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# *Committee Meeting*

of

## ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE

*“The committee has subpoenaed David Wildstein, the former Director of Interstate Capital Projects for the Port Authority of New York and New Jersey, concerning the decision by the Port Authority of New York and New Jersey to reduce, without prior public notice, the number of access lanes to the George Washington Bridge in Fort Lee, New Jersey, from September 9, 2013 through September 13, 2013”*

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**LOCATION:** Committee Room 11  
State House Annex  
Trenton, New Jersey

**DATE:** January 9, 2014  
12:00 p.m.

### **MEMBERS OF COMMITTEE PRESENT:**

Assemblyman John S. Wisniewski, Chair  
Assemblywoman Linda Stender, Vice Chair  
Assemblywoman Marlene Caride  
Assemblyman Upendra J. Chivukula  
Assemblyman Thomas P. Giblin  
Assemblyman Gordon M. Johnson  
Assemblyman Ruben J. Ramos Jr.  
Assemblywoman Celeste M. Riley  
Assemblyman John F. Amodeo  
Assemblyman Scott T. Rumana  
Assemblyman Brian E. Rumpf  
Assemblyman David W. Wolfe



### **ALSO PRESENT:**

Charles A. Buono Jr.  
Patrick Brennan  
*Office of Legislative Services  
Committee Aides*

Jillian Dempsey  
*Assembly Majority  
Committee Aide*

Glen Beebe  
*Assembly Republican  
Committee Aide*

***Meeting Recorded and Transcribed by  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey***

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JOHN S. WISNIEWSKI  
Chair

LINDA D. STENDER  
Vice-Chair

MARLENE CARIDE  
UPENDRA J. CHIVUKULA  
THOMAS P. GIBLIN  
CHARLES S. MAINOR  
RUBEN J. RAMOS, JR.  
CELESTE M. RILEY  
JOHN F. AMODEO  
SCOTT RUDDER  
BRIAN E. RUMPF  
DAVID W. WOLFE



**New Jersey State Legislature**  
**ASSEMBLY TRANSPORTATION, PUBLIC WORKS**  
**AND INDEPENDENT AUTHORITIES COMMITTEE**  
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**REVISED**  
**COMMITTEE NOTICE**

**TO: MEMBERS OF THE ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND INDEPENDENT AUTHORITIES COMMITTEE**

**FROM: ASSEMBLYMAN JOHN S. WISNIEWSKI, CHAIRMAN**

**SUBJECT: COMMITTEE MEETING - JANUARY 9, 2014**

*The public may address comments and questions to Charles A. Buono, Patrick Brennan, Committee Aides, or make bill status and scheduling inquiries to Kimberly Johnson, Secretary, at (609)847-3840, fax (609)292-0561, or e-mail: OLSAideATR@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.*

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**\*The Assembly Transportation, Public Works and Independent Authorities Committee will meet on Thursday, January 9, 2014 at 12:00 PM in Committee Room 11, 4<sup>th</sup> Floor, State House Annex, Trenton, New Jersey.**

**The committee has subpoenaed David Wildstein, the former Director of Interstate Capital Projects for the Port Authority of New York and New Jersey, concerning the decision by the Port Authority of New York and New Jersey to reduce, without prior public notice, the number of access lanes to the George Washington Bridge in Fort Lee, New Jersey from September 9, 2013 through September 13, 2013.**

Issued 1/2/14

\*Revised 1/8/2014 (Committee Room has been added.)

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For changes in schedule due to snow or other emergencies, call 800-792-8630 (toll-free in NJ) or 609-292-4840.

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### **APPENDIX:**

**\*Note: Due to the size of the Appendix material, all Appendix documents are available online at the New Jersey Legislature's website at [www.njleg.state.nj.us](http://www.njleg.state.nj.us)**

Exhibit A  
submitted to the Assembly Transportation, Public Works and  
Independent Authorities Committee  
from  
David M. Wildstein

Exhibit B  
submitted to the Assembly Transportation, Public Works and  
Independent Authorities Committee  
from  
William E. Baroni Jr.

Exhibit C  
submitted to the Assembly Transportation, Public Works and  
Independent Authorities Committee  
from  
Robert Durando

Exhibit D  
submitted to the Assembly Transportation, Public Works and  
Independent Authorities Committee  
from  
Patrick J. Foye

Exhibit E  
submitted to the Assembly Transportation, Public Works and  
Independent Authorities Committee  
from  
Cedrick Fulton

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Exhibit F  
submitted to the Assembly Transportation, Public Works and  
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from  
Darcy Licorish

Exhibit G  
submitted to the Assembly Transportation, Public Works and  
Independent Authorities Committee  
from  
Paul Nunziato

Exhibit H  
Partially unredacted submission  
submitted to the Assembly Transportation, Public Works and  
Independent Authorities Committee  
from  
David M. Wildstein

pnf: 1-31  
rs: 32-55

**ASSEMBLYMAN JOHN S. WISNIEWSKI (Chair):** I'd like to call this meeting of the Assembly Transportation, Independent Authorities and Public Works Committee to order.

May we have a roll call, please?

**MR. BUONO (Committee Aide):** Assemblyman Rumpf.

**ASSEMBLYMAN RUMPF:** Present.

**MR. BUONO:** Assemblyman Amodeo.

**ASSEMBLYMAN AMODEO:** Here.

**MR. BUONO:** Assemblyman Rumana.

**ASSEMBLYMAN RUMANA:** Here.

**MR. BUONO:** Assemblyman Wolfe.

**ASSEMBLYMAN WOLFE:** Here.

**MR. BUONO:** Assemblywoman Riley.

**ASSEMBLYWOMAN RILEY:** Here.

**MR. BUONO:** Assemblyman Ramos.

**ASSEMBLYMAN RAMOS:** Present.

**MR. BUONO:** Assemblyman Johnson.

**ASSEMBLYMAN JOHNSON:** Here.

**MR. BUONO:** Assemblyman Giblin.

**ASSEMBLYMAN GIBLIN:** Here.

**MR. BUONO:** Assemblyman Chivukula.

**ASSEMBLYMAN CHIVUKULA:** Here.

**MR. BUONO:** Assemblywoman Caride.

**ASSEMBLYWOMAN CARIDE:** Present.

**MR. BUONO:** Vice Chair Stender.

**ASSEMBLYWOMAN STENDER (Vice Chair):** Here.

MR. BUONO: Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Present.

We have a quorum.

For our visitors today, and for the members of the Committee, if everyone please silence their cell phones. The proceedings today, as usual, are broadcast live on the Internet, but are also being transcribed for the preparation of a written record for this hearing. And so that for members and for witnesses, I would just instruct you to remember to make sure that your responses and your statements are in sentences and in words that, when someone reads a month from now, they'll be able to understand them. We sometimes have a tendency when we're talking to, perhaps, use shortcuts that don't always transcribe very well.

This is the Assembly Transportation, Public Works and Independent Authorities Committee. And we are here today to hear testimony from the former Director of Interstate Capital Projects for the Port Authority of New York and New Jersey.

And to that extent, the Committee calls Mr. David Wildstein to testify.

Good morning. Just so you understand how the microphones work, the ones that are attached to the box are for amplification; the ones that are set aside on the desk are for the transcript. To speak so your voice is amplified, press the button so the red light is illuminated.

And I understand, Mr. Zegas, that you have some opening remarks that you would like to make -- or some opening matters that you would like to address with the Committee.

**A L A N L. Z E G A S, Esq.:** If I may, Mr. Chairman.

ASSEMBLYMAN WISNIEWSKI: Just press your button, please. There you go. No, red light on; there you go.

MR. ZEGAS: Can you hear me now?

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. ZEGAS: Thank you for the opportunity.

A short while ago we were before the Honorable Mary Jacobson on a motion to quash this subpoena that had been served upon Mr. Wildstein to testify today. The judge denied the motion to quash, finding that two of the issues were not judiciable -- meaning that she was referring them -- not referring them, but suggested that they more appropriately belonged before this Committee than, at this time, in court.

Mr. Sokol, representing the Committee, was my adversary. He has been served with a copy of our letter brief, dated January 8, 2014. The brief raises three separate issues, which I would ask the Committee to please take under its own consideration and make a separate finding as to whether the subpoena issued by the Committee is, indeed, valid.

I point out that the first issue was whether the subpoena was appropriately authorized, because it had not been signed by the Chair of this Committee, but by somebody apparently in his stead.

The second issue that we raised before the court is whether the authority that was given to this Committee by the Assembly to conduct an investigation authorized this Committee to look into the alleged closing of lanes on the George Washington Bridge; or whether Assembly Resolutions 61 and 91 were, instead, tailored for this Committee to look solely at whether toll and fare increases that had been imposed by the Port Authority were justified. The Assembly Resolution, in its statement, very specifically

details that the authority given to this Committee is to look into the \$25.1 billion capital financing of the Port Authority; to as well look into capital planning, revenue production, and expenses, salaries paid to employees -- matters of that ilk. And we submit that the authority given to this Committee did not include power for this Committee to investigate the lane closures. So on that ground also we would object to the subpoena.

And then there's a third issue contained in the papers which I would simply submit. Mr. Sokol has a copy, and you may review them.

ASSEMBLYMAN WISNIEWSKI: Thank you very much.

Just so that I understand your request for relief, or your request for this Committee to consider, the two issues you have raised for decision by this Committee is whether or not the subpoena is valid--

MR. ZEGAS: That's correct.

ASSEMBLYMAN WISNIEWSKI: --and whether or not the inquiry exceeds the scope of the subpoena.

MR. ZEGAS: That's correct.

ASSEMBLYMAN WISNIEWSKI: Okay. And you've reviewed the subpoena; you've seen the subpoena.

MR. ZEGAS: I have, and those issues were dealt with in court this morning, along with the third issue that the judge also felt more properly belonged before this Committee or before the Assembly -- and I'll leave it that.

ASSEMBLYMAN WISNIEWSKI: Okay. On the two issues you've raised -- just as the Chair -- the subpoena is valid. You're a practicing lawyer as I am. There are many a day, in your practice and mine, in which there are documents that are issued under your name that

somebody on your staff signed. That's an accepted practice under New Jersey law, and I think the judge as much as said that in the colloquy before the court today. And clearly under that basis it's my opinion as Chair -- and I'll certainly have the Committee decide this -- that the subpoena is valid on that basis. And in terms of the scope of the inquiry by the Committee, the resolutions -- number 61 and 91 by the General Assembly -- authorized this Committee to look into the operations and finance of the Port Authority, and then give a laundry list of things to be included, but not limited to -- and you mentioned some of those. And so I would also opine that the scope of the inquiry-- In as much as the fact that under that same authority you provided documents responsive to our document subpoena, and there was no objection raised as to the scope of the Committee's authority to request documents--

MR. ZEGAS: I have two comments with respect to that, Mr. Chair. One is that at the time that the subpoena was served, Mr. Wildstein was still employed by the Port Authority. The Port Authority was turning over documents that he didn't even have access to because he no longer worked at the Authority, and he was voluntarily cooperating with this Committee. Subsequently, he parted company with the Port Authority; a subpoena was then served for his presence here today. And I would submit that the nature of that subpoena requiring his presence differs from a subpoena for the production of documents. And the judge also found that there were distinctions between a subpoena for the production of documents and for testimony. But I understand what your rulings or what your opinion is and we will abide by that.

