

NEW YORK STATE  
COMMISSION ON PUBLIC INTEGRITY

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

INTERVIEW UNDER OATH OF RANDY L. LEVINE, at the offices of Boies,  
Schiller & Flexner LLP, 575 Lexington Avenue, New York, New York, on Tuesday,  
January 26, 2010, at 11:00 a.m., before MARGARET EUSTACE, a Shorthand Reporter  
and Notary Public, within and for the State of New York.



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

3  
4 On behalf of New York State  
5 Commission on Public Integrity:

6 BRIDGET HOLOHAN, ESQ.  
7 NYS Commission on Public Integrity  
8 540 Broadway  
9 Albany, New York 12207

10 JEFF SCHLANGER, ESQ.  
11 Keypoint Government Solutions  
12 1750 Foxtrail Drive - Suite 120  
13 Loveland, Colorado 80538

14 On behalf of the Witness:

15 JONATHAN SCHILLER, ESQ.  
16 CHRISTOPHER DUFFY, ESQ.  
17 Boies, Schiller & Flexner LLP  
18 575 Lexington Avenue  
19 New York, New York 10022

20 Also Present:

21 LAWRENCE J. MURELLO,  
22 Associate Confidential Investigator  
23 ROBERT J. SHEA,  
24 Associate Confidential Investigator  
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Whereupon,  
  
RANDY L. LEVINE,  
after having been first duly sworn, was  
examined and testified as follows:

EXAMINATION BY  
MS. HOLOHAN:

Q. Good morning.  
State your name for the record,  
please

A. Randy L. Levine.

Q. To introduce myself, as we discussed  
off the record, my name is Bridget Holohan,  
Associate Counsel to the Commission on Public  
Integrity, and I am here to conduct a sworn  
interview of you regarding the Commission's  
investigation into Governor Paterson's  
acquisition of Yankees tickets.

It is my understanding that he  
attended both game one of the World Series,  
and through discovery, he also attended  
opening day of Yankee's Stadium, I believe, on  
April 16, 2009.

So that's primarily the areas of our  
inquiry.



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R. Levine

Do you have any questions before we begin?

A. No.

Q. I am going to remind you that there is a court reporter, so that it is important that you make verbal responses to my questions.

Where are you currently employed?

A. I am the president of the New York Yankees. I am also counsel to the law firm of Akin Gump Strauss Hauer & Feld in New York.

Q. What are your duties as president of the Yankees?

A. I am pretty much involved in running all aspects of New York Yankees.

Q. Could you just briefly describe what your day-to-day involvement is there?

A. Depends. As I said, I am involved in all aspects of the New York Yankees, all their affiliate companies, which are many. I am on the board of several of them, so I deal with anything of business like the Yankees deals with from dealing with the Commission of baseball to dealing with the various



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1 R. Levine

2 transactions the Yankees get involved with,  
3 whether they be with players or other  
4 companies. Everything that goes on.

5 Q. Are Yankees registered lobbyists with  
6 New York State?

7 A. I believe yes.

8 Q. Are you a registered lobbyist?

9 A. I believe I am.

10 Q. Do the Yankees also retain outside  
11 lobbyists?

12 A. Yes.

13 Q. Who do the Yankees retain?

14 A. To the best of my recollection, again  
15 I don't know all of them, so to the best of my  
16 recollection, I think we retain Bill Powers  
17 and his office, I am not even sure what the  
18 name of the firm is. We -- the Moran Group, I  
19 think, Luis Miranda, Roberto Ramirez, Stanley  
20 Schlein, S.C.H.L.E.I.N., I believe, Brian  
21 Mira. There may be one or two others, but I  
22 am not aware. Could be, I just don't recall.

23 Q. And you were registered in 2009?

24 A. Yes, I believe I was.

25 Q. What is your understanding of the

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R. Levine

gift restrictions imposed on lobbyists in New York State?

A. As far as -- I can only speak because the only time I deal with it is with the Yankees. We have a policy that basically says that no public official can receive a gift -- I shouldn't say that. A gift is usually what it comes up to with ticket. Nobody gets tickets unless they pay for them or provide an official letter from their counsel that specifically says they are entitled to go, whether on official business or whatever reason they set forth.

Q. Now, you said this was the Yankees policy?

A. Yes.

Q. Do you know when this policy was enacted?

A. To the best of my recollection, several years ago. Actually, we reached a settlement years ago with, I believe, the State Lobbying Commission it was called during that period of time. As a result, we decided to implement that policy several years ago. I



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R. Levine

don't remember the specific date.

