

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

MATTHEW NELSON

ORIGINAL

Tuesday, March 2, 2010
2:52 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.

FOR THE WITNESS:

BROWN & WEINRAUB
79 Columbia Street
Albany, New York 12210
BY: PAT BROWN, ESQ.

ALSO PRESENT:

Lawrence J. Murello

ALEXY ASSOCIATES, INC.
(518) 798-6109

1 M A T T H E W N E L S O 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 Sir, would you please state your name for the
7 record?

8 A Sure. Matthew Nelson.

9 Q And, sir, my name is Jeff Schlanger. I am an
10 attorney who has been engaged by the Commission to help
11 in this investigation.

12 I'll be asking you some questions. If there is any
13 question that you don't understand that I ask, please
14 feel free to ask me to rephrase it or let me know that
15 you don't understand it.

16 A Okay.

17 Q And, in addition, everything that you answer must
18 be with words --

19 A Okay.

20 Q -- as opposed to nods or shaking of your head,
21 because we have a stenographer here who is taking
22 everything down.

23 A Okay.

24 Q Okay, great. Sir, are you currently employed?

25 A Yes.

1 Q By whom are you employed?
2 A State of New York.
3 Q And in what position?
4 A Director of Scheduling.
5 Q Is that for some government official?
6 A For the Governor and the Lieutenant Governor.
7 Q And for how long have you been in that position?
8 A 18 months.
9 Q Is that since the Governor took office?
10 A Correct.
11 Q And had you worked for the Governor before that?
12 A No, sir.
13 Q What were you doing before that?
14 A I was in North Carolina.
15 Q And what were you doing there?
16 A I worked for a political campaign.
17 Q Okay. Were you recruited for this particular job,
18 or you applied for it?
19 A I applied for it. Was that two questions?
20 Q No, it was one question.
21 A Okay.
22 Q Were you recruited as well?
23 A I mean, I was approached about the job, yes.
24 Q Who was it that approached you?
25 A John Sylvan from the Global Strategy Group.

1 Q Sir, you understand that you're under oath, do you
2 not?

3 A Yes.

4 Q And that you're obligated, therefore, to tell the
5 truth and that failure to do so would yield you liable
6 to penalties of perjury?

7 A Yes, I do.

8 Q Okay. You're here with an attorney, are you not?

9 A Yes, sir.

10 Q And have you had a full opportunity to discuss this
11 matter with your attorney?

12 A I have.

13 Q Sir, are you familiar with the Public Officers Law
14 relative to the receipt of gifts?

15 A Generally, yes.

16 Q And, specifically, are you aware that no state
17 official -- I'm sorry -- state officer or employee can
18 solicit or request or receive any gift having more than
19 nominal value in which it could reasonably be inferred
20 that the gift was intended to influence him or could
21 reasonably be expected to influence him?

22 A Yes.

23 Q And are you aware that no state officer or employee
24 can use or attempt to use his official position to
25 secure an unwarranted privilege for himself or others?

1 A Yes.

2 Q And you understand, do you not, the reason or
3 reasons for these policies?

4 A Yes.

5 Q Are you aware of any policy that the Governor has
6 with respect to attendance at sporting events?

7 A No.

8 Q Did you ever have occasion to speak to the Governor
9 about any policy that he might have with respect to
10 attendance at sporting events?

11 A About policy?

12 Q Yes.

13 A No.

14 Q Did there come a time when you learned that the
15 Governor and others might be attending Game 1 of the
16 World Series last year?

17 A I'm sorry. Can you repeat the question?

18 Q Did there come a time when you learned that the
19 Governor and others would be attending Game 1 of the
20 World Series?

21 A Yes.

22 Q How did you first learn of that?

23 A Well, it's my job as scheduler to keep the
24 Governor's calendar of events, so in the normal course
25 of business, leading up to the day of that game, it was

1 discussed as a matter of his schedule.

2 Q Okay. And who initiated that discussion?

3 A I don't remember, to be totally honest with you.

4 Q Why don't we talk just a little bit about the roles
5 and responsibilities of the scheduler. What do you do
6 on a daily basis?