ASSEMBLYMAN WISNIEWSKI: The Chair is certainly of the opinion that the subpoena is valid and it's within the scope of the Committee's jurisdiction.

ASSEMBLYWOMAN STENDER: Mr. Chairman.

ASSEMBLYMAN WISNIEWSKI: Vice Chair Stender.

ASSEMBLYWOMAN STENDER: Thank you, Mr. Chairman.

I'd like to make a motion that the Committee subpoena was valid and properly served.

ASSEMBLYMAN WISNIEWSKI: Is there a second?

ASSEMBLYMAN RAMOS: Second.

ASSEMBLYMAN WISNIEWSKI: We have a motion made and seconded that the Committee's subpoena was valid and properly served.

May we have a roll call on that motion?

MR. BUONO: Motion that the Committee subpoena was valid and properly served.

Assemblyman Rumpf.

ASSEMBLYMAN RUMPF: Yes.

MR. BUONO: Assemblyman Amodeo.

ASSEMBLYMAN AMODEO: Yes.

MR. BUONO: Assemblyman Rumana.

ASSEMBLYMAN RUMANA: Yes.

MR. BUONO: Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: Yes.

MR. BUONO: Assemblywoman Riley.

ASSEMBLYWOMAN RILEY: Yes.

MR. BUONO: Assemblyman Ramos.

ASSEMBLYMAN RAMOS: Yes.

MR. BUONO: Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Yes.

MR. BUONO: Assemblyman Giblin.

ASSEMBLYMAN GIBLIN: Yes.

MR. BUONO: Assemblyman Chivukula.

ASSEMBLYMAN CHIVUKULA: Yes.

MR. BUONO: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BUONO: Vice Chair Stender.

ASSEMBLYWOMAN STENDER: Yes.

MR. BUONO: Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

And so the Committee's decision is that the subpoena is valid and properly served. And the other issue is the scope.

Vice Chair Stender.

ASSEMBLYWOMAN STENDER: Thank you, Mr. Chairman.

I make a motion that the Committee is acting within the authority granted to it in AR-61 and AR-91 and the subsequently adopted Committee resolutions.

ASSEMBLYMAN JOHNSON: I second it.

ASSEMBLYMAN WISNIEWSKI: Motion made and seconded that the scope of the inquiry is valid under the subpoena as issued.

May we have a roll call on that? I know I'm rushing you; you're writing as fast as you can. (laughter)

MR. BUONO: It's fine.

Motion that the Committee was acting within the scope of Assembly Resolution 61 and Assembly Resolution 91 and subsequent Committee resolutions.

Assemblyman Rumpf.

ASSEMBLYMAN RUMPF: Yes.

MR. BUONO: Assemblyman Amodeo.

ASSEMBLYMAN AMODEO: Yes.

MR. BUONO: Assemblyman Rumana.

ASSEMBLYMAN RUMANA: Yes.

MR. BUONO: Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: Yes.

MR. BUONO: Assemblywoman Riley.

ASSEMBLYWOMAN RILEY: Yes.

MR. BUONO: Assemblyman Ramos.

ASSEMBLYMAN RAMOS: Yes.

MR. BUONO: Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Yes.

MR. BUONO: Assemblyman Giblin.

ASSEMBLYMAN GIBLIN: Yes.

MR. BUONO: Assemblyman Chivukula.

ASSEMBLYMAN CHIVUKULA: Yes.

MR. BUONO: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BUONO: Vice Chair Stender.

ASSEMBLYWOMAN STENDER: Yes.

MR. BUONO: Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

So the scope of the inquiry is also approved by the Committee.

And the other issue that you raised I don't believe is appropriate before this body and so we're not going to address that at this time.

So I'm going to -- unless you have anything further you would like to address--

MR. ZEGAS: The only other thing I raise is that I understand that there is a booklet or a book of documents that has been prepared. I don't know if you have one available to furnish to us.

ASSEMBLYMAN WISNIEWSKI: There should be one on the witness table; if not, it will be brought to you immediately.

MR. ZEGAS: Thank you.

ASSEMBLYMAN WISNIEWSKI: Mr. Buono is bringing it to you.

MR. ZEGAS: Thank you, sir.

ASSEMBLYMAN WISNIEWSKI: The booklet, just for the record -- in response to the document subpoena you provided us 907 pages of documents. What we have here is a binder with those 907 pages, tabbed and indexed, so that when members of the Committee ask questions about those documents your client has an opportunity to review those documents and provide the answer.

MR. ZEGAS: Yes, sir.

ASSEMBLYMAN WISNIEWSKI: Okay.

With that said, can we have a motion on the documents to be included as part of this record?

ASSEMBLYWOMAN STENDER: So moved.

ASSEMBLYMAN JOHNSON: Second.

ASSEMBLYMAN WISNIEWSKI: We have a motion made and seconded.

I think we need to have a little more specificity as to exactly what we're including here.

ASSEMBLYWOMAN STENDER: Mr. Chairman, I move that the documents received by the Committee pursuant to the Committee's December 12, 2013, subpoenas shall be included as part of the transcript of today's meeting.

ASSEMBLYMAN GIBLIN: Second it.

ASSEMBLYMAN WISNIEWSKI: And that was seconded by Assemblyman Giblin.

May we have a roll call on that?

MR. BUONO: Motion that the documents received pursuant to the Committee's December 12, 2013, resolution shall be part of the Committee's record today.

Assemblyman Rumpf.

ASSEMBLYMAN RUMPF: Yes.

MR. BUONO: Assemblyman Amodeo.

ASSEMBLYMAN AMODEO: Yes.

MR. BUONO: Assemblyman Rumana.

ASSEMBLYMAN RUMANA: Yes.

MR. BUONO: Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: Yes.

MR. BUONO: Assemblywoman Riley.

ASSEMBLYWOMAN RILEY: Yes.

MR. BUONO: Assemblyman Ramos.

ASSEMBLYMAN RAMOS: Yes.

MR. BUONO: Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Yes.

MR. BUONO: Assemblyman Giblin.

ASSEMBLYMAN GIBLIN: Yes.

MR. BUONO: Assemblyman Chivukula.

ASSEMBLYMAN CHIVUKULA: Yes.

MR. BUONO: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BUONO: Vice Chair Stender.

ASSEMBLYWOMAN STENDER: Yes.

MR. BUONO: Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

And so the records that have been submitted pursuant to the subpoenas are part of the official record of this proceeding; and for the purposes of the witness who is here today, you have all 907 pages that were provided by your client.

MR. ZEGAS: Understood, sir.

ASSEMBLYMAN WISNIEWSKI: Okay. And so just to go through the preliminaries of the process today: Mr. Wildstein, thank you for appearing here with counsel; I see him seated to your side, and I've met with him prior to this hearing, so I understand that you are represented by

counsel. I just want to make sure, Mr. Wildstein, that you understand that the statements made here today, if willfully false, if you give a false answer that you may be committing perjury and you may be subject to penalties under law. Do you understand that?

**DAVID M. WILDSTEIN:** Yes, Mr. Chairman.

**ASSEMBLYMAN WISNIEWSKI:** Could you just please-- Press and release -- there you go. Red light means go.

**MR. WILDSTEIN:** Yes, Mr. Chairman, I understand.

**ASSEMBLYMAN WISNIEWSKI:** Thank you.

Did you receive a subpoena today from this Committee compelling your testimony at this date and time?

**MR. WILDSTEIN:** Yes, Chairman, I did.

**ASSEMBLYMAN WISNIEWSKI:** And did you receive a copy of the Code of Fair Procedure together with that subpoena?

**MR. WILDSTEIN:** Yes, sir.

**ASSEMBLYMAN WISNIEWSKI:** Do you understand that you have certain rights under the Code of Fair Procedure, including the right to be accompanied by counsel who shall be permitted to confer with you during your questioning, advise you of your rights, and submit proposed questions on your behalf?

**MR. WILDSTEIN:** Yes.

**ASSEMBLYMAN WISNIEWSKI:** Mr. Zegas, at this time, do you have any questions for the Committee?

**MR. ZEGAS:** No, sir.

**ASSEMBLYMAN WISNIEWSKI:** Okay.

We have a hearing reporter here and, as I had admonished members in the audience and witnesses earlier, it's important that your responses be verbal so that the transcript makes sense when someone is reading it. Do you understand that?

MR. ZEGAS: Understood.

MR. WILDSTEIN: Yes.

ASSEMBLYMAN WISNIEWSKI: Okay. You're also entitled to a copy of the transcript today, at your expense, when the copy is available. Do you understand that?

MR. WILDSTEIN: Yes.

ASSEMBLYMAN WISNIEWSKI: Okay. And you have the right to file a brief sworn statement to your testimony for the record at the conclusion of your examination. Do you understand that?

MR. WILDSTEIN: Yes, Chairman.

ASSEMBLYMAN WISNIEWSKI: Before I proceed with the oath, do you have any questions, Mr. Wildstein?

MR. WILDSTEIN: No, I do not.

ASSEMBLYMAN WISNIEWSKI: Would you mind standing and raising your right hand?

(Mr. Wildstein stands and raises his right hand)

Mr. Wildstein, do you swear or affirm that the testimony you are about to give to be true, correct, and complete to the best of your information, knowledge, and belief?

MR. WILDSTEIN: I do.

ASSEMBLYMAN WISNIEWSKI: Thank you. You may be seated.

Mr. Wildstein, could you state and spell your last name for the record?

MR. WILDSTEIN: David Wildstein; W-I-L-D-S-T-E-I-N.

ASSEMBLYMAN WISNIEWSKI: And where do you currently reside?

MR. WILDSTEIN: Montville, New Jersey.

ASSEMBLYMAN WISNIEWSKI: Okay. And are you currently employed?

MR. WILDSTEIN: No.

ASSEMBLYMAN WISNIEWSKI: And most recently, where were you employed?

MR. WILDSTEIN: On the advice of my counsel, I respectfully assert my right to remain silent under the United States and New Jersey Constitutions.

ASSEMBLYMAN WISNIEWSKI: Okay. And I've had this discussion with your counsel -- the witness is properly called and sworn, and the questions have begun. So I want to be very specific about this: Mr. Wildstein, you've been asked a question about where you formerly worked. Are you refusing to answer that question?

MR. ZEGAS: He is asserting his rights under the New Jersey and Federal Constitutions, sir.

ASSEMBLYMAN WISNIEWSKI: Okay, thank you very much.

I want to make clear that under the Rules of Fair Procedure that you have been provided with, and under State law N.J.S.A. 52:13-3 -- which, again, Mr. Zegas, you and I have discussed in advance of this hearing

-- the right to refuse to answer questions of this Committee is not permitted under those rules.

MR. ZEGAS: I understand this Committee's view of the rules and what the rules might say, but in my legal opinion the Federal and State Constitutions trump the rules that the Chair is making reference to.

ASSEMBLYMAN WISNIEWSKI: Okay. And I will direct this to counsel: Counsel, can you explain to me the basis of asserting the right for the Fifth Amendment on the basis of where he worked most recently?

