

NEW YORK STATE  
COMMISSION ON PUBLIC INTEGRITY

-----X  
In the Matter of an Investigation  
into Governor David A. Paterson's  
acquisition of World Series Tickets  
-----X

INTERVIEW UNDER OATH OF BRIAN SMITH, at the offices of Boies,  
Schiller & Flexner LLP, 575 Lexington Avenue, New York, New York, on Tuesday,  
January 26, 2010, at 12:52 p.m., before MARGARET EUSTACE, a Shorthand Reporter  
and Notary Public, within and for the State of New York.



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A P P E A R A N C E S :

On behalf of New York State  
Commission on Public Integrity:

BRIDGET HOLOHAN, ESQ.  
NYS Commission on Public Integrity  
540 Broadway  
Albany, New York 12207

JEFF SCHLANGER, ESQ.  
Keypoint Government Solutions  
1750 Foxtrail Drive - Suite 120  
Loveland, Colorado 80538

On behalf of the Witness:

CHRISTOPHER DUFFY, ESQ.  
Boies, Schiller & Flexner LLP  
575 Lexington Avenue  
New York, New York 10022

Also Present:

LAWRENCE J. MURELLO,  
Associate Confidential Investigator  
ROBERT J. SHEA,  
Associate Confidential Investigator



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Whereupon,

BRIAN SMITH,

after having been first duly sworn, was  
examined and testified as follows:

EXAMINATION BY

MS. HOLOHAN:

Q. Hello, Mr. Smith.

As we discussed off the record, my  
name is Bridget Holohan. I am from the  
Commission on Public Integrity and I'm here to  
ask you some questions regarding the  
Commission's investigation into the  
acquisition of tickets to game one of the  
World Series by Governor Paterson.

A. Okay.

Q. Just to let you know, the court  
reporter will be taking down this interview  
verbatim, so it is important give verbal  
responses. And if you don't understand a  
question that I pose to you, please ask me to  
rephrase and I will be happy to do so.

A. Okay.

Q. Can you please tell us where you are  
currently employed?



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1 B. Smith

2 A. I am employed with the New York  
3 Yankees.

4 Q. What is your title?

5 A. Senior vice president of  
6 corporate/community affairs.

7 Q. How long have you held this title?

8 A. Senior VP, probably around four  
9 years. Probably maybe a little less.

10 Q. How long have you been with the  
11 Yankees?

12 A. I am starting season 18 this year.

13 Q. What are your duties as Senior VP of  
14 corporate and community affairs?

15 A. Focus on making sure the organization  
16 is positioned as a good neighbor and work in  
17 conjunction with our community partners to be  
18 a productive neighbor also to make a  
19 difference in our community and surrounding  
20 communities.

21 Q. In layman's terms, what do you day to  
22 day for the organization?

23 A. There are a number -- oversee  
24 outreach initiatives, focus on foundation as  
25 far as funding of various community-related

1 B. Smith  
2 initiatives in conjunction with CBOs,  
3 community based organizations.

4 In addition, in season I have some  
5 responsibilities including -- related to  
6 tickets and things like that.

7 Q. What are your duties in relation to  
8 tickets?

9 A. In relation to tickets, I manage on a  
10 game basis tickets that are set aside by the  
11 ticket department for ownership use.

12 Q. What do you mean by "ownership use"?

13 A. Invited guests, visiting the club, so  
14 on and so on.

15 When I say visiting the club, I mean  
16 a team coming to town.

17 Q. These would be tickets that are held  
18 back by the owners of the Yankees?

19 A. I am not saying -- it's an allotment  
20 to fill, like to plan ahead. If we know  
21 Boston's ownership is coming to town, we make  
22 arrangements for Boston ownership. If it's an  
23 outside location or in-suite location or  
24 things like that, those are the types of  
25 things we do, my office does in conjunction



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1 B. Smith

2 with the ticket office.

3 Q. So you assist the Boston Red Sox?

4 A. You know, we would expect them to do  
5 the same if we were coming to their park.

6 Q. Just my attempt at levity, that's  
7 all.

8 Do you have any involvement in  
9 requests by public officials to Yankees games?

10 A. From time to time, I receive a  
11 request from public officials.

12 Q. And when you receive that request,  
13 what do you do?

14 A. First of all, I make sure myself or  
15 anyone on my staff asks for payment. And then  
16 we see if we can fill the request with the  
17 ticket office.

