Aiken SC      | Morristown NJ | 10      |
| 02/02/13 | 1:07 PM  | Kevin O'Dowd (cell)              | Aiken SC      | Morristown NJ | 13      |
| 02/04/13 | 5:30 PM  | David Wildstein (Port Authority) | West Orang NJ | Trenton NJ    | 3       |
| 02/04/13 | 5:30 PM  | William Baroni (cell)            | West Orang NJ | Incoming CL   | 7       |
| 02/04/13 | 5:50 PM  | David Wildstein (Port Authority) | Kearny NJ     | Morristown NJ | 1       |
| 02/05/13 | 11:52 AM | Charles McKenna (business)       | New York NY   | Trenton NJ    | 3       |
| 02/05/13 | 1:41 PM  | Charles McKenna (business)       | New York NY   | Trenton NJ    | 6       |
| 02/07/13 | 12:14 PM | William Baroni (cell)            | West Orang NJ | Trenton NJ    | 2       |
| 02/07/13 | 12:16 PM | William Baroni (Port Authority)  | West Orang NJ | New York NY   | 2       |
| 02/08/13 | 12:43 PM | Kevin O'Dowd (cell)              | Aiken SC      | Incoming CL   | 5       |
| 02/11/13 | 1:31 PM  | William Baroni (cell)            | Aiken SC      | Trenton NJ    | 1       |
| 02/11/13 | 4:16 PM  | Kevin O'Dowd (business)          | Aiken SC      | Trenton NJ    | 2       |

Phone Records Associated with David Samson

| Date     | Time     | Associated Person's Number      | Origination   | Destination    | Minutes |
|----------|----------|---------------------------------|---------------|----------------|---------|
| 02/11/13 | 5:21 PM  | Kevin O'Dowd (cell)             | Aiken SC      | Incoming CL    | 5       |
| 02/14/13 | 1:32 PM  | William Baroni (cell)           | Aiken SC      | Trenton NJ     | 1       |
| 02/14/13 | 1:33 PM  | William Baroni (Port Authority) | Aiken SC      | New York NY    | 11      |
| 02/14/13 | 1:43 PM  | Kevin O'Dowd (cell)             | Aiken SC      | Incoming CL    | 8       |
| 02/14/13 | 1:50 PM  | William Baroni (Port Authority) | Aiken SC      | New York NY    | 7       |
| 02/14/13 | 3:53 PM  | Regina Egea (business)          | Aiken SC      | Incoming CL    | 20      |
| 02/14/13 | 4:13 PM  | William Baroni (Port Authority) | Aiken SC      | New York NY    | 11      |
| 02/14/13 | 4:35 PM  | Phil Kwon (Port Authority)      | Aiken SC      | New York NY    | 1       |
| 02/14/13 | 4:45 PM  | Phil Kwon (Port Authority)      | Aiken SC      | New York NY    | 3       |
| 02/14/13 | 6:03 PM  | Kevin O'Dowd (cell)             | Aiken SC      | Incoming CL    | 9       |
| 02/15/13 | 12:18 PM | Kevin O'Dowd (cell)             | Aiken SC      | Morristown NJ  | 1       |
| 02/15/13 | 12:19 PM | Kevin O'Dowd (business)         | Aiken SC      | Trenton NJ     | 7       |
| 02/21/13 | 8:25 AM  | William Baroni (cell)           | West Orang NJ | Trenton NJ     | 3       |
| 02/21/13 | 8:35 AM  | William Baroni (cell)           | West Orang NJ | Incoming CL    | 4       |
| 02/21/13 | 9:50 AM  | Kevin O'Dowd (business)         | West Orang NJ | Trenton NJ     | 2       |
| 02/21/13 | 9:54 AM  | William Baroni (Port Authority) | Irvington NJ  | New York NY    | 1       |
| 02/21/13 | 10:48 AM | Kevin O'Dowd (business)         | Lakewood NJ   | Trenton NJ     | 1       |
| 02/21/13 | 3:45 PM  | Regina Egea (business)          | Irvington NJ  | Trenton NJ     | 7       |
| 02/21/13 | 3:52 PM  | William Baroni (Port Authority) | West Orang NJ | New York NY    | 5       |
| 02/21/13 | 4:03 PM  | William Baroni (Home)           | Caldwell NJ   | Jersey City NJ | 1       |
| 02/21/13 | 4:31 PM  | Kevin O'Dowd (business)         | Orange NJ     | Trenton NJ     | 9       |
| 02/21/13 | 5:24 PM  | Maria Comella (business)        | Elizabeth NJ  | Trenton NJ     | 9       |
| 03/01/13 | 11:59 AM | Kevin O'Dowd (business)         | Aiken SC      | Trenton NJ     | 2       |
| 03/01/13 | 12:01 PM | William Baroni (cell)           | Aiken SC      | Trenton NJ     | 21      |
| 03/01/13 | 12:29 PM | Kevin O'Dowd (cell)             | Aiken SC      | Morristown NJ  | 1       |
| 03/01/13 | 4:11 PM  | William Baroni (cell)           | Aiken SC      | Incoming CL    | 4       |
| 03/04/13 | 7:27 PM  | Kevin O'Dowd (cell)             | West Orang NJ | Incoming CL    | 5       |
| 03/05/13 | 10:27 AM | William Baroni (cell)           | Weehawken NJ  | Trenton NJ     | 11      |
| 03/05/13 | 5:21 PM  | Regina Egea (business)          | New York NY   | Trenton NJ     | 1       |
| 03/05/13 | 8:08 PM  | Regina Egea (cell)              | New York NY   | Elizabeth NJ   | 2       |
| 03/06/13 | 1:01 PM  | William Baroni (cell)           | Englewood NJ  | Trenton NJ     | 8       |
| 03/06/13 | 5:36 PM  | Regina Egea (business)          | Kearny NJ     | Trenton NJ     | 1       |
| 03/06/13 | 5:37 PM  | Regina Egea (cell)              | Kearny NJ     | Elizabeth NJ   | 7       |
| 03/07/13 | 12:31 PM | William Baroni (Port Authority) | Foxtown SC    | New York NY    | 1       |
| 03/07/13 | 1:37 PM  | William Baroni (cell)           | Aiken SC      | Trenton NJ     | 1       |
| 03/07/13 | 1:38 PM  | William Baroni (Port Authority) | Aiken SC      | New York NY    | 1       |
| 03/07/13 | 4:17 PM  | Regina Egea (business)          | Aiken SC      | Trenton NJ     | 9       |
| 03/12/13 | 4:25 PM  | William Baroni (cell)           | Aiken SC      | Trenton NJ     | 24      |
| 03/13/13 | 12:37 PM | William Baroni (cell)           | Warrenvill SC | Trenton NJ     | 1       |
| 03/13/13 | 3:18 PM  | William Baroni (cell)           | Aiken SC      | Trenton NJ     | 2       |
| 03/13/13 | 4:01 PM  | Kevin O'Dowd (cell)             | Aiken SC      | Morristown NJ  | 5       |
| 03/13/13 | 4:53 PM  | William Baroni (cell)           | Aiken SC      | Trenton NJ     | 4       |
| 03/13/13 | 4:59 PM  | William Baroni (cell)           | Aiken SC      | Trenton NJ     | 4       |
| 03/13/13 | 5:04 PM  | William Baroni (cell)           | Aiken SC      | Incoming CL    | 1       |
| 03/14/13 | 2:03 PM  | William Baroni (cell)           | Aiken SC      | Trenton NJ     | 12      |
| 03/14/13 | 4:36 PM  | Kevin O'Dowd (business)         | Aiken SC      | Incoming CL    | 9       |
| 03/15/13 | 3:27 PM  | Kevin O'Dowd (cell)             | Aiken SC      | Morristown NJ  | 6       |
| 03/15/13 | 3:34 PM  | Kevin O'Dowd (cell)             | Aiken SC      | Morristown NJ  | 3       |
| 03/19/13 | 3:50 PM  | Regina Egea (business)          | Kearny NJ     | Trenton NJ     | 12      |
| 03/19/13 | 6:23 PM  | Kevin O'Dowd (cell)             | New York NY   | Incoming CL    | 1       |
| 03/19/13 | 6:24 PM  | Kevin O'Dowd (cell)             | New York NY   | Incoming CL    | 5       |
| 03/20/13 | 5:07 PM  | Kevin O'Dowd (cell)             | New York NY   | Incoming CL    | 1       |
| 03/21/13 | 10:36 AM | Kevin O'Dowd (business)         | New York NY   | Trenton NJ     | 1       |

Phone Records Associated with David Samson

| Date     | Time     | Associated Person's Number           | Origination   | Destination   | Minutes |
|----------|----------|--------------------------------------|---------------|---------------|---------|
| 03/21/13 | 4:28 PM  | William Baroni (Port Authority)      | Livingston NJ | New York NY   | 6       |
| 03/22/13 | 4:54 PM  | William Baroni (cell)                | Aiken SC      | Trenton NJ    | 11      |
| 03/23/13 | 11:37 AM | Kevin O'Dowd (cell)                  | Aiken SC      | Morristown NJ | 1       |
| 03/25/13 | 11:06 AM | William Baroni (cell)                | Aiken SC      | Trenton NJ    | 1       |
| 03/25/13 | 11:07 AM | William Baroni (Port Authority)      | Aiken SC      | New York NY   | 1       |
| 03/25/13 | 12:21 PM | William Baroni (cell)                | Aiken SC      | Trenton NJ    | 17      |
| 03/25/13 | 2:38 PM  | William Baroni (cell)                | Aiken SC      | Trenton NJ    | 4       |
| 03/25/13 | 7:43 PM  | William Baroni (cell)                | Aiken SC      | Trenton NJ    | 1       |
| 03/25/13 | 9:54 PM  | William Baroni (cell)                | Aiken SC      | Trenton NJ    | 1       |
| 03/26/13 | 9:55 AM  | William Baroni (Port Authority)      | Aiken SC      | New York NY   | 2       |
| 04/07/13 | 11:50 AM | William Baroni (cell)                | Aiken SC      | Trenton NJ    | 13      |
| 04/08/13 | 2:36 PM  | William Baroni (cell)                | Aiken SC      | Trenton NJ    | 9       |
| 04/09/13 | 12:45 PM | Kevin O'Dowd (cell)                  | Aiken SC      | Morristown NJ | 1       |
| 04/09/13 | 12:46 PM | Kevin O'Dowd (business)              | Aiken SC      | Trenton NJ    | 11      |
| 04/10/13 | 6:29 PM  | Regina Egea (business)               | Aiken SC      | Trenton NJ    | 1       |
| 04/10/13 | 6:30 PM  | Regina Egea (cell)                   | Aiken SC      | Elizabeth NJ  | 7       |
| 04/11/13 | 10:22 AM | Kevin O'Dowd (cell)                  | Aiken SC      | Morristown NJ | 1       |
| 04/11/13 | 10:46 AM | Kevin O'Dowd (cell)                  | Aiken SC      | Morristown NJ | 1       |
| 04/11/13 | 10:48 AM | Kevin O'Dowd (business)              | Aiken SC      | Trenton NJ    | 5       |
| 04/12/13 | 10:50 AM | William Baroni (Port Authority)      | Aiken SC      | New York NY   | 17      |
| 04/12/13 | 1:39 PM  | Regina Egea (business)               | Aiken SC      | Trenton NJ    | 2       |
| 04/12/13 | 1:41 PM  | Regina Egea (cell)                   | Aiken SC      | Elizabeth NJ  | 1       |
| 04/16/13 | 8:55 PM  | Kevin O'Dowd (cell)                  | New York NY   | Morristown NJ | 2       |
| 04/16/13 | 8:56 PM  | William Baroni (cell)                | New York NY   | Trenton NJ    | 19      |
| 04/17/13 | 10:59 AM | Kevin O'Dowd (cell)                  | West Orang NJ | Incoming CL   | 11      |
| 04/17/13 | 11:23 AM | William Baroni (Port Authority)      | Woodbridge NJ | New York NY   | 9       |
| 04/17/13 | 11:51 AM | William Baroni (Port Authority)      | Robbinsvil NJ | New York NY   | 8       |
| 04/17/13 | 3:13 PM  | William Baroni (cell)                | New York NY   | Incoming CL   | 6       |
| 04/17/13 | 4:47 PM  | William Baroni (Port Authority)      | New York NY   | New York NY   | 2       |
| 04/18/13 | 10:06 AM | William Baroni (Port Authority)      | West Orang NJ | New York NY   | 10      |
| 04/18/13 | 3:42 PM  | William Baroni (Port Authority)      | Kearny NJ     | New York NY   | 7       |
| 04/19/13 | 1:28 PM  | William Baroni (Port Authority)      | Aiken SC      | New York NY   | 13      |
| 04/22/13 | 8:02 AM  | Kevin O'Dowd (cell)                  | Elizabeth NJ  | Morristown NJ | 1       |
| 04/22/13 | 4:40 PM  | Philippe Danielides (Port Authority) | West Orang NJ | New York NY   | 4       |
| 04/23/13 | 9:00 AM  | William Baroni (cell)                | West Orang NJ | Trenton NJ    | 1       |
| 04/23/13 | 9:05 AM  | William Baroni (cell)                | West Orang NJ | Incoming CL   | 1       |
| 04/23/13 | 9:45 AM  | William Baroni (cell)                | West Orang NJ | Trenton NJ    | 1       |
| 04/23/13 | 1:40 PM  | William Baroni (Port Authority)      | West Orang NJ | New York NY   | 2       |
| 04/24/13 | 9:51 PM  | William Baroni (cell)                | New York NY   | Trenton NJ    | 8       |
| 04/25/13 | 11:53 AM | Charles McKenna (cell)               | Livingston NJ | Morristown NJ | 8       |
| 04/25/13 | 5:41 PM  | William Baroni (cell)                | Elizabeth NJ  | Trenton NJ    | 2       |
| 04/25/13 | 5:42 PM  | William Baroni (Port Authority)      | Elizabeth NJ  | New York NY   | 1       |
| 04/25/13 | 5:43 PM  | Philippe Danielides (Port Authority) | Elizabeth NJ  | New York NY   | 1       |
| 04/25/13 | 7:18 PM  | William Baroni (cell)                | Elizabeth NJ  | Incoming CL   | 4       |
| 04/26/13 | 9:45 AM  | Philippe Danielides (Port Authority) | Aiken SC      | New York NY   | 9       |
| 04/27/13 | 9:46 AM  | Kevin O'Dowd (cell)                  | Aiken SC      | Incoming CL   | 3       |
| 05/04/13 | 9:26 AM  | William Baroni (cell)                | Aiken SC      | Trenton NJ    | 2       |
| 05/04/13 | 1:25 PM  | William Baroni (cell)                | Aiken SC      | Incoming CL   | 5       |
| 05/06/13 | 7:57 AM  | William Baroni (cell)                | Newark NJ     | Incoming CL   | 3       |
| 05/06/13 | 12:37 PM | Kevin O'Dowd (cell)                  | West Orang NJ | Morristown NJ | 2       |
| 05/08/13 | 10:45 AM | William Baroni (cell)                | Weehawken NJ  | Trenton NJ    | 1       |
| 05/08/13 | 10:46 AM | William Baroni (Port Authority)      | Weehawken NJ  | New York NY   | 1       |
| 05/08/13 | 1:24 PM  | Philippe Danielides (Port Authority) | New York NY   | New York NY   | 1       |

Phone Records Associated with David Samson

| Date     | Time     | Associated Person's Number           | Origination    | Destination   | Minutes |
|----------|----------|--------------------------------------|----------------|---------------|---------|
| 05/08/13 | 5:16 PM  | Kevin O'Dowd (business)              | Kearny NJ      | Trenton NJ    | 12      |
| 05/08/13 | 6:08 PM  | Maria Comella (business)             | Bridgewater NJ | Trenton NJ    | 7       |
| 05/09/13 | 3:32 PM  | Regina Egea (cell)                   | Trenton NJ     | Incoming CL   | 12      |
| 05/09/13 | 3:56 PM  | Kevin O'Dowd (business)              | Woodbridge NJ  | Trenton NJ    | 6       |
| 05/09/13 | 5:13 PM  | Kevin O'Dowd (cell)                  | Elizabeth NJ   | Morristown NJ | 1       |
| 05/09/13 | 5:18 PM  | Kevin O'Dowd (business)              | Elizabeth NJ   | Trenton NJ    | 14      |
| 05/09/13 | 5:53 PM  | Kevin O'Dowd (business)              | Elizabeth NJ   | Trenton NJ    | 6       |
| 05/13/13 | 11:36 AM | William Baroni (cell)                | Aiken SC       | Trenton NJ    | 18      |
| 05/15/13 | 2:21 PM  | Regina Egea (business)               | Aiken SC       | Trenton NJ    | 14      |
| 05/15/13 | 5:35 PM  | Kevin O'Dowd (cell)                  | Aiken SC       | Morristown NJ | 1       |
| 05/15/13 | 5:43 PM  | Kevin O'Dowd (cell)                  | Aiken SC       | Incoming CL   | 24      |
| 05/16/13 | 12:28 PM | Kevin O'Dowd (cell)                  | Aiken SC       | Incoming CL   | 6       |
| 05/16/13 | 4:14 PM  | Kevin O'Dowd (cell)                  | Aiken SC       | Incoming CL   | 2       |
| 05/16/13 | 4:36 PM  | Kevin O'Dowd (cell)                  | Aiken SC       | Incoming CL   | 9       |
| 05/17/13 | 11:18 AM | Kevin O'Dowd (cell)                  | Aiken SC       | Morristown NJ | 8       |
| 05/17/13 | 12:46 PM | Regina Egea (business)               | Aiken SC       | Trenton NJ    | 1       |
| 05/17/13 | 12:46 PM | Regina Egea (cell)                   | Aiken SC       | Elizabeth NJ  | 2       |
| 05/17/13 | 2:13 PM  | Regina Egea (cell)                   | Aiken SC       | Elizabeth NJ  | 14      |
| 05/17/13 | 2:27 PM  | Regina Egea (cell)                   | Aiken SC       | Elizabeth NJ  | 2       |
| 05/21/13 | 10:29 AM | William Baroni (cell)                | Kearny NJ      | Trenton NJ    | 2       |
| 05/22/13 | 12:41 PM | Philippe Danielides (Port Authority) | West Orang NJ  | New York NY   | 1       |
| 05/22/13 | 12:41 PM | William Baroni (cell)                | West Orang NJ  | Trenton NJ    | 2       |
| 05/22/13 | 12:49 PM | William Baroni (cell)                | Newark NJ      | Trenton NJ    | 13      |
| 05/22/13 | 6:54 PM  | Philippe Danielides (Port Authority) | New York NY    | New York NY   | 2       |
| 05/28/13 | 2:08 PM  | William Baroni (Port Authority)      | West Orang NJ  | New York NY   | 5       |
| 05/29/13 | 4:03 PM  | Kevin O'Dowd (business)              | Kearny NJ      | Trenton NJ    | 2       |
| 06/03/13 | 9:23 AM  | Philippe Danielides (Port Authority) | Brewster NY    | New York NY   | 1       |
| 06/03/13 | 9:24 AM  | Philippe Danielides (Port Authority) | Brewster NY    | New York NY   | 2       |
| 06/03/13 | 10:13 AM | William Baroni (cell)                | West Nyack NY  | Trenton NJ    | 12      |
| 06/03/13 | 3:49 PM  | Regina Egea (business)               | Milltown NJ    | Trenton NJ    | 1       |
| 06/03/13 | 8:16 PM  | Kevin O'Dowd (cell)                  | New York NY    | Morristown NJ | 4       |
| 06/03/13 | 8:41 PM  | Charles McKenna (cell)               | Hoboken NJ     | Incoming CL   | 8       |
| 06/04/13 | 3:05 PM  | Charles McKenna (business)           | Weehawken NJ   | Trenton NJ    | 10      |
| 06/04/13 | 6:18 PM  | Regina Egea (cell)                   | New York NY    | Elizabeth NJ  | 1       |
| 06/05/13 | 7:25 PM  | Kevin O'Dowd (cell)                  | Short Hill NJ  | Morristown NJ | 2       |
| 06/06/13 | 7:36 AM  | Kevin O'Dowd (cell)                  | Caldwell NJ    | Morristown NJ | 1       |
| 06/06/13 | 7:37 AM  | Kevin O'Dowd (cell)                  | Roseland NJ    | Incoming CL   | 4       |
| 06/06/13 | 3:47 PM  | William Baroni (cell)                | Brooklyn NY    | Trenton NJ    | 5       |
| 06/06/13 | 4:15 PM  | William Baroni (cell)                | Howard Bea NY  | Trenton NJ    | 2       |
| 06/17/13 | 10:42 AM | William Baroni (cell)                | New Milfor CT  | Trenton NJ    | 1       |
| 06/17/13 | 10:43 AM | William Baroni (cell)                | Roxbury CT     | New York NY   | 2       |
| 06/17/13 | 12:40 PM | Philippe Danielides (Port Authority) | Brookfield CT  | New York NY   | 2       |
| 06/17/13 | 1:21 PM  | Maria Comella (business)             | Elmsford NY    | Trenton NJ    | 6       |
| 06/20/13 | 12:45 PM | William Baroni (Port Authority)      | New Milfor CT  | New York NY   | 20      |
| 06/20/13 | 3:41 PM  | William Baroni (cell)                | New Milfor CT  | Incoming CL   | 4       |
| 06/20/13 | 4:56 PM  | Kevin O'Dowd (cell)                  | Roxbury CT     | Morristown NJ | 2       |
| 06/20/13 | 5:06 PM  | Kevin O'Dowd (cell)                  | New Milfor CT  | Incoming CL   | 2       |
| 06/24/13 | 8:16 PM  | David Wildstein (cell)               | West Orang NJ  | Morristown NJ | 4       |
| 06/24/13 | 8:20 PM  | David Wildstein (cell)               | Newark NJ      | Morristown NJ | 1       |
| 06/24/13 | 8:21 PM  | David Wildstein (cell)               | Newark NJ      | Morristown NJ | 7       |
| 06/25/13 | 7:38 AM  | William Baroni (cell)                | Short Hill NJ  | Trenton NJ    | 1       |
| 06/25/13 | 7:51 AM  | David Wildstein (cell)               | Short Hill NJ  | Morristown NJ | 2       |
| 06/25/13 | 9:00 AM  | William Baroni (cell)                | Livingston NJ  | Trenton NJ    | 1       |