MR. ZEGAS: Yes. If, for example -- and all of this is hypothetical, because there are certainly no criminal charges, but the threats have been made by different persons to the media in connection with the alleged lane closures of the George Washington Bridge. And if, for example, there were charges relating to his former employment and whether he was a public official at the time, the answer to the question that the Chair just posed would be evidential and could be used by a prosecutor in his or her chain of proofs.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Well, I certainly disagree.

MR. ZEGAS: Understood.

ASSEMBLYMAN WISNIEWSKI: We will continue with the questioning. The Committee does have the right to find your client's failure to respond to validly asked questions to be in contempt of this Committee's subpoena and to take a vote on that. And that matter may be referred to the appropriate law enforcement authorities. You understand that?

MR. ZEGAS: That is understood, sir.

ASSEMBLYMAN WISNIEWSKI: Okay. And so what I would like to do is just continue with the questioning, and we will address your client's objections and failure to comply at the conclusion of those questions.

MR. ZEGAS: That is acceptable.

ASSEMBLYMAN WISNIEWSKI: Thank you, thank you very much.

So, Mr. Wildstein, I would like to ask you questions about the documents you have submitted to this Committee through your attorney. In particular, I would like to draw your attention to Page 751 of the documents -- and that may be tabbed, Mr. Zegas.

MR. ZEGAS: Yes, they are. Would you just give me a moment, please?

ASSEMBLYMAN WISNIEWSKI: If you need the assistance of a Committee Aide to--

MR. ZEGAS: I can get there.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. ZEGAS: I see the numbers.

We have the page in front of us, sir.

ASSEMBLYMAN WISNIEWSKI: Page 751 contains communications-- My question is, does Page 751 contain communications dated August 5, 2013?

MR. WILDSTEIN: On the advice of counsel, I again assert my right to remain silent.

ASSEMBLYMAN WISNIEWSKI: And that document refers to a meeting with Port Authority Chairman David Samson, does it not?

MR. WILDSTEIN: On the advice of counsel, I assert my right to remain silent.

ASSEMBLYMAN WISNIEWSKI: And that also refers to a meeting with the Governor on the same date.

MR. WILDSTEIN: Mr. Chairman, on the advice of counsel, I again assert my right to remain silent.

ASSEMBLYMAN WISNIEWSKI: Okay. For the edification of the Committee -- and I certainly want to ask counsel--

MR. ZEGAS: Yes, sir.

ASSEMBLYMAN WISNIEWSKI: --if it is your client's intention to assert that right on every single question.

MR. ZEGAS: Yes, sir.

ASSEMBLYMAN WISNIEWSKI: So I just want to be clear. So that any question that I may ask or that any of the members of this Committee may ask -- it is your intention or your advice to your client to assert the right to not answer the question based on the Fifth Amendment.

MR. ZEGAS: I anticipate that to be so in every instance.

ASSEMBLYMAN WISNIEWSKI: Okay. I don't want to belabor the point, but I do want to go through a couple of documents and just see where we stand on that issue.

MR. ZEGAS: I understand fully.

ASSEMBLYMAN WISNIEWSKI: Okay. Am I correct in understanding that, with regard to anything on Page 751, you are not answering on the basis of your right under the Fifth Amendment?

MR. WILDSTEIN: Yes.

MR. ZEGAS: Yes.

ASSEMBLYMAN WISNIEWSKI: Okay. I then would like to draw your attention to the document at Page 706.

MR. ZEGAS: We have it in front of us, sir.

ASSEMBLYMAN WISNIEWSKI: Okay. This is an e-mail communication, is it not?

MR. WILDSTEIN: On the advice of counsel, I assert my right to remain silent, Chair.

ASSEMBLYMAN WISNIEWSKI: Okay. You can't tell me whether it's an e-mail or a text message?

MR. ZEGAS: Same answer.

MR. WILDSTEIN: Same answer.

ASSEMBLYMAN WISNIEWSKI: Okay. That's an e-mail between Bridget Kelly, the Governor's deputy Chief of Staff, and yourself?

MR. WILDSTEIN: Same answer.

ASSEMBLYMAN WISNIEWSKI: And that e-mail says, "It's time for traffic problems in Fort Lee."

MR. WILDSTEIN: Same answer, sir.

ASSEMBLYMAN WISNIEWSKI: And you responded to that e-mail?

MR. WILDSTEIN: Same answer, sir.

ASSEMBLYMAN WISNIEWSKI: Okay.

Then moving forward there is, on Page 753 -- I'm sorry; strike that -- 757--

MR. ZEGAS: I'm not sure that one is marked, sir.

ASSEMBLYMAN WISNIEWSKI: Page 757?

MR. ZEGAS: I see 751.

ASSEMBLYMAN WISNIEWSKI: It's a--

MR. ZEGAS: And it's followed by 774.

ASSEMBLYMAN WISNIEWSKI: Mr. Buono is going to come down and help you locate that document.

MR. ZEGAS: Thank you. I appreciate that.

ASSEMBLYMAN WISNIEWSKI: I apologize for the inconvenience.

MR. ZEGAS: No problem.

ASSEMBLYMAN WISNIEWSKI: Charlie, it's three pages after the 750 tab.

MR. ZEGAS: Yes, sir.

ASSEMBLYMAN WISNIEWSKI: Page 757 is a communication-- There are a lot of redactions on that page, are there not?

MR. WILDSTEIN: Same answer, sir.

ASSEMBLYMAN WISNIEWSKI: The answer being that you refuse to answer under the Fifth Amendment?

MR. WILDSTEIN: That's correct.

ASSEMBLYMAN WISNIEWSKI: Okay. So you won't even tell me if there are redactions on that page?

MR. WILDSTEIN: Same answer, sir.

ASSEMBLYMAN WISNIEWSKI: Okay. The document that I'm looking at on Page 757 has a date of September 9, 2013. Can we agree on that?

MR. WILDSTEIN: Same answer.

ASSEMBLYMAN WISNIEWSKI: There appears to be a text communication as opposed to an e-mail -- a text message as opposed to an e-mail. I'm not sure if that's correct, but--

MR. ZEGAS: I'm not sure, Mr. Chair, where you are looking. We have it in front of us, sir.

ASSEMBLYMAN WISNIEWSKI: Okay, can you tell me, at least-- I'm going to direct this to counsel: Do you see the line that says, "I have idea to make"-- M-A-K -- "this better;" September 9, 2013, about three-quarters of the way down the page.

MR. ZEGAS: I think it might be on a prior page. Okay, yes I do.

ASSEMBLYMAN WISNIEWSKI: Okay, so to Mr. Wildstein: This communication of September 9, 2013, where you texted someone "I have idea to make this better." Can you tell me who you were communicating to?

MR. WILDSTEIN: Same answer, Mr. Chairman.

ASSEMBLYMAN WISNIEWSKI: And just for the record, *same answer* means Fifth Amendment?

MR. WILDSTEIN: Yes.

ASSEMBLYMAN WISNIEWSKI: Can you tell the Committee what you meant by making something better?

MR. WILDSTEIN: Same answer, Mr. Chairman.

ASSEMBLYMAN WISNIEWSKI: And what is the "this" in the "make this better"?

MR. WILDSTEIN: Same answer, sir.

ASSEMBLYMAN WISNIEWSKI: Okay.

Mr. Zegas, I'm coming to the conclusion that I'm wasting my time in asking these questions. I understand that you've put on the record your client's position with regard to the questions that I'm asking.

MR. ZEGAS: Yes, sir.

ASSEMBLYMAN WISNIEWSKI: And just for the record, every time your client has said, "same answer," your client is referring to what you've described as his right to seek refuge in the Fifth Amendment of the United States Constitution.

MR. ZEGAS: And the New Jersey Constitution as well, sir -- yes.

ASSEMBLYMAN WISNIEWSKI: Not withstanding the statutory law that says he's not entitled to that.

MR. ZEGAS: Of course

ASSEMBLYMAN WISNIEWSKI: Okay.

We are going to deal with those refusals to answer. Will you stipulate for the record that I have other questions that your client is probably going to answer the same way?

MR. ZEGAS: If they are of the same nature--

ASSEMBLYMAN WISNIEWSKI: I'm asking--

MR. ZEGAS: With respect to the same subject matter, the answer is yes.

ASSEMBLYMAN WISNIEWSKI: My intention here is to ask questions about documents that your client supplied in response to the subpoena. And I'm going to ask him about either who they're from or who they're to, and what he meant by the words he used.

MR. ZEGAS: In each and every instance, as you have described, I would advise Mr. Wildstein to assert his right of silence both under the Federal and New Jersey Constitutions.

ASSEMBLYMAN WISNIEWSKI: And Mr. Wildstein, you're going to concur with your counsel's advice?

MR. WILDSTEIN: Yes, sir.

ASSEMBLYMAN WISNIEWSKI: Okay. As I said, we're going to deal with that issue at the conclusion of the hearing. I'd like to address another issue. Counsel, to you --

MR. ZEGAS: Yes, sir.

ASSEMBLYMAN WISNIEWSKI: A point of frustration for the Committee is that there are numerous documents that are redacted. And for those listening, there is marker or black pen taken to obscure some of the language in some of the documents. And I'd like to have you explain to the Committee, on the record, the basis for those redactions.

MR. ZEGAS: Yes, sir. The redactions occur either because the material redacted was from a date outside of the realm of dates sought by the subpoena of this Committee, or did not deal with the subject matter of the subpoena. I've had a conversation with you, Mr. Chair, and with Leon Sokol. I suggested that perhaps that one thing we might do is to have me sit down at a date subsequent to today, review the redactions, and if we feel it appropriate can describe what has been redacted or give you the documents in their original form -- even though they were outside the purview of the subpoena. But that's a procedure I would need to go through with your counsel, and I would be happy to accommodate you in

that way. And if that was not satisfactory, then the Committee would be left to whatever it felt necessary to obtain a remedy.

ASSEMBLYMAN WISNIEWSKI: Okay. The frustration I have as Chair -- and I'm sure members of the Committee have -- is that it's hard for us to determine whether the documents are outside any particular date range because the dates are redacted. And so usually what happens in the case of an attorney making a submission on behalf of a client is, when there are redactions there is some type of log created that says, "the following documents or communications are of these dates, and therefore are being redacted." We don't have that, and so it's hard for this Committee to make an informed decision. I'm not disputing your contention, but it's hard for the Committee to make--

MR. ZEGAS: I understand that.

ASSEMBLYMAN WISNIEWSKI: And I wish we had asked for that and, obviously, you weren't able to provide that. What I would suggest is that -- with the understanding that your client is still under subpoena and still obligated to come back before this Committee -- to have you and Mr. Sokol look at those documents and determine whether you can either provide us with a log of the exceptions, exclusions, and privileges you're claiming, or just provide them to this Committee so that we can review them in executive session and determine the validity of your claim.

MR. ZEGAS: I'm amenable to having a discussion with Mr. Sokol. And once we've had our discussion we'll then know what the outcome is, and the Chair can make a decision as to whether there is a need to do anything further or whether what we may agree to do is satisfactory to the Committee.

ASSEMBLYMAN WISNIEWSKI: Okay. We will take that into consideration and, again, address that at the end of the Committee meeting.

