STENOGRAPHIC MINUTES OF SWORN TESTIMONY

conducted of DANIEL WIESE, held on the 4th day of February, 2008, at the offices of the Commission on Public Integrity, 540 Broadway, Albany, New York, commencing at 11:00 a.m., before MARION J. EAGAN, a Shorthand Reporter and Notary Public of the State of New York.
APPEARANCES:

ON BEHALF OF THE COMMISSION:

NEW YORK STATE COMMISSION OF PUBLIC INTEGRITY
540 Broadway
Albany, New York 12207
(518) 408-3976

BY: MEAVE M. TOOHER, ESQ, Investigative Counsel
BARRY GINSBERG, ESQ, General Counsel
ROBERT J. SHEA, Associate Confidential Investigator
DANIEL WIESE,

having been duly sworn by the Notary Public, was examined
and testified as follows:

EXAMINATION BY MS. TOOHER:

Q Mr. Wiese, can you state your full name for the
record?

A Yes, Daniel Wiese.

Q And where are you currently employed?

A The New York Power Authority.

Q And what is your position with the Power
Authority?

A I'm the inspector general.

Q And what are your duties in that regard?

A I investigate fraud, waste, and abuse. I have
a second title as well. I didn't get a chance to get to
that. I'm also the vice president of Corporate Security,
and in that role I control security aspects of all 21
facilities in the power grid owned by the Power
Authority.

Q And do you hold any other state positions?

A No, ma'am.

Q And how long have you been with the Power
Authority?

A This April will be five years, April '03.
Q And where were you employed prior to that time?
A I was with the New York State Police.
Q And what was your role at the New York State Police?
A My last title was lieutenant colonel in charge of the Executive Services detail.
Q And how long were you in that position?
A In the Executive Services detail?
Q Yes.
Q And if you would briefly, what were your duties in that position?
A Basically to take care of the security for the governor and his family as well as the NGSA, National Governors' Security Association. We provided a role of mutual aid for the other 49 states as they would for us if we traveled to one of the other states.
Q So, if a foreign governor or dignitary came to the state, you were responsible for providing security and transportation?
A Correct, we would provide somebody to handle their security while they were here.
Q And in your position with the Executive

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Security detail, were you responsible for the transportation of other dignitaries in the state beyond the governor?

A Yes, from time to time the lieutenant governor, and on occasion others as well.

Q And were you ever responsible for providing transportation to Senator Bruno in that regard?

A I believe people on my detail were.

Q And was transportation for Senator Bruno treated any differently than transportation for the governor during that time frame?

A Well, transportation for any dignitary is a little less than the governor himself. The governor's mandated by state legislature, and there's a difference even between the governor and the lieutenant governor, the amount of security that's required.

Q And what are those differences?

A Just the level of security. It's less personnel for the lieutenant governor than the governor, lower profile.

Q And what about for Senator Bruno?

A Again, that would be lower profile as well.

Q When you say lower profile, can you describe what that means?
Sure, less personnel involved, and very often maybe just door-to-door security, maybe not attending whatever their functions are.

And who set the parameters for the type of security that was provided to a particular dignitary?

I think traditionally it was done by the first deputy of the state police. That's who was in charge, that's who I ultimately reported to, the first deputy and the superintendent.

And during the time frame that you served on the Executive Services detail, were you aware of itineraries being provided in the course of security transportation?

When you say itineraries, you mean --

When you were requested to provide transportation, were you given an itinerary of the dignitary to do so?

Yes, you would need to where he was coming in, when, and where he was going to in order to set up proper security.

And how was that provided to you?

To be honest with you, I never did it myself, so I'm not that familiar with it. I assume somebody from their staff would provide it to someone on the second
floor, and then I believe it would be transmitted from there.

