NEW YORK STATE
JOINT COMMISSION ON PUBLIC ETHICS
INVESTIGATIONS DIVISION

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Interrogation of:

ADAM LOCHER

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Date:    July 11, 2014

Appearances:

Pei Pei Cheng-De Castro, Senior Investigative Counsel

Terence Mulderrig, Senior Investigator

Peter Smith, Investigator

Adam Locher, Interviewee

Andrew Fleming, Attorney

Transcribed by:  Geneva Worldwide, Inc.
MR. PETER SMITH: Good morning. I’m Peter Smith. I’m with the Joint Commission on Public Ethics here in Buffalo, New York. With me today -- it’s Friday, July 11, 2014, approximately 10:00 A.M. I have here in Buffalo -- as I said earlier, I’m Peter Smith, Investigator for JCOPE; I have Mr. Adam Locher, the former Chief of Staff to Assemblyman Dennis Gabryszak. And I have his attorney, Andrew Fleming. And in New York City, we have Investigator Terry Mulderrig, along with legal counsel, Pei Pei Cheng-De Castro.

Before we get started today, I just want to thank you for coming in. But there’s a couple of house things that we’ve got to go through. The New York State Joint Commission on Public Ethics is conducting this investigation pursuant to its authority under Article 94 of the Executive Law. You received a subpoena to appear here today. At any time you don’t understand the questions, you should so indicate and we’ll attempt to clarify the questions for you. If you wish to refer to any documentation to answer a question or refresh your recollection, you may do so.

If a question calls for an answer that would intent to incriminate you have a right to assert your Fifth Amendment privilege. You are not entitled to the
right to the assistance of counsel in this interview. However, the Commission has agreed to allow your counsel to be present for the sole purpose of advising you regarding the privileges you may have. You are not entitled to transcript of this interview. In a moment, you’ll be sworn in and will be required to take the oath to testify truthfully. After taking the oath to tell the truth, should you intentionally make a material false or misleading statement, you may be prosecuted for perjury. Do you understand what I’ve just stated?

MR. ADAM LOCHER: Yes.

MR. SMITH: Mr. Locher, can I get you to raise your right hand? Do you swear or affirm that the testimony you’re about to give will be the truth, the whole truth and nothing but the truth?

MR. LOCHER: I do.

[WHEREUPON THE WITNESS, MR. ADAM LOCHER, WAS DULY SWORN.]

MR. SMITH: Thank you. Mr. Locher, can I have your present home address and telephone number?

MR. LOCHER: ********* ********

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MR. SMITH: How about an E-mail address, sir?

MR. LOCHER: 

MR. SMITH: Sir, what is your employment history beginning from college days forward?

MR. LOCHER: Okay. I’ll do it from George Washington University with a degree in 1998. During my time at George Washington, I worked for the Grocery Manufacturers of America, Litton Industries, the Republic National Committee as a tele-fundraiser; started a full-time job with the National Association of Health Underwriters; worked in New Hampshire for a short time. Let me give some dates, date specific. And I’ll go with the full-time jobs. National Association of Health Underwriters was from April of ’98 to August of 2001. I spent a short time in New Hampshire to work with the New Hampshire Association of Health Underwriters, which was for two months, from September to November; came back here to Western New York in January of 2002. I worked a temporary job until I was given the opportunity to be the Assistant to the Town Supervisor for the Town of Cheektowaga in June of 2002.

MR. SMITH: Okay. Now your education, sir?

MR. LOCHER: I have a bachelors in political
science from Niagara University and a masters in 
political management, lobbying and government 
relations from George Washington University. Niagara 
was ’96; GW was ’98.

MR. SMITH: Okay. What was the first time 
that you met Mr. Gabryszak, do you recall?

MR. LOCHER: It may have been -- it may have 
been May of 2002.

MR. SMITH: 2002, okay. When did you become 
under his employ?

MR. LOCHER: June 12, 2002.

MR. SMITH: Okay. And what was that position?

MR. LOCHER: Assistant to the Town 
Supervisor.

MR. SMITH: And at that time, Mr. Gabryszak 
was the Town Supervisor?

MR. LOCHER: Was the Town Supervisor.

MR. SMITH: Okay. How did you find out about 
that position?

MR. LOCHER: An ad in the Buffalo News.

MR. SMITH: Okay. And who was part of the 
interview process for that, do you recall? Was there 
an interview?

MR. LOCHER: Yes. Dennis Gabryszak and Mike
Stachowski, who was the Town Attorney at the time. I don’t recall meeting with anyone else during my interview process.

MR. SMITH: Was this a full-time or part-time position?

MR. LOCHER: This was a full-time position.

MR. SMITH: Okay. And do you remember the salary?

MR. LOCHER: It started out, I want to say at 31; and it finished out somewhere between 38 and 40.

MR. SMITH: And when you say finished out, what -- when was that?

MR. LOCHER: That was the end of January 2007.

MR. SMITH: So you were employed with Mr. Gabryszak in Cheektowaga from June 12, 2002 to sometime in January 2007?

MR. LOCHER: I believe it would have been the 31st. It was a seamless transition to the Assembly office in February of 2007.

MR. SMITH: Okay. So, how did Mr. Gabryszak get his position in the Assembly? How did that play out?

MR. LOCHER: The last day of petitions, Paul
Tokasz announced his resignation. The Democratic Committee had a process to determine who they would put up. The Erie County Democratic Committee had a process and they put up Dennis Gabryszak on the ballot in November of 2006. And he won election in November of 2006 for a term that began January 1, 2007.

MR. SMITH: So did he have a full term there?
Is he replacing someone?

MR. FLEMING: Cheektowaga, you mean?

MR. SMITH: Mr. Gabryszak.

MR. LOCHER: No, but in Cheektowaga or in the Assembly?

MR. SMITH: In the Assembly.

MR. LOCHER: No, he was starting a fresh new term. Paul Tokasz had announced his retirement in July of 2006 and finished his term December 31, 2006.

MR. SMITH: Okay. So at this time, were you full-time or part-time, working for the Assembly?

MR. LOCHER: I was a full-time employee.

MR. SMITH: Full-time employee. And what was your position?

MR. LOCHER: When I started, I picked a title that wasn’t necessarily appropriate. I picked -- I want to say I picked the title Legislative Associate.
And soon after, probably within the first year of employment, I took the title District Office Manager. And then the Assemblyman announced to the staff in July of -- July of 2012, he announced to the staff that he was having me be the Chief of Staff. And from what I can recall, he didn’t file the paperwork officially for this and changed the title until January of 2013.

MR. SMITH: Okay. Alright. We jumped ahead a little. I want to back up a little bit.

MS. PEI PEI CHENG-DE CASTRO: I’m sorry. Can I go back please?

MR. SMITH: Yeah, we need to go back.

MS. CHENG-DE CASTRO: Okay. Can you just tell us what your duties were as Assistant to Town Supervisor when you started and if your role and title changed between 2002 and 2007?

MR. LOCHER: My title never changed.

MS. CHENG-DE CASTRO: Okay.

MR. LOCHER: I was responsible for writing two columns a month for two local newspapers. I assisted with the writing of press releases, state-of-the-town addresses, and other written documents as needed. And I assisted the Assemblyman in coordinating
larger activities across both department heads, so they didn’t necessarily work in silos; and also in the community. I did a lot of, for lack of a better term, community organizing.

MR. SMITH: So then you rolled --

MS. CHENG-DE CASTRO: When you say you took the title as Legislature Associate when Mr. Gabryszak became the Assembly Member, what do you really mean by took the title? Did you self-title yourself? Or --

MR. LOCHER: The Assemblyman had a practice where when someone came on, he gave them the book. He gave them the title book from the Assembly and basically said: Pick your title. And that’s what I did. And sometime later on within that first year, I had discussed with him what my responsibilities seemed to be and looked at it from the perspective of an employee that I knew who worked for Paul Tokasz and the District Office Manager title seemed to fit. And he agreed.

MS. CHENG-DE CASTRO: Did you have to interview for the job?

MR. LOCHER: Did I have to -- in the Assembly?

MS. CHENG-DE CASTRO: When he became an
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Assemblyman?

MR. LOCHER: No, I did not have to interview for the job.

MS. CHENG-DE CASTRO: Was there a discussion between you and Mr. Gabryszak about just staying on and transitioning with him?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: And did you help Mr. Gabryszak in his campaign to become the Assemblyperson?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: And what was your role in the campaign?

MR. LOCHER: I helped out with anything that was needed of me.

MS. CHENG-DE CASTRO: Can you be more specific? Like what, what tasks did you do? Did you take care of finances? Did you organize events, fundraisers?

MR. LOCHER: I do believe I organized fundraisers. We had a separate Treasurer, who did -- who did the financial aspects of things. And I helped coordinate with the Democratic Assembly Campaign Committee and the people that were on the ground for a short time and assisted with anything that was asked
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of me.

MS. CHENG-DE CASTRO: What’s the name of -- or who was the Treasurer for his campaign at that time?

MR. LOCHER: 

MS. CHENG-DE CASTRO: How do you spell his last name?

MR. LOCHER: 

MS. CHENG-DE CASTRO: And did he remain the Treasurer for his campaign throughout the subsequent campaigns or reelections?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: Okay. Sorry, Pete.

MR. SMITH: Okay. I just want to follow up on one thing. This separate Treasurer, was he an employee then?

MR. LOCHER: was the -- was and still is the Director of Administration and Finance for the Town of Cheektowaga.

MR. SMITH: Alright. So did he -- was he also involved when Mr. Gabryszak became a member of the Assembly?

MR. LOCHER: He stayed as Treasurer while still working for the Town of Cheektowaga in a position that he is currently in today.
MR. SMITH: Okay. Did he work for Mr. Gabryszak and the Assembly -- payroll?

MR. LOCHER: Please clarify your question?

MR. SMITH: Okay. [REDACTED] was the Treasurer of Cheektowaga. Right?

MR. LOCHER: [REDACTED] was the Director -- was and is the Director of Administration and Finance for the Town of Cheektowaga.

MR. SMITH: Okay. Now, when Mr. Gabryszak becomes, gets into the Assembly, does he also continue to help with his books?

MR. LOCHER: Yes.

MR. SMITH: He does. And how does he do that? Volunteer basis or --

MR. LOCHER: Yes.

MR. SMITH: Okay.

MR. LOCHER: To my -- to my knowledge.

MR. SMITH: Okay. Do you know what he was doing with the books of Mr. Gabryszak’s?

MR. LOCHER: What do you mean --

MR. SMITH: What role he had?

MR. LOCHER: He kept all the filings. He kept all the receipts. He kept all the paperwork. He did all of that.
MR. SMITH: Okay.

MR. LOCHER: He deposited checks. He wrote checks. He did the things that I would expect a Treasurer to do.

MR. SMITH: Okay. Was that for the budget that he received from New York State, the Assembly budget?

MR. LOCHER: No.

MR. SMITH: How about for the campaign, the Friends of Dennis Gabryszak?

MR. LOCHER: He was the Treasurer for the Friends of Dennis Gabryszak.

MR. SMITH: That’s what we wanted to get, okay.

MR. LOCHER: Am I allowed to ask questions?

MR. SMITH: No, you’re not. It’s one-sided.

MR. LOCHER: Okay. Sorry, I just wanted -- I just wanted to ask.

MR. SMITH: When you started the work with the Assemblyman, who else was on staff at that time?

MR. LOCHER: The first official person to be on the State staff was [Redacted]. She started before I did.

MR. SMITH: Okay. What was her position?
MR. LOCHER: I do not recall the title that she started with.

MR. SMITH: Okay. Any others on the staff?

MR. LOCHER: At the beginning, no.

MR. SMITH: Alright. But as it grows though?

MR. LOCHER: Well, I can -- do you want me to go through a chronological order from ’07 through --

MR. SMITH: Exactly.

MR. LOCHER: -- ’07 to when it was done?

MR. SMITH: When you first became part of the Assembly to; we’re going to go right on through, right up until we’re done here in 2014.

MR. LOCHER: Okay, just asking for clarification sake.

MR. SMITH: Yup. Who was on the staff at that time then?

MR. LOCHER: and myself.

MR. SMITH: Okay.

MR. LOCHER: left the staff and either April or May of 2007.

MR. SMITH: Do you know why she left the position?

MR. LOCHER: I don’t know all the specifics
of why she left.

MS. CHENG-DE CASTRO: Was she a full-time employee?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: But you don’t know what her title was?

MR. LOCHER: At this time, I do not recall her specific title?

MS. CHENG-DE CASTRO: Do you know what she was hired to do?

MR. LOCHER: She was hired to be the person who traveled between Buffalo and Albany each week and to introduce bills and be the legislative person. I don’t recall if she was the Legislative Director or not. At the same time, that was what I would clarify her to be was the Legislative Director.

MS. CHENG-DE CASTRO: So you started in February of 2007 at the Assembly. And then, so you’re saying she started before you. Would that have just probably been in January, when the term started?

MR. LOCHER: She, she started at the beginning of the term.

MS. CHENG-DE CASTRO: Did you have a lot of interaction with her in the four or five months she
worked there?

MR. LOCHER: Phone conversations and being there when they were back at the end of -- at the end of the week.

MS. CHENG-DE CASTRO: Okay. Before she left, did she tell you that she was leaving?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: And did she say why she was?

MR. LOCHER: No. And the reason why I say that is because I was on vacation with my family in Disney World. And I had had a conversation with her to check on something and she let me know that she was leaving. I do not recall the reasons why she left.

MS. CHENG-DE CASTRO: Can you tell us what your duties were when you started at the Assembly as a Legislative Associate?

MR. LOCHER: The most succinct description I can give you was what the Assemblyman told me once. Which was he was advised when he was going to be becoming an Assemblyman that he needed to find someone who he could trust, who would be at home when he was not, to make certain that things were -- that that person was their eyes and ears at home and could relay
information to him and would, would do their job and
didn’t need someone over the top of them all the time
to do their job.

MS. CHENG-DE CASTRO: But I guess in terms –
- but in terms of actual responsibilities, what were
you in charge of doing and what did you actually do?

MR. LOCHER: I assisted constituents with
their -- with their issues with State, State
departments and other items as they arose; other
levels of government. In a lot of ways I, I was
responsible for making certain that our physical plant
on Walden Avenue, our office was kept the way it
needed to be. I worked with the landlord and his staff
to make certain that things would be okay. And I
worked with the Assembly inventory or Assembly
computers and others to make certain that things ran
smoothly out of that office.

MS. CHENG-DE CASTRO: What was -- do you
remember the location of the office?

MR. LOCHER: 2561 Walden Avenue, Suite 109.
The zip code is 14225.

MS. CHENG-DE CASTRO: So is that kind of the
reason why you maybe renamed yourself the District
Office Manager because you were in charge of managing
the district office?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: Did you -- did you spend most of your time at the district office? Or did you travel with the Assemblyman?

MR. LOCHER: I spent the super majority of my time in the district office.

MR. SMITH: Could you give us a number, when you say super majority?

MR. LOCHER: I don’t think I could go beyond my hands in terms of the number of times I went to Albany in seven years.

MR. SMITH: Okay. Ninety percent of the time then in Western New York? Ninety-eight?

MR. LOCHER: Ninety percent, 95 percent. I, I did not travel to Albany very often.

MS. CHENG-DE CASTRO: What was the impetus in terms of changing your title from District Office Manager to Chief of Staff?

MR. LOCHER: Uh, I believed the Assemblyman and I had a conversation one day, where I was curious about it and he said: Oh, I had a talk with my wife about the same thing. And it’s something that I would consider for you.
MR. SMITH: Was -- what were the different duties between Chief of Staff and District Office Manager?

MR. LOCHER: I became more involved in items that -- and it was discussions; it wasn’t decisions, it was discussions. I became more involved in discussions with the Assemblyman on items that I was not involved with prior to that, like staff salaries. I never had any decisions on staff salaries ever in my entire time in that office. At the same time, he would discuss those issues with me. In a lot of ways, it was more of a clarification to staff that -- a more of a chain of command because there really was none. I was their equal through, through when he made that announcement in July of 2012.

MR. TERENCE MULDERRIG: Yeah, can I ask a question?

MR. SMITH: Sure.

MR. MULDERRIG: Mr. Locher, who did you report to when you worked in the office?

MR. LOCHER: Dennis Gabryszak.

MR. MULDERRIG: Were you the senior supervisory person in that office?

MR. LOCHER: One of the items I have is --
MR. ANDREW FLEMING: Answer the question.

MR. LOCHER: No.

MR. MULDERRIG: You reported directly to the Assemblyman and the staff reported to you?

MR. LOCHER: Starting in July of 2012. Prior to that, everyone went to the Assemblyman. There was no chain of command.

MR. MULDERRIG: No one was in charge?

MR. LOCHER: No. Dennis Gabryszak was the boss, if I’m answering your question properly.

MR. SMITH: Did, did you approve time and attendance of other staff in the office?

MR. LOCHER: Starting with being Chief of Staff.

MR. SMITH: Who did it before then?

MR. LOCHER: Dennis Gabryszak.

MR. SMITH: How was it done?

MR. LOCHER: He would look at timesheets. He would ask me to write down certain things, which is included in what was handed to you. And before he would sign them, he would ask me to talk to him to make certain that what they were writing was correct.

MR. SMITH: But if you said it wasn’t correct, what would happen? Or if you said it’s
correct?

MR. LOCHER: There were times where he signed things anyway when I told him that they were incorrect.

MR. SMITH: Okay.

MS. CHENG-DE CASTRO: When you say there were times, how many times are we talking about? And do you remember specific examples?

MR. LOCHER: A few. And I don’t have any examples in mind at this time.

MS. CHENG-DE CASTRO: Do you remember right now if there were any -- or recall a particular employee’s time and attendance sheet that was wrong, that he had informed him about and he still signed anyways?

MR. LOCHER: That may be in what I have handed over. I don’t recall.

MS. CHENG-DE CASTRO: So you think in some of the documents that you’ve provided us, there would be examples of when he signed a time and attendance sheet that you had told him specifically that was wrong?

MR. LOCHER: There may be.

MS. CHENG-DE CASTRO: And if it -- just to
clarify what wrong means, what does that mean when you say that?

    MR. LOCHER: If someone wrote more time than they worked and he still signed off on it and did not ask them to change it, that would be wrong.

    MS. CHENG-DE CASTRO: So did you keep track of the times that staff worked? Or I guess my point is, how, how would you know that someone filled out their timesheet incorrectly?

    MR. LOCHER: I was asked by the Assemblyman to keep track on certain employees at certain times when they didn’t come to work or when they either came in late or left early from work. So that I could refer that information to him when it came time for him to sign timesheets.

    MS. CHENG-DE CASTRO: And how would you go about doing that?

    MR. LOCHER: Usual --

    MS. CHENG-DE CASTRO: For example, did you have a calendar? And did you do it in a computer?

    MR. LOCHER: I wrote down those instances in a notebook and that notebook has been provided to you.

    MS. CHENG-DE CASTRO: Okay. When you said certain employees, is there a reason why you did not
keep track of the time and attendance for all employees?

MR. LOCHER: I, I was asked at certain times for certain employees who exhibited more frequent absences or issues; I was told to begin tracking when they were gone and when they would leave early or come in late because there had been time and attendance issues.

MR. SMITH: When were you doing this? When did you start doing this?

MR. LOCHER: I want to say, because I haven’t looked back at this stuff; I want to say it more than likely didn’t start happening until late ’08 at the earliest. It may have been ’09.

MR. SMITH: Okay. Mr. Locher, how much of the time was the Assemblyman in Albany or out of the office?

MR. LOCHER: He, he was -- he was in the district office many times. He looked at -- he looked at his Assembly position as a full-time job. And he was in the district office quite a bit when the Assembly was not in session.

MR. MULDERRIG: During the day, was he in the office -- how many days would you say he was there
when the Assembly was not in session?

    MR. LOCHER: Thursday and Friday during session, when they were at home; the January to June, he would be there most, most days. Maybe four or five, six hours a day or more, depending on meetings that were happening out of the office. And during non-session time if he had business in Albany or New York, like hearings or other items, he would go to them. He did take time off from time to time. And I would say he was in the district office the majority of the time that they weren’t in session.

    MR. MULDERIG: When he was not in the office, you would monitor the comings and goings of his staff; is that fair to say?

    MR. LOCHER: Only in the instances where there was a concern about their attendance or lack thereof.

    MR. MULDERIG: And how would that concern, be brought to the attention of the Assemblyman?

    MR. LOCHER: When -- it might happen in, in phone calls. It might happen in discussions with him face to face.

    MR. MULDERIG: What I’m getting at is you would inform him that there was an issue with this
particular employee, in terms of time and attendance?

    MR. LOCHER: That was something that the Assemblyman asked for me to do.

    MS. CHENG-DE CASTRO: To clarify, so would that be the opposite; it would be the Assemblyman informing you that he believed that there was a time and attendance issue with a particular employee and then ask you to start tracking?

    MR. LOCHER: Correct.

    MS. CHENG-DE CASTRO: Is that correct?

    MR. LOCHER: Yes.

    MS. CHENG-DE CASTRO: And so you would not be bringing the issue up; he would. And so prior to him bringing up some of these issues, is the Assemblyman the person that’s tracking the person’s time and attendance? What I’m getting at is: Do you know how he was able to spot, like, or these issues with the employees?