And so I'm going to conclude my questioning and open it up to other members. But Mr. Zegas, just for the record--

MR. ZEGAS: Yes, sir.

ASSEMBLYMAN WISNIEWSKI: I just want to make sure it's clear that the following pages of the documents you submitted are the pages that I intend to ask questions, or I intended to ask, questions on. And I'd like you to confirm for me whether on each and every case, your client is asserting his rights as you've expressed them.

MR. ZEGAS: Yes, please give me the page numbers.

ASSEMBLYMAN WISNIEWSKI: Those are Pages 705 and 706.

MR. ZEGAS: I have 706 marked as a Gmail dated August 13, 2013.

ASSEMBLYMAN WISNIEWSKI: Right.

MR. ZEGAS: I'm not sure what 705 is however.

ASSEMBLYMAN WISNIEWSKI: Page 705 is an August 30 e-mail-- It's the page right after that.

MR. ZEGAS: Yes, Mr. Wildstein would give the same answer as previously given, and that is an assertion of his right to silence.

ASSEMBLYMAN WISNIEWSKI: And I just want to ask you the same question with regard to 703 and 704.

MR. BRENNAN (Committee Aide): Could you say what those are?

ASSEMBLYMAN WISNIEWSKI: Page 702 is an e-mail dated September 12, 2013, from Mr. Wildstein to Bridget Kelly. It says the Port Authority is reviewing traffic safety patterns.

I've been told by staff that the submission is not in numerical order, which is a problem.

MR. ZEGAS: I don't think so.

ASSEMBLYMAN WISNIEWSKI: Well, that's the other question I just wanted to raise. Your documents are stamped sequentially to a certain point, and then those sequential -- the Bates stampings, if you will -- stop at a particular point.

MR. ZEGAS: And I think that the reason is that the Port Authority initially Bates stamped a set of documents that were removed from the computers of Mr. Wildstein at the Port Authority.

ASSEMBLYMAN WISNIEWSKI: So you didn't Bates stamp them, the Port Authority Bates stamped them?

MR. ZEGAS: I believe so, sir.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. ZEGAS: I'll double check for you, though.

ASSEMBLYMAN WISNIEWSKI: I just want to make sure that we're clear for the record what your client is refusing to answer the questions to. So I don't want to belabor the point, but I do want to make sure that we create a correct record of the particular documents that your client is refusing to answer, if you don't mind.

MR. ZEGAS: Not at all.

The September 12, 2013, document is what number?

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. BRENNAN: Page 702.

MR. ZEGAS: So we have in front of us 702, and I would advise Mr. Wildstein again to assert his constitutional rights under the Federal and State Constitutions.

ASSEMBLYMAN WISNIEWSKI: Page 703 is a September 9, 2013, e-mail from Mr. Wildstein to Ms. Kelly. It states, "His name comes right after Mayor Fulop."

MR. ZEGAS: We have the exhibit in front of us, sir, and I would advise Mr. Wildstein again to assert his rights of silence under the State and Federal Constitutions.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Document 711, December 5, 2013 -- a communication from Mr. Wildstein to Mike Drewniak.

MR. BRENNAN: This would be the December 5, 2013, document?

ASSEMBLYMAN WISNIEWSKI: "Sounds a little ominous" is one of the text exchanges -- towards the bottom of the page. This is the e-mail December 5, 2013 -- e-mail exchange between Mr. Wildstein and Mr. Drewniak.

MR. BRENNAN: Regarding the dinner?

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. ZEGAS: Yes, we have that in front of us, sir, and I would advise Mr. Wildstein once again to assert his right to silence under the Federal and State Constitutions.

ASSEMBLYMAN WISNIEWSKI: And going to Page 715, the e-mail between Mr. Drewniak and Mr. Wildstein that refers to the

statement made on Mr. Wildstein's departure that says, "This was my revised, sent to the Governor, and he approved it." December 6, 2013, e-mail.

MR. ZEGAS: Yes, we have that in front of us, sir, and I would advise Mr. Wildstein, with respect to this particular e-mail, to again assert his right to silence both under the Federal and State Constitutions.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Then I want to go to Page 752 and 753.

MR. ZEGAS: Yes, sir.

ASSEMBLYMAN WISNIEWSKI: September 10, 2013, communication -- not sure who they're between -- but there's one communication: "Is it wrong that I am smiling?"

MR. ZEGAS: We're trying to locate that, sir.

ASSEMBLYMAN WISNIEWSKI: Sure.

ASSEMBLYMAN WOLFE: Excuse me, Mr. Chairman?

ASSEMBLYMAN WISNIEWSKI: Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: Yes, as a Committee member, I'm speaking from this point of view. We cannot see these images. We don't have the hard copies. Is it possible to make this bigger? Because all we hear are numbers -- 703, 704 -- we have no idea really what's--

ASSEMBLYMAN WISNIEWSKI: Who's operating the screen? Can we make those images larger? I see something being done here. Is that helpful?

ASSEMBLYMAN AMODEO: It's better.

ASSEMBLYMAN WOLFE: It's like an eye chart. (laughter)

ASSEMBLYMAN AMODEO: Just a little bigger?

ASSEMBLYMAN WISNIEWSKI: We can try bigger.

ASSEMBLYMAN WISNIEWSKI: Page 752 and 753: "Is it wrong that I am smiling?" And then a response, "They are the children of Buono voters."

MR. ZEGAS: Yes, I see the two pages, sir, and we would assert the same answer as previously given.

ASSEMBLYMAN WISNIEWSKI: Page 756, October 1, 2013.

MR. BRENNAN: What's that document?

ASSEMBLYMAN WISNIEWSKI: This is the line that says, "Holy s---, who does he think he is, Captain America?"

MR. ZEGAS: We have that document in front of us, sir.

ASSEMBLYMAN WISNIEWSKI: And will your client answer -- discuss that document?

MR. ZEGAS: We would assert the same rights of silence with respect to this document as previously.

ASSEMBLYMAN WISNIEWSKI: Okay. Page 758, September 10, 2013 -- and Jillian is bringing excerpted copies that might be helpful. I don't know if it's in the binder.

MS. DEMPSEY (Majority Committee Aide): Chairman, what was the next one?

ASSEMBLYMAN WISNIEWSKI: Local Fort Lee traffic disaster. I'm not sure who it's between, but it appears to be a text message or an e-mail communication -- September 10, 2013.

MR. ZEGAS: Yes, we're here. Yes, I see it, sir. We would again assert our rights of silence under the Federal and State Constitutions.

ASSEMBLYMAN WISNIEWSKI: Okay.

Page 776, September 9, 2013, is a communication from Mr. Wildstein to Mr. Baroni. It reads, "911. Call me."

MR. ZEGAS: Yes, sir, we have the document in front of us. And I would advise Mr. Wildstein with respect to this document to also assert his rights of silence under the Federal and State Constitutions.

ASSEMBLYMAN WISNIEWSKI: Document 777, September 12, 2013, a communication from Mr. Baroni to Mr. Wildstein. It just says, "From Serbia."

MR. ZEGAS: We would have the same response to that.

ASSEMBLYMAN WISNIEWSKI: Can your client tell me what "Serbia" means?

MR. ZEGAS: Same response, sir.

ASSEMBLYMAN WISNIEWSKI: Okay. There is a document -- number 782, November 25, 2013, from David Wildstein to Bill Baroni. It reads, "Charlie said you did great." Can your client tell me who Charlie is?

MR. ZEGAS: We have the document in front of us; I see the line you're talking about. I would advise Mr. Wildstein to once again assert his rights of silence.

ASSEMBLYMAN WISNIEWSKI: So you won't tell me who Charlie is?

MR. ZEGAS: Same answer, sir.

ASSEMBLYMAN WISNIEWSKI: Okay. Two last documents -- 630 and 641.

MR. ZEGAS: Page 630 being a September 13, 2013, e-mail?

ASSEMBLYMAN WISNIEWSKI: I believe so. It mentions the name Samson. Would your client be able to tell me who Samson is?

MR. ZEGAS: This is 630, sir?

ASSEMBLYMAN WISNIEWSKI: It's tabbed Page 630.

MR. ZEGAS: We have a tab, but I don't see the language-- Oh, here, I see it.

ASSEMBLYMAN WISNIEWSKI: "New York side gave Fort Lee back all three lanes this morning. We are appropriately going nuts. Samson helping us to retaliate." Who is Samson?

MR. ZEGAS: I see the language, sir, and I would advise Mr. Wildstein once again to also assert his rights of silence under the Federal and New Jersey Constitutions.

ASSEMBLYMAN WISNIEWSKI: And then finally 641.

MR. BRENNAN: Empty boxes?

MR. ZEGAS: Sir, is that a September 18, 2013, e-mail?

ASSEMBLYMAN WISNIEWSKI: Yes, it is.

MR. ZEGAS: I would advise Mr. Wildstein with respect to this document to assert his rights of silence under the Federal and New Jersey Constitutions.

ASSEMBLYMAN WISNIEWSKI: And he won't be able to tell me who the Mr. Stepien is who is referred to in that e-mail?

MR. ZEGAS: Same answer, sir.

ASSEMBLYMAN WISNIEWSKI: Thank you.

All right, I have no further questions for your client, but the other members of the Committee may. And we are going to address your

client's refusal to answer after everyone has had an opportunity to ask questions.

MR. ZEGAS: I understand that; thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Vice Chair Stender.

ASSEMBLYWOMAN STENDER: Thank you, Mr. Chairman.

On I believe it's Page 631, there is an e-mail from David Wildstein to Bridget Anne Kelly. It's dated September 7. And the context for that, it says, "We are ready to do this. Can you have someone call the Mayor of Springfield and tell him that the Governor has approved \$60,000 for their traffic study." So my question is, did Mr. Wildstein consult directly with the Governor on that traffic study?

MR. ZEGAS: Ms. Vice Chair, we would address this document the way we have the others, and that is I would advise Mr. Wildstein to assert his rights of silence under the Federal and State Constitutions.

ASSEMBLYWOMAN STENDER: I have an e-mail from September 12-- On Thursday, September 12, at 3:18, David Wildstein's e-mail was sent to Bridget Kelly saying, "The Port Authority is reviewing traffic safety patterns at the GW Bridge to ensure proper placement of toll lanes. The PAPD has been in contact with Fort Lee Police throughout this transition." We have received other testimony that there was no communication, and would ask that Mr. Wildstein explain that.

MR. ZEGAS: Ms. Vice Chair, is there a document number on what you're reading from?

ASSEMBLYWOMAN STENDER: I don't have one.

ASSEMBLYMAN WISNIEWSKI: I think part of the problem we have, Alan, is that some of your documents were numbered and others weren't. And I think after you get through the numbering--

MR. ZEGAS: I understand. We've been able to locate everything so far, and I expect we will now.

Madam Vice Chair, we have the document in front of us. I would advise Mr. Wildstein, with respect to this document, to also assert his right of silence, both under the Federal and New Jersey Constitutions.

ASSEMBLYWOMAN STENDER: On Page -- I have it listed as 156 here -- text messages between David Wildstein and Bill Baroni from 9/17, it says from Bill Baroni, "We could schedule a meeting to stave off reporters and then pull a faps," F-A-P-S. Wildstein says, "Like for Monday?" And Bill Baroni says, "Too cute. Tuesday or later next week." David Wildstein says, "Okay."

