

STATE OF NEW YORK

COMMISSION ON PUBLIC INTEGRITY

---

In the Matter of an Investigation  
Into Governor David A. Paterson's  
Acquisition of World Series Tickets

---

EXAMINATION UNDER OATH

OF

PETER KAUFFMANN

---

ORIGINAL

Tuesday, March 2, 2010  
1:30 p.m.  
Commission for Public Integrity  
540 Broadway, 2nd Floor  
Albany, New York

APPEARANCES

FOR THE NYS COMMISSION ON PUBLIC INTEGRITY

STATE OF NEW YORK COMMISSION ON PUBLIC INTEGRITY  
540 Broadway  
Albany, New York 12207  
BY: JEFFERY SCHLANGER, ESQ.  
BRIDGET HOLOHAN, ESQ.

ALSO PRESENT:  
Lawrence J. Murello

ALEXY ASSOCIATES, INC.  
(518) 798-6109

1                   P E T E R   K A U F F M A N N,  
2           having been first duly sworn by the notary public,  
3                   was examined and testified as follows:

4   EXAMINATION

5   BY MR. SCHLANGER:

6   Q    Would you please state your name for the record?

7   A    Peter Kauffmann.

8   Q    And spell your last name, please.

9   A    Kauffmann, K-a-u-f-f-m-a-n-n.

10   Q   My name is Jeff Schlanger. I am special counsel to  
11   the Commission of Public Integrity, and I've been  
12   engaged to assist in this particular investigation.

13           As we spoke just a moment ago, I'll be asking you  
14   questions. If there's any question -- well, first of  
15   all, you have to give a verbal response to every  
16   question that I ask because we have a stenographer here  
17   who is taking everything down, and she can't take down  
18   nods or shaking of heads, so if you'd please give a  
19   verbal answer, that would be great. If there's any  
20   question that I ask you that you don't understand --  
21   and I'm sure that will happen because sometimes I do  
22   that -- just let me know and I will rephrase it in a  
23   way that you do understand. Okay?

24   A    Okay.

25   Q    Good. Are you currently employed, sir?

1 A I am.

2 Q And by whom are you employed?

3 A I am employed by the Executive Chamber.

4 Q And in what capacity is that?

5 A I'm Director of Communications for Governor  
6 Paterson.

7 Q For how long have you been so employed?

8 A March 23, 2009.

9 Q Okay. Can you tell me what the role and  
10 responsibility of the Director of Communications is?

11 A I run the communications staff. I oversee  
12 interaction with the media on a day-to-day basis, and I  
13 advise the Governor.

14 Q And in terms of the communications staff,  
15 approximately how many people work directly for you?

16 A Directly for me, I would say probably 19, including  
17 the speech-writing team, advance staff, et cetera.

18 Q You do understand, sir, do you not, that you are  
19 under oath and as such you're obligated to tell the  
20 truth under penalties of perjury?

21 A I do.

22 Q Okay. Are you familiar with the rules regarding  
23 the acceptance of gifts and benefits as embodied in the  
24 Public Officer Law?

25 A Yes, I have read them.

1 Q With regard to those rules are you specifically  
2 aware that no state officer or employee can solicit or  
3 request or receive any gift having more than nominal  
4 value and in which it could reasonably be inferred that  
5 the gift was intended to influence him or could  
6 reasonably be expected to influence him?

7 A Yes.

8 Q And, specifically, are you aware that no state  
9 officer or employee can use or attempt to use his  
10 official position to secure an unwarranted privilege  
11 for himself or others?

12 A Yes.

13 Q Okay. And you understand, do you not, the reason  
14 that these policies exist?

15 A Yes.

16 Q Do you have any understanding as to what the policy  
17 of the Governor is with respect to his attendance at  
18 any sporting events that he may go to and when, if at  
19 all, it would be necessary for him to pay for tickets?

20 A I don't. If there is a set policy, I don't.

21 Q Okay. Did you ever have occasion to discuss that  
22 policy or any policy regarding those issues with the  
23 Governor or anybody else in the Chamber?

24 A Yes.

25 Q When did you have those discussions?

1 A Specifically, following the World Series, when I  
2 was called by Fred Dicker of the NEW YORK POST to ask  
3 if the Governor did, in fact, attend, I believe it was,  
4 Game 1 of the World Series, did he pay for the tickets,  
5 and from there started doing my research.

6 Q And in terms of your research, did you learn  
7 whether or not there was a policy with respect to this?

8 A I know that there was a letter written to the  
9 Yankees that stated that Governor Paterson attended in  
10 his official capacity and, therefore, he was able to  
11 attend in that capacity without paying for a ticket.

12 Q Prior to your appearance here, in the Chamber did  
13 you have occasion to speak with other people about your  
14 prospective testimony here?

15 A No.

16 Q Did there come a time when you became aware that  
17 what are commonly referred to as 15-day letters were  
18 issued with respect to the tickets to the World Series?

19 A Could you repeat the question?

20 Q Yeah. Are you aware of what a 15-day letter from  
21 the Commission is?

22 A Yeah. I mean, that's why I'm here, right?

23 Q Right.

24 A I got a letter, I guess, about opening day.

25 Q Right.

1 A Or other Yankee tickets.

2 Q Okay.

3 A Or other tickets, which I responded to. Yes, I do.  
4 We get a letter. We have 15 days to respond, yes.

5 Q Okay. Do you understand that that letter outlined  
6 that there might be certain allegations of misconduct  
7 in connection with the rules that we went over before?

8 A Yes.

9 Q When was it that you first learned that the  
10 Governor did, in fact, attend the first game of the  
11 World Series?

12 A I believe I knew the day of the game that he was  
13 going, but I did not know any of the circumstances in  
14 terms of tickets or anything like that.

15 Q Okay. When you say that you knew the day of the  
16 game that he was going, how did you learn that?

17 A I think it was part of his -- I don't -- I can't  
18 remember -- I can't recall that. I remember -- I know  
19 the day of the game that I was aware that he was going  
20 to the game, but I don't remember in what capacity I  
21 found out.

22 Q Was it standard protocol that you would assign  
23 somebody to accompany the Governor in that kind of  
24 situation?