Q. And do you recall what the settlement was about?

A. I don't at this point. I don't.

Q. Let me make sure I heard you correctly that the Yankees policy is no public official can receive tickets unless they either pay for the tickets or certify that they are on official business?

A. They have a letter from their counsel that says they are on official business or they have some other reason based on their counsel that specifically says they don't have to pay for the tickets.

Q. What was the reasoning for receiving a letter from counsel certifying that they are on official business, just the thought process that developed this policy?

A. That's what we were told. I don't remember who, but that was the prudent policy.

Q. And you don't recall who told you?

A. I don't recall at that period of time. We got advice from somebody and we just thought that was prudent.



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2 Q. What type of official business would  
3 a public official need to be on in order to  
4 obtain a free ticket?

5 A. In our opinion, that wasn't for us to  
6 decide, what somebody decides is official  
7 business or not official business. That was  
8 our understanding that was left to the public  
9 official, not us to determine that. We don't  
10 know what is and is not official business.

11 Q. Could you describe for me how a  
12 request for free tickets is processed by the  
13 Yankees?

14 A. I am not involved in it, but I would  
15 assume somebody asks for tickets. They are  
16 told that they have to pay for them. If they  
17 don't want to pay for them, usually Brian  
18 Smith in my office handles that. He says you  
19 can't go unless you submit the letter that I  
20 just talked about.

21 Q. So generally you don't get involved  
22 in these requests?

23 A. No. The only way I get involved is  
24 when people call, I specifically say you have  
25 to pay for it and refer it over to the ticket



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2 office with a credit card. Not me, myself,  
3 the appropriate people at the Yankees. And if  
4 they have a letter, it goes through Brian  
5 Smith, I don't get involved in that process.  
6 Never have.

7 Q. Have public officials called you  
8 personally for free tickets?

9 A. They have called my office, not for  
10 free tickets, they call for tickets. They are  
11 told they have to pay for it, to the best of  
12 my recollection, except for Governor Paterson  
13 and one other incident which nobody knew  
14 about, I just learned about in the course of  
15 preparing for this interview, they pay for it.

16 Q. How would a public official obtain  
17 tickets by calling your office even if it was  
18 to be paid for?

19 A. They say there is a game on January  
20 1st, I am making up a date, do we have  
21 tickets. I don't know. Refer it over to the  
22 ticket office or my secretary. If they want  
23 to go, take the credit card number and then  
24 refer it to the ticket office.

25 Q. Would it be any public official or is

1 R. Levine

2 it restricted to elected officials?

3 A. No, I am not a box office. For the  
4 most part, I don't do that. I refer it over  
5 to the ticket office. But I am sure there  
6 have been occasions where in my job people  
7 call, and if somebody is busy, my secretary  
8 will say, give me your credit card number, and  
9 she will refer it to over to the ticket office

10 (Witness and counsel confer.)

11 A. Again, this is not something that  
12 happens 100 times a day. This is something  
13 that is infrequent, to say the least.

14 Q. You mentioned there was one other  
15 incident other than Governor Paterson.

16 Could you explain that incident?

17 A. I was not involved, but in the course  
18 of preparing for this interview, I was told --  
19 I don't know whether it's true or not -- that  
20 the acting borough president of the Bronx,  
21 Earl Brown, didn't have a ticket, didn't tell  
22 anybody, for one of the games, I don't know  
23 which game it was, just walked into the  
24 stadium to say hello to a few people and left.  
25 None of us had any idea about it. Didn't stay



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2 for the game.

3 MR. SCHILLER: Just so you make it  
4 clear, Bridget, you are addressing the 2009  
5 season as I understand your questions?

6 MS. HOLOHAN: Yes.

7 MR. SCHILLER: Okay.

8 BY MS. HOLOHAN:

9 Q. You also mentioned that there were  
10 other reasons that public officials could get  
11 tickets other than official business.

12 What would be those other reasons?

13 A. No, I didn't. I said I don't know  
14 what official business means, so if somebody  
15 sends a letter that says they are on official  
16 business or something that might mean official  
17 business, I am not here to interpret their  
18 rationale for justifying it.

19 When I say me, meaning the Yankees, I  
20 don't review these letters.

21 Q. I understand.

22 Do you know Governor Paterson?

23 A. I did. I went to law school with  
24 him.

25 Q. And when was that?

1 R. Levine

2 A. God, a long time ago. We graduated  
3 law school in 1980, 30 years. It hurts to  
4 say.

5 Q. How would you describe your  
6 relationship with him?

7 A. I've known him a lot of years. We  
8 are not personal friends. I see him  
9 sporadically, say hello, how are you. We  
10 don't socialize. I have been involved in  
11 government through the years and, you know,  
12 once in a blue moon our paths cross. And I  
13 have never socialized with him.

