STATE OF NEW YORK
COMMISSION ON PUBLIC INTEGRITY

In the Matter of

An Investigation into the Alleged
Misuse of Resources of the Division
of State Police

INTerview of William F. Howard, taken at 123 William Street, New York, New York, on Wednesday, June 25, 2008, at 2:00 p.m., before Steven Klein, a Shorthand Reporter and Notary Public within and for the State of New York.
APPEARANCES:

HERBERT TEITELBAUM
Executive Director
Commission on Public Integrity

BARRY GINSBERG,
General Counsel

HOGART, NEWMAN, REGAL
& KENNEY, LLP
Attorneys for the Witness

BY: FREDERIC S. NEWMAN, ESQ.

* * *

AR-TI Recording
516.741.5342  212.349.9692  888.242.DEPO(3376)
Toll Free Fax: 800.337.6769

142 Willis Avenue
Mineola, NY 11501

305 Madison Avenue
New York, NY 10165
WILLIAM F. HOWARD, called as a witness, having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

EXAMINATION BY MR. GINSBERG:

Q Mr. Howard, would you state your name for the record, please.
A William F. Howard.

Q I appreciate you coming down. Mr. Howard, you previously testified in connection with this investigation; do you recall that?
A I do.

Q And I'm going to be asking you some follow-up questions pertaining to your prior testimony.

I will say if at any time when a question is not pending that you want to consult with your attorney, if you make a request for that, we'll grant that request.

A Thank you.

Q Let me show you what has previously been marked as Commission Exhibit 23. I believe you were shown this document.
Howard
during your prior testimony. It's a one-page
document.

Take a minute to look at it.
(Witness reviewing document.)

A Okay.

Q Do you recognize that document?

A I do from the last appearance
before the Commission.

Q Other than in connection with
your testimony, have you seen it before?

A I didn't recollect it until the
last testimony, when it was shown to me. It
jogged a memory of having seen it.

I didn't know, going into the
testimony, I didn't recall this document.

Q But now --

THE WITNESS: There is no
questioning pending.

MR. GINSBERG: That's true.

You can note that counsel is
conferring with the witness.
(Counsel conferred with the

witness.)

A Yes, I had seen this document.
Howard

Q Prior, other than before the Commission?
A Yes.
Q So we can get to some questions regarding it, can you briefly describe what your understanding is of this document.
A It is a document that's marked as Exhibit 23.

The document is three separate -- yes, three separate trips involving Senator Bruno to New York City.

Q And if I recall your prior testimony correctly, you had been asked by Darren Dopp, who at the time was Communication Director of the Executive Chamber, to get information such as this, correct?
A Yes.
Q From whom did you receive this document?
A I received this from Preston Felton.
Q And at the time he was the Acting Superintendent of the State Police; is that
correct?

A Yes.

Q After you received this document, did you show it to Darren Dopp?

A I did, I walked it down to his office, and showed him this document.

Q Do you remember about when that was?

MR. GINSBERG: Withdrawn.

Q In relation to when you received it, when did you do that?

A In short order after receiving it.

Q The same day?

A Yes.

Q Within minutes?

A The same day.

Q Was anyone else in his office when you came in with this document?

A No.

Q Did you have any other documents with you when you went into his office?

A No.

Q What was the reason you went down
there with this document to Mr. Dopp's
go.?
A He had asked for me to see if I
could have the document put together. I got
the document and brought it down.
Q And you showed him the document?
A Yes.
Q Did you have any conversation
regarding it?
A He had a response -- I left the
document with him, and then I received
another call from him to come down.
I went down to his office, and he
asked if the document could be separated into
separate pages.
Q How long after you initially
brought him the document did you receive that
phone call?
A I was barely back in my office
when I got that call.
Q A matter of minutes?
A Yes.
Q How long after you got the phone
call were you back in his office?
Howard

A Within minutes. As soon as I got
the call, I went down to his office.
Q Can you estimate how long from
the time you first came to him?
A Within minutes.
Q When you came back the second
time, was anyone else in his office?
A No.
Q And did you have a discussion
regarding this document at that time?
A Yes. He asked if the document
could be put into separate pages.
He asked if some sort of heading
could be put onto it.
I did make a reference to this in
the last note on the document.
Q Go ahead.
A In an unknown hand there is a
notation which said "bond paper" on this
document.
That is not something that I ever
recall. It's not a word or phrase that I
generally would use.
I don't remember asking -- when I
Howard

went back to my office and spoke to Preston
Felton, I don't remember telling him that I
needed this on bond paper, I just asked for
separate sheets, with some sort of heading.
I didn't indicate to him, I don't think, what
I wanted on the heading.