I was wondering if your client could tell me what *faps* is referencing.

MR. ZEGAS: Madam Vice Chair, I have the document in front of us -- Page 156. With respect to that document, I would also advise Mr. Wildstein to assert his right of silence both under the Federal and New Jersey Constitutions.

ASSEMBLYWOMAN STENDER: Thank you.

MR. ZEGAS: Thank you.

ASSEMBLYWOMAN STENDER: Most of the e-mails that we -- the documents that we have are -- seem to be from David Wildstein's Gmail account. So my question is: Was there a reason that your client was

using a private, personal Gmail account versus Port Authority's in the conduct of his business?

MR. ZEGAS: Madam Vice Chair, we would respond in the same way as previously, and that is to assert Mr. Wildstein's right of silence under the Federal and New Jersey Constitutions.

ASSEMBLYWOMAN STENDER: And finally, the other issue that seems to strike me as I've gone through this is that there seems to be large lapses of time between when there are communications that we have documentation for, and then we have nothing between the parties about the same topic even as this was unfolding for the last four months. And I would ask that that be explained.

MR. ZEGAS: Madam Vice Chair, I would give the same answer with respect to that. Mr. Wildstein should assert his right of silence. It may be perhaps that in my discussions with Mr. Sokol an issue of that time may be resolved.

ASSEMBLYWOMAN STENDER: Thank you very much.

MR. ZEGAS: Thank you.

ASSEMBLYWOMAN STENDER: I don't have any additional questions at this time, Mr. Chairman.

ASSEMBLYMAN WISNIEWSKI: I'm not sure any of you are going to have any more luck than I am having, but Assemblywoman.

ASSEMBLYWOMAN CARIDE: Thank you.

Counsel.

MR. ZEGAS: Good afternoon.

ASSEMBLYWOMAN CARIDE: Good afternoon.

I'm curious, after reviewing the e-mails and the text messages, the majority of them are between your client, Mr. Baroni, and Ms. Kelly. However, the e-mail mentioned by Vice Chair Stender of September 12 included Mr. Michael Drewniak. Is there a reason why he was included?

MR. ZEGAS: I would advise Mr. Wildstein to answer the question you just posed in the same way as previous questions, and that is to assert his rights of silence under the Federal and New Jersey Constitutions.

ASSEMBLYWOMAN CARIDE: Okay. There is an e-mail from September 9 at 10:13 a.m. where Mr. Wildstein wrote, "Radio silence. His name comes right after Mayor Fulop." Any reason why Mayor Fulop was brought into the conversation?

MR. ZEGAS: Again, the same answer, Assemblywoman. Mr. Wildstein will assert his rights of silence under the Federal and State Constitutions.

ASSEMBLYWOMAN CARIDE: Counsel, I'm going to be really honest with you. I'm a resident of Ridgefield, I'm a neighbor to Fort Lee. What happened is very disturbing. After reading through these e-mails, the flip attitude of the members involved in this exchange is very disturbing.

However, I am pleased that you are here. Because if I had to sit through another dog and pony show like I did for Mr. Baroni, I'd be really insulted. So I assume you're not going to give me any answers, and we're not going to get to the bottom of this. But I appreciate you appearing here with your client.

MR. ZEGAS: I thank you for your comments very much.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Ramos.

ASSEMBLYMAN RAMOS: Thank you for being here today.

Thank you, Chairman, for the opportunity to ask a question.

I'd like to go to the -- I don't have the numbers myself, either, but I'd like to go to the Friday, September 13, 2013, e-mail exchange -- 12:07 p.m. -- I'm sorry, 11:44 a.m. -- between Mr. Wildstein and Ms. Kelly where it states, "The New York side gave Fort Lee back all three lanes this morning. We are appropriately going nuts. Samson helping us to retaliate." And I guess I'll ask the question a little off -- more towards the retaliation portion of the e-mail. Because when Mr. Durando was here -- the General Manager for the Port Authority -- he accepted this order for the lane closures in fear of his job and potential retaliation. And that seems to permeate a culture throughout the Port Authority -- to this episode and probably other episodes -- not just the Port Authority, probably other agencies throughout the State where this Administration was dealing with--

So what exactly-- Who were you retaliating against with Mr. Samson -- or what was he helping you guys do? And what action of retaliation were you guys looking to take? And against whom? Was it the Mayor of Fort Lee or other individuals? Was it Pat Foye or someone else within the Port Authority? That would be my question there. And I guess I won't have any luck, as my other colleagues. So I would just leave it at that in the interest of time.

MR. ZEGAS: In response to your question, Assemblyman, in all fairness, Mr. Wildstein would assert his rights of silence under the Federal and State Constitutions to the question posed.

ASSEMBLYMAN RAMOS: Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Assemblyman Chivukula and then Assemblyman Johnson.

ASSEMBLYMAN CHIVUKULA: Thank you, Mr. Chairman.  
I think I'm hearing too much of the Fifth Amendment.

I just have a question that is not in the documents. I want to know why his employer became his former employer. And is he eligible for unemployment?

MR. ZEGAS: Again, the same answer to your question as the others. Mr. Wildstein will assert his rights of silence under the Federal and New Jersey Constitutions, sir.

ASSEMBLYMAN CHIVUKULA: Thank you.

MR. ZEGAS: Thank you.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Thank you, Chair.

I have one question. I realize that the attorney has to protect his client under the Fifth Amendment, but I need some clarification, so I'll ask the question.

We had two individuals come before this Committee -- long-time Port Authority employees -- a Mr. Durando and a Mr. Fulton; both 30-year veterans of the Port Authority. And they stated, and they felt that, number one, this lane closure was not the proper thing to do -- for the Port Authority to do. And they felt that had they not done it, they would have lost their jobs -- or they were in fear of retaliation, with their employment with the Port Authority, from the politically appointed individuals there -- Mr. Baroni and Mr. Wildstein. Was that fear -- was their fear an actual fear? Would they have lost their jobs had they not followed that order?

MR. ZEGAS: Assemblyman, I would advise Mr. Wildstein, once again, to assert his rights of silence under the Federal and New Jersey Constitutions.

ASSEMBLYMAN JOHNSON: Okay.

Chair, that's all I have.

ASSEMBLYMAN WISNIEWSKI: Just so we're clear, Mr. Zegas, you have spoken on behalf of your client on each and every occasion asserting the right--

Mr. Wildstein, you have sat here and listened to your attorney express that you are refusing to answer those questions. Do you agree with your attorney's assertions of your rights?

MR. WILDSTEIN: Yes, sir.

ASSEMBLYMAN WISNIEWSKI: Vice Chair, Stender.

ASSEMBLYWOMAN STENDER: Just on that vein, for Mr. Zegas, I--

MR. ZEGAS: Yes.

ASSEMBLYWOMAN STENDER: Could you speak again about why you are advising your client to plead the Fifth at every step of the way on some of these basic questions when you've provided the documents?

MR. ZEGAS: Certainly, Vice Chair.

The Fifth Amendment is one of the most sacrosanct rights any person has. We have sat by in the past several weeks and have heard allegations made against Mr. Wildstein that he has violated Federal laws or violated State laws; whether investigations are going to begin.

Today, I understand that the Justice Department was also looking into the matters relating to the George Washington Bridge. I'm not suggesting in any way, and I don't believe, that Mr. Wildstein is guilty of anything criminal. Yet, at the same time, he has a right under both the Federal and State Constitutions to not give answers that could be used by a prosecutor were they to charge him, even if they were to charge him wrongly. So if his answer could furnish an element of proof in a prosecutor's case, then a person in the position of Mr. Wildstein does not have an obligation to answer. It's an extremely important right, and it's important to him that it be asserted in this context in this environment.

ASSEMBLYWOMAN STENDER: Thank you.

MR. ZEGAS: Thank you.

ASSEMBLYMAN WISNIEWSKI: And I'll just wrap up on that note. What kind of perplexes me is that you provided 907 pages of documents that we're asking questions on. It is not a mystery of where they came from. It is not a mystery as to whose name is on them. And so it would seem to me that the privilege that you're asserting has already been waived in providing the documents.

MR. ZEGAS: I would respectfully disagree with that, sir. The Fifth Amendment privilege applies to testimony. Testimony can be nonverbal, but for the most part it's testimonial. The production of documents is something very different than the compulsion of testimony.

ASSEMBLYMAN WISNIEWSKI: Well, as two lawyers, we'll agree to disagree on that.

MR. ZEGAS: I accept that.

ASSEMBLYMAN WISNIEWSKI: I think at this point in time--

I'm sorry, Assemblyman Giblin.

ASSEMBLYMAN GIBLIN: David Wildstein, there is a cloud over your head now with some of these recent developments with the Port Authority of New York and New Jersey. I've known you for over 25 years, and I always viewed you as kind of a student of government. You took your civic responsibility very seriously during your tenure as a member of the Town Council in Livingston and later as Mayor. And I know you definitely love politics, even though we weren't of the same persuasion. And in a lot of ways, your work as a journalist was well known in recent times by the people looking back at your work as Wally Edge, along with other people in the state -- gave a lot of insight as far as government and politics of New Jersey.

This Administration has kind of prided itself over the last four years as being very open, not wavering in terms of trying to provide information. And all of these representations on the record today -- you know, invoking the Fifth Amendment -- kind of goes against that openness. It seems to me silence is not golden here today. It kind of exacerbates the perception among the public -- "Was there something more going on here? Was there political retribution taking place?" And what I would suggest is: Don't let David Wildstein be the fall guy on some of these issues that have cropped up in recent months. You deserve better. You have a reputation that precedes you here today, and I think you want to build on that reputation. And by being candid with this Committee-- All we're looking for is some type of solutions and answers about making sure events like this

don't take place again in the future. And the policies of the Port Authority need to be tightened up and proper protocols put in place. That's what it's all about. This is not against you personally. It's about New Jersey and what we aspire, in terms of better government and more transparency. And I know you have an attorney guiding you, but I know you better than that. And I know that you want to make sure that your name is well-respected and enhanced down the road. And I would encourage you, after you go over this with your attorney and Mr. Sokol, that you come back to this Committee. And hopefully you can do that sooner than later and give us the answers, and the candor, and the responses that we're looking for in terms of trying to do right by the citizens of New Jersey.

MR. WILDSTEIN: Thank you for your comments, Assemblyman Giblin.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Rumpf.

ASSEMBLYMAN RUMPF: Yes, thank you, Chairman. And please allow me to express, from this side of the dais, outrage as well over the conduct as evidenced by the e-mails that we're reviewing today and yesterday.

I don't have the benefit of the pagination to ask specific questions, counsel. However, perhaps I can simply phrase it this way: We share the outrage, as expressed by the Governor this morning at his press conference, that this sort of thing could and apparently did happen. Is there any explanation at all, outside of reference to specific pagination, that you could offer to explain the genesis, the motivation for this conduct?

MR. ZEGAS: Assemblyman, for the same reason that the other questions could not be answered, so to yours. And I understand that you would like to have it answered. But for legal reasons, they cannot be.

ASSEMBLYMAN RUMPF: Thank you.

MR. ZEGAS: Thank you.