14 Q. You are aware he did attend opening  
15 day at Yankee Stadium?

16 A. I am now. I was not aware he  
17 attended -- to the best of my recollection, I  
18 wasn't aware until we prepared for this  
19 interview.

20 Q. So you became aware as a result of  
21 the Commission's investigation?

22 A. To the best of my knowledge, yes. If  
23 I did know at that time, I just don't recall  
24 it.

25 Q. So it is fair to say you didn't



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2 invite him to opening day?

3 A. I don't have any recollection of him  
4 on opening day. I don't know. I just don't  
5 recall.

6 Q. And you didn't see him at opening  
7 day?

8 A. I don't have any recollection of it,  
9 I don't. But if I did, it would have been the  
10 same process again, pay for the ticket or  
11 refer it over to Brian Smith if there was a  
12 letter. But I don't have any recollection of  
13 it. There are a lot of games and opening day  
14 is a long time ago for me.

15 Q. So is it fair to say that had he or  
16 someone from his office called prior to  
17 opening day looking for tickets, you would  
18 have referred him to Brian Smith?

19 A. That's exactly what happened, so I  
20 assume so, yes.

21 Q. Do you know whether he paid for his  
22 tickets?

23 A. I now know that he did not.

24 Q. How did you learn that he didn't pay  
25 for his tickets?

1 R. Levine

2 A. In the course of preparing for this  
3 interview, I was told there was a letter.

4 Q. Now, it is fair to say that in an  
5 occasion like opening day, the Yankees will  
6 have some festivities prior to a game,  
7 correct?

8 A. Yes. But you would have to ask  
9 Brian. To the best of my recollection, I  
10 don't know if we had it this time.

11 Q. And is throwing out the first pitch  
12 considered kind of ceremonial activity or  
13 event?

14 A. Yes, it is. And, again, I am just  
15 giving you -- this is no legal opinion or  
16 anything. For many, many years, as I  
17 understand it, this goes way beyond the new  
18 stadium, but years in the old stadium, it  
19 always -- opening day, I was told, years ago,  
20 years ago I am talking about when I first  
21 became president, that opening day was  
22 considered an official event. That is what I  
23 was told a long time ago. That people always  
24 considered opening day an official event.

25 But as I said, we decided to be more



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R. Levine

cautious and institute this policy no matter when, when we opened the new stadium and before this policy any events.

Q. There was a new stadium in 2009?

A. Correct.

Q. So there was no hoopla festivities for the opening of the new stadium?

A. Yes, there was a baseball kind of stuff. We had great Yankees there, Yogi Berra throwing out the first pitch, but no official ceremony with public officials.

Q. To your knowledge, did Governor Paterson participate in any of these festivities?

A. I don't believe, so but I don't have any knowledge of it.

Q. Do you know who attended the game with the Governor?

A. Which game?

Q. Opening day, sorry.

A. I was told in the course of preparing for this interview, but sitting here, I don't recall. Maybe his son or couple of his aids.

Q. When a public official certifies in

1 R. Levine  
2 writing from his or her counsel that they are  
3 attending a game on official business, how  
4 many seats or tickets does that entitle the  
5 public official to?

6 A. He is not entitled to any as far as I  
7 understand. You pay for whatever you want,  
8 and it's up to, in this case it would be Brian  
9 to decide how many people are covered by the  
10 request.

11 Again, our role is not to second  
12 guess them, to police them as to whether they  
13 really were on official business or not and  
14 whether they were supposed to -- all the  
15 people they bring were on official business or  
16 not.

17 Q. Do you know where the Governor's  
18 tickets to opening day were located?

19 A. I do not.

20 Q. Do you know who would know?

21 A. I assume our ticket office or Brian  
22 Smith would know.

23 Q. Did you appear on an interview on  
24 MSNBC with Governor Paterson prior to the  
25 World Series?

1 R. Levine

2 A. No, CNBC.

3 Q. Do you recall the date of that  
4 interview?

5 A. I don't. I am sure we can find it.

6 Q. How did that come about, that you  
7 were on a similar, I forgot, squawk box?

8 A. I don't know. I have been on CNBC  
9 several times. I was called by CNBC, asked to  
10 go on the show, as I have several times. But  
11 I don't believe I even know the Governor was  
12 going to be on the show until I arrived that  
13 morning. I was not with the Governor. I did  
14 the interview from Rockefeller Center. The  
15 Governor was on the set in New Jersey, I  
16 believe is where they tape. I never spoke to  
17 the Governor, never had any discussions with  
18 the Governor. In fact, the only person -- I  
19 was in New York, so I was speaking to the  
20 engineer from CNBC. I never had any  
21 discussion with anybody who was on the panel  
22 unless it was on the air.