Phone Records Associated with David Samson  
[REDACTED]

| Date     | Time     | Associated Person's Number           | Origination   | Destination   | Minutes |
|----------|----------|--------------------------------------|---------------|---------------|---------|
| 06/26/13 | 9:34 AM  | David Wildstein (cell)               | West Orang NJ | Morristown NJ | 8       |
| 06/26/13 | 11:50 AM | Philippe Danielides (Port Authority) | Jersey Cit NJ | New York NY   | 1       |
| 06/26/13 | 12:06 PM | David Wildstein (cell)               | Jersey Cit NJ | Morristown NJ | 2       |
| 06/26/13 | 12:13 PM | William Baroni (cell)                | Jersey Cit NJ | Trenton NJ    | 4       |
| 06/26/13 | 12:19 PM | William Baroni (cell)                | Jersey Cit NJ | Incoming CL   | 1       |
| 06/28/13 | 10:08 AM | William Baroni (cell)                | New Milfor CT | Trenton NJ    | 1       |
| 06/28/13 | 10:08 AM | William Baroni (Port Authority)      | New Milfor CT | New York NY   | 2       |
| 06/28/13 | 2:44 PM  | William Baroni (cell)                | Roxbury CT    | Trenton NJ    | 1       |
| 06/28/13 | 3:16 PM  | Kevin O'Dowd (business)              | New Milfor CT | Trenton NJ    | 2       |
| 06/28/13 | 4:30 PM  | William Baroni (Port Authority)      | New Milfor CT | New York NY   | 2       |
| 06/28/13 | 4:31 PM  | William Baroni (cell)                | New Milfor CT | Trenton NJ    | 4       |
| 06/29/13 | 11:19 AM | William Baroni (cell)                | Roxbury CT    | Trenton NJ    | 1       |
| 06/29/13 | 11:35 AM | William Baroni (cell)                | New Milfor CT | Incoming CL   | 13      |
| 06/29/13 | 5:35 PM  | William Baroni (cell)                | New Milfor CT | Trenton NJ    | 1       |
| 06/29/13 | 5:37 PM  | William Baroni (cell)                | Roxbury CT    | Trenton NJ    | 2       |
| 06/29/13 | 6:16 PM  | William Baroni (cell)                | New Milfor CT | Incoming CL   | 4       |
| 07/01/13 | 10:22 AM | Maria Comella (business)             | New Milfor CT | Trenton NJ    | 8       |
| 07/02/13 | 2:03 PM  | William Baroni (Port Authority)      | Roxbury CT    | New York NY   | 21      |
| 07/02/13 | 3:25 PM  | Philippe Danielides (Port Authority) | Roxbury CT    | New York NY   | 5       |
| 07/03/13 | 9:33 AM  | Regina Egea (business)               | New Milfor CT | Trenton NJ    | 1       |
| 07/03/13 | 9:34 AM  | Regina Egea (cell)                   | New Milfor CT | Elizabeth NJ  | 1       |
| 07/03/13 | 9:35 AM  | William Baroni (cell)                | New Milfor CT | Trenton NJ    | 1       |
| 07/03/13 | 9:47 AM  | William Baroni (Port Authority)      | Roxbury CT    | New York NY   | 11      |
| 07/03/13 | 10:06 AM | Kevin O'Dowd (business)              | New Milfor CT | Trenton NJ    | 2       |
| 07/03/13 | 10:07 AM | Kevin O'Dowd (cell)                  | New Milfor CT | Morristown NJ | 2       |
| 07/08/13 | 7:45 PM  | Kevin O'Dowd (cell)                  | Belleville NJ | Morristown NJ | 1       |
| 07/10/13 | 12:44 PM | Philippe Danielides (Port Authority) | Elkton MD     | New York NY   | 11      |
| 07/10/13 | 3:19 PM  | Philippe Danielides (Port Authority) | Washington DC | New York NY   | 1       |
| 07/10/13 | 4:36 PM  | Philippe Danielides (Port Authority) | Washington DC | New York NY   | 2       |
| 07/11/13 | 8:19 AM  | William Baroni (cell)                | Washington DC | Trenton NJ    | 2       |
| 07/11/13 | 8:21 AM  | William Baroni (cell)                | Washington DC | Incoming CL   | 12      |
| 07/11/13 | 8:57 PM  | William Baroni (cell)                | New York NY   | Trenton NJ    | 15      |
| 07/14/13 | 1:38 PM  | William Baroni (cell)                | Washington DC | Trenton NJ    | 17      |
| 07/15/13 | 9:16 AM  | Rosemary Iannacone (business)        | Bedford NY    | Trenton NJ    | 1       |
| 07/15/13 | 9:17 AM  | William Baroni (cell)                | North Armo NY | Trenton NJ    | 1       |
| 07/15/13 | 3:27 PM  | William Baroni (Port Authority)      | East Hanov NJ | New York NY   | 12      |
| 07/15/13 | 3:39 PM  | William Baroni (Port Authority)      | East Hanov NJ | New York NY   | 4       |
| 07/17/13 | 8:33 PM  | William Baroni (cell)                | New Brunsw NJ | Trenton NJ    | 5       |
| 07/18/13 | 11:13 AM | William Baroni (Port Authority)      | Woodbridge NJ | New York NY   | 4       |
| 07/18/13 | 11:29 AM | William Baroni (Port Authority)      | Cranbury NJ   | New York NY   | 10      |
| 07/18/13 | 3:58 PM  | Kevin O'Dowd (cell)                  | Iselin NJ     | Morristown NJ | 9       |
| 07/18/13 | 4:11 PM  | William Baroni (cell)                | Union NJ      | Incoming CL   | 7       |
| 07/18/13 | 5:29 PM  | Philippe Danielides (Port Authority) | Cedar Grov NJ | New York NY   | 2       |
| 07/18/13 | 5:31 PM  | Philippe Danielides (Port Authority) | Cedar Grov NJ | New York NY   | 1       |
| 07/18/13 | 5:31 PM  | Philippe Danielides (Port Authority) | Cedar Grov NJ | New York NY   | 3       |
| 07/19/13 | 11:20 AM | William Baroni (cell)                | Chicopee MA   | Trenton NJ    | 3       |
| 07/22/13 | 3:50 PM  | William Baroni (cell)                | New Milfor CT | Trenton NJ    | 6       |
| 07/23/13 | 8:36 AM  | William Baroni (cell)                | New Milfor CT | Trenton NJ    | 1       |
| 07/23/13 | 8:37 AM  | William Baroni (cell)                | New Milfor CT | Trenton NJ    | 2       |
| 07/23/13 | 6:24 PM  | William Baroni (cell)                | New York NY   | Trenton NJ    | 4       |
| 07/24/13 | 6:56 AM  | David Wildstein (cell)               | Jersey Cit NJ | Morristown NJ | 1       |
| 07/24/13 | 6:58 AM  | David Wildstein (cell)               | Jersey Cit NJ | Incoming CL   | 2       |
| 07/24/13 | 7:02 AM  | David Wildstein (cell)               | Jersey Cit NJ | Morristown NJ | 1       |

Phone Records Associated with David Samson

| Date     | Time     | Associated Person's Number           | Origination   | Destination   | Minutes |
|----------|----------|--------------------------------------|---------------|---------------|---------|
| 07/24/13 | 7:03 AM  | David Wildstein (cell)               | Jersey Cit NJ | Morristown NJ | 1       |
| 07/24/13 | 7:04 AM  | David Wildstein (cell)               | Hoboken NJ    | Morristown NJ | 2       |
| 07/24/13 | 7:11 AM  | William Baroni (cell)                | Jersey Cit NJ | Trenton NJ    | 2       |
| 07/24/13 | 7:12 AM  | Philippe Danielides (Port Authority) | Jersey Cit NJ | New York NY   | 1       |
| 07/24/13 | 7:15 AM  | David Wildstein (cell)               | Jersey Cit NJ | Morristown NJ | 1       |
| 07/24/13 | 7:27 AM  | William Baroni (cell)                | New York NY   | Incoming CL   | 2       |
| 07/25/13 | 2:18 PM  | Kevin O'Dowd (business)              | Roxbury CT    | Trenton NJ    | 1       |
| 07/25/13 | 2:19 PM  | Kevin O'Dowd (cell)                  | New Milfor CT | Morristown NJ | 1       |
| 07/25/13 | 4:47 PM  | William Baroni (cell)                | Roxbury CT    | Incoming CL   | 3       |
| 07/29/13 | 10:23 AM | William Baroni (Port Authority)      | Roxbury CT    | New York NY   | 1       |
| 07/30/13 | 12:29 PM | William Baroni (Port Authority)      | Livingston NJ | New York NY   | 6       |
| 07/31/13 | 4:57 PM  | William Baroni (cell)                | Kearny NJ     | Trenton NJ    | 1       |
| 07/31/13 | 4:57 PM  | William Baroni (Port Authority)      | Kearny NJ     | New York NY   | 10      |
| 07/31/13 | 8:32 PM  | William Baroni (cell)                | Secaucus NJ   | Trenton NJ    | 15      |
| 08/02/13 | 4:07 PM  | William Baroni (Port Authority)      | Roxbury CT    | New York NY   | 2       |
| 08/02/13 | 4:50 PM  | William Baroni (cell)                | New Milfor CT | Incoming CL   | 8       |
| 08/06/13 | 10:19 AM | William Baroni (Port Authority)      | New Milfor CT | New York NY   | 23      |
| 08/06/13 | 11:39 AM | Kevin O'Dowd (business)              | New Milfor CT | Trenton NJ    | 2       |
| 08/07/13 | 3:06 PM  | Philippe Danielides (Port Authority) | New Milfor CT | New York NY   | 16      |
| 08/10/13 | 3:38 PM  | William Baroni (cell)                | Roxbury CT    | Incoming CL   | 17      |
| 08/11/13 | 12:44 PM | William Baroni (cell)                | New Milfor CT | Incoming CL   | 2       |
| 08/11/13 | 1:59 PM  | William Baroni (cell)                | Roxbury CT    | Incoming CL   | 4       |
| 08/12/13 | 5:55 PM  | William Baroni (cell)                | West Orang NJ | Trenton NJ    | 11      |
| 08/12/13 | 6:11 PM  | William Baroni (cell)                | Bloomfield NJ | Incoming CL   | 9       |
| 08/13/13 | 10:03 AM | Philippe Danielides (Port Authority) | West Orang NJ | New York NY   | 3       |
| 08/14/13 | 10:45 AM | David Samson (Port Authority)        | New York NY   | New York NY   | 16      |
| 08/14/13 | 12:26 PM | William Baroni (cell)                | New York NY   | Trenton NJ    | 4       |
| 08/14/13 | 12:28 PM | William Baroni (cell)                | New York NY   | Trenton NJ    | 1       |
| 08/14/13 | 12:32 PM | Philippe Danielides (Port Authority) | New York NY   | New York NY   | 1       |
| 08/20/13 | 10:50 AM | Kevin O'Dowd (business)              | New Milfor CT | Trenton NJ    | 1       |
| 08/21/13 | 11:01 AM | Regina Egea (business)               | New Milfor CT | Trenton NJ    | 16      |
| 08/22/13 | 12:13 PM | Philippe Danielides (Port Authority) | West Orang NJ | New York NY   | 11      |
| 08/22/13 | 12:24 PM | William Baroni (Port Authority)      | Clifton NJ    | Trenton NJ    | 7       |
| 08/22/13 | 7:58 PM  | William Baroni (cell)                | Montclari NY  | Trenton NJ    | 4       |
| 08/23/13 | 8:32 AM  | William Baroni (cell)                | Caldwell NJ   | Incoming CL   | 6       |
| 08/23/13 | 12:26 PM | Kevin O'Dowd (business)              | Trenton NJ    | Trenton NJ    | 2       |
| 08/23/13 | 3:35 PM  | William Baroni (cell)                | Allentown NJ  | Trenton NJ    | 20      |
| 08/26/13 | 11:18 AM | William Baroni (cell)                | Washington DC | Trenton NJ    | 6       |
| 08/27/13 | 3:56 PM  | William Baroni (cell)                | New Milfor CT | Incoming CL   | 13      |
| 08/28/13 | 3:01 PM  | William Baroni (cell)                | Newark NJ     | Trenton NJ    | 4       |
| 08/29/13 | 12:43 PM | William Baroni (cell)                | East Orang NJ | Trenton NJ    | 2       |
| 08/29/13 | 1:48 PM  | William Baroni (Port Authority)      | Brewster NY   | New York NY   | 8       |
| 09/03/13 | 9:41 AM  | William Baroni (Port Authority)      | New Milfor CT | New York NY   | 3       |
| 09/04/13 | 11:02 AM | William Baroni (Port Authority)      | Harrison NJ   | New York NY   | 3       |
| 09/05/13 | 9:02 AM  | William Baroni (cell)                | Caldwell NJ   | Incoming CL   | 5       |
| 09/05/13 | 5:14 PM  | William Baroni (Port Authority)      | West Orang NJ | New York NY   | 4       |
| 09/05/13 | 5:17 PM  | William Baroni (Port Authority)      | West Orang NJ | New York NY   | 1       |
| 09/05/13 | 6:04 PM  | William Baroni (Port Authority)      | Weehawken NJ  | New York NY   | 16      |
| 09/09/13 | 6:23 PM  | William Baroni (cell)                | Red Lodge MT  | Trenton NJ    | 2       |
| 09/09/13 | 6:26 PM  | Regina Egea (cell)                   | Red Lodge MT  | Elizabeth NJ  | 7       |
| 09/09/13 | 6:42 PM  | William Baroni (cell)                | Red Lodge MT  | Trenton NJ    | 2       |
| 09/09/13 | 6:43 PM  | David Wildstein (cell)               | Red Lodge MT  | Morristown NJ | 2       |
| 09/09/13 | 6:54 PM  | William Baroni (cell)                | Red Lodge MT  | Incoming CL   | 6       |

Phone Records Associated with David Samson

| Date     | Time     | Associated Person's Number           | Origination   | Destination   | Minutes |
|----------|----------|--------------------------------------|---------------|---------------|---------|
| 09/09/13 | 7:07 PM  | William Baroni (cell)                | Red Lodge MT  | Incoming CL   | 4       |
| 09/09/13 | 9:09 PM  | William Baroni (cell)                | Red Lodge MT  | Incoming CL   | 8       |
| 09/10/13 | 9:20 AM  | Kevin O'Dowd (business)              | Denver CO     | Trenton NJ    | 6       |
| 09/10/13 | 4:07 PM  | William Baroni (Port Authority)      | Newark NJ     | New York NY   | 5       |
| 09/10/13 | 7:41 PM  | Kevin O'Dowd (cell)                  | Caldwell NJ   | Morristown NJ | 2       |
| 09/10/13 | 8:14 PM  | William Baroni (cell)                | Caldwell NJ   | Trenton NJ    | 2       |
| 09/10/13 | 8:31 PM  | William Baroni (cell)                | Caldwell NJ   | Incoming CL   | 11      |
| 09/11/13 | 7:18 AM  | David Wildstein (cell)               | Newark NJ     | Morristown NJ | 1       |
| 09/11/13 | 7:22 AM  | David Wildstein (cell)               | Jersey Cit NJ | Incoming CL   | 3       |
| 09/11/13 | 7:27 AM  | David Wildstein (cell)               | Jersey Cit NJ | Morristown NJ | 1       |
| 09/11/13 | 7:29 AM  | David Wildstein (cell)               | Jersey Cit NJ | Morristown NJ | 1       |
| 09/11/13 | 7:35 AM  | David Wildstein (cell)               | Jersey Cit NJ | Morristown NJ | 2       |
| 09/11/13 | 3:05 PM  | Regina Egea (business)               | Brooklyn NY   | Trenton NJ    | 2       |
| 09/11/13 | 3:08 PM  | Regina Egea (business)               | New York NY   | Trenton NJ    | 1       |
| 09/11/13 | 7:36 PM  | William Baroni (cell)                | New York NY   | Trenton NJ    | 1       |
| 09/11/13 | 8:08 PM  | William Baroni (cell)                | New York NY   | Trenton NJ    | 1       |
| 09/11/13 | 8:34 PM  | William Baroni (cell)                | New York NY   | Incoming CL   | 5       |
| 09/12/13 | 12:04 PM | William Baroni (cell)                | Bloomfield NJ | Incoming CL   | 3       |
| 09/12/13 | 12:11 PM | Philippe Danielides (Port Authority) | Garfield NJ   | New York NY   | 1       |
| 09/12/13 | 12:16 PM | Philippe Danielides (Port Authority) | Paramus NJ    | New York NY   | 10      |
| 09/13/13 | 10:53 AM | Philippe Danielides (Port Authority) | New Milfor CT | New York NY   | 9       |
| 09/13/13 | 12:24 PM | William Baroni (Cell)                | New Milfor CT | Trenton NJ    | 10      |
| 09/13/13 | 2:16 PM  | William Baroni (Cell)                | New Milfor CT | Trenton NJ    | 7       |
| 09/13/13 | 5:22 PM  | William Baroni (Cell)                | New Milfor CT | Trenton NJ    | 4       |
| 09/16/13 | 9:35 AM  | William Baroni (Cell)                | Danbury CT    | Trenton NJ    | 10      |
| 09/16/13 | 10:18 AM | Philippe Danielides (Port Authority) | White Plai NY | New York NY   | 10      |
| 09/16/13 | 11:13 AM | William Baroni (Cell)                | West Orang NJ | Trenton NJ    | 2       |
| 09/16/13 | 12:24 PM | William Baroni (Cell)                | Livingston NJ | Incoming CL   | 2       |
| 09/17/13 | 10:05 AM | William Baroni (Cell)                | New York NY   | Trenton NJ    | 1       |
| 09/17/13 | 11:13 AM | William Baroni (Cell)                | New York NY   | Trenton NJ    | 5       |
| 09/17/13 | 12:27 PM | William Baroni (Cell)                | New York NY   | Trenton NJ    | 4       |
| 09/18/13 | 7:18 AM  | William Baroni (Cell)                | Newark NJ     | Trenton NJ    | 1       |
| 09/18/13 | 7:19 AM  | David Wildstein (cell)               | Newark NJ     | Morristown NJ | 1       |
| 09/18/13 | 7:20 AM  | David Wildstein (cell)               | Newark NJ     | New York NY   | 1       |
| 09/18/13 | 7:27 AM  | William Baroni (cell)                | Kearny NJ     | Trenton NJ    | 9       |
| 09/18/13 | 8:00 AM  | Philippe Danielides (Port Authority) | New York NY   | New York NY   | 1       |
| 09/21/13 | 10:24 AM | Regina Egea (cell)                   | Roxbury CT    | Elizabeth NJ  | 1       |
| 09/21/13 | 12:02 PM | William Baroni (cell)                | New Milfor CT | Incoming CL   | 3       |
| 09/21/13 | 1:05 PM  | Regina Egea (cell)                   | New Milfor CT | Elizabeth NJ  | 5       |
| 09/23/13 | 6:06 PM  | William Baroni (cell)                | West Orang NJ | Trenton NJ    | 2       |
| 09/24/13 | 6:05 PM  | Philippe Danielides (Port Authority) | Kearny NJ     | New York NY   | 1       |
| 09/24/13 | 6:06 PM  | David Wildstein (cell)               | Kearny NJ     | Morristown NJ | 1       |
| 09/24/13 | 6:07 PM  | David Wildstein (Port Authority)     | Kearny NJ     | New York NY   | 1       |
| 09/24/13 | 6:07 PM  | William Baroni (Cell)                | Kearny NJ     | Trenton NJ    | 1       |
| 09/24/13 | 6:43 PM  | William Baroni (Cell)                | New York NY   | Incoming CL   | 4       |
| 09/25/13 | 9:50 AM  | William Baroni (Port Authority)      | Orange NJ     | New York NY   | 9       |
| 09/25/13 | 9:59 AM  | Philippe Danielides (Port Authority) | Secaucus NJ   | New York NY   | 5       |
| 09/25/13 | 12:31 PM | William Baroni (Cell)                | New York NY   | Incoming CL   | 7       |
| 09/25/13 | 4:31 PM  | Regina Egea (business)               | New York NY   | Trenton NJ    | 1       |
| 09/25/13 | 5:17 PM  | Regina Egea (business)               | New York NY   | Incoming CL   | 6       |
| 09/25/13 | 8:27 PM  | William Baroni (Cell)                | New York NY   | Trenton NJ    | 1       |
| 09/26/13 | 12:54 PM | William Baroni (Cell)                | Clifton NJ    | Trenton NJ    | 4       |
| 09/26/13 | 1:28 PM  | Regina Egea (business)               | Pleasantvi NY | Trenton NJ    | 2       |