Q    Did you ever receive it from the second floor?
A    No, myself personally, no.
Q    Did you ever see itineraries during the time that you were serving on the Executive Security detail?
A    Personally, no.
Q    And did you ever receive a request from the Executive Chamber to provide them with a copy of the itinerary?
A    Me personally, no, ma'am.
Q    Were you aware of those being provided by anyone under you?
A    Not to my knowledge. I believe it was done by word of mouth. I don't believe there was any formal document.
Q    Had you ever seen itineraries?
A    Other than the governor's, no.
Q    You were provided the governor's itinerary?
A    Oh, I had access to the schedule, so I saw it daily, yes.
Q    And did you communicate with the individual officers who were actually providing transportation and
A Myself, no, ma'am.
Q How would you communicate information to those officers?
A There were four senior investigators that worked under me as well as a captain, and they would deal with the day-to-day operations of people other than the governor.
Q And do you know how they would receive their information?
A Personally, no. I assumed it was by telephone, but I'm guessing there. I don't know that personally.
Q Did they report to you when they were providing transportation?
A Only if it was out of the ordinary, if there was a request that was made out of the ordinary, but normally, no.
Q So, normally you would not get involved in those transportation details?
A That's right.
Q Did you get a report back from the officers at any time, a written report indicating what they had done?
A No, ma'am.
Q    Are you aware of any records that were kept in
that regard during the time that you served on that
detail?
A    Not to my knowledge.

EXAMINATION BY MR. GINSBERG:
Q    Dan, Mr. Wiese, in your role, were you
generally familiar with the record-keeping with respect
to travel requests and so forth in that department at
that time?
A    To a degree, yes.
Q    Okay. What sorts of records would be kept in
the ordinary course that you're aware of?
A    As far as people's itineraries?
Q    Well, regarding travel in general.
A    Very little outside the governor. The governor
we had very detailed records.
Q    When you say very little, what do you mean?
A    I've never seen a record produced for anyone
other than -- actually, let me correct that. I've never
seen a record even for the governor about his travel.
We'd receive the schedule and we'd make our own
arrangements to make sure that was done in a safe and
secure manner and confidential.
Q    How would you get information -- let's assume
say for Senator Bruno: Were there occasions when his travel was involved while you were in that position?

A I personally never did get any, but I know his office sometimes spoke to the state police to make arrangements, and I thought that was done through Pat Stakro, but I'm guessing. I don't know that for sure.

Q Were you aware of any records that the state police received in connection with such requests?

A No, I'm not.

Q Were you aware of any records that the state police created in connection with such requests?

A No, none whatsoever that I'm aware of.

Q No forms?

A No.

Q When it came time to make assignments to particular state police officers or a particular state police detail, were there any records in connection with that?

A Not that I'm aware of. We had a couple of individuals in the city, New York City detail that were assigned to do outside governors. If there were no governors scheduled, then it would be assigned to that individual. If there were governors coming into the state, it would then be assigned to Troop NYC to carry
the overflow.

Q   And how would that communication occur?

A   Usually the captain would speak with a captain
or a senior investigator at the troop headquarters in NYC
and communicate that verbally, that we needed some
assistance, and very often we had a squad assigned to the
New York City Chamber, and very often it would be
assigned to those gentlemen out of convenience because
they'd have to work right downtown.

MR. GINSBERG:  Go ahead.

EXAMINATION BY MS. TOOHER:

Q   Were you ever aware of any FOIL requests being
made concerning transportation records while you were
with the Security detail?

A   Not while I was with the detail, no.

Q   Would you have been made aware of a FOIL
request if it had come in?

A   I think I would probably be aware but,
depending on division counsel whether or not they'd want
that information out, I don't know.

Q   Do you have any knowledge of documents being
provided during the time you were on the Executive
Services detail?