23 Q. So other than what was captured  
24 during the interview, there was no other  
25 conversations with the Governor?

1 R. Levine

2 A. There were no conversations with  
3 anybody except the engineer or producer, five  
4 minutes, two minutes, one minute, you know,  
5 count to 10, test the voice. That was it.

6 Q. So then during that appearance, did  
7 you invite the Governor to the World Series?

8 A. No. I think if you look at the tape  
9 it never came up.

10 Q. At any time prior to the World  
11 Series, did you invite the Governor to the  
12 World Series?

13 A. No.

14 Q. Are you aware that Governor Paterson  
15 did attend game one of the World Series at  
16 Yankee Stadium?

17 A. I am now.

18 Q. How did you become aware?

19 A. I got a call, I was sitting in my  
20 office one day and I got a call from Fred  
21 Dicker of the New York Post who said to me,  
22 "Are you aware that Governor Paterson attended  
23 the World Series last night?" I said, "No, I  
24 wasn't." He said, "Did he pay for his  
25 tickets?" I said, "I don't know."

1 R. Levine

2 So I kept Fred on the phone and  
3 called I Brian Smith and I said, "Did Governor  
4 Paterson" -- this, by the way, is to the best  
5 of my recollection, I believe this is what  
6 happened -- "did Governor Paterson attend the  
7 game?" Brian said, "Yes."

8 I said, "Did he pay for his tickets?"  
9 He said, "No."

10 I said, "Was an there official  
11 letter?" He said, "Yes."

12 Then Fred said, "I have the letter,  
13 and just so you know Randy, the Governor  
14 basically said that you invited him to the  
15 World Series while you were together on CNBC."  
16 I said, "That's totally not true." I think I  
17 said "it's a lie," which it is. And that was  
18 it.

19 A few hours later I got a call back  
20 from Fred Dicker who said that the Governor  
21 spoke to him and said that it wasn't true,  
22 that you did not invite him to the World  
23 Series on CNBC nor did you ever invite him to  
24 the World Series.

25 That's the last I heard of this.

1 R. Levine

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

4 A. I did.

5 Q. Did you see the Governor at game one  
6 of the World Series?

7 A. I do not believe I did. If I did, I  
8 assume I would have known he was there.

9 Q. It is my understanding that the First  
10 Lady threw out the first pitch?

11 A. I think the First Lady and Vice  
12 President Biden's wife did it together. I  
13 don't know if they threw out the first pitch  
14 or they were there, they were part of the  
15 ceremony.

16 Q. We can agree that's like a ceremonial  
17 event, throwing out the first pitch at game  
18 one of the World Series?

19 A. Yes. The World Series is what is  
20 called a crown event, a jewel event, so the  
21 entire program was not organized by us, it was  
22 organized by Major League Baseball not us,  
23 they were responsible for World Series, the  
24 playoffs. We cooperate with them because it  
25 is our ballpark, but it is their event.

1 R. Levine

2 Q. If it's Major League Baseball's  
3 event, do they receive a certain number of  
4 tickets?

5 A. Yes.

6 Q. How is that arranged?

7 A. I don't know. I mean, Lonnie Trost  
8 would be better able to those questions.

9 Q. Are you aware whether the Governor  
10 participated in any ceremonial events such as  
11 throwing out the first pitch?

12 A. I am really not aware. I was quite  
13 busy the first game of the World Series doing  
14 other things, my own things.

15 Q. I understand the weather wasn't very  
16 cooperative?

17 A. I don't even remember. I remember it  
18 wasn't a good game.

19 Q. Do you know who attended game one of  
20 the World Series with the Governor?

21 A. I know now from preparing after these  
22 inquiries. I think, to the best of my  
23 recollection -- I can't remember the names,  
24 but I think he had his son, some aids. I've  
25 heard it, but I don't remember who right knew.



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R. Levine

Q. Other than Fred Dicker, did you have conversations with anyone else regarding the Governor's attendance at game one?

A. To best of my recollection, I did not. I know our spokesperson, Alice McGillion, did. And basically she spoke to a number of people who just confirmed that the Governor did not pay for his tickets, he sent a letter that he is on official business, something along those lines.