Phone Records Associated with David Samson

| Date     | Time     | Associated Person's Number           | Origination   | Destination   | Minutes |
|----------|----------|--------------------------------------|---------------|---------------|---------|
| 09/26/13 | 6:36 PM  | William Baroni (Cell)                | New Milfo CT  | Incoming CL   | 3       |
| 09/27/13 | 9:08 AM  | Kevin O'Dowd (cell)                  | Roxbury CT    | Morristown NJ | 1       |
| 09/27/13 | 10:04 AM | Kevin O'Dowd (cell)                  | New Milfor CT | Incoming CL   | 9       |
| 09/27/13 | 2:28 PM  | Rosemary Iannacone (business)        | New Milfor CT | Trenton NJ    | 3       |
| 09/27/13 | 2:35 PM  | William Baroni (Cell)                | New Millfo CT | Trenton NJ    | 1       |
| 09/27/13 | 2:36 PM  | William Baroni (Port Authority)      | New Millfo CT | New York NY   | 9       |
| 09/28/13 | 12:02 PM | William Baroni (Cell)                | New Millfo CT | Trenton NJ    | 2       |
| 09/28/13 | 12:04 PM | Regina Egea (cell)                   | Roxbury CT    | Elizabeth NJ  | 12      |
| 09/28/13 | 1:31 PM  | William Baroni (Cell)                | New Millfo CT | Trenton NJ    | 1       |
| 09/28/13 | 1:36 PM  | William Baroni (Cell)                | Roxbury CT    | Incoming CL   | 7       |
| 09/30/13 | 9:22 AM  | William Baroni (Cell)                | Roxbury CT    | Trenton NJ    | 1       |
| 09/30/13 | 9:23 AM  | William Baroni (Port Authority)      | Roxbury CT    | New York NY   | 15      |
| 09/30/13 | 5:43 PM  | William Baroni (Cell)                | West Orang NJ | Trenton NJ    | 10      |
| 10/02/13 | 9:56 PM  | William Baroni (Cell)                | East Orang NJ | Trenton NJ    | 1       |
| 10/02/13 | 10:37 PM | William Baroni (Cell)                | Caldwell NJ   | Trenton NJ    | 1       |
| 10/03/13 | 6:36 AM  | Philippe Danielides (Personal Cell)  | Secaucus NJ   | New York NY   | 1       |
| 10/03/13 | 7:15 AM  | Philippe Danielides (Personal Cell)  | New York NY   | New York NY   |         |
| 10/03/13 | 7:28 AM  | William Baroni (Cell)                | New York NY   | Trenton NJ    | 2       |
| 10/03/13 | 1:46 PM  | William Baroni (Port Authority)      | New Milfor CT | New York NY   | 1       |
| 10/04/13 | 10:05 AM | Regina Egea (business)               | New Milfor CT | Trenton NJ    | 1       |
| 10/04/13 | 2:57 PM  | Regina Egea (cell)                   | New Milfor CT | Elizabeth NJ  | 11      |
| 10/05/13 | 10:21 AM | William Baroni (Cell)                | New Milfor CT | Trenton NJ    | 13      |
| 10/08/13 | 9:29 AM  | William Baroni (Cell)                | Kearny NJ     | Trenton NJ    | 8       |
| 10/08/13 | 9:49 AM  | William Baroni (Cell)                | Jersey Cit NJ | Trenton NJ    | 1       |
| 10/09/13 | 1:39 PM  | William Baroni (Cell)                | Irvington NJ  | Trenton NJ    | 7       |
| 10/09/13 | 1:46 PM  | Philippe Danielides (Port Authority) | West Orang NJ | New York NY   | 1       |
| 10/09/13 | 5:03 PM  | Philippe Danielides (Port Authority) | Wayne NJ      | New York NY   | 5       |
| 10/09/13 | 5:08 PM  | William Baroni (Port Authority)      | Peterson NJ   | New York NY   | 1       |
| 10/09/13 | 5:15 PM  | William Baroni (Cell)                | Elmwood PA NJ | Incoming CL   | 8       |
| 10/10/13 | 3:24 PM  | Philippe Danielides (Port Authority) | Roxbury CT    | New York NY   | 2       |
| 10/11/13 | 11:30 AM | Kevin O'Dowd (business)              | Roxbury CT    | Trenton NJ    | 15      |
| 10/11/13 | 11:54 AM | Philippe Danielides (Port Authority) | New Milfor CT | New York NY   | 4       |
| 10/11/13 | 11:58 AM | William Baroni (Port Authority)      | New Milfor CT | New York NY   | 16      |
| 10/11/13 | 12:17 PM | Maria Comella (business)             | New Milfor CT | Trenton NJ    | 12      |
| 10/16/13 | 7:37 AM  | William Baroni (Cell)                | Jersey Cit NJ | Trenton NJ    | 1       |
| 10/16/13 | 7:38 AM  | Philippe Danielides (Port Authority) | Jersey Cit NJ | New York NY   | 2       |
| 10/17/13 | 12:22 PM | William Baroni (Cell)                | Bloomfield NJ | Trenton NJ    | 1       |
| 10/17/13 | 12:27 PM | William Baroni (Cell)                | Bloomfield NJ | New York NY   | 2       |
| 10/23/13 | 9:20 AM  | Kevin O'Dowd (cell)                  | West Orang NJ | Morristown NJ | 2       |
| 10/23/13 | 9:28 AM  | Kevin O'Dowd (cell)                  | West Orang NJ | Incoming CL   | 7       |
| 10/23/13 | 2:39 PM  | Philippe Danielides (Port Authority) | Jersey Cit NJ | New York NY   | 5       |
| 10/24/13 | 11:32 AM | Philippe Danielides (Port Authority) | New Milfor CT | New York NY   | 2       |
| 10/24/13 | 4:45 PM  | Philippe Danielides (Port Authority) | Pleasantvi NY | New York NY   | 2       |
| 10/25/13 | 11:50 AM | William Baroni (Cell)                | New Milfor CT | Trenton NJ    | 1       |
| 10/25/13 | 3:39 PM  | William Baroni (Cell)                | New Milfor CT | Trenton NJ    | 3       |
| 10/28/13 | 8:13 AM  | Danielides (Personal cell)           | East Orang NJ | New York NY   | 2       |
| 10/28/13 | 8:23 AM  | William Baroni (Cell)                | East Orang NJ | Trenton NJ    | 4       |
| 10/28/13 | 9:02 AM  | Danielides (Personal cell)           | Jersey Cit NJ | New York NY   | 4       |
| 10/28/13 | 9:14 AM  | Danielides (Personal cell)           | Jersey Cit NJ | New York NY   | 2       |
| 10/28/13 | 9:15 AM  | Danielides (Personal cell)           | Jersey Cit NJ | Incoming CL   | 2       |
| 10/28/13 | 9:16 AM  | Danielides (Personal cell)           | Jersey Cit NJ | New York NY   | 1       |
| 10/28/13 | 9:20 AM  | Danielides (Personal cell)           | Jersey Cit NJ | New York NY   | 3       |
| 10/28/13 | 9:25 AM  | Danielides (Personal cell)           | New York NY   | New York NY   | 1       |

Phone Records Associated with David Samson

| Date     | Time     | Associated Person's Number           | Origination   | Destination   | Minutes |
|----------|----------|--------------------------------------|---------------|---------------|---------|
| 10/29/13 | 12:59 PM | William Baroni (Cell)                | Union City NJ | Trenton NJ    | 1       |
| 10/29/13 | 1:00 PM  | William Baroni (Port Authority)      | Secaucus NJ   | New York NY   | 2       |
| 10/29/13 | 2:39 PM  | William Baroni (Cell)                | New York NY   | Trenton NJ    | 3       |
| 10/29/13 | 2:39 PM  | William Baroni (Cell)                | New York NY   | Incoming CL   | 11      |
| 10/29/13 | 3:56 PM  | Philippe Danielides (Port Authority) | New York NY   | New York NY   | 2       |
| 10/29/13 | 5:17 PM  | William Baroni (Cell)                | New York NY   | Incoming CL   | 1       |
| 10/30/13 | 2:11 PM  | William Baroni (Cell)                | Nutley NJ     | Trenton NJ    | 1       |
| 10/30/13 | 2:25 PM  | William Baroni (Port Authority)      | West Orang NJ | New York NY   | 2       |
| 10/31/13 | 3:37 PM  | Regina Egea (business)               | New Milfor CT | Trenton NJ    | 10      |
| 10/31/13 | 3:59 PM  | William Baroni (Port Authority)      | New Milfor CT | New York NY   | 2       |
| 10/31/13 | 4:34 PM  | William Baroni (Cell)                | New Milfor CT | Trenton NJ    | 1       |
| 10/31/13 | 4:34 PM  | William Baroni (Cell)                | Roxbury CT    | Incoming CL   | 3       |
| 11/04/13 | 2:09 PM  | William Baroni (Port Authority)      | Burlington NJ | New York NY   | 6       |
| 11/05/13 | 8:00 PM  | Kevin O'Dowd (cell)                  | Neptune NJ    | Morristown NJ | 1       |
| 11/05/13 | 8:04 PM  | Kevin O'Dowd (cell)                  | Neptune NJ    | Morristown NJ | 1       |
| 11/05/13 | 9:44 PM  | William Baroni (Cell)                | Ocean Twp. NJ | Trenton NJ    | 3       |
| 11/05/13 | 11:22 PM | William Baroni (Cell)                | Colonia NJ    | Trenton NJ    | 1       |
| 11/07/13 | 2:15 PM  | Regina Egea (business)               | New Milfor CT | Trenton NJ    | 8       |
| 11/07/13 | 3:15 PM  | William Baroni (Cell)                | New Milfor CT | Trenton NJ    | 9       |
| 11/08/13 | 1:22 PM  | William Baroni (Port Authority)      | New Milfor CT | New York NY   | 2       |
| 11/08/13 | 5:04 PM  | Kevin O'Dowd (business)              | Brewster NY   | Trenton NJ    | 4       |
| 11/11/13 | 1:11 PM  | William Baroni (Cell)                | West Nyack NY | Incoming CL   | 10      |
| 11/11/13 | 5:41 PM  | William Baroni (Cell)                | Clarksburg NJ | Incoming CL   | 6       |
| 11/12/13 | 6:41 PM  | Kevin O'Dowd (cell)                  | New York NY   | Incoming CL   | 16      |
| 11/13/13 | 7:59 AM  | Philippe Danielides (Personal Cell)  | Jersey Cit NJ | New York NY   | 2       |
| 11/14/13 | 8:12 AM  | David Wildstein (Cell)               | West Orang NJ | Incoming CL   | 2       |
| 11/14/13 | 10:43 AM | William Baroni (Cell)                | West Orang NJ | Incoming CL   | 4       |
| 11/14/13 | 10:59 AM | David Wildstein (cell)               | Newark NJ     | Morristown NJ | 1       |
| 11/14/13 | 12:23 PM | William Baroni (Cell)                | Englewood NJ  | Incoming CL   | 2       |
| 11/14/13 | 12:54 PM | Kevin O'Dowd (business)              | Pleasantvi NY | Trenton NJ    | 18      |
| 11/14/13 | 3:41 PM  | William Baroni (Cell)                | Roxbury CT    | Trenton NJ    | 8       |
| 11/18/13 | 12:34 PM | William Baroni (Cell)                | Bloomfield NJ | Trenton NJ    | 12      |
| 11/18/13 | 1:03 PM  | Regina Egea (business)               | West Orang NJ | Trenton NJ    | 6       |
| 11/18/13 | 8:56 PM  | William Baroni (Cell)                | Morristown NJ | Trenton NJ    | 2       |
| 11/18/13 | 9:11 PM  | William Baroni (Cell)                | West Orang NJ | Incoming CL   | 6       |
| 11/20/13 | 11:03 AM | William Baroni (Cell)                | Phoenix AZ    | Trenton NJ    | 1       |
| 11/20/13 | 11:04 AM | William Baroni (Port Authority)      | Phoenix AZ    | New York NY   | 1       |
| 11/20/13 | 11:18 AM | William Baroni (Cell)                | Phoenix AZ    | Incoming CL   | 3       |
| 11/20/13 | 11:20 AM | William Baroni (Cell)                | Phoenix AZ    | Incoming CL   | 5       |
| 11/20/13 | 11:52 AM | Kevin O'Dowd (cell)                  | Phoenix AZ    | Incoming CL   | 1       |
| 11/20/13 | 6:52 PM  | Kevin O'Dowd (cell)                  | Paradise V AZ | Morristown NJ | 1       |
| 11/21/13 | 7:55 AM  | William Baroni (Cell)                | Phoenix AZ    | Trenton NJ    | 1       |
| 11/22/13 | 11:51 AM | William Baroni (Cell)                | Aiken SC      | Trenton NJ    | 12      |
| 11/22/13 | 12:19 PM | Philippe Danielides (Port Authority) | Aiken SC      | New York NY   | 13      |
| 11/22/13 | 7:19 PM  | Charles McKenna (cell)               | Aiken SC      | Morristown NJ | 4       |
| 11/23/13 | 10:29 AM | William Baroni (Cell)                | Aiken SC      | Incoming CL   | 1       |
| 11/23/13 | 10:32 AM | William Baroni (Cell)                | Aiken SC      | Trenton NJ    | 8       |
| 11/25/13 | 9:34 AM  | Regina Egea (business)               | Aiken SC      | Trenton NJ    | 17      |
| 11/25/13 | 10:20 AM | Kevin O'Dowd (cell)                  | Aiken SC      | Morristown NJ | 1       |
| 11/25/13 | 10:21 AM | Kevin O'Dowd (business)              | Aiken SC      | Trenton NJ    | 1       |
| 11/25/13 | 11:04 AM | William Baroni (Cell)                | Aiken SC      | Trenton NJ    | 1       |
| 11/25/13 | 1:08 PM  | William Baroni (Cell)                | Aiken SC      | Trenton NJ    | 8       |
| 11/25/13 | 4:21 PM  | William Baroni (Cell)                | Aiken SC      | Trenton NJ    | 3       |

Phone Records Associated with David Samson

| Date     | Time     | Associated Person's Number           | Origination   | Destination   | Minutes |
|----------|----------|--------------------------------------|---------------|---------------|---------|
| 11/26/13 | 10:35 AM | William Baroni (Port Authority)      | Aiken SC      | New York NY   | 1       |
| 11/26/13 | 10:36 AM | William Baroni (Port Authority)      | Aiken SC      | New York NY   | 7       |
| 11/27/13 | 10:04 AM | Kevin O'Dowd (cell)                  | Aiken SC      | Morristown NJ | 3       |
| 12/02/13 | 5:51 PM  | William Baroni (Cell)                | Kearny NJ     | Incoming CL   | 13      |
| 12/02/13 | 7:12 PM  | William Baroni (Cell)                | New York NY   | Trenton NJ    | 5       |
| 12/02/13 | 7:59 PM  | Kevin O'Dowd (cell)                  | New York NY   | Morristown NJ | 3       |
| 12/03/13 | 8:57 AM  | William Baroni (Cell)                | West Orang NJ | Trenton NJ    | 1       |
| 12/03/13 | 12:46 PM | Philippe Danielides (Port Authority) | New York NY   | New York NY   | 2       |
| 12/04/13 | 7:33 AM  | David Wildstein (Cell)               | Jersey Cit NJ | Morristown NJ | 1       |
| 12/04/13 | 7:47 AM  | Philippe Danielides (Port Authority) | New York NY   | New York NY   | 3       |
| 12/04/13 | 6:56 PM  | Kevin O'Dowd (cell)                  | Lawrencevi NJ | Morristown NJ | 1       |
| 12/04/13 | 6:56 PM  | Kevin O'Dowd (cell)                  | Lawrence NJ   | Morristown NJ | 1       |
| 12/04/13 | 6:56 PM  | William Baroni (Cell)                | Lawrence NJ   | Trenton NJ    | 1       |
| 12/04/13 | 6:59 PM  | David Wildstein (Cell)               | Lawrence NJ   | Morristown NJ | 1       |
| 12/04/13 | 9:53 PM  | William Baroni (Cell)                | Lawrence NJ   | Trenton NJ    | 6       |
| 12/05/13 | 7:58 AM  | Philippe Danielides (Personal Cell)  | Elizabeth NJ  | New York NY   | 1       |
| 12/05/13 | 8:07 AM  | Philippe Danielides (Personal Cell)  | Elizabeth NJ  | Incoming CL   | 1       |
| 12/05/13 | 1:35 PM  | William Baroni (Cell)                | Roseland NJ   | Trenton NJ    | 1       |
| 12/05/13 | 4:00 PM  | Kevin O'Dowd (business)              | Union City NJ | Trenton NJ    | 8       |
| 12/05/13 | 9:31 PM  | Charles McKenna (cell)               | New York NY   | Incoming CL   | 12      |
| 12/06/13 | 10:25 AM | Kevin O'Dowd (business)              | New York NY   | Trenton NJ    | 6       |
| 12/06/13 | 10:32 AM | Charles McKenna (cell)               | New York NY   | Incoming CL   | 6       |
| 12/06/13 | 12:48 PM | William Baroni (Cell)                | New York NY   | Trenton NJ    | 2       |
| 12/06/13 | 12:52 PM | William Baroni (Cell)                | New York NY   | Incoming CL   | 1       |
| 12/06/13 | 5:25 PM  | Charles McKenna (cell)               | Fort Lee NJ   | Incoming CL   | 3       |
| 12/09/13 | 10:00 AM | William Baroni (Cell)                | New Milfor CT | Trenton NJ    | 3       |
| 12/09/13 | 10:11 AM | William Baroni (Cell)                | New Milfor CT | Trenton NJ    | 2       |
| 12/09/13 | 10:15 AM | William Baroni (Cell)                | New Milfor CT | Trenton NJ    | 1       |
| 12/09/13 | 12:58 PM | Philippe Danielides (Port Authority) | New Milfor CT | New York NY   | 1       |
| 12/09/13 | 1:08 PM  | Philippe Danielides (Port Authority) | New Milfor CT | New York NY   | 2       |
| 12/09/13 | 1:25 PM  | Philippe Danielides (Port Authority) | Washington CT | New York NY   | 1       |
| 12/10/13 | 8:40 PM  | Kevin O'Dowd (cell)                  | Kenilworth NJ | Morristown NJ | 2       |
| 12/10/13 | 8:49 PM  | Kevin O'Dowd (cell)                  | Kenilworth NJ | Incoming CL   | 1       |
| 12/10/13 | 8:49 PM  | Kevin O'Dowd (cell)                  | Union NJ      | Incoming CL   | 8       |
| 12/11/13 | 3:54 PM  | Maria Comella (business)             | Akron OH      | Trenton NJ    | 2       |
| 12/11/13 | 3:56 PM  | Charles McKenna (cell)               | Fort Lee NJ   | Trenton NJ    | 4       |
| 12/11/13 | 10:09 PM | William Baroni (Cell)                | Caldwell NJ   | Trenton NJ    | 4       |
| 12/12/13 | 9:37 AM  | Kevin O'Dowd (cell)                  | Valley Cot NY | Morristown NJ | 1       |
| 12/12/13 | 10:33 AM | Kevin O'Dowd (cell)                  | New Milfor CT | Incoming CL   | 11      |
| 12/12/13 | 12:05 PM | Charles McKenna (cell)               | New Milfor CT | Incoming CL   | 17      |
| 12/12/13 | 4:36 PM  | Kevin O'Dowd (cell)                  | New Milfor CT | Incoming CL   | 10      |
| 12/12/13 | 5:36 PM  | Kevin O'Dowd (cell)                  | New Milfor CT | Incoming CL   | 5       |
| 12/12/13 | 7:32 PM  | Charles McKenna (cell)               | New Milfor CT | Morristown NJ | 2       |
| 12/12/13 | 7:34 PM  | William Baroni (Cell)                | New Milfor CT | Trenton NJ    | 1       |
| 12/12/13 | 7:36 PM  | William Baroni (Cell)                | New Milfor CT | Incoming CL   | 10      |
| 12/12/13 | 9:21 PM  | Charles McKenna (cell)               | New Milfor CT | Morristown NJ | 2       |
| 12/13/13 | 8:53 AM  | Charles McKenna (cell)               | New Milfor CT | Morristown NJ | 5       |
| 12/13/13 | 9:53 AM  | Maria Comella (business)             | New Milfor CT | Trenton NJ    | 4       |
| 12/13/13 | 9:58 AM  | Charles McKenna (cell)               | Roxbury CT    | Incoming CL   | 2       |
| 12/13/13 | 11:07 AM | Philippe Danielides (Port Authority) | New Milfor CT | New York NY   | 68      |
| 12/13/13 | 2:49 PM  | William Baroni (Cell)                | Roxbury CT    | Trenton NJ    | 8       |
| 12/13/13 | 4:45 PM  | Kevin O'Dowd (cell)                  | New Milfor CT | Incoming CL   | 2       |
| 12/14/13 | 12:11 PM | Charles McKenna (cell)               | New Milfor CT | Morristown NJ | 4       |

Phone Records Associated with David Samson

| Date     | Time     | Associated Person's Number           | Origination   | Destination   | Minutes |
|----------|----------|--------------------------------------|---------------|---------------|---------|
| 12/14/13 | 12:39 PM | Philippe Danielides (Personal Cell)  | New Milfor CT | New York NY   | 2       |
| 12/14/13 | 12:53 PM | Philippe Danielides (Personal Cell)  | New Milfor CT | New York NY   | 6       |
| 12/15/13 | 8:44 AM  | Charles McKenna (cell)               | New Milfor CT | Morristown NJ | 1       |
| 12/15/13 | 8:45 AM  | Kevin O'Dowd (cell)                  | New Milfor CT | Morristown NJ | 2       |
| 12/15/13 | 2:13 PM  | Charles McKenna (cell)               | New Milfor CT | Morristown NJ | 2       |
| 12/15/13 | 4:24 PM  | Kevin O'Dowd (cell)                  | New Milfor CT | Morristown NJ | 2       |
| 12/15/13 | 4:26 PM  | Charles McKenna (cell)               | New Milfor CT | Morristown NJ | 10      |
| 12/16/13 | 9:50 AM  | William Baroni (Cell)                | New Milfor CT | Incoming CL   | 8       |
| 12/16/13 | 10:57 AM | Philippe Danielides (Port Authority) | Paramus NJ    | New York NY   | 4       |
| 12/16/13 | 11:01 AM | Philippe Danielides (Port Authority) | Rochelle P NJ | New York NY   | 1       |
| 12/18/13 | 1:31 PM  | Philippe Danielides (Port Authority) | Kearny NJ     | New York NY   | 2       |
| 12/18/13 | 1:36 PM  | Philippe Danielides (Personal Cell)  | Jersey Cit NJ | New York NY   | 1       |
| 12/18/13 | 1:37 PM  | Philippe Danielides (Personal Cell)  | Jersey Cit NJ | Incoming CL   | 4       |
| 12/20/13 | 2:43 PM  | Philippe Danielides (Port Authority) | New Milfor CT | New York NY   | 1       |
| 12/23/13 | 11:43 AM | Philippe Danielides (Port Authority) | New Milfor CT | New York NY   | 11      |
| 12/26/13 | 2:17 PM  | William Baroni (Cell)                | Aiken SC      | Trenton NJ    | 2       |
| 12/28/13 | 10:11 AM | William Baroni (Cell)                | Aiken SC      | Trenton NJ    | 16      |
| 01/02/14 | 11:04 AM | Regina Egea (business)               | Aiken SC      | Trenton NJ    | 1       |
| 01/02/14 | 1:45 PM  | Regina Egea (business)               | Aiken SC      | Trenton NJ    | 5       |
| 01/02/14 | 3:03 PM  | Kevin O'Dowd (business)              | Aiken SC      | Trenton NJ    | 13      |
| 01/07/14 | 9:24 PM  | Kevin O'Dowd (cell)                  | Newark NJ     | Morristown NJ | 2       |
| 01/08/14 | 2:49 PM  | Kevin O'Dowd (cell)                  | Hamilton NJ   | Morristown NJ | 1       |
| 01/09/14 | 9:35 AM  | Kevin O'Dowd (cell)                  | West Orang NJ | Morristown NJ | 5       |
| 01/09/14 | 9:58 AM  | Kevin O'Dowd (cell)                  | Jersey Cit NJ | Incoming CL   | 2       |
| 01/09/14 | 1:40 PM  | Kevin O'Dowd (cell)                  | New York NY   | Morristown NJ | 1       |
| 01/10/14 | 9:13 AM  | Kevin O'Dowd (cell)                  | Aiken SC      | Morristown NJ | 3       |
| 01/10/14 | 9:17 AM  | Kevin O'Dowd (cell)                  | Aiken SC      | Morristown NJ | 10      |
| 01/10/14 | 3:13 PM  | Maria Comella (business)             | Aiken SC      | Trenton NJ    | 1       |
| 01/10/14 | 3:41 PM  | Kevin O'Dowd (business)              | Aiken SC      | Trenton NJ    | 11      |
| 01/10/14 | 3:52 PM  | Kevin O'Dowd (business)              | Aiken SC      | Trenton NJ    | 5       |

Phone Records Associated with David Samson

| Date      | Time     | Associated Person's Number           | Minutes | Description |
|-----------|----------|--------------------------------------|---------|-------------|
| 1/14/2014 | 1:32 PM  | Maria Cornella (business)            | 1       | Trenton NJ  |
| 1/21/2014 | 10:44 AM | Philippe Danielides (Port Authority) | 15      | New York NY |
| 1/17/2014 | 1:44 PM  | Philippe Danielides (Port Authority) | 17      | New York NY |
| 1/15/2014 | 4:37 PM  | Philippe Danielides (Port Authority) | 2       | New York NY |
| 1/15/2014 | 3:36 PM  | Philippe Danielides (Port Authority) | 2       | New York NY |
| 1/15/2014 | 3:21 PM  | Philippe Danielides (Port Authority) | 2       | New York NY |
| 1/15/2014 | 3:18 PM  | Philippe Danielides (Port Authority) | 3       | New York NY |
| 1/15/2014 | 10:05 AM | Philippe Danielides (Port Authority) | 13      | New York NY |