7 A My job is to field invitations for the Governor and
8 the Lieutenant Governor to sort through them and
9 consult with senior staff as well as the Governor on
10 the interest or availability of the Governor to attend
11 those events, and then to process those through,
12 according to the decisions that are made. So if it's a
13 yes, we accept it and then work together as a team to
14 pull the event together and build the event, or work
15 with outside parties, if it's not our own event, to get
16 the details and make sure he's fully apprised of his
17 role and timing and all of the aspects of his
18 participation.

19 And then if he's not planning to attend, I have a
20 process by which we regret and send notification to
21 interested parties for the invitations that they've
22 sent in.

23 Q And to whom do you report?

24 A I report to the secretary of the Governor.

25 Q That would be Mr. Schwartz?

1 A That's correct.

2 Q And have you always reported to Mr. Schwartz?

3 A Well, I've always reported to the secretary. There
4 have been three since I started my job.

5 Q Okay. And those three would be?

6 A Prior to Mr. Schwartz was Bill Cunningham, and
7 prior to that was Charles O'Bryne.

8 Q And you outlasted them all?

9 A Yes.

10 Q Except Mr. Schwartz?

11 A That's correct.

12 Q With respect to -- hang on one second here. Let me
13 get the document. I'm sorry. 116.

14 (Commission Exhibit No. 13 was marked for
15 identification.)

16 BY MR. SCHLANGER:

17 Q I ask you to look at Exhibit Number 13 and ask if
18 you recognize what that is?

19 A I do recognize that, yes.

20 Q Okay. Does this refresh your recollection with
21 respect to how it came about that you learned that the
22 Governor might be attending Game 1 of the World Series?

23 A Yes, I suppose it does. Yeah.

24 Q Okay. And reading up from the bottom, there is a
25 message there from you to David Johnson dated October

1 26th at 152622 or 3:26 with the subject, Yankees, is
2 that correct?

3 A That is correct.

4 Q Could you read what that message asks?

5 A "Would you ask GDAP if he has any interest or plans
6 to attend Game 1 on Wednesday night?"

7 Q And "GDAP" is an acronym for the Governor, is that
8 correct?

9 A That's correct, yes.

10 Q Did Mr. Johnson respond to that e-mail?

11 A According to this e-mail, yes.

12 Q And could you read Mr. Johnson's response and the
13 time of that response?

14 A He said -- the time was 1533, so 3:33 p.m., he
15 stated, "I think he should. I will reach out to Randy
16 Levine, president of the Yankees."

17 Q And did you respond to that e-mail as a result of
18 receiving it?

19 A According to this document, I did, yes.

20 Q And at what time was that?

21 A At 3:37.

22 Q And what did you say?

23 A I said, "Thanks. The Yankees COO, Lonn Trost,
24 called right before the ALDS games to see if he wanted
25 to go, and he" -- in parentheses I wrote "(GDAP) told

1 me that at the time he'd skip the series but would
2 definitely go to the next round since he was sure
3 they'd be in. Now they are. Let me know if you can
4 reach Randy, and we can try Lon. Thanks."

5 Q As a result of this exchange, do you know whether
6 or not a phone call was placed to the Yankees?

7 A I do.

8 Q And who placed that phone call?

9 A I did.

10 Q And with whom did you speak?

11 A I spoke with Lon Trost, the COO.

12 Q Had you spoken to Mr. Trost before?

13 A No.

14 Q And can you relate the conversation that you had
15 with Mr. Trost?

16 A Sure. I indicated to him that I was following up
17 on a previous outreach that he had made to our office
18 inviting the Governor to the ALDS series and that, as
19 we stated at the time, the Governor was unable to
20 attend but would like to take them up on their offer
21 for the World Series and inquired about getting tickets
22 for the game.

23 Q What was Mr. Trost's response to that?

24 A He asked how many tickets and whether or not the
25 Governor's security detail would also need tickets.

1 Q What did you reply to that?

2 A I said five to six tickets was what the request
3 was, and I would have to call and check on the security
4 detail and get back to him.

5 Q In terms of the request for five or six tickets, or
6 five to six tickets, where did you get that number
7 from?

8 A That number came from David Johnson.

9 Q Did you have any discussions with Mr. Johnson about
10 who those tickets would be for?

11 A No, sir.

12 Q And have you covered other events or been --
13 partaken in other events in which the Governor attends
14 with other people?

15 A Can you clarify the question for me?

16 Q Yes, I can. Have there been other events which you
17 have been involved with where the Governor attends with
18 other staff for which tickets are necessary?