    MR. LOCHER: He would keep his own notes too.

    MS. CHENG-DE CASTRO: Do you know how he would keep his notes? Was it in a notebook also?

    MR. LOCHER: I believe it was written. I do not know. I do not know how he kept them.
MR. SMITH: Mr. Locher, back in late 2008-2009 is when you were first requested to keep an eye on employees’ time and attendance and report in to Mr. Gabryszak?

MR. LOCHER: That is my recollection.

MR. SMITH: Okay. Who was the first employee then?

MR. LOCHER: [Redacted]

MR. SMITH: Were there other employees that he wanted to keep --

MR. LOCHER: [Redacted]

MR. SMITH: Additional?

MR. LOCHER: I think I may have done that with [Redacted] And I think after that, as time went on, I would just record when people were off; just so, just so he had it to -- had it to review.

MR. SMITH: Okay. When you were doing this time and attendance, were you directed by anyone?

MR. LOCHER: Dennis Gabryszak.

MR. SMITH: Dennis, he told you to keep an eye on [Redacted] [Redacted] and [Redacted]. Did he say why?

MR. LOCHER: As far as I knew, it was to make certain that when he was signing sheets that they
were correct.

MR. SMITH: Did you have any discussions with him on that matter, on these three employees and their time and attendance?

MR. LOCHER: There were times where -- there were times where before he would sign timesheets; we would have a discussion about time and attendance, people’s time and attendance. And there were times that I could see that he had taken notes as well to, to refer to and to reconcile. And then he made his decision accordingly.

MR. SMITH: Okay. Did he direct you to check their time and attendance daily? Weekly, monthly, whatever? Was it an order from Dennis to you to do this?

MR. LOCHER: Yes.

MR. SMITH: Okay. And did he say why?

MR. LOCHER: It was to ensure that his signature would be, would be right. I, I don’t know how else to answer your question.

MR. SMITH: Did you identify any employees that there was a time and attendance problem?

MR. LOCHER: I did what was asked of me in that regard.
MR. SMITH: I’ll ask it again. Did you identify any employees that had a time and attendance problem and then bring it to Dennis?

MR. LOCHER: These were items that were asked of me by the Assemblyman.

MR. SMITH: Okay.

MS. CHENG-DE CASTRO: If you -- could you refer to your notebook that you provided us? Maybe that’ll refresh your recollection? Or kind of show, show Mr. Smith the notebook that you’re talking about where you made those notes?

MR. LOCHER: Look back to this. I might actually have been early about the dates. I got to see if I had one other one. Okay. I, I apologize. Looking at my notebook, it looks like I started taking notes in 2010. And the first person I had written notes with was [redacted] And [redacted] starts in here 2-3-2010, at least in this notebook. I -- you can have the notebook here.

MS. CHENG-DE CASTRO: Well, is there -- are there, did you mark the times? I’m sorry. Did you indicate in your notebook the instances when you told the Assembly that the time and attendance sheets were filled out incorrectly?
MR. LOCHER: More than likely not. The notebook was more about keeping track of the dates where there was an issue.

MS. CHENG-DE CASTRO: And when you would tell the Assemblyman that a time and attendance sheet was filled out incorrectly, what was his response?

MR. LOCHER: Well, he’d either do something with it or he wouldn’t do something with that. That was what his responses were.

MR. SMITH: Did anyone ever speak to the employee about the time and attendance issue?

MR. LOCHER: Um, I can’t recall when the Assemblyman would have conversations with them. I’m fumbling through this folder right now because I want to show at least one instance where I made a photocopy of -- I made a photocopy of an instance where I actually spoke to the person. And the reason why I mentioned was because that was the person that it was and early on and I’m hoping that I can find what it is I’m looking for. Why am I having such a hard time with this? This won’t work that great.

MR. SMITH: You’re going to look for a [unintelligible] notebook?

MS. CHENG-DE CASTRO: You know, I think
instead -- we could look for that maybe later. And can we, can we actually go back and talk more about the office structure when he became the Assemblyman? If you could clarify for us who was in charge of doing what in the office? As I understand now, it seems like you are in charge of making sure and I guess corresponding with the landlord, making sure that the Assembly computers were working or there --

    MR. LOCHER: -- the telephone system was operational. I would go out to taxpayer and community group meetings and represent the Assemblyman. I would help him with any writing or any other issues he might have or things that he wanted to have worked on.

    MS. CHENG-DE CASTRO: So, who was in charge of hiring employees for the office?

    MR. LOCHER: Dennis Gabryszak.

    MS. CHENG-DE CASTRO: Would you ever be involved in the interview process?

    MR. LOCHER: Much later on, from what I can recall, in my time in the office.

    MS. CHENG-DE CASTRO: When you say much later on, can you tell us more, a more specific time?

    MR. LOCHER: I was in—, -- I want to say I was involved in the hiring of [REDACTED]. In terms
of I want to say I helped with interviews and I contacted references. And that is actually, I saw in that folder the reference calls that I made on [redacted].

MS. CHENG-DE CASTRO: Would you have made any hiring decisions? Or would that just be the Assemblyman’s decision?

MR. LOCHER: All hiring --

MS. CHENG-DE CASTRO: Who made the final hire?

MR. LOCHER: All hiring and salary decisions were made the entire time by Dennis Gabryszak.

MS. CHENG-DE CASTRO: But would Mr. Gabryszak discuss with you prior to making the final decision what the salary would be or whether someone should be hired?

MR. LOCHER: The salary discussions were later than the -- later in chronological order as time went on; versus who the person was who was, was being hired.

MS. CHENG-DE CASTRO: Okay. Who was responsible for training the employees?

MR. LOCHER: It wasn’t a direct responsibility. I feel like I was. We didn’t do much
training in the office. His expectation was that people would come in knowing enough on how to do their job and would go out and find like people in Assembly offices or Senate offices with similar titles and try to pick their brain to learn; to have people learn how to do their job.

MR. SMITH: I need to back up a minute. On the hiring, how were the candidates identified? What type of recruitment was there from the office?

MR. LOCHER: Should I go back and --

MR. FLEMING: Just listen to the question.

MR. LOCHER: In the beginning of 2008, he put an ad in the newspaper, in the Buffalo News, and ended up hiring two people late 2007, early 2008, somewhere in that timeframe. That was through an ad in the newspaper.

MR. SMITH: Who did he hire?

MR. LOCHER: He hired [removed] and [removed]

MR. SMITH: Okay. And then after 2007-2008, how did he recruit?

MR. LOCHER: It depended on the individual that he hired. Most of the time, I want to say it was either by word of mouth or an intern that he may have
ADAM LOCHER

had in Albany.

MR. SMITH: Did he accept applications or resumes of any sort?

MR. LOCHER: He would -- when people would send in resumes, he would take them and he would put them in a folder.

MR. SMITH: Did he have any way of breaking down that folder of like what position these people are looking for?

MR. LOCHER: That was his folder. I do not know.

MS. CHENG-DE CASTRO: Who was responsible for paying the bills of the office?

MR. LOCHER: I was responsible for submitting vouchers to the, to the district office operations at the State Assembly in Albany.

MS. CHENG-DE CASTRO: And then who was responsible for budget for the office?

MR. LOCHER: The ultimate decision maker on everything was Dennis Gabryszak.

MS. CHENG-DE CASTRO: Well, let me backtrack. Was, was there any sort of budget for the office?

MR. LOCHER: The district offices had a $2,700-a-year yearly budget.
MS. CHENG-DE CASTRO: So, who would be in charge of managing the budget?

MR. LOCHER: The Assemblyman would receive the printouts monthly from the Assembly of what his budget was.

MR. SMITH: What role did you have with --

MS. CHENG-DE CASTRO: And then after receiving the printout, what happened? Is a budget created in terms of: We’re going to allocate this amount of money to staff; this amount for supplies; this amount for outreach? Um --

MR. LOCHER: The district office budget that I’m referring to of $2,700 was for things like newspapers, job advertisements, office equipment that was not able to be provided by the Assembly or items that the Assembly approved and did not want to have delivered from Albany; for example, a filing cabinet.

MS. CHENG-DE CASTRO: Alright. So, who would be in charge of kind of using that money or determining what was needed and taking from those funds?

MR. LOCHER: Dennis Gabryszak would tell me what he wanted to do. And I was responsible for speaking to the member services office that handled
the district offices for the Assembly and finding out
if he could do that or not.

MS. CHENG-DE CASTRO: Okay. And then, then
what about the, the money that came from the Assembly
then to actually pay staff and other, other --

MR. LOCHER: He spoke directly to the
personnel clerk in the Assembly, about those,
those issues.

MS. CHENG-DE CASTRO: So those funds, do you
have to submit vouchers for those funds when they are
used? Or how does that work?

MR. LOCHER: He would have to submit
personnel action request forms to be able to start
someone’s employment and/or change their salary.

MS. CHENG-DE CASTRO: And that would be done
by Mr. Gabryszak?

MR. LOCHER: That would be done by Mr.
Gabryszak.

MS. CHENG-DE CASTRO: Were you ever involved
in doing that?

MR. LOCHER: Later on in my employment, he
would have me fill certain ones out. And he would tell
me what it was he wanted them to say and he would sign
them.
MS. CHENG-DE CASTRO: When you say later on, can you be more specific in terms of a month and a year?

MR. LOCHER: These were items that I believe would have started from July of 2012 on.

MR. SMITH: Who are the individuals identified on these, on the salary increase or decrease?

MR. LOCHER: I recall being a part of filling out the PARs for [redacted]. And I may have been involved in the PARs for [redacted] I don’t believe I was involved in -- I don’t believe I was involved in PARs before that. I, I can’t recall.

MS. CHENG-DE CASTRO: And who was in charge of I guess giving staff back any requests for reimbursements? Would they go to you or the Assemblyman?

MR. LOCHER: Please clarify the type of reimbursement you’re referring to.

MS. CHENG-DE CASTRO: I guess my question to you would be like: What types of reimbursements do you get requests for? And then I guess, then you could tell me who’s charge of that?
MR. LOCHER: The only reimbursements that I would have been involved in any way were campaign related reimbursements.

MS. CHENG-DE CASTRO: So if there was a request for any sort of reimbursement that related to the office or duties for the Assemblyman, that would be submitted to Dennis Gabryszak?

MR. LOCHER: The only — the only reimbursements or types of reimbursements that I would be aware of when it came to the State Assembly itself, State government itself; I don’t recall if any staff member, including me, ever received any type of State reimbursement for things like travel or otherwise. Which would have been what I believe the type of reimbursements you’re referring to you now. As the District office Manager and then as Chief of Staff, there were times where I would have to buy things that were State-oriented that I got approvals for. And I would fill out vouchers and I would send — have the Assemblyman sign it and send them in to where they needed to go. There may have been one or two times, very few times, if I was out of the office or sick or in an extended time-off in 2011, where others may have had to submit to the Member Services Office for State
Reimbursements. I can’t recall that because I was out of the office for two to three months with a surgery recovery.

MS. CHENG-DE CASTRO: How many approved computers were provided to the district office for use for the Assembly?

MR. LOCHER: Three. No, four. In the end it was four. I want to say in the beginning it was three. And a fourth one was requested for an intern sometime later on, that they granted.

MS. CHENG-DE CASTRO: Were specific computers designated to specific individuals? Or did the entire office have access to all these computers?

MR. LOCHER: Computers were -- mainly the computers were designated to the person whose desk it was. And that fourth computer -- and I need to go back because more than likely originally there were two computers in the district office. Then it became three. Then it became four. The fourth computer, Dennis Gabryszak would use from time to time and that was the one that was in the kitchen.

MS. CHENG-DE CASTRO: Did you have a designated computer for yourself?

MR. LOCHER: Yes.
MS. CHENG-DE CASTRO: Okay. And, and then so did Dennis have a designated computer for himself?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: What, what happened to those computers after you left and the Assemblyman left office?

MR. LOCHER: You would have to ask that question.

MS. CHENG-DE CASTRO: Did you take any information that was on your computer with you when you left?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: So you left whatever information was on that computer on the computer?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: What were the E-mail addresses that you or you used as part of for your duties as Assembly -- for the Assemblyman?

MR. LOCHER: My Assembly E-mail address was LOCHERA@ASSEMBLY.STATE.NY.US.

MS. CHENG-DE CASTRO: And did you have a cell phone that was provided by the office?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Did you use -- did you
have a cell phone that was provided by the campaign?

MR. LOCHER: No. I used my personal cell phone.

MS. CHENG-DE CASTRO: And what was -- what’s the number? Is it the same number?

MR. LOCHER: Yes -- [redacted]

MS. CHENG-DE CASTRO: Was your cell phone though paid by the office?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: What about the campaign?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: And who’s the carrier for your cell phone?

MR. LOCHER: Verizon Wireless.

MS. CHENG-DE CASTRO: Did the Assemblyman have a cell phone that was provided to him by the office?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Did he have a cell phone?

MR. LOCHER: yes.

MS. CHENG-DE CASTRO: And do you know -- do you remember what the number was?
MR. LOCHER: [redacted]

MS. CHENG-DE CASTRO: And do you know who paid for that cell phone?

MR. LOCHER: The campaign.

MS. CHENG-DE CASTRO: Can you tell me who the service provider was?

MR. LOCHER: AT&T.

MS. CHENG-DE CASTRO: And there obviously was a office phone, correct?

MR. LOCHER: There was an Assembly phone system.

MS. CHENG-DE CASTRO: Okay. Would the Assembly Member have to pay that bill? Or how does that work?

MR. LOCHER: Everything was handled by the Finance Department of the Assembly. The bills would go directly to them.

MS. CHENG-DE CASTRO: Sorry, Pete.

MR. SMITH: Okay.

MR. FLEMING: Pete, it’s like a lawyer to say: I just have one -- I just have one question.

MR. SMITH: With the employees on the staff, was there a six-month or a yearly review that was conducted regarding what their job performance was,
their pay scale, pay raises?

MR. LOCHER: No, there was no formal review process.

MR. SMITH: How about informal?

MR. LOCHER: No.

MR. SMITH: I mean, how would -- if there was a problem with an employee, who, and who would address it?

MR. LOCHER: The Assemblyman or myself.

MR. SMITH: Okay. How often did you have to address problems?

MR. LOCHER: Clarify how you want that answered.

MR. SMITH: Number-wise? Was it monthly? Was it weekly?

MR. LOCHER: When circumstances arose and uncomfortable conversations would have to take place.

MR. SMITH: Okay. And you would do those uncomfortable conversations?

MR. LOCHER: Sometimes.

MR. SMITH: And then other times it would be?

MR. LOCHER: The Assemblyman?

MR. SMITH: Okay. Alright. What type of
problems were they that you were addressing?

MR. LOCHER: The Assemblyman says we have a fully operational office. You need to work out-, outside of the office -- or in the office. There’s no reason that you should be doing work from home. We have an operational office. If you don’t have a meeting, come into work.

MR. SMITH: Okay. What other?

MR. LOCHER: Uh, I discussed timesheet issues before. I -- if there were conflicts or there were issues, there were times where I was asked to either have the uncomfortable conversation or I had to act as the go between, between staff members and the Assemblyman.

MR. SMITH: What do you mean by uncomfortable conversations?

MR. LOCHER: No one likes to be criticized. No one -- no one likes to have questions asked of them that aren’t a lot of fun. Sometimes those type of conversations need to be had though, to be able to get at the heart of the problem to try to rectify it.

MR. SMITH: Mm-hmm. Were these problems or conversations ever brought to you about -- at your --

MR. LOCHER: I would usually -- I would
usually have to be the one that start asking questions in certain circumstances to find out if there were problems.

MR. SMITH: Did they raise -- did anyone raise a problem or concern of the office environment to you?

MR. LOCHER: Clarify what type of office problem you may be referring to.

MR. SMITH: Well, some of the, the, the complaints that have been written, written in the paper; the complaints that we’ve seen.

MR. LOCHER: I have recalled two instances where people came to me to talk to me about issues that would be sexual harassment. Those two individuals were and in an indirect way, And in the notices of claim that those two individuals put forth, the items that they said I said were the items I said. And I’ll -- how much, how much detail do you want?

MR. SMITH: I, I need the details.

MR. LOCHER: Okay. Looking back at , she, from what I recall, had expressed some concerns. I don’t, I don’t recall all the details associated with the concerns. I do recall having a
conversation where I did say and it wasn’t in a mean
or intimidating way that job prospects aren’t always
that great here in the Buffalo area and you, you’d
have to, you’d have to take that into account if you
were looking elsewhere. 

MR. SMITH: Well, hey, hold on.

MS. CHENG-DE CASTRO: I’m sorry. Can we, can
we just stay, stay on right now. Can you --
did approach you to talk to you about her
concerns?

MR. LOCHER: I, I do believe, yes.

MS. CHENG-DE CASTRO: If so, did she ask or
request a meeting with you beforehand?

MR. LOCHER: I want to, I want to say it
would -- it came about in a conversation that she and
I were having. It was not a formal request of any kind.

MS. CHENG-DE CASTRO: Okay. So this was a
face to face conversation?

MR. LOCHER: This was a face to face
conversation between and myself. I
do not recall where exactly it was.

MS. CHENG-DE CASTRO: And you don’t remember
if it was in the district office?

MR. LOCHER: I want to say it was. I can’t
just -- I can’t a hundred percent recollect.

MS. CHENG-DE CASTRO: Do you remember when this took place?

MR. LOCHER: I’m not recalling if it was 2012 or early 2013. I don’t, I don’t recall.

MS. CHENG-DE CASTRO: Do you recall was it maybe shortly after she was hired? Or maybe further into her --

MR. LOCHER: A long -- long time, a good amount of time in. It wasn’t, it was not an early on conversation.

MS. CHENG-DE CASTRO: Okay. And so do you, do you remember what she said to you with respect to what her concern was?

MR. LOCHER: I don’t. I just -- I’m, I’ve been trying to remember the best I can each interaction like that. And I’m remembering that there, that, that there were discussions that were like that.

MR. MULDERRIG: Could I ask you? Are you suggesting that you remember what you said in response to her but you don’t remember what she was talking about, what her complaint was?

MR. LOCHER: Yeah. I’m, I’m sorry.

MR. MULDERRIG: You just remember your side
of the conversation?

    MR. LOCHER: I don’t remember specifics of what she said.

    MR. MULDERRIG: Do you remember it in general terms?

    MR. LOCHER: Fee-, feeling --

    MR. MULDERRIG: But you did say it was sexual harassment earlier.

    MR. LOCHER: Feeling uncomfortable in reference to things of that nature. I remember a lot more specifics --

    MR. MULDERRIG: Well, excuse me one second. Things of what nature?

    MR. FLEMING: He’s already said sexual harassment.

    MR. MULDERRIG: Well, that’s a pretty broad term. I mean, do you have any specific recollection of the conversation?

    MR. LOCHER: I wish I could give you as much detail as I can give you on the next one.

    MR. MULDERRIG: Let’s stay with this one.

    MS. CHENG-DE CASTRO: I think you also said you’re trying to remember what she said to you -- or maybe I recall a couple times and tell me if I’m wrong.
Am I, am I wrong in assuming that she might have complained to you or expressed to you more than once? It would have been [unintelligible] [01:14:03].

MR. LOCHER: No, I’m remembering a specific time that she had talked to me about this. It wasn’t in a formal approach. It wasn’t a meeting request. I want to recall it was over a conversation.

MS. CHENG-DE CASTRO: I guess before we continue. Did you review all the complaints that were filed by the former staff members of the Assemblyman prior to coming here?

MR. LOCHER: I have in the past looked at the notices of claims. I did not look at them again before coming here today.

MS. CHENG-DE CASTRO: Okay. So, you remember expressing concerns regarding sexual harassment to you during this conversation. Then you responded. Did you do anything afterwards? Like, did you tell Mr. Gabryszak about her concerns?

MR. LOCHER: I don’t remember if I -- I don’t remember if I spoke to the Assemblyman about her concerns.

MS. CHENG-DE CASTRO: Did you record in any way or in your notebook or anywhere else your
conversation with her?

MR. LOCHER: I, I don’t believe so.

MS. CHENG-DE CASTRO: Was her concern at that time -- when she expressed her concern to you, were you surprised by the fact that she told you whatever she told you?

MR. LOCHER: There was an interact-, there was a general interaction between the two of them over time that made it so that I didn’t take what she was saying as seriously as I did with the second person who I mentioned.

MS. CHENG-DE CASTRO: Okay. Can you tell me more about what you mean by that there was this general I guess rela-, or interaction?

MR. LOCHER: They had -- they, they had a very flirty relationship, very back and forth; at times inappropriate interchanges between the two of them.

MS. CHENG-DE CASTRO: Can you give us some examples?

MR. LOCHER: I don’t have any specific stories at this time.

MR. SMITH: Mr. Locher, could I ask a question? What, what month and years -- from when to
when did that first person work?

MR. LOCHER:  [redacted], I want to say she worked for more than two years with the Assemblyman.

MR. SMITH: What years?

MR. LOCHER: I want to say it was ’11 through ’13. I’m, I’m not remembering the specific months.

MR. SMITH: That’s alright.