A   No, ma'am.
Q    You left the Executive Services detail in April
of '03?
A    That's correct.
Q    Is that correct?
A    Yes, ma'am.
Q    And did you provide any services to the
governor or the state police after April of '03?
A    Yes, ma'am.
Q    And what were those services?
A    It was on a consulting basis, pro bono to the
superintendent, James McMahon, and the governor if
necessary.
Q    And how long did that continue?
A    I believe until March or April of '07.
Q    And what types of services did you provide?
A    If they had some questions about something and
needed a reference to something in the past I would
provide that, but after Jim McMahon left, which I believe
was in, I'm guessing here, I'm thinking '05, maybe '04,
I'm not sure, it was rare that I ever got any phone calls
from Wayne Bennett.
Q    Were you ever consulted in the area of
providing transportation with the helicopters?
A    Very rarely.
Q Were you ever?
A I can't think of anything after '03, no.
Q So, no one was in contact with you concerning the provision of transportation or ground services with the helicopter from '03 on?
A No. Airplane, yes. Helicopter, no. And the reason for the airplane is we have an MOU, the New York Power Authority with the New York State Police, for the shared use of fixed wing airplanes, but to my knowledge that was never used for anyone other than the governor or possibly lieutenant governor.
Q And were you ever contacted by anyone from the Executive Chamber concerning use of the aircrafts?
A Not that I can recall, no.
Q And from the time that Governor Spitzer came into office in January of '07, were you in contact with members of the Chamber at all?
A Not that I can recall, no.
Q Did you speak with anyone from the Chamber?
A Relative to airplanes or helicopters?
Q At all.
A Oh, I would speak to people from the Chamber on occasion, sure.
Q And who were your contacts with the Chamber?
A Now we're talking prior to?
Q January of '07 on.
A January of '07 on.
Q In the Spitzer administration.
A Bill Howard, he was from the past administration and is currently in this administration, and on occasion -- I can't think of her name now -- Marlene Turner.
Q And do you recall what your conversations with Mr. Howard involved?
A Off the top of my head, my daughter's wedding -- my daughter got married July 6th of '07 -- and possibly Homeland Security. I sit on the same council as he did, Homeland Security Council.
Q Were there ever issues concerning the state police that Mr. Howard discussed with you after January of '07?
A Not that I can recall, no.
Q And what about Marlene Turner?
A Marlene would just be the process as far as the MOU existence, explaining how the airplane would be used by the Power Authority and the Chamber actually, not state police. State police fly it, but it was Chamber use.
Q So, Marlene Turner was in touch with you concerning the use of the airplane?

A I remember a conversation with her about the airplane, yes.

Q And what was the subject matter of that conversation?

A Basically the process by which it was used and who used it when. I explained that there was an MOU that she should be aware of.

Q And did she discuss with you at all how to request use of the airplane, what the requirements were for that?

A No, I don't recall that at all.

Q And have you ever had any contact with Preston Felton since January of '07?

A Yes.

Q And what were those contacts?

A Again, my daughter's wedding. He attended it. We've been friends for a very long time. I don't remember the substance of the conversations, but on occasion we would have a friendly exchange.

Q And you are familiar with what I'll call the Trooper Gate incident?

A What I've read in the newspapers, yes.
Q    I understand that there's some preference it be
called Chopper Gate.
A    Oh, yes.
Q    But the whole incident with the use of the
state police helicopter?
A    Yes, what I've read in the newspapers.
Q    Have you ever discussed it with Preston
Felton?
A    Not to my knowledge. I don't recall that at
all, no.
Q    And what about William Howard?
A    No, again, not to my knowledge.
Q    Have you had any conversations about it with
anyone in the Chamber?
A    In the Chamber, no, I don't believe so.
Q    What about anyone in the state police?
A    I'd like to say no, but I don't recall if I've
had any discussions. I did have an inquiry from a news
reporter by the name of Fred Dicker. I didn't speak to
him, but he wrote an article about me; and I did have a
conversation with a reporter by the name of -- a female
reporter.
Q    Liz Benjamin?
A    Yes. I'm sorry. Yes, Liz Benjamin.
Q And Mr. Dicker wrote an article in August 2007?
A Yes.
Q You're familiar with that article?
A Unfortunately.
Q And in that article, Mr. Dicker refers to you having a relationship with individuals who were responsible for driving Senator Bruno. Do you know who he's referring to?
A No, I don't. I remember, I recall the article, but I don't know in the article who he's referring to, no.
Q Do you know Captain Thomas Marmion?
A I know his name, and if he came in the room I could pick him out, but beyond that, no.
Q What about Michael Kopy?
A I know Mike. He worked for me years ago in the DA's office.
Q And did you discuss any aspects of Trooper Gate with him?
A I don't believe I did, no.
Q Did he contact you at all concerning anything to do with the helicopter or ground transportation during that time frame, January 1 to July?
A It's possible, he was a new major, but I don't recall anything.

Q What about Anthony Williams?

A I've had several conversations with Anthony, but I don't recall anything about this. It's possible, but I don't recall anything specific.

Q How do you know Mr. Williams?

A Oh, Anthony's worked for me on and off for about 26 years maybe, 25 years.

Q And did he reach out to you about records or information concerning transportation at any time?

A I don't recall anything specific. It is possible he may have asked me for advice about records, but I don't recall that.

Q What kind of advice would he be asking you for?