19 A Yes. The answer to that question would be yes.

20 Q Okay. Can you give us a couple of examples?

21 A Sure. He was in Washington, D.C. last year for the
22 inauguration of the president, which required tickets
23 to not only the inauguration itself but other events
24 that coincided with that, as a matter of example.
25 That's one that strikes me as the most clear. I'm sure

1 that there are others. I just --

2 Q And for that inaugural event, how many tickets did
3 he receive?

4 A I don't -- I don't recall the exact number.

5 Q When you had this conversation with Mr. Johnson
6 relative to the number of tickets for the World Series
7 game, did you, in fact, have any understanding as to
8 for whom those five to six tickets would be?

9 A No.

10 Q Did you inquire at all of Mr. Johnson?

11 A No.

12 Q Was it your understanding that those tickets were
13 for official business --

14 A Yes.

15 Q -- at that point?

16 A Yes.

17 Q It would be fair to say that you would not have
18 involved yourself had they been for unofficial
19 business?

20 A Correct.

21 Q So after your telephone conversation with
22 Mr. Trost, did you again communicate with Mr. Johnson?

23 A I believe via e-mail I did, yes.

24 Q Do you recall the sum and substance of that
25 conversation?

1 A Not clearly, no.

2 Q Did you indicate whether or not tickets could be
3 obtained?

4 A I certainly didn't tell him that I had them because
5 I didn't, so I don't recall what I wrote to him other
6 than I know I didn't say I have them.

7 MR. SCHLANGER: 179, please. I ask that
8 that be marked as 14.

9 (Commission Exhibit No. 14 was marked for
10 identification.)

11 BY MR. SCHLANGER:

12 Q We're going to start from the bottom up. Have you
13 had a chance to review these documents?

14 A I have, yes.

15 Q Would it be fair to say that this document is a
16 continuation of the e-mail string that we looked at in
17 Exhibit 13?

18 A Yes, sir.

19 Q And the continuation of this string indicates, does
20 it not, as you indicated to us in your testimony, that
21 Mr. Johnson asked for five or six tickets?

22 A That is correct.

23 Q And you then indicated to Mr. Johnson that you
24 would let him know?

25 A Correct.

1 Q And Mr. Johnson then indicated to you "thanks," is
2 that correct?

3 A That is correct.

4 Q You then asked a question as to whether or not that
5 number included security, is that correct?

6 A Correct.

7 Q And you also asked a question about where the seats
8 should be, is that correct?

9 A That is correct.

10 Q And with respect to that you indicated, did you
11 not, "outside seats, like we had for the home opener?"

12 A That's correct.

13 Q Had you, in fact, obtained seats for the Governor
14 for the home opener at Yankee Stadium?

15 A No.

16 Q Can you explain what you meant by that statement?

17 A Sure. I was aware that his seats were outside
18 seating for the game that he attended at the opening of
19 the stadium.

20 Q But you had not partaken in obtaining the tickets,
21 is that correct?

22 A That is correct. I had nothing to do with that.

23 Q Okay. The next aspect of the correspondence is a
24 confirmation --

25 MR. BROWN: Pardon me. I'm sorry. I

1 don't mean to interrupt. Can I have just one
2 second?

3 MR. SCHLANGER: Sure.

4 (Discussion held off the record.)

5 MR. SCHLANGER: Please, Mr. Brown, don't
6 hesitate to interrupt. That's fine.

7 A So on advice of counsel I want to clarify that I
8 did attend in an official capacity the World Series --
9 not the World Series, the opening day game in April,
10 but I did not have anything to do with obtaining the
11 tickets. I want to be clear about that.

12 Q How many individuals along with you and the
13 Governor attended the opening day games?

14 A I want to say in addition to myself or including
15 myself there was six.

16 Q You did not pay for that ticket?

17 A No, I did not.

18 Q Did any of the six, as far as you know, pay for
19 their tickets?

20 A I have no knowledge of that.

21 Q Was there any request for you ever to pay for your
22 ticket?

23 A No.

24 Q And, in your view, were you there on official
25 business?

1 A Yes, I was.

2 Q With regard to Exhibit 14 and continuing the e-mail
3 string, Mr. Johnson replied to you at 3:57, did he not,
4 "five to six not including security. You have also
5 been to the stadium. Troopers can either stay behind
6 in the standing area or sit on the stool, not taking up
7 a seat," is that correct?