Q. So she handled media inquiries after Fred Dicker?

A. Yes. As I said Fred just called me directly. I have known Fred for a lot of years.

Q. Do you know where the Governor's tickets were located?

A. I do not.

Q. So do you know what the cost of the tickets were?

A. I don't. I may have run across it, but I just don't know now. I don't remember it sitting here.

Q. Could you describe for me the process

1 R. Levine  
2 in being able to have tickets available to a  
3 public official who calls in order to attend a  
4 game?

5 A. As far as I understand, again, I  
6 don't do the seating for public officials. It  
7 is our policy now that we do not provide  
8 special tickets during the season, that if  
9 somebody calls up and asks for a ticket, a  
10 public official, here is the ticket list, here  
11 is the price of the tickets, what do you want  
12 to spend, give me your credit card, that's  
13 what I understand.

14 Q. So would there be tickets on reserve  
15 in case this occurred?

16 A. During when?

17 Q. Prior to the World Series or during  
18 regular season?

19 A. During the regular season, I am  
20 fairly certain to say no. During the World  
21 Series, I have no idea. That's not something  
22 I get involved in.

23 Q. Correct me if I am wrong, I have  
24 never been a season ticket holder, but if  
25 there is a season ticket holder to the seat

1 R. Levine

2 that Governor eventually sat in, what would  
3 happen to that ticket holder?

4 A. Again, Lonn Trost would be better to  
5 talk to these issues than I am. But  
6 everything changes in what is called a jewel  
7 event, because baseball runs, they are  
8 required to provide, to the best of my  
9 knowledge, they get a whole bunch of tickets  
10 for their people, their sponsors and so forth  
11 so there is different seating arrangements  
12 during the playoffs and during the regular  
13 season.

14 Q. Aside from conversations with Fred  
15 Dicker that we just discussed, have you had  
16 any conversations with anyone else regarding  
17 Governor Paterson's attendance at game one of  
18 the World Series?

19 A. Anyone else meaning who? Just my  
20 lawyers and people in the Yankees.

21 Q. I am not going to inquire into your  
22 conversations with lawyers.

23 A. Just people in trying to find out  
24 what happened just with a people in the  
25 Yankees, nobody outside, and during the course

1 R. Levine  
2 of my press person Alice McGillion.

3 Q. Do you know whether the Governor ever  
4 paid for his tickets?

5 A. Yes. In preparing for this interview  
6 and responding to your requests, I learned  
7 that a lot of people he was with paid for  
8 their tickets, but I don't believe the  
9 Governor himself paid for his tickets.

10 Q. But prior to the Commission's  
11 investigation you had no personal knowledge?

12 A. No.

13 MR. SCHILLER: Well, let's be clear  
14 on that. We don't have an idea when your  
15 investigation started. We submitted a letter  
16 on behalf of Mr. Levine, which explained when  
17 the Yankees received certain checks and things  
18 like that related to Paterson. So before  
19 there is a did you ever and a yes, I think we  
20 should refer to the correspondence because  
21 that's what records when we did things. We  
22 don't know when you were investigating. Just  
23 to be precise.

24 MS. HOLOHAN: Okay.

25 THE WITNESS: Correct.

1 R. Levine

2 BY MS. HOLOHAN:

3 Q. Now, you mentioned earlier after you  
4 received this call from Mr. Dicker you  
5 inquired from Mr. Smith as to whether an  
6 official letter was received?

7 A. Yes.

8 Q. Did you and Mr. Smith have any  
9 subsequent conversations regarding Governor's  
10 appearance?

11 A. Again, the only other conversations  
12 I've had were in the course with counsel in  
13 answering your discovery requests. That was  
14 it.

15 Q. Were you ever informed by Mr. Smith  
16 that checks had been received?

17 A. No. I was informed by other people  
18 at the Yankees that checks had been received.  
19 Who, I don't specific remember.

20 Q. Do you recall when that was?

21 A. I believe it was a few days after  
22 this appeared in the New York Post and various  
23 other publications. That's the best of my  
24 recollection.

25 Q. When you read the New York Post

1 R. Levine

2 article, what, if anything, did you do?

3 A. When I read it?

4 Q. Yes.

5 A. I didn't do anything. I thought it  
6 was accurate.

7 Q. When you learned that checks had been  
8 received, what, if anything, did you do?

9 A. I didn't do anything. By that point  
10 in time it was in my counsel's hands and other  
11 people's hands.

12 MS. HOLOHAN: We are just going to  
13 take a minute.

14 Off the record.

15 (Discussion held off the record.)