MR. LOCHER: She, she was the longest serving communications staff member that we had.

MR. MULDERRIG: Next question. I’m sorry to interrupt here.

MS. CHENG-DE CASTRO: Oh, no, thank you. Well, so then I could represent to you she worked from June 2011 to March 2013. So when did would you characterize that this flirty rela-, interaction between the Assemblyman and [redacted] start? Was it kind of off the bat when she started working there? Or did you notice it, you know, six months into her working there? If you could recall when this flirty interaction started?

MR. LOCHER: Within the first six months of her being there. Probably sooner.
MS. CHENG-DE CASTRO: And based on your observation, who would start these flirty interactions? Would it the Assemblyperson -- man, or [REDACTED]

MR. LOCHER: Shared.

MS. CHENG-DE CASTRO: And do you not remember any specific examples of what was said?

MR. LOCHER: I don’t have any specific stories, no.

MS. CHENG-DE CASTRO: Well, do you remember what the topics were? Because previously I think you said they were -- they were inappropriate. So what -- do you recall what was discussed?

MR. LOCHER: Thing-, things that would be of a sexual inappropriate nature. I, I don’t know. I, I don’t have any specific stories that I can give you. And I’m trying to make certain I only answer the questions that you guys ask without giving a lot of speculation. I mean --

MS. CHENG-DE CASTRO: Well, have you ever heard the Assemblyman and [REDACTED] talk about strip clubs?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: And what would they say about strip clubs?
MR. LOCHER: They, they both discussed having gone to them in the past.

MS. CHENG-DE CASTRO: And you would say that sometimes would start this conversation and tell the Assemblyman that she’s been to a strip club?

MR. LOCHER: I’m saying that there were times of sexual-oriented subjects. Not necessarily saying she had gone to a strip club. There were just times where there were certain exchanges between the two of them that I would have classified as inappropriate.

MS. CHENG-DE CASTRO: During these conversations that were present at, was there anyone else that was also present that heard these conversations?

MR. LOCHER: I want to say was still employed by the Assemblyman at that time. Uh, Lauren Paulo could have been present for conversations like that. could have been present for conversations like that. I mean, if it will help --

MS. CHENG-DE CASTRO: Did you -- I’m sorry. Yeah, sure, go ahead.

MR. LOCHER: If it will help, since this has
all happened, I had the Director of the Cheektowaga Senior Center, whom was a part of the Veterans’ trip that Dennis sponsored to Washington DC in August of 2011. [REDACTED] went with the Assemblyman because I was out on surgical recovery leave. I’ve had the Director tell me that some of her attendees on this trip, who are regulars at the Senior Center, came up to her and asked her if [REDACTED] and the Assemblyman were a couple. They were playing off one another so much that they gave these people reason to believe that they were a couple.

MS. CHENG-DE CASTRO: Do, do you remember the names of these people?

MR. LOCHER: No. I just can tell you that the Director of the Senior Center’s name is [REDACTED].

MS. CHENG-DE CASTRO: So then based on your interaction or just working at the office, do you agree with the comments that were said to you with respect to -- from the senior center members? Did you observe the same thing when you were in the office with [REDACTED] and the Assemblyman?

MR. LOCHER: I would agree with that perception.
MS. CHENG-DE CASTRO: So when -- the times you said that you thought that conversation was inappropriate, did you ever say anything to [redacted] or the Assembly Member and expressing your concern that their discussion was inappropriate in the office?

MR. LOCHER: Pei Pei, I was classified as the no-fun league by the Assemblyman. There were many times where I would have to be the one to say to the group or to individuals that the types of conversations that they were having were inappropriate for the office. And I -- can I give you specific examples right now? No. I just usually was the one who had to try to pull everyone back.

MS. CHENG-DE CASTRO: Do you recall having any private conversations with just you and the Assemblyman regarding these types of inappropriate conversations?

MR. LOCHER: The main thing that sticks with me is the fact that when [redacted] came to me in September of 2013, even though I was trying to get to be in front of the Assemblyman; I told the Assemblyman that he had to stop the sexual comments, the sexual content. And --
MS. CHENG-DE CASTRO: Okay. Well, I -- well, let's, I'm going to just pause. So, can you kind of -- can you tell us how that came about that she came to you and what she said?

MR. LOCHER: You're, you're still on

MS. CHENG-DE CASTRO: No, I'm on now.

MR. LOCHER: Okay. On a Saturday morning over the telephone, she called me because after items that had taken place on the Veterans' trip to New York City, that she went with the Assemblyman on and a lunch that we had had the day before with the Assemblyman, and myself; behavior that he had exhibited toward her in New York City, and I'll be detailed with you, the conversations that he had at the Cheesecake Factory for leaving our office were just so bad and so inappropriate to her that she finally had to say something.

MS. CHENG-DE CASTRO: Okay. So then what does she say to you?

MR. LOCHER: She talked about behavior toward her by the Assemblyman when they were in New York City, comments that he would make to a waitress
if a waitress say: Oh, are you guys a couple? And he would play along with that and got excited by that. He would talk about things like the Naked Cowboy and the Naked Cowgirl and different things that he saw when he was in New York City. And the straw that broke the camel’s back was somehow during the lunch that we had at the Cheesecake Factory with the four of us, a discussion was had about the fact that was going to be moving away, back to Albany and she was going to be having a garage sale. And he decided to say something about: why don’t you sell your panties at the garage sale? And he started making comments about me, I should buy -- I should buy her panties.

MS. CHENG-DE CASTRO: Did you respond when he said that?

MR. LOCHER: No. I -- by, by that point, no matter how many times; no matter how many times in the past I would say to people that certain things were inappropriate, they did them anyway.

MS. CHENG-DE CASTRO: What was and reaction when he said that, that day?

MR. LOCHER: Disgusted. Both of them. And I
wasn’t thrilled with it. And when I told my wife, she
was sickened by it.

MS. CHENG-DE CASTRO: When [redacted] called you that Saturday, did she call your
cell phone or your home phone?

MR. LOCHER: Cell phone.

MS. CHENG-DE CASTRO: Okay. And then so what
happened after the call?

MR. LOCHER: I had suggested --

MS. CHENG-DE CASTRO: Well, actually -- I’m
sorry. Let me go back. So she told you this on
Saturday and what did you say to her?

MR. LOCHER: I told her that -- the things I
remember are that I, I expressed concern about getting
involved in a sexual harassment complaint; that I felt
that she should talk to the Assemblyman, to tell the
Assemblyman how she felt and that I was going to try
to make that happen. And later on that day or in the
evening, the Assemblyman called me because I had
called him when [redacted] first left a message with me
that morning asking if he knew what she might be
calling about. He called later on that night and I had
to say: Look, I want [redacted] to be able to tell you
what her concerns are. At the same time, stop the
sexual comments.

MS. CHENG-DE CASTRO: And what did he say in response?

MR. LOCHER: Nothing. Which was the Assemblyman’s way.

MS. CHENG-DE CASTRO: So when you say it was the Assemblyman’s way, what do you mean by that? Was there -- were there [unintelligible] [01:31:09] on his part?

MR. LOCHER: Over, over time and I worked, I worked for the Assemblyman for what --11 years? I would tell him things and I felt he listened. He just said very little usually. And that was another instance where I believe he took in what I said and that was it.

MR. FLEMING: Can we take a break for a couple minutes for a head call?

MR. SMITH: Sure.

MS. CHENG-DE CASTRO: Sure.

MR. SMITH: It’s 11:35. We’re going to stop recording for a couple minutes for a restroom break.

[OFF THE RECORD]

[END 7-11-14 interview part 1.WMA]

[START 7-11-14 interview part 2.WMA]
ON THE RECORD

MR. SMITH: Okay. It’s July 11, 2014. We’re back. It’s approximately 11:45. You had a question, sir?

MR. LOCHER: Well, I just wanted to mention something. I tried going through my folder, thinking I had a copy of something. This is an example of a note in my book of where I had identified something of and had to discuss that issue with her. I thought I had a physical timesheet copy in here and I don’t.

MR. SMITH: Okay.

MR. LOCHER: So, I, I don’t want you to think that I’m making stuff up. I just don’t have; I went through here a couple times just now and I couldn’t find a physical timesheet copy.

MR. SMITH: Well, we can use this note here on 1-30-12.

MR. LOCHER: And you can go through -- you can have it. I -- you, you get to have this. I just, for the record, I wanted to point that out.

MR. SMITH: Okay.

MS. CHENG-DE CASTRO: So continuing on, did you eventually help set up an appointment
with Assemblyman?

MR. LOCHER: I attempted to. What had happened was [REDACTED] was going to be going out of town on a Wednesday toward the end of September. The Assemblyman was out of town on the Monday and the Tuesday. I don’t know recall which. There was a window on that Wednesday where; and there was a window on that Wednesday where the Assemblyman could have been in the office between 9:00 and 1:00 and [REDACTED] was there at 9:00 and had to leave at 1:00. I told the Assemblyman that [REDACTED] was going to be there so that the two of them could speak. And the Assemblyman did not come in until after [REDACTED] had to leave.

MS. CHENG-DE CASTRO: Did you call the Assemblyman to remind him about the meeting?

MR. LOCHER: Yes, I attempted to do that.

MS. CHENG-DE CASTRO: Did he answer his phone?

MR. LOCHER: I, I don’t --

MS. CHENG-DE CASTRO: Did he answer?

MR. LOCHER: I don’t specifically recall.

MS. CHENG-DE CASTRO: When he eventually came in, did you say anything to him?
MR. LOCHER: Yes. You had your opportunity and she had to leave. And that was it.

MS. CHENG-DE CASTRO: And how did he respond?

MR. LOCHER: I, I don’t recall.

MS. CHENG-DE CASTRO: Was there another meeting that was supposed to be set up?

MR. LOCHER: When [redacted] came back to the office the next week, the first thing she announced to me was: I’m leaving. I have found another job. I’m leaving.

MS. CHENG-DE CASTRO: And she said that to you?

MR. LOCHER: And she said that to me.

MS. CHENG-DE CASTRO: And how did you respond?

MR. LOCHER: As was written in the notice of claim, I said: I didn’t blame you.

MS. CHENG-DE CASTRO: And what do you mean by that?

MR. LOCHER: Because of his collective behavior and the fact that she was similar to me in the fact that we believed in respect to the utmost and wouldn’t come right out to your boss and say: Shut up, which was a quote from her and he continued behavior...
that she couldn’t tolerate anymore. She was able to go -- she was able to work out on her own, unbeknownst to me, to go back to her last employer before she came to the Assembly office.

MS. CHENG-DE CASTRO: So when you said continued behavior, what do you mean by that?

MR. LOCHER: He, he thought it was funny to have inappropriate jokes and comments and stories and like I told you about the, about the panties at the garage sale reference. I mean, he thought that kind of stuff was funny. Not everyone finds that funny.

MS. CHENG-DE CASTRO: So after the garage sale pantie reference, he -- did the Assemblyman continue to make similar references to that you observed?

MR. LOCHER: He had no opportunity because she was gone. She was gone by the end of the week that she came back. He just -- I believe their last interaction was he came in and wished her well.

MS. CHENG-DE CASTRO: So then prior to their Cheesecake Factory garage sale conversation, did he used to -- the Assemblyman used to make similar comments to that you observed?

MR. LOCHER: I would believe so, yes.
MS. CHENG-DE CASTRO: What do you mean, you believe so? Do you actually know so? Were you present at any of these conversations?

MR. LOCHER: went to Albany more times than I did in the span that she worked there and I worked there, if I recall. And I wasn’t with him 24 hours a day, seven days a week. And she had to be the one to go with him at the end of the session. And I want to say there were at least two weeks that she went along with him, where they were there either four days or five days in a row. So, there were many times where I wasn’t present, that the two of them were next to one another or adjacent to one another or what have you.

MS. CHENG-DE CASTRO: So, are you trying to tell me that you believe though that at times when you were not present and she was alone with the Assemblyman that he may have made inappropriate sexual comments to her?

MR. LOCHER: Then -- yes.

MS. CHENG-DE CASTRO: And what’s your basis for the belief?

MR. LOCHER: When you work for a person for 11 years, you learn about like who they are. I, I, and
what, the types of things that they speak about. I, I
don’t know how to answer your question.

MS. CHENG-DE CASTRO: Well, if you can, if
someone asks you like describe what it’s like to work
for Dennis Gabryszak, what type of person he is; what
would you say?

MR. LOCHER: I’m biased.

MS. CHENG-DE CASTRO: That’s fine. You’re
biased. What would you say?

MR. LOCHER: Every person in this world has
their good points and bad points.

MS. CHENG-DE CASTRO: And what are his good
points?

MR. LOCHER: He cares about his son. He
cares about his dad. I -- in some respects he cares
about his community that he served.

MS. CHENG-DE CASTRO: Anything else?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: So then what would his
bad points be?

MR. LOCHER: Very early on in working for
the Assemblyman, when I was in the Town Supervisor’s
Office, he informed me that one of my informal job
responsibilities was to ensure that he did his job; to
make certain that he did his job. To keep after him, to make certain that he would do what he was supposed to do. Because more often than not, he would rather have fun more than do his job. Not a circumstance I would want to wish on anyone from my, my perspective. Having to push your boss? It’s supposed to be the other way around.

MS. CHENG-DE CASTRO: So are you saying one of his bad points is that he doesn’t -- am I characterizing it; tell me if I’m characterizing this wrong, but he’s not -- he doesn’t take responsibility and he leaves it off to other people, for other people to do?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: Okay. Anything else?

MR. LOCHER: He likes to test people. He likes to present circumstances to people and see how they respond to it and see how they; see what decisions that they make which may give him an indication of their character. Would you like an example?

MR. SMITH: Yes.

MS. CHENG-DE CASTRO: Sure.

MR. LOCHER: [Redacted], we -- I
don’t remember the specific event that was happening on a; actually I do. We were going to have a press conference with the Cantalician Center on a Saturday and I do not recall the month. I do not recall the date of the press release that we had. And she had had reservations with a friend in Toronto on a Friday night. She is the communications director. One would expect she would be present for the press conference. She asked him if it was okay not to be at the press conference and he said: Yes, it’s okay that you’re not there. While sharing with me that that was not the case. He wanted to see how that person would respond and he got -- and he got an impression on that person’s character. I, on the other hand, am of the belief that you come right out and you say what you mean and you don’t test people. Because that when you’re the boss, doing that is -- it’s not nice to do that. You, you -- the boss should say what it is they want and what it is they don’t want and not test people.

MS. CHENG-DE CASTRO: Would he test staff members with -- by using sexual scenarios?

MR. LOCHER: I never had conversations with him that would lead me to -- lead me to make a
MS. CHENG-DE CASTRO: So, other than ____________ and ____________, had any other staff members complained to you at all about the Assemblyman’s behavior?

MR. LOCHER: There was one instance that I recall and I did not take this to be sexual in nature, sexual harassment in nature. And I believe this person referenced it in their notice of claim. ____________, when I was at a fundraiser with her in Albany, I remember having a conversation with her, where she brought up the fact that when she would come out here to Buffalo and she came out here a few times over her two to three years of employment; the one time that she came here and he paid through the campaign for her hotel room. She had mentioned to me that he took her back to the hotel room and for whatever reason, he didn’t necessarily leave right away. She thought that he would drop her off and leave.

And what I recall saying to her was that the Assemblyman just didn’t like going home and he would like to hang out with people and stay out and not, and not have a reason to go home. His home life wasn’t that great. And I viewed that as creepy behavior, just
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not sexual harassment behavior. She did not come out and say: I felt sexually threatened by the Assemblyman.

So, and I don’t believe I said anything to the Assemblyman about her making that reference to me because I just knew that he would do the same kind of thing with me sometimes. He would -- he would rather sit and talk to me than go home.

MS. CHENG-DE CASTRO: Any other instances you can remember?

MR. LOCHER: That that’s his -- I’ve been beating myself up for six to seven months now and that’s the best I have.

MR. SMITH: And how long -- you’ve known the Assemblyman since 2002, right. A lot of the people that we’ve spoken to had known him that long also. You said that, that this was continuous behavior. When did you first observe this type of behaviors towards, you know, sexual content in his conversation, possible sexual harassment of people? You mentioned earlier about his language. When did all this start?

MR. LOCHER: With all of the notices of claim that were put out, the first instance that I recall, based on what was written in those notices of claim, was [redacted] Now, she didn’t come to me.
Okay? I need to make that abundantly clear. She didn’t come to me. But it was something that I observed him either wanting to put something up or showing something that was inappropriate for the office. I don’t remember if it was a piece of art or it was something that he was considering putting up in the district office. I do recall that I felt that that was pretty odd or inappropriate behavior; kind of, kind of pushing the envelope if you will. I don’t recall -- I don’t recall her coming to me individually and complaining about it. I just recall that instance and feeling similar to what she expressed in her notice of claim.

MS. CHENG-DE CASTRO: But did you express your --

MR. LOCHER: Uh, there were, there were times -- there were times in the Assembly office or in the Supervisor’s office where he either said things or did things in a inappropriate nature that I wouldn’t have agreed with either. I mean, guys, I’ve had people --

MS. CHENG-DE CASTRO: Like what?

MR. LOCHER: I have reason to believe, because his wife said this to me on the day that all
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this stuff broke out, that he had an affair with an unofficial intern in the Supervisor’s office while I was there. Her name was [redacted].

MS. CHENG-DE CASTRO: When was she an intern at the office?

MR. LOCHER: I don’t recall the specific dates. It was for a short time. It may have -- I believe it was supposed to be for three months. I think it ended in a month and a half because I think they smartened up and said: You know what? I can’t be carrying on this way and having this person in the office.

MR. MULDERRIG: Who -- who told you that occurred?

MR. LOCHER: Louise Gabryszak confirmed that on December -- December 20, 2013.

MR. MULDERRIG: What do you mean she confirmed it? So you went to her and she said that it was accurate?

MR. LOCHER: I had to go to his house the day that this all broke in Buffalo. And over a conversation at the kitchen table, I mentioned something, which was: I believe the video exists that showed up all over the airwaves of Dennis acting
inappropriately in a bathroom stall. And she made
mention of the fact that: Don’t you remember the
intern that Dennis had an affair with while he was
Supervisor? I don’t re-, I never saw them physically
engaged. They, they acted kind of flirty to one
another. I just never saw anything physically.

MS. CHENG-DE CASTRO: Because this is when
he was a Town Supervisor?

MR. LOCHER: Correct.

MS. CHENG-DE CASTRO: Do you know what
precipitated his wife telling you about the affair
with the intern while he was the Supervisor?

MR. LOCHER: No, I was surprised he said
that -- or she said that to me. It kind of confirmed
everything I felt and that’s why I basically exited
stage left for three weeks until he resigned. That’s
why hired a, a counsel. That’s why I contacted Andy.
Everything was just clear. And I, I’m, I’m forty years
old. I have 20 to 30 years of work remaining in my
life. And I needed advice. I needed counsel. And I
needed to exit from a situation. That kind of put the
nail on the head for me that she would say that that
way.

MR. SMITH: When she brought that that to
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your attention, did that; alright, what was your feeling towards all these other complaints?

MR. LOCHER: Did you guys watch my TV interview?

MR. SMITH: Yes, I did.

MR. LOCHER: And you remember in the end I said something to the effect of: These are really big claims and I don’t want to take anything away from the claims. I feel like that today.

MR. SMITH: Okay.

MR. LOCHER: It -- I, just, this is not time for me to speculate. I’m here to answer your questions.

MS. CHENG-DE CASTRO: So, are you saying when you say that they’re really -- these are really big claims is that you; obviously you having read these notice of claims. Are you saying you kind of, you agree with what’s alleged in these claims? Because I know previously you referred to --

MR. LOCHER: That doesn’t sound like a legal question.

MR. SMITH: Well, I --

MS. CHENG-DE CASTRO: We’re just asking your opinion. I mean --

MR. FLEMING: Isn’t he here -- isn’t here as
a fact witness under a subpoena? Not to render

opinions but to --

MS. CHENG-DE CASTRO: Well, it’s not a legal opinion. I’m just wondering if he agrees with the allegations that are alleged in the notice of claims; that they actually occurred.

MR. LOCHER: Alright. This is what -- this is what I’m going to try to say here. Okay? It’s been six months since all this broke. I’m pretty well known in the community that I worked. Almost every person to a tee who comes up to me says: I knew Dennis for decades. We weren’t surprised that this was how he behaved. And I feel sorry for you, Adam. I feel the worst for you, that you had to be there; you had to be in the middle of this and you’ve had to deal with this. And that’s why I sought counsel. And that’s -- I, I’m, I usually --

MR. FLEMING: Well, let me, let me intersect here. He doesn’t agree with everything that’s in the claims in he said that in the interview on TV. If it’s helpful for you to know? I mean, he’s, he’s --

MS. CHENG-DE CASTRO: It is help --

MR. FLEMING: He’s also testified today that someone who’s made an allegation against him for two
years continued to frequently travel with him in the
car alone to Albany, back and forth. Somebody who’s
made a complaint about him, there’s a photograph we’re
giving you. They’re happy go lucky friends and friends
and the whole deal in New York City. So, he’s not of
the view that Dennis Gabryszak went out -- you know,
I’m not; you know, he’s not of the view that Dennis
Gabryszak did all the things that he’s been accused of.
He’s characterized his view of it. But he’s not saying;
he’s saying they’re big claims in terms of what the
parameters could be.