**Phone Records Associated with Joanna Samson and David Samson**  
**143 Lower Church Hill Rd.**  
**Washington DT, CT 06794-1706**  
**[REDACTED]**

| Date       | Time     | Place           | Associated Person's Number      | Minutes |
|------------|----------|-----------------|---------------------------------|---------|
| 9/27/2012  | 9:44 AM  | New York, NY    | William Baroni (Port Authority) | 4       |
| 9/24/2012  | 9:28 AM  | New York, NY    | David Samson (Port Authority)   | 2       |
| 10/4/2012  | 2:55 PM  | New York, NY    | William Baroni (Port Authority) | 1       |
| 10/4/2012  | 9:00 PM  | Trenton, NJ     | William Baroni (Port Authority) | 5       |
| 11/1/2012  | 7:21 AM  | Trenton, NJ     | William Baroni (Cell)           | 2       |
| 11/8/2012  | 3:10 PM  | New York, NY    | David Samson (Port Authority)   | 4       |
| 5/30/2013  | 9:37 AM  | Los Angeles, CA | Regina Egea (Cell)              | 1       |
| 5/20/2013  | 9:56 AM  | Los Angeles, CA | Regina Egea (Cell)              | 2       |
| 6/23/2013  | 9:32 PM  | Trenton, NJ     | William Baroni (Cell)           | 1       |
| 7/12/2013  | 2:34 PM  | New York, NY    | David Samson (Port Authority)   | 5       |
| 7/12/2013  | 5:37 PM  | Trenton, NJ     | William Baroni (Cell)           | 1       |
| 7/26/2013  | 11:44 AM | Morristown, NJ  | David Wildstein (Cell)          | 3       |
| 7/30/2013  | 1:15 PM  | New York, NY    | David Samson (Port Authority)   | 1       |
| 8/16/2013  | 10:00 AM | Trenton, NJ     | William Baroni (Cell)           | 8       |
| 8/16/2013  | 5:21 PM  | Trenton, NJ     | William Baroni (Cell)           | 1       |
| 10/8/2013  | 12:05 PM | New York, NY    | David Samson (Port Authority)   | 1       |
| 11/13/2013 | 3:11 PM  | New York, NY    | David Samson (Port Authority)   | 1       |
| 12/23/2013 | 9:04 PM  | New York, NY    | David Samson (Port Authority)   | 11      |

**Phone Records Associated with  
David Samson's  
Port Authority Telephone Number  
(212) 435-4173 - (PA)**

| Date       | Time     | Duration | Caller's Number          | From City  | From State | Receiver Number            | To City    | To State |
|------------|----------|----------|--------------------------|------------|------------|----------------------------|------------|----------|
| 1/22/2013  | 4:15 PM  | 6:47     | David Samson (PA)        | New York   | NY         | Kevin O'Dowd (Business)    | Trenton    | NJ       |
| 1/22/2013  | 5:39 PM  | 6:57     | David Samson (PA)        | New York   | NY         | Kevin O'Dowd (Business)    | Trenton    | NJ       |
| 2/5/2013   | 5:53 PM  | 0:40     | David Samson (PA)        | New York   | NY         | Kevin O'Dowd (Business)    | Trenton    | NJ       |
| 2/6/2013   | 4:37 PM  | 11:04    | David Samson (PA)        | New York   | NY         | Kevin O'Dowd (Business)    | Trenton    | NJ       |
| 2/6/2013   | 8:57 AM  | 0:40     | David Samson (PA)        | New York   | NY         | Kevin O'Dowd (Cell)        | Morristown | NJ       |
| 2/6/2013   | 9:38 AM  | 7:29     | Kevin O'Dowd (Cell)      | Morristown | NJ         | David Samson (PA)          | New York   | NY       |
| 2/20/2013  | 1:26 PM  | 0:17     | David Samson (PA)        | New York   | NY         | William Baroni (PA)        | New York   | NY       |
| 2/20/2013  | 4:15 PM  | 0:56     | David Samson (PA)        | New York   | NY         | Regina Egea (Business)     | Trenton    | NJ       |
| 2/20/2013  | 4:17 PM  | 0:24     | David Samson (PA)        | New York   | NY         | Charles McKenna (Business) | Trenton    | NJ       |
| 2/20/2013  | 5:28 PM  | 0:24     | Regina Egea (Business)   | Trenton    | NJ         | David Samson (PA)          | New York   | NY       |
| 2/20/2013  | 6:32 PM  | 0:05     | David Samson (PA)        | New York   | NY         | Regina Egea (Business)     | Trenton    | NJ       |
| 3/20/2013  | 4:42 PM  | 2:44     | David Samson (PA)        | New York   | NY         | Kevin O'Dowd (Business)    | Trenton    | NJ       |
| 3/20/2013  | 4:48 PM  | 6:14     | David Samson (PA)        | New York   | NY         | Kevin O'Dowd (Business)    | Trenton    | NJ       |
| 3/26/2013  | 10:19 AM | 0:20     | David Samson (PA)        | New York   | NY         | William Baroni (PA)        | New York   | NY       |
| 4/2/2013   | 1:18 PM  | 11:51    | David Samson (PA)        | New York   | NY         | Kevin O'Dowd (Business)    | Trenton    | NJ       |
| 4/11/2013  | 2:07 PM  | 0:12     | David Samson (PA)        | New York   | NY         | David Wildstein (PA)       | New York   | NY       |
| 4/23/2013  | 4:40 PM  | 0:19     | David Samson (PA)        | New York   | NY         | Regina Egea (Business)     | Trenton    | NJ       |
| 4/23/2013  | 4:41 PM  | 0:01     | David Samson (PA)        | New York   | NY         | William Baroni (Cell)      | Trenton    | NJ       |
| 4/23/2013  | 4:43 PM  | 3:33     | William Baroni (Cell)    | Trenton    | NJ         | David Samson (PA)          | New York   | NY       |
| 4/23/2013  | 5:08 PM  | 4:31     | Regina Egea (Business)   | Trenton    | NY         | David Samson (PA)          | New York   | NJ       |
| 4/23/2013  | 6:20 PM  | 0:09     | David Samson (PA)        | New York   | NY         | Kevin O'Dowd (Business)    | Trenton    | NJ       |
| 4/23/2013  | 6:21 PM  | 1:09     | David Samson (PA)        | New York   | NY         | Kevin O'Dowd (Cell)        | Morristown | NJ       |
| 4/29/2013  | 3:04 PM  | 0:01     | David Samson (PA)        | New York   | NY         | Philippe Danielides (PA)   | New York   | NY       |
| 5/14/2013  | 4:22 PM  | 0:01     | David Samson (PA)        | New York   | NY         | Philippe Danielides (PA)   | New York   | NY       |
| 5/21/2013  | 4:04 PM  | 6:10     | David Samson (PA)        | New York   | NY         | Maria Comella (Business)   | Trenton    | NJ       |
| 5/29/2013  | 8:32 AM  | 0:28     | David Samson (PA)        | New York   | NY         | William Baroni (PA)        | New York   | NY       |
| 6/4/2013   | 4:01 PM  | 10:38    | David Samson (PA)        | New York   | NY         | William Schuber (Business) | Hackensack | NJ       |
| 6/26/2013  | 1:56 PM  | 0:27     | David Samson (PA)        | New York   | NY         | William Baroni (PA)        | New York   | NY       |
| 6/26/2013  | 2:01 PM  | 0:24     | David Samson (PA)        | New York   | NY         | Phil Kwon (PA)             | New York   | NY       |
| 7/12/2013  | 2:37 PM  | 0:04     | David Samson (PA)        | New York   | NY         | David Wildstein (PA)       | New York   | NY       |
| 7/16/2013  | 2:12 PM  | 0:19     | David Samson (PA)        | New York   | NY         | Charles McKenna (Business) | Trenton    | NJ       |
| 7/16/2013  | 9:14 AM  | 0:08     | William Baroni (PA)      | New York   | NY         | David Samson (PA)          | New York   | NY       |
| 8/13/2013  | 3:12 PM  | 0:18     | David Samson (PA)        | New York   | NY         | William Baroni (PA)        | New York   | NY       |
| 8/14/2013  | 2:28 PM  | 0:19     | Regina Egea (Business)   | Trenton    | NJ         | David Samson (PA)          | New York   | NY       |
| 8/14/2013  | 3:45 PM  | 5:00     | David Samson (PA)        | New York   | NY         | Regina Egea (Business)     | Trenton    | NJ       |
| 8/14/2013  | 4:59 PM  | 1:29     | David Samson (PA)        | New York   | NY         | Regina Egea (Business)     | Trenton    | NJ       |
| 8/19/2013  | 10:28 AM | 0:00     | David Samson (PA)        | New York   | NY         | Philippe Danielides (PA)   | New York   | NY       |
| 9/10/2013  | 11:08 AM | 0:01     | Philippe Danielides (PA) | New York   | NY         | David Samson (PA)          | New York   | NY       |
| 9/11/2013  | 4:16 PM  | 0:32     | David Samson (PA)        | New York   | NY         | William Schuber (Business) | Hackensack | NJ       |
| 9/11/2013  | 5:03 PM  | 2:17     | David Samson (PA)        | New York   | NY         | Regina Egea (Business)     | Trenton    | NJ       |
| 9/11/2013  | 5:28 PM  | 8:05     | David Samson (PA)        | New York   | NY         | Regina Egea (Business)     | Trenton    | NJ       |
| 9/11/2013  | 5:38 PM  | 0:22     | David Samson (PA)        | New York   | NY         | Regina Egea (Business)     | Trenton    | NJ       |
| 9/12/2013  | 3:55 PM  | 0:00     | David Samson (PA)        | New York   | NY         | Philippe Danielides (PA)   | New York   | NY       |
| 9/17/2013  | 5:16 PM  | 2:57     | Regina Egea (Business)   | Trenton    | NJ         | David Samson (PA)          | New York   | NY       |
| 9/18/2013  | 3:06 PM  | 0:45     | David Samson (PA)        | New York   | NY         | Kevin O'Dowd (Business)    | Trenton    | NJ       |
| 9/18/2013  | 12:44 PM | 1:02     | Kevin O'Dowd (Business)  | Trenton    | NJ         | David Samson (PA)          | New York   | NY       |
| 10/2/2013  | 2:55 PM  | 0:05     | David Samson (PA)        | New York   | NY         | William Baroni (Cell)      | Trenton    | NJ       |
| 10/2/2013  | 2:56 PM  | 0:04     | William Baroni (PA)      | New York   | NY         | David Samson (PA)          | New York   | NY       |
| 10/2/2013  | 2:56 PM  | 8:30     | William Baroni (Cell)    | Trenton    | NJ         | David Samson (PA)          | New York   | NY       |
| 11/12/2013 | 5:10 PM  | 2:08     | David Samson (PA)        | New York   | NY         | Regina Egea (Business)     | Trenton    | NJ       |
| 11/13/2013 | 5:43 PM  | 0:36     | David Samson (PA)        | New York   | NY         | Philippe Danielides (PA)   | New York   | NY       |
| 11/13/2013 | 5:44 PM  | 0:02     | David Samson (PA)        | New York   | NY         | Philippe Danielides (PA)   | New York   | NY       |
| 11/20/2013 | 12:30 PM | 0:07     | David Samson (PA)        | New York   | NY         | David Wildstein (PA)       | New York   | NY       |
| 12/3/2013  | 6:28 PM  | 1:43     | David Samson (PA)        | New York   | NY         | Charles McKenna (Business) | Trenton    | NJ       |
| 12/6/2013  | 2:16 PM  | 0:27     | David Samson (PA)        | New York   | NY         | Philippe Danielides (PA)   | New York   | NY       |
| 12/9/2013  | 4:25 PM  | 0:00     | Philippe Danielides (PA) | New York   | NY         | David Samson (PA)          | New York   | NY       |

# Tab 42

## GIBSON DUNN

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### Memorandum

#### PRIVILEGED AND CONFIDENTIAL ATTORNEY OPINION WORK PRODUCT

To: File  
From: Gibson, Dunn & Crutcher LLP  
Re: Egea Interview Memorandum

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On January 17, 2014, February 6, 2014, and February 19, 2014, Regina Egea was interviewed by Alexander H. Southwell and Sarah Vacchiano of Gibson Dunn. Egea was not represented by counsel during the interviews. All information contained herein was provided by Egea or as indicated. The information in brackets was obtained from publicly-available sources, not from the interview itself. Egea has not read or reviewed the memorandum and has not adopted or approved its contents. Southwell began the interview by administering the standard *Upjohn* warnings per Gibson Dunn protocol, and requesting that Egea refrain from discussing the investigation and interview with others. Egea stated that she agreed, understood, and did not have any questions.

This memorandum does not contain a verbatim transcript of what was said at the meeting; rather, it is a summary of the discussion that reflects counsel's mental thoughts and impressions and is therefore protected from disclosure by the attorney work product doctrine.

#### I. Background

*[Egea earned a BA from Montclair University in New Jersey and an MBA in Marketing from Fordham University. She also completed the International Executive Program at the International Institute for Management Development in Lausanne, Switzerland. Prior to joining state government, Egea was Senior Vice President for AT&T where she managed a 300-person team supporting AT&T business sales force. She was elected to local government in Harding Township (Morris), New Jersey in 2008. Egea left AT&T in 2008 to work for the Christie for Governor campaign and policy team in 2009.]*

Upon the change in administration, Egea worked for the Policy Office, but only for two weeks until she was appointed Chief of Staff for the State Treasurer. In February 2012, she was appointed as Director of the Authorities Unit under Governor Christie. In December 2013, she was promoted to Chief of Staff, although currently and as a practical matter, Egea noted that Kevin O'Dowd remains in that role and Egea remains in charge of the Authorities Unit.

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**A. Role and Responsibilities**

Egea runs the Authorities Unit, which, Egea explained, oversees numerous different state commissions and authorities, such as NJ Transit, the Port Authority of New York and New Jersey, and the casino commission. The role of the Authorities Unit is to generally monitor the work of the Authorities and specifically review agenda items to be presented to the boards of the Authorities, in order to ensure the agenda items are legally appropriate and consistent with policies the Governor's Office has supported.

Egea said that she oversees four attorneys who serve as deputies in the Authorities Unit: one senior counsel and three associate counsel. Each deputy oversees 12-15 authorities.

Egea primarily interacts with other employees in the Governor's Office on issues of policy. On the policy side, Egea interfaces with the Chief Counsel's office. Egea said that her interactions with the Office of Legislative and Intergovernmental Affairs ("IGA") are limited; she would only interact with IGA when local events are scheduled by an authority.

Egea regularly interacted with former Chief Counsel Charlie McKenna, most often in person. She infrequently interacts with Kevin O'Dowd.

As head of the Authorities Unit, Egea said that she infrequently interacts directly with the Governor.

**B. Interactions with the Port Authority of New York & New Jersey**

Nicole Crifo was the Authorities Unit deputy responsible for the Port Authority. Egea explained that Crifo now works for the Port Authority full-time. While serving in the Authorities Unit, Crifo was responsible for reviewing the agendas for Port Authority board meetings in order to confirm appropriateness. In this role, Crifo mostly worked with David Wildstein but also worked with Bill Baroni. Prior to scheduled Port Authority board meetings, Egea and Crifo discussed any agenda items of concern and outlined questions they should ask. They would then obtain final versions of the agenda and attend the board meetings.

During Crifo's maternity leave, Kirsten Sundstrom attended Port Authority committee and board meetings on behalf of the Authorities Unit. Egea recalled attending one meeting during Crifo's maternity leave. Egea noted that Peter Simon now oversees the Port Authority on behalf of the Authorities Unit.

Aside from discussing board agenda items, Egea reported that there were "regular," but not weekly, communications with Port Authority representatives, mostly involving any communication that went to the Port Authority board. The Port Authority would also sometimes share statements they planned to issue to the press with the Authorities Unit, but in most cases Egea would not comment on Port Authority press releases. Egea noted that aside from the fact

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that the Port Authority is the "busiest" relationship the Authorities Unit manages, there is nothing different about that relationship than the Unit's relationship with the other Authorities. Port Authority personnel infrequently attend meetings at the Authorities Unit. If Port Authority personnel were to attend a meeting it would be for a specific purpose, and the attendees would be either Bill Baroni or project-specific teams (for example, Port Authority members of the Hurricane Sandy or Bayonne Bridge project teams).

Egea said that she has a good professional relationship with Bill Baroni. She said she does not socialize with Baroni outside of work, aside from having seen Baroni at an event on election night and possibly one additional professional or social event. David Wildstein mostly liaised with Crifo, aside from when Egea recalled interacting with Wildstein when there was a plane crash at the Atlantic City airport. Egea also recalled seeing Wildstein at one professional social event.

**C. Interactions with IGA**

Egea knew Bill Stepien from working on the Governor's first campaign, but they did not socialize. They did not interact when she was working for the State Treasurer. Egea interacted with Bridget Kelly on various issues, and they had a professional, but not a social, relationship.

**II. Chronology of the George Washington Bridge Events**

**A. Spring 2013**

Egea had no knowledge of anyone reaching out to the Fort Lee Mayor or his office for an endorsement in spring 2013.

**B. August 2013**

Egea was not aware at the time of the Kelly/Wildstein Fort Lee communications in August 2013 that later came to light in the media.

**C. September 9-13, 2013 – George Washington Bridge Lane Realignment**

Egea was not aware at that time of the lane realignment from September 9-13. She was not aware of the Fort Lee Mayor's requests for assistance with traffic problems during that period.

**1. 9/11 Memorial Event**

Egea was aware of the public 9/11 Memorial event taking place, but was not involved in planning it or deciding who should attend. After the 9/11 event, Egea recalled talking to Baroni, who commented that he had seen the Governor at the event. The conversation covered a number

of topics. If Baroni mentioned Fort Lee traffic problems Egea could not recall that topic coming up. Egea could not recall precisely when this conversation occurred and commented that it might have been later in the context of the Foye email (see below).

## 2. Patrick Foye's Email

Egea first learned of Foye's September 13 email from Baroni. Egea did not recall if Baroni called her to discuss Foye's email before he forwarded the email to her, or if he forwarded the email and then called her to discuss, but she recalled having a phone conversation with Baroni about Foye's email. Egea thought Baroni had mentioned something about a traffic study prior to Egea reading Foye's email, because she recalled that when she read the email she then realized that the email concerned the traffic study that Baroni had mentioned. During this phone conversation, Egea asked Baroni what Foye's email was all about, and Baroni said that the Port Authority was doing a traffic study. Egea recalled that Baroni explained they were studying the inefficiencies in the current lane alignments and that there was a view that it was inefficient to have so many lanes dedicated along the side of the plaza. The focus of their conversation was on why Foye would have sent such an email, and Baroni commented that Foye was simply interfering and meddling, offering no explanation for why Foye sent the email. Egea found this to be a common refrain, as there were regularly tensions between the New York and New Jersey Port Authority representatives. Because the Foye email was laced with accusations, Egea asked if Baroni had done anything wrong, and Baroni responded that nothing inappropriate had been done. Egea felt reassured by Baroni's response.

Egea recalled forwarding Foye's September 13<sup>th</sup> email to Crifo. Egea said that she likely discussed the email with Crifo, but did not recall the conversation. Egea did not recall discussing the email with anyone else in the Governor's Office.

## D. October 1, 2013 *Wall Street Journal* Article

After the *Wall Street Journal* article came out on October 1, 2013, Egea recalled speaking separately with both Baroni and Crifo about the article. Egea was flabbergasted that the email was leaked. Egea discussed with both Baroni and Crifo that someone (likely Foye) must be feeding the press with the intent of embarrassing and accusing Baroni. The focus of the discussions was on the apparent tension between Baroni and Foye.

Egea recalled that she may have also had a similar discussion with Maria Comella because this involved the press, although they agreed this was an internal Port Authority matter for it to respond to. At some point during this time, Egea recalled that she may have been asked by someone in the Governor's Office how she knew about the Fort Lee traffic issue, and she would have responded that the Port Authority was doing a traffic study and that she knew about the Foye email but considered it an internal Port Authority matter.

Egea was scheduled to meet with Baroni and Wildstein at the State House at 3 p.m. on October 2, 2013 to discuss a Port Authority capital project related to transporting trash. Crifo was also scheduled to attend the meeting. Egea cancelled the meeting with Baroni and Wildstein to attend a meeting with the Governor about the Economic Opportunity Act with the Governor, Michele Brown from the New Jersey Economic Development Authority, and other members of senior staff.

**E. October 7, 2013 – Port Authority Committee Meeting**

At some point, Egea heard that Senator Weinberg had informed the Port Authority that she wanted to appear at an upcoming Port Authority committee meeting. Baroni called Egea about it, and he told her that this was not standard at committee meetings, as public comment periods are generally held only during board meetings. Egea discussed the issue with Crifo, and she recalls that their view was that there was no guidance one way or the other—it was not standard to have public comment at a committee meeting, but there was nothing that prevented it. Because it was a policy call, Egea referred Baroni to McKenna. Egea recalled that on the morning of the committee meeting, Egea emailed Baroni asking how the question had been resolved regarding Senator Weinberg's request to speak at the committee meeting. Baroni responded that the Senator would be allowed to speak for the customary three minute limit.

Egea thought she told McKenna that Baroni would be calling about Senator Weinberg's request. Egea remembered that McKenna's reaction had been that, as a courtesy, the legislator should be allowed to speak.

Crifo also attended the October 16 Port Authority board meeting and provided Egea with a meeting update afterwards. At that time, Egea understood that the lane realignment was being internally reviewed by the Port Authority.

**F. November 2013, 2013 – Baroni's Testimony**

**1. Review of Baroni's Draft Testimony**

Egea recalled hearing at some point that Assemblyman Wisniewski wanted Port Authority representatives to appear at a hearing and explain what happened regarding the Fort Lee lane realignment. Prior to the hearing, Egea reviewed Baroni's opening statement. He provided a hard copy of his opening statement to Egea. Baroni asked Egea to only make comments and circulate revisions in hard copy. Egea shared the opening statement with Crifo, and they both reviewed and joined a conference call with Baroni on November 19, 2013, to discuss his opening statement and provide their comments. Egea recalled that the conference call was scheduled for a half hour but lasted longer than that. Egea believed she gave a hard copy of her handwritten comments to Crifo, who brought them to Baroni, as she had a meeting at the Port Authority. Egea did not believe she emailed her comments and did not retain a copy of her proposed revisions or the revised draft statement after discussing the upcoming testimony

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with Baroni prior to it occurring. Egea recalled the nature of her comments were to keep the statement short and simple, and for Baroni to simply address what he had been asked to talk about—what did they do, and why did they do it. Egea also conveyed to Baroni that he should acknowledge that he did not follow normal protocol for communicating about operational decisions and should acknowledge his error in that regard. She further thought Baroni should include the traffic study results, which she recalled based on the statement, showed that there was improvement on Tuesday and Wednesday (there was not improvement on Monday because there had been a crash on the Cross-Bronx Expressway). Egea recalled telling Baroni to stay focused on that. The topic of who authorized or knew about the lane realignment did not come up in this conversation. There was also nothing in her conversation with Baroni or the materials Egea reviewed reflecting that anyone in the Governor's Office knew about the traffic study, and there was nothing suggesting that in any of the materials she saw. Egea understood the lane realignment to be a Port Authority traffic optimization opportunity.

Egea recalled a second conference call with Crifo, Baroni and Wildstein to discuss Baroni's draft testimony, but she did not have a specific recollection of the substance of that call. The calls were done on speakerphone, and Egea stated that there could have been other participants on the call from the Port Authority, but she does not remember anyone else participating except Crifo, Baroni and Wildstein.