16 MS. HOLOHAN: Back on the record.

17 Q. After you got the call from Fred  
18 Dicker, it is my understanding you called  
19 Mr. Smith to inquire whether or not the  
20 Yankees had received an appropriate letter?

21 A. No, I called Mr. Smith -- again, to  
22 the best of my recollection, I called  
23 Mr. Smith and said, "Was Governor Paterson at  
24 the game?" He said, "Yes." I said, "Did he  
25 pay for his tickets?" He told me, "No." I



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1 R. Levine  
2 said, "Did we have an official letter?" He  
3 said, "Yes."

4 As I said, Fred Dicker told me he had  
5 the letter and that was it. Subsequently I  
6 saw a copy of the letter and that was the end  
7 of it.

8 Q. And have you ever seen a copy of the  
9 letter sent from the Governor's counsel  
10 regarding opening day?

11 A. To the best of my recollection, yes,  
12 I have. And to the best of my recollection, I  
13 just saw it recently in preparing for this  
14 inquiry. If I saw it before, I have no  
15 recollection.

16 Q. Do you know if there is any  
17 differences between the two letters?

18 A. I think there was a difference  
19 between the two. I can't recall. I read them  
20 both quickly.

21 MS. HOLOHAN: If I could have this  
22 marked Exhibits 1 and 2.

23 (E-mail was marked as Exhibit  
24 1 for identification.)

25 \*(Copy of a letter was marked

1 R. Levine  
2 as Exhibit 2 for  
3 identification.)

4 Q. Mr. Levine, I am going to show what I  
5 have had marked as Exhibit 1 and ask you to  
6 review it.

7 (Witness complies.)

8 A. Okay.

9 Q. Do you recognize this?

10 A. As I said, to the best of my  
11 recollection, I might have seen it before. I  
12 believe I've seen it before, but I accept if  
13 this is the letter, as I said, I might have  
14 seen it before.

15 Q. We can agree it appears to be an  
16 e-mail from Peter Kiernan to Brian Smith?

17 A. Yes.

18 Q. The subject line of the e-mail is  
19 Governor Paterson?

20 A. Yes.

21 Q. And it's dated April 15, 2009?

22 A. Yes.

23 Q. I am going to show you Exhibit 2.

24 A. Okay.

25 Q. Do you recognize Exhibit 2?

1 R. Levine

2 A. To the best of my recollection, I  
3 believe I have seen this letter, yes.

4 Q. And this appears to be copy of letter  
5 from Governor Paterson's counsel, Peter  
6 Kiernan, to Brian Smith dated October 28,  
7 2009?

8 A. That's what it appears to be.

9 Q. You mentioned earlier that when you  
10 previously reviewed these two documents you  
11 noticed there were some differences in them.

12 Now that you have had an opportunity  
13 to review them, what do you see as the  
14 difference between the two letters?

15 A. I mean, they were worded differently.

16 Again, when I am looking at this, the  
17 New York Yankees position is we don't  
18 interrogate counsel to the Governor or would  
19 be anybody else as to what they write as they  
20 determine to be official business or not  
21 official business or their legal  
22 interpretation of what is justified for them  
23 to come to the game without tickets.

24 And when I see these two letters,  
25 there is obviously different words in both



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1 R. Levine  
2 letters. But as far as the Yankees are  
3 concerned, both come from counsel to the  
4 Governor, both are legal opinions of counsel  
5 to the Governor that the Governor is entitled  
6 to go to the game, and whether it be the World  
7 Series or opening day, and not pay for his  
8 tickets. That's it.

9 Q. Is it fair to say in the first e-mail  
10 dated April 15, 2009 that Mr. Kiernan  
11 identifies all individuals that would be  
12 attending with the Governor?

13 A. I think the letter speaks for itself.  
14 I am not a party to this letter. It is not my  
15 role to comment on the letter. The letter  
16 speaks for itself. Both letters speak for  
17 itself.

18 Q. But the e-mail does identify all  
19 individuals?

20 A. Again, the letter speaks for itself.  
21 I don't really quite understand what you are  
22 asking me. The letter speaks for itself. One  
23 letter is written that says one thing and the  
24 other letter is written that says the other  
25 thing. Both letters indicate from the counsel

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R. Levine

to the Governor, that Governor is legally,  
according to counsel to the Governor, entitled  
to go to the event without paying for it.

Q. So was it the Yankees understanding  
that any individual that accompanied the  
Governor would be doing so on official  
business?

A. I think I just testified to you, I  
spoke to you, that I said I don't recall  
seeing these documents until after the event  
was done.

I believe I also have stated, and I  
will restate here, that it is the Yankees  
position that our policy was everybody pays  
for their tickets unless there is a letter  
from the appropriate legal officer, herewith  
the Governor, the Governor's counsel in effect  
saying that it is okay to not pay for the  
tickets and we rely on the opinion of the  
Governor's counsel, in this case, or whoever  
that legal official would be.

To the best of my knowledge, in 2009  
this was the only case. So I am not an expert  
on counsel to the Governor, what is official

1 R. Levine  
2 business, what isn't official business. All I  
3 can tell you is that our policy was to rely on  
4 the letters from the counsel to the Governor.

5 Q. I am going to draw your attention to  
6 Exhibit 2, the October 28, 2009 letter.

7 A. Yes.

8 Q. And it is fair to say that the only  
9 individual listed in the letter is Governor  
10 Paterson, correct?

11 A. Again, this letter was not sent to  
12 me. The letter speaks for itself. I am not  
13 going to comment on things that I don't have  
14 knowledge of. This letter speaks for itself.

15 Q. But you testified earlier when you  
16 reviewed these letters you noticed there were  
17 differences.

18 I am just inquiring as to what your  
19 understanding of those differences to be.

20 A. There was different wording. I said  
21 when I looked at both letters, I remember  
22 different wording.

23 Q. What's that different wording?

24 A. Again, if you read both letters, you  
25 can see there is different wording. One says

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R. Levine

one thing. One says the other things. It is not my role to interpret what counsel to the Governor said in one letter or another. I am just not going to do that.

Q. When you reviewed the letters and noticed there were differences, did it concern you at all?

A. Let me again repeat, to the best of my recollection, I saw all of these letters after the event took place. That's what I recall.

Both letters are on counsel to the Governor's stationery, letterhead, expressing an opinion as to that the Governor was entitled to come to the game without paying for his ticket. I did not get behind the reasoning of either letters was events that were taking place. These letters were then produced to you. And I think you have to ask the counsel to the Governor, Mr. Kiernan, in both cases what he meant by that.

As I have said over and over again our policy is when we get a letter from the chief legal officer for a public official that

1 R. Levine

2 says he is entitled to go to the game without  
3 paying for his ticket, under those  
4 circumstances we comply. Otherwise, you have  
5 to pay for the ticket. That's it. We do not  
6 second guess the opinions. We do not  
7 challenge the opinions. We do not do any of  
8 that.

9 Q. If after the event has occurred,  
10 after these games have occurred, if you had  
11 reason to believe that a public official did  
12 not attend the game on official business,  
13 what, if any, steps would you take?

14 A. Again, I don't know what is official  
15 business, what is not official business. Our  
16 policy is to rely upon representation of  
17 counsel of that specific person.

18 I did not know the Governor was at  
19 the World Series, did not learn that he was at  
20 the World Series until after the event, and we  
21 do not question whether he was on official  
22 business or not official business. That's up  
23 to him. If his lawyer says he is on official  
24 business, the presumption for us is that he is  
25 on official business.

1 R. Levine

2 MS. HOLOHAN: Off the record.

3 (Discussion held off the record.)

4 Q. You mentioned earlier that World  
5 Series is considered a jewel event?

6 A. Correct.

7 Q. How would you make a similar  
8 description as to opening day?

9 A. Not a jewel event.

10 Q. Whether or not an event a jewel event  
11 or not a jewel event come into play whether or  
12 not tickets are provided?

13 A. No. Same policy.

14 Q. Drawing your attention to Exhibit 2,  
15 it identifies, "Governor Paterson will be  
16 attending game one of the World Series in his  
17 official business."

18 Are you aware that five tickets were  
19 provided?

20 A. As I said, to the best of my  
21 recollection, I didn't know anything until  
22 after this, after this event took place, I  
23 understand, I don't remember to this day five,  
24 four, whatever the numbers were done, and as I  
25 understand it since I wasn't involved,



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1 R. Levine  
2 everybody has paid up to date except for the  
3 Governor.

4 Q. If you had been aware prior to game  
5 one that not all five tickets were official  
6 business, when would payment have been  
7 expected?

8 MR. DUFFY: How many more  
9 speculative questions are you going to have?  
10 This is not factual interview. We are here to  
11 talk about facts. What happened previously is  
12 not speculation.

13 MR. SCHILLER: The thing you are not  
14 accepting that he is clear on they do not make  
15 judgment, they rely on legal opinion.

16 Now, if you want to say that's not  
17 reliable, that may be your position, but the  
18 Yankees position is teams like the Yankees  
19 have to take proffer of a legal officer and  
20 they took that here.

21 MS. HOLOHAN: And I don't think we  
22 are --

23 MR. SCHILLER: Don't say if you  
24 didn't think, he doesn't know what the guys  
25 does when he gets to the stadium, he has no

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R. Levine

idea. He relies legal officer of this state to say to the Yankees this is official business for the Governor. The Yankees don't know official business from unofficial business. They don't make the judgment. The burden is on the state and the burden was met by the State of New York through this fellow Kiernan. That's what this record shows.

MR. SCHLANGER: You may be missing the point to a certain extent.

The question is really not speculative, it is one about policy. So the question really is what would be the policy if one ticket out of five were on official business as this letter indicates or potentially indicates. That's the question.

THE WITNESS: The answer is very, very simply, at least as far as I am concerned. I did not take this request, I was not aware of this request until after the game, so I can't speculate on it. I can -- you can ask other people, but I can surmise, strictly surmise that in conversations basically with Brian Smith or whoever it was,

1 R. Levine

2 the Governor's people were told that the  
3 Governor is coming and these people are part  
4 of the official request.

5 Do I have firsthand knowledge of it,  
6 no, because I already testified I wasn't  
7 involved. I can't go back and review it  
8 because I wasn't involved .

9 MR. SCHLANGER: So, in essence, the  
10 request in the letter was supplemented by some  
11 conversations --

12 MR. SCHILLER: You have to get that  
13 from other people. He has no knowledge on  
14 that.

15 THE WITNESS: I thought I just said I  
16 am surmising.

17 MR. SCHILLER: If someone is not on  
18 official business, then they pay. But that's  
19 what he has said throughout.

20 MR. SCHLANGER: I think what  
21 Mr. Levine said was that they pay, he would  
22 ask them for a credit card.

23 So the question is: When would they  
24 normally pay, if that were the case, if they  
25 weren't on official business, when would

1 R. Levine

2 payment normally come.

3 THE WITNESS: Before the game.

4 MR. SCHLANGER: Okay, that's the  
5 answer.

6 THE WITNESS: But to the best of my  
7 recollection, there are circumstances, not  
8 only with public officials but other people  
9 where they pay a day after the game. We bill  
10 people. In other words, they are coming and  
11 then we send them a bill.

12 MR. SCHLANGER: Okay. Thank you.

13 BY MS. HOLOHAN:

14 Q. Do you know where the tickets were  
15 located for game one of the World Series for  
16 the Governor?

17 A. I thought I had already said no, I  
18 have no idea.

19 Q. So you wouldn't know the value of  
20 those tickets?

21 A. No, I don't know where he sat.

22 BY MR. SCHLANGER: In.

23 Q. Just in terms of relative value  
24 between face value of a ticket is, can you  
25 explain what face value ticket is?



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1 R. Levine

2 A. I assume face value of a ticket -- I  
3 don't deal with this issue -- but I assume  
4 face value of a ticket is the price on the  
5 ticket.

6 Q. And to the best of your knowledge,  
7 was game one of the World Series sold out?

8 A. I believe so. I have no  
9 recollection. Again, that's something that  
10 you have to ask other people, but I assume it  
11 was.

12 Q. Who would be the best person to  
13 asking?

14 A. I think probably Lonn would be the  
15 best person to ask.

16 Q. With respect to that, when a game is  
17 sold out, are you aware of whether or not  
18 there are tickets which are available outside  
19 of the ordinary course of Yankees business to  
20 those games?

21 A. Well, there is a secondary market  
22 which we have nothing to do with. There are  
23 companies like Stubhub, Craig's List and  
24 Internet companies that people trade tickets  
25 unrelated to us all the time. We have no



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control over it, no knowledge of it. It is just done below us, beneath us.

Q. With respect to the relative value, face value versus Stubhub value for the World Series, any concept of what that relative value was?

A. No. To the best of my recollection, I never really looked at that. In fact, the legislature, I believe, passed a law a couple of years ago. There used to be rules regarding face value and there aren't any more.

MS. HOLOHAN: Okay.

MR. SCHILLER: Thank you very much.

(Time noted 11:40 a.m.)

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I N D E X

WITNESS	EXAMINATION BY	PAGE
R. Levine	Ms. Holohan	3

EXHIBITS

EXHIBIT	DESCRIPTION	PAGE
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C E R T I F I C A T I O N

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

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

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

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

*Margaret Eustace*  
MARGARET EUSTACE