A Again, I don't know, because I don't recall it. Anthony was in a new position, I believe as of maybe '05, or '06 at the Troop NYC. I believe in '06 he went into that position, so I do know I've had a couple of conversations with him about the process, but I don't remember anything specific to this.

Q Did he ever ask you about the records that were kept in the course of the governor's detail?
A He may have. I don't recall specifically. And again, I don't remember any records kept in any -- in the course of our business on this type of stuff.

Q So, if he had asked you, your response would have been "We didn't keep records."

A Correct, to my knowledge, we didn't have records about this, unless -- let me clarify that -- unless it was the day of the incident, they may have had their own record of where they were going, but after the incident was -- after the transport was done, I'm not aware of any records.

Q What happened to the records after the transport was done?

A Well, I don't believe there were records per se. I believe they were communications by phone as to where the individuals would be going. Now, it wouldn't be uncommon, depending on the level of preference, for an assigned member, they may keep their own notes in their own daily day books, that's possible, but I don't know that for a fact, either.

Q We had prior testimony that the governor's travel itinerary and schedules were required to be shredded after travel was completed.

A That's very possible. That's not something you
want left around, because you don't want to establish a
pattern, because sometimes on a week-to-week basis he
goes to the same locations, the same routes, so that
would be consistent with my memory.

Q So, is it your memory that the governor's
records were shredded following --

A I know we never kept them ourselves. Whether
the Chamber kept them, I couldn't tell you, but the state
police detail didn't keep records of that nature.

Q Were you aware that the state police were
shredding those records or destroying those records?

A I'm not aware of it, but I think that would be
proper to do so. You don't leave them around to develop
any sort of a pattern which anybody could look at, and
I'm talking terror-type patterns. You don't want
somebody second guessing where he's going to be on any
given day by what his previous patterns had been.

Q So, purely hypothetically, if you were asked to
provide records like itineraries or travel records, would
you have released those records?

A I wouldn't have any to release.

Q And would you -- what would be your response
to a request for those types of records, travel records,

itinerary records?
A That they would have to maybe go to the Chamber
to ask for them, because we didn't keep them, the state
police detail.

Q Would you know how to go about recreating that
information?

A Other than memory? I wouldn't be able to
recreate anything, no.

Q Would the troopers involved in the
transportation be able to provide that information?

A Again, other than memory, not to my
knowledge.

MR. GINSBERG: Can I just --

EXAMINATION BY MR. GINSBERG:

Q Did the troopers who worked on those
details -- well, in general, did troopers keep like
logbooks, memo books, whatever you want to call them?

A It was not a requirement, but they could have
on a personal preference level.

Q Do you know whether the troopers assigned to
the security detail that you're talking about, was there
any particular or specific instruction to them with
respect to keeping logbooks or memo books?

A No, not to my knowledge.

Q So, again, it was up to their personal
1 preference?
2        A  Yes.
3
4 MR. GINSBERG: Thank you.
5
6 EXAMINATION BY MS. TOOHER:
7        Q  Do you know Rommel Cartright?
8        A  Yes. He's known as Mel.
9        Q  Mel?
10        A  Mel, yes.
11        Q  And how do you know him?
12        A  He was a member of the detail also.
13        Q  Did you have any conversations with him after
14          January of '07 concerning transportation of Senator
15          Bruno?
16        A  Not to my knowledge. I may have run across him
17          somewhere, said hello, but beyond that I don't recall
18          anything, no.
19        Q  And what about John Colon, is it?
20        A  John Colon was a member of the detail, too. I
21          don't believe I had any discussions with him, either. I
22          knew him less than I knew Mel.
23        Q  Robert Swanson, were you familiar with him at
24          all?
25        A  Sure, but he was never on the detail.
26        Q  So, you have no familiarity with him in terms

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of serving --

A Well, his father works for me, works with me, but any conversation with Robbie Swanson about this? Not to my knowledge at all.

Q And what about James Manigault?

A Wow, I haven't heard from or seen Jimmy Manigault since maybe '96, '97.

Q So, it's safe to say you didn't have a conversation with him?

A As long as -- since I've seen Barry. No, I didn't have any conversation with Jimmy Manigault, no.

Q What is your relationship with Governor Spitzer?

A Well, it goes back to 1989 when I was assigned to the Manhattan district attorney's office.