18 Q. And if there is an indication that  
19 payment need not be made, what, if anything,  
20 do you do?

21 A. I would ask the public official to  
22 have their counsel draft a letter to us  
23 stating that this is the case and why.

24 Q. Why do you make such a request?

25 A. Because to make sure that -- as far

1 B. Smith  
2 as I am concerned, everybody pays for a  
3 ticket. If there is a situation where you are  
4 saying that you don't pay for a ticket, you  
5 need to provide me with information why you  
6 should not pay for that ticket. I would trust  
7 that their counsel would be able to do so if  
8 that's case.

9 Q. Do you know whether the Yankees  
10 currently have a policy regarding requests by  
11 public officials for tickets for the gam?

12 A. It would be pay first. And if you  
13 say you are not paying, to have your counsel  
14 draft a document saying why you are not and  
15 provide us with that information.

16 Q. Is this policy in writing?

17 A. I am not aware of it in writing.

18 Q. Do you know how long this policy has  
19 been in effect?

20 A. Offhand, no. I cannot tell you that  
21 right offhand.

22 Q. Was it in effect when you became  
23 Senior VP?

24 A. I would say yes.

25 Q. Do you know the reason why this

1 B. Smith

2 policy came into fruition?

3 A. Not offhand, no.

4 Q. Now, you said from time to time  
5 you've received requests from public officials  
6 for tickets.

7 Focussing on the 2009 baseball  
8 season, how many requests were brought to your  
9 attention?

10 A. Offhand, I know off the bat it was  
11 Governor Paterson. And there was the World  
12 Series and opening day, could have been some  
13 requests from like a council member, Beaz  
14 maybe, and she provided payment information,  
15 if I am correct. Other than that, I don't  
16 really recall.

17 Q. So as you sit here today, there is  
18 three incidents of requests in the 2009  
19 season?

20 A. That I recall.

21 Q. Out of the three, two requests were  
22 -- withdrawn.

23 Out of the three requests that were  
24 made payment was received for one request?

25 A. Yes.

1 B. Smith

2 Q. I'm sorry, you said it was a council  
3 member?

4 A. Yes, I think it Council Member Biaz,  
5 from her office. I am not sure if she  
6 purchased them or if I was contacted by her  
7 chief of staff and they purchased tickets.

8 Q. That's a woman?

9 A. Yes.

10 Q. And she eventually paid for the  
11 tickets?

12 A. They paid to get the tickets. No  
13 tickets were released without payment.

14 Q. Once you receive a letter from a  
15 public official's counsel indicating that no  
16 payment need to be made, what, if anything, do  
17 you do next?

18 A. I would forward that information, I  
19 would let the ticket office know that we have  
20 that information, we would file it. And they  
21 would move forward in processing it.

22 Q. Do you personally review the letters  
23 from counsel's office?

24 A. Review it as I look at it and receive  
25 it and read the statement and I forward it on.

1 B. Smith

2 Q. Now, you said there were two  
3 incidents in the 2009 Major League Baseball  
4 season where Governor Paterson or his office  
5 requested tickets to Yankees games, correct?

6 A. Yes.

7 Q. When was the first?

8 A. The first would be opening day.

9 Q. Do you recall the date of opening  
10 day?

11 A. Offhand, I think it was April 16th of  
12 2009.

13 Q. Do you recall who made the request?

14 A. Not offhand, no, I do not recall.

15 Q. Did you have any conversations with  
16 members of the Governor's staff regarding his  
17 request?

18 A. For opening day?

19 Q. Correct.

20 A. Opening day, I am not sure if I had a  
21 conversation or if someone else in our  
22 organization had one. But opening day, it is  
23 just, especially in the new building was a  
24 world wind, so recalling every statement is  
25 kind of tough.

1 B. Smith

2 Q. So as you sit here today you don't  
3 have any recollection of having a  
4 conversation?

5 A. No, I don't recall a conversation.

6 Q. Do you know whether payment was  
7 received by the Yankees for tickets for the  
8 Governor for opening day?

9 A. No, payment was not received because  
10 it was stated he was attending the game in an  
11 official capacity.

12 Q. I am going to show you what has been  
13 previously marked as Exhibit 1 and ask you to  
14 review it.

15 Once you have had an opportunity to  
16 review it, just let me know.

17 (Witness complies.)