We have received a letter from one of the --
an attorney for one of these complainants threatening
to sue Adam. And he shouldn’t be getting sued over all
this stuff. But he’s been -- so big claim means it’s a
big deal to him because somebody’s threatening to sue
him. Of course under the Public Officer’s Law, he’s
going to be seeking, you know, representation through
the State. But the point being is that, you know, I’m
not sure how his opinion on this at this stage --
we’re not entitled to a copy of this transcript; is
goint to be -- is a fair question. That’s my kind of
objection. Not that I’m a position to object. But it’s
arguably privileged and it goes towards the merits of
what might ultimately be his defense. He’s been a cooperative witness and I’m hoping we can move on.

MR. LOCHER: Guys, you --

MR. FLEMING: Next question.

MS. CHENG-DE CASTRO: Okay. I think from and this is where kind of this question is, in fact the previous question really is a sense for me is is that from seeing your interview on TV, you get the sense and I could be wrong; I get the sense that, you know, you were kind of defending the Assemblyman. But today as you come here and you specifically point to particular sections in notice of claims where you say: This happened and I was there and I agree with it; I feel differently. I feel that maybe six months later, you’re now coming and you’re telling us that: You know, these things did happen in the office. You know, and I see a difference between what you said initially and now.

And so I, I want to explore that: What did you see? What was the inappropriate behavior? You’ve already told us some. But I think we need to know more specific examples, if you could remember. Things, inappropriate things that he said; what were they about? How as it started? So, I need you to think back
in 11 years that you worked for him and tell me why you, you, you’re -- what happened and what he said. What was inappropriate?

MR. LOCHER: Pei Pei, I went on TV to defend me. Me -- not him. Not them -- me. Because there were many instances in those notices of claims where they said I was Chief of Staff and they came to me. And I don’t believe they came to me. Okay? I went out there for me. I’m 40 years old and I wanted to be able to try to protect myself. I stayed away for three weeks and was amazed that ______ called me and asked me if I was in danger. You want to know why I called him? I called Andy because he started saying -- because Dennis Gabryszak started saying to me, saying to me: You’re, you’re going to be there for me. You’re going to protect me, right? No. No. I, I’m sorry if I gave you the impression that I was defending him. What I was saying was I was in the middle. I was in the middle of everybody. And I was --

MR. FLEMING: Hold -- hold on a second. Let’s just -- let’s take -- Pei Pei, what was communicated in some of these notices of claim, to help Adam here so we can move along; is that he was somehow in a position to make employment decisions
about these individuals. And he wasn’t. That’s what he
wanted to communicate on television and I’m hoping
he’s communicated it here today. Was he called the de
facto or de jure, I suppose, Chief of Staff as of July
of 2012? I suppose he was. Did he keep track of their
time slips or time? Yes. Was he in a position to make
any decision about the terms and conditions of their
employment? No. So, that’s important for us to all
understand here. He was a co-worker with these people.
He was in a position -- and I know that there were, a
lot of earlier questions were along the lines setting
up: Were you in a position to hire and fire? He was
not. Was he in a position to express opinions about
things that weren’t happening? Yes.

But these were -- this was Dennis
Gabryszak’s show. It was not Adam’s. So, maybe there --
I think that the investigators here and Pei Pei are
interested in any other specific instances of sexual
harassment you can remember, coming to your attention.
Because it sounds like these people weren’t, quote,
complaining to you, other than [redacted] Other --
those were conversations. [redacted] you took as a no
doubt a complaint to you, right? Alright. And you
approached your boss about it. Didn’t go to the,
whatever the hotline was or whatever, just as she hadn’t. But, uh, for that maybe you, maybe you should have. But the long and the short of it is: Are there other instances of sexual harassment? I don’t mean to take your thunder here, Pei Pei. But I think that’s -- it would be very helpful for them to have information about; that you can remember.

MS. CHENG-DE CASTRO: No, no thunder taken. Thank you. I, I, I understand your position. And yet right now, the point I’m getting at is I really need you to tell us; you know, you’re giving us the sense that: Yes, he acted inappropriately in the office. Everybody knew it and a lot; you know, everybody who knew him, knew it. And you, you’re the one that stayed with him and worked for him for 11 years. So, you need to tell us, you know, what or other examples of inappropriate behavior that you observed.

MR. LOCHER: This was my dream job. Being able to be involved in helping to make Western New York better. Dennis Gabryszak would remind me and remind me in regards to others that these positions, including my own, were at-will positions. Someone could look at him with a dirty look and that would be enough to be able to send them on their way. He would
remind me of that and those items would come up in conversations between he and I; I’m not going to say like every day or every week. They were frequent enough that that’s what I remember. He was my boss. And I just tried the best I could to keep everything together the best I could.

MS. CHENG-DE CASTRO: Okay, I understand that. But I’ve got -- what Mr. Fleming and I are, are kind of just asking you to, to tell us is: If you remember specific examples of the Assemblyman creating inappropriate behave-, or behaving inappropriately?

MR. LOCHER: I can’t give you specific stories. What I can tell you is he talked about strip clubs a lot, which is referenced a lot in notices of claims. He would talk -- he would --

MS. CHENG-DE CASTRO: Besides, besides it being referenced in the notice of claims, you say he talked about strip clubs a lot. What do you mean by that? Did he talk about it once a week? Every time he was in the office? Was it open to the entire staff? Or at least --

MR. LOCHER: It was open -- it was open to the entire staff. He talked about things like that quite often. He talked about how people looked, how
they dressed. He was pretty free with talking about things that would -- that I would classify as sexually inappropriate. Do I recall him -- do I recall witnessing him trying to go up and grab people? No, I don’t. Would it -- if I was in his position, would I be conducting myself verbally the way he was? No, absolutely not. And he would try to egg me on and get me involved in the conversations. And I didn’t like doing that because that wasn’t what we were there for. That was inappropriate and it was more about the perception of other people. When you talk like that, it doesn’t matter how you’re intending it to be. It only matters what the person on the other side is receiving it as.

MS. CHENG-DE CASTRO: And how many times throughout the 11 years that you worked for him when he made these inappropriate comments, did you ever approach him and tell him that what he was doing you thought was inappropriate?

MR. LOCHER: There were many times where I said it out in front of everybody: We got to stop this. You got to stop this. I mean, did I keep a journal of that? No. And we weren’t memo writers either. That was one of the main things that I was surprised by with
your subpoena. We weren’t memo writers. Even, even the
two conversations I mentioned with [REDACTED]
and [REDACTED] there was no notes. No one
wrote anything to me. They’re -- the only closest
thing I have that I would classify as a diary is what
I gave to you. You can -- I hope that the Assembly
will say: Here’s all the files. Here’s all the
Assembly E-mails. Here’s all -- everything on the
computers. Go at it. Have the I-Drive, have everything.
Look at whatever you want. I was not the photo taker.
I, I stunk at photos. He knew it. He didn’t have me
take photos. So, any photos that may be on the flash
drives or the hard copies of photos I gave you, it’s
because I had them. So, I was not the photo taker. I
didn’t go --

MR. FLEMING: Let’s get a mix of question in
here. Next question, Peter.

MS. CHENG-DE CASTRO: So when you would tell
the Assemblyman that his behavior was inappropriate,
what was generally his reaction or response to you?

MR. LOCHER: Nothing.

MS. CHENG-DE CASTRO: He would just keep
quiet?

MR. LOCHER: Yeah, that was his way about
most everything. You would hope he was --

MS. CHENG-DE CASTRO: Did he ever dismiss -- did he ever dismiss you and then continue the inappropriate behavior?

MR. LOCHER: That’s why he called me the no-fun league. That was his way. Dr. No and no fun. That was me. I carry that with me to this day.

MS. CHENG-DE CASTRO: What was your main method of communication with the Assemblyman?

MR. LOCHER: Verbal.

MS. CHENG-DE CASTRO: Did you E-mail him at all?

MR. LOCHER: Some. He wasn’t an E-mail type person usually. He would tell me that. Most of the time, he was included on E-mail, either it be government or campaign, to ensure that I knew he had it if he asked.

MS. CHENG-DE CASTRO: What E-mail did he use when he was Assemblyman?

MR. LOCHER: GABRYSZAKD@ASSEMBLY.STATE.NY.US and he created [redacted] and that was what the political stuff went to.

MS. CHENG-DE CASTRO: So, [redacted]

MR. LOCHER: Yes.
MS. CHENG-DE CASTRO: That E-mail was used for campaign or fundraising sort of?

MR. LOCHER: Yes, political campaign purposes.

MS. CHENG-DE CASTRO: Any other E-mails?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: I think you said that he one cell phone, correct?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: Would you text with him at all?

MR. LOCHER: I was not a texter.

MS. CHENG-DE CASTRO: But did the Assemblyman text his -- any other, like text with other staff.

MR. LOCHER: He texted with everybody under the sun.

MS. CHENG-DE CASTRO: And that would be from that phone number that you gave us?

MR. LOCHER: Yes. I was not aware of any other phone numbers that he would use.

MS. CHENG-DE CASTRO: Just to clarify, you’re not saying that you don’t text with him; it’s just very rare? Is that correct?
MR. LOCHER: During my entire time in the Assembly, I made it so that my phone would not text.

MS. CHENG-DE CASTRO: Why?

MR. LOCHER: Because I have bad fingers. Big fat, bad fingers and they don’t work that great. And I didn’t like texting anyway.

MR. FLEMING: Next question.

MS. CHENG-DE CASTRO: Pete, go ahead. I’m good I think.

MR. SMITH: Okay. I got -- a lot of these we’ve already answered. I just want to go through them real quick. How many job applicants would the office receive a year?

MR. LOCHER: In, in the time that I would be aware, we got five to ten sporadic, not called upon resumes. That would be about it.

MR. SMITH: A year?

MR. LOCHER: Yeah. We didn’t get -- we didn’t have positions open all the time. And, I mean, we had --

MR. FLEMING: Next question. Just listen to the questions.

MR. SMITH: How were the applicants prescreened?
MR. LOCHER: He brought them in. He interviewed them. Sometimes he would have me interview them. Sometimes I would say we needed to call references. Most of the time, he didn’t care.

MR. SMITH: Okay. When you say he, he, he; who is that?

MR. LOCHER: Dennis Gabryszak.

MR. SMITH: Okay. Were men ever considered for employment?

MR. LOCHER: Yes.

MR. SMITH: Yes? How often? And were they hired?

MR. LOCHER: A few times -- and no.

MR. SMITH: A few times --

MR. LOCHER: And no.

MR. SMITH: Okay. That’s what --

MR. LOCHER: I was the only man who worked for him while he was in the Assembly -- paid employee. I was the only male paid employee in the, in the time in the Assembly.

MR. SMITH: Did he ever mention why that’s the case?

MR. LOCHER: No. We had --

MR. FLEMING: Just listen to the questions.
Okay?

MR. LOCHER: Okay.

MR. SMITH: Was there ever a time that a resume was offered --

MS. CHENG-DE CASTRO: Hopefully -- I’m sorry.

MR. SMITH: Oh, go ahead.

MS. CHENG-DE CASTRO: What were you going to say?

MR. SMITH: I’m asking about the resumes.

MS. CHENG-DE CASTRO: Oh, okay.

MR. SMITH: Was there ever a time that you’re aware of that resumes of men were submitted?

MR. LOCHER: Yes.

MR. SMITH: Okay. And what was done with them?

MR. LOCHER: He wanted to hire a communications person who was from Washington DC when we were going through the hiring process for -- He wanted -- he wanted too much money and the Assemblyman couldn’t do it.

MR. SMITH: Okay. Was the Assemblyman interested in hiring him?

MR. LOCHER: Yes.

MR. SMITH: And the reason for not hiring
him?

MR. LOCHER: He wanted more money than I made. At the time, I was either making 42 or 46. And he wanted more than me. And in the Assembly, they have very little money.

MR. SMITH: Did you ever hear the quote: “I want women in the position. If you don’t like it, find another position”?

MR. LOCHER: No.

MR. SMITH: Who determined when someone would be fired?

MR. LOCHER: Dennis Gabryszak.

MR. SMITH: Would anybody have any input into that?

MR. LOCHER: He may ask me for my opinion.

MR. SMITH: Okay. And would you concur or disagree with him?

MR. LOCHER: I’ve heard a term recently called stoop advisor. Where someone is given all the responsibility and no -- none of the authority. And that’s what I would informally classify myself to have been, the stoop advisor. There were certain employees who if I was the Assemblyman, they would have been gone a lot sooner than they were. I did not have the
authority to let anyone go.

MR. SMITH: Would you make recommendations to let someone go?

MR. LOCHER: Yes.

MR. SMITH: Okay. And who was that?

MR. LOCHER: [Name redacted]. She was the -- she was the main person who I had said a number of times to him that I would suggest that he let her go.

MR. SMITH: And why?

MR. LOCHER: When she started out in 2008, her main responsibility was to travel back and forth, either with him or just travel back and forth to Albany as the Legislative Director. I want to say that in 2010 beginning of the session, she stopped going. She just stopped going and never gave a reason to him as to why. And things got really, really bad. And the intern was ineffectual and it made things extremely difficult. And I would say to him: Why do you not tell her to go? If I was you, I would say something over and over and over again until they did what I asked or it would be time to part ways because you’re the boss. And if you’re okay with this, then let it go. In the end, her classification was changed. She went to a part-time position eventually. And she stayed on for
at least another, another year or so if my memory serves.

MR. SMITH: Okay. Did, did Dennis -- you said you wanted to hope that; you would have removed her immediately, correct? How come Dennis held onto her?

MR. LOCHER: She had union ties. That would be the only reason I would think that he kept her as long as, as she did. Your, your guess is as good as mine, Peter.

MR. SMITH: What other employees were fired or demoted?

MR. LOCHER: [Redacted]

MR. SMITH: Why was [Redacted] removed?

MR. LOCHER: She was removed from what I understand because he was made aware that she did not have a current driver’s license. And he called her on it and said: You have been driving my car and I need you to produce a current driver’s license. If you cannot produce a current driver’s license, because he had worked as the First Deputy DMV, he knew of a document that he told her to go get from the DMV that would illustrate if -- that would illustrate that she
was in good standing with the driver’s license. She never produced that. They came to an agreement and she left.

MR. SMITH: Who else?

MS. CHENG-DE CASTRO: I’m sorry. If I could just -- how did this whole situation about him finding out that she didn’t have a current driver’s license come about?


MS. CHENG-DE CASTRO: What’s your basis for that belief?

MR. LOCHER: Because I remember [redacted] telling me that.

MS. CHENG-DE CASTRO: So, [redacted] told you that she told Mr. Gabrysak that [redacted] didn’t have a valid driver’s licenses?

MR. LOCHER: Correct.

MS. CHENG-DE CASTRO: Do you recall if [redacted], near the end of her employment at the office, had her hours reduced?

MR. LOCHER: We were going in -- Dennis and I --

MR. FLEMING: Just listen to the question. Do you remember if her hours were reduced?
MR. LOCHER: She was given -- she was made aware of changes that were going to be made. And she decided instead of going to temporary status, that she was going to leave the office.

MS. CHENG-DE CASTRO: Was [redacted] a full-time employee?

MR. LOCHER: [redacted] started as a full-time employee; then became a 17-1/2 hour a week part-time employee. And before her employment ended, she was presented with becoming a temporary employee; that would be anything under 17-1/2 hours a week.

MS. CHENG-DE CASTRO: Why did she become a full-time employee to a 17-1/2 hour employee?

MR. LOCHER: Because she refused to go to Albany anymore. And when the next session began the next year, he needed to find another way to make it work. And he ended up hiring a former intern who became the part-time Legislative Director.

MS. CHENG-DE CASTRO: So who made the decision to change her status from full-time to 17.5 hours?

MR. LOCHER: Dennis Gabryszak.

MS. CHENG-DE CASTRO: Okay. And then from 17.5 to temporary?
MR. LOCHER: Dennis Gabryszak.

MS. CHENG-DE CASTRO: Did he discuss his decision with you prior to making that decision?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: And what did he say to you?

MR. LOCHER: Her schedule became -- schedule became very scattershot and she could pick her own schedule. And we wanted -- he thought it was best to give her a defined schedule and to split more of her salary allotment with another staff member who at the time only worked nine hours a week.

MS. CHENG-DE CASTRO: Do you know why she -- decided that she didn’t want to go travel to Albany anymore? Did she tell you why?

MR. LOCHER: I believe she said it was an expense issue.

MS. CHENG-DE CASTRO: She said that to you?

MR. LOCHER: I, I want to say she may have mentioned that to me, yes.

MS. CHENG-DE CASTRO: Do you remember if there was any other reason, other than that?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Okay. Anyone else
besides and

MR. LOCHER: Dennis Gabryszak did not like to fire people; so, no.

MR. SMITH: How about others that were full-time and put on part-time status?

MR. LOCHER: No one else that I recall went from full-time to part-time status. The only one who did was.

MR. SMITH: Who set the salary rate?

MR. LOCHER: Dennis Gabryszak.

MR. SMITH: How was the rate developed?

MR. LOCHER: He discussed his staff allotment with. And he would work out on his own how he would make it work.

MR. SMITH: Okay. When the salaries were cut or someone was put on part-time, does that have to be documented?

MR. LOCHER: He would have to fill out a PAR, a personnel action request form.

MR. SMITH: And where would that go?

MR. LOCHER: That would go to and Albany human resources.

MS. CHENG-DE CASTRO: Mr. Locher, I’m, I’m just referring to notice for
claim where she says she advised the Assemblyman how upset she was with his sexual conduct and behavior toward her. As a result she received immediate retaliation from the Assemblyman. Her timesheets were not filed and her salary was dropped. She began her employment -- when she began her employment, her salary was $52,000 per year. By the time she left her position in May 2009, her salary was less than half that amount. Do you know if her salary was cut in half?

MR. LOCHER: You’re going to have to bear with me. I’m going to give you detail on this. And I actually have to start with me; an example with me, so you understand how I’m going to explain this with Christy.

MS. CHENG-DE CASTRO: Okay.

MR. LOCHER: The way the Assembly worked in terms of overall salary was they looked at the overall allotment over the course of a year. The example I’ve given to people is let’s say you have $100,000 over the year. You have three employees who make $33,000 each. Let’s say one person leaves in May, one person leaves in July. You have one person on and a new person is going to come on who you intend at the beginning of the next year to pay $33,000 to. And you
don’t expect to hire the third until the beginning of January. So you have a little bit of play in there because there was a person that left in the spring and a person who left in the summer. So there’s a little play in there. So, a new person comes on -- the second person; the second person in the office. And you say to that person: Look, at the end -- at the beginning of the next year, I’m going to change your salary to $33,000. Right now, I can give you more. What is your choice? Do you want more money now? Or do I start you at $33,000? People can make that choice.

In the first year in the Assembly, my first year in the Assembly, when [redacted] had left, I was the only one there. He didn’t bring on a part-time person, [redacted] into the district office until later that year. He came to me that summer and he said to me: Adam, right now your salary is $33,500. I’m willing for the rest of the year, and this can be tracked by PARs; I’m willing to make your salary $41,000. Be aware that come January 1, your salary is going to go back to or near 33.5, which in essence, January 1, it became 34.5.

Fast forward to [redacted]. And I had to learn all this after the fact. And I can’t tell you
with certainty if this is true. But based on the example I just gave builds upon it. And when she started. And supposedly and this came out in March of the year she left, March or April of the year she left; supposedly he said to her: Right now, today, I can pay you some big amount of money. I don’t even know how much it is, to be honest with you. I never saw the PAR. As he explained it to me, he supposedly told her: I can pay you X amount of money now. Your salary is going to change. Your salary is going to change January 1st. And it’s going to change because I can’t -- and this is him talking to me; I cannot pay you more than Adam. I can’t. Adam’s been with me for a long time. I can’t do that. I’m not going to pay you more.

So supposedly come that January when -- because I want to say that that was the start of a term; I don’t recall actually. I think that was the start of a term and at the start of the term you put in everybody’s paperwork, including the PARs, as if you resigned them up again. Supposedly, he put in paperwork that said her salary was going to go down.
Well, she brought it to my attention somewhere in March or April that: Her salary was different and why was it? So, I went to him and I said: Look, Dennis, she’s bringing this to my attention. I remember what you did to me or for me. Tell me what’s going on. Because it was clear that she was very angry, rightfully so.

It was odd that she was coming to me in March because the way my mind would work with this, this would have been something that would have happened in January. And if you’re coming in, coming into me in March and you haven’t been looking at your bank statements with your direct deposits; you would have seen a big difference. This was my logic of it. So, I had to say to Dennis: What’s going on? What is happening here? I’m bringing this to your attention. And he’s telling me that he told these -- he told [REDACTED this when [REDACTED] tarted. And this is what I was told. I don’t remember if I got in the middle of it or not. I just know that the prospect of what he said to me has some validity only because it was something that had happened to me.

MR. FLEMING: Next question.

MS. CHENG-DE CASTRO: Do you remember or
recall is [REDACTED] has said to you that maybe the reason why her salary was reduced was because she complained to him about sexual comments that he made to her?