25 A Yes.

1 Q Did you assign somebody to accompany the Governor  
2 in that particular situation?

3 A I did, yes, when I found out that he was going to  
4 the game.

5 Q Who was that that you assigned?

6 A It was -- I believe Lauren Passalacqua was the  
7 person I assigned to cover for the press.

8 Q Why did she get that assignment, do you know?

9 A Anytime the Governor goes somewhere, I need to make  
10 sure that he has a representative from the press office  
11 to handle any press inquiries, so I was given a  
12 heads-up that he was going to the game, and I made sure  
13 that we had someone there to assist him in case there  
14 were any media -- requests from reporters, he had to  
15 answer any questions. I know that there was a couple  
16 cameras, video cameras on the way in. I think he  
17 stopped and took a couple questions, so I want to make  
18 sure I had a press person there.

19 Q Okay. Is there a division, any natural division of  
20 labor between New York and Albany? Are some people  
21 based in New York?

22 A Yeah, some people are.

23 Q Was Ms. Passalacqua based in New York?

24 A In New York City, yes.

25 Q Getting back to the 15-day letter, when you

1 received the 15-day letter, did you discuss that letter  
2 with anybody?

3 A No.

4 Q Did you speak to Mr. Kiernan about the letter at  
5 all?

6 A Discuss -- I may have let him know -- yes, I let  
7 him know I had a letter.

8 Q Did you talk to the Governor at all about it?

9 A No.

10 Q Was there concern among the -- or in the Chamber  
11 that these 15-day letters had been issued?

12 A I don't know how I would quantify "concern."

13 Q Well, did you have discussions with anybody other  
14 than Mr. Kiernan and mentioning it to him?

15 A You know, I just have to take a step back. I mean,  
16 there's so many sort of day-to-day issues that arise in  
17 the press office. I mean, I talk to, you know, 50  
18 reporters in a day --

19 Q Right.

20 A -- just on a regular daily basis, and there might  
21 be, you know, ten crises a day. I remember -- I  
22 remember certain specifics in the inquiry with Fred  
23 Dicker touching off Thursday, October 29th.

24 Q And we'll get into those in a minute.

25 A But in terms of the 15-day letters, I don't

1 remember the timing of when those were issued. I sort  
2 of have a memory of what was sort of in the papers with  
3 announcements by NYPR, calling for an investigation,  
4 things like that. I do have a recollection of that.  
5 And I can recall there being discussions about, you  
6 know, next steps in terms of having to answer any  
7 questions about that or anything, not in terms of  
8 testimony but more what to say to reporters when asked.

9 Q And who were those discussions with?

10 A Again, I don't recall the details of any specific  
11 discussions, but I think they were something that was  
12 brought up with Peter Kiernan, Larry Schwartz.

13 Q By the way, do you report directly to the Governor?

14 A I do.

15 Q Do you know where the Governor was on the day of  
16 the first game of the World Series, which I think we  
17 can agree was the 28th of October?

18 A I don't have that in front of me. I will take that  
19 at face value.

20 Q Okay.

21 A I will believe you on that one.

22 Q Thanks. Do you know where the Governor was on that  
23 day?

24 A I don't. I mean, I have access to his schedule. I  
25 just don't have it in front of me.

1 Q Are you responsible for his schedule?

2 A No.

3 Q That is drawing up the schedule itself?

4 A No. I mean, I have a role in planning, you know,  
5 media events, but, no, I don't draw up the schedule.

6 Q Do you recall how you first learned that, in fact,  
7 the Governor would be attending the game?

8 A No, I don't. Like I said, I know that I was aware  
9 that day, but I don't -- I don't remember who first  
10 told me. I just don't recall that.

11 Q There came a time after the World Series that you  
12 learned that, in fact, the Governor had attended, as  
13 you thought he was going to?

14 A What was the question?

15 Q There came a time after the game was actually  
16 played that you learned that the Governor had, in fact,  
17 attended the game?

18 A Yes.

19 Q Did you have conversations with Ms. Passalacqua  
20 about his attendance at the game, how things went?

21 A Yes. Yeah. I talked to her that night and the  
22 next morning, and she let me know that there were a  
23 couple of reporters that had wanted to talk to him on  
24 the way in, you know, just gave me a heads-up that  
25 nothing eventful happened from a press perspective, you

1 know, nothing worthwhile but that he talked to a couple  
2 reporters.

3 Q Did you know who, in fact, attended the game with  
4 the Governor?

5 A I did after the fact, yes.

6 Q When you spoke to Ms. Passalacqua after the game,  
7 did you know at that point who had attended?

8 A I didn't. I knew at that point that Judy Sanders,  
9 the photographer, was at the game, but I wasn't aware,  
10 I don't think, beforehand that she was going down to  
11 the game.

12 Q When was it that you first learned who had attended  
13 with the Governor?

14 A I believe it was after Fred Dicker called me and  
15 confirmed that the Governor was at the game and what  
16 the details were, that I then did sort of my research,  
17 talked to him, talked to David Johnson, Matthew Nelson,  
18 Peter Kiernan, to get the details of his attendance and  
19 got who sat with him.

20 Q We'll get into all those conversations, if that's  
21 okay.

22 A Okay.

23 Q You mentioned a person by the name of Fred Dicker,  
24 is that correct?

25 A Yes.

1 Q And can you describe who he is?

2 A NEW YORK POST reporter.

3 Q Did you have a relationship with him, that is, a  
4 professional relationship?

5 A Yes, he calls frequently. He's one of the 50-odd  
6 reporters that calls me on a day-to-day basis.

7 Q Do you recall the first time that you spoke to  
8 Mr. Dicker relative to the World Series game?

9 A I believe it was on October 29th.

10 Q Would that be the day after the game?

11 A That Thursday, yes.

12 Q Do you recall what time it was, approximately, that  
13 you spoke to him?

14 A I don't.

15 Q Okay. Do you recall what it was that you did --  
16 well, why don't you recount the conversation with  
17 Mr. Dicker?

18 A You know, and again, I just have to -- I've sort of  
19 reviewed -- I don't have handwritten notes, and I  
20 didn't have access to any e-mails from that day when I  
21 was called in here, so I just -- I know a set of  
22 details about this, but I can't remember all the --

23 Q Obviously, telling the truth means if you don't  
24 recall that you have to say you don't recall.

25 A Yeah.

1 Q But if I ask you for your best recollection, then I  
2 hope you'd provide your best recollection.

3 A Absolutely.

4 Q So with regard to your conversation with  
5 Mr. Dicker, your first conversation -- there were  
6 multiple conversations?