Egea mentioned to McKenna that she was helping Baroni to be clear and concise in his statement. Besides McKenna and Crifo, she did not talk to anyone else in the Governor's Office about this. She is not aware of whether McKenna spoke to Baroni.

Egea saw at least two hard copy versions of Baroni's testimony (an initial and revised version), but she no longer has any copies. Looking at the handwritten comments on a draft copy of Baroni's testimony released publicly by the Select Committee on Investigation, Egea confirmed the handwriting was mostly hers and confirmed which of the handwritten comments belonged to her. Egea also explained what the comments meant. All of the comments were consistent with how Egea described what she had been trying to effectuate through her comments on Baroni's draft testimony.

Egea recalled Kelly asked if Egea knew what the substance of Baroni's testimony was going to be. Egea told Kelly that she had been on a call with Baroni about his testimony and was working on Baroni's opening statement. Egea recalled giving a copy of Baroni's draft testimony to Kelly.

Egea listened to Baroni's testimony online alone in her office. She said that Baroni used an opening statement that she had not seen before and that he had not taken a lot of her advice. Egea recalled thinking that Baroni admitted that the Port Authority had a business problem but had not communicated the problem effectively.

**G. December 2, 2013 – Press Conference**

Egea found out shortly before the Governor's December 2, 2013 press conference that the Governor planned to announce Egea as Chief of Staff, replacing O'Dowd. Shortly before the press conference started, the Governor called Egea to ask her to make remarks about her announcement as incoming Chief of Staff. She did not recall questions asked during the press conference about the lane realignment, in part, because she was distracted by the events.

**H. December 6, 2013 – Wildstein's Resignation**

Egea was not part of the internal discussions about Wildstein's resignation. She knew he was going to resign, but could not recall how she knew.

**I. December 9, 2013 – Wisniewski Committee Hearing**

Prior to the December 9, 2013 Assembly Transportation Committee hearing, Egea did not know what the witnesses were going to say. Egea listened to the testimony online and thought the Port Authority employees sounded professional.

Egea did not specifically recall any internal discussions about the testimony, although she believed she probably discussed it with Crifo and McKenna. Egea believed she may also have texted the Governor her thoughts about the Port Authority employees sounding professional during their December 9, 2013 testimony.

**J. December 13, 2013**

**1. Senior Staff Meeting**

Egea attended the senior staff meeting with the Governor an hour or two before the press conference on December 13, 2013. Senior staff were seated around a conference table. Egea did not recall where she was seated at the table, and added that O'Dowd and McKenna were seated on each side of the Governor where they typically sat. Drewniak and Matt McDermott (Appointments Director) arrived late to the meeting.

In that meeting, Egea recalled Governor Christie making statements that his Administration was not handling itself well lately. The Governor said he wanted to go out and publicly talk about the Fort Lee lane realignment issue, but he had to know beforehand whether any of his senior staff were involved. The Governor sternly communicated that if anyone had any information on the lane realignment, they needed to come forward and immediately communicate that information to O'Dowd or McKenna. The Governor added that he was about to go out publicly and would say that no one in that room was involved if that were the case, so now was the time to come forward and tell the truth if anyone there knew anything. He spent

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some time reiterating these points. The focus of the comments was on the motivation for the lane realignment and the accusations of political retribution.

Egea recalled O'Dowd calling her the night before to ask if she knew anything on this topic; she told him no. McKenna also went to Egea before the senior staff meeting on December 13, 2013 and she told him she did not have any information.

**2. Post-Senior Staff Meeting and Pre-Press Conference**

After the senior staff meeting but prior to the press conference on December 13, 2013, Egea recalled seeing Kelly, Stepien and O'Dowd talking in Kelly's office. Egea recalled Kelly was sitting at her desk and Stepien and O'Dowd were standing. Egea did not know what they were talking about, and did not recall the tenor of the meeting or the demeanor of Kelly, Stepien or O'Dowd.

**3. Press Conference**

Egea recalled being aware generally that the Baroni resignation was coming, in part, because she knew Gramiccioni had been slotted into that role. She became aware of this around two or three weeks prior to the day his resignation was announced, probably from a mention at a senior staff meeting.

**K. January 8, 2014**

**1. Kelly's Emails Revealed in *The Bergen Record***

Egea became aware of the press reports on the Kelly/Wildstein communications the morning of January 8, 2014. Egea believed that Crifo sent her a text to look at *The Bergen Record* article, which Egea then read. She then called O'Dowd, who said he was just reading the article.

Egea recalled being at a 10 a.m. scheduling meeting that was leanly attended. Kelly was not at the meeting, and the press reports were not discussed. Egea believed she was the only senior staff member who attended the scheduling meeting on January 8.

**2. Meeting at Drumthwacket**

On January 8, 2014, O'Dowd asked Egea to go to Drumthwacket at noon. Egea recalled that in attendance were the Governor, Kevin O'Dowd, Charlie McKenna, Paul Matey, Maria Comella, Michele Brown, Bill Palatucci, Mike DuHaime, Chris Porrino, and over the course of the day, others. Egea left Drumthwacket to go home at approximately 7:45 p.m. that evening.

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Egea described being blindsided by the press reports and was trying to figure out what it all meant (referring to the Kelly/Wildstein email of August 13, 2013). She had never seen the most troubling Kelly/Wildstein exchange and had no inkling of any such thing. During this gathering, Egea further recalled the Governor saying that he needed to know who knew what. Egea also recalled telling the group that she had talked to Baroni about his testimony. She did not remember what anyone else said about who knew what. Egea further recalled that the Governor made the decision to fire Kelly and that Porrino was to speak to Kelly the next morning to do that. Egea also commented on talking points that Comella was drafting for the Governor's January 9, 2014, press conference the next day.

The following day, Egea was in the Governor's office before the press conference, along with others.

**L. January 9, 2014 – Press Conference**

Shortly before Governor Christie's press conference announcing the termination of Kelly, Cristina Renna came to Egea's office. Egea commented that she didn't really know Renna but recognized her. Renna said that she wanted Egea to know about "this" before the press conference, then pulled out a copy of a September 2013 email about one of her subordinates having spoken with the Fort Lee Mayor about traffic at the time of the lane realignment. Egea relayed that Renna told her she had forwarded the email to Kelly to inform Kelly, and Kelly replied, "good." Renna added that the reason she was bringing this up was that on December 12, 2013, Kelly had directed her to delete the email. Renna relayed to Egea that she had, in fact, forwarded the email to a second personal account to preserve it, and then deleted it from the original account. The print out of the email was from Renna's personal account.

Renna also told Egea that she thought Baroni had pursued an endorsement from the Mayor of Fort Lee at some point. Egea relayed this information to Porrino the next day. Approximately two days later, Melissa Orsen told Egea that Renna had come to see Orsen first on January 9, 2014 and Orsen told Renna that she should go see Egea. Egea thought that another IGA staffer, Vincent Napolitano, was also present during this meeting with Renna, but she was not sure.

After the press conference, Egea and Porrino met with the IGA team because Egea was concerned that they had felt blindsided as well. Porrino instructed them not to delete any relevant documents.

Egea said that she has not had any conversations with Kelly since she was fired. Egea also said that she has not had any conversations with Wildstein, Baroni, or Stepien since then.

**III. Document Retention Notices**

Egea received the document retention notices and is in compliance with them.

**Supplemental Exhibit 1**  
**5/13/14 *New York Times* Article**

Lane Closings Were 'Idiotic,' Christie Aide Testifies - NYTimes.com

<http://www.nytimes.com/2014/05/14/nyregion/christie-spokesm...>

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## Lane Closings Were 'Idiotic,' Christie Aide Testifies

By KATE ZERNIKE and MARC SANTORA MAY 13, 2014

TRENTON — The chief spokesman for Gov. Chris Christie of New Jersey testified on Tuesday that he was misled about why lanes leading to the George Washington Bridge were closed last September, and was “shocked and disoriented” when he learned that the motive appeared to be political vengeance.

The spokesman, Michael Drewniak, the most senior administration official to testify before the legislative committee looking into the matter, said neither the governor nor any of his closest advisers in his office were involved in the lane closings.

“I can say with complete confidence and comfort that none of these people, starting with Gov. Chris Christie, had any involvement whatsoever in this reckless and perplexing episode,” Mr. Drewniak said. He also said he had not had a role in it.

“I had no knowledge or involvement in the planning or execution of this strange, unnecessary and idiotic episode that brings us here today,” he said. “Nor did I play any role in any actual or perceived cover-up.”

He also said that the working relationship at the Port Authority of New York and New Jersey between officials from the two states was so toxic that it led him to dismiss concerns about the traffic jam.

Mr. Drewniak offered the most detailed account to date of the series of warnings that were either dismissed or ignored by top Christie officials and ultimately led to a crisis that continues to threaten the Republican governor’s political future.

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Mr. Drewniak's testimony was challenged, however, in statements issued later to The New York Times by the lawyer for David Wildstein, who at the time was the director of interstate projects at the authority.

Mr. Drewniak, questioned by Democrats on the committee about why he used private email accounts for some of his exchanges with Mr. Wildstein about the bridge, said he used private and work accounts interchangeably, mostly because it he found it easier to respond to emails on his iPhone than on his government-issued BlackBerry.

Mr. Wildstein's lawyer, however, shared an email from Mr. Drewniak indicating that he had long previously instructed Mr. Wildstein to discuss politically sensitive matters only on his private Gmail account.

According to the email, he was requesting information from Mr. Wildstein about the controversial toll increases that Mr. Christie had pushed through the Port Authority — which was the subject the legislative committee was originally charged with investigating. He instructed Mr. Wildstein and the Port Authority's chief financial officer to share the email "gmail only" with Kevin O'Dowd, Mr. Christie's chief of staff.

"I need the toll hike schedule going forward in an email (gmail only) for O'Dowd," Mr. Drewniak wrote. "I told him what your CFO was putting together, which he thought was a good idea (also via gmail only)."

Mr. Wildstein's lawyer, Alan Zegas, also challenged Mr. Drewniak's statement that he rarely saw Mr. Wildstein socially.

Mr. Zegas noted that Mr. Wildstein had been a guest — along with the governor — at Mr. Drewniak's wedding in October 2012, and that as recently as Nov. 25, 2013, as the lane closings were beginning to attract more notice in the news media, sent Mr. Wildstein a photograph of a fish he caught on his vacation in Mexico, closing by saying, "Would love to get together when we're back."

Mr. Drewniak acknowledged that from the moment the local traffic lanes in Fort Lee, N.J., leading to the bridge were closed on Sept. 9, complaints poured in to the administration. The lane closings backed up traffic for hours each day.

On Sept. 12, with the lanes still closed, Mayor Mark Sokolich of Fort

Lee made a frantic plea for help to the administration.

On Sept. 13, Patrick J. Foye, the top New York official at the Port Authority, ordered the lanes reopened and sent a harshly worded letter to his New Jersey counterparts saying the closings were dangerous and possibly illegal.

But even after Mr. Drewniak learned of Mr. Foye's letter, several weeks later, no major alarm bells went off in the administration, he said.

The poisonous relationship between officials at the bistate agency "colored" how he responded, he testified.

Mr. Drewniak said it would be fair to characterize the relationship between top officials from the two states as one of hatred.

Mr. Foye's main antagonist from New Jersey was Mr. Wildstein, who was forced to resign from the Port Authority and has become something of a wild card in the scandal.

After the scandal erupted in early January, his lawyer released a letter saying that "evidence exists" to show that the governor knew about the closings while they happened, contrary to what Mr. Christie said publicly.

In his testimony on Tuesday, Mr. Drewniak described a dinner he had with Mr. Wildstein in December at which Mr. Wildstein claimed that he had told the governor about the closings when the two briefly met at a Sept. 11 memorial event.

Mr. Drewniak said that when he told Mr. Christie about Mr. Wildstein's claim after their dinner, the governor was incredulous.

"He thought it was ridiculous," Mr. Drewniak said. The governor said it was, perhaps, a "drive-by remark."

Mr. Christie has said publicly he does not recall any discussion with Mr. Wildstein about the lane closings.

In previous hearings, much of the focus has been on Bridget Anne Kelly, who was Mr. Christie's deputy chief of staff for legislative and intergovernmental affairs. She is the official who sent an email to Mr. Wildstein saying, "Time for some traffic problems in Fort Lee."

He replied, "Got it." She was fired in January by Mr. Christie.

But on Tuesday, the focus was on Mr. Wildstein.

Mr. Drewniak said he was surprised when emails were made public that indicated that the motive for the lane closings was political. He said it was "a deep betrayal on both a personal and professional level."

Someone he trusted had lied to him, Mr. Drewniak said. "I now know how badly, regrettably even naïvely, I misplaced that trust," he said.

Kate Zernike reported from Trenton, and Marc Santora from New York.

A version of this article appears in print on May 14, 2014, on page A25 of the New York edition with the headline: Lane Closings Were 'Idiotic,' Christie's Spokesman Tells Panel.

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**Supplemental Exhibit 2**  
**12/13/13 Press Conference Transcript**

## **Port Authority Press Conference December 13, 2013**

### **Opening Remarks**

Good morning.

I'm here to make a few announcements today.

The first one is that I have accepted Bill Baroni's resignation as the deputy executive director of the Port Authority effective today, and I'm here to announce that Deborah Gramiccioni will be the new deputy executive director of the Port Authority. Deb has been a trusted advisor to me for ten years and I appreciate her willingness to step forward and take on this new assignment for me.

Before she came to work for me in the state government Deb has a long track record of getting results in the world of law enforcement and taking on really difficult tasks that I've assigned to her and others have assigned to her as well.

I first met Deb in 2002 when I became US Attorney, and she was already an assistant United States Attorney for the District of New Jersey in the Special Prosecutions Division, which was the area that handled public corruption in our former office, and she worked for me there from January of 2002 through November of 2005.

In the fall of 2004 I promoted Deb from her position in the Special Prosecutions Division to become the chief of the Commercial Crimes Unit. She left my employ in the fall of 2005 to go to the Department of Justice in Washington and continued working there on issues of public interest by supervising the department's prosecutions under the Foreign Corrupt Practices Act. She then came home to New Jersey to serve as the director of the Division of Criminal Justice in the office of the Attorney General in the Corzine administration under Attorney General Anne Milgram, where she oversaw all criminal investigations and prosecutions brought by the state of New Jersey. In January of 2010 I asked Deb to come with me into the Governor's Office and made her the director of the Authorities Unit where she served from January of 2010 to 2012 and then since January of 2012 she has served as my deputy chief of staff for policy and cabinet liaison. She undertook the difficult task of overtaking an Authorities Unit that had not seen any significant supervision over the outside authorities in years, and she took the steps that we worked on together to be able to make sure that we took more control of the independent authorities.

Specifically, she identified, reduced, and eliminated many of the perks at the Port Authority of New York and New Jersey for their employees that were not available to the general public, including free or reduced tolls, and free ridership on the PATH trains, bringing accountability to the performance-based bonus system they had there, sick time payouts, use of official Port Authority vehicles, company credit cards, paid holidays, employee contributions towards health insurance and retirement plans, and abolished the practice of free tolls for non-work related travel for Port Authority employees, and her work at the Authorities Unit was much broader than just on the Port Authority of New York and New Jersey. Some of the vetoes that she prepared for my consideration and which I executed were the 2011 veto of the operating budget of the New Jersey Redevelopment Authority because it contained a 3% raise for staff as well as additional funds to an employee gift program, the budgets for the DRBA, the Waterfront

Commission of New York and New Jersey, the New Jersey Racing Commission and the Maritime Pilots and Docking Pilots Commission when they acted against the interests of the taxpayers. 2011 expenditures that had been ratified by the board of the DRPA because the payments were made under a contract that had not been competitively bid, and excessive spending practices at the Turnpike Authority and the Higher Education Student Assistance Authority as well as the DRPA on spending issues as well.

So based on the recommendations that Deb made to me I've also eliminated other egregious and longstanding practices at these authorities. In August 2010 I ordered the DRPA to enact 16 sweeping reforms, all of which were passed by the end of that year.

I also called upon the Turnpike Authority and the South Jersey Transportation Authority to eliminate the longstanding practice of allowing their employees to cash in sick and vacation days on an annual basis at authority expense and ended bonuses to employees based on longevity and other factors not closely tied to performance. Those practices were eliminated at Deb's direction with my authority in November of 2010, and together we worked on the sweep out of the board and the practices of the Passaic Valley Sewage Commission, immediately suspended and ultimately accepted the resignations of six of the seven commissioners at the PVSC, leading to executive orders installing new leadership at the PVSC, to the reduced cost to the ratepayers who get service from the PVSC and has led I think to the great recovery that has happened for the PVSC in the aftermath of Hurricane Sandy.

So I am sending to the Port Authority somebody who has been one of my most trusted friends and advisors for the last ten years, and my instruction to her is the instruction that I have given to her in every task I've asked her to undertake for me, to use her best judgment, to put integrity first, and to make sure that she makes the tough decisions that need to be made in order to make sure that the taxpayers of this state and in the case of the Port Authority the toll payers of the region are protected and respected.

I want to thank Senator Baroni for his four years of service to the people of the state and of the region, and I look forward to changes that will result from Deb's leadership along with Chairman Samson and the other commissioners of the Port Authority of New York and New Jersey.

So I'm going to introduce Deb to make some remarks and then I'll come back to take your questions. Thanks Deb.

**Deborah Gramiccioni:** I would just like to thank the Governor for his continued faith in me. It has been an honor to work for the Governor the past ten years, first as an assistant US Attorney, then as director of the Authorities Unit and now as deputy chief of staff. I also want to thank my policy team. I'm going to miss all of you, and I'm ready to get to work. I thank all of you.

**Governor Christie:** Thanks Deb. Questions.

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**Question:** Why did you think Senator Baroni needed to resign?

**Governor Christie:** Senator Baroni offered his resignation and I accepted it. But this was nothing that I hadn't planned already. For those of you who listened to me carefully, and I suspect most of you do, when I announced my changes to my chief of staff's side of my

Governor's Office, and announced Amy Cradic as the policy chief, I said that Deb was going to continue in government but in a different capacity. I had already made the decision at that time to send Deb to the Port Authority. I was waiting to make the announcement, to do it with the other front office announcements I intend to make next week, but when Senator Baroni offered his resignation I accepted it and figured I might as well say Deb's the person who's going there so that's why I accepted his resignation because he offered it and I already had planned and he knew I had planned to replace him a while back with Deb, and so that was no surprise to him, but he offered his resignation now and I accepted it because I thought it was the appropriate thing to do given all the distraction that's going on.

**Question: David Cruz: With two resignations in about a week, do you still think this Port Authority thing is just a Wisniewski obsession?**

**Governor Christie:** Yeah listen, I think that the politics of it is because the fact is that's what Senator Baroni said when he testified in front of Assemblyman Wisniewski's committee was that a mistake was made. I think the senator admitted that from the testimony I heard, that they believed the traffic study needed to be done but that they didn't do it appropriately or correctly within the protocols of the Port Authority and give the appropriate notices, and he apologized for that, so I have never said that a mistake wasn't made, but what I said was that with all the other politics swirling around it was created and manufactured, but the mistake was made. People make mistakes David and mistakes are made and when mistakes are made people have to be held accountable for them, and Senator Baroni went in front of the committee and took responsibility for the fact that he did not follow the protocols that exist at the Port Authority in approving the traffic study that was recommended by Mr. Wildstein, and so he's taken responsibility for that as well he should, because he's the lead person for New Jersey at the Port, and he's the one who approved it at Mr. Wildstein's request, so yeah I still think it's a whole lot of hullabaloo but, you know, people who make mistakes take responsibility for them, but that does not discount the really great work that Senator Baroni has done over the last four years at the Port Authority and I appreciate his hard work for that, and as I said this was a change I was going to make anyway in the normal course of the transition and had alluded to that, whenever that was, a week or so ago, when I announced the changes in the front office staff but did not identify what Deb's next assignment was going to be because I wanted to do things in a certain order.

**Follow up: So to be clear at no point did you instruct anybody to close lanes into the GWB and you did not tell anybody to do that to get back at the mayor of Fort Lee.**

**Governor Christie:** Absolutely not. In fact I have to tell you the truth David. I don't have any recollection of ever having met the mayor of Fort Lee in my four years. I may have at some Bergen County event or something. He was not somebody that was on my radar screen in any way, politically, professionally, or in any other way until these stories came out in the aftermath of the closing, so yeah. The answer is absolutely unequivocally not and, you know, as I said I think Senator Baroni has admitted that the way they conducted the traffic study that was suggested by Mr. Wildstein was done, you know, in a mistaken way and he's taken responsibility for that and that's it.

**Question: David Matthau: Governor, a week and a half ago I asked you if you thought the Port was out of control and you said no. Since then we've gotten stories where a traffic study was requested, lane closures were requested. Some people knew about it, other people didn't. There was some confusion about this. It seems to suggest that there's**

**something very dysfunctional about the Port Authority. What's your sense of that and do you still think they're not out of control?**

**Governor Christie:** Well listen I don't think they're out of control because I think there's a lot of things they're doing David that they're doing extraordinarily well. There are multiple major construction projects that are being undertaken under the supervision of the Port Authority and in the main I think being done very well, whether you talk about the World Trade Center, the Pulaski Skyway, the helix at the Lincoln Tunnel, the Bayonne Bridge, Route 440, all of those things are being done under Port Authority supervision and I think being done from the reports I've gotten very well, so I think the core mission of the Port Authority is being done well. I know when stories like this come out and they become sensationalized the easiest thing to say is they're out of control. I don't sense that they're out of control. Does that mean they're mistake free? No, and as someone has pointed out recently this is a huge governmental entity, with a budget that's bigger than many states' budgets. So there are going to be mistakes made, just like there's mistakes made in state government on a regular basis. What matters is how you respond to the mistakes, not whether you make them or not because we're human and people are going to make mistakes and I think that's what Senator Baroni has said in his testimony to Assemblyman Wisniewski so I would still be reluctant to paint with a broad brush that it's an out of control agency. I don't believe so and in fact if you look at the independent audit report that was done and ordered by Governor Cuomo and I think they commend both Governor Cuomo and I for a lot of the changes we have made to the Port Authority and the things that management has done there, so there's always more work to do but yeah, I'll still stick with it's not an out of control agency.

**Follow up: In listing Deb's credentials there was a lot of reference to her leading up various agencies and situations that she's been involved with. Are you looking for her to clean up the Port Authority?**

**Governor Christie:** I'm looking for her to be her, which will be more than the Port Authority can handle, I guarantee you. It's been plenty for me to handle for the last ten years and it will be more than the Port Authority can handle. I emphasized those things because that's who she is, you know? When you introduce a person who has been an integral part of this administration but a low-key part of the administration publicly—many of you in this building know Deb and have gotten to know her a bit and know the work that she's done for me and how great she's been, but the general public wouldn't know her. I mean in fact I heard a story the other day talking about how no one's ever heard Kevin O'Dowd speak in a microphone before a week ago. So for those of us who spend our lives in this building we tend to assume, myself included, that everybody's who's so integral to the operation of government is known by everybody and they're not, and so my introduction of Deb was not meant to be anything other than a recitation of what I think her strengths were and her particular expertise in dealing with independent authorities, which is what she did exclusively for me for two years I think with great success and so I want to give you and the public you report to comfort that the person I'm sending over there is a really highly competent qualified and accomplished professional who knows a bit about what she's walking into and despite that she's taking it. So that was the reason for the introduction.