MR. LOCHER: No. She never spoke to me about that.

MS. CHENG-DE CASTRO: In her notice of claim, she says she advised you or reported to you of her uncomfortableness with the Assemblyman’s behavior. Do you recall her doing that?

MR. LOCHER: I never recall her saying those things, no.

MS. CHENG-DE CASTRO: Okay. Pete, do you want to continue?

MR. SMITH: Yup. Were health benefits always included in the hiring?

MR. LOCHER: If you worked 17-1/2 hours a week or more, you got health insurance.

MR. SMITH: Did anyone ever come to you with concerns over health insurance?

MR. LOCHER: Not that I recall.

MR. SMITH: Do you know if anyone went to Dennis over health insurance?

MR. LOCHER: I, I don’t recall.
MR. SMITH: Okay. When Mr. Gabryszak would be traveling to and from Albany and to and from New York, who handled the travel process?

MR. LOCHER: Dennis Gabryszak.

MR. SMITH: Who funded the travel?

MR. LOCHER: It depended on the type of travel it was.

MR. SMITH: Okay. What different types of travel are there?

MR. LOCHER: Two types.

MR. SMITH: Okay, go ahead. What are the two types?

MR. LOCHER: Per diem and non per diem.

MR. SMITH: What’s non per diem?

MR. LOCHER: A conference that he wanted to go to. A visit that he was going to make to a plant or to a -- to a school or something. Like when he was the -- when, why am I forgetting this term? He was the de facto; he was an unpaid chair of a task force, where he looked into things at like Columbia or Stony brook or some of the other centers of excellence. And when he went on those trips, I don’t know how he -- I don’t know how he had them funded; that would be a question for Brian Krause.
MR. FLEMING: Next question.

MR. SMITH: Why did Gab-, Mr. Gabryszak travel to and from New York City so often?

MR. LOCHER: Because it was his favorite place on earth.

MR. SMITH: Any idea how many trips he took?

MR. LOCHER: I’m not his keeper.

MR. SMITH: Besides being his favorite place on earth, were any of them for State business?

MR. LOCHER: Some.

MR. SMITH: How many?

MR. LOCHER: He would go to New York to see the Speaker during non-session at least once a year to ask for staff allotment. Many of the committees that he was on had their hearing in New York. And he also liked to go there socially.

MR. SMITH: Do you know if the campaign fund paid for his trips to New York City?

MR. LOCHER: I didn’t write the checks. Brian Krause did.

MR. SMITH: But do you know if the campaign funds were used?

MR. LOCHER: Can I say without a shadow of a doubt? No, I can’t.
MR. SMITH: Okay.

MR. MULDERRIG: I’m sorry, Pete. Did Mr. Gabryszak ever use office funds for the travel? Petty cash or --

MR. LOCHER: We didn’t have petty cash. We didn’t have petty cash in the office. We never did.

MR. MULDERRIG: Did he use in any way the office budget?

MR. LOCHER: The, the $2,700 that I mentioned --

MR. FLEMING: Listen to the question. Did he use office budget money to go to New York City?

MR. LOCHER: No.

MR. FLEMING: There you go.

MR. MULDERRIG: Did he use any money from the $2,700 that was allotted?

MR. LOCHER: No.

MR. MULDERRIG: Thank you.

MR. FLEMING: There you go. See how easy that is.

MR. SMITH: With his travel to New York City, who made the lodging agreement -- arrangements?

MR. LOCHER: Dennis Gabryszak.

MR. SMITH: Do you know what hotels he
stayed in in New York City?

MR. LOCHER: Expensive ones. I don’t know the specific ones. He was a member of two, three, maybe four different club programs, like Marriott or Hilton. He --

MR. FLEMING: Next question.

MR. SMITH: Did you ever travel to New York City with Dennis Gabrysak?

MR. LOCHER: Once.

MR. SMITH: Once. For what reason?

MR. LOCHER: I volunteered an idea at a dinner in November of 2013. That idea was: Let’s have our holiday trip, our holiday -- which we usually have Russell’s Steak House or Salvatore’s Italian Gardens or Hyde Park Steak House, when it existed -- no. I’ve never been to New York City. I would like to have our staff dinner in New York City. Well, Dr. No comes out, me, saying: It’s holiday time. I have a family. You’re talking about a $1,000 trip. Assemblyman Says: Guys, if you want to do this, the only thing that’s coming out of the campaign is for the dinner. You have to take care of all your travel expenses. You have to take care of all of your lodging expenses.
You want to know why I know that? Because what’s in there, are the only time, the only time I kept my receipts because it was not paid for by the campaign. So, I kept my physical receipts. I would give my receipts for everything that was campaign related, that I was being reimbursed for, to Brian Krause.

MR. FLEMING: So you went to New York once.

MS. CHENG-DE CASTRO: Do you know why the staff dinner was coming out of the campaign funds versus the $2,700?

MR. LOCHER: Because New York State does not allow you to consumer food; it does not allow you to pay for consumables.

MS. CHENG-DE CASTRO: Okay.

MR. SMITH: This trip at the holiday time, where did you stay?

MR. LOCHER: I stayed at the Hotel Carter.

MR. SMITH: Where did Mr. Gabryszak stay?

MR. LOCHER: At a super new only opened a week Hyatt.

MR. SMITH: Any idea how that was paid?

MR. LOCHER: No.

MR. SMITH: Terry, any questions on the
travel?

MS. CHENG-DE CASTRO: Who paid for you hotel?

MR. LOCHER: Me.

MR. SMITH: Did you socialize during the trip?

MR. LOCHER: Yes.

MR. MULDERRIG: Would you tell us about that?

MR. LOCHER: We went to a show together, the four of us. [Redacted] sat right next to me. I had to pay for [Redacted] ticket. I had -- we had lunch together before the show. And then we all went to dinner and I left before the dinner was over.

MR. MULDERRIG: Why'd you live before the dinner was over?

MR. LOCHER: Because I hadn’t felt well basically the entire month. And I was a trooper and I went to New York City so the person who said they had never been to New York City before got an opportunity to go.

MS. CHENG-DE CASTRO: Who was the fourth person there?

MR. LOCHER: [Redacted].

MS. CHENG-DE CASTRO: And who is she?

MR. LOCHER: She was the Legislative
Director that the Assemblyman hired. And a photograph I have here shows the four of us at Rockefeller Center.

MR. MULDERRIG: What’d you say, two days -- overnight?

MR. LOCHER: It was an overnight. I flew out the next day.

MR. MULDERRIG: So the socializing included lunch, a show and the dinner?

MR. LOCHER: And being at Rockefeller Center on the way to the dinner.

MS. CHENG-DE CASTRO: What did you do at the Rockefeller Center?

MR. LOCHER: He wanted a photo taken outside.

MR. SMITH: Was that photo taken?

MR. FLEMING: It’s in the -- it’s in the collection.

MR. LOCHER: And you can have it. I don’t want it back.

MS. CHENG-DE CASTRO: Was there -- do you recall was there an incident where the four of you were at Rockefeller Center and the Assemblyman had asked the two women that were with you to take photos with their butts touching?

MR. LOCHER: I did not -- I did not hear
MS. CHENG-DE CASTRO: Do you recall during that time if the Assemblyman made any sexual comments to the women who were with you, about taking photos or anything else?

MR. LOCHER: I recall that some of the conversations amongst the four of us, plus people that were in New York City that he invited along weren’t the most appropriate conversations in the world. I just know that, uh, I don’t recall any conversations happening that had to do with any poses of any kind.

MS. CHENG-DE CASTRO: When you say not inappropriate, are you referring to sexually -- sexual comments?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: And who started these comments?

MR. LOCHER: I don’t remember the -- it’s almost like locker room talk. I can tell you the people who were there.

MS. CHENG-DE CASTRO: Yeah, who was there?

MR. LOCHER: Former Comptroller of the City of Buffalo and current Deputy Comptroller -- Comptroller State of New York.
crap, I should remember this name. I’m forgetting last name. His mother is a lobbyist and I’m forgetting her name too. And I don’t recall if anyone else joined us for dinner.

MR. MULDERRIG: Did they pay for anything?

MR. LOCHER: Andy paid for his own food through I believe expense account he had from the Comptroller’s Office. And I don’t remember how Scott paid.

MR. MULDERRIG: So the bills were kind of split up?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: Did you get a sense if and were uncomfortable during the dinner?

MR. LOCHER: Actually, no. Actually, no.

MR. FLEMING: They were not uncomfortable?

MR. LOCHER: I was not given that impression.

MS. CHENG-DE CASTRO: Did they participate in conversations when they were of a sexual nature?

MR. LOCHER: They both relatively new at that point. And when you’re new, you’re quiet and you watch and you observe. I don’t remember them partaking in the conversations.
MS. CHENG-DE CASTRO: Pete, do you want to continue?

MR. SMITH: Okay, yeah. We want to switch gears to campaign work. Okay. How many campaigns were you involved with, with Mr. Gabryszak?

MR. LOCHER: One in the Supervisor’s Office. Assembly ’06, Assembly ’08, Assembly ’10, Assembly ’12.

MR. SMITH: Did you get seven there?

MR. FLEMING: Six.

MR. SMITH: Six. Were you his campaign staff advisor?

MR. LOCHER: I had no formal title.

MR. SMITH: Campaign manager?

MR. LOCHER: I had no formal title.

MR. SMITH: Were you in charge of his campaign?

MR. LOCHER: I acted as a go between between people that we had to go between with.

MR. SMITH: And who are these people?

MR. LOCHER: Democratic Assembly Campaign Committee.

MS. CHENG-DE CASTRO: Did he have a campaign manager?

MR. LOCHER: There was no one who had an
official campaign title with the campaign.

MR. SMITH: Is that ever?

MS. CHENG-DE CASTRO: But maybe besides Brian Krause though, right?

MR. LOCHER: Treasurer, that was it. Sorry.

MR. SMITH: So was the boss then of his campaign?

MR. LOCHER: Dennis Gabryszak was heavily involved in campaigning. He was more involved in campaigning than anything else he did. He, he had been involved in campaigns since the age of 18 with his father. Dennis Gabryszak was in control of everything.

MR. FLEMING: Next question.

MR. SMITH: Did you direct people on the Assembly staff to work on the campaign?

MR. LOCHER: There were items that I had to hand out via his direction.

MR. SMITH: Okay. What are these items?

MR. LOCHER: Coordinating fundraise and follow up phone calls. Coordinating walk lists and door to door knocking and, and lit dropping and anything else that; putting together of literature, designing literature, website -- website maintenance and the things that go with campaigning.
MR. SMITH: Did you do this during State time?

MR. LOCHER: Yes.

MR. SMITH: How much time?

MR. LOCHER: It depended.

MR. SMITH: On what?

MR. LOCHER: Time of year.

MR. SMITH: Okay. Election time. We’ll go from July; we’ll start with July 4th usually, the parades. Maybe Memorial Day right up to Election Day. How much of your time would have been spent on the campaign?

MR. LOCHER: I’m going to throw it out in a percentage.

MR. SMITH: Sure.

MR. LOCHER: When I look back at it, maybe 25 percent.

MR. SMITH: Twenty-five percent?

MR. LOCHER: In total over that time. Now, you also have to keep in mind, I had responsibilities during the day and at night. I was -- and for both, for government and for politics. So, there --

MR. SMITH: How about the staff? How much time did they spend on State time?
MR. LOCHER: Similar.

MR. SMITH: Similar to what?

MR. LOCHER: What I said.

MR. SMITH: Which was?

MR. LOCHER: Twenty-five percent. I mean, you have to look at it in aggregate. I mean, there were times, Peter, where I took time off because I knew my entire day or a week or more was going to be campaigning. So, there were times with my timesheets where it looked like I was on vacation when I wasn’t.

I was doing things that had to be done. So --

MR. FLEMING: And then those days, did you take yourself off the State clock, so to speak?

MR. LOCHER: Yeah. And you can -- you can see that in, in my timesheets.

MR. SMITH: How about the staff? When they were doing their 25 percent, as you say, did they do that on State time?

MR. LOCHER: Yes.

MR. SMITH: Who directed them to do that?

MR. LOCHER: Everything was directed by Dennis Gabryszak and went through me.

MR. SMITH: Dennis gives you an order or direction and you turn around and give it to the staff.
What type of things were being done then by the staff, 25 percent of the time on State time?

MR. LOCHER: A lot of it at that point was door to door.

MR. SMITH: And what do you mean by door to door?

MR. LOCHER: Knocking on doors: Hello, I’m with Assemblyman Dennis Gabryszak. We want to say hello, talk to you; or just hand stuff out. And that usually happened very close to the election time. That’s why I’m throwing out a percentage as opposed to, uh, hours per se throughout a four-month period. So, it was more, more toward the end time.

MR. SMITH: Okay. What other activities went on for the campaign within the office?

MR. LOCHER: We folded fundraising material. We made phone calls with cell phones. We folded letters that had to go out. I think that runs the gamut.

MR. SMITH: Was there any State office equipment used?

MR. LOCHER: Yes.

MR. SMITH: And what equipment was that?

MR. LOCHER: Mainly the printer; computers
MR. SMITH: Okay. Where was this material stored?

MR. LOCHER: One of two places. Either physically in the office or the landlord let us use an empty space that was near us and we put stuff there.

MR. SMITH: Who had to pay for that empty space?

MR. LOCHER: Nobody.

MR. SMITH: Okay. That was provided to you by the landlord or to Dennis by the landlord?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: Was there a campaign office location?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: So was the campaign being run out of the district office?

MR. LOCHER: Yes.

MR. SMITH: How were the campaign hours documented versus regular hours on timesheets?

MS. CHENG-DE CASTRO: For staff, right?

MR. SMITH: For staff?

MR. LOCHER: The only time specifically that Dennis would want the point made that you don’t write
State time is when we would have a fundraising event or some type of explicit campaign event that was out of the office. And we would -- I would be asked to police that; to make certain that people didn’t write that time on their timesheet. Now, State timesheets just have numbers. They don’t have: I worked from what to what. So, okay.

MR. SMITH: So the State timesheet’s not broken down that you were in the office from 8:30 to 5:00 on this given day?

MR. LOCHER: No.

MR. SMITH: Okay. Did Dennis know this was going on?

MR. LOCHER: Yes.

MR. SMITH: And was this expected of the staff?

MR. LOCHER: He would say and I heard this many times: If we win, we all win. You continue to have a job because we win campaigns. So, it is -- it is what it is.

MR. SMITH: So, Dennis was aware that this was not to be occurring in the office?

MR. LOCHER: I would -- I would expect so.

He’s the Assemblyman.
MR. SMITH: And you knew it shouldn’t have been in the office?

MR. LOCHER: Yes.

MR. SMITH: Did anybody ever raise that issue with you, that we’re doing campaign work when we’re on State time?

MR. LOCHER: I don’t recall specific occurrences.

MS. CHENG-DE CASTRO: Did anybody ever raise an issue that you’re using State printers and computers for campaign materials?

MR. LOCHER: I, I don’t recall.

MS. CHENG-DE CASTRO: Was there a separate campaign phone number --

MR. LOCHER: There was --

MS. CHENG-DE CASTRO: -- or phone line?

MR. LOCHER: -- there was eventually a cell phone that the campaign bought.

MS. CHENG-DE CASTRO: When was that?

MR. LOCHER: What that number is, I don’t remember. And I have to believe that Dennis Gabriszak has that campaign phone.

MS. CHENG-DE CASTRO: Do you remember when that cell phone was purchased?
MR. LOCHER: No.

MS. CHENG-DE CASTRO: Do you remember who the carrier was?

MR. LOCHER: AT&T.

MS. CHENG-DE CASTRO: Do you know why eventually a cell phone was purchased for a campaign line?

MR. LOCHER: People were uncomfortable using their own cells to make phone calls. And Dennis Gabryszak felt we had enough campaign money to make that expense.

MS. CHENG-DE CASTRO: Were office phones ever used for campaign activities?

MR. LOCHER: I can’t say with a hundred percent certainty, no. It was strongly discouraged.

MS. CHENG-DE CASTRO: Did you ever use the office phone for campaign activities?

MR. LOCHER: Not that I recall.

MS. CHENG-DE CASTRO: So, you -- so you would use your cell phone?

MR. LOCHER: That is correct.

MS. CHENG-DE CASTRO: Did the campaign eventually ever -- or ever have its own computer?

MR. LOCHER: Yes.
MS. CHENG-DE CASTRO: And when was that?

MR. LOCHER: It may have been two or three years in. I don’t recall when it was purchased. You would have to look at the -- I want to say it was something that was expensed on the campaign filings. You would have to look there.

MS. CHENG-DE CASTRO: What type of computer was it?

MR. LOCHER: The first one was a Dell. The second one was an Apple.

MS. CHENG-DE CASTRO: Do you know where those computers are now?

MR. LOCHER: The Dell got stolen when our office was broken into. And the Apple I have to believe is in the possession of Dennis Gabryszak.

MS. CHENG-DE CASTRO: Is it a desktop or a laptop?

MR. LOCHER: Both were laptops.

MS. CHENG-DE CASTRO: Could the entire staff use the laptop or did only Dennis have access to it?

MR. LOCHER: Community.

MS. CHENG-DE CASTRO: Were there separate sign-ins?

MR. LOCHER: No.
MS. CHENG-DE CASTRO: So when you say that the State or the office printer was being used, what was it being used for for the campaign? Like, printing --

MR. LOCHER: Printing. Printing on campaign letterhead. Printing on labels that were purchased from the outside.

MS. CHENG-DE CASTRO: Was the paper for the campaign purchased separately by the campaign or was it from the office?

MR. LOCHER: I made every attempt to acquire items that would be used exclusively for the campaign with campaign dollars.

MS. CHENG-DE CASTRO: When you say: I made every attempt, are you saying that at times the office supplies were used for campaigns?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: Could you give a breakdown in terms of percentages? What percentage of the office supplies were used for campaigns?

MR. LOCHER: It was very limited. It did not happen very often.

MS. CHENG-DE CASTRO: But you don’t think you could give me a percentage?
MR. LOCHER: In, in terms of over a two-year period when you’re talking about expenses that could be anywhere in the neighborhood of 40 to $50,000 in a two-year period for items that are campaign related; the expense for any paper that would have been used would probably be in the neighborhood of five percent or less.

MS. CHENG-DE CASTRO: Okay. Well, I’m not just talking about paper. Like, I would probably include paper --

MR. LOCHER: I can’t give you a percentage.

MR. FLEMING: Please, we’ll be here all week.

MS. CHENG-DE CASTRO: What about stamps?

MR. LOCHER: I bought all the political stamps and I was very tireless in making certain that we only use political outside stamps for political purposes.

MS. CHENG-DE CASTRO: So were office computers used for campaign purposes even after a laptop was purchased for the campaign.

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: Okay. And all the staff used office computers for the campaign?

MR. LOCHER: Yes.
MS. CHENG-DE CASTRO: Pete, you want to move on?

MR. SMITH: Yes. How about the financial records from the campaign? Did you have involvement in reviewing them?

MR. LOCHER: The only thing I did for the campaign, when it came to dollars and transactions, was I helped by depositing the checks at the bank.

MR. SMITH: Did any staff ask for reimbursement through the campaign fund for maybe some items that they purchased?

MR. LOCHER: Yeah.

MR. SMITH: How would that work?

MR. LOCHER: They would ask Dennis or they would ask me. I would have them give me the receipt. I’d take it to Then we’d give them a check. Just the same as I got a check.

MR. SMITH: While employed in the office, I’m sure you were required for outside activities with Dennis?

MR. LOCHER: Yes.

MR. SMITH: Okay. Does that include dinner?

MR. LOCHER: Yes.
MR. SMITH: Drinks?

MR. LOCHER: I didn’t drink much at all.

MR. SMITH: Okay. Were you ever invited in with his massages?

MR. LOCHER: He asked me once and I don’t think I went. I don’t think I ever went with him.

MR. SMITH: You wouldn’t remember if you did or if you didn’t -- for a massage?

MR. LOCHER: I remember that he talked about the massage person at the Senior Center when he was with the Town of Cheektowaga. I went to a massage once with the massage person in the Town of Cheektowaga. I don’t think I ever went with him to a massage in Albany, like the women say that they were offered in their notices of claim.

MR. SMITH: Okay.

MS. CHENG-DE CASTRO: Were you ever present where you heard the Assemblyman offer or ask staff members to go get massages with him?

MR. LOCHER: He asked me if I wanted to go and I said no.

MS. CHENG-DE CASTRO: Besides you?

MR. LOCHER: I’m not recalling a specific instance. Like I said to you earlier on, I wasn’t in
Albany all the time.

MR. FLEMING: Next question. If you can’t remember, you can’t remember.

MR. SMITH: How about in Buffalo? Did he offer you a massage as well in Buffalo?

MR. LOCHER: It wasn’t a subject that came up. Like I said, I remember stuff like that in Cheektowaga and not in -- when he was in the Assembly.

MR. SMITH: How about strip clubs here in Buffalo or in Canada?

MR. FLEMING: What’s the question?

MR. LOCHER: What’s the question?

MR. SMITH: Did you ever attend a strip club?

MR. LOCHER: Yes, with Dennis Gabryszak.