7 A Yes. There were a number of conversations through  
8 mainly Thursday and Friday, October 29th and October  
9 30th.

10 Q So with regard to that first conversation with  
11 Mr. Dicker, can you give us the sum and substance of  
12 that conversation?

13 A Yeah. I mean, there was a series of discussions  
14 with Dicker. And, again, I believe the initial call  
15 was, "Peter, did the Governor attend the game? I  
16 talked to someone who saw him. Did he attend the game?  
17 Did he pay for his tickets? Who was he with?"

18 So I -- subsequently I guess I would have confirmed  
19 with Matthew Nelson that he had gone to the game, and  
20 it was either Matthew or David Johnson that I said,  
21 "Who was the Governor with?"

22 And then eventually, you know, once I got those  
23 baseline facts, talked to the Governor and said that  
24 Fred Dicker was calling about the World Series tickets.

25 Q Now, was it an unusual call, that is, was there

1 something implicit in the conversation that amounted to  
2 an allegation from Mr. Dicker?

3 A I mean, yeah, Fred -- I guess the implicit aspect  
4 of it would be the idea that the Governor and his  
5 guests didn't pay for their tickets and show us  
6 confirmation that they did.

7 Q And that was clear from the beginning of the  
8 conversation or string of conversations?

9 A It was clear from the string of conversations, yes.

10 Q How many times in the next 24 or 48 hours would you  
11 say you spoke to Mr. Dicker?

12 A Between five and ten times.

13 Q And would it be fair to say that ultimately  
14 Mr. Dicker wrote an article in the NEW YORK POST  
15 essentially reporting on those conversations?

16 A Yes.

17 Q Okay. Have you seen that article recently?

18 A Yes.

19 Q Do you have it there with you? Okay. Have you  
20 read that before you came to testify?

21 A Yes.

22 Q And are the items which are asserted as fact by  
23 Mr. Dicker accurate, to the best of your knowledge?

24 A Yes.

25 Q Okay. We're going to mark a copy of that article,

1 if that's okay.

2 MR. SCHLANGER: Why don't we have that  
3 marked as -- I think we're up to 5.

4 (Commission Exhibit No. 5 was marked for  
5 identification.)

6 BY MR. SCHLANGER:

7 Q Same article that you had reviewed?

8 A Yes. Yes.

9 Q Okay. So let's, if we can, go paragraph by  
10 paragraph. The second paragraph in the article states  
11 the following: "When initially asked about freebies,  
12 Paterson spokesman Peter Kauffmann said the Governor  
13 was personally offered the tickets by Yankee president  
14 Randy Levine" -- or "Levine, with whom he had appeared  
15 on a CNBC show a few days earlier." Was it accurate  
16 that you had said that to Mr. Dicker?

17 A Yes.

18 Q And did that account later change?

19 A Yes. Yes.

20 Q So let me ask you first, from where did you obtain  
21 the information relative to the initial account?

22 A Governor Paterson.

23 Q And can you relate the conversation with Governor  
24 Paterson as best you can?

25 A It was very simple. I let him know that Fred

1 Dicker was asking questions about the World Series. I  
2 asked if he -- how he got the tickets, what the  
3 background was.

4 And he said, "Oh, I was just on with Randy Levine,  
5 I was just on CNBC with Randy Levine. We went to law  
6 school together. And he invited me."

7 Q Okay. There came a time when you came to  
8 understand that that was not an accurate recitation of  
9 the facts, is that correct?

10 A Yes, that's correct.

11 Q How did you learn that it wasn't accurate?

12 A I believe in subsequent conversations with Fred  
13 Dicker he told me that it wasn't true, that it was  
14 being denied, I guess, by the Yankees. So then I went  
15 back to the Governor and David Johnson and said, you  
16 know, "The Yankees, Randy Levine is saying that that's  
17 not true, that, you know, he didn't invite you." And,  
18 you know, "Was that an actual invitation? Did he  
19 explicitly say 'please come to Game 1 of the World  
20 Series; here are some tickets. I will give you  
21 tickets'?"

22 And at that point was told, "Well, no. He may have  
23 mentioned it like a 'hey, are you coming to the game?'  
24 Or, 'let me know if you want to come to the game.'"  
25 That was the second time.

1 Q By the way, was Mr. Johnson present during the  
2 first conversation with the Governor?

3 A No.

4 Q And you said that he was present for the second  
5 conversation, is that correct?

6 A Yes.

7 Q And who was it that did the speaking that you just  
8 related relative to that second conversation?

9 A The Governor.

10 Q Did you subsequently find out what the true state  
11 of facts relative to the interchange between the  
12 Yankees and the Governor was?

13 A Yeah. I mean, skipping ahead through the sort of  
14 blow by blow that Fred Dicker -- yes, I subsequently  
15 found out, and I feel I have an accurate picture of  
16 what actually happened.

17 Q Okay. So with regard to the so-called -- or what  
18 was first called the invitation, what did you  
19 subsequently learn?

20 A What I subsequently learned through talking to a  
21 number of different people within the Chamber was that  
22 the Yankees COO, Lonn Trost, called in to our office.  
23 That call was forwarded to Matthew Nelson, our director  
24 of scheduling. And it was sort of a, you know,  
25 boilerplate, you know -- this was before the

1     playoffs -- if the Governor is interested in going to  
2     any of the games, any of the playoff games, let me  
3     know. I think Matthew relayed that message. This is  
4     only what I've learned --

5     Q     That's fine.

6     A     -- in research. And the Governor wasn't able to go  
7     for any of the pre -- the playoff series, but before  
8     Game 1 of the World Series, the Governor expressed an  
9     interest in going to the game. I believe that Matthew  
10    may have sent an e-mail to that effect. I can't recall  
11    if that was the order -- I can't recall, I believe that  
12    Matthew may have reached out and let them know the  
13    Governor was interested.

14           Subsequently the details from that point on were --  
15    in terms of who went, was handled by David Johnson  
16    with, I believe it was, Brian Smith of the New York  
17    Yankees.

18    Q     And all of this information came to you over those  
19    next 24 to 48 hours that you were trying to respond to  
20    Dicker and his inquiries?

21    A     Correct.

22    Q     Okay. There is reference in this article, is there  
23    not, to a senior Paterson administration official who  
24    is alleged to have said "the Governor didn't want to  
25    pay." It looks like the 8th paragraph down.