8 A Correct.

9 Q And then to that you responded, "Got it. Just
10 wanted to be sure. Lonn said it's no problem. I'll
11 find out what the deal is with getting the tickets and
12 let you know," is that correct?

13 A That is correct.

14 Q Had you spoken to Mr. Trost at the time that you
15 had written this, that last portion?

16 A I don't remember if I sent this e-mail before or
17 after I had my second conversation with him.

18 Q And your second conversation with Mr. Trost was
19 what?

20 A A follow-up call to tell him the answer to his
21 question about security, which was that they did not
22 require tickets, so the full request was five to six
23 tickets, not including security, which is what I
24 indicated in this e-mail.

25 Q And to what did Mr. Trost -- how did Mr. Trost

1 respond to that?

2 A He replied that it shouldn't be a problem and that
3 they may not be able to get tickets within the same --
4 all five or six tickets within the same section of the
5 park, but he would see what he could do and call me
6 back.

7 Q At that point did you know who was supposed to
8 attend the game?

9 A I did not.

10 Q Did there come a time when, in fact, you learned
11 that the Governor was going to attend the game, that
12 is, that he had -- tickets had been secured?

13 A There was a point -- well, can you clarify -- can
14 you repeat and clarify that for me because I'm a little
15 confused.

16 Q When did you first know that, in fact, the Governor
17 was going to go to the game?

18 A Officially confirmed to go to the game?

19 Q Yes.

20 A As in he did obtain tickets and was going?

21 Q As opposed to the conversations that we just
22 recounted.

23 A I'm just trying to clarify.

24 Q That's fine.

25 A It would have been late in the evening of -- I

1 guess it's October 27th.

2 Q You maintain the Governor's schedule, do you not?

3 A That's correct.

4 Q And there is, is there not, an official schedule
5 which is published relative to the Governor's planned
6 activities?

7 A Yes.

8 Q And is there a protocol for what appears on that
9 schedule and what doesn't appear on that schedule?

10 A Yes, there is.

11 Q And what is that protocol?

12 A Anything that the Governor is doing in a public
13 capacity certainly goes on the schedule with the detail
14 regarding the staff that are participating in the event
15 in an official capacity. You know, in other words, we
16 list who the press person is, who the advance person
17 is, who the briefing person is, all that stuff.

18 And then private events both of a personal nature
19 and a non-official private nature are listed on there
20 simply as "private event" with no details, because it's
21 not within my purview to deal with that. So I list it
22 as a recordkeeping purpose only.

23 Q Is there only one schedule that is prepared, or is
24 there a public versus a private schedule?

25 A Just one schedule.

1 Q And was the fact that the Governor was going to
2 attend the World Series placed on the schedule for
3 October 28th?

4 A No.

5 Q Why was that?

6 A Because by the time I finished my work for the day
7 on October 27th in preparation for the 28th, I did not
8 have confirmation that tickets had been obtained, so I
9 was not aware that he was going to the game.

10 Q You weren't sure that he was going to the game?

11 A Correct.

12 Q And does that happen often where things come up at
13 the last minute and they just don't make it onto the
14 schedule?

15 A From time to time, yes.

16 Q There came a time, did there not, when you learned
17 that there had been a press inquiry with respect to the
18 Governor's attendance at the game?

19 A Yes.

20 Q Before we get to that press inquiry, between the
21 night of the 27th, whenever you learned that, in fact,
22 the tickets had been secured, and the time of the press
23 inquiry, did you have any further knowledge of what the
24 Governor did or who attended the game or --

25 A Not until after the fact, no, sir.

1 Q Okay. Did you have any contact with the Governor
2 during the day of the 28th?

3 A I don't believe so.

4 Q Where are you normally based? Is it New York City
5 or Albany?

6 A My duty station is Albany.

7 Q Do you spend a lot of time in New York as well?

8 A From time to time. I don't, because I'm here; I
9 live here; and most of my work is here. But when the
10 majority of staff are in New York, I do spend time down
11 there working there as well.

12 Q Do you recall where you were when the interaction
13 between you and Mr. Johnson that's reflected in 13 and
14 14 occurred?

15 A Yes, sitting in my office in Albany, State Capitol.

16 Q Do you have an office in New York City as well?

17 A I do.

18 Q Now, getting to the press inquiry, when did you
19 first learn about the press inquiry?

20 A I don't remember the specific date. I have no
21 clear recollection of when that was. It was obviously
22 post game, but I don't know the date.