**Question: Matt. Governor, when did you or somebody from your office call Governor Cuomo and ask him—**

**Governor Christie:** The story is categorically wrong. I did not have that conversation with Governor Cuomo in any way, shape, or form, and Governor Cuomo didn't have it with me. So—

and when the story came out yesterday I called him and said did we talk about this? And he said no. And I said I didn't think so. Good. I want to make sure I'm not going crazy. So the story was wrong.

**Follow up: Did you talk about it when you called him yesterday?**

**Governor Christie:** No we pretty much got off the phone after that, you know?

**So you haven't spoken about this issue?**

**Governor Christie:** Let me just say this: I am going to keep to my longstanding policy and his longstanding policy that we don't talk about the content of our conversations unless someone, some third party who was not involved in any conversations we've had mischaracterizes it to all of you, and then I think we both feel it incumbent upon us to clear that up, but otherwise I'm not going to get into the specifics of what I talked to Governor Cuomo about, whether it's about the stuff you all were all asking me about two weeks ago or the stuff you're asking me about now. Safe to say—as he said, Governor Cuomo and I speak on a regular basis and I'm glad that we do. It's different than the relationship I had with Governor Paterson. Governor Cuomo and I speak on a regular basis about issues of mutual concern and we have a very good relationship and I'm happy that we do because it helps to make things go much more smoothly in the relationships between the two states.

**Question: Angie. Governor, can you say with certainty that someone else didn't on your staff or in your administration act on your behalf for the lane closures for political retribution?**

**Governor Christie:** Yeah, I have absolutely no reason to believe that Angie, and I've made it very clear to everybody on my senior staff that if anyone had any knowledge about this that they needed to come forward to me and tell me about it and they've all assured me that they don't.

**Follow up: Your campaign chief?**

**Governor Christie:** Oh yeah. I've spoken to Mr. Stepien, who's the person in charge of the campaign and he has assured me the same thing.

**Follow up: Is Mr. Wildstein still on the payroll?**

**Governor Christie:** No he's not. He's off the payroll as of today.

**Question: Terry. It's kind of come out that if he were my guy I would have fired him. Do you plan to seek any kind of change internally to the culture?**

**Governor Christie:** No, I think listen, because I think there are different interests of the two states, right? Some of the things Terry we have in common and some things are particularly of interest to New York or New Jersey, and so it's the nature of a bistate agency, and so I'm not going to tell Governor Cuomo what he should or shouldn't be doing with the folks that he appoints, whether it's commissioners or the executive director in the same way that he wouldn't tell me, instruct me to do anything like that. Now we'll always have and we've always had open conversations with each other where we share opinions with each other. But I think we're very respectful of the sovereignty of the two states despite the fact that we share a bistate agency and I think we need to continue to be respectful of that, and so if we give advice to each other

as colleagues and friends that's one thing. But we shouldn't be instructing each other to do things with regard to the agency because I think then that gets over a line which may violate the sovereignty and the sovereign interests of your own individual state, and my first obligation is to the people here in New Jersey and doing things that I think are in their best interests.

**Question: Michael Aron. Did Wildstein or Wildstein and Baroni order this traffic study as retaliation for a non-endorsement?**

**Governor Christie:** Michael, I can only tell you what Senator Baroni has said publicly and to everybody in this office, was that they believed the traffic study was necessary and that they ordered it, but that the way they did it was mistaken and they didn't follow protocols, and the fact is—one of the things that I think that I heard in listening to some of the testimony was that you heard one of the professionals from the Port Authority say that Mr. Wildstein had raised this issue of these toll lanes with him back in 2010 and why were there specific three lanes just for Fort Lee? So this is apparently, although that's the first I had heard of that, listening to the testimony, so the idea that somehow this is directly connected to the campaign I think is one of the things that's missing the boat here and it wasn't Senator Baroni's testimony or even executive director Foye's testimony. It was one of the professionals at the Port Authority who testified the other day who said that the first time Mr. Wildstein asked him about this was in the fall of 2010. So I think this was something obviously that was an ongoing concern and issue for Mr. Wildstein going all the way back to 2010. So that's why I think the connection is more a coincidence of timing than it is anything else and certainly no one on my staff nor Senator Baroni or Mr. Wildstein has given me an indication to the contrary directly or publicly in the testimony that they've given.

**Question: John. Was it ever raised to your attention?**

**Governor Christie:** Never. No. It wasn't, and in fact one of the things John I thought was interesting when you listen to Mr. Foye's testimony earlier this week, he said he didn't know about it until Friday. Now that—he's the executive director of the Port Authority, and no one brought it—if the traffic was so awful, no one brought it to his attention until the fifth day in. So if it didn't get to the executive director of the Port Authority you can be guaranteed it didn't get to me. A, factually, it did not get to me, and the first I ever heard about the issue was when it was reported in the press, which I think was in the aftermath of Mr.—the leaking of Mr. Foye's e-mail. I think that was the first I heard of it. But it was certainly well after the whole thing was over before I heard about it.

**Darryl: Are you satisfied with the explanation from Bill Baroni and David Wildstein?**

**Governor Christie:** I have to assume they're not lying Darryl. I mean, you know, so I mean I don't think that Senator Baroni would not tell the truth. I've known Bill for a long time as many of you have and I don't see Bill Baroni as a guy who doesn't tell the truth, and he's never done that, in his relationship with me, and I've known Bill probably for fifteen years, longer probably. I think I first met Bill in 1994, so it's nearly twenty years now. I met him when I first ran for freeholder in Morris County. So I've never known Bill Baroni not to be a truth teller to me, and so I'm not going to assume he's not telling the truth now. I assume he is, because Darryl in the end people make mistakes, and I think what Bill said, Senator Baroni said when he got behind the microphone at that hearing was that he apologized for not following the protocols and assured the committee that it wouldn't happen again. So to me that's an admission of a mistake but it's certainly not something that's going to change my opinion of Senator Baroni's tenure at the Port Authority, which I think was a very good one, where he fought very hard and got a lot of projects started

for New Jersey that needed to be started for a long time, like the Bayonne Bridge and others, so I still have great respect for Senator Baroni and consider him a good friend.

**Question: Jenna.**

**Governor Christie:** He was going to go anyway Jenna. Clearly you were not listening to me before. I had made the decision a while ago that I was going to move Deb to the Port Authority.

**Distraction?**

**Governor Christie:** That's why he announced his resignation today. He was going to go sometime in the next few weeks during the transition period when other people were moving, and I was giving Deb an opportunity to finish up her work here as the policy chief and have an orderly transition to Amy Cradic as the new deputy chief of staff. So this was all happening in what I thought was going to be in the normal course of a six to eight week transition from the election through the inaugural. Bill, you know, said that this has become such a distraction that he didn't want to cause any more problems, so he knew he was going, so he went today, and I appreciate his willingness to do that because, you know, he was going to go anyway, so don't connect the two. I had made the decision quite some time ago that four years at the Port Authority as the deputy ED was enough for anybody, and that I wanted to give someone else a chance to do that job. I had already spoken weeks ago to Deb about her willingness to go to the Port Authority, and she said she was willing to do that, so that was decided weeks ago, and everybody involved in the inner workings of the Governor's Office knew that.

**Follow up: Do you think Foye pushed too hard?**

**Governor Christie:** Listen, I don't know enough about exactly what Mr. Foye did or did not do in the reaction to it. All I know about it is the memo that was leaked to the newspapers, and so I don't know enough about it to know whether I think he did everything he should have or did too much. It was never my analysis of it, and it's kind of akin to what I said to Terry. I mean, I think the analysis and review of Mr. Foye's performance on all things is really within the purview of the governor of New York because he's the guy who appoints him, the same way the performance of Senator Baroni is my purview more than it is Governor Cuomo's.

**Question: Mr. Baroni identified one specific statement he made. Do you believe any other mistakes were made?**

**Governor Christie:** Don't know. I don't know. You know, I think Senator Baroni said he should have used the appropriate protocols within the Port Authority to make sure everybody knew what was going on, and if that's a mistake Bill thinks he made I have no reason to believe that there are any other ones because he was questioned I think pretty carefully by Assemblyman Wisniewski's committee so—but in the end look, he admitted it was a mistake, and I think it's obvious that it was, and so, you know, we move on from there. I mean, I just, you know, to me it's always disappointing but never a shock that, you know, people will make mistakes, but at least, you know, Senator Baroni owned up to the mistake and testified so publicly.

**Question: David Cruz. Are there any questions that you have to get to yet?**

**Governor Christie:** I don't think so. I don't think so. Certainly in response to Angie's question said that I've spoken to everybody on my staff and asked anybody around here and my campaign manager if they knew anything more about this that we didn't already know and

they've told me no, and so, you know, the chief of staff and the chief counsel assure me that they feel comfortable that they have all the information we need to have, so I don't think so David, and—but, you know, we're going to turn the page now. I mean, you know, we're sending new leadership over there in Deb and I have absolute faith and confidence in her ability to be able to do the job and do it very aggressively and do it well for the people of the state and the region and that's I think the most important thing.

**Question: Heather. National Democrats will make an issue of this.**

**Governor Christie:** National Democrats will make an issue about everything about me, so get used to the new world everybody, you know? We're not in Kansas anymore Dorothy. That's the way it goes, so it's fine.

**Question: Have you spoken to Senator Baroni?**

**Governor Christie:** I have not spoken directly to Senator Baroni in the last period of time. He's been communicating with my chief of staff and my chief counsel, so I don't know, but I'm sure, since this has come as no surprise to him I'm sure, you know, that he was already looking to line things up for himself in the aftermath because he knew that this was going to come to a conclusion, you know, at the end of 2013 and the beginning of 2014.

**Question: Charlie Stile. The bridge manager talked about how he feared speaking out of turn because there was a strong indication that if he did so or raise objections to the plan that he might lose his job. Can you address that, sending Deborah up there? Is that something that's a priority to address going up there that, should address this culture of fear**

**Governor Christie:** It's the first I heard of it Charlie and if—I mean, he's been there 20-something years, so I don't know. If he's really worried about that either he hasn't spoken up for 20-something years or it's really not as bad as he perceives it to be, I don't know, but certainly what I told Deb to do is to conduct herself the way she's always conducted herself with me. Aggressive, integrity, and effectiveness, and I'm sure that's what she'll do, and I don't think culture of fear fits into any of those three adjectives.

**Question:**

**Governor Christie:** I think we've complied with everything that they've asked for over time that's legally appropriate, and I'll leave that to the, you know, folks in the counsel's office at the Port Authority and the commissioners there to make the judgment about what it is they believe they're legally obligated to do and I assume that they'll comply with the law, so certainly I have no reason to believe we won't do that. We've done it all the time anyway, including having, you know, Mr. Baroni, Senator Baroni show up without need of a subpoena, and then Executive Director Foye and two other folks in compliance with a subpoena so I think when they've asked us to come and they didn't subpoena us Senator Baroni came, and when they subpoenaed, for whatever reason, Executive Director Foye and the two folks underneath him, they complied, so I assume they'll review that. I'm not giving, you know, junior legal opinion here, OK? I assume that the lawyers at the Port Authority will review that with the commissioners and they'll make whatever decisions they think are legally appropriate for them to make. I've never seen them not do it that way so I can't imagine they wouldn't normally.

**Question: Michael. Do you intend to keep David Samson there?**

**Governor Christie:** I do. Yeah, I intend to keep David there.

**Question:** David Matthau. If he was doing a good job why did you make that judgment in regard to Baroni and not Samson?

**Governor Christie:** Well first of all because four years is enough I think for—remember Baroni, Senator Baroni has the day to day responsibility of management of the New Jersey side of the Port Authority. That's significantly different than Chairman Samson's role, which is not a day to day role. It's a part-time position, a part-time nonpaid position, so the responsibilities of Chairman Samson, even though he takes them very seriously and I know spends a significant amount of his time at the Port Authority, he's not a paid employee. He's there on a voluntary basis and he's not responsible for day to day operations. I think if you look at the tenure of deputy executive directors at the Port Authority, Senator Baroni has one of the longest tenures of any administration in recent time. Most of the time you see people over there for a year and a half, two years, and governors move them through relatively quickly. I think it's a testimony to Senator Baroni and his skills and ability and performance that I kept him there for four years. You know, I haven't had many people David who have stayed in the same job for four years with me. Bagger bailed out on me after two years for God's sake. So, you know, you have people in high-pressure positions who decide they want to go and do something else. So I'm pleased that Senator Baroni was willing to stay for four years, but I had made the judgment as a management position that four years of the day to day management of the Port Authority was enough and that someone else deserved a chance to have an opportunity to have that experience and do that job, and given that Deb was the person who really whipped the authorities into shape in this administration I thought this would be a great next step in her career both for her and for me, and that's why I asked her to do it weeks ago—it was right after the election, right? Yeah. Right after the election I asked her to do it before she left on vacation. I got her at a weak moment when she was really excited about leaving to go on vacation with her husband, and she said yes and we moved on, so that's why David, and no one has a lifetime entitlement to these jobs A, and B I really do think that circulating new management through there is good for the organization, but it doesn't reflect in any way on Senator Baroni. I think what reflects on him is that he had the job for four years, which is a lot longer if you look historically at that position, which I'm sure you'll go back and look. It's—people don't usually have it for that long a period of time, not typically.

**Question:**

**Governor Christie:** Yeah. I continue to be firmly in favor of instate tuition for the children of undocumented folks who came here under, you know, no decision of their own, and I continue to be for that and will be for it, and I'm hoping that the Legislature will see their way to not lard additional things on there that have nothing to do with tuition equality. I'll say to you again, when I stood before the Latino Leadership Alliance I picked my words very carefully. I said I am for tuition equality, and I am for tuition equality. I didn't say I was for TAG Grants. I said I was for tuition equality. This whole idea that there's one bill, only one bill that could have only meant the Senate bill, well until yesterday the Assembly bill was for tuition equality with no TAG grant eligibility. So this whole idea that somehow, you know, I could only have been possibly talking about the Senate bill—well, there was an Assembly bill at the very same time that didn't have anything to do with Tuition Assistance Grants. I didn't say I was for the Senate bill. I said, and there were those of you who were there, I think Jenna was there and others, I said I believe we need to work with the Legislature for—towards tuition equality. Secondly, I'd refer you to my answer in the second debate, I think to a question that Michael asked me about this topic, and I

was very specific. I said we have to work with the Legislature to find a budgetary reasonable way to provide tuition equality and that I was hopeful we could work that out in lame duck. Well, let me ask you a question: if I was for the pending Senate bill, what would I be looking to work out? I said I was for budgetarily responsible tuition equality for the state, and I still am, and if the Legislature sends me a bill on tuition equality I will sign it, happily sign it. If they send me things that lard other more expensive programs on top of it then we're going to have a disagreement, and I hope that what we all decide to do is to put the interests of these DREAMers ahead of politics. I want the DREAMers to get tuition equality so that the children who achieve and want to go to college get an opportunity to do so at the same rate that other children who are living in this state have, but that doesn't include other program eligibility, and when they try to lard that on top of it I'm going to object, and so I want all the folks out there to understand this position very clearly from me. I am for tuition equality. I believe with the recent investment we've made in our colleges and universities that they are in a better position to be able to sustain the additional cost that it will be with them getting instate tuition from more folks than they did before and I think it's the right thing to do. Send me a clean bill, I'll sign it. Send me a bill that lards new spending on there and overreaches then we're going to have an objection and we're going to have to figure out a way to work it out. But let me also be clear: you know, I want to work it out, because I want this to happen for the young men and women in this state. But I won't be taken to the cleaners, so let's all be fair with each other. You want compromise? Let's compromise. Let's be smart.

**Question: Terry.**

**Governor Christie:** No. You know Terry, Terry, you know, I know you're not a political expert but I don't think this is probably the appropriate time for me to be delving into Traffic Study II, you know? I think at an appropriate time if the Port Authority commissioners believe that this is something that needs to be studied with a full protocol-driven expert derived study I wouldn't be opposed to that because I do think that three lanes for one town is too much, just inherently. Now I'm no expert. This isn't me like going in, you know, with a clicker, you know, by the tollbooth counting, OK? This is just my feel for it because as I told you all when I spoke about this the last time I didn't even know that there were three dedicated lanes and tollbooths for Fort Lee until all this stuff happened. So, you know, I've just been one of the dopes who have been, you know—before I was Governor, you know, riding in the regular lanes. Now that I'm Governor there's less of a concern about the traffic for me, but—

**Question: Matt.**

**Governor Christie:** Matt, you really think that I want to like go now and say show me the traffic study so I can read it. The fact is Bill Baroni, Senator Bill Baroni is a friend of mine, has been I think an outstanding public servant both in his time in the Legislature and his time at the Port Authority and I have no reason not to believe him and I don't interpret Mr. Foye's testimony in the same way you do. He didn't say there wasn't one. I think what he said was he wasn't aware of one. That's very careful wording.

**Question:**

**Governor Christie:** Well that may be part of the problem with the Port Authority. If they really need several years of debate to close a couple of lanes that probably should be one of the things we should study, but the fact is I think, because I was listening to a lot of this testimony, I think what they really said was you didn't have to do it but you could do it that way. I think what he said was what my engineers would tell me is that there's lots of ways to figure this out, so—

but he didn't say that you shouldn't do it this way—well, but he said you could do it that way too. As I remember hearing the testimony he said my engineers would tell me there's lots of different ways to do it. This is one of them. There could be ways where you didn't have to close the lanes. I would just tell you as, like a normal driving person, right, that it would seem to me you can't understand the effect of the elimination of those lanes without seeing what the effect would then be on traffic in the town that used to use those lanes. Now that's just common sense to me, so please, I'm not an engineer and I don't have the ability to be one, but that makes sense to me. Now I heard his testimony and there may be other ways to do it. But that's why in response to Terry's question, man, I'm not getting into another traffic study. If somebody wants to do another traffic study at the Port Authority and they want to do it in the way that—in a couple of different ways that engineers might suggest amen, because I do think, having sat in that traffic from the main lanes a lot, especially as a New York Mets fan driving over there in a hurry to try to get to a game by 7:10, you know, I would love to have three more lanes to go through there. So I do think that it's a question that should be examined at some point, but if I'm going to—I'll put it to you this way Terry: I'm not going to call Samson today and say hey, listen, Monday, let's get that traffic study going and see how we do. I think everybody needs some time to calm down and we need to then just have the professionals decide if this is something that makes sense. I'm not a professional. I'm just telling you my commonsense layman view of it.

**Follow up:**

**Governor Christie:** Yeah, well, that's a little bit problematic too because the people who predominantly have access to those lanes are the three lanes that come from Fort Lee, and it's really hard, from what I'm told, to make your way over to that from the normal traffic lanes, that it really takes—now listen, these are New Jersey drivers, so maybe a bunch of them do make the daring three lane maneuver over, but I think most people don't. I think most people stay straight in that kind of traffic, so I understand it's possible to access those toll lanes from the regular lanes, but what I'm told at least by folks up there is that it's difficult to do it, and that if that access was taken away and it was cleared up that it would be much easier to do it. Again, this is secondhand stuff. I haven't done it myself, but that's what I'm told.

**Question: Heather.**

**Governor Christie:** You know what? I don't want to second guess the inspector general. If the inspector general believes that he should look into it then he has every right to look into it. I mean I don't have any problem with it. I don't know what basis upon which he made the decision so I can't really evaluate critically Heather whether I think it's necessary or not but I do know the inspector general has every right to do investigations on Port Authority matters and I certainly wouldn't criticize him for it. But I'm not going to put my imprimatur of approval on it because I don't know what the basis was for him making that judgment.

**Question: Jenna.**

**Governor Christie:** I think he said he made a mistake. I mean—you know Jenna, I know, I know, there's got to be a time—I'm sure it probably is unlikely, but that you made a mistake in a story. By definition you didn't do it on purpose. It was a mistake. And it's difficult to explain why you didn't do something when you didn't not do it on purpose, right? So Bill Baroni—Senator Baroni has characterized this as a mistake. I am not curious. Believe me, I've heard more about this than I ever wanted to hear. So if you think my curiosity isn't satiated, my curiosity is more than satiated at the moment on this topic.

**Question: Matthew.**

**Governor Christie:** I'm responsible for everything that happens in this government Matt. So sure, absolutely. I'll take my share too. I didn't know anything about it, but I'm responsible. For every person who acts in this government I am ultimately responsible. So, you know, if you want to hear me say that I'm happy to say it because it's true. I'm ultimately responsible for every person that I put in this government and the actions they take. That's different obviously than direct responsibility but ultimate responsibility sure. And so, you know, I understand that. When things go well, you know, you get credit sometimes for things that you don't really deserve the complete credit for and when things go poorly sometimes you get blame for things that you don't completely deserve blame for. But that's the nature of this job, and I got broad shoulders. I'm fine.

**Question: David Cruz.**

**Governor Christie:** You heard my answer on that before, right? Listen, there is no consideration of race or ethnicity in determining who gets any grants through Sandy relief, and it's just another make-work report from a hack group that's looking for attention. That's all it is. There is absolutely no consideration David. There's no consideration of that by anyone in this government. And so statistical anomalies occur, but there's no—race and ethnicity is not considered in the distribution of Sandy grants. Never has been, never will be.

**Question: Angie.**

**Governor Christie:** Well first of all I think the Fort Lee mayor then later backed off that comment from what I understand, and later said no, he really had no basis to make that statement. So I think he obviously changed his mind from when he said something to something else, and I don't think Foye ever said anything that was inconsistent with what Baroni said. I think all Foye ever said was that he didn't know why it was done, and he hadn't been informed and that it didn't follow protocols, and I think that's consistent with what Baroni said. I don't think Foye said anything differently than that in the testimony that I listened to, not to all of it, because I had some meetings, but I listened to most of it and I certainly got briefed on the accounts of it afterwards and I don't think, I don't think that Mr. Foye said anything inconsistent with what Senator Baroni said, and in fact as I heard his testimony, he was laudatory of Mr. Baroni and said he thought that Senator Baroni did a great job and that he enjoyed working with him and that he hoped to continue to work with him so I don't see any inconsistencies between that.

**Follow up:**

**Governor Christie:** No. Bill Baroni said that he didn't communicate to everybody that he was supposed to. I think that's completely consistent. Baroni says his biggest mistake was not communicating the greenlighting of the study throughout the agency. Foye says I didn't know about the study. That seems to me to be completely consistent. What would be inconsistent is if Baroni said I told Foye and Foye said no you didn't. I didn't know. Baroni said he didn't communicate and Foye said he didn't know. It seems to me to be perfectly and completely consistent, the two.

**Question: Michael.**

**Governor Christie:** I oppose committing the sales tax, and I've said that before. I think it's a bad idea and if they're going to do that they better come up with another way to replace that

revenue or cut spending in that amount, because you keep committing, and this is what Democrats do. They did this as you know Michael with a portion of the sales tax back in 2006, and it is injurious to a governor's ability to have flexibility to budget appropriately and effectively, and it's grandstanding. Have some guts. You know we—they know that that's the inappropriate way to do it. But it's the easy way to do it. Belly up to the bar and come up with a real idea, not one of those, because all that does—and I'll be very clear: they do that, I'll be the one to decide where the spending gets cut to pay for it, and I don't suspect they're going to like where I'm going to decide to cut.