Q That's how long you've known him?

A That's how long I've known him, yes.

Q And what is your relationship with him over the years?

A Professional and personal.

Q Do you consider the governor a personal friend?

A He was invited to my daughter's wedding. He didn't come, but he was invited.
Q: And how often do you speak with him?

A: I used to speak to him quite a bit years ago. Of late, since he's governor, maybe two or three times since he's elected, if that.

Q: And did you ever have any conversations with the governor about the incident with the state police and the transportation?

A: No.

Q: And do you know Darren Dopp?

A: I know his name. Him personally, no.

Q: And what about David Nocenti?

A: Again, I know his name, and I had a conversation with him on Homeland Security when the governor was attorney general relative to background legislation. That's my only, I think the only conversation I've had with him.

Q: And what about Richard Baum?

A: I've met Richard on occasion when he was with the attorney general's office.

Q: And have you been in touch with Mr. Baum since Mr. Spitzer became governor?

A: Since the election I may have had one conversation with him, but I don't recall. Certainly nothing to do with this.
Q   And did you have any conversations with the
former superintendent of the state police concerning the
incident of Trooper Gate and the surrounding
circumstances?
A   I think I may have had a casual conversation
with Jim McMahon about the articles when they were
written, specifically the Fred Dicker article about me.
Q   And what was the substance of that
classification?
A   Just a friendly conversation, you know, about
Fred isn't giving up, he's been writing stories about me
now for about 11 or twelve years, maybe longer, 13 years.
Just for the record, I was part of the indictment
against the New York Post in 1992 when the Manhattan
district attorney's office indicted the New York Post
over circulation problems, so I think that might be the
genesis of his dislike. I'm not sure, but it goes back a
long way.
MR. GINSBERG:  Pardon me.
EXAMINATION BY MR. GINSBERG:
Q   When you say part of that, you were part of the
team that did the investigation?
A   Yes.
understood that. I should have clarified that for you, yes.

   MS. TOOHER: That's okay.

   Q    Just one other question. When the troopers on
the NYC detail, when they get assigned to transportation
for a dignitary or whatever, do they communicate by radio
at all?

   A    I would assume more by cell phone than radio.
If there were more than one assigned, it's possible,
Troop NYC, but usually they're only assigned one team at
a time, to my knowledge, unless there's something like a
convention going on.

   Q    When you say cell phone, you mean
point-to-point communication?

   A    They may have that capability now, but I think
all they had back then was traditional cell phones. They
may have -- what do they call it -- Nextels now. They
had them years ago and they didn't work, they weren't
reliable, so they got rid of them probably '96, the early
stages of Nextel.

   Q    Okay. But they don't use radio communications
similar to say what NYPD uses?

   A    They have that capability, but in New York City
there's so much radio traffic, so it's not very reliable.
They're usually stepping on one another, so it's not reliable, and if it's a confidential nature, I don't think you'd want to put it out over an open channel.

EXAMINATION BY MS. TOOHER:

Q    Were you aware of Senator Bruno being denied use of the helicopter at any point during your tenure?
A    Not to my knowledge, no.
Q    Do you have a relationship with Senator Bruno?
A    I believe I do. After reading the articles, that's questionable, but I always felt I got along very well with Senator Bruno, and I have a lot of respect for Senator Bruno.
Q    When was the last time you were in touch with him?
A    Oh, wow, probably have to be sometime in '03 before I left the state police. I did see him at a funeral, but didn't speak to him, a trooper funeral, I believe in '05 maybe or '06. I saw him, but we didn't have any exchange. I don't even know if he saw me. I was sitting in the church.

MS. TOOHER: I just would like to state for the record that Mr. Wiese is here voluntarily, and that completes our interview.

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MR. WIESE: Thank you very much.

MS. TOOHER: Thank you.

(Record closed at 11:30 p.m.)
CERTIFICATION

I, MARION J. EAGAN, a Shorthand Reporter and Notary Public for the State of New York, do hereby certify that the transcript to which this certificate is annexed is a true and accurate record of the testimony as stenographically reported by me in the above-entitled matter.

I further certify that I am neither an attorney or counsel for, nor related to or employed by any of the parties to the action in which this deposition is taken; and furthermore, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

__________________________
Marion J. Eagan

Registration No. 01EA5016362
My Commission Expires:  August 9, 2009

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