MR. SMITH: Whereabouts?

MR. LOCHER: Albany.

MR. SMITH: Albany? Were there any here in Buffalo or Niagara Falls?

MR. LOCHER: I never went with him to Niagara Falls or Buffalo, here at all, Ontario, nothing. I heard stories from him. The only time I went to the strip, strip club with him was, uh, was in Albany once.

MR. SMITH: Any idea how often he went to
strip clubs?

MR. LOCHER: Pertinency?

MR. SMITH: How often?

MR. LOCHER: This is -- this is a government process. I realize I’m not an attorney but what is the -- what --

MR. SMITH: Well, we’re trying to, you know, the information that we’ve received outside those complaints, there could be additional activity that we’re looking into.

MR. FLEMING: Do you know?

MR. LOCHER: He, he went to strip clubs. He would tell me that he went to strip clubs.


MR. LOCHER: No, not daily, not weekly. Maybe he talked about them quarterly. I, I don’t -- I’m not his keep-, I wasn’t his keeper, Peter. I wasn’t his keeper.

MR. SMITH: Terry?

MR. MULDERRIG: Can I jump in a sec? Do, do you know personally whether or not Mr. Gabrysak used State or campaign funds for his visits to the strip clubs?

MR. LOCHER: Have no idea.
MR. MULDERRIG: Do you -- to the best of your knowledge, has he ever used a credit card or cash at the strip club?

MR. LOCHER: When I went to the strip club with him, I did not observe how he was paying.

MR. MULDERRIG: Did he pay for you at the strip club?

MR. LOCHER: I don’t know if we bought rounds or not. I’m not sure.

MR. MULDERRIG: Who else was with you?

MR. LOCHER: Uh, [redacted].

MR. MULDERRIG: Who’s [redacted]?

MR. LOCHER: [redacted].

MR. MULDERRIG: Did he pay for you?

MR. LOCHER: I don’t -- I think we had one or two rounds. I don’t remember who paid. It wasn’t very much. It wasn’t -- we didn’t really; Kevin became more of a friend to the Assemblyman than a lobbyist.

MR. MULDERRIG: How do you know that?

MR. LOCHER: Because almost every time I went with Dennis to Albany later on, he would call him. He would talk to him quite often. I heard about dinners that they would go to, probably once a week. [redacted] someone I still talk to to this day.
MR. MULDERRIG: Is that the only time you socialized with [redacted] and the Assemblyman?

MR. LOCHER: At a strip club.

MR. MULDERRIG: No, the question was: Is that the only time you socialized with him?

MR. LOCHER: I saw him in Buffalo and I saw him a few times in the last year I was in the Assembly in 2013. I went to -- I went to Albany more times in that year than I think I went almost the entire time combined.

MR. MULDERRIG: So your answer is what?

MR. LOCHER: I had seen him socially more than just that day at the strip club.

MR. MULDERRIG: Can you tell us how many times you socialized with him?

MR. LOCHER: Between Buffalo and Albany maybe four or five times.

MR. MULDERRIG: And on each of those occasions, was the Assemblyman present?

MR. LOCHER: Yes.

MR. MULDERRIG: Did he ever pick up the tab?

MS. CHENG-DE CASTRO: He, meaning the -- Mr. Baines?

MR. MULDERRIG: [redacted]
MR. LOCHER: Dennis always wanted to pick up the tab.

MR. MULDERRIG: That’s not the question.

MR. FLEMING: Listen to the questions. Okay?

MR. MULDERRIG: It’s real direct. Did you pick up the tab when you socialized with him and the Assemblyman?

MR. LOCHER: I don’t believe so.

MR. MULDERRIG: You don’t know? Or you don’t believe so?

MR. LOCHER: I don’t recall.

MR. MULDERRIG: Did you ever pick up the tab?

MR. LOCHER: Yes. I want to say one time I did.

MR. MULDERRIG: What was that? Where?

MR. LOCHER: We were at a restaurant that included and myself and I split the tab.

MR. MULDERRIG: I’m just curious. Why would you guys pick up the tab? You’re there with the Assemblyman and

MR. LOCHER: Because it wasn’t always business. It was social. That’s what people do sometimes. I mean, Dennis Gabryszak spent a lot of
money taking me to lunch at times. And there were
times later on in my time working for Dennis where I
felt I should pick up the tab when he and I would go
to lunch at a hotdog stand or a burger joint. That’s
what we do when you’ve been around someone for so long.

MS. CHENG-DE CASTRO: Who i [redacted] that
you’re referring to?

MR. LOCHER: I wish I remembered his last
night right now. Uh, his mother was a lobbyist and I’m
forgetting her name too.

MS. CHENG-DE CASTRO: oh, okay. That was the
person that you also met in New York City?

MR. LOCHER: Correct.

MS. CHENG-DE CASTRO: Okay. If you can
remember his last name, would you just mind telling
your attorney and providing us with that information?

MR. FLEMING: Of course.

MR. LOCHER: [redacted]. And I’m forgetting his mother’s name.

MS. CHENG-DE CASTRO: Do you know or do you
recall if Assemblyman ever asked any other staff
members to go to strip clubs with him?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Do you know if other
staff went to strip clubs with the Assemblyman?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: What strip club did you go to with Assemblyman and in Albany.

MR. LOCHER: It was in Clifton Hill. I don’t remember the name.

MS. CHENG-DE CASTRO: Do you remember around what month and year that was?

MR. LOCHER: 2013. Late 2013.

MS. CHENG-DE CASTRO: Actually, I need to take a little break. I need to go to the restroom. Can we take a break?

MR. SMITH: Sure. Okay. It’s approximately 1:30. We’re going to take a restroom break.

[OFF THE RECORD]

[END 7-11-13 interview part 2.WMA]

[START 7-11-13 interview part 3.WMA]

[ON THE RECORD]

MR. SMITH: Okay, it's 1:35, it's continuing on July 11th, 2014.

MS. CHENG-DE CASTRO: Okay, Pete you wanna go ahead.

MR. SMITH: Okay, did Mr. Gabryszak or any, offer you any gifts?
MR. LOCHER: One time when he went to China he gave my wife and I these pieces of paper-type poster things that had our names on them with Chinese lettering, kind of pretty, cheap things. We exchanged Christmas presents, I'd give him a birthday present, he might give me a birthday present. Nothing, nothing out of the ordinary.

MR. SMITH: How about with other staff, did he provide them with gifts that you're aware of?

MR. LOCHER: He would give the girls different things if he was in New York or when he went to China twice, scarves and, I mean, I don't think they were worth very much. I'm not a girl, I didn't want some of things that he would see out on the, out when he was out and about and he thought of them and he bought them. I don't, does the term pash-, pashmina mean anything? Pasmina, pashmina?

MS. CHENG-DE CASTRO: Pashmina, it's a scarf.

MR. LOCHER: Okay.

MR. SMITH: Do you know how he paid for these gifts?

MR. LOCHER: No.

MR. SMITH: Pei Pei, Terry, do you have
anything before we get into the bathroom stall video?

    MR. MULDERRIG: No, no, thanks, Pete.

    MR. SMITH: Pei Pei?

    MS. CHENG-DE CASTRO: Do we, we went through

    Yeah, actually, so did you ever have to

    make any massage appointments for Mr. Gabryszak?

    MR. LOCHER: No.

    MS. CHENG-DE CASTRO: Do you know w-, if

    there was a place that he regularly went to or someone

    he used --

    MR. LOCHER: There, there must have been --

    MS. CHENG-DE CASTRO: -- to get massages?

    MR. LOCHER: -- there must've been a place

    in Albany that he went to regularly, I couldn't tell

    you what it was.

    MS. CHENG-DE CASTRO: And how do you know

    that?

    MR. LOCHER: Because I, I witnessed him make

    a phone call to wherever it was he was going to make

    an appointment on a couple occasions.

    MS. CHENG-DE CASTRO: And you, you don't

    know how he paid for, do, or do you know how he paid

    for those massages?

    MR. LOCHER: No.
MS. CHENG-DE CASTRO: Alright, and do you know if any of them came from state funds or campaign funds?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: What about prostitutes? Did you ever hear him talk about visiting or soliciting prostitutes?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: So he never s- spoke about prostitutes in the office, in your presence?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Did you ever hear any other staff or, obviously staff besides you, who complained about Dennis talking about prostitutes?

MR. LOCHER: I don't recall ever overhearing people complaining about him talking about prostitutes?

MS. CHENG-DE CASTRO: Well, not even overhearing, did anyone ever, ever approach you and tell you, like Dennis told me he went to go see a prostitute?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Alright, so we're going to bring you back, alright, to the incident where I think it was with respect to one of the
employees where Dennis wanted to put a image up and you thought it was inappropriate? Do, did you actually see that image?

MR. LOCHER: Which image are you referring to?

MS. CHENG-DE CASTRO: Are there more than one inappropriate images?

MR. LOCHER: Are you asking -- I, what are you talking about?

MS. CHENG-DE CASTRO: Yeah I'm asking you because I, I don't know, here let me go back.

MR. Mr. FLEMING: You ma-, you made a statement --

MR. FLEMING: Earlier you made a --

MR. FLEMING: -- you made a single reference that there was some sort of a --

MR. LOCHER: Video, yeah, the, the video. You brought up the video, too.

MR. SMITH: No, the --

MR. LOCHER: The bathroom stall video.

MR. SMITH: -- nope, you said there was some inappropriate pictures --

MR. MULDERRIG: Right.

MR. SMITH: -- that he wanted to put up.
MR. LOCHER: Oh --

MS. CHENG-DE CASTRO: In the office.

MR. LOCHER: -- that was back in --

MR. SMITH: In the office.

MR. LOCHER: -- '07, and it was like nude, nude art is the only words I can use. Sometimes art that may be art might actually be inappropriate.

MS. CHENG-DE CASTRO: So back in '07, the Assemblyman wanted to put up nude art in the Assembly office?

MR. LOCHER: I do believe, yes. I do recall.

MS. CHENG-DE CASTRO: Did he, did he bring the artwork into the office?

MR. LOCHER: I think he, yes, that's why I recall it.

MS. CHENG-DE CASTRO: And you saw it and you thought it was inappropriate?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: And you eventually, you told him that, di--, what did, did you say to him, I don't think you should put this up?

MR. LOCHER: I believe I said that to him, in the end it didn't go up, that's all I, I remember
we're talking about conversations or circumstances from '07. I remember it, I don't remember what resulted from it, I just know it didn't go up.

MS. CHENG-DE CASTRO: Do you know if there were instances when the Assemblyman would show you photos that you would deem inappropriate to be showing a staff member? Besides the nude art.

MR. LOCHER: I remember him showing me some of the New York City photos with the naked cowgirl and naked cowboy that I would have classified like that. There were not, that may, that's really the only instance I can recall that he specifically showed me photos of an inappropriate nature.

MS. CHENG-DE CASTRO: And where were these photos located?

MR. LOCHER: On a camera --

MS. CHENG-DE CASTRO: On his ca-

MR. LOCHER: -- that the campaign paid for.

MS. CHENG-DE CASTRO: Do you know who has possession of the camera now?

MR. LOCHER: Dennis Gabryszak.

MS. CHENG-DE CASTRO: Do you know if he showed other staff members any ph--, these photos, the cowgirl, cowpers--, man, boy, photos?
MR. LOCHER: No. No. No.

MS. CHENG-DE CASTRO: Do you know if he showed any staff, other staff members any inappropriate photos?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Did any staff members tell you that Dennis Gabrysak showed them inappropriate photos?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Okay, Pete, you want to get?

MR. SMITH: Yes, Pei Pei, the one question on the text messaging.

MS. CHENG-DE CASTRO: Okay.

MR. SMITH: Have you seen this? What, what's that regarding?

MS. CHENG-DE CASTRO: Oh, we do have that -- you know what, we could skip that --

MR. SMITH: Okay.

MS. CHENG-DE CASTRO: -- for now.

MR. SMITH: What about the bathroom stall video? Did you see it?

MR. LOCHER: Yeah, when the whole world did.

MR. SMITH: That was the first time that you
saw that?

MR. LOCHER: I remember it being discussed amongst the staff. People didn't necessarily come to me directly and talk about it, that's why I said to him on the 20th of December, I believe this exists. And at the end of the day I believe that that's the main thing that exists in all of this. And they broadcasted it --

MS. CHENG-DE CASTRO: Okay, what did you do when the staff tri--

MR. LOCHER: -- for the world to see. Pardon?

MS. CHENG-DE CASTRO: What, what, what did you hear amongst the staff that was being said about this video?

MR. LOCHER: That the Assemblyman sent someone a video that was inappropriate, and I never had a Smartphone and I never saw it.

MS. CHENG-DE CASTRO: Who is that someone?

MR. LOCHER: It was talked about between [redacted] and [redacted]

MR. SMITH: Were you there when they received it?

MR. LOCHER: Yes.
MR. SMITH: And did you see it then?

MR. LOCHER: No. I, I didn't ask to see it, I didn't, I, I heard about it. I didn't ask to see it.

MR. SMITH: Why not?

MR. LOCHER: Because I didn't ask to see a lot of things.

MR. SMITH: And why is that?

MR. LOCHER: They were things shared between other people, they weren't sent to me.

MR. SMITH: Yes, but by this time you're the Chief of Staff.

MR. LOCHER: No, that, I don't believe that's true.

MR. SMITH: By December? That's just --

MR. LOCHER: I d-, I don't b-, I don't believe I was Chief of Staff when this came about. When [redacted] an [redacted] were there in 2011, I want to say this was a 2011 activity, I was not Chief of Staff.

MR. SMITH: But Mr. Locher, you were still in charge of that office. Those people were reporting to you.

MR. LOCHER: One of the items that's in that folder is the printout for District Office Manager
that came about, I don't know when, sometime in '07, and went all the way through until the next one was printed for Chief of Staff. Right on there, it does not have marked that I was the supervisor of that office.

MR. SMITH: I understand that but if you look at the total picture, you look at the way that office was broken down, the way Dennis Gabryszak was giving you orders and you were pushing the orders out, you were supervising that office. You were in charge of establishing the phones, you were establishing meeting with the people for the rent, and the tenants. These people, these complainants, they looked at you as the supervisor, and from what you've told me here today, I would say you were the supervisor. And as the supervisor in that office, I would've want to know what was going on there. You had a track record of seven, eight years of this going on and it continued and now you've got this video that, you know, the, the women were talking about this video. You didn't want to see this video because you were afraid of what it was.

MR. FLEMING: Did anyone complain to you about the video? It doesn't like it though, right?
MR. LOCHER: No one came to me explicitly complaining about the video.

MS. CHENG-DE CASTRO: So when [redacted] and [redacted] were talking about the video, where were they? Were they in your office? Where, where were you, were, where the three of you?

MR. LOCHER: I don’t recall exactly where they were when it was being discussed.

MS. CHENG-DE CASTRO: So they were not discussing the video with you, you were, were you just overhearing their conversation?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: At any time, did [redacted] or [redacted] come to you and tell you about the video?

MR. LOCHER: Not that I recall.

MR. SMITH: Were you at the political event when they received this video?

MR. LOCHER: I don’t believe it was a political event, I believe it was a government event around where this was being talked about. I believe it was a legislative town hall meeting when he was not in --

MR. SMITH: That's --
MR. LOCHER: -- Buffalo at the time.

MR. SMITH: -- that's correct. Were you there at that meeting?

MR. LOCHER: Yes.

MR. SMITH: Were you with the staff at that meeting?

MR. LOCHER: Yes.

MR. SMITH: Okay.

MS. CHENG-DE CASTRO: Were there any other staff at that meeting?

MR. LOCHER: I don't remember if there would've been a fourth person, I don't recall.

MS. CHENG-DE CASTRO: Actu-, I have one question, I, do you know if there's a person named Nixon Bond [phonetic]?

MR. LOCHER: I don't know who that is.

MS. CHENG-DE CASTRO: Alright. Okay, do you want to continue?

MR. SMITH: Yes.

MR. LOCHER: And, and I'm not allowed to say anything? They just ask the questions, I'm not allowed to say anything?

MR. SMITH: I --

MS. CHENG-DE CASTRO: Well, if there's
information that you feel that you want us to know, please go ahead and tell us.

MR. SMITH: Yeah --

MR. LOCHER: How, how -- as I've spent a lot of time going through my head over the last six months, I keep asking myself one question and I would ask each of you this question, which would be, how many people would've blown in their boss? How many people would have taken the time to go out and blow him in? The Assembly operated like 150 small business, they did not give management training, they did not give so many different things. And I learned after this all broke that the new policy that they never went over, they just passed it and sent out a press release, was I was supposed to pick up the phone and I was supposed to call someone when [REDACTED] came to me. How many, I've been having to say this for months, how many people would have blown in their boss when they have a family and they have a livelihood? How many people would've done that? Not many people do, from what I can recall, from what I can see and from talking to people. I have a family, I have a family to support.

MR. FLEMING: Next question.
MR. SMITH: I would like you to describe each of these employees, were they good employees, did they do their jobs, what type of performance.

MR. LOCHER: Difficult employee.

MR. SMITH: What do you mean by difficult?

MR. LOCHER: She started out fine and became a difficult employee as time went on. I explained to you earlier, she stopped doing the main part of her job, which was to go to Albany and back, she just decided and stopped and never spoke to the Assemblyman about it.

MR. SMITH: Okay, was she trustworthy?

MR. LOCHER: In the end, no.

MR. SMITH: Honest?

MR. LOCHER: On certain aspects, no.

Pertinence? What i-, what is the pertinence of you wanting me to go over each individual employee?

MR. SMITH: Well, you know, we want to get the feeling of what the atmosphere of that office was.

MR. FLEMING: Next question.

MR. SMITH: Okay.  

MR. LOCHER: Decent enough of an employee.

MR. SMITH: What do you mean by decent
MR. LOCHER: She tried her best, she did the best that she could. She brought a lot to the table.

MR. SMITH: Okay, 

MR. LOCHER: She worked hard, she wanted to learn, at times she used bad judgment.

MR. SMITH: What was the bad judgment?

MR. LOCHER: She thought Dennis went away for the week. She had family in Albany, she stayed back in Albany, the boyfriend was in the office, Dennis hadn't left, Dennis walks in, the boyfriend's there at 10 o'clock in the morning. Oh, I didn't know you left, was what she said to the Assemblyman, I'm hearing this all third person, number one. Number two, she went out with the Assemblyman and the one night before an event the next day, she got loaded, threw up in the Assemblyman's car, and outside the Assemblyman's car, and they got held up and they didn't leave when the Assemblyman wanted to leave. She used state materials to find her next job and the Assemblyman found fax copies that said, don't call the district office, call the Albany office if you have questions. Bad judgment choices.

MR. SMITH: And how about?
MR. LOCHER: One of the most untrustworthy people I've ever met in my entire life.

MR. SMITH: Okay,?

MR. LOCHER: Worked very hard, very respectful, very interested in learning, I was very sad that she left, and as I said earlier, I didn't blame her that she left.

MR. SMITH: How about?

MR. LOCHER: She tried, she put in the time, she ended up using the deck and communication and information services people as a crutch for most of her time, and when those people weren't being used anymore, she had difficulty doing her job duties.

MR. SMITH: Alright,?

MR. LOCHER: She was there a very short time, she was very young, she tried her best.

MR. SMITH: 

MR. LOCHER: did a good job with the fundraising aspects that the Assemblyman wanted when she was doing fundraising for the Democratic Assembly Campaign Committee. I think she tried hard, she cared for people. I had difficulties with her when it came to a project that needed to be done, that I did the majority of the project and I spoke with her
and tried finding out what the problem was and really
didn't get anywhere with, and ended up having to do 65
to 70 percent of the data entry for a, a legislative
town hall meeting survey that was put out end results.

MR. SMITH: 

MR. LOCHER: She cared about the clock, she
was very, very good at what she did and she did a very
decent job in the time she was there. At the same
time, she was very clock concerned and that interest
in staying to a specific time made things very
difficult for what it is the Assemblyman needed her to
do.

MR. SMITH: Would you say any of them are
unreliable?

MR. LOCHER: Laura Rotte
later on in her time, I was uncertain sometimes where
was coming from.

MR. MULDERRIG: Who was that now?

MR. LOCHER: 

MS. CHENG-DE CASTRO: Oh.

MR. SMITH: How about untruthful?

MR. LOCHER: , I would have to call her on it.

MS. CHENG-DE CASTRO: So why are you saying,
can you explain why you think [REDACTED] is one of the most untrusting people and unreliable?

MR. LOCHER: Because I never knew if she was ever telling me the truth, ever. And one of the things that I go back to is the fact that she had fought cancer and she would tell us that she would have treatments at Roswell in the mornings and wouldn't come into the office until later on in the day, and when it comes to medical concerns you never look into it because you don't want to take someone's truthfulness into question over health concerns. At the same time, it became so clear over time, both firsthand and third hand knowledge of how much of a drinker she was, that it started to make you wonder in the end if she was coming in late, and a good amount late, because she was too hung over to come to work.

MS. CHENG-DE CASTRO: Oh. But did she do her job when she was working for the Assemblyman?

MR. LOCHER: She was good at the campaign side. There were certain aspects of the government side where she was a good talker, not necessarily a good worker.