23 Q So you can't say with any certainty that it was or
24 wasn't the day after the game, is that correct?

25 A No, I can't. I don't remember.

1 Q Do you know from whom the inquiry came, as you sit
2 here today?

3 A It came, I believe, from Peter Kauffmann,
4 communications director to the Governor.

5 Q Okay. Do you know from whom the press inquiry
6 came?

7 A Oh, no, I don't. I'm sorry. I thought to me.

8 Q Did there come a time when you were asked to
9 provide information with respect to the sequence of
10 events that led up to the Governor attending the game?

11 A Can you repeat the question?

12 Q Did there come a time when you were asked to
13 provide information --

14 A Yes -- sorry -- yes.

15 Q -- relative to the sequence of events which
16 occurred which led up to the Governor attending Game 1
17 of the World Series?

18 A Yes, and that was the inquiry that came from Peter
19 Kauffmann, communications director.

20 Q What was the nature of that inquiry, if you recall?

21 A I believe he was contacted by an outside source in
22 the media and, in the course of his due diligence,
23 asked me for whatever records there may have been about
24 the attendance at the game and the scheduling of that
25 event.

1 Q Okay. Did you provide him with both a narrative of
2 what had occurred and any evidence that you had or
3 documents that you had?

4 A Yeah. I believe we had -- I know we had a phone
5 conversation about it, and I think I forwarded him
6 maybe one or two e-mails that I had on the matter.

7 Q Okay. Were those the e-mails that we've just
8 looked at here?

9 A I don't remember for sure what I sent him.

10 Q What was it that caused you to ask the initial
11 question as to whether or not the Governor had any
12 interest in attending the World Series?

13 A It was a responsibility on my part to follow
14 through on the instruction that was given to me a few
15 weeks before about the initial inquiry of tickets for
16 the ALDS series in which the Governor said, "I will go
17 at the time of the World Series."

18 And the Yankees won; the date was scheduled for the
19 game. And in building up to the 28th, in preparation
20 for my daily duties, I made the inquiry as to whether
21 or not that was an event he wanted to follow through
22 on.

23 Q When you went to opening day with the Governor,
24 where were you seated?

25 A I don't remember the exact section, but it was

1 field level.

2 Q Good seats?

3 A Yeah.

4 Q Do you know whether or not those seats were
5 generally available to the public?

6 A I believe so. I think anybody could pay for them,
7 yes.

8 Q Do you know what the face value of those seats
9 were?

10 A I don't.

11 Q By the way, was the Governor's son at that event?

12 A He was.

13 Q Do you recall any of the other people who were
14 there at that event?

15 A I do.

16 Q Who were they?

17 A Aaron Duggan, who was the press staff person for
18 the day, and David Johnson, who was the traveling aide
19 with the Governor that day, and Louie Diaz, who was the
20 New York City Director of Intergovernmental Affairs.

21 Q There came a time, did there not, when you received
22 a letter from this Commission, commonly referred to as
23 a 15-day letter?

24 A Yes.

25 Q And when you received that letter, with whom did

1 you speak?

2 A My wife. She received it when I wasn't at home.
3 And then with counsel to the Governor, Peter Kiernan
4 and Jeffrey Pearlman.

5 Q What were your conversations with them?

6 MR. BROWN: It's okay.

7 A I honestly don't remember. I think I shared with
8 them that I had received a letter and asked for
9 guidance on how I should respond.

10 Q What was their guidance?

11 A That you have to write the letter as required by
12 what was written in the document and let us know if you
13 have any questions about it, but otherwise submit the
14 letter within 15 days and that's that.

15 Q And did you, in fact, draft a response?

16 A I did.

17 Q And before sending the response did you show that
18 response to either Mr. Kiernan or Mr. Pearlman?

19 A To Mr. Pearlman, yes.

20 Q Was there discussion about the response?

21 A There was not.

22 Q And would it be fair to say, then, that there were
23 no changes to the letter -- no changes to the letter as
24 a result of showing it to Mr. Pearlman?

25 A That's correct.

1 Q Let's --

2 MR. SCHLANGER: Do we have that letter?

3 A I have two of them.

4 MR. MORELLO: Do we want number 1?

5 MS. HOLOHAN: No, we want number 2.

6 MR. SCHLANGER: Actually, the first one.

7 (Discussion held off the record.)