**Question: David Matthau:**

**Governor Christie:** I think it's a pretty quiet lame duck David and I think the reason why is that there's really no changes. You know, it's not like the lame duck four years ago where Governor Corzine was frantically trying to stuff through everything, you know, he could before the Evil Empire arrived in Trenton, you know? It's not one of those things. The Governor's staying the same. The Legislature is predominantly in numbers at least staying the same with a couple of minor personality changes and a new Speaker. So I don't think that Speaker Oliver's going to try to jam some stuff through in her last, you know, few weeks here as Speaker to try to do anything, so I don't see a real urgency to lame duck this time because it's really just a date on a calendar now. It's not any major changes. If you were having a change of administration here or a change of majority in one of the houses then I think you'd see a much different and a kind of frenetic pace, but here things are essentially staying the same. So it's just a date on the calendar. We'll move on to a new session on January 14<sup>th</sup>, and so I don't feel any sense of urgency. We'll try to get some stuff done. I've met with the Senate President. I've met with the Speaker, with the incoming Speaker, to talk about what he may have planned for the 14<sup>th</sup> and forward and we're having some good conversations. I met yesterday with Senator Kean on lame duck agenda specifically to get what his views are. I met earlier in the week with Assemblyman Bramnick to discuss the same thing. So we're all talking to each other and I wouldn't expect any type of like late night frenetic activity like you had four years ago. I think it will be more kind of just the normal pace of things, with the exception of maybe things that might expire by the end of the term, whether they're going to try certain overrides or other things that would expire. That's going to be up to them, but I think it will be the normal course of kind of legislating.

**Question: Heather.**

**Governor Christie:** You know, I don't know. I read a lot of different opinions from the advocates out there about what they, whether they want additional legislation or don't want additional legislation. You all know my position. My position's very clear on this issue, has been for years and—but beyond that I don't want to comment on anything that might come from the Legislature because it seems to me Heather there are so many different ideas out there, from advocates and from different legislators, that it's probably a little early for me to get involved in the mix and giving opinions on any particular ideas. Let's see when and if they come up with anything and when and if they do then I'll give you my view as we get closer.

**Question: David.**

**Governor Christie:** Now we're into the sweet spot, thank you very much. Well I do think for Yankee fans it's very interesting that Curtis Granderson's coming to the Mets and wearing Babe Ruth's number. I think that's particularly interesting. Listen, as a Met fan, the fact that they're doing anything in the off-season to improve the team is a moment of great relief for me and to the extent that we can move north of 74 wins next year as a result of some of this stuff will be

great and I hope that Colon at 40 years old—like I hope he's really staying healthy in the off season, takes care of himself so that he's ready to pitch 200 innings in the spring, but I'm happy with all the things they've done in the off season, because I think every one of them gives us the chance to improve the team. And as somebody who spends a lot of time watching these games, seeing some better baseball would make my summer a lot more pleasant.

**Question:** John Reitmeyer:

**Governor Christie:** Yeah, this seems to be the eternal Senate-Assembly debate, right? Assembly controlled by the folks in the north, the Senate controlled by the folks in the south. John, I'll let them fight it out. If they come to some consensus then I'll be happy to consider the consensus position they come to, but at this point this seems to be kind of an annual rite of passage, right, the last number of years and let's see if the Legislature comes to any consensus. If they do I'm happy to consider it. If they don't I'll be happy to move on to something else.

**Question:** Jenna.

**Governor Christie:** Don't know. I'll have to check into it. Don't know. Charlie.

**Question:** Charlie.

**Governor Christie:** Well listen, I want us to do everything we can not to make us a magnet. I think the biggest thing but not the only thing Charlie in the legislation that makes us a magnet is the TAG eligibility, but I think also, I think there are ways for us to clean up the out of state problem that would not run afoul of federal law and I'm ready to work with the Legislature on that in a way that I think would do no violence to people's ability to be able to access tuition equality, so by not mentioning it I don't want to say that I have abandoned it in any way because I haven't, but I do believe there's a way for us and I'm not going to get into the legal details here, but I think there's a way for us according to my counsel to be able to deal with that in a way that wouldn't run afoul of federal law and would go towards what even the sponsors have said they don't want. They don't want New Jersey to become a magnet, and I think the TAG grants is the biggest part of that, but I also think that the out of state issue is a part of that and we don't want to lard things onto this that go beyond the principle that we stand for, which is we're for tuition equality, and I want the kids who have been here years and years and years and who we've paid hundreds of thousands of dollars to educate through the elementary, middle school, and high school system, to be able to go to college in New Jersey at an affordable rate if that's what they choose to do because that's good for New Jersey's future and it's good for those children's futures and their families. I want to do that, but I am not Charlie—you know what's going on here. You know, give them your belt, they want your pants, OK? And I'm not—I'm just not going to get into that game.

**Follow up:**

**Governor Christie:** Let me just say I don't—as usual, I don't characterize my conversations with legislative leadership, but let me just say that we talk regularly about a whole range of issues, and I think I've signaled very clearly, standing behind this microphone twice now, that I'm more than happy to reach compromise, but I am not going to be taken to the cleaners. So I don't think I can be any clearer than that Charlie. You know Charlie, when I'm not willing to compromise I say no, and you've heard me say that plenty of times behind this microphone so I'm willing to work with people but I am not willing to be taken to the cleaners on this and I'm not

going to be taken to the cleaners on it, because if I get taken to the cleaners the taxpayers get taken to the cleaners. Someone in this building's got to worry about the taxpayers. It's my job to do that.

**Question:** Jenna

**Governor Christie:** Ads for the Super Bowl? No I don't. Maria, have I been asked to do ads for the Super Bowl? No. I don't think so. No one's asked me. We are examining a newer round of tourism advertising to do, you know, hopefully earlier than we were able to do it last time, because I think we'll have the money to be able to do it. Well, Shore advertising, tourism advertising, yes. So we're examining that, and I have the folks at the EDA and folks at Tourism working together to come up with a plan to present to me and I've asked them for that plan to be presented to me before the end of the month, because—well, we don't know exactly how we're going to do it yet Jenna, so that's—I'm asking them to work with the people at HUD, to work with our state budgetary officers to see the best way for us to do it, but I think the one thing that we knew from last time—and we told you all this, that we thought we were starting very late. That was because we didn't have the federal funding until, you know, near the end of May. We're in a different situation this time and I think the testimony you heard yesterday I believe is consistent with that, that the folks in the tourism industry love the ads but said they started too late and thought the optimal time for us to start with that is January or February. I agree with them. I wish we could have done that last year but, you know, we didn't have the federal funding authorized and distributed to us in time to do it, so I've said to my folks months ago we've got to get a plan in place by the end of December if we're going to do tourism advertising to get that tourism advertising started you know, late January, early February when people start to make their summer vacation plans, and I think that's really important for us to do. I'd like to be able to do it and we're working on ways to pay for it, so stay tuned. We'll have more to say about it and I should have a plan to me from EDA and the Tourism folks, you know, by the end of this month.

**Matt:** This has been obviously something of a distraction. You've spent an hour on it here. Were you angry once you realized what happened here and what Wildstein and Baroni did?

**Governor Christie:** You know, I wouldn't characterize myself as angry Matt. It just—you know, I don't like when mistakes are made, because of the question you asked me, right? Like, are you ultimately responsible? Yeah. I mean it's OK when I make the mistakes, you know, that I'm responsible. When others make the mistakes I'm—you know, it bothers me. But I think anger would probably be a little bit too strong a word. Bothered probably would be the better word, you know? I was bothered by it but, you know, folks around here—when I'm angry you tend to be able to see it. I don't hide it all that well. I'm not angry but I'm bothered when people make mistakes that wind up reflecting poorly on their performance, because their performance is the performance of this administration, and so I'd rather have us all doing things well, and so I'm bothered whenever that happens. But, you know, as I said before, I commend Senator Baroni for his service, for his four years there. I know how hard that job is and he worked very hard at it. So did Mr. Wildstein at the job he had and, you know, it's unfortunate for them that a mistake got made near the end of their tenure but, you know, that's just the way life works sometimes so no, I wouldn't call myself angry, but bothered, yeah. I mean, I'd rather not be doing this, but, you know, this is the job. So, you know, when you lead this is what you've got to deal with sometimes, but other times, you know, I'm standing behind here when the folks that work for me have done extraordinary things, herculean things, that I get to smile and stand here and put my arms around them and take credit for it. So if you're going to do that you got to be prepared to do this too, and that's OK. I'm a big boy. I can handle it.

**Reporter:** Why do you think you'd been blamed?

**Governor Christie:** Have I been? I don't think I've been blamed?

**Reporter:** People pointing fingers.

**Governor Christie:** Well, listen there will be people politically who point fingers at me all the time from the DNC down. I don't feel—let me put it this way: I don't feel blamed for this at all because I had nothing to do with it. But, in answer to Matt's question, I'm ultimately responsible for anything that anybody does in my administration, whether I appointed the people or whether there are people who are career people. You know, you're the Governor. You're in charge and you have to take responsibility, but that's very different than feeling blamed. I don't feel blamed, I don't feel put upon. You don't hear me up here whining or complaining. Like this is my job. I have to take responsibility for the things that happen on my watch. I'm happy to do that. It's part of the job. So believe me, when I feel like I've been wronged, you'll know it. I'm not very good at hiding any of my emotions, OK? And I don't try to. So if I really felt like I was being blamed wrongfully here or something—I don't feel blamed. I feel responsible because any time mistakes are made by people who are in my administration the Governor is ultimately responsible for all of that, and like I said, it's a double-edged sword. Some days that's really great because there are things that go on around here that I don't know about or that I don't know the seriousness of them and how well they're progressing and then all of a sudden people come into my office and say guess what? We've been able to accomplish X. We get to go out and announce it. Well, I probably have done very little work personally on that and I get credit for it. Well, when mistakes are made that I have nothing to do with, you know, I have to take responsibility for that too. And I think that more people in public life should do that. You know, this is the way it is. This is the way public life works. And am I bothered by it? Sure. This is not the way I necessarily wanted to spend my Friday morning, but that's the way it goes, you know? So you know, you don't have to worry. Nobody has to pray for me over the weekend. I'll be fine.

**Question:**

**Governor Christie:** I'd be both excited and amazed given their performance last week where they didn't stop the Chicago Bears once during a game so I'm just hopeful that the Cowboys can hold on and make it to the playoffs, although they're going to have a tough time with the Eagles so we'll see what happens. But if they came? Listen, if you're the Governor of the state where the Super Bowl is and the team you root for makes it that would be pretty good, so of course I'd be excited and thrilled if they did, but let me put it this way: I am not counting on it given the defensive performance of the last few weeks. I am not counting on the Cowboys making it to East Rutherford on February 2<sup>nd</sup>.

So as much as I have enjoyed this time with all of you and would love to spend more I'm sure I have to go in there and do something so I'm going to call it a day and call it a weekend for all of you and for me. Thank you for coming, and I want to once again thank Deb, whose legs are probably asleep at this point, for being willing to answer the call again. Let me let you know, every time over the last now nearly twelve years that Deb and I have known each other, every time I have asked her to step forward and take on a task for me she has taken that task on and done it extraordinarily well.

Oh, one last thing, because I have to clear this up for all of you because there has been some writing about this: she's from Livingston too, so don't think that this makes some enormous cabal or conspiracy, but she is from Livingston too but significantly younger than me.

So we'll see you all soon. Have a good weekend.

###

**Supplemental Exhibit 3  
Authorities Transition Report --  
Executive Summary**

## **AUTHORITIES TRANSITION REPORT – EXECUTIVE SUMMARY**

Thank you for the opportunity to be a part of your transition team. Each member of this transition subcommittee personally met with or spoke to leaders of numerous authorities. Each deserves a great deal of credit for volunteering numerous hours, gathering valuable information and making serious recommendations.

It should be noted that the recommendations and opinions expressed herein do not reflect the opinions of each member of the subcommittee. Rather, this is a compilation of the most important observations and suggestions made by individual members.

Our subcommittee reviewed the budgets, missions and initiatives of various authorities. In some cases, very specific recommendations are made for changes or further examination where a need was seen. In other cases, due to significant overlap with other subcommittees, we limited our scope of examination and may make no recommendations, leaving those to the committees which only focused on one major policy area.

It is important to note that every single authority had overlap with one subcommittee or another. Therefore, in some cases, we allowed the entire examination and subsequent recommendations to be done by the subcommittee with the more specific focus. Efforts were made to avoid duplication.

Admittedly, there are times our recommendations and observations may go beyond our scope, or perhaps be inconsistent by those made by another committee, but where it was felt a recommendation was necessary, it was made. At times, we even looked beyond authorities when our research took us in certain directions and made recommendations that are felt to be in the best interest in the state's citizens.

This executive summary is separated into sections.

The first section makes recommendations as to how the Governor-Elect and his administration should approach all authorities as a whole. The goal is to recommend a framework as to how all authorities should be approached, regardless of the obvious differences between them. With so many authorities, it is imperative that there be a guiding philosophy in approach so there is consistency when dealing with the staff and leadership at each.

In the second section, specific recommendations pertaining to some individual authorities are made. In some instances, important and timely issues are raised without a recommendation. This is done

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when the issue deserves attention, but it is felt more research needs to be completed by the incoming Administration.

#### **Section One:**

#### **Recommendations as to how the Governor Should Approach All Authorities Units**

The independent nature of authorities units has caused some to be, at best, underutilized assets in helping governors pursue their goals, and others, at worst, to be ineffective government organizations that waste public dollars. All too often, the authorities have been an afterthought. Given the vast resources and potential of the many state and bi-state authorities, it is imperative that they receive equal direction and are held as accountable as any state department or agency.

As one would imagine, when dealing with dozens of authorities, some operate far more effectively and efficiently than others. Some serve obvious and useful purposes for our citizens; some seemingly serve parochial interests and/or waste money.

In order to maximize the effectiveness of all authorities and cut down on the waste that is prevalent throughout these units, the governor can do five things across all the Authorities units to improve their performances.

- Bring a Clear Vision
- Create Accountability
- Control the Agenda
- Consolidate
- Require Fiscal Restraint

Also, special consideration should be given to how vision, accountability, appropriate control, fiscal restraint and even consolidation can be brought to bi-state authorities. While the governor has less ability to unilaterally do this at bi-state authorities, some things can be done, which will be discussed at the end of this section.

#### **Vision**

For each individual authority, the new Administration should review their mission, plans and budgets for the next two years. Too often, these entities are simply going about their business, well-intentioned in nearly all cases, but without focus or direction from the front office.

Literally billions of dollars are spent by various authorities throughout our state. This money will help our state and her citizens, but the money will be spent more effectively if the governor provides the vision, in an appropriate fashion, as to how those dollars are spent (or saved).

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So much good can be done with the vast power and relative financial strength of many authorities, but their underutilization would be a missed opportunity if no focus is given to each.

Contrary to what one may think, many of the leaders on a staff level at the authorities clearly crave this type of direction, and often complained about ineffective liaisons with the Governor's office. Strong policy planning is needed, and then the system of communication must become an effective two-way street.

The system of communication between the individual authorities and the governor's office must be improved and strengthened if common goals are to be met. With so many authorities, it is clear some, even very large ones, have suffered from a lack of communication and direction with key players in the Governor's office.

#### Accountability

The same lack of attention also leads to a lack of accountability. As stated previously, billions of public dollars are spent by state and multi-state authorities. While there is not enough time during a transition to audit scores of authorities and commissions, it is clear that there is waste. It is also apparent, that few people have truly ever scrutinized the waste and poor financial prioritization seen in a number of authorities. The leaders of the authorities must know the Governor's office will scrutinize their books, and utilize all the power at its disposal, to bring accountability to each.

Audits of all authorities should be conducted early in the new Administration's tenure. If this is not feasible, there are a few that deserve a special look, which will be apparent in the specific recommendations made later in this report.

Sounding much like private parties often can, authority directors often complained about dealing with other authorities or government agencies. This is merely further evidence of the frustration that can be found everywhere with the ineffective nature of some inside the government.

#### Control

In order to bring vision and accountability to these authorities, it is important to exercise control over the authorities to the levels that are appropriate and afforded to the Governor under the law. Obviously, different authorities are set up with varying levels of control that the Governor may appropriately exercise.

- Use Veto Authority –
  - This is a powerful tool at the Governor's disposal. All authorities must act in a fiscally responsible manner and promote the vision of the Governor or face a veto. Early use of veto power, if necessary, would show that the Governor's office means what it says in terms of its vision and accountability.

- Legislative Remedies to Veto Authority –
  - The governor has no veto authority over some large-budgeted authorities, such as the Passaic Valley Sewerage Commission, the Casino Control Commission, the Meadowlands Commission, the Casino Control Commission and the North Jersey Water Supply Commission. If and where appropriate, the legislature should consider taking action to give veto authority to each and every authority.
  - Where there is veto authority, consideration should also be given to extending the timelines for veto authority where the turnaround time does not allow for thorough review by the Governor's office.
- Executive Directors –
  - The vast majority of executive directors are dedicated public servants who were very cooperative and looking to serve the interests of our state. That said, evaluations should be made on each as to how well he/she has performed and will perform during the next administration.
- General Counsel –
  - It is apparent that the general counsels within each authority can have considerable power of what can and cannot be accomplished. Just as with executive directors, the general counsel at each authority should be evaluated for past performance and future intentions.
- Cross-Pollinate Board Members –
  - Since some of the authorities have considerable impact on state departments, it is instructive that some past administrations have smartly had the same person serving on various related authority boards at the same time in an effort to enhance communication and understand the impact of the authorities on state operations.
  - For example, the Governor's Commissioner of Transportation should also serve on the boards of the Port Authority of New York and New Jersey, the Delaware River Port Authority, New Jersey Transit, the New Jersey Turnpike Authority, the South Jersey Transportation Authority and the South Jersey Port Corporation, among others.
  - While this is just one example, this cross-pollination should be considered for transportation, gaming and sports, the environment and economic development at the very least. It means fewer people getting appointments, but it means more reliable input, control and information flow for the governor.

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Simply put, there are too many authorities. This wastes money in obvious and obscure ways. The governor's office should look to quickly make some changes that would both save money and send a powerful signal as to how serious the governor is when it comes to saving public dollars. Specific recommendations are made in the next section. While this is easier said than done, numerous authorities have outlived their usefulness and deserve to be downsized, merged or eliminated.

Too much government is unlikely to be limited only to the authorities. There is overlap between the missions of authorities and state agencies as well. Intensive studies should be embarked upon quickly to find potential cost-savings wherever possible.

Also, it seems incongruous that authorities are paying other authorities and agencies for work. While money moving between authorities and state government agencies may actually benefit the state's bottom line, it seems in many ways to simply be a shell game with public dollars. For example, the NJSDA complained that it paid \$20 million dollars in permitting fees (mostly to DEP and DOE) over the last twelve months. It would be important to undertake an effort to see how widespread this practice is within the state government and between governments and authorities.

Certain outside consulting functions should be considered for centralization/standardization. Examples include:

- Consideration of using the Attorney General's office more, and for more functions.
  - For instance, NJDOT has the AG's office handle all property acquisitions. NJ Transit and NJSDA use outside counsel for acquisitions (at considerable expense) but use the AG for environmental matters arising out of property acquisitions. NJTA uses outside counsel for acquisitions and environmental. Could these services be performed in a uniform way that would cut down on expenses?
  - Adding additional experienced staff to the AG's office could yield significant savings and potentially equal or better service – one typical case could generate \$500,000 in fees to a private firm. The same monies could be used to hire 5 experienced deputy AGs who, together, can handle dozens of cases each year.
- Most or all authorities hire outside accounting firms to perform audits at considerable expense. Audit procedures may be ripe for centralization, either within an expanded function of the State Controller, or through standardized audit procedures which will likely yield savings and more efficient operations
- While it may seem at first blush that adding personnel to certain government departments is contrary to the policy of making government "smaller," it may in certain cases make government much more efficient and less expensive to run

#### Require Fiscal Restraint

The financial pictures at different authorities vary greatly due to distinct sources of funding. It is imperative that each authority act like the state government must during this difficult economic time.

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Many authorities have embarked upon, or are considering embarking upon, massive and expensive capital projects. Careful consideration should be given to the necessity of each given our financial situation.

The necessity of doing long-term capital projects that are not directly necessitated by safety or increased use by our citizens must be immediately reevaluated. Now is likely not the time to be thinking about expansion of systems that are already losing money.

One other important note that may help fiscal restraint (as well as accountability), would be to level the pay and benefits structures at the authorities to match those within state government. At least 27 people at various authorities have more lucrative salaries than the Governor. Without the oversight that is brought to departments in state government, salaries and benefits have often times escalated to unacceptable levels. And in some cases, particularly noted by the Casino Control Commission, it would actually help the management of their budget and employees if the employees were subject to the state personnel systems with steps.

While many of the authorities we looked at have done a good job controlling the employee numbers, increased employment nearly anywhere puts a strain on the state's pension system because many employees and some people providing professional services may be eligible for participation in PERS.

#### Dealing with Bi-State Authorities

While the ability to exercise such control and provide unilateral vision to bi-state authorities is understandably limited, the governor's office should attempt to bring about positive change wherever possible.

- Reach out early to other governors to create a dialogue regarding changes that should be made.
- Push for the same type of procurement and ethics reforms in these authorities as would be expected by state government agencies. The bi-state authorities are currently behind what has been done recently at the state authorities.

#### **Section Two:**

##### **Specific Recommendations Pertaining to Individual Authorities**

Below are some specific recommendations we make regarding individual authorities that we felt deserved special consideration.

#### Rethink the Highlands Council

The Highlands Council may be well-intentioned, but it is a disaster on multiple levels. Rather than simply providing the intended environmental protection to a treasured part of our state, it has added

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extra layers of government bureaucracy that have punished individual landowners and inhibited the decision-making abilities of local governing bodies, causing economic distress to individuals and local governments alike.

If the Highlands Council had its powers changed or reduced, or even if it was eliminated outright, environmental protections would still be in place, enforced just as they are in every other part of the state. All projects would still be subject to DEP and local rules and regulations, just as they would be in any other region.

The Highlands Act's enabling legislation, as flawed as it is, has been hijacked by over reaching regulations by the DEP and by a Highlands Council which has strayed from both the law and the intention of the law in the Master Plan document. The law is very clear as to the content within the Master Plan and the separation of the Planning versus Preservation Areas, requiring true economic analyses of the impact of Highlands' zoning, transportation needs, etc., none of which seems to have been done.

The lack of ability for any ratable growth in most of the Highlands burdens the municipalities and chains their citizens to increasingly higher taxes to support school and local government contractual obligations, as well as inflationary increases of their operating costs. The Highlands Council has used punitive and menacing tools to force "opting in" by municipalities and co-opted home rule, which was not the legislative intention of the Act.

Further, by having a Council formed with 100% appointment power by the Governor (unlike the Meadowlands or Pinelands where Freeholders have some appointment authority) where 7 out of 15 members do not even have to live in the Highlands, the local governments and landowners feel unrepresented, powerless and voiceless.