18 A. Okay.

19 Q. Do you recognize what Exhibit 1 is?

20 A. Yes, I do.

21 Q. How do you recognize it?

22 A. As a letter that was e-mailed to me.

23 Q. From whom?

24 A. Peter Kiernan.

25 Q. Is this the letter you were referring



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1 B. Smith  
2 to that authorized you to release tickets to  
3 Governor Paterson?

4 A. This is the letter that I am  
5 referring to that I took as their office  
6 saying it was okay to provide the Governor  
7 with tickets in this capacity. And I  
8 forwarded it on to our ticket office. I, in  
9 turn, contacted our ticket office to process  
10 the order or my office would contact the  
11 ticket office.

12 Q. Do you recall whether opening day was  
13 sold out?

14 A. I would guess. I would say opening  
15 daily would definitely be a sellout in the new  
16 building.

17 Q. I guess for us there is -- we have  
18 learned today that a sellout doesn't  
19 necessarily mean all tickets have been sold?

20 A. Well, as far as from the actual  
21 ticketing process, as far as selling tickets,  
22 I could not provide you with the ticketing  
23 process. There is a ticket office guy who  
24 works hands on ticketing on a daily basis.

25 Q. When you receive a letter like this,

1 B. Smith

2 who do you forward it to?

3 A. We work in conjunction with Irfan  
4 Kirimica.

5 Q. Could you say last name again?

6 A. Kirimica.

7 Q. When you receive a request like  
8 Exhibit 1 from a public official's counsel, do  
9 you make any inquiry as to whether tickets are  
10 available?

11 A. What I would do, once again, is  
12 forward this to the ticket office to process.  
13 I forward the request to the ticket office.  
14 It would be up to them to say we have tickets  
15 or we don't have tickets to fill the request.

16 Q. Prior the World Series game or  
17 actually prior to the playoffs of 2009, did  
18 you have any conversations with Mr. Smith  
19 regarding --

20 MR. SCHLANGER: This is Mr. Smith.

21 Q. I'm sorry.

22 -- Mr. Kirimica regarding  
23 availability of tickets for Governor Paterson?

24 A. No.

25 Q. Prior to opening day, did you have

1 B. Smith

2 any conversations with anyone in anticipation  
3 of receiving this letter from Mr. Kiernan?

4 A. For opening day, like I said right  
5 off the bat, I can't recall every conversation  
6 I had on opening day. Myself and my office  
7 know if there is a government official or  
8 someone in politics looking to come to a game,  
9 they are to ask for payment. And in addition  
10 to that, if the individual says no, they are  
11 attending in an official capacity, they are to  
12 ask their counsel forward that in writing over  
13 and state that in a letter and send it in.

14 So I don't recall if I had a  
15 conversation for opening day, it was back last  
16 year.

17 Q. Do you know whether Governor Paterson  
18 attended game one of the World Series?

19 A. He did attend game one of the World  
20 Series.

21 Q. Do you know whether he paid for his  
22 tickets to game one of the World Series?

23 A. For that game, his office also stated  
24 that he was there -- sent a letter over saying  
25 that he was there in an official capacity.

1 B. Smith

2 Q. I am going to show you what has been  
3 previously marked as Exhibit 2 and ask you to  
4 review it.

5 (Witness complies.)

6 A. Yes.

7 Q. Is Exhibit 2 the letter you are  
8 referring to?

9 A. Yes, it is.

10 Q. And did you have any conversations  
11 with the Governor or his staff regarding this  
12 letter?

13 A. My office I know had a conversation  
14 with David Johnson. And the conversation was  
15 asking for payment. And they said no, we  
16 don't -- we are not going to pay to attend in  
17 an official capacity. Then provide us with  
18 that once again from your counsel stating  
19 that.