8 (Commission Exhibit No. 15 was marked for
9 identification.)

10 BY MR. SCHLANGER:

11 Q I'm going to show you what has now been marked as
12 Exhibit Number 15. Take a look.

13 A Yep.

14 Q Do you recognize it?

15 A Yes.

16 Q And what do you recognize it as?

17 A That's my response to the 15-day letter.

18 Q Okay.

19 A The first 15-day.

20 Q Correct. And just to be clear, this 15-day letter
21 regarded the Governor's attendance at World Series
22 Game 1, is that correct?

23 A That is correct.

24 Q And in this letter you indicate, do you not, in the
25 third paragraph down, "I want to state unequivocally

1 and for the record that at no point did I solicit,
2 accept or receive tickets to this game." Did you not
3 state that?

4 A I did.

5 Q Would it be fair to say that, in fact, you did
6 solicit tickets to this game from Mr. Trost?

7 A I guess it depends on the definition of "solicit."

8 Q How did you read it when you said that you hadn't?

9 A Well, I was following up on an invitation, so I did
10 not on my own initiation reach out to him to ask for
11 the tickets.

12 Q So that was how you interpreted it?

13 A Correct.

14 Q There is no question, however, that you did ask
15 Mr. Trost for tickets to this particular game on this
16 particular date?

17 A I did place a call to Mr. Trost asking about how to
18 obtain tickets to the game. That's correct.

19 Q In your response, additionally, you indicated, "I
20 just want to clear this up, that" -- let me find the
21 exact spot here -- in the next to last paragraph, that
22 two-thirds of the way down, "I did place one additional
23 call to Mr. Trost on October 27th seeking an update in
24 our discussions as I was finalizing the Governor's
25 calendar for the next day. I never heard back and, as

1 such, the matter in my mind was officially unresolved
2 and no tickets were obtained." I assume that that
3 means that what you were saying was at that point in
4 time it was resolved and no tickets had been obtained
5 up until that point, is that correct?

6 A Correct.

7 Q Okay. And that that was why, on the 28th, when you
8 published the calendar, that it wasn't on the calendar,
9 is that correct?

10 A Correct.

11 Q Okay. Now, you said that in scheduling for the
12 Governor there are sometimes private events that he
13 attends, is that correct?

14 A That's correct.

15 Q And you have no duties or responsibilities for
16 scheduling with respect to them because that wouldn't
17 be appropriate, is that correct?

18 A Correct. To be clear, I mark them on the schedule
19 so I know I have time to build around them, but I am
20 not at all involved in the details of any of those
21 events.

22 Q That would include political events as well as
23 personal events?

24 A Correct.

25 Q Aside from Mr. Kiernan and Mr. Pearlman and

1 Mr. Kauffmann, did you discuss this matter with anybody
2 else?

3 A I may have. I don't recall.

4 Q Did you specifically discuss it with Mr. Johnson at
5 all, that is after you received the 15-day letter?

6 A I don't believe that I did in any detail, no.

7 Q Were you a participant or present during any
8 discussions between Mr. Kauffmann and the Governor
9 and/or Mr. Johnson --

10 A No.

11 Q -- relative to this incident?

12 A No.

13 Q That is, the attendance at the game?

14 A No, I was not.

15 Q Did you have any involvement in the ultimate
16 decision of who was going to pay for what tickets for
17 the World Series game?

18 A No, sir.

19 Q Did you have any knowledge contemporaneously with
20 the payment that payment was going to be made?

21 A I don't believe I did, no.

22 Q So do you recall when the first time that you
23 learned the payment had been made was?

24 A No, I don't.

25 Q How does the Governor, given his sight limitations,

1 handle the affixing of his signature to documents, do
2 you know?