Q Just so we are clear, the comment
you got back from Mr. Dopp was to make some
changes in format with respect to this
information; is that correct?

A To separate it out into separate
pages, put it into separate pages, each block
into separate pages.

Q By "each block," what do you
mean?

A On this document there is a May
3rd and 4th, a May 17th, and there is a May
24th. To have each one of those sections put
into a separate page document.

Q And none of the separate blocks,
as you refer to them, have any sort of a
heading; is that fair to say?

A That's correct.

Q Did you have a discussion with
Howard

Mr. Dopp that you can recall regarding what sort of a heading the separate pages should have?

A I don't remember specific language, but I remember him holding up his hand and indicating separate heading, heading up on top. I don't recall specific words that were said, that I was going to give to Preston Felton, what those documents would be titled.

Q Anything else you recall about that conversation with Darren Dopp?

A Not that conversation, no.

Q What did you do after you finished that conversation with Mr. Dopp?

A I went back down to my office and called Preston Felton, and had a conversation with him, in which I asked if we could have this put into separate pages.

Q Did you say anything else to Mr. Felton at that time?

A I'm sure I asked for the headings to be put on it, but I don't recall asking for the bond paper.
Howard

Q And when you started your conversation with Mr. Felton, how did he know what document you were referring to?
A I think this is all a very short time frame.

He didn't ask the question as to what I was referring to. He seemed to have a knowledge of what I was referring to.

Q By his responses, you took him to understand what you were referring to?
A Yes.

Q With respect to this issue of the headings, did you have any discussion with Mr. Felton on that point?
A I'm sure I had a general discussion to put a heading on it. I don't recall giving him the exact language of what that heading would be.

Q When you say you had a general discussion, can you recall at all what you said?
A I don't know if Darren was specific in what he wanted in the heading.

He made this signal with his hand.
Howard
about putting a heading on the documents.  
I'm sure I had that discussion
with Preston to indicate that we would like
to have each one of these separately
delineated out with a heading.
I don't recall giving him the
specific language of what it would be.
Q Did you give him a concept of
what the heading should be?
A We may have had that discussion,
but I don't recall the specifics.
Q How long was this conversation
with Mr. Felton?
A I would say very brief.
Q Did you have any conversations
with anyone else regarding Exhibit 23, or
this matter that you just described, where
Darren Dopp requested that you put it into
separate documents?
A No. There were no conversations.
Q I think you mentioned this. I
just want to be clear.
Your conversations with Preston
Felton, you are sure it was after you left
Mr. Dopp's office the second time?

A Yes.

Q Can you place it in the time of day?

A Not with accuracy.

MR. TEITELBAUM: Can you give us the day?

THE WITNESS: No. It has just been so long a period of time that I cannot recall.

It would be whenever this document was given to me, it would be that day.

Q And after that, after that conversation with Superintendent Felton, did you eventually get back documents along the lines that you discussed with Darren Dopp?

A Yes.

Q And about how long was that after you had the conversation with Superintendent Felton?

A I can't recall that with accuracy.

Q Can you estimate it?
Howard

A No. Not accurately.
I want to make sure what I say is right. I can't recall.

Q I don't want you to guess.

A Yes.

Q Estimates are different than guesses.

A I know.

Q Was it within a week?

A It was within a week, but I just don't know the time frame. I can't recall it.

Q Let me show you what have been previously marked as Commission Exhibits 1, 2, and 3. I believe you were also shown these during your previous testimony. Take a look at those three documents.

(Witness reviewing documents.)

MR. TEITELBAUM: There is a pending question. Is there a pending question?

MR. GINSBERG: There is no pending question.
Howard

(Conference between counsel and the witness.)

Q Before we move on, is there something you wanted to add?
A I want to clarify something. The documents are so important to this, they are so key, and it has been so confusing, even going back to my AG's testimony as to what the questions were actually referring to.

I appreciate the opportunity to see the documents and react to them. It has been a long time since I've seen them before.

I want to make sure on this particular document marked 23 that my response refers to the fact that when the titles were asked for, we were actually breaking these down into separate trips. The titles were referring to the separate trips being made.

Q By "separate trips," if I can have the document, there is one that appears to be May 3rd and 4th; is that correct?
A Yes.
Howard

Q Then there is another one May 17th; is that correct?
A Yes.

Q And then May 24th; is that correct?
A Yes.

Q Is it your recollection that you had some discussion with Mr. Dopp that the headings should in some way reflect the dates or the fact of the trips?
A Yes.