MS. CHENG-DE CASTRO: Okay. The, no, go ahead.
MR. SMITH: Sorry. Did you ever tell the staff that this is just how Dennis is when they complained about the bi-, his behavior?

MR. LOCHER: In general, yes.

MR. SMITH: Okay. Did you advise the staff to play along or lose your job?

MR. LOCHER: No.

MR. SMITH: Did you participate in a fantasy football league?

MR. LOCHER: Yes.

MR. SMITH: Okay, what were the names of some of the teams?

MR. LOCHER: The league that I participated in, the names were pretty straight up, it was called the Prime Time Players. He would talk about some of the other leagues that he was in and he used inappropriate names.

MR. SMITH: Such as what?

MR. LOCHER: Sporgasms, was the one that sits in my head, and he would talk about the names of the teams.

MR. SMITH: And who would --

MS. CHENG-DE CASTRO: And would he talk about this in front of other staff?
MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: And what were, what were their reactions?

MR. LOCHER: They didn't look very pleased.

MS. CHENG-DE CASTRO: Did anyone ever tell him that that was inappropriate?

MR. LOCHER: I, I don't recall if they ever called him on it.

MS. CHENG-DE CASTRO: How often would he talk about these fantasy football leagues?

MR. LOCHER: Frequently enough during football season.

MS. CHENG-DE CASTRO: And those would be related to the ones with inappropriate names?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: How would he start these conversations, if you remember?

MR. LOCHER: I, I don't.

MR. MULDERIG: Who, who was having the conversation with him?

MR. LOCHER: He would bring up his football team, I don't remember to who, he would just bring up fantasy football and talk about, talk about his teams and team names to be cute. He thought it was funny.
MR. MULDERRIG: Did any of the females, did any of the female staff members participate in fantasy football?

MR. LOCHER: id.

MR. MULDERRIG: She did?

MR. LOCHER: I want to say --

MR. SMITH: She did.

MR. LOCHER: -- she didn't participate in the Cheektowaga fantasy football league, she participated in one of the other leagues that they put together.

MR. MULDERRIG: So he would talk to her about it?

MR. LOCHER: Yes.

MR. MULDERRIG: And he would talk to you about it? And he would talk to you about it, right?

MR. LOCHER: He would, he would talk about fantasy football, it, it was his favorite tune on his campaigning.

MR. MULDERRIG: I understand. Did he speak to you about it?

MR. LOCHER: Did he talk to me about fantasy football? Yes.

MR. MULDERRIG: In front of the other staff?
MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: So, I mean, you sound like his k-, his kind of being here is, he, when he, when he would say these kind of inappropriate football team names, would he start laughing or what was kind of his --

MR. LOCHER: Yeah, he thought --

MS. CHENG-DE CASTRO: -- behavior at the --

MR. LOCHER: -- he thought it was cute, Pei Pei. He, he would giggle, laugh, people would laugh with him.

MS. CHENG-DE CASTRO: Did you ever discuss with anyone about kind of Dennis's conduct when related to anything sexual in nature to anybody else?

MR. LOCHER: My wife.

MS. CHENG-DE CASTRO: Anybody else?

MR. LOCHER: A neighbor.

MR. SMITH: Any Assembly staff --

MS. CHENG-DE CASTRO: Did you conv-

MR. SMITH: -- like another, people that were in your position?

MR. LOCHER: No.

MR. SMITH: Did you seek advice from anybody else?
MR. LOCHER: No. Like I said before, we were all small businesses, I didn't communicate with much anyone outside of our office unless it was government business.

MR. SMITH: Go ahead, Pei Pei.

MS. CHENG-DE CASTRO: I don't know, you continue, Pete.

MR. SMITH: One of the quotes that we had from one of the young women was, Adam is just as dangerous as Dennis, he didn't stop it. What would your response be to that?

MR. LOCHER: I've learned now, no matter where I go and work, I have to be ready to blow in my boss. I said that during an interview. I've had such a hard time finding work, and family m-, gave me the opportunity to work at an auto dealership selling vehicles because I haven't been able to find a job much anywhere, and I said to someone who was gonna help me find a temporary job, that the main thing I've learned from this is I have to blow in my boss. So I don't know how to answer your question.

MR. SMITH: Okay. Okay,

MR. MULDERRIG: could I just ask a question, would it be fair for me to take from what you just
said that if you were in a position now that you had been in the past with Mr. Gabryszak, you would, you would consider contacting someone about his conduct, is that what you’re saying?

MR. LOCHER: 800 number, you guys have one now. JCOPE has an 800 number paid for by the governor.

MR. MULDERRIG: That’s right.

MR. LOCHER: Learning now, learning what I have now, you'd be getting a phone call from me, and let the chips fall.

MR. MULDERRIG: So, so the 800 number tipped the scales for you?

MR. LOCHER: Yeah, and it shows that the state's going to have to pay a good amount of money to these ladies because they felt in their notice of claim that there, what was you've had a lot of quotes.

MR. FLEMING: Just lis-, just listen to the questions, okay. So the question was, would you call any-

MR. LOCHER: I'd call you on the phone and tell you.

MR. FLEMING: Next questions.

MR. MULDERRIG: So at the time, you didn't
know what to do with this information?

MR. LOCHER: Like I said on GRZ, I did not have management training on what to do in this circumstance.

MR. MULDERRIG: I understand that, a-, as a, a person of your age and experience, you did not know what to do with this information?

MR. LOCHER: I was told the main thing was old school when I said this to Andy back in December or January, I thought I was supposed to, when presented formally, when came to me formally and spoke to me over the phone, I thought it was my responsibility to give the accuser the ability to speak to the accused, or, to give the accuser the opportunity to speak to the accused to try to remedy the situation. And that was wrong thinking.

MS. CHENG-DE CASTRO: Who made you think that?

MR. MULDERRIG: Yeah, wha-, it, it is a, well, I don't want to judge it but what made you think that was the appropriate action, I'm just curious.

MR. LOCHER: Because from what I knew and from speaking to my wife who's been in the retail business for over 30 years, that was her advice to me,
MS. CHENG-DE CASTRO: Did you take, did you get any training when you were working under Dennis when he was a town supervisor?

MR. LOCHER: No. Government --

MS. CHENG-DE CASTRO: There were no --

MR. FLEMING: Just --

-- shut up, Adam.

MR. FLEMING: -- alright, next question.

MR. SMITH: So was there any, did, you didn't take any sexual harassment training when you were working under Dennis Gabryszak as town supervisor?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Any ethics training?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: And what about when you started working under the Assembly?

MR. LOCHER: Every two years o-

MS. CHENG-DE CASTRO: Did you take --

MR. LOCHER: -- every two years on the odd years, they would do a sexual harassment ethics and diversity training.

MS. CHENG-DE CASTRO: And you took those every two years?
MR. LOCHER: Yes, and they never went into what to do as a manager and when I became Chief of Staff that year they didn't have one.

MR. SMITH: In that ethics and sexual harassment training, did they say to, as an individual that's being sexually harassed, or EEO complaint or whatever, here's a set of numbers to call for assistance?

MR. LOCHER: Every employee received an employee handbook soon after they started working. In that employee handbook, it goes over what you are to do if you feel you have been harassed. I went to that book after talked to me and it did not have in there what to do if you were a manager --

MR. SMITH: What --

MR. LOCHER: -- in the employee handbook.

MR. SMITH: -- what I'm asking for as, not as a manager, your first five or six, seven years, you were working from this handbook, what did that direct you to do?

MR. LOCHER: If you were, if you had a specific incident that took place, when I looked at the book because that was really the first time I looked in-depth in the book, it had a list of intake
coordinators, and they could have at any time, picked up the book, looked, looked in it, saw the intake coordinators, and picked up the phone. It's my understanding, not a single person called an intake coordinator and now I've learned that I should've shown them that book, showed them the intake coordinator list, and had them call, and make the decision to call.

    MR. MULDERRIG: Did, did, when you became aware of the intake coordinators, did you ever consider calling the intake coordinators?

    MR. LOCHER: I have a family to support, Peter, no, I didn't.

    MR. MULDERRIG: Well, let me just clarify, you considered it and you decided you had a family to support?

    MR. LOCHER: I learned about the intake coordinators after I, or, the thought, the thought crossed my mind and I did not call.

    MR. MULDERRIG: Thank you.

    MS. CHENG-DE CASTRO: Do you, do you believe that any of the staff left the office because, or due to the Assemblyman's behavior towards them --

    MR. LOCHER: [Redacted] --
MS. CHENG-DE CASTRO: -- that it was sexual in nature?

MR. LOCHER: --

MS. CHENG-DE CASTRO: Besides her, anybody else?

MR. LOCHER: When someone has l --

MR. FLEMING: Just listen to the question, has anyone else besides leave the office because they were being harassed to your knowledge?

MR. LOCHER: No.

MR. SMITH: Since January, have you taken any classes, as far as ethics or training for the future?

MR. LOCHER: I, I was unemployed, not employed, okay. I spent the --

MR. SMITH: The only, the only ethics training was the every two years that all state employees have to take?

MR. LOCHER: Yes.

MR. SMITH: Okay.

MR. FLEMING: Are we getting close here, fellows, or gang? Let's try to wrap it up here, I, this has been long enough.
MS. CHENG-DE CASTRO: Well, mis-, I just, I did advise you, I think, we were to take around five hours so that's the --

MR. FLEMING: Yeah, but we're, we're, we're sort of --

MS. CHENG-DE CASTRO: -- we're almost close --

MR. FLEMING: -- we're, we're getting repetitive here so let's, let's finish up.

MS. CHENG-DE CASTRO: Well, I don't think we have, I kind of, I think here we do, but we still have documents to go through and, okay, I think just for the record, if we do find that there are follow-up questions with respect to the documents that were provided to us, we would need Mr. Locher to come back. But we're getting there. Did you review any documents prior to this interview?

MR. LOCHER: I read your subpoena.

MS. CHENG-DE CASTRO: Anything else?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Do you still communicate with Mr. Gabryszak?

MR. LOCHER: At the mall.

MS. CHENG-DE CASTRO: What does that mean,
you have meetings at the mall or?

MR. LOCHER: When I walk, when I walk in the mall because my wife is a store manager at the mall and I have to pick her up and take her home, he runs into me at the mall and he wants to talk to me.

MS. CHENG-DE CASTRO: Did you tell Mr. Gabryszak that you were meeting with us today?

MR. LOCHER: No. Did you tell Mr. Gabryszak y-, I was meeting with him today?

MS. CHENG-DE CASTRO: I'm not answering that question. Who, I think --

MR. LOCHER: I, I could sh-

MS. CHENG-DE CASTRO: -- you had mentioned before that you spoke, or Dennis had told you after the story broke, that you needed to protect him or defend him. What el-, did he say anything else?

MR. LOCHER: Don't abandon me now.

MS. CHENG-DE CASTRO: And that's it?

MR. LOCHER: They're all, there, there's a lot of mistruths in what is being said, you're like a brother to me, Adam. I, I don't know what you guys want.

MS. CHENG-DE CASTRO: Well, Pete, you want to go to the documents?
MR. SMITH: Sure. I've got A1 here. And we got a list of the expenses from the principal Dennis Gabryzsak account, okay, just want to go through them rather quickly here with you. This is a reimbursement for the amount of $3,858, check was made out to you, what was that for?

MR. LOCHER: All the receipts, every single receipt I've ever gotten reimbursed for resides with you should subpoena and have him here.

MR. SMITH: Okay, I've got one particular I want to highlight.

MS. CHENG-DE CASTRO: Well, do, do you, just, I'm sorry, are, did you keep a personal record for yourself with respect to the receipts that you submitted to Mr. Krause?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Did you keep any sort of journal or log?

MR. LOCHER: No, I have an e-mail trail of every time I submitted something to [redacted]. I kept all the e-mails.

MS. CHENG-DE CASTRO: And are, are those being provided to us?
MR. LOCHER: That's a part of today's conversation.

MS. CHENG-DE CASTRO: What do you mean, is it in the flash drive?

MR. LOCHER: You tell me an e-mail address and I'll e-mail everything you want or tell me you want --

MS. CHENG-DE CASTRO: Okay, so the --

MR. LOCHER: -- it on a flash drive, tell, you're going to have to tell me how you want it.

MS. CHENG-DE CASTRO: -- okay, so they have not been provided to us yet?

MR. LOCHER: That is correct.

MS. CHENG-DE CASTRO: Okay, and what, would, would you use, what type of, I guess, payment would you use for your, for these expenses? Would you usually pay by a credit card cash --

MR. FLEMING: Just listen, okay.

MS. CHENG-DE CASTRO: -- check?

MR. LOCHER: Credit card.

MS. CHENG-DE CASTRO: Cre-, any particular one?

MR. LOCHER: Bank of America.

MS. CHENG-DE CASTRO: Alright, sorry, Pete,
go ahead.

MR. SMITH: Okay, the one in particular interest is other reimbursement on December 21st, 2013, okay, that's the day after the announcement. What was that for and how, when did you submit for this reimbursement?

MR. LOCHER: I wanted to clear the deck and be done.

MR. SMITH: Right.

MR. LOCHER: So I had receipts still with me, I contacted [REDACTED], I sent him an e-mail, I gave him the receipts, and I wanted my money.

MR. SMITH: Okay, when did you send him the receipts, then?

MR. LOCHER: I handed them to him when he handed me a check.

MR. SMITH: Okay, what was the date then?

MR. LOCHER: Probably the 21st.

MR. SMITH: 21st, okay. So he's got all the records substantiating --

MR. LOCHER: Yes.

MR. SMITH: -- this? There's one in particular, AL4, it's Dennis Gabryszak, on January 9th, 2014, for the amount of $3,201.50.
MR. LOCHER: Andy Fleming suggested to me that I should ask for three weeks' vacation in and around the 24th of December. From that point forward, I had very limited contact with Dennis Gabryszak from that date, the 24th of December, through --

MR. FLEMING: Today.

MR. LOCHER: -- through today.

MR. FLEMING: Right.

MR. SMITH: So you have no idea of what that is?

MR. LOCHER: Talk to [blurred].

MR. FLEMING: That's the answer.

MR. MULDERRIG: I --

MS. CHENG-DE CASTRO: That's the --

MR. MULDERRIG: -- see, I'm unclear about that. Could, could you just say it again, I, I didn't follow that?

MR. FLEMING: He said that, that, towards the end of December I told him to take leave time because he had it on the books, to get the hell out of there.

MS. CHENG-DE CASTRO: --, so that does, so you don't know what that reimbursement is?

MR. FLEMING: He has no idea what that
reimbursement's about.

MR. MULDERRIG: Oh, I understand --

MS. CHENG-DE CASTRO: Okay.

MR. MULDERRIG: -- thank you.

MS. CHENG-DE CASTRO: Do, do you know any other re-, what the reimbursements that Dennis Gabryszak requested were for?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: So you were not, so that would, would it, would it be right if I assumed that he requested reimbursements from Brian Krause?

MR. LOCHER: That is correct.

MS. CHENG-DE CASTRO: Were, were any of the reimbursements from the campaign used --

MR. SMITH: Personal.

MS. CHENG-DE CASTRO: -- for personal purposes, or non-campaign purposes?

MR. MULDERRIG: By anyone?

MR. LOCHER: Not that I'm aware of.

MR. MULDERRIG: Certainly not by you, right?

MR. LOCHER: Everything that I reimbursed for was campaign related I saw it.

MR. MULDERRIG: But you were all aware of Dennis using campaign funds for anything but campaign
MR. LOCHER: I have no knowledge of what Dennis Gabrysza\k was using campaign funding for.

MS. CHENG-DE CASTRO: Okay, let's continue, Pete.

MR. SMITH: Did you have any knowledge of why Dennis Gabyszak would've been down in New York City -- oh, no, I'm sorry, this is the Millennium Hotel on Walden Avenue on 9/12/11 paying a hotel room?

MR. LOCHER: That was more than likely because he brought [REDACTED] out and that's probably where [REDACTED] stayed.

MR. SMITH: How about the two below it, the Marriott in New York City?

[OFF MIC CONVERSATION]

MR. LOCHER: Have, have no idea.

MR. SMITH: No idea. Okay, how about on page A31, [REDACTED], reimbursement for a stolen camera?

MR. MULDERRIG: What?

MR. SMITH: Any idea what that is?

MR. LOCHER: Yes, I mentioned to you that a Dell computer was stolen from our premises when our offi-, our district office got broken into. One of
the items that was stolen was personal camera and she and the Assemblyman and the treasurer worked out how much she was reimbursed for for that camera.

MS. CHENG-DE CASTRO: Can we actually got back to AL6?

MR. SMITH: Sure.

MS. CHENG-DE CASTRO: Why, in AL6 there is a line item dated August 6th 2007, for AT&T, do you know what that is for?

MR. LOCHER: Probably a cell phone bill, I don't recall. Either a cell phone bill or, I think he had a wireless network card or wireless device that hooked up to the Dell computer that he bought originally for himself.

MS. CHENG-DE CASTRO: So, okay.

MR. LOCHER: That's all specification.

MS. CHENG-DE CASTRO: Okay.

[OFF MIC CONVERSATION]

MS. CHENG-DE CASTRO: Oh, yeah, there is a line item number on AL6, it says August 23rd, 2007, to [phonetic], it says fund, maybe --

MR. MULDERRIG: Fundraising?

MS. CHENG-DE CASTRO: -- fundraising, $50
ADAM LOCHER 07/11/2014

daily numbers winner. Do you know what that was for?

MR. LOCHER: When, when Dennis Gabryszak was
town supervisor, he operated with his mother who was
the treasurer when he was town supervisor, some type
of daily numbers raffle and she might've continued
that when we went to the Assembly.

MS. CHENG-DE CASTRO: Wait, so who is Linda
Ditole?

MR. LOCHER: I, I have no idea who that is.

MR. MULDERGIG: How, how do you win? What's
the game?

MR. LOCHER: Four numbers, three numbers,
the New York daily's --

MR. MULDERGIG: You win a lottery? He ran
his own lottery?

MR. LOCHER: I think, I think they did when,
when he was supervisor. It's also --

MS. CHENG-DE CASTRO: Three would --

MR. LOCHER: -- it's also something that the
Cheektowaga Democratic committee does, too.

MS. CHENG-DE CASTRO: Okay.

[OFF MIC CONVERSATION]

MS. CHENG-DE CASTRO: So he also did that
for the campaign?
MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: The Friends of, okay.

[OFF MIC CONVERSATION]

MR. MULDERRIG: Are you, are you aware that they pay out a daily numbers when it, periodically with campaign funds?

MR. LOCHER: The Cheektowaga Democratic committee does their own donkey club even to this day, and they --

MS. CHENG-DE CASTRO: No, but we're not asking about the Cheektowaga Democratic Club, we're --

MR. LOCHER: I don't know how long Dennis Gabryszak may have done that while he was in the Assembly, I don't know.

MS. CHENG-DE CASTRO: But were you aware that that was being done by that time?

MR. LOCHER: That's why I'm able to speak on why I think it was there. We weren't pumping those out as a, as a staff or, that was something that I think his mom was still doing.
MS. CHENG-DE CASTRO: So you think his mom was kind of managing that for him?

MR. LOCHER: He, she managed the, the numbers thing, she did that when she was the treasurer for the supervisor campaign. I don't know when that ended.

MR. MULDERRIG: Could I just ask you, for my own understanding, how's that work, what's that about? Do you, do you put down money and get four numbers, how's it work?

MR. FLEMING: I know. Doesn't sound like --

MR. MULDERRIG: I'd rather hear it from him.

MR. FLEMING: -- of course, but I don't know that he knows.

MR. LOCHER: Every --

MR. MULDERRIG: Alright, well --

MR. FLEMING: I've, being a purchaser --

MR. LOCHER: -- every o-

MR. FLEMING: -- not of any of these, not of --

MR. LOCHER: -- I don't --

MR. FLEMING: -- not of either of these parties, by the way.

MR. LOCHER: -- I don't usually purchase
these tickets, to be honest with you.

MR. MULDERRIG: No, no, no, I'm just asking you if you know how they work. I, that's all, it's just a matter of understanding.

MR. LOCHER: The, you pay 10 or 20 bucks a month, everybody who participates, if your number comes up, you get some money. I don't know how much but you might get 25 bucks, you might get 50 bucks, you might get 100 bucks.

MR. MULDERRIG: And --

MS. CHENG-DE CASTRO: So the money is paid to the Friends of Dennis Gabrysak every month?

MR. LOCHER: I'm talking about the, what I know, I'm telling you guys what I know about the Cheektowaga Democratic Committee, they use, a lot of people use that framework, that's not just, not just isolated.

MR. MULDERRIG: But the, the reason that it's done because there's profit, no?

MR. LOCHER: Yes, there's so-, whenever you're raising money, you are able to generate something off of that.

MR. MULDERRIG: But you, you re-, you have no personal knowledge of Dennis doing this when he was
in the Assembly?

MR. LOCHER: Like I said --

MR. MULDERRIG: Because he could do them.

MR. LOCHER: -- it's my, it's my understanding that his mother may have continued this and coordinated it with [REDACTED] you'd have to ask [REDACTED]

MS. CHENG-DE CASTRO: Okay, Adam, did you keep a calendar of Dennis's ac-, like schedule when you were working for him?