At a bare minimum, changes should be brought to the representation on the Council. Right now, there is too little voice given to the counties and constituents most affected by their actions.

Importantly, there can also be cost savings as a part of any change. Annual budgets have ranged from \$2 million to \$3.8 million since its inception. Since this is funded entirely by the state, there is an opportunity for considerable savings.

#### *Merge the South Jersey Transportation Authority with the Turnpike Authority*

In concert with the recommendation of the Transportation subcommittee, the South Jersey Transportation Authority should be merged with the New Jersey Turnpike Authority. The elimination of a substantial amount of redundant administrative bureaucracy, redundant outside professional fees and needs, and the need for a separate administrative staff and Board could all be achieved by a merger. Throughout our collection of information, we have seen no reason why

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there should be a separate authority. The legitimate needs of the region can still be met at a lower cost with a much-needed consolidation.

This recommendation should not be construed to suggest the SJTA does not do important work and do it well. To the contrary, the authority undertakes vital projects throughout the region. The same good work, though, likely can be done under the auspices of another authority.

Since the SJTA is not simply a toll road authority, the merger would require that thought be given to how these services are managed.

- The Atlantic City garages operated by SJTA could be turned over to one of the Atlantic City authorities or even the city or county should they adopt the operating costs.
- The Atlantic City Airport could be operated by a bi-state authority with experience managing airports, such as the Port Authority of New York and New Jersey or the Delaware River and Bay Authority.
  - While this is far outside the Port Authority's 25-mile radius of jurisdiction, an exception was made when they took over management of Stewart Airport in Newburgh, NY. The same exemption could theoretically be granted here.
  - The DRBA operates five airports, so this could be a sensible addition.
  - The Port Authority clearly understands how to operate airports very well.
  - The Atlantic City region could benefit from the expertise that would be brought in by the Port Authority or DRBA rather than being served by a toll road authority.
  - 52% of flights operated out of the airport are conducted by the Air National Guard, so communication with them should be considered beforehand.
  - ACY is a massive tract of land, so massive that it has a contract with NASA to serve as an alternate landing site for the space shuttle and is put on standby. The impact here would have to be reviewed.

#### *Rethink the Sports and Exposition Authority.*

Since the Sports and Gaming subcommittee studied this in far greater depth and is making serious policy recommendations, I will go into very little detail here as to the serious problems that face the NJSEA and their charges beyond this. With a \$38 million dollar budget shortfall that will have to be made up by the state's taxpayers in 2010, it is important that the entire mission, structure and even very existence of the NJSEA be questioned. No recommendation should be off the table.

The Authority will require immediate drastic cuts or capital infusion from supplemental sources simply to preserve its existence within the 1<sup>st</sup> Quarter of 2010.

While the NJSEA had immediate positive impact in the 1970's, showed great vision into the 1990's and provided great benefit to the state, it is fair to question what it should look like in the future.

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With a horse racing industry losing tens of millions of dollars, the Devils gone, the Nets leaving and a poor deal with the Jets and Giants with their new stadium, the entire mission and future of the NJSEA must be entirely rethought, not simply tweaked.

*The Port Authority of New York and New Jersey is an underutilized asset.*

While this is true of many authorities, it bears special mention when it comes to the Port Authority. The key to New Jersey residents getting the most from the Port Authority will be having a strong governor with a clear vision for its potential and an understanding of potential budget ramifications and opportunities.

The economic impact the Port Authority's operations have on the state of New Jersey would be hard to overstate.

The Port Authority of New York and New Jersey, with its \$6.36 billion dollar budget and 6,977 employees operating and overseeing the nation's busiest airport system, marine terminals and ports, the PATH rail transit system, six tunnels and bridges between New York and New Jersey, the Port Authority Bus Terminal in Manhattan, and the World Trade Center, may be the most important but underutilized asset among all the authorities.

With its virtual monopoly on revenue for airports and river crossings, the Port Authority holds incredible potential to help the citizens of New Jersey by investing in infrastructure deemed important by the Governor to our region.

These considerations also could alleviate state budget pressures where transportation projects could, if appropriate, be shifted to the auspices of the Port Authority. The ARC tunnel is a massive and complex project, but within its finances, there are likely short-term opportunities from a budget perspective that would not change long-term obligations or jeopardize federal funding.

In addition to the budget ramifications that should be studied, here are a few other quick items on the Port Authority which should be immediately discussed by the new Administration:

- We have benefitted from excellent leadership at the Board of the Port Authority, but there is no substitute for clear vision and strong leadership from the Governor.
- Given the numerous assets of the Port Authority in New York, and the ongoing costs of the redevelopment of lower Manhattan around the World Trade Center, it will be important to ensure the new administration fight for New Jersey's fair share of projects that benefit New Jersey and/or both states. New Jersey is and always will be an equal partner in the Port, and this must be enforced.
- While the airports and river crossings make the PANYNJ solvent, the Port Authority could see similar success with an analysis of marine terminals and shipping in our ports.

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- The Bayonne Bridge problem needs to be addressed. While it is not an imminent issue, a solution should be decided on relatively quickly to ensure the continued economic vitality of our port as it competes for business with ports up and down the east coast.
- Due to a revolving door of governors in both states, staff has had more control due to a lack of consistent visions from chief executives.
- A very cursory look at their revenue-generators paints a good picture long-term. The Port Authority basically has a monopoly on river crossings and airports, so as long as people need to drive and fly into and out of our region, they should be okay.
- Finally, the new Administration should not feel compelled to move quickly on anything immediately after taking office. New projects and revenue-generating ideas should be closely reviewed.

*The Delaware River and Bay Authority Faces Challenges that Deserve Immediate Attention.*

While the DRBA has clearly done a good job reducing its expenses by cutting its workforce from more than 500 employees to 398, reducing its vehicle fleet, reducing employee use of free E-Z Pass (could it be eliminated?), eliminating non-essential employee travel and planning to cease its community grant program after 2010, it will still face several major challenges in the upcoming months.

- DRBA must negotiate and execute new collective bargaining agreements with two unions that represent a combined total of 49% of its employees.
- DRBA may seek to increase the \$3 toll on the Delaware Memorial Bridge this coming summer to counteract falling bond ratios.
- DRBA intends to begin a \$300 million rehabilitation of the first span of the Delaware Memorial Bridge in late 2010.
- DRBA must adopt a plan to sustain its ferry service, which has operated at a significant loss over the past few years.

Importantly, it also seems that most senior level positions held at the DRBA are held by Delaware residents. This may have led to disproportionate attention given to Delaware's priorities over New Jersey's. It is important that this be thoroughly reviewed and addressed if true.

*Consider Multiple Mergers Under the Economic Development Authority*

As was mentioned in the first section of this report, there are simply too many authorities. EDA provides a very good opportunity to cut down the number of authorities by consolidating authorities with similar missions under its umbrella.

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While all policy recommendations regarding economic development are left to the Economic Development Subcommittee, this is a specific recommendation regarding consolidation of multiple authorities in an effort to save public dollars.

While the New Jersey Redevelopment Authority has an important mission, and seems to have had some laudable achievements, it seems a lack of coordination and some duplication of efforts could be resolved with a merger. Merging NJRDA with the EDA should save money, eliminate duplication and make it more likely that the mission will be accomplished. It would be important that the core mission of the Redevelopment Authority be protected with a merger.

The Capital City Redevelopment Corporation and the New Jersey Commission on Science and Technology also ought to be considered for consolidation under EDA. Since the Economic Development Authority consistently received high marks in our research, we believe the goals of NJRDA, CCRC and NJ Commission on Science and Technology can be accomplished under EDA's umbrella, thereby saving public dollars.

The Fort Monmouth Economic Revitalization Planning Authority may also be ripe for consolidation here, but it is not as clear cut given some differing needs and variety of factors. That said, it is worthy of consideration if public dollars can be saved.

*The Housing and Mortgage Finance Agency Needs a Spending Review.*

While The Transition DCA Subcommittee has taken the lead on reviewing NJHMFA policy and program issues, we have looked at it from a budgetary perspective.

Certain spending within HMFA, along with reports of duplicative staffing, all while additional staff is being requested, demand a further review by the incoming Administration.

As of 2009, NJHMFA has 296 employees. In the interest of not duplicating the Transition DCA Subcommittee's report, we will not here detail HMFA's growth in budget and employees over the years, but will simply note that NJHMFA has expanded significantly in recent years, including its staff expanding into a second Trenton building. Notwithstanding that recent growth, HMFA desires to hire additional staff, particularly in the legal and regulatory affairs area.

One program worthy of question within HMFA is a direct subsidy to single-family home purchasers, which reportedly amounts to a simple direct buy-down of the purchase price, at approximately \$60,000.00 to \$70,000.00 per home, for approximately 250 single-family homebuyers per year.

A number of questions immediately come to mind here:

- Can a more creative program be advised, that leverages financial resources, other than just a direct buy-down of the purchase price?
- How are the 250 lucky winners selected?
- Since the program can apply statewide, with 566 municipalities, 250 single-family purchase price buy-downs per year means that less than 1 house very two years will be financed in the average municipality – at a cost of over \$15 Million per year.

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- One should question whether this is an appropriate use of \$60 Million over the next four years on a program that, on the average, will simply buy down the purchase price of less than 2 homes per municipality over that entire four-year period.

Also, there are reports of massive duplicative efforts in the NJHMFA bureaucracy, including, for example, mandatory inspections of the same multi-family housing units each year, by the NJHMFA Property Management Unit, the NJHMFA Tax Credit Unit, and the NJHMA Technical Services Unit. If true, this would indicate that HMFA is vastly over-staffed, and that the staff could be cut back if that kind of duplicate effort was curtailed. At the very least, it indicates that requests for more staff may need further examination.

As we think of bringing change here, it is important to note that NJHMFA is one of the rare authorities where the Governor can exert tremendous influence essentially from "day one." The Authority has nine total members, and five out of nine are Cabinet Members.

*Make New Jersey Network Self-Reliant. Eliminate all state subsidies.*

More than \$10 million of the \$16.8 million dollar budget of the New Jersey Public Broadcasting Authority is provided either directly by the state in terms of a subsidy or through in-kind services performed by the state. In order to save taxpayer dollars, a goal should be to make NJN self-reliant during the first term. It is possible, given the resources of this station, that it can subsist without taxpayer support. Outside experts with experience privatizing television stations should be asked to undertake a study and make recommendations as to how this can be accomplished.

Since 2002, outside accountants have also said the authority does not follow generally accepted accounting methods. While it seems the reason for this is far from nefarious, it also seems like it a company faced with this issue in the private sector would solve it quickly.

*Audit the Schools Development Authority.*

While the impact of SDA on education policy should be left to education experts on our subcommittee, the financial impact needs immediate review. Previously, this report recommended that audits be performed on numerous authorities. With \$12.5 Billion in bonds already authorized and another \$425 million requested, impending changes in staff leadership and a fiscal outlook that only keeps the authority solvent through March of 2010, this should be the first place the new governor's office audits. How this money has been spent is very important to know because this money was supposed to be invested in schools for the children of the state.

Given the current state of finances here, decisions will need to be made very soon to

- Continue all projects, meaning the issuance of \$4.35 billion in bonds
- Finish just the 1,620 projects currently under construction, at a cost of \$1.3 billion

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- 695 projects would be suspended or forfeited meaning substantial lost sunk costs
- Cancel the program impacting over 1,800 projects and leaving 20 major facilities unfinished, in addition to legal exposure.

It should also be noted that non-project related costs seem excessive, such as rent exceeding \$2 million per year and employee parking costs in Trenton rising to \$390,000 annually.

*New Jersey Transit Requires Early Attention from the Administration.*

While the specific transportation policy recommendations will be left to the Transportation Subcommittee, the financial challenges facing New Jersey Transit require immediate attention.

With 270 million riders per year, New Jersey Transit is the 3<sup>rd</sup> largest public transportation agency in the United States. There are a host of issues that are very expensive and time-sensitive and deserve immediate attention.

The first is the ARC Tunnel, which is also a Port Authority issue. This \$8.7 billion project has budget ramifications for years to come at New Jersey Transit, the PANYNJ and state of New Jersey.

An impending time sensitive issue relates to the fiscal solvency of private ferry operators who require funding by March of 2010 to remain solvent. Approximately 30,000 New Jersey commuters now utilize the ferry system to cross into New York every day, and there should be attention given as to what would happen if the ferry system was no longer viable.

Also of great fiscal importance, NJT's FY2011 budget faces a shortfall due to the use of stimulus funds in FY2010.

*PATCO's New Jersey projects must be addressed quickly by the Delaware River Port Authority.*

As with other transportation authorities, policy implications will be left to the Transportation Subcommittee. From a financial perspective however, multiple projects important to South Jersey commuters are jeopardized by the state of the Transportation Trust Fund. PATCO's expansion in South Jersey will be a 5-7 year project and is broken down into three phases.

1. Light Rail from Camden to Glassboro.
2. Rapid bus transit along Routes 42 and 55.
3. Improved rail connection to Atlantic City and its airport.

The projected costs for these projects will be north of \$1.5 billion, likely considerably higher as the cost analysis is not fully complete. Other PATCO projects that require considerable funding are the rehabilitation of train cars and the rehabilitation of tracks on the viaducts and the Ben Franklin Bridge.

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As with other authorities, they must evaluate the necessity of doing capital projects that are not directly related to safety or increased use. Now may not be the time to be thinking about expansion of systems that are already losing money in part because there are other transportation options.

*Breaking News: The New Jersey Transportation Trust Fund is Broke.*

Nothing else needs to be said here as the ramifications and solutions will best be left to another subcommittee. One point from our research though - the current board makeup seems overly focused on transportation interests and lacks financial expertise. The disastrous financial position of the TTF should be kept in mind when making future appointments.

*The Passaic Valley Sewerage Commission Needs an Overhead Budget Review.*

The Governor currently lacks veto authority over the Passaic Valley Sewerage Commission and does not have enough representation on the commission to affect change. It seems the internal overhead expenditures here deserve a thorough review based on our transition findings. It also seems the use of outside consultants, including attorneys and engineers should be reviewed as a cost-saving measure given the existence of in-house professionals.

*Bring Budget Prioritization to the Atlantic City Convention and Visitors Authority.*

People all over New Jersey are inundated with ads to go to Las Vegas, Foxwoods in Connecticut and even Pennsylvania for gaming. In a cursory review of their budget, the ACCVA actually spent 40% more on salaries and benefits (\$5.2 million) for its 69 employees in 2008 than it did on marketing Atlantic City (\$3.7 million). Perhaps a review of the workforce is in order given the lack of dollars spent on marketing.

That said, there are ways the Administration may be able to assist ACCVA in controlling overhead costs as well. Labor costs were described as inconsistently and excessively higher at the Boardwalk Hall and Convention Center, as compared with private national competition facilities, as well as those located in Atlantic City. It was reported that this labor cost disparity significantly increased during the current administration to appease labor. Leveling the playing field would increase the Authority's ability to compete for shows which otherwise cannot afford its facilities.

*Eliminate Council on Alcoholism and Drug Abuse - Fold into Addiction Services in the Dept. of Human Services*

Governor Corzine attempted this consolidation but met with serious opposition. The Council on Alcoholism and Drug Abuse gives out \$9 million in grants every year, and with that they have a constituency. Despite that constituency, the same functions can and should be performed by the Division of Addiction Services within the Department of Human Services.

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Real cost-savings can occur here as there is a staff of nine with a payroll and benefits budget of approximately \$800,000. It seems the overhead could be eliminated through consolidation while the good that is done by the \$9 million in grants could be continued.

It is important to note that some at the Council on Alcoholism and Drug Abuse were very critical of the Division of Addiction Services during our review, perhaps due to Governor Corzine's attempt at consolidation.

*Consider Eliminating Salaries for Commissioners.*

Most commissioners on state authorities are unpaid. However, there are some exceptions, notably the Casino Redevelopment Authority which pays commissioners \$20,000 per year and the New Jersey Maritime Pilot and Docking Commission, which pays its six commissioners \$28,000 annually. (It should be noted, however, that the Maritime and Docking Commission is self-reliant and actually has returned its surplus to the state for general operations over the last five years.) Calling for this elimination across the board will save tax dollars and send a powerful signal about cost savings.

*Higher Education Student Assistance Authority*

This important authority was examined by the Education Subcommittee, so the important leadership and policy recommendations are left to their report. However, given the Governor-Elect's dedication to higher education in the state, as well as the sometimes controversial nature regarding loans and banks in this fiscal climate, it is imperative that HESAA be looked at immediately by the new administration, and constantly evaluated during the course of the Governor's tenure.

*Analyze the South Jersey Port Corporation's Budget and Projects*

It is clear that the South Jersey Port Corporation has money and the ability to spend it, as evidenced by the Paulsboro groundbreaking in 2009. While there is such a need for economic development at this time, it is important that the state's vision for economic development be enhanced by the South Jersey Port Corporation.

*Fort Monmouth Needs Immediate Attention and Assistance.*

Fort Monmouth is a potentially tremendous asset which will be given to us by the US government in about 18 months, but progress has been hampered by government inaction and inefficiency. If we don't have an organized effort and vision as to how to use that asset to create jobs and economic growth quickly, it will be nearly impossible for that region to recover from the losses it will realize by the closure of the fort.

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*Institute Best Practices.*

A number of authorities do some things very well, but due to the quasi-independent nature of the authorities, sometimes best practices aren't shared with others where they can be helpful. For example, the Building Authority's effective use of shared services and strong financial model with accountability should be reviewed to determine where else this model could be employed. The Authority has been able to significantly minimize administrative and staffing costs by utilizing a shared service model for administrative functions. This model has enabled the Authority to consistently deliver projects on time and on budget despite the increase in the complexities of their projects.

*The Catastrophic Illness in Children Relief Fund Deserves Support from the Front Office.*

The fund has distributed \$124 million to families in need over the last 20 years while administrative costs have seemingly been kept in check. There are two places where the Administration can help the fund. First, there is a claim that \$5 million was diverted from this fund to the general fund in 2009. This should be audited as dedicated funds should not be taken without the proper course being followed. Secondly, their infrastructure is aging. A new database system will allow them to process requests more quickly and efficiently.

*The Federal Government Must Be Asked to Fund Its Fair Share for the Delaware River Basin Commission.*

DRBC is funded through annual contributions from its members, state and federal grants, project review fees, water-use charges, and fines. New Jersey contributed \$800,000 this fiscal year. These funds were appropriated from the state budget.

DRBC advised that the federal government has not contributed its share since 1997, which cumulatively totals \$7.8 million. While perhaps impacting the effectiveness of the DRBC's operations, the federal government's failure to contribute has not affected the other members' contribution amounts.

Clearly if the federal government were to make good on its obligations to the DRBC, not just for the current year but retroactively, it could save \$800,000 from the state's general budget. This benefit could be realized years into the future as well if our federal representatives can get these past obligations met.

*The Garden State Preservation Trust Needs Direction Regarding the Recently Approved Open Space Monies.*

They are responsible for managing and disbursing the constitutional dedication of \$98 Million per year for open space and historic preservation (from the Sales Tax) PLUS the \$400 Million just approved by voters in the 2009 Ballot Referendum. The strategy for the \$400 Million is of

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immediate concern. They will likely make no effort or suggestion as to how this should be spent until the new Administration is seated.

Additionally, nearly a quarter-million dollars could be saved per the Garden State Preservation Trust. Their annual allocation of \$476,000 is nearly twice what they need to fund their overhead, per their own estimates.

*The EnCap Issue Facing the New Jersey Meadowlands Commission Needs Immediate Attention.*

The Meadowlands Commission's major issue at the present time concerns the EnCap development, an 800-acre site that includes four former landfills. The planned redevelopment of the site had languished for years when the EnCap Company ran into substantial financial and other issues. The site is now being remediated by American Home Assurance in accordance with a performance bond that had been executed in the event that the redevelopment project stalled, which is exactly what happened.

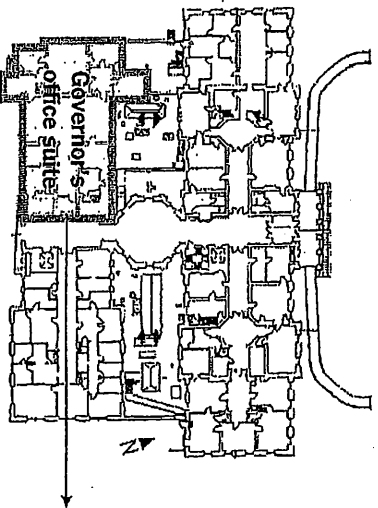
NJMC is working on restructuring the financial arrangements with the banks involved with the project. NJMC must attract a new redeveloper for the project. NJMC will await guidance from the new administration with regard to these and other significant EnCap-related issues that arise.

**Supplemental Exhibit 4**  
***New York Times* Diagram of Governor's Office**  
**(supplied by Senator Gill)**

# The Inner Sanctum



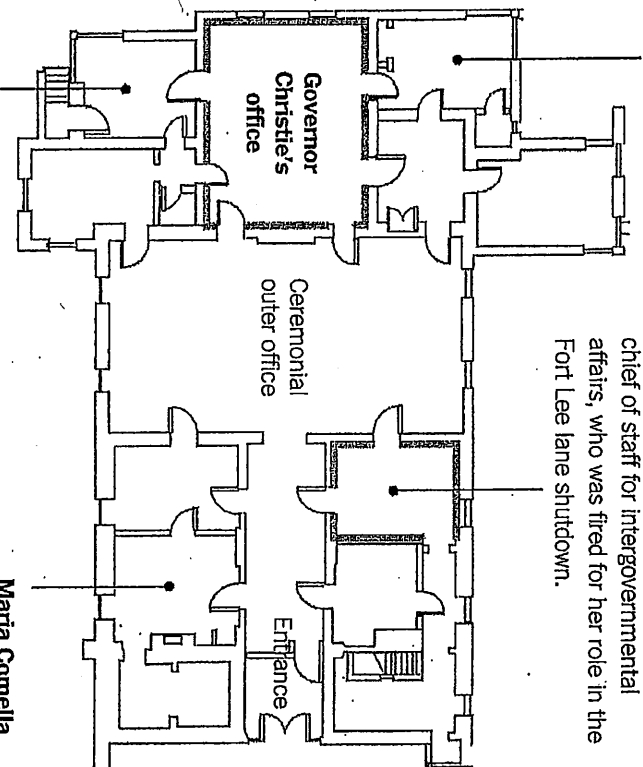
Gov. Chris Christie's chief of staff and top deputy chiefs occupy offices in the governor's suite on the first floor of the New Jersey State House. Lower-ranking staff members are scattered in other locations.



New Jersey State House, first floor

**Charles B. McKenna**  
Chief counsel  
(until December)

The political operation was based in this office, occupied by **Bill Stepien** and then **Bridget Anne Kelly**, deputy chief of staff for intergovernmental affairs, who was fired for her role in the Fort Lee lane shutdown.



**Kevin O'Dowd**  
Chief of staff

**Maria Comella**  
Deputy chief  
for communications

By Ford Fessenden; illustration by Frank O'Connell

Sources: Politicians and lobbyists who have recently visited