3 A I have absolutely no idea.

4 Q Have you ever seen the Governor write anything?

5 A I have, yes. I have seen him sign legislation, for
6 example, so I know he's able to do it.

7 Q Aside from legislation and affixing his signature
8 on documents, have you seen him write anything
9 handwritten --

10 A No.

11 Q -- other than that?

12 A No.

13 Q With respect to Mr. Johnson, do you have
14 interaction with Mr. Johnson?

15 A Presently?

16 Q No, not presently.

17 A Did I?

18 Q Did you, yes.

19 A Yes.

20 Q And how frequent was that interaction?

21 A Fairly regularly. I would say daily.

22 Q And was that mostly telephonic or in person?

23 A Either telephone or e-mail the majority of the
24 time.

25 Q Okay. And did you ever have occasion to observe

1 Mr. Johnson's handwriting?

2 A No, sir.

3 Q Do you know whether or not -- does he have an
4 assistant?

5 A He does, yes.

6 Q And who is that assistant?

7 A I believe that there's two, and they're based in
8 New York City; Michelle Cabierro and Carmen Knight are
9 the two that I'm aware of.

10 Q Do you know how long those -- each of them has been
11 with Mr. Johnson?

12 A I don't. They both predate me, but I don't know
13 when they started. I don't know.

14 Q Are you familiar with either Mr. Johnson's
15 handwriting or either of those two women's handwriting?

16 A No.

17 Q Are you familiar with Mr. Johnson's signature?

18 A No.

19 MR. SCHLANGER: Can you give us a minute?

20 THE WITNESS: Of course.

21 MR. SCHLANGER: Okay, thank you.

22 (Discussion held off the record.)

23 A I just had a couple of things, if I can clarify.

24 Q Absolutely, please.

25 A You had asked at one point if I had any other

1 conversations with anyone else about the tickets.

2 Q Yes.

3 A You know, I just want to clarify the only
4 conversation I had with anybody regarding tickets was
5 the Governor, and this was in early October, and this
6 was when the first call from October 7th, I believe --
7 yes, October 7th, when Lonn Trost called inviting the
8 Governor to the ALDS series, and we returned the call,
9 after my conversation with the Governor, to say thanks
10 for the invitation, he can't make it, but he'd gladly
11 take up your offer if and when we know the Yankees will
12 make it to the World Series.

13 Q That was a conversation you had directly with the
14 Governor at that time?

15 A That is correct.

16 Q Aside from that conversation directly with the
17 Governor relative to the -- I guess the playoff games
18 and subsequent plans, did you ever talk to the Governor
19 about the World Series --

20 A No.

21 Q -- again?

22 A No. I logged that conversation and went on from
23 there.

24 Q And with respect to the World Series game, you did
25 have a conversation, obviously, with Mr. Johnson?

1 A Correct.

2 Q With Mr. Kiernan at some point after the 15-day
3 letter was received?

4 A Correct.

5 Q With Mr. Pearlman?

6 A Pearlman, correct.

7 Q Again, after the 15-day letter was received?

8 A Correct.

9 Q Did you speak to Mr. Leinung at all?

10 A No, sir.

11 Q You indicated that part of your duties include
12 making sure that the Governor is apprised of what an
13 event is about, and I assume part of that is also what
14 he's supposed to be doing there?

15 A To a degree, yes.

16 Q Can you explain that a little bit?

17 A Sure. I oversee coming together of all of the
18 pieces that make the schedule. I'm not responsible for
19 pulling all those details together myself necessarily.
20 So in other words, we decide on an event. Someone gets
21 assigned that event. They work with an outside
22 contact. We would call an event contact to figure out
23 time of arrival, speaking order, what the setup of the
24 room is, et cetera, et cetera. And then all of that
25 stuff gets compiled into a briefing document by that

1 person. And then that's placed into a recording system
2 for the Governor to listen to. So I don't -- I make
3 sure it all gets done, but I don't do it all myself.

4 And the only information that goes from me to the
5 Governor is the X, Y, Z of his schedule. "At 6:00 you
6 do this." "At 7:00 you do that." And none of the
7 details within the context of that 6:00 to 7:00 hour
8 come from me. They come from that separate document
9 that's recorded for him by somebody else.

10 Q When you say recorded for him for him to listen to,
11 that's because of his disability?

12 A That's correct.

13 Q And is there a written version of that that's also
14 produced for other people?

15 A Yes, that's correct.

16 Q And with respect to the World Series, was there
17 such a document produced?

18 A No, sir.

19 Q Do you know why that was?

20 A Because the game was not on the schedule. There
21 was no official event in the operation to plan for.

22 Q And did that comport with general protocol?

23 A Yes.

24 Q So that -- and, again, there are always or
25 sometimes events that don't make it to the schedule, I

1 assume?