20 Q. So prior to receiving this letter  
21 your office made a request for this letter?

22 A. The first was to ask for payment, and  
23 once payment it was said no payment is needed,  
24 then your counsel needs to provide us with  
25 that information stating that no payment is

1 B. Smith  
2 needed for the tickets that you are  
3 requesting.

4 Q. You say your office, was it you or  
5 someone on your staff?

6 A. I am almost sure this one was done by  
7 my assistant Dana, and it was probably by my  
8 instructions. Because on these days, when I  
9 say we are running, that's putting it in mild  
10 terms. We are all over the place. It is  
11 really insane. It is a good crazy to be and  
12 other teams would love to be there.

13 Q. What is Dana's last name?

14 A. Caraballo, C.A.R.A.B.A.L.L.O.

15 Q. What is her title?

16 A. She is my assistant, so assistant to  
17 Senior Vice President of corporate and  
18 community affairs.

19 Q. After you received this letter, did  
20 you have any conversations with anyone from  
21 the Governor's staff regarding the letter?

22 A. I do not recall a conversation with  
23 the Governor's staff after receiving this.

24 Q. Did you have any conversations  
25 regarding this letter with members of the

1 B. Smith  
2 Yankees organization?

3 A. Once again, I would say I have this  
4 letter to the ticket office, inform them that  
5 we have it on file so that you can move  
6 forward and process the order.

7 EXAMINATION BY

8 MR. SCHLANGER:

9 Q. Mr. Smith, my name is Jeff Schlanger.  
10 I am engaged by the New York State Commission  
11 on Public Integrity to help in this  
12 investigation.

13 A. Yes.

14 Q. I just want to ask you a couple of  
15 questions with respect to how this letter came  
16 about.

17 A. Okay.

18 Q. And specifically your conversations  
19 with Ms. Caraballo.

20 Let's take it from the beginning, if  
21 we can.

22 When was the first time that you  
23 learned that the Governor or somebody on his  
24 staff had requested tickets?

25 A. I think I was notified originally by

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B. Smith

Lonn Trost, he said that he was contacted in reference to, I think the number right, I think it was five tickets for the Governor.

Q. That was a conversation between you and Mr. Trost?

A. That's correct.

Q. And what, if any, action did you take as a result of that conversation?

A. I had my office reach out to confirm.

Q. Reach out to whom?

A. I am almost sure it was David Johnson.

Q. Was it Ms. Caraballo who reached out?

A. Yes.

Q. And did you get -- did you subsequently have a conversation with Ms. Caraballo about her conversation with Mr. Johnson?

A. The conversation is to confirm that this is a request, that they are requesting these tickets. And in addition to that, to get payments for tickets.

Q. These were your instructions to her?

A. She knows that inside out. That's

1 B. Smith  
2 the norm. She hears that from me, I want  
3 payments for the tickets, get payment.

4 Q. Do you know as you sit here, rather  
5 than what is customary whether or not she had  
6 that specific conversation with Mr. Johnson?

7 A. I would say she definitely had that  
8 conversation. I am pretty sure that Dana had  
9 that conversation, yes. I would say she had  
10 that conversation.

11 Q. What is your understanding of how  
12 that conversation went between Dana and  
13 Mr. Johnson?

14 A. It was that they did not have to  
15 provide payment. And I said if you don't have  
16 to provide payment, you need to provide us  
17 with a letter from your counsel.

18 Q. This is you to Dana or Dana on her  
19 own to Johnson?

20 A. It might have been a healthy mix of  
21 the two. There is a good chance of that also.

22 MR. DUFFY: Just one thing to  
23 clarify.

24 It was that they don't have to  
25 provide payment, I think you were saying that

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B. Smith

was the statement made by Governor's office to Dana?

THE WITNESS: Right. We understood that.

MR. DUFFY: I just wanted to clear the record.

MR. SCHLANGER: No problem.

BY MR. SCHLANGER:

Q. Have you spoken to Ms. Caraballo about this whole sequence of events since the inquiry has arisen?

A. No, we really haven't gotten into this.

Q. This is your recollection of the actual sequence of events as they occurred?

A. Yes.

Q. And it was that conversation which was a healthy mix between you and Ms. Caraballo and Mr. Johnson that led to receipt of this letter; is that correct?

A. Yes.

Q. And you understood this letter to fulfill your obligation with respect to providing free tickets for five people who



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1 B. Smith

2 wanted to come?

3 A. It is not our obligation. It is more  
4 so their office saying it is okay for us to  
5 move forward in this matter.