1 A Yes.

2 Q Do you know who that official was?

3 A I don't.

4 Q Or is?

5 A I don't.

6 Q Okay. Had you heard that same statement?

7 A I had not, no.

8 Q Had you heard anything to the contrary up to your  
9 second conversation with Governor Paterson?

10 A No.

11 Q Okay. In your conversation, the first two  
12 conversations with Governor Paterson about this that  
13 you just recounted for us, did the Governor at any time  
14 indicate to you that it had always been his intention  
15 to pay for tickets?

16 A It was unclear.

17 Q When you say "it was unclear," what aspect of it  
18 was unclear?

19 A During one conversation with him, he seemed to  
20 think that the tickets had been paid for.

21 Q Okay. Let's go back to the first two  
22 conversations, the first conversation where he said he  
23 was invited, did he in that conversation, when he was  
24 alone and it was you, in that conversation was there  
25 any mention that "I had paid for these tickets" or I --

1 A No, we didn't discuss payment. It was just his  
2 answer was, "Well, Randy Levine invited me."

3 Q Okay. Did he indicate in that conversation that he  
4 had drawn up a check or anything to that effect?

5 A No.

6 Q In that conversation was there any reference at all  
7 to anybody paying for any of the tickets?

8 A No.

9 Q Let's move to the second conversation with both the  
10 Governor and Mr. Johnson. In that conversation was  
11 there any indication that the Governor had paid for any  
12 of the tickets or had written a check to pay for any of  
13 the tickets?

14 A Could you repeat that? I'm sorry.

15 Q In the second conversation with Mr. Johnson and the  
16 Governor, was there any reference by either one of them  
17 that the Governor either had paid for the tickets or  
18 had written a check to pay for the tickets?

19 A I can't recall the first -- the exact first  
20 conversation where the payment came up. I had a number  
21 of subsequent conversations in a relatively short time  
22 frame with the Governor and David Johnson. First it  
23 was -- the first story I got directly from the Governor  
24 was that Randy Levine invited him. When Fred called me  
25 back and I was told the Yankees denied that, they said,

1 "Oh, no, maybe it was somebody else with the Yankees,"  
2 and I had known that at that point, then, that Lon  
3 Trost had sent an e-mail -- or had called our office to  
4 extend -- you know, it's a semantic difference -- made  
5 the offer of tickets.

6 Q Back earlier?

7 A Correct, before the playoffs.

8 Q Before the playoffs, right?

9 A Correct. And then subsequently in a number of  
10 conversations, sort of getting more details from Fred  
11 Dicker asking more questions of Governor Paterson and  
12 David Johnson, came to find out that, no, in fact, they  
13 didn't pay for any of the tickets. I spoke with Mark  
14 Leinung, who attended the game. From the first  
15 conversation I talked to him about going to the game,  
16 he expressed that he, you know, he will send a check  
17 in.

18 Q Right. We'll take these chronologically if that's  
19 okay.

20 A And I do apologize because --

21 Q Not at all?

22 A With the number -- having been months ago with the  
23 number of -- I don't necessarily have a  
24 chronological --

25 Q That's okay. I'll try to give it to you and we'll

1 see if we can break it down into those individual  
2 pieces, if you will.

3 A Okay.

4 Q There is a paragraph in the story that says, "A  
5 third story then came from a senior Paterson  
6 administration official who told the POST that the  
7 tickets were solicited from the Yankees' top management  
8 at Paterson's direction by David Johnson, the  
9 Governor's personal aide." In fact, that turned out to  
10 be the case, as you've learned, is that right?

11 A That was the case as I learned, yes.

12 Q Okay. There is a paragraph in the story that reads  
13 as follows: "Kauffmann initially claimed that taking  
14 free tickets worth nearly \$2,000 was appropriate  
15 because the Governor's appearance at the World Series  
16 was part of his official and ceremonial  
17 responsibilities." Was that true? Did you, in fact,  
18 say that?

19 A I did, yes.

20 Q And where did you get the information to be able to  
21 make that statement?

22 A I was told that by David Johnson.

23 Q Okay. And can you recall whether this was a third  
24 conversation or a fourth conversation?

25 A I can't. This is where it -- again, this is where

1 it becomes a number of successive conversations.

2 Q And how many conversations would you say that you  
3 had with the Governor with respect to this?

4 A With the Governor?

5 Q In which he was either there, present, or you spoke  
6 to him alone?

7 A Five, I'd say, at least five, between five and ten.

8 Q How about Mr. Johnson?

9 A About the same.

10 Q So you indicated that you somehow gleaned from  
11 Mr. Johnson -- a conversation with Mr. Johnson that the  
12 free tickets worth nearly \$2,000 were appropriate  
13 because of the Governor's appearance was official, is  
14 that correct?

15 A Correct. David Johnson told me it was official and  
16 that he got a letter saying so from Peter Kiernan.

17 Q And it was your understanding that the letter that  
18 he got from Peter Kiernan referred to all of the  
19 tickets, not just one of the tickets?

20 A My understanding when David Johnson first said that  
21 to me, the way David Johnson expressed it to me was  
22 that it covered everyone who had come with the  
23 Governor.

24 Q Okay. Did Mr. Johnson at any point during that  
25 conversation indicate to you that he had a check from

1 the Governor to pay for the tickets for his son and his  
2 son's friend?

3 A No.

4 Q That would have, in fact, been inconsistent with  
5 what he was saying to you relative to the free nature  
6 of the tickets?

7 A Yes, to that first --

8 Q At that point?

9 A At that point, yes.

10 Q Okay. There is a paragraph in this article which  
11 says, "Kauffmann's story changed several more times  
12 over two days as the number of free tickets received  
13 shrank to four to two and over the weekend to one."  
14 First of all, is that accurate, that, in fact, your  
15 story changed in that regard with respect to the number  
16 of free tickets?

17 A Yes.

18 Q Can you tell us how the information that you  
19 supplied to Mr. Dicker relative to this article came  
20 into your possession?

21 A The information that I supplied?

22 Q Yeah.

23 A From the Governor and David Johnson or David  
24 Johnson. Those were my two main sources for the change  
25 of information.

1 Q Were you participating in conversations which led  
2 to this sequence of events of paying for one ticket,  
3 paying for two tickets and so on?

4 A Yes.

5 Q Can you describe those conversations to us?

6 A Again, it was initially what I was told was the  
7 Governor was invited and, therefore, by nature of the  
8 fact that this was an official and ceremonial duty,  
9 which I then subsequently confirmed through counsel,  
10 yes, in fact, you know, the statute is that if it's a  
11 ceremonial duty, this is okay. That's what I was told  
12 by counsel.