MR. LOCHER: A few, a few years into my time in the Assembly, I became the district office scheduler and everything was kept in the files on the Assembly Outlook, and prior to that, the Assembly scheduling system, it's all the computer, it's all on the iDrive, you can ask the Assembly for all of that.

MS. CHENG-DE CASTRO: Did you keep a copy of it?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: What about your own calendar?

MR. LOCHER: We had a staff calendar that was a part of that Assembly calendar system and if I had things going on, I put them on the staff calendar.
MS. CHENG-DE CASTRO: Who was in charge of putting in event items for Dennis?

MR. LOCHER: I did for the district and whomever the Albany person was, did it in Albany.

MS. CHENG-DE CASTRO: So do you know if Dennis kept a separate calendar for his personal events?

MR. LOCHER: If he did, he kept it on his own devices.

MS. CHENG-DE CASTRO: Okay. Let's just go to AL8, the first items September 29th, 2007, it's the Hyatt Hotel, 109 East 42nd Street, New York, New York, wha-, would you happen, and it actually says explanation, of the, the amount is zero and it says purpose, other, explanation memo 314.15. Would you happen to know what that was related to?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Would, would there be any other documents or information that would help us find out what that was for?

MR. LOCHER: [redacted].

MS. CHENG-DE CASTRO: Would know that?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: Okay.
MR. MULDERRIG: Co-, di-, could I just ask, would you know why there would be a hotel reimbursement without associated travel if it's a New York City hotel?

MR. LOCHER: No.

MS. CHENG-DE CASTRO: Hmm.

MR. MULDERRIG: Okay.

MS. CHENG-DE CASTRO: Alright.

[OFF MIC CONVERSATION]

MS. CHENG-DE CASTRO: Do you know who Richard Bamberger is?

MR. LOCHER: I, I don't recall.

MS. CHENG-DE CASTRO: Okay, well, let's take a look at AL9, there's a line item, October 31st, 2007, New York, it says 575 other staff lodging. Do you recall him being on the campaign staff or the office staff?

MR. LOCHER: No, I don't know what that is for.

MS. CHENG-DE CASTRO: Okay, so you, you don't even know who he is?

MR. LOCHER: No, I don't.

MS. CHENG-DE CASTRO: Alright.
MR. MULDERRIG: Is, are you aware of such a person?

MR. LOCHER: I don't know that name, I don't.

MR. MULDERRIG: Okay, alright.

MS. CHENG-DE CASTRO: Okay.

[OFF MIC CONVERSATION]

MS. CHENG-DE CASTRO: Okay, AL10, January 2nd, 2008, Dennis, it's I think the reimbursement's back to Dennis in the amount of $1,295, would you happen to know what that was for?

MR. LOCHER: No. No.

MS. CHENG-DE CASTRO: No, okay. And you say the, the treasurer would, would probably know?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: Okay.

MR. LOCHER: Does every page have a question on it?

MR. FLEMING: No.

[OFF MIC CONVERSATION]

MR. LOCHER: Is this --

MS. CHENG-DE CASTRO: Okay, AL11, January 16th, 2008, Hilton Garden Inn, in Albany, would you happen to know who that would've been for?

MR. MULDERRIG: Staff lodging.
MR. LOCHER: That may have been when he hired [blurred] and [blurred], I, that could be the only thing that I could recall. I don't --

MS. CHENG-DE CASTRO: Okay.

MR. LOCHER: -- off the top of my head, that's my best guess.

MS. CHENG-DE CASTRO: Okay, so I'm assuming any of the reimbursements that you received, you provided vouchers or receipts to the treasurer for reimbursement?

MR. FLEMING: That's the fourth time --

MR. LOCHER: Yes.

MR. FLEMING: -- that's the fourth time --

MS. CHENG-DE CASTRO: Yeah, okay.

MR. FLEMING: -- that's been asked and answered, now come on, let's move along.

[OFF MIC CONVERSATION]

MS. CHENG-DE CASTRO: Okay, AL16, line items dated June 30th, 2008, Embassy Suites, 102 North End Ave, New York, New York, it says memo, $246 domestic violence conference. Do you recall Mr. Gabryszak attending a conference for, in New York for any type of domestic violence?

MR. LOCHER: I do not recall.
MS. CHENG-DE CASTRO: Okay. Would that be an event that would be recorded in his calendar?

MR. LOCHER: Possibly, I couldn't, I couldn't guarantee for certain.

MS. CHENG-DE CASTRO: So I'm assuming you're not the sole person that recorded events in his calendar, Mr. Gabryszak would do the same for himself, is that correct?

MR. LOCHER: Yes, and other staff members, too.

MS. CHENG-DE CASTRO: Okay.

[OFF MIC CONVERSATION]

MS. CHENG-DE CASTRO: Okay, AL29, dated July 7th, 2011, the name is Eastern Tours, address 10 East 39th Street, New York, New York, amount $1,092, and explanation is Russian, a Russia trade mission. Do you know what that was about or for?

MR. LOCHER: The Assemblyman went on a number of trade missions when he was in the Assembly. I have to believe that that was the money that would go toward a trade mission to Russia.

MR. MULDERRIG: Did he travel alone to Ru-, on a trade mission to Russia?

MR. LOCHER: Any trade mission he went on,
he traveled alone from an office standpoint with a

    group of other legislatures or other staff members.

    MS. CHENG-DE CASTRO: Do you know if any
    staff members traveled on this trip with him?

    MR. LOCHER: I don't recall, I do not
    believe so.

    MS. CHENG-DE CASTRO: Okay, the next item,
    July 8th, 2011, Lancaster Self-Storage, storage rental,
    what, do you know what this storage was used for?

    MR. LOCHER: We started putting campaign
    stuff in storage, signs and golf signs and boxes of
    literature, we started putting in storage.

    MS. CHENG-DE CASTRO: So this is in addition
    to that other space that you rec-, you got from the
    landlord?

    MR. MULDERRIG: Who had the key to the
    storage?

    MR. LOCHER: I kept the combination and when
    people needed it, they went and they took it.

    MR. MULDERRIG: Do you know if that storage
    still exists?

    MR. LOCHER: That I do not.

    MR. MULDERRIG: What is the combination that
    you used at the time?
MR. LOCHER: I don't remember, it was written on a sheet of paper, I went to it when you, when I needed it and that was a part of the stuff I put in a box and gave to [REDACTED].

MS. CHENG-DE CASTRO: Okay.

[OFF MIC CONVERSATION]

MR. MULDERRIG: Who, who is [REDACTED]?

MR. LOCHER: Who is [REDACTED]?

MR. MULDERRIG: You know, you know of no staffer name [REDACTED]? 

MR. LOCHER: We had a staff member named [REDACTED]?

MR. FLEMING: No, no.

MS. CHENG-DE CASTRO: No, do you know if there --

MR. MULDERRIG: Do you know who [REDACTED] is?

MR. LOCHER: Did, I have to ask a question, okay, because I'm trying to put, I'm trying to see if they go together, did this person receive money from the campaign more than once?

MS. CHENG-DE CASTRO: Yes.

MR. SMITH: We're getting to that.

MR. LOCHER: And were they for $200 each
time?

MR. SMITH: Here, take a look. It's 200,

MR. MULDERRIG: it sounds like you're, you're aware of [REDACTED] Who is she?

MR. LOCHER: I believe she is someone that [REDACTED] got to know and [REDACTED] got to stay there for 400 a month. [REDACTED] had to put in 200 and Dennis had the campaign put in 200.

MR. MULDERRIG: While [REDACTED] was doing work in Albany or --

MR. LOCHER: Yes. Yes.

MR. MULDERRIG: So Dennis just made it work by having the campaign fund that while it was actually s-, office duty, is that fair to say?

MR. LOCHER: Yes.

[OFF MIC CONVERSATION]

MR. SMITH: We're getting there. What page are you guys looking at?

MS. CHENG-DE CASTRO: We're on 36 now.

MR. SMITH: Okay, I want a question on 33.

MS. CHENG-DE CASTRO: Oh, okay.

MR. SMITH: Any idea what this trip was for on 11/3/11, JetBlue, Marriott, JetBlue, Marriott?

MR. LOCHER: The only, the only speculation
I can give you is there were times that he went to New York to speak to the Speaker.

MR. SMITH: Okay.

MR. LOCHER: I, I couldn't give you much of anything else.

MR. SMITH: Okay, how about on page AL34, ran westernnewyorkpolitics.net, he has since passed away.

MR. SMITH: Okay, and what was that?

MR. LOCHER: It was a Web site.

MR. FLEMING: It would've been for advertising, right?

MR. LOCHER: Yes.

MR. FLEMING: Okay.

MR. LOCHER: It was for advertising on their political Web site.

MR. SMITH: Okay.

MR. FLEMING: It seems like the first political Web site in Western New York, remember that? Was that, was that --

MR. LOCHER: Well, that --

MR. FLEMING: -- was that the one?

MR. LOCHER: -- that's the other guy who
passed.

MS. CHENG-DE CASTRO: This one is just here.

MR. LOCHER: Deluze [phonetic] was the first, he worked with Deluze and then he went off on his own.

MR. FLEMING: Alright.

MR. SMITH: I'm at AL36, where are you?

MS. CHENG-DE CASTRO: I am, yeah, I'm, we don't have any more questions on that.

MR. SMITH: I just, I've got one here, Jessica DeMarco again.

MR. LOCHER: That --

MR. SMITH: Same thing?

MR. LOCHER: -- like I said --

MR. SMITH: Okay.

MR. LOCHER: -- I, there were multiple times.

MR. SMITH: And Adam, then there's one here for you for $1,009 for fundraising?

MR. LOCHER: You'd have to ask Brian Krause --

MR. SMITH: Okay.

MR. LOCHER: -- for all the, I didn't do any, I didn't do any of the reporting.

MS. CHENG-DE CASTRO: Pete, we're at AL41.

MR. SMITH: Okay. I've got one for AL39.
MS. CHENG-DE CASTRO: Okay, go ahead.

MR. SMITH: Now we've got [REDACTED] down to $50, why would that have dropped, do you have any idea?

MR. LOCHER: Don't know.

MR. SMITH: You don't know, okay. How about the next line, Diamond Hawk Golf Course?

MR. LOCHER: It was the deposit for a fundraiser.

MR. SMITH: Okay, is that where you hosted the fundra-, the golf tournament, or the --

MR. LOCHER: That's where we held many of our golf tournaments.

MR. SMITH: Okay. Again, I'm on A41. Again, JetBlue, car service, the Sheraton, any idea? Year-and-a-half ago? Okay.

MR. LOCHER: I've, I've told you, we went to New York City a lot.

MR. SMITH: Okay.

[OFF MIC CONVERSATION]

MS. CHENG-DE CASTRO: Pete, we're moving along. We're going to page 50 unless you have something else.

MR. SMITH: Nope.
MS. CHENG-DE CASTRO: No?

[OFF MIC CONVERSATION]

MS. CHENG-DE CASTRO: AL56, December 2nd, 2013, Prime New York, 233 Broadway, for $165?

MR. SMITH: Wait, where is this at?

MS. CHENG-DE CASTRO: Do you know what this was for?

MR. SMITH: The, can you repeat that, Pei Pei?

MR. LOCHER: 12 what?

MS. CHENG-DE CASTRO: AL56.

MR. LOCHER: Yup, oh, this?

MS. CHENG-DE CASTRO: Mm-hmm.

MR. LOCHER: Prime New York? There were times where that company would send us e-mail actually through, they would send it to the distri-, or to the Assembly e-mail account where they would say, hey, we have e-mail addresses and phone numbers and mailing addresses of people who care about X, and for X amount of money we'll give them to you. So we would pay for them.

MR. FLEMING: The printout bullers.

[OFF MIC CONVERSATION]

MS. CHENG-DE CASTRO: I'm going to 70, do we
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have anything in between pa-, Pete?

MR. SMITH: I've just got one here on 59.

Public Hearing New York City, any idea what that would involve?

MR. LOCHER: What year are we talking?

MR. SMITH: What do we have here for the year?

MR. LOCHER: '13?

MR. SMITH: '13, yeah. May 1st and then August 19th.

MR. LOCHER: I think this was GMO, this was a hearing about GMO's that he went to in New York City. I don't remember this one, I can just tell you that a lot of the hearings of the committees that he belonged on, had their hearings in New York City, and that's why they have per diems.

MR. SMITH: Okay. Pei Pei?

MS. CHENG-DE CASTRO: Yeah. Would you --

MR. MULDERRIG: Oh, who's --

is he --

MS. CHENG-DE CASTRO: You got AL78?

MR. LOCHER: Isn't that an Assemblyperson?

MS. CHENG-DE CASTRO: Oh, you know, sorry, yeah, strike that.
MR. MULDERRIG: [Unintelligible][01:14:25].

MS. CHENG-DE CASTRO: Yeah, yeah.

MR. MULDERRIG: Okay, thank you.

MS. CHENG-DE CASTRO: Did you, were you ever aware of that there might, that Dennis Gabryszak might have given a female employee a no-show job while he was at the Assembly? I think something to the affect where he hired a woman to be, I think, a secretary or to answer phones which, and she was getting paid but she never showed up?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: Okay, do you remember her name?

MR. LOCHER: No, it was in the first, it was in the first year he was in the Assembly, it was in the fall of 2007, I don't ever remember her name and he had me do something very weird that I never asked any questions about. She, she supposedly saw him out, she worked at a hotel that he stayed at, the one day he wanted me to call the hotel, I don't even remember the hotel name, and to see if she would be the one to pick up the phone. She was not the person who picked up the phone, it was not a female voice, I hung up.

MR. SMITH: That was in Albany?
MR. LOCHER: That was a person who may have worked for a short time in Albany, I don't even remember her name, I never met her.

MS. CHENG-DE CASTRO: Okay, so you don't remember her name, you never met her?

MR. LOCHER: Never met her --

MS. CHENG-DE CASTRO: Do, and so she --

MR. LOCHER: -- don't remember her name.

MS. CHENG-DE CASTRO: -- what hotel did you call, do you remember?

MR. LOCHER: I don't recall. I just remember the awkward story, you do what you do for your, for your boss when your boss asks you.

MR. SMITH: What's the story?

MS. CHENG-DE CASTRO: So did he, yeah, so what is the story that he told you?

MR. LOCHER: He asked for me to call this person and see if she was there. She must not have been returning his calls is all I could speculate.

MS. CHENG-DE CASTRO: So do you --

MR. SMITH: So --

MS. CHENG-DE CASTRO: -- know if she was on the payroll --

MR. LOCHER: No, I'm just going --
MS. CHENG-DE CASTRO: -- for the office?

MR. LOCHER: -- by speculation.

MR. MULDERRIG: Why are you making that association?

MR. LOCHER: Because I remember talking about it once.

MR. MULDERRIG: Talking about what?

MR. LOCHER: This woman and a possible, as he put it, a possible pregnancy.

MR. MULDERRIG: Oh, is there a back story here there you're aware of that you could share with us?

MR. LOCHER: I just gave it, I don't know much detail.

MS. CHENG-DE CASTRO: I, I'm sorry, you heard it from who?

MR. LOCHER: .

MS. CHENG-DE CASTRO: Oh, -

MR. MULDERRIG: What did say to you?

MR. LOCHER: I think it was, did you ever remember the person who he supposedly got pregnant?

MS. CHENG-DE CASTRO: When did the pregnan-

MR. LOCHER: This was in passing.

MR. MULDERRIG: And, and as far as the no-
show job, what do, what do you know about that?

MR. LOCHER: Well, I just know that the person was there, I never met them, I don't remember what she did, I just remember that he was impressed by her. If I remember him saying it because she sought him out, I had nothing to do with the hiring, nothing to do with the person leaving, I don't believe I ever met the person, I don't even recall talking to the person, I just found it odd.

MS. CHENG-DE CASTRO: So Dennis did talk about her?

MR. LOCHER: I, I want to say that she came up in conversation.

MS. CHENG-DE CASTRO: And what did he say about her?

MR. LOCHER: What I just said to you.

MS. CHENG-DE CASTRO: Okay.

MR. MULDERRIG: But how, how did we arrive at a no-show job?

MR. LOCHER: I don't know, you're using those terms, not me.

MR. MULDERRIG: Yeah, but you responded to that, that was your association.

MR. LOCHER: People use terms all the time,
I'm telling you what --

MR. MULDERRIG: But we want to make absolu-

MR. LOCHER: -- I'm telling you what I know.

MR. MULDERRIG: So le- le- let me just see

if I can get this fact pattern a little bit, to your

knowledge, he be-, he may have become involved with a

woman who worked in a hotel?

MR. LOCHER: Yes.

MR. MULDERRIG: There may or may not have,

there may or may not have been a pregnancy issue?

MR. LOCHER: Yes.

MR. MULDERRIG: And in some matter he
decided to assist this woman and give her a job in the,
in his Assembly office?

MR. LOCHER: I can't make that connection.

MR. MULDERRIG: Okay. So what connection
can you make in terms of this hotel employee and the
Assembly?

MR. LOCHER: I believe she worked for the
Assembly for a short time, she didn't come to work,
they let her go.

MS. CHENG-DE CASTRO: Who is, they let her
go?

MR. LOCHER: Dennis Gabryszak, [REDACTED]
phonetic], so I don't know.

MS. CHENG-DE CASTRO: Okay. And you said this was probably in the fall of 2007?

MR. LOCHER: Yes.

MS. CHENG-DE CASTRO: So the Assembly records would probably show that a woman was being paid during that time? I- if you know.

MR. LOCHER: The possibility exists.

MS. CHENG-DE CASTRO: Okay. I might, I mean, we might be done, I just, let me go through my notes and --

MR. SMITH: I've, I've got a couple quick questions.

MS. CHENG-DE CASTRO: Okay.

MR. SMITH: In conversations with Dennis, was there any talk of a run for county executive?

MR. LOCHER: Yes.

MR. SMITH: When did that occur?

MR. LOCHER: The year Poloncarz ran and won.

MR. SMITH: Okay, was there any talk that you're aware of, that he planned on bringing people over from Albany to help with his campaign for county executive?

MR. LOCHER: Never got that far.
MR. SMITH: Do you know if there was ever an offer put on the table to have someone move to come over and work if he wins the county executive seat? I need you to say yes or no.

MR. LOCHER: No.

MR. SMITH: Okay.

MR. FLEMING: Are we done?

MS. CHENG-DE CASTRO: Oh, sorry. I don't, I don't have any more questions right now but I just want to, again, repeat for the record I do need to review the documents and information you provided us and we'll follow-up afterwards.

MR. MULDERRIG: And the e-mails.

MS. CHENG-DE CASTRO: And the e-mails. I will follow-up with a request for, I guess, any e-mails that were mentioned in this interview with you.

MR. MULDERRIG: Could you put these e-mails that we discussed on a drive?

MR. LOCHER: Well, this is, this is what I want to ask, okay, this is all on the Cloud. I've saved my, I've kept my e-mails since '98, I can gi-, I can, heck, I can tell you here, here's my login, here's my password, you take what you want. I, your subpoena says you want e-mails that I sent to anybody
or anybody set to me from '07. I have folders in the
e-mail that say Dennis campaign, Dennis government,
Dennis Web site, in my sent that I do not have
categorized. You tell me if you want the logins, you
tell me how you want it, we would prefer not to print
it because it's a ton, and I've been here cooperating.

MS. CHENG-DE CASTRO: Well, yeah, we don't --

MR. SMITH: Okay, yeah.

MS. CHENG-DE CASTRO: -- we don't want you
to print it, I'll follow-up with your attorney to,
we'll arrange the production.

MR. FLEMING: And I've, for the record, I've
made an inventory for myself of the documents that I'm
turning over.

MR. SMITH: Okay.

MR. FLEMING: And we have them in a Red Well,
then I'm just going to hand them to you and it
includes the flash drives, alright.

MS. CHENG-DE CASTRO: Can, can we just make
a copy of your inventory then?

MR. FLEMING: Of course.

MS. CHENG-DE CASTRO: Do you know what the,
what information is on the flash drives or, and, and
do you have a copy of it or is that the original?

    MR. LOCHER: I gave you the original flash drives, you can take what you want.

    MS. CHENG-DE CASTRO: Okay, but, so then you don't have a copy of what's in this flash drive?

    MR. LOCHER: No, I'm, I'm giving you--

    MR. SMITH: Can you submit--

    MS. CHENG-DE CASTRO: Okay.

    MR. MULDERRIG: -- and this, this flash drive is the product of what you downloaded from a c-, which computer?

    MR. LOCHER: One flash drive is stuff that was from the supervisor's office, copies--

    MR. SMITH: Okay.

    MR. LOCHER: -- from the supervisor's office and things I've built on, governmentally when I was in the Assembly office, some files inter- interconnected, and there's campaign stuff on the others.

    MS. CHENG-DE CASTRO: Okay, thank you.

Thank you for coming in.

    MR. FLEMING: Okay, thank you.

    MR. SMITH: I'm going to stop the recording, it's approximately 3 o'clock on the 11th.
CERTIFICATE OF ACCURACY

I, Jenna Houston, certify that the foregoing transcript of the interrogation of Adam Locher on July 11, 2014 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By

Date: August 11, 2014

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