Q And was that conveyed to Mr. Felton?
A That's what I was trying to get at. That was conveyed to Mr. Felton, it was precisely that.

Q Just so we are clear, you testified earlier today that you had seen Exhibit 23 prior to your testimony, either before the Attorney General or before the Commission, in connection with this matter; is that true?
Howard

A I did not see it at the Attorney General, I was shown no documents by the Attorney General.

I'm sure I saw the document prior to my testimony.

Q And in fact, I think it's your testimony today that you saw them, you saw this document, Exhibit 23, on or about the date that it was prepared and sent to you?

A I'm sure I did, and what I was referring to really was the context of seeing the two documents together before the Ethics Commission that provided the nexus and an understanding for me.

Q My next question is on Exhibit 23. There are, I guess I would say five areas that look like they are handwritten.

There is a line after the words, "May 4th - transported to Aqueduct Racetrack, and then LaGuardia Airport," and the next one is May 17th - Invrommel Cartright." It appears to be a handwritten line between those two lines; is that correct?

A Yes.
Q And then, also, after the line that says, "Departed around 7:00 p.m.," all caps, from helipad, there appears to be a handwritten line; is that correct?
A Yes, a horizontal line.
Q A horizontal line, correct?
A Yes.
Q Down at the bottom, there's some words, or parts of words.
A Yes.
Q Correct?
A Yes.
Q My question is, when you saw this document way back when, on or about the date that it was prepared, were any or all of these handwritten notations on the document?
A I don't recall any handwriting in notations on the document.
Q So we are clear, these are your handwritten notations?
A They are not.
Q Do you know whose they are?
A I do not.
Q Do you know how they came to be
Howard

put on this document?

A I do not.

Q Now, if we can take a look at Exhibits 1, 2 and 3, Commission Exhibits 1, 2 and 3. Take a moment to review them by yourself.

(Witness reviewing documents.)

Q Do you recognize these documents?

A I do.

Q What do you recognize these documents to be?

A These are the documents provided as the separate trip reports, trip accounts.

Q If I can put a fine point on it, 1, 2 and 3 were the response to your communication with Dopp and then Felton?

A Dopp's communication to me that I then followed up with Acting Superintendent Felton.

Q This is what you got back from Felton, 1, 2 and 3?

A Yes.

Q And do you remember about when you got these documents?
Howard

A    I do not.
Q    Did you get them all together, on
the same day?
A    I believe I did.
Q    Do you remember --
A    To the best of my recollection, I
believe they came together.
Q    Do you remember how you got them?
Were they hand-delivered, e-mailed, faxed,
some other method?
A    My recollection is that I may
have gotten these as deliveries, as well as
an e-mail form.
Q    Do you remember who the e-mail
was from?
A    The only person I dealt with at
the State Police was Preston Felton.
Q    And if I've asked you this
question, I apologize.
Do you remember about when you
got these documents?
A    I do not.
Q    Without guessing, can you
estimate about how long after your
Howard

conversation with Felton you received these
three documents?

A     Within days, would be my best
estimate.

Q     And you note that each document,
1, 2 and 3, does have what I think we both
agree is called a heading, that's underlined,
initial caps. For example, on one it says
"Transportation Assignment for Senator Joseph
Bruno"; do you see that?

A     Yes.

Q     Is that what you mean by
"heading"?

A     Yes.

Q     And when you got these documents
back --

MR. GINSBERG: Withdrawn.

Q     Is this heading, and I think it's
the same on all three documents, you can
check me on that.

A     It is.

Q     Is this consistent with the
discussion you had with Felton about the kind
of headings that should be on the separate
Howard

A I didn't pay a lot of attention to it, but it's consistent.
Q What did you do with these documents after you received them?
A I walked them down to Mr. Dopp's office.
Q And about how long after you received these documents?
A I would say in very short order.
Q Minutes?
A I wouldn't say minutes. I would say in short order.
Q The same day?
A The same day.
Q And when you went down to see Mr. Dopp, you had these documents in hand?
A I did.
Q And was anyone else in his office when you were there?
A No.
Q Did you show him the documents?
A I did.
Q Did you have any conversation
Howard

with him about them?

A My recollection -- yes.

My recollection is that he said

thanks, and then made a comment about some

unhappiness with the headings, he didn't like

the headings.

Q What did he say?

A He made a comment about is there

something that can be done with the heading,

and then kind of cut it off, and then said

never mind, and just waved it off.

Q And what happened after that?

A I left the office.

Q Is that, in sum and substance,
your entire conversation with Dopp on that
day?

A Within seconds probably, yes.

MR. TEITELBAUM: Did you have an

understanding as to why 1, 2, 3 were being

produced?