ASSEMBLYMAN WISNIEWSKI: Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: I'd like to follow up on Assemblyman Rumpf's statement. This process began before this Committee several months ago. It was a long process. Sometimes it was a contentious process. But obviously where we are today shows us that there really was a situation that many of us were not aware of. And if it's true, then appropriate action needs to be taken.

And I really think that the right of your client behind the Fifth Amendment certainly is a privilege that he himself -- and you made certain to suggest to him. But it really leaves the Committee where we were before we began. We have a very bad situation that occurred. There are still no real reasons that we can take for those actions. And as Assemblyman Rumpf said, there are still a lot of things that we need to know.

And I assume we'll be having more hearings, Chairman.

ASSEMBLYMAN WISNIEWSKI: That is the intention.

ASSEMBLYMAN WOLFE: Okay.

And I thank you for participating as long as you did. But I think we need to hear a little bit more.

Thank you.

MR. ZEGAS: Thank you for your comments.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblyman.

Mr. Zegas, Mr. Wildstein--

Mr. Zegas, your client Mr. Wildstein has been given a -- or you have been given a copy of the Code of Fair Procedure.

MR. ZEGAS: Yes, sir.

ASSEMBLYMAN WISNIEWSKI: And you are familiar with that, and I'm sure you reviewed that with your client.

That Code provides, in part -- and I'm quoting -- "Any witness who refuses to answer any question decided by this Committee to be proper and pertinent to the inquiry shall be guilty of a misdemeanor." The law further states that, "No such witness shall be excused from answering any such question on the ground that answering that question might or would incriminate him."

Before the Committee acts on that issue, do you have any comment?

MR. ZEGAS: Yes, I would submit that the rules that the Chair just cited are at variance with the United States and New Jersey Constitutions, and that to impose a penalty for the exercise of a constitutional right flies in the face of the right that has been granted -- that being the right to remain silent at times like these. I don't think that it would be appropriate for this Committee to find that Mr. Wildstein, by asserting his constitutional rights, has thereby committed a crime. What a horrible message that would send.

ASSEMBLYMAN WISNIEWSKI: Thank you, Mr. Zegas.

You understand this is not a law enforcement agency. This is a legislative body. Our job is to ascertain facts and to be able to make

decisions based on those facts; in this case to revise and improve the Port Authority.

MR. ZEGAS: I understand the mission of the Committee. At the same time, both Assembly Resolution 61 and 91 contain references to this Committee referring to law enforcement any matters that it believes are evidence of violations of law. And given those references in the resolutions and the power that has been given this Committee, Mr. Wildstein could not possibly answer the questions put to him and properly assert his rights of silence. And I don't believe it would be at all appropriate for this Committee to exact a penalty for the assertion of those rights. It would be a horrible precedent.

ASSEMBLYMAN WISNIEWSKI: I understand your message. I do think you need to go back and look at Title 52:13-3.

MR. ZEGAS: I have looked at it, sir.

ASSEMBLYMAN WISNIEWSKI: Because it does say that, "The answers to any such questions asked here shall not be used or admitted into evidence in any proceeding."

MR. ZEGAS: That may be so, sir, but that does not end the inquiry. And I don't believe that that would obligate Mr. Wildstein to waive or surrender his precious rights of silence under the United States and New Jersey Constitutions.

ASSEMBLYMAN WISNIEWSKI: I understand that. And, again, we'll have to agree to disagree.

MR. ZEGAS: Yes.

ASSEMBLYMAN WISNIEWSKI: The statute provides your client the ability to answer questions without fear of that being utilized against him; you disagree.

MR. ZEGAS: I don't believe that the legislative immunity would sufficiently protect Mr. Wildstein. That's correct.

ASSEMBLYMAN WISNIEWSKI: That being the case, it would be appropriate at this time for the-- I'll entertain a motion that Mr. Wildstein has refused to answer questions that are proper and pertinent to the inquiry, and that that question places him in contempt of this Committee, which constitutes a misdemeanor.

ASSEMBLYWOMAN STENDER: So moved, Mr. Chairman.

ASSEMBLYMAN WISNIEWSKI: Is there a second?

ASSEMBLYMAN JOHNSON: Second.

ASSEMBLYMAN WISNIEWSKI: Discussion?

ASSEMBLYMAN RUMPF: If I may, Mr. Chairman, just a question on the motion. The Committee is now being -- act to impose a legal sanction. I know that the Committee has counsel representing it. I would request, Mr. Chairman, that counsel advise us whether it is proper at this time to entertain this motion to hold the witness in contempt.

MR. BUONO: If the Committee, by a vote, determines that the questions asked today were proper and pertinent, then the questions asked today by the Committee were proper and pertinent.

ASSEMBLYMAN RUMPF: And contempt would be the appropriate action to take?

MR. BUONO: Pursuant to 52:13-3, if a witness refuses to answer questions that the Committee determines are proper and pertinent, that witness may be guilty of a misdemeanor.

ASSEMBLYMAN WISNIEWSKI: Does that answer your question, Assemblyman?

ASSEMBLYMAN RUMPF: I believe it does. Reference has been made to Mr. Sokol during the course of today's testimony. I don't know if there is any advice that Mr. Sokol wishes to give the Committee as a whole with regard to the matter.

ASSEMBLYMAN WISNIEWSKI: Mr. Sokol has represented the Committee in terms of the service of the subpoenas and litigation today. In terms of the actions of the Committee, the Office of Legislative Services is our legal counsel, and Mr. Buono represents the Office of Legislative Services. I think that's the appropriate authority for this Committee's action.

ASSEMBLYMAN RUMPF: Understood.

ASSEMBLYMAN WISNIEWSKI: Anyone else?

ASSEMBLYMAN GIBLIN: Just a question.

ASSEMBLYMAN WISNIEWSKI: Yes, Assemblyman Giblin, please.

ASSEMBLYMAN GIBLIN: Do we need a motion that these questions that preceded us today we deem proper, for the record?

ASSEMBLYMAN WISNIEWSKI: Would you like to make that motion? I think that would be helpful.

ASSEMBLYMAN GIBLIN: I make the motion.

ASSEMBLYMAN WISNIEWSKI: Motion made.

ASSEMBLYWOMAN STENDER: Second.

ASSEMBLYMAN WISNIEWSKI: And seconded.

Mr. Buono, would you call the roll?

MR. BUONO: Motion before the Committee that the questions asked today of Mr. Wildstein and Mr. Zegas were proper and pertinent.

Assemblyman Rumpf.

ASSEMBLYMAN RUMPF: My answer is predicated upon our counsel's advice that, in fact, a determination can be made by this Committee that counsel who is sitting with the witness -- is his admonition that his Fifth Amendment rights trump the State statute is, in fact, incorrect, and we are guided by the Fair Hearings Act.

So with counsel's advice in mind, my vote would be yes.

ASSEMBLYMAN WISNIEWSKI: I think that the motion that is on the table currently is a motion that the questions that have been asked are proper and pertinent to the inquiry. That's first. The secondary motion would be a vote to hold the witness in contempt or failure to answer questions that are proper and pertinent. So just why don't-- Because it didn't sound like your statement addressed the motion. So right now, are you voting yes that the questions are proper and pertinent?

ASSEMBLYMAN RUMPF: Yes, I am.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. BUONO: Assemblyman Rumpf indicated yes.

Assemblyman Amodeo.

ASSEMBLYMAN AMODEO: Yes.

MR. BUONO: Assemblyman Rumana.

ASSEMBLYMAN RUMANA: Yes.

MR. BUONO: Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: Yes.

MR. BUONO: Assemblywoman Riley.

ASSEMBLYWOMAN RILEY: Yes.

MR. BUONO: Assemblyman Ramos.

ASSEMBLYMAN RAMOS: Yes.

MR. BUONO: Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Yes.

MR. BUONO: Assemblyman Giblin.

ASSEMBLYMAN GIBLIN: Yes.

MR. BUONO: Assemblyman Chivukula.

ASSEMBLYMAN CHIVUKULA: Yes.

MR. BUONO: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BUONO: Vice Chair Stender.

ASSEMBLYWOMAN STENDER: Yes.

MR. BUONO: Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

The questions are deemed proper and pertinent.

Assemblywoman Stender.

ASSEMBLYWOMAN STENDER: I move that Mr. Wildstein's refusal to answer the questions places him in contempt of the Committee, which constitutes a misdemeanor.

ASSEMBLYMAN WISNIEWSKI: Second.

ASSEMBLYMAN JOHNSON: Second.

ASSEMBLYMAN WISNIEWSKI: Motion made and seconded.

Roll call, please.

MR. BUONO: Motion that Mr. Wildstein's refusal to answer the proper and pertinent questions asked today place him in contempt of the Committee, which constitutes a misdemeanor.

Assemblyman Rumpf.

ASSEMBLYMAN RUMPF: Again, my vote is yes.

MR. BUONO: Assemblyman Amodeo.

ASSEMBLYMAN AMODEO: My vote is yes based on OLS legal counsel's opinion.

Thank you.

MR. BUONO: Assemblyman Rumana.

ASSEMBLYMAN RUMANA: My answer is yes based on the statement made by Assemblyman Rumpf earlier in the hearing.

MR. BUONO: Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: Based on the advice of our Committee counsel, I will vote yes.

MR. BUONO: Assemblywoman Riley.

ASSEMBLYWOMAN RILEY: Yes.

MR. BUONO: Assemblyman Ramos.

ASSEMBLYMAN RAMOS: Yes.

MR. BUONO: Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Yes.

MR. BUONO: Assemblyman Giblin.

ASSEMBLYMAN GIBLIN: Based on counsel's recommendation, yes.

ASSEMBLYMAN WISNIEWSKI: I think there wasn't a recommendation from counsel on how to vote. I think it was a statement on how this works. And so just so that we're clear, I don't think Mr. Buono gave anybody advice on how to vote. I think Mr. Buono explained how the law works. It's certainly up to you to decide whether you agree or not.

Assemblyman Amodeo.

ASSEMBLYMAN AMODEO: Exactly, Mr. Chairman. Not having total legal knowledge, I have to depend on the advice of legal counsel. And as long as OLS is supportive of -- when I say "not supportive--" But with the statement made, that's why I supported it.

ASSEMBLYMAN WISNIEWSKI: Let's let Mr. Buono just restate for the record--

ASSEMBLYMAN AMODEO: Because we are talking about the Fifth Amendment right of an individual.

MR. BUONO: So for the record, I want to read a quote from N.J.S.A. 52:13-3, second paragraph of that section of law: "Any witness who refuses to answer any questions decided by the committee to be proper and pertinent shall be guilty of a misdemeanor; and any witness who, having been summoned to appear before any such committee, fails to appear in obedience to the summons or, appearing, refuses to be sworn shall be guilty of a misdemeanor."

ASSEMBLYMAN RUMPF: Mr. Chairman, I believe that our concern was that a legal argument was made by counsel for the witness that

the statutory authority by which we are holding Mr. Wildstein in contempt is superseded by the Constitution of the State as well as the United States.

For that reason, I think it's proper and fitting that we defer to the advice of counsel as to how to make a ruling on that argument. We've been advised--

ASSEMBLYMAN WISNIEWSKI: With all due respect, I think-- You've heard the arguments. You've heard the recitation of the statute, including the part of the statute that provides immunity for things that are discussed in this committee from prosecution. So you've got two countervailing arguments placed in front of you.