6 Q. Your obligation, I meant pursuant to  
7 your policy?

8 A. Yes.

9 MR. SCHLANGER: Thank you.

10 BY MS. HOLOHAN:

11 Q. Were the five tickets released as a  
12 result of receiving this letter from  
13 Mr. Kiernan?

14 A. Once again, it was forwarded. The  
15 ticket office was informed we have this. As a  
16 result, they did release tickets.

17 Q. Did you have any involvement in  
18 determining the location of the seats?

19 A. No. That would be the ticket office  
20 would see what is their -- if something is  
21 available and process it. The ticket office  
22 would process that.

23 MR. SCHLANGER: Let me ask another  
24 question.

25 BY MR. SCHLANGER:

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B. Smith

Q. With respect to that, I assume there are different grades of tickets that might be available.

Would that be correct?

A. Once again, that would probably be a ticket office question, but we have a number of different seats throughout the stadium obviously. I couldn't tell you exactly what would be available.

Q. But do you say something like give them the best available or --

MR. DUFFY: Does he say it to?

MR. SCHLANGER: To Irfan Kirimica.

MR. DUFFY: Are you saying does he say it or did he say it?

Q. Did you indicate to Mr. Kirimica what type of ticket, what grade of ticket to give the Governor?

A. I would tell him to process the tickets.

Q. How would he decide whether to give him a seat up in the upper stadium as opposed to the lower stadium?

A. I am sure he would look at a number



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1 B. Smith  
2 of factors, from security and things like that  
3 and so on.

4 Q. But he makes that decision?

5 A. Yes, he would sit down and review  
6 that.

7 BY MS. HOLOHAN:

8 Q. Do you know whether any tickets were  
9 paid for following the game?

10 A. I did hear checks came in, but I am  
11 not sure which ones.

12 Q. Did you ever see the checks?

13 A. No, I haven't seen the checks.

14 Q. Did you have any conversations with  
15 anyone from the Yankees organization regarding  
16 receipt of payments for the tickets?

17 A. In passing, after, I think, Irving  
18 said he received payment for tickets from the  
19 Governor's tickets, that his five tickets out  
20 of that number, some were paid for.

21 Q. What was the substance of that  
22 conversation?

23 A. It was more so in passing, guess what  
24 I received, I received a check for tickets  
25 today.

1 B. Smith

2 Q. Do you recall when that was?

3 A. The exact date, no, I don't recall.

4 Q. It was after the game?

5 A. It was after the game, yes.

6 Q. If you had a request from a public  
7 official to attend a Yankees game that didn't  
8 have a letter from their counsel, when would  
9 you have expected payment?

10 A. I would want payment -- if you come  
11 through my office, I want payment before I  
12 submit it to the ticket office.

13 Q. So would that be prior to a game or  
14 could it be subsequent to a game?

15 A. I would want that information prior  
16 to.

17 Q. By "information," what information?

18 A. Payment information, credit card, or  
19 if you are going to come pick up, cash or  
20 whatever. It is generally a process by credit  
21 card.

22 Q. When Mr. Kirimica informed you that  
23 he had received payment for Governor  
24 Paterson's tickets, what was your reaction?

25 A. I don't recall a reaction. Great or

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B. Smith

whatever. I took it as a matter of fact, that he said in passing I received a payment for those tickets.

BY MR. SCHLANGER:

Q. Had you had conversations with anybody subsequent to the provision of the tickets to the Governor and his entourage that the tickets were going to be paid for?

A. Are you saying after the game?

Q. Yes.

A. No.

Q. Do you know who, if anybody, provided the name of Irfan Kirimica to the Governor's office?

A. I am not aware if anyone provided that to him.

Q. Have you seen the checks which were received by the Yankees?

A. No, I have not seen the checks.

Q. But you did not provide that name to anybody --

A. No.

Q. -- at the Governor's office?

A. No.

1 B. Smith

2 BY MS. HOLOHAN:

3 Q. Do you have any knowledge as to the  
4 availability of tickets to game one of the  
5 World Series in the day or two preceding the  
6 game?

7 A. No. Once again, I am not a full  
8 ticket guy in the ticket office doing that. I  
9 wouldn't know what the exact number of those  
10 types of things were.