THE WITNESS: I didn't really

think why they were being produced in that

form.

I've gone back, as I thought
Howard

about this, but I can't come up with any understanding as to why they were being separated.

MR. TEITELBAUM: What did Mr. Dopp tell you, if anything, concerning why these documents were being produced?

THE WITNESS: He didn't say anything about why these documents were being produced.

Q When you talked to Felton, was there any conversation about that?

A No. There was no negative response, no discussion.

MR. GINSBERG: Excuse me a minute.

(Pause.)

Q Mr. Howard, other than the testimony you have already provided in an earlier session with the Commission, and what you have testified to today, do you have any additional information to provide to the Commission concerning Richard Baum and the activities that are the subject of our investigation, to the extent that you
understand that from the questions we asked you?

A    I do not.
Q    And the same question with respect to former Governor Spitzer?
A    I do not.
Q    The same question with respect to David Nocenti?
A    No.
Q    Let me show you what has previously been marked as Commission Exhibit 58.

Take a minute to review that, and then I'll ask you a few questions.

(Witness reviewing document.)

A    Okay.
Q    Now, when you testified last before the Commission -- this is not a memory test, I'm looking at the transcript -- you testified regarding the circumstance where you and Darren Dopp, and perhaps others, were working to prepare a leaders meeting of some sort, and Senator Bruno was unable to attend on whatever the scheduled date was, because
Howard

he was going to a fund-raiser.

And your testimony at that time
was that Darren Dopp asked whether he was
flying, whether you can find out if he was
flying, in terms of your recollection at the
time it was the first instance that you got
that kind of inquiry from Mr. Dopp.

I want to put you back into that
time frame.

A I was in no position whatsoever
to be putting leaders meetings together. I
was not in a position to be advising or
providing any guidance to folks in terms of
putting leaders meetings together.

Q You recall the testimony, and you
were involved at that time?

A I was not involved.

I don't think the testimony
reflects that I was involved.

MR. TEITELBAUM: Show him what
the transcript shows.

Q What I'm focused on are page 57
and 58 of your prior transcript. You're
welcome to look at as much of it as you want.
Howard

(Witness reviewing transcript.)

A  Okay.

Q  So is there some statement that you want to make with regard to that testimony?

A  I remember this testimony, and it was an observation. It was in terms of the administration, not me putting this meeting together.

I recall a leaders meeting that they were attempting to put together, which inspired a question whether he was going to be attending the meeting in a State helicopter.

Q  The question from Mr. Dopp?

A  Yes.

Q  That was the first time that Darren Dopp asked you that kind of a question?

A  That's my recollection.

Q  Now, looking at 58, Commission Exhibit 58, which is an e-mail from you to Darren Dopp, dated May 17, 2007, shortly after, does this e-mail relate to the
circumstances described in the testimony that you previously gave that is related in 57, 58, of your transcript?

A I think there are two issues that are reflected in this e-mail. One is this continuing question of what is political and what is governmental as it relates to the Governor's travel, which is a question that was circulating on the floor.

The last point was, I had them ask to come up with a list of who was flying to the city that day.

Q So is it fair to say that this e-mail is in response to an inquiry from Darren Dopp?

A On two separate points, one being the split between political and governmental travel as it relates to the Governor's trips.

And then the second question of is Senator Bruno flying today, and do we know who the passengers are on that aircraft.

Q And who did you go to, if anybody, to get the answers to these two issues as you described them?
Howard

A Preston Felton, the Acting Superintendent.

Q Anyone else?

A No.

Q And was that a phone conversation or face-to-face meeting?

A A phone conversation.

Q And this e-mail, I note, is shortly after, May 17th.

Do you remember if your conversation with Felton occurred on the same date as this e-mail, or some other date?

A I do not.

Q Do you remember whether you spoke with him that morning, and then prepared this e-mail for Mr. Dopp?

A At this point, it would be pure speculation, a year later, more than a year later. I just can't recall.

Q Without guessing, can you estimate how long before you prepared this e-mail that you spoke to him?

A I would not like to do that.

Q Was it less than a week?
Howard

A    I just would not want to
speculate.

Time frames are something that is
important, and I would rather get it right
than guess.

Q    Is there anything else that you
can refer to to fix the time frame?
A    Not that I'm aware of.
Q    What specific questions or
inquiries did you make to Mr. Felton as a
result of the inquiries that you got from Mr.
Dopp?
A    I think I testified to that in
full.

MR. TEITELBAUM: In regards to
what?

THE WITNESS: I think I testified
as to the nature of my conversation with
Preston as to what I was asking for. I think
I testified previously.