Assemblyman, it's your choice now to decide which of those two arguments you want to adhere to. It's your vote; it's not Mr. Buono's or my vote.

ASSEMBLYMAN RUMPF: I think by our vote we're acknowledging the presence of our own counsel to give us sound legal advice which we are following.

ASSEMBLYMAN WISNIEWSKI: I just want to be clear, for the record -- and I'll make the ruling as Chair -- there is no opinion as to whether this trumps the Constitution or doesn't trump the Constitution. There is a statutory provision that says that the witness is compelled to testify and that anything he says here may not be used against him. Mr. Zegas disagrees with that. So there is a legal question that Mr. Zegas, I'm sure, will take whatever steps he thinks appropriate. It is up for this Committee to decide the question in front of it, which is: That a witness who has been asked valid and proper questions and refuses to answer those proper questions can be held in contempt. You're being asked whether you

agree with that proposition. And it is really as simple as that. Nobody is going to give you advice as to whether you should or shouldn't vote. I think it's an opinion for you to formulate and vote on your own.

ASSEMBLYMAN RUMPF: And just to be clear that my vote, in fact, was on my own, not only do I find the conduct to be one of contempt, I find the overall situation to be contemptuous. And I think we would all agree on that.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Assemblyman Giblin, your vote?

ASSEMBLYMAN GIBLIN: Yes.

MR. BUONO: Assemblyman Chivukula.

ASSEMBLYMAN CHIVUKULA: Yes.

MR. BUONO: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BUONO: Vice Chair Stender.

ASSEMBLYWOMAN STENDER: Yes.

MR. BUONO: Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

The resolution passes.

Mr. Zegas, there are outstanding issues as to the redactions.

MR. ZEGAS: Yes.

ASSEMBLYMAN WISNIEWSKI: There are unanswered questions.

You and I have had this discussion prior to the hearing beginning. Your client remains under subpoena by this Committee, and we would expect, upon due notice to you, that he would return to this

Committee to answer questions and, at a minimum, provide us the information we need from those redacted documents.

Do you so agree?

MR. ZEGAS: I understand what you're saying. I would say yes, subject to the objection that I expressed at the outset of these proceedings -- that being that the subpoena issued by the Committee -- or this Committee is without valid authority. I'm not waiving--

ASSEMBLYMAN WISNIEWSKI: I understand you're not waiving any rights. But my question to you is that today is Thursday, January 9. We have a busy couple of days ahead of us. Are you telling me that if we call your client to come back to verify the documents that have been submitted at some future date you're refusing to come?

MR. ZEGAS: No, not at all.

ASSEMBLYMAN WISNIEWSKI: Okay. I just wanted to make sure we're clear on that.

MR. ZEGAS: Not at all.

ASSEMBLYMAN WISNIEWSKI: I understand that you preserve--

MR. ZEGAS: I'm just not waiving-- Exactly.

ASSEMBLYMAN WISNIEWSKI: I understand you preserve all your legal remedies that you think you may have, and that's your role as Mr. Wildstein's attorney. We preserve all the legal remedies we have, and that's our role as the Committee. Are we clear?

MR. ZEGAS: We are, and I appreciate your expression.

ASSEMBLYMAN WISNIEWSKI: Okay.

I just want to say that many of the questions that this Committee seeks answers to, in my opinion and in the opinion of many individuals, are simple, factual questions and have no impact whatsoever on any potential criminal liability.

Clearly your client acknowledges that these documents were produced, because you produced them on his behalf. And so we know that these documents come from your client and that since we asked your client to produce documents from his e-mail accounts and text messages, that where he is mentioned these are things he's said and done.

In that respect, many of the things that we're asking are to corroborate what we've seen, and yet you've expressed your client's right to not answer those questions. I think that's unacceptable. Obviously we both have a disagreement on that. But I think, from the Chair, answering simple questions about, "Is this your e-mail? Where did you work? What was your job?" really runs beyond the protection of your client from self-incrimination.

MR. ZEGAS: We disagree on that. But I would also note that all of the materials referenced today came from me as counsel for Mr. Wildstein. And those documents, I believe, shed the light that you're asking to be shed on this matter. So there is nothing improperly withheld. He cooperated. And I believe he had no obligation to do what we had done, with respect to documents. Nevertheless, you find yourselves in the position today where you know more than when you last convened. And I don't think there can be any question about that.

ASSEMBLYMAN WISNIEWSKI: I don't disagree that we know more. I think one of the most difficult issues that we confront in this entire inquiry is that as soon as we know more, we have more questions.

MR. ZEGAS: I understand that.

ASSEMBLYMAN WISNIEWSKI: And so we have questions about the August 13 e-mail exchange, because clearly there had to be some meeting, communication, or dialogue before that that we're not being permitted to receive answers to. There were text messages provided to us early in August that talk about a meeting between the Governor and former Attorney General Samson, who is now the Chair of the Port Authority. That was responsive to a request to provide documents related to this bridge lane closure episode, and yet we're not able to ask what that meeting was about, who was in attendance, what was intended in providing it to us. And so there are interesting questions raised by: Who in the Governor's Office knew about the plan to close the lanes or divert the lanes, who was involved, what did they know, when did they know it? And just as equally: Who was involved, what did they know, when did they know it when the effort was made to craft an explanation for the lane closure?

And so those documents only tell part of the story.

MR. ZEGAS: Well, if the Attorneys General for New Jersey, New York, and the United States were all to agree to clothe Mr. Wildstein with an immunity, I think that you'd find yourselves in a far different position with respect to the information he could provide.

ASSEMBLYMAN WISNIEWSKI: That's your job. (laughter)  
We just want answers to our questions.

MR. ZEGAS: Understood. I'm suggesting a way you could get them.

ASSEMBLYMAN WISNIEWSKI: Understood.

With that, are there any other questions or comments from members of the Committee? (no response)

Seeing no further questions, Mr. Zegas, Mr. Wildstein, thank you for your appearance.

MR. ZEGAS: Thank you, Chair.

ASSEMBLYMAN WISNIEWSKI: You're still under subpoena. We may call you back. And we still need a resolution of the redacted documents.

With that, this meeting is adjourned.

MR. ZEGAS: Thank you, sir.

**(MEETING CONCLUDED)**

## **APPENDIX**

# **EXHIBIT H**

**Partially unredacted submission to the  
Transportation, Public Works and  
Independent Authorities Committee  
from  
David M. Wildstein**

Sent: David Wildstein  
Received: Bridget Kelly

Received 9/10/13 8:05 AM

I feel badly about the kids

Received 9/10/13 8:06 AM

I guess

Sent 9/10/13 8:11 AM

They are the children of Buono voters

Sent 9/10/13 8:13 AM

Bottom line is he didn't say safety

Sent 9/10/13 8:45 AM

So I-95 traffic broke about 5 minutes ago, about 45 minutes earlier than usual, because there are 2 additional lanes to handle morning rush.

Received 9/10/13 8:51 AM

That is good, no?

Sent 9/10/13 8:51 AM

Very good

Received 9/10/13 9:01 AM

Small favors

Sent 9/17/13 1:34 PM

From sokolich to Baroni: We should talk. Someone needs to tell me that the recent traffic debacle was not punitive in nature. The last four reporters that contacted me suggest that the people they are speaking with absolutely believe it to be punishment. Try as I may to dispel these rumors I am having a tough time.

Sent 9/17/13 1:34 PM

A private face-to-face would be important to me. Perhaps someone can enlighten me as to the errors of my ways. Let me know if you'll give me 10 minutes. Regards Mark

Sent 9/17/13 1:57 PM

Please let me know instructions

Received 9/17/13 1:58 PM

Sent: David Wildstein  
Received: Bridget Kelly

Just finishing a meeting

Sent 9/17/13 1:58 PM

Ok. I'm in board meeting but can step out to call when you're ready

Sent 9/17/13 2:28 PM

Baroni crazed so let me know when to call, I have something at 3 I can't walk out of

Sent 9/17/13 2:36 PM

WSJ just called my cell so I need to speak with you

Received 9/17/13 2:42 PM

I am calling your office. No answer

Received 9/17/13 5:13 PM

I spoke to Mike

Sent 10/2/13 2:14 PM

You around now or still wait until 4?

Received 10/2/13 2:14 PM

In a meeting until 3

Sent 10/2/13 2:15 PM

Ok will see you at 4

Received 10/2/13 2:16 PM

3 works

Sent 10/2/13 2:18 PM

I have Regina at 3

Received 10/2/13 2:20 PM

That's awful

Received 10/2/13 2:20 PM

Ok

Sent 10/2/13 2:55 PM

Is 3 still good?

Received 10/2/13 2:58 PM

Just finished. Come by after Regina

Sent 10/2/13 2:59 PM

Regina cancelled on us so I'll blow this off, will be down in 10 minutes

Received 10/2/13 3:03 PM

Ok

Received 10/2/13 3:14 PM

I'm here

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Received: Bridget Kelly

\_\_\_\_\_

\_\_\_\_\_

Received: Bill Stepien  
Sent: David Wildstein

[REDACTED]

Received 10/1/13 5:48 PM

Holy shit, who does he think he is, Capt. America?

Sent 10/1/13 5:48 PM

Bad guy. Welcome to our world

[REDACTED]

[REDACTED]

[REDACTED]

Received: Chip Michaels  
Sent: David Wildstein

The image shows a document page that has been heavily redacted. Numerous black rectangular bars of different sizes and orientations are placed over the text, making it completely illegible. The redactions are scattered across the page, with some appearing in the left margin, others in the center, and some at the bottom. The pattern of redactions suggests a systematic attempt to hide the content of the document.

Received 9/9/13 6:52 AM

Want to meet in parking lot?

Sent 9/9/13 6:52 AM

Come in lobby I'm with bob

Received 9/9/13 7:09 AM

Want me to pik u up? Its fkd up here.

Sent 9/9/13 7:09 AM

Around 7:30

Received 9/9/13 7:10 AM

K. Call me

Received 9/9/13 8:46 AM

I may hav idea to mak ths beter.

Received 9/9/13 10:50 AM

Hudson terr south traffic has broke. Ft lee from martha wash still heavy.

Received: Chip Michaels  
Sent: David Wildstein

Sent 9/9/13 10:50 AM

Thanks

Sent 9/9/13 10:51 AM

Hudson terr south traffic has broke. Ft lee from martha wash still heavy.

Received 9/9/13 10:52 AM

I know

Received 9/9/13 10:54 AM

Rt 95 approach traffic has broke. It is moderate at this time.

Sent 9/9/13 10:55 AM

Thx

Received 9/9/13 1:56 PM

All traffic ended at 1145am

Sent 9/9/13 1:56 PM

Thanks

Received 9/10/13 8:33 AM

## Rt 95 traffic broke

Sent 9/10/13 8:33 AM

At 8:30?

Received 9/10/13 8:39 AM

Yup

Received 9/10/13 8:39 AM

Local ft lee trafic disaster.