13 Q Was counsel involved in these conversations?

14 A No. No.

15 Q Okay.

16 A But I independently went to try to confirm as much  
17 as possible. And then it was sort of the -- the  
18 initial understanding from Governor Paterson and David  
19 Johnson in a series of conversations that -- first that  
20 you're allowed to get free tickets because it's  
21 ceremonial and you have to have staff with you to --  
22 and then it sort of developed from there.

23 Q What was their specific conversation to the effect  
24 that maybe this wasn't ceremonial with respect to the  
25 other participants?

1 A I mean, I don't know if --

2 Q Were you present for any of those conversations?

3 A I was present for some of the conversations. My  
4 advice from the onset was that all these tickets should  
5 be paid for, period, and that you should pay for them.  
6 And was told, "no, no, this is ceremonial. This is  
7 ceremonial. This is standard practice."

8 Q Who was saying that? Was it both the Governor and  
9 Mr. Johnson?

10 A Yes.

11 Q And so when a decision was made to pay for some of  
12 the tickets, do you recall which of the tickets was  
13 first that was going to be paid for?

14 A The first ticket was immediately -- again, I came  
15 into this process initially because the reporter  
16 called. Shortly after the reporter called, when I  
17 determined who went to the game, the first -- when I  
18 first spoke to Mark Leinung, Deputy Director of State  
19 Operations, to confirm that he was one of the people,  
20 the first thing he said to me was where -- was like, "I  
21 didn't pay for the ticket yet. Where do I send my  
22 check to?" So he right away said his intent was to  
23 pay. He just didn't know -- I would categorize -- it  
24 seemed to me, when I talked to him, he said, "Yeah, I'm  
25 paying for my ticket. I saw the face value. Where do

1 I send that?"

2 Q Did he ever indicate to you that it had always been  
3 his assumption that he would pay?

4 A That's -- again, I don't know. That was the first  
5 thing he said, basically, when I asked him if he went  
6 to the game and started asking him about it, that  
7 seemed to be -- he seemed to think that he was going to  
8 pay.

9 Q Did he ever indicate to you that he had had any  
10 conversations with either Mr. Johnson or the Governor  
11 with respect to that?

12 A He didn't say. I didn't talk to him about that.

13 Q In fact, his stance would seem to be at odds with  
14 the stance, or did it seem to be at odds with the  
15 stance that the Governor and Mr. Johnson were putting  
16 forth that they didn't have to pay for any tickets?

17 A Yes. Yes. And it just seemed that his take seemed  
18 to be "look, I want to pay for this. I just want  
19 to" -- you know, whatever, "let me know."

20 Q Okay. So that was the first ticket that was  
21 decided that would be paid for?

22 A Correct, yes.

23 Q And, in fact, you indicated that to Mr. Dicker,  
24 that you just got word or something to the effect that  
25 Mr. Leinung would pay for his ticket?

1 A Correct.

2 Q Did there come a time when you learned that  
3 somebody else would pay for their tickets?

4 A Yeah. In subsequent conversations with the  
5 Governor, he felt that he -- it was appropriate for him  
6 to pay for his son and his son's friend's tickets. He  
7 said that while he would attend in his official  
8 capacity with one staff member attending to assist him  
9 and that that was consistent with his understanding,  
10 but that, in fact, he should pay for his son and his  
11 son's friend's ticket.

12 Q Was there conversation in between the Governor's  
13 position that he didn't need to pay for any of the  
14 tickets to the position where he had decided to pay for  
15 his son and his son's friend's tickets?

16 A There were conversations. I wasn't involved in a  
17 lot of the -- I may not have been party to all those  
18 conversations.

19 Q You said that you had given them the advice that  
20 they should pay for all the tickets and, I guess, be  
21 done with the whole thing?

22 A That was -- yes. Yes, that was my advice.

23 Q When did you give that initial advice?

24 A I don't know if it was in the -- I don't think it  
25 was in the initial conversation with the Governor

1 because payment didn't really come up. It was just I  
2 was invited to this. But the moment it was clear that  
3 Dicker's direction here was going to be kind of a  
4 gotcha, you know, trying -- you know, elected official  
5 trying to get freebies, my feeling was that, you know,  
6 regardless of whatever the legal basis was for  
7 accepting free tickets -- I am not an attorney, but as  
8 a communications director my advice was \$2,000 is a  
9 small investment to not have any subsequent questions  
10 about it.

11 Q And was it to that advice that the Governor and  
12 Mr. Johnson indicated "no, no, no, this is official  
13 business"?

14 A Correct.

15 Q "We get to go for free"?

16 A Correct.

17 Q At any point during any of the conversations that  
18 you had with the Governor, did he mention having  
19 written out a check prior to October 29th?

20 A I don't know. We never discussed the date of when  
21 he -- no. We didn't discuss when he wrote the check.

22 Q Right.

23 A He did say -- while he said at first -- while he  
24 said at first that there was this legal opinion that  
25 they didn't have to pay for the tickets, when he told

1 me that he was going to pay for his son and his son's  
2 friend, he indicated to me that that was always his  
3 intention, that he would pay for the tickets, even  
4 though he --

5 Q But you knew that wasn't true when he told you  
6 that?

7 A He said that it was his intention to pay for the --  
8 his son and his son's friend's ticket at that point,  
9 that at that point he paid for them, that even though  
10 he didn't have to, he intended to do so.

11 Q But it was clear to you that that wasn't always his  
12 intention because he had said at one point that he  
13 didn't have to pay?

14 A There were few things that were clear about this  
15 process.

16 Q Was that one of them?

17 A Yes. Yes.

18 Q Okay. There came a point, did there not, when you  
19 drafted a response to Fred Dicker's inquiry, is that  
20 correct, you or someone acting on your behalf?

21 A Yeah. I mean, that would have been me, I believe,  
22 yes.

23 Q So would it be fair to say that there were both a  
24 written response and verbal responses in your  
25 conversations?

1 A I don't recall the details, but that would seem --  
2 yes, yes. Yes.

3 Q And --

4 MR. SCHLANGER: 822. I'm going to ask  
5 this be marked as Exhibit Number 6.

6 (Commission Exhibit No. 6 was marked for  
7 identification.)