11 Q. Who would have that information?

12 A. Someone in ticketing. Like I would  
13 say Irfan Kirimica would be a great person to  
14 know that.

15 Q. Your role preceding the World Series  
16 would have been to work with the Philadelphia  
17 Phillies; is that right?

18 A. Yes.

19 Q. As far as making arrangements for  
20 their ownership's presence at the game?

21 A. Of their ownership and some of  
22 Mr. Steinbrenner's invited guests in his suite  
23 to sit with him, their families's invited  
24 guests.

25 MS. HOLOHAN: Off the record.

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B. Smith

(Discussion held off the record.)

Q. Did you attend game one of the World Series?

A. I have no choice.

Q. Where were you at game one of the World Series?

A. I was in the ownership box. I have an office in there also.

Q. Did you see the Governor at game one?

A. No, I did not.

Q. Did you interact with any public officials during game one?

A. Offhand, I don't recall any government officials at game one.

Q. You didn't get to meet the First Lady?

A. I actually met her -- I was in the same room as her at the V.A. Hospital at the event there prior to coming to game one. I saw her walk by, but I didn't interact with anybody.

Q. When you say there was an event at the V.A. Hospital, what are you referring to?

A. Major League Baseball had an event at

1 B. Smith  
2 the V.A. Hospital where some Yankee alumni  
3 were involved, Charlie Hayes, and in addition  
4 Ginny Swindle was there. Ginny Swindle,  
5 Mr. Steinbrenner's daughter.

6 Q. That was hosted by Major League  
7 Baseball?

8 A. Yes, that was an MLB event.  
9 That's the V.A. Hospital in the  
10 Bronx.

11 Q. I am going to direct your attention  
12 to Exhibit 2.

13 A. This is 2 (indicating)?

14 Q. Yes.

15 When you received that letter you  
16 said that that letter entitled the Governor to  
17 five tickets?

18 A. As far as the basis of the letter, me  
19 being satisfied. I am satisfied that their  
20 counsel knowing what is being asked for  
21 submitted this over and saying that it is okay  
22 for us to give him the tickets they are asking  
23 for. From that standpoint, yes, because I  
24 asked him to provide us with that information.

25 BY MR. SCHLANGER:

1 B. Smith

2 Q. You said before, Mr. Smith, that  
3 there were seats that were set aside for  
4 games, correct?

5 Let me ask you: Are there a certain  
6 number of seats that are set aside for  
7 dignitaries and last-minute individuals who  
8 are requesting tickets from management?

9 A. That would be -- once again, that  
10 would be a question that you would have to  
11 review with the ticketing guy, as far as  
12 allotment of tickets left over.

13 I manage in season during the game  
14 with the ownerships a lot, meaning as far as  
15 invited guests sits his in box or visiting  
16 clubs or things like that.

17 Q. It would not include the seats that  
18 Governor Paterson ultimately got?

19 A. Those were not located in  
20 Mr. Steinbrenner's box.

21 Q. Do you know where they were located?

22 A. I don't remember the exact location.  
23 I don't recall.

24 Q. Do you know what the face value of  
25 the seats were?

1 B. Smith

2 A. Offhand, I do not recall.

3 Q. Do you know whether or not World  
4 Series game one was sold out?

5 A. As I said earlier, I would say more  
6 than likely.

7 Q. I think that was referred to the  
8 first game?

9 A. I would imagine that it was. Could I  
10 confirm exactly, I would think the World  
11 Series would be sold out.

12 Q. To the best of your knowledge,  
13 notwithstanding the game being sold out, are  
14 there still seats available at the box office?

15 A. That would have to be, once again,  
16 something that is reviewed with the ticket  
17 office depending on various allotments. There  
18 are so many different levels of tickets. It  
19 could be from sponsorships give kickbacks or  
20 different guys kickback tickets. It is so  
21 many different things that tickets could be  
22 available or become available.

23 I just couldn't tell you exactly the  
24 process.

25 Q. So tickets that were once assigned

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B. Smith

can essentially become unassigned and available for the public by coming back into the public domain, if you will?

A. Once again, you would have to confirm that, but I would think something like that is possible.

Q. And the person to confirm that would be?

A. Irfan Kirimica.

BY MS. HOLOHAN:

Q. You said you didn't know the exact location of the Governor's seat.

Did you have a general idea where he was?