2 A Right.

3 Q And in those cases there is no preparation like
4 that which you just described?

5 A No. I wouldn't say that to a certainty. If things
6 are added last minute, documents to support those will
7 be prepared last minute. But if I go to the end of the
8 day and finish a schedule and something is not on
9 there, we haven't done all the legwork to support that
10 thing, so there wouldn't have been a document. And so
11 that's why there wouldn't have been one.

12 Q It would be fair to say, would it not, that on
13 October 28th, sometime during that day you knew that,
14 in fact, the Governor was going to go to the World
15 Series?

16 A Correct.

17 Q And, in fact, you sent information with respect to
18 that game calling out the Governors -- I'm sorry -- the
19 Mayors of Philadelphia and the District of Columbia
20 were going to be present?

21 A I believe that's the case, yes.

22 Q And is it your testimony, then, that there wasn't
23 anything more official along the lines that you
24 described previously or more detailed along the lines
25 that you described previously which was necessary to be

1 done or was done for this occasion?

2 A As memory serves, that's correct.

3 Q I want to get back to your characterization of the
4 initial conversation with Mr. Trost, that is relative
5 to the ALDS, and you indicated at one point that there
6 was an outreach from Mr. Trost to you or to the
7 Governor's office?

8 A Correct.

9 Q Is that correct?

10 A Correct.

11 Q You at one point then characterized that as an
12 invitation, did you not?

13 A I did.

14 Q Okay. By virtue of your characterization of an
15 invitation, that was not, or was it, an indication of
16 whether or not the Governor needed to pay or didn't
17 need to pay for his ticket or the tickets of others;
18 would that be fair to say?

19 A Can you repeat that and clarify it, please?

20 Q Yeah. Do you have an understanding, as you sit
21 here, relative to when the Governor would have to pay
22 for tickets to an event?

23 A That's not my decision to make.

24 Q Yeah. I understand that. But do you have an
25 understanding of the rules that would apply to such a

1 situation? Let me try to make it easy for you. Would
2 it be fair to say that the only time that the Governor
3 is entitled not to pay for tickets to an event like
4 this would be if he is on official business?

5 A Correct.

6 Q With respect to your characterization of
7 Mr. Trost's comments relative to the ALDS as an
8 invitation, that didn't mean, in your mind, or did it,
9 that the Governor had to pay for those tickets or
10 didn't have to pay for those tickets?

11 A It didn't mean one or the other. It just meant I
12 received an invitation and I ran it through the system.

13 Q And you would let somebody else decide --

14 A Correct.

15 Q -- whether or not he should or shouldn't pay?

16 A Correct.

17 Q Okay.

18 A Can I make one additional clarification?

19 Q Absolutely positively.

20 A For my attendance at the opening day game in April,
21 I just want to clarify for the record that I did not at
22 any time receive any ticket to that game. I was there
23 in an official capacity, but at no point did I have in
24 my possession a ticket to the stadium.

25 And I'm not certain at any point that tickets

1 were -- I want to be clear about this, too -- that
2 actual physical tickets were obtained for the World
3 Series game, either, because I never saw them, and I
4 don't have any record of them having been received. I
5 only know that they went, but I don't know that those
6 tickets were actually in anybody's hands.

7 Q That they went and you went?

8 A No, I'm talking about two different things. I can
9 tell you for certain that when I was there in April, I
10 did not have a ticket.

11 Q You did not personally have a ticket?

12 A Correct. I can't say for anybody else.

13 Q Right.

14 A And to the same degree I can't say whether for the
15 World Series games anybody ever had a ticket in hand.

16 Q You just don't know?

17 A I just don't know. I was not there. I was told it
18 was taken care of and I didn't need to worry about it
19 any more.

20 Q Were you aware of a problem that came up when a
21 state police officer on the Governor's detail went to
22 collect the tickets from the box office?

23 A For which?

24 Q For the World Series game.

25 A No, I'm not familiar with that at all.

1 Q Okay.

2 MR. SCHLANGER: I think that's it. Thank
3 you very much for coming in.

4 THE WITNESS: Sure.

5 MR. SCHLANGER: And for your cooperation.

6 THE WITNESS: Absolutely.

7 MR. SCHLANGER: Thank you, Mr. Brown.

8 MR. BROWN: Thank you.

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* * * 3:42 p.m. * * *

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EXHIBITS

<u>Commission</u>	<u>Marked</u>
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C E R T I F I C A T E

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