\_\_\_\_\_

114

\_\_\_\_\_

[illegible]

Received: Bill Baroni  
Sent: David Wildstein

[REDACTED]

[REDACTED]

[9/9/13 10:51 AM] David Wildstein: Hudson terr south traffic has broke. Ft lee from martha wash still heavy.

[REDACTED]

[9/9/13 8:46 PM] David Wildstein: 911

[9/9/13 8:47 PM] David Wildstein: Call me

[9/10/13 7:53 AM] Bill Baroni (6094687069): Presently we have four very busy traffic lanes merging into only one toll booth..... The bigger problem is getting kids to school. Help please. It's maddening

[9/10/13 8:43 AM] David Wildstein: So I-95 traffic broke about 5 minutes ago, about 45 minutes earlier than usual, because there are 2 additional lanes to handle morning rush.

[REDACTED]

Received: Bill Baroni

Sent: David Wildstein

[REDACTED]

[REDACTED]

[9/12/13 6:03 PM] Bill Baroni (6094687069): From Serbia:

My frustration is now trying to figure out who is mad at me.

[9/12/13 6:03 PM] Bill Baroni (6094687069): From Serbia:

My frustration is now trying to figure out who is mad at me.

[REDACTED]

[REDACTED]



Received: Bill Baroni  
Sent: David Wildstein

David Wildstein and Bill Baroni 6094687069

[REDACTED]

[10/2/13 3:45 PM] Bill Baroni (6094687069): Comella didn't think much of the story.  
Said nobody paying attention  
[10/2/13 3:45 PM] Bill Baroni (6094687069): Oh lol  
[10/2/13 3:46 PM] David Wildstein: Bridget same  
[10/2/13 3:46 PM] David Wildstein: What did general want?

[REDACTED]

[REDACTED]

Received: Bill Baroni  
Sent: David Wildstein

David Wildstein and Bill Baroni 6094687069

[10/2/13 3:45 PM] Bill Baroni (6094687069): Comella didn't think much of the story.  
Said nobody paying attention  
[10/2/13 3:45 PM] Bill Baroni (6094687069): Oh lol  
[10/2/13 3:46 PM] David Wildstein: Bridget same  
[10/2/13 3:46 PM] David Wildstein: What did general want?

Received: Bill Baroni  
Sent: David Wildstein

[REDACTED]

[11/13/13 12:03 PM] David Wildstein: Instructions for gaggle... Do we let Weinberg and wiz attend? Can we stop them?

[11/13/13 12:04 PM] Bill Baroni (6094687069): How do we stop them?

[11/13/13 12:04 PM] Bill Baroni (6094687069): It just creates an issue

[11/13/13 12:04 PM] David Wildstein: I don't see how but need to ask you

[11/13/13 12:05 PM] Bill Baroni (6094687069): Yeah they will beat us up either way

[REDACTED]

Received: Bill Baroni  
Sent: David Wildstein

[11/7/13 8:23 AM] Bill Baroni (6094687069): All class.

[11/7/13 1:46 PM] David Wildstein: <http://m.us.wsj.com/articles/BL-METROB-19012>

[REDACTED]

[11/12/13 7:24 PM] Bill Baroni (6094687069): Are we being fired?

[11/13/13 9:18 AM] Bill Baroni (6094687069): He really wants to intro gov first

[11/13/13 10:09 AM] Bill Baroni (6094687069): Wisniewski coming to board

[11/13/13 10:09 AM] Bill Baroni (6094687069): Another reason nj meetings are great

[11/13/13 10:10 AM] David Wildstein: Yep

[11/13/13 10:37 AM] Bill Baroni (6094687069): Update on tomorrw??

Received: Bill Baroni  
Sent: David Wildstein

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[11/21/13 8:14 PM] Bill Baroni (6094687069): The 6 town spending

[11/21/13 8:14 PM] Bill Baroni (6094687069): Need exact upper level number of lanes from tomorrw

[11/21/13 8:14 PM] David Wildstein: Will take gw bridge to work

[11/24/13 10:18 AM] Bill Baroni (6094687069): Toll chart

[11/25/13 9:02 AM] Bill Baroni (6094687069): <Attachment> ?

[11/25/13 9:05 AM] David Wildstein: \$1

[11/25/13 11:58 AM] Bill Baroni (6094687069): ???

[11/25/13 11:58 AM] David Wildstein: PAPD said all was fine

[11/25/13 11:58 AM] David Wildstein: You did great

[11/25/13 11:59 AM] Bill Baroni (6094687069): Trenton feedback

[11/25/13 11:59 AM] Bill Baroni (6094687069): ?

[11/25/13 11:59 AM] David Wildstein: Good

[11/25/13 11:59 AM] David Wildstein: O'Toole statement ready

[11/25/13 11:59 AM] Bill Baroni (6094687069): Just good? Shit

[11/25/13 12:00 PM] David Wildstein: No I have only texted brudget and Nicole they were VERY happy

[11/25/13 12:00 PM] Bill Baroni (6094687069): Ok

[11/25/13 12:00 PM] David Wildstein: Both said you are doing great

[11/25/13 12:06 PM] David Wildstein: Charlie said you did GREAT

[REDACTED]  
[REDACTED]

[11/30/13 10:21 AM] Bill Baroni (6094687069): Can u check your gmail and make sure Nicole has all that

Recieved: Chip Michaels  
Sent: David Wildstein

[illegible]

Received 9/9/13 6:52 AM

Want to meet in parking lot?

Sent 9/9/13 6:52 AM

Come in lobby I'm with bob

Received 9/9/13 7:09 AM

Want me to pik u up? Its fkd up here.

Sent 9/9/13 7:09 AM

Around 7:30

Received 9/9/13 7:10 AM

K. Call me

Received 9/9/13 8:46 AM

I may hav idea to mak ths beter.

Received 9/9/13 10:50 AM

Hudson terr south traffic has broke. Ft lee from martha wash still heavy.

Received: Chip Michaels  
Sent: David Wildstein

Sent 9/9/13 10:50 AM

Thanks

Sent 9/9/13 10:51 AM

Hudson terr south traffic has broke. Ft lee from martha wash still heavy.

Received 9/9/13 10:52 AM

I know

Received 9/9/13 10:54 AM

Rt 95 approach traffic has broke. It is moderate at this time.

Sent 9/9/13 10:55 AM

Thx

Received 9/9/13 1:56 PM

All traffic ended at 1145am

Sent 9/9/13 1:56 PM

Thanks

Received 9/10/13 8:33 AM

## Rt 95 traffic broke

Sent 9/10/13 8:33 AM

At 8:30?

Received 9/10/13 8:39 AM

Yup

Received 9/10/13 8:39 AM

Local file traffic disaster.

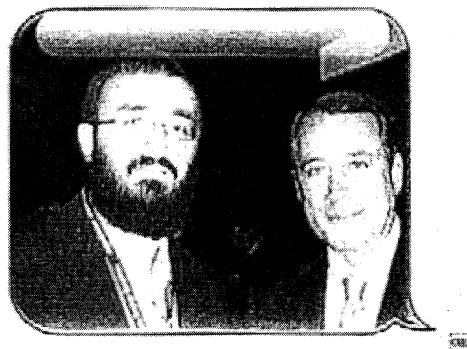
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[illegible]

Received: Bridget Kelly  
Sent: David Wildstein



Received 8/19/13 7:23 PM

I think this qualifies as some sort of stalking.

Received 8/19/13 7:23 PM

You are too much

Sent 8/19/13 7:25 PM

He is Jewish Cid Wilson

Received 8/19/13 7:26 PM

You are really so funny

Received 8/19/13 7:26 PM

He is. No doubt

Sent 8/19/13 7:26 PM

And he has officially pissed me off

Received 8/19/13 7:26 PM

Clearly

Received 8/19/13 7:33 PM

We cannot cause traffic problems in front of his house, can we?

Sent 8/19/13 7:35 PM

Flights to Tel Aviv all mysteriously delayed

Received 8/19/13 7:35 PM

Perfect

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Sent 9/10/13 8:04 AM

Sokolich text to Baroni: Presently we have four very busy traffic lanes merging into only one toll booth.....  
The bigger problem is getting kids to school. Help please. It's maddening

Received 9/10/13 8:05 AM

Is it wrong that I am smiling?

Sent 9/10/13 8:05 AM

No

Received: Bridget Kelly  
Sent: David Wildstein

Received 9/10/13 8:05 AM

I feel badly about the kids

Received 9/10/13 8:06 AM

I guess

Sent 9/10/13 8:11 AM

They are the children of Buono voters

Sent 9/10/13 8:13 AM

Bottom line is he didn't say safety

Received 9/10/13 8:15 AM

Sent 9/10/13 8:45 AM

So I-95 traffic broke about 5 minutes ago, about 45 minutes earlier than usual, because there are 2 additional lanes to handle morning rush.

Received 9/10/13 8:51 AM

That is good, no?

Sent 9/10/13 8:51 AM

Very good

Received 9/10/13 9:01 AM

Small favors

Sent 9/17/13 1:34 PM

From sokolich to Baroni: We should talk. Someone needs to tell me that the recent traffic debacle was not punitive in nature. The last four reporters that contacted me suggest that the people they are speaking with absolutely believe it to be punishment. Try as I may to dispel these rumors I am having a tough time.

Sent 9/17/13 1:34 PM

A private face-to-face would be important to me. Perhaps someone can enlighten me as to the errors of my ways. Let me know if you'll give me 10 minutes. Regards Mark

Sent 9/17/13 1:57 PM

Please let me know instructions

Received 9/17/13 1:58 PM

Received: Bridget Kelly  
Sent: David Wildstein

Just finishing a meeting

Sent 9/17/13 1:58 PM

Ok. I'm in board meeting but can step out to call when you're ready

Sent 9/17/13 2:28 PM

Baroni crazed so let me know when to call, I have something at 3 I can't walk out of

Sent 9/17/13 2:36 PM

WSJ just called my cell so I need to speak with you

Received 9/17/13 2:42 PM

I am calling your office. No answer

Received 9/17/13 5:13 PM

I spoke to Mike.

Sent 10/2/13 2:14 PM

You around now or still wait until 4?

Received 10/2/13 2:14 PM

In a meeting until 3

Sent 10/2/13 2:15 PM

Ok will see you at 4

Received 10/2/13 2:16 PM

3 works

Sent 10/2/13 2:18 PM

I have Regina at 3

Received 10/2/13 2:20 PM

That's awful

Received 10/2/13 2:20 PM

Ok

Sent 10/2/13 2:55 PM

Is 3 still good?

Received 10/2/13 2:58 PM

Just finished. Come by after Regina

Sent 10/2/13 2:59 PM

Regina cancelled on us so I'll blow this off, will be down in 10 minutes

Received 10/2/13 3:03 PM

Ok

Received 10/2/13 3:14 PM

I'm here

[REDACTED]

Received: Bridget Kelly  
Sent: David Wildstein

"Dumb mistake"

Sent 10/3/13 10:23 AM

???

Received 10/3/13 10:24 AM

## Today's article

Sent 10/3/13 10:24 AM

Yeah

Sent 10/3/13 10:32 AM

Just noticed the quote marks, did someone say that or are you quoting yourself?

Received 10/3/13 10:33 AM

Just sent you the article

Received 10/3/13 10:33 AM

Sokolich said it