MR. TEITELBAUM: Would you agree
with me that what is contained in Exhibit 58
is, at least from your testimony, that this
information came from Preston Felton, Exhibit
THE WITNESS: I would agree --

MR. TEITELBAUM: The rules

concerning travel as contained in Exhibit 5,
did that information come from Preston
Felton?

The reason I'm asking that is
because it says "getting more," but here is
what I have.

From who were you getting
information as reflected in 58?

THE WITNESS: Preston was my only
contact, Preston Felton was my only contact
for information.

MR. TEITELBAUM: When you say
"getting more," is it fair to say that you
are going to be getting more information from
Preston Felton?

THE WITNESS: I can't recall the
circumstances of that heading in terms of
whether the heading refers to the nature of
that discussion and that split between
political and governmental, or whether it
refers to -- I use the same language again at
Howard
the end -- I'm getting more on the specifics
of today of the passengers, and I believe
that I would be referring to getting
information about the passengers, not getting
more about the split between political and
governmental flights.

MR. TEITELBAUM: When you say,
"Here is what I have," and then there are
three paragraphs that follow.

THE WITNESS: Four paragraphs.

MR. TEITELBAUM: I'm talking
about the three paragraphs that follow.

THE WITNESS: Okay.

MR. TEITELBAUM: Is that
information that you received from Preston
Felton?

THE WITNESS: I don't know the
answer to that.

MR. TEITELBAUM: Is that your
understanding reflected in these three
paragraphs?

THE WITNESS: I'm sure it
reflects conversations with Preston Felton
about what we've done in the past, but I
William F. Howard

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1. Howard
don't recall having those conversations with
him.

4. I think that, "Getting more, here
is what I have," is referring to the schedule
that I will be getting.

7. MR. TEITELBAUM: Let me kind of
cut to the chase here.

9. What I'm trying to find out is,
is the information contained in these three
paragraphs information that Preston Felton
gave you, or that you had yourself and you
were just reducing it to an e-mail to Darren
Dopp?

15. THE WITNESS: I think it reflects
conversations with Preston, but I don't think
he literally dictated those responses.

18. MR. TEITELBAUM: As a result of
conversations between yourself and Preston
Felton, the information as contained in the
first three paragraphs of this e-mail is as a
result of those conversations, this
information is a result of the conversations?

24. THE WITNESS: General
conversations.
MR. TEITELBAUM: The information is fairly specific.

THE WITNESS: I don't recall the specific conversation with Preston.

This is not information that I had in my head about how these things were done. I wish I could give you more accuracy on that, but I honestly can't do that.

I wouldn't have known this information contained in this e-mail. I assume it came from a general conversation with Preston about how -- what is the split between political and governmental, but I can't recall the details of that a year later.

MR. TEITELBAUM: There was a conversation between yourself and Preston Felton concerning the split between political and not political as to use of State aircraft?

THE WITNESS: I didn't know this information. Preston was the only one I
Howard talked to about this. I assume we had a conversation that led to the preparation of this e-mail.

MR. NEWMAN: May I?
MR. TEITELBAUM: Yes.

(Conversation between counsel and the witness.)

THE WITNESS: In looking at this, studying this, there's two things that come out.

One is the language of the e-mail says the Governor could only use the State Police aircraft for State business.

I do recall Preston Felton telling me that point.

Secondly, in the next paragraph which begins with "example," it says that there is no cost to SP and no need to reimburse, and I have in parentheses, "According to the State Police."

I don't recall, but clearly, this did come from the State Police from that conversation, and I see that now.

MR. TEITELBAUM: Were you aware
Howard

prior to this e-mail that Preston Pelton was giving you the State Police's perspective on these questions of a policy within the Executive Chamber on the appropriate use of the State aircraft?

THE WITNESS: I believe I provided a copy of that policy.

MR. TEITELBAUM: Is that consistent, from your perspective, with the policy that is articulated in 58?

THE WITNESS: I believe it is. I can't recall the details, what details the policy went into. I believe in general it's consistent.

MR. GINSBERG: We have no further questions.

(Time noted: 2:35 o'clock p.m.)
CERTIFICATION

I, STEVEN KLEIN, a Certified Shorthand Reporter and Notary Public, within and for the State of New York, do hereby certify that I reported the proceedings in the within-entitled matter, on June 25, 2008, at 123 William Street, New York, New York, and that this is an accurate transcription of these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of June, 2008.

__________________________
STEVEN KLEIN

AR-TI Recording
516.741.5342  212.349.9692  888.242.DEPO(3376)
Toll Free Fax: 800.337.6769

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