8 BY MR. SCHLANGER:

9 Q I'll give you a second to look at Exhibit Number 6.  
10 So in terms of a draft response, the subject of this  
11 e-mail from you to Larry Schwartz and Peter Kiernan  
12 dated Thursday, October 29th, at noon, copy to Marissa  
13 Shorenstein and Matthew Nelson, is "suggested response  
14 to Dicker," is that correct?

15 A Yes, that's correct.

16 Q Did I accurately indicate who this message was from  
17 and sent to with copies?

18 A Yes.

19 Q And the suggested response reads, in quotes, "The  
20 Governor was invited by the Yankees to attend the  
21 opening game of the World Series in his official  
22 capacity, to represent the State of New York as a  
23 ceremonial occasion attended by First Lady Michelle  
24 Obama." Is that correct?

25 A That's correct.

1 Q Closed quote. And then there is a new paragraph in  
2 this e-mail which says, "He did not pay for the  
3 tickets," correct?

4 A Correct.

5 Q And then a new paragraph which indicates, "also  
6 seated with the Gov: David Johnson, GDAP's son, a  
7 friend of GDAP's son, Mark Leinung"?

8 A Correct.

9 Q "Deputy Director of State Operations," is that  
10 correct?

11 A Correct.

12 Q Do you recall drafting this e-mail?

13 A I do, yes.

14 Q This was the result of numerous conversations, was  
15 it not, with a number of individuals?

16 A This was -- Fred e-mailed at 9:52. I believe this  
17 would have been the result of initial conversation  
18 probably with the Governor and David Johnson, and that  
19 I drafted subsequent language to reflect that there was  
20 an invitation by the Yankees; this was ceremonial.  
21 That was the wording. It was a clause or something  
22 that counsel gave me about a ceremonial occasion that I  
23 tried to work in.

24 Q And was this the response which ultimately went out  
25 to Mr. Dicker?

1 A I wasn't able to review my e-mail, but this seems  
2 consistent with what my first statement to him would  
3 have been.

4 MR. SCHLANGER: Do you have 444, maybe?

5 Can we have this marked as Exhibit 7?

6 (Commission Exhibit No. 7 was marked for  
7 identification.)

8 BY MR. SCHLANGER:

9 Q Do you recognize what has been shown to you as  
10 Exhibit Number 7?

11 A Yes, I do.

12 Q And this, is it not an e-mail from you to FUD31,  
13 who is Fred Dicker?

14 A Yes.

15 Q Dated Thursday, October 29, 2009 at 1:33 p.m.?

16 A Yes.

17 Q And this would be the response to Mr. Dicker's  
18 original e-mail?

19 A Yes.

20 Q And there is a difference between this response and  
21 the draft response or suggested response that was  
22 contained in Exhibit Number 6?

23 A Yes.

24 Q And what was that difference?

25 A I deleted the reference to the First Lady, Michelle

1     Obama.

2     Q     Do you recall, as you sit here, why you deleted  
3     that reference?

4     A     I remember there being discussions.  I believe my  
5     initial conversation with the Governor, he mentioned  
6     how much of a ceremonial occasion it was and that First  
7     Lady, Michelle Obama, was there as sort of evidence of  
8     the fact that it was such a high profile national  
9     ceremonial and official occasion.  You know, I can't  
10    remember the specifics of it, but, to the best of my  
11    recollection, I think that I just might have made a  
12    decision, frankly, just not to include Michelle Obama's  
13    name in reference to this Fred Dicker column.

14    Q     Okay.  By the way, the conversations that you had  
15    with the Governor and Mr. Johnson that you've  
16    referenced, those were face-to-face conversations?

17    A     My memory is that the initial conversation with the  
18    Governor was over the phone and that I had subsequent  
19    face-to-face conversations with him.

20    Q     Do you recall where the Governor was when you were  
21    on the phone with him?

22    A     I don't.

23    Q     Was he in New York, do you know?

24    A     I had face-to-face conversations with him about  
25    this in the New York City office.

1 Q That's where these conversations occurred?

2 A Where some of them did, yes.

3 Q The first conversation that you had with the  
4 Governor, going back to that first conversation after  
5 you received Mr. Dicker's inquiry, where was that?

6 A The initial thing, I don't know where he was. My  
7 memory is that it was on the phone, but I can't fully  
8 recall.

9 Q The second conversation with respect to the  
10 Governor and Mr. Johnson being present, was that in the  
11 New York City office?

12 A I don't recall the specific -- number of --  
13 chronologically, of it, but there were subsequent  
14 conversations I had with both of them in Governor  
15 Paterson's office in New York City is my memory.

16 Q And that's on 3rd Avenue?

17 A Yes.

18 Q And is that your normal duty station, New York?

19 A Yes. Yes.

20 (Discussion off the record.)

21 Q Okay.

22 MR. SCHLANGER: 174, please.

23 Q There came a time at some point prior to your  
24 sending Mr. Dicker a response that you corresponded  
25 with Peter Leinung -- Mark Leinung?

1 A Mark Leinung.

2 Q Is that correct?

3 A Yeah. Yes.

4 Q I'll show this to you in a second.

5 MR. SCHLANGER: Let's have that marked as  
6 Exhibit 8.

7 (Commission Exhibit No. 8 was marked for  
8 identification.)

9 BY MR. SCHLANGER:

10 Q Before we get to Exhibit Number 8, let me ask you  
11 this: Are you aware that Governor Paterson has  
12 testified with respect to this matter, has given a  
13 deposition similar to that which you are undergoing  
14 now?

15 A Yes, I think I did know that he talked to you the  
16 other day, I believe.

17 Q And when did you learn that that was going to take  
18 place?

19 A I don't recall.

20 Q Were you in New York City when you learned that?

21 A I don't recall. I haven't been up to Albany much  
22 in the past few weeks, so I don't recall.

23 Q Do you know whether or not the Governor had met  
24 with individuals relative to his appearance here for  
25 the deposition?

1 A Not to my knowledge.

2 Q Okay. Exhibit Number 8, would you take a look at  
3 it, please? Reading from the bottom up, there is an  
4 e-mail from you to Mark Leinung, subject, Yankee game,  
5 dated Thursday, October 29, 2009 at 1:26 p.m., is that  
6 correct?

7 A That is correct.

8 Q Okay. Would you read that for the record, please?

9 A "Mark, I wanted to give you a heads-up that Fred  
10 Dicker is asking who sat with the Gov last night and  
11 did everyone pay their tickets. The answer is no, no  
12 one paid, everyone was a guest of the Yankees, but I  
13 wanted to give you a heads-up that this will be in the  
14 POST tomorrow. I am working with D.J. and the Gov to  
15 formulate our official response but wanted to give you  
16 a heads-up as you were at the game. Thanks, Peter."