A. I would say he was probably --

MR. DUFFY: No, if you know. Don't speculate.

A. The exact location, I could not tell you. The exact seat location, I couldn't tell you.

BY MR. SCHLANGER:

Q. One last question from me.

As I understand it, between the time that you spoke to Mr. Kirimica and told him



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1 B. Smith  
2 about receiving this letter and ask that he  
3 assigned tickets to the Governor and the time  
4 that -- and today, the only conversations that  
5 you've had about those tickets were passing  
6 conversations with Mr. Kirimica about  
7 receiving payments?

8 A. From -- you are saying from after the  
9 game?

10 MR. DUFFY: I have one caveat.  
11 Obviously there have been  
12 conversations in preparation as part of this  
13 investigation, so I think you are --

14 Q. Excluding conversations with counsel,  
15 who have you had conversations relative to  
16 Governor Paterson and his entourage's  
17 attendance at World Series game number one?

18 A. From what point to what point?

19 Q. From the time of the game until  
20 today.

21 A. Obviously the ticket office. That  
22 would be Irfan Kirimica. My staff would be  
23 aware of it because it would come through my  
24 office. In addition to that, I can confirm  
25 like as far as exact the conversations, I am

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B. Smith

sure there were probably others in house, but I can't confirm who they were at this time.

Q. Did you speak to Mr. Trost about it?

A. Lonn Trost gave me the official request for five tickets.

Q. I am talking about subsequent to the time that the tickets were issued.

A. And we are excluding preparing for this?

Q. We are excluding conversations with counsel, not excluding necessarily preparation.

A. I received a request from Lonn. I am trying to think did we follow-up and have another conversation after? I don't recall a conversation after at this point.

Q. Did you speak to Ms. McGillion about it?

A. No, I don't recall a conversation -- hold on. Let me see.

I think I did talk to Alice. She called me a few days after.

Q. What was that conversation?

A. To ask me did the Governor attend and



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1 B. Smith

2 did he pay for tickets.

3 Q. What did you respond?

4 A. I said the Governor did attend and we  
5 receive a letter from his counsel stating that  
6 he was attending in an official capacity.

7 Q. Did you speak to Mr. Levine about it?

8 A. Yes, I had a conversation with  
9 Mr. Levine.

10 Q. What was that conversation?

11 A. It was also asking reference to did  
12 the Governor attend, did he pay for his  
13 tickets. And I provided him with the  
14 information also that we received a letter  
15 stating that he was attending in an official  
16 capacity.

17 Q. Aside from those conversations, did  
18 you have conversations with anybody else who  
19 you are aware of?

20 A. I know in one conversation when Randy  
21 did call me, it was confirming a -- I guess he  
22 received a call from --

23 Q. Would that be Fred Dicker?

24 A. Exactly, that's it. It was  
25 confirming that the Mayor did attend.

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B. Smith

MR. DUFFY: That the --

A. Excuse me, the Governor, that the Governor did attend the game and asking did he pay for the tickets.

Once again, I stated that we -- he did not pay, we received a letter from his counsel official business.

Q. So when you heard from Mr. Kirimica that payment had been received, how did that strike you given the fact that you had received this letter relative to official attendance?

A. I guess they felt on their end there was some obligation to pay.

Q. Aside from the inquiry from Mr. Dicker that Mr. Levine related to you and your conversation with Ms. McGillon, did you have any direct interaction with the media?

A. No.

MS. HOLOHAN: Just one second.

(Discussion held off the record.)

MR. SCHLANGER: That's it.

MR. DUFFY: Thank you very much.

(Time noted: 1:30 p.m.)



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I N D E X

WITNESS	EXAMINATION BY	PAGE
B. Smith	Ms. Holohan	3
	Mr. Schlanger	17



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C E R T I F I C A T I O N

I, MARGARET EUSTACE, a Shorthand Reporter and notary public, within and for the State of New York, do hereby certify:

That BRIAN SMITH, the witness whose examination is hereinbefore set forth, was first duly sworn by me, and that transcript of said testimony is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 28 day of January, 2010.

*Margaret Eustace*  
MARGARET EUSTACE 



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