Committee Meeting
of
NEW JERSEY LEGISLATIVE SELECT COMMITTEE ON INVESTIGATION

“The testimony of Kevin O’Dowd, Esq., concerning the committee’s investigation into all aspects of the finances, operations, and management of the Port Authority of New York and New Jersey, and any other matter raising concerns about abuse of government power or an attempt to conceal an abuse of government power, including, but not limited to, the reassignment of access lanes in Fort Lee, New Jersey, to the George Washington Bridge”

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

DATE: June 9, 2014
10:30 a.m.

MEMBERS OF COMMITTEE PRESENT:
Senator Loretta Weinberg, Co-Chair
Assemblyman John S. Wisniewski, Co-Chair
Senator Nia H. Gill
Senator Linda R. Greenstein
Senator Kevin J. O’Toole
Assemblywoman Marlene Caride
Assemblyman Louis D. Greenwald
Assemblywoman Valerie Vainieri Huttle
Assemblyman Michael Patrick Carroll
Assemblywoman Amy H. Handlin
Assemblywoman Holly T. Schepisi

ALSO PRESENT
Philip M. Mersinger
Michael R. Molimock
Office of Legislative Services
Committee Aides

Francisco Maldonado
Kate McDonnell
Committee Aides

Frank Dominguez
Keith A Loughlin
Assembly Republican
Committee Aides

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

TO: MEMBERS OF THE NEW JERSEY LEGISLATIVE SELECT COMMITTEE ON INVESTIGATION

FROM: SENATOR LORETTA WEINBERG, CO-CHAIR AND ASSEMBLYMAN JOHN S. WISNIEWSKI, CO-CHAIR

SUBJECT: COMMITTEE MEETING - JUNE 9, 2014

The public may address comments and questions to Michael R. Molimock, Philip M. Mersinger Committee Aides, or make bill status and scheduling inquiries to Kimberly Johnson, Secretary, at (609)847-3840, fax (609)292-0561, or e-mail: OLSAideLSI@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.

The New Jersey Legislative Select Committee on Investigation will meet on Monday, June 9, 2014 at 10:30 AM in Committee Room 11, 4th Floor, State House Annex, Trenton, New Jersey.

The committee has subpoenaed Kevin O'Dowd to testify before the committee concerning the committee’s investigation into all aspects of the finances, operations, and management of the Port Authority of New York and New Jersey and any other matter raising concerns about abuse of government power or an attempt to conceal an abuse of government power, including, but not limited to, the reassignment of access lanes in Fort Lee, New Jersey to the George Washington Bridge.

Issued 6/4/14

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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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Authorities Transition Report -- Executive Summary 269x

Supplemental Exhibit 4
New York Times Diagram of Governor’s Office
(supplied by Senator Gill) 288x

pnf: 1-251
Good morning. I’d like to call this meeting of the Joint Select Investigative Committee of the New Jersey Legislature to order.

Could we start with a roll call, please?

Assemblywoman Schepisi. (no response)

Assemblywoman Handlin.

Assemblywoman Handlin: Here.

Assemblyman Carroll.

Assemblyman Carroll: Here.

Assemblyman Moriarty. (no response)

Assemblywoman Vainieri Huttle.

Assemblywoman Vainieri Huttle: On the Turnpike.

Senator O’Toole.

Senator O’Toole: Here. And Assemblywoman Schepisi is stuck on the Turnpike; we expect her at about 11:00.

Majority Leader Greenwald. (no response)

Senator Greenstein.

Senator Greenstein: Here.

Assemblywoman Caride.

Assemblywoman Caride: On the Turnpike.

Co-Chair Wisniewski.

Co-Chair Wisniewski: Present.

Co-Chair Weinberg.
SENATOR LORETTA WEINBERG (Co-Chair): Here.

ASSEMBLYMAN WISNIEWSKI: We have a quorum.

Good morning, Mr. O’Dowd; thank you for coming this morning.

KEVIN O’DOWD, ESQ.: Good morning; thank you.

ASSEMBLYMAN WISNIEWSKI: I’m just curious -- I don’t see our projection illuminated. Does that mean it’s not working?

UNIDENTIFIED MEMBER OF STAFF (off mike): It will be (indiscernible) will be back.

ASSEMBLYMAN WISNIEWSKI: It’s coming back? Okay.

I understand, Mr. O’Dowd, I have here somewhere a statement that you wish to make prior to your testimony; and we will do that as soon as I go through some preliminaries.

MR. O’DOWD: Thank you.

ASSEMBLYMAN WISNIEWSKI: Seated to my side is Co-