17 Q Okay. So at that point would it be fair to say  
18 that you hadn't yet had the conversation with Mark  
19 Leinung relative to his payment for the ticket?

20 A Correct.

21 Q Okay. And would it be fair to say that as of 1:26  
22 p.m. on that date, Thursday, October 29th, that your  
23 best information was that no one had paid for the  
24 tickets and, by inference, that no one was going to pay  
25 for the tickets, either?

1 A Yes.

2 Q And at that point you had spoken, had you not, to  
3 Mr. Johnson and to the Governor about this?

4 A Yes.

5 Q Had you spoken at that point with anybody else  
6 about this?

7 A I probably would have, again, and I apologize that  
8 I can't recall -- the people I would have talked to.  
9 And it's the chronology that I can't recall  
10 specifically, Governor Paterson, David Johnson, Matthew  
11 Nelson, Peter Kiernan, and I would have given Larry  
12 Schwartz a heads-up. I don't remember specifically  
13 what the extent of my conversations were with him in  
14 this sort of -- in the several hours afterwards.

15 Q Jumping back to your knowledge of the Governor  
16 giving a deposition with respect to this incident last  
17 week, did there come a time after that deposition that  
18 you discussed the content of his deposition with  
19 anyone?

20 A No.

21 Q Referring back to Exhibit Number 8, Mr. Leinung, in  
22 response to your e-mail that you just read, says  
23 "Thanks, Peter," is that correct?

24 A Correct.

25 Q And then you ask him at 1:46, "What was the face

1 value on your ticket," is that correct?

2 A Yes.

3 Q And then Mr. Leinung then says, "I think it said  
4 425 -- \$425"?

5 A Yes.

6 Q Is that correct? Okay. And was that the first  
7 time that you learned what the face value of the ticket  
8 was?

9 A I believe so, yes. That's my recollection, yes.

10 Q Do you have any knowledge where the Governor sat  
11 during this game?

12 A I don't. I mean, I could -- I don't remember  
13 specifically. I know it would be a guess on the row  
14 number.

15 Q Good seats, would it be fair to say?

16 A Yes. It's a relative thing. Not as good as Mayor  
17 Bloomberg's.

18 Q Would it be fair to say that those seats were worth  
19 substantially more than the \$425 face value of those  
20 seats?

21 A I'd have no way of categorizing it.

22 Q Do you know whether or not -- are you a baseball  
23 fan?

24 A I am, yes.

25 Q Do you know whether or not those tickets would have

1     been available to just ordinary people?

2     A     I wouldn't know. I don't know exactly where he  
3     sat.

4     Q     Okay. So at some point after the e-mail exchange  
5     which is contained in Exhibit Number 8 there came a  
6     time where Mr. Leinung indicated that he was going to  
7     pay for his ticket?

8     A     That's my recollection. Again, the specific timing  
9     on all this, I can't -- I can't pinpoint that.

10    Q     Was that a result of conversations between  
11    Mr. Leinung and somebody?

12    A     I don't know.

13    Q     Do you remember how you learned that Mr. Leinung  
14    had, in fact, or was, in fact, going to pay for his  
15    ticket?

16    A     As I said earlier, I mean, I remember having a  
17    conversation with him about it, but I don't remember  
18    with any more specificity.

19    Q     There came a time, did there not, that you learned  
20    that the Governor was, in fact, going to pay for his  
21    son's ticket and the ticket of his son's friend, is  
22    that correct?

23    A     That's correct.

24    Q     Do you recall when that was, approximately?

25    A     No.

1 Q Was it on the 29th or 30th, do you recall?

2 A I don't recall.

3 Q Do you recall the sum and substance of the  
4 conversation where the Governor finally decides that  
5 that's the best thing to do?

6 A You know, not with any specificity other than I do  
7 remember there being a conversation and the Governor  
8 saying, you know, "I'll go ahead and I'll pay for my  
9 son and my son's friend."

10 I believe at that point Mark Leinung had already --  
11 and I don't -- I wasn't involved in the process of how  
12 the checks got delivered.

13 Q We'll get to that in a second.

14 A But my understanding at that point, it was after  
15 Mark Leinung had already sent in a check or however --  
16 had already determined he was going to pay, and then  
17 the Governor told me that he was going to pay for his  
18 son and his son's friend with the thought being that he  
19 was there in his official capacity, David Johnson was  
20 there as his assistant in an official capacity. The  
21 other tickets would be paid for, and that that was --  
22 this would meet the criteria laid out by counsel.

23 Q There came a time, did there not, when a decision  
24 was made that Mr. Johnson would pay for his ticket as  
25 well?

1 A Eventually, yes.

2 Q And how did that come about?

3 A Again, since there was a string of conversations, I  
4 don't remember the timing of that, when that decision  
5 was made. I was told -- in the beginning I was led to  
6 believe that the letter that Peter Kiernan had sent to  
7 the Yankees was covering everyone who was invited by  
8 the Yankees was what I was initially told.

9 Q By whom?

10 A By David Johnson. Repeatedly. And as I dug more  
11 deeply -- and again, I don't have that letter in front  
12 of me, but my understanding is eventually, when I did  
13 see a copy of that, it only covered the Governor  
14 attending in his official capacity. It didn't specify  
15 a number of aides or anything in that letter.

16 Q And was that a key aspect to the decision to have  
17 Mr. Johnson pay for his ticket?

18 A I believe so, to the best of my memory.

19 Q Okay. And do you recall any conversation around  
20 that?

21 A I remember that there was but not with any  
22 specificity.

23 Q Was there any protestation by Mr. Johnson about  
24 that?

25 A Not that I -- I wouldn't know how to characterize

1 "protestation."

2 Q Did he argue against that at any point?

3 A Well, certainly, throughout the process --  
4 throughout the process it was clear that he wasn't  
5 going to pay for it. I think when there was a final  
6 determination made that the Governor was part of that  
7 Dave Johnson should, in fact, pay for his ticket, there  
8 was no protestation at that point, but that was at the  
9 end of a process of multiple conversations.

10 Q Did the Governor say something to the effect,  
11 "David, just pay for your ticket"?

12 A I wasn't there for that conversation.

13 Q Okay. There comes a time, does there not, when, in  
14 fact, payment is made?

15 A To my -- to my knowledge, yes, but I -- again, I  
16 wasn't part of the payment.

17 Q Did you ever see checks being written for the  
18 payment?

19 A I may have been shown a photocopy of a check, but  
20 again --

21 Q Do you have any recollection of seeing anybody  
22 write any checks physically?

23 A No.

24 Q How does the Governor handle, given his disability,  
25 affixing his signature to documents that need to

1 have -- be authenticated as his or attested to as his?

2 A He can see. He signs it himself. You'll see  
3 photos of him signing a bill into law.

4 I believe he's completely blind in one eye, but  
5 he's legally blind in another, and with strong glasses  
6 with his face right up against the table he's able to  
7 see and he signs his name himself.

8 Q Is he able to, other than his signature, write as  
9 well?

10 A My understanding is he can read one letter at a  
11 time. I think it's painstaking, but he can do that.

12 I don't know to the extent of -- I wouldn't know if  
13 he would write out a whole check himself, but I've seen  
14 him sign documents.

15 Q Aside from signing documents have you seen him  
16 hand-write any document?

17 A I've seen him writing. I can't characterize.  
18 There may have been where he signed a note, maybe, to  
19 someone, maybe. No. I know specifically I've seen him  
20 sign his name. Other than that, I don't know.

21 Q Okay. Have you ever seen Mr. Johnson write notes?

22 A I don't believe I have, no.

23 Q Are you familiar with his -- you're laughing. I  
24 don't mean that in any disparaging way but there's  
25 something, obviously, that's striking a chord.

1 A No. No.

2 Q Have you ever seen something which purported to be  
3 written by Mr. Johnson?

4 A Yes.

5 Q Was it handwritten or in block letters or cursive?

6 A I don't remember. I believe that I've seen  
7 something written by him, but I wouldn't know.

8 MR. SCHLANGER: Can we have the checks?

9 BY MR. SCHLANGER:

10 Q You're familiar with the Governor's signature, are  
11 you not?

12 A Yes.

13 MR. SCHLANGER: I'm going to ask that  
14 these two pages be marked as Exhibits 9 and 10.

15 (Commission Exhibits No. 9 and 10 were  
16 marked for identification.)

17 Q I'm going to show you what have been marked now as  
18 Exhibits 9 and 10. First of all, do you recognize what  
19 Exhibit 9, the top document, is?

20 A A letter from David Johnson to the Yankees.

21 Q And could you read that, the body of that letter?

22 A "Dear Mr. Kirimca, thank you for the invitation to  
23 attend the World Series 2009 opening game at Yankee  
24 Stadium. Please accept the enclosed check for the  
25 purchase of one ticket. Looking forward to a

1       successful win this season."

2       Q     Thank you.  And do you know how this letter came to  
3       be?

4       A     I don't.

5       Q     Did you have any input into this letter?

6       A     I did not.

7       Q     And turning to the second page, that is Exhibit  
8       Number 10, do you see a check on the top of that page  
9       or a photocopy of a check?

10      A     I do.

11      Q     And do you see handwriting on that check as well as  
12      a signature?

13      A     I do.

14      Q     Do you recognize the handwriting on that check?

15      A     No.

16      Q     Do you recognize the signature on the check?

17      A     No.

18                       MR. SCHLANGER:  Could we have that marked  
19                       as 11 and 12?

20                       (Commission Exhibits No. 11 and 12 were  
21                       marked for identification.)

22      BY MR. SCHLANGER:

23      Q     Mr. Kauffmann, I'm going to show you Exhibits 11  
24      and 12.  Could you take a look at those?

25      A     Okay.

1 Q With respect to Exhibit 11, can you identify what  
2 that document is?

3 A Looks like a letter from Governor Paterson to the  
4 Yankees.

5 Q And can you read the body of that letter, please?

6 A "Dear Mr. Kirimca, thank you for the invitation to  
7 attend the World Series 2009 opening game at Yankee  
8 Stadium. Please accept the enclosed check for the  
9 purchase of two tickets for my son, Alex Paterson, and  
10 his friend, Jeremy. Looking forward to a successful  
11 win this season."

12 Q Did you have anything to do with the drafting of  
13 this letter?

14 A No.

15 Q And does that letter bear the signature of David  
16 Paterson as you know that signature to be?

17 A It does. It appears to be autopenned, it looks  
18 like.

19 Q Can you just describe for the record what an  
20 autopen is?

21 A An autopen, a standard piece of equipment for an  
22 elected official who has to sign many, many documents  
23 for correspondence. It's a machine that is imprinted  
24 with the principal's signature. So this appears to be,  
25 because it's pixelated, I would guess that it's

1 autopen.

2 Q Notwithstanding the fact that it's autopenned, is  
3 it a reasonable facsimile of the Governor's signature?

4 A Yes. It appears to be, yes.

5 Q Turning your attention to Exhibit Number 12, can  
6 you identify what that document is?

7 A It appears to be a check from the Governor to the  
8 Yankees.

9 Q Okay. Is there handwriting on that check?

10 A There is, yes.

11 Q Is there, additionally, a signature on that check?

12 A There is.

13 Q With respect to the handwriting, to the best of  
14 your knowledge, is that the Governor's handwriting?

15 A I'm not equipped to make a determination like that.

16 Q Okay. With respect to the signature are you able  
17 to determine whether or not that's the Governor's  
18 signature?

19 A I'm not.

20 Q Okay. Did you ultimately see the response that  
21 Mr. Kiernan submitted to the 15-day letter on behalf of  
22 the Governor?

23 A No.

24 MR. SCHLANGER: Would you give us just  
25 one minute? You stay here and we'll step out.

ALEXY ASSOCIATES, INC.  
(518) 798-6109

1 A Sure.

2 (Discussion off the record.)

3 MR. SCHLANGER: I have no further  
4 questions. Thank you for your cooperation and I  
5 appreciate your coming.

6 THE WITNESS: Okay. Thank you.

7

8

9

10

11 \* \* \* 2:50 p.m. \* \* \*

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

EXHIBITS

<u>Commission</u>	<u>Marked</u>
5	15
6	31
7	33
8	36
9	45
10	45
11	46
12	46

C E R T I F I C A T E

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I, Kay Trigilio, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify that the foregoing record taken by me is a true and accurate transcript of the same, to the best of my ability and belief.

*Kay Trigilio*  
\_\_\_\_\_  
Kay Trigilio, Notary Public  
State of New York

DATE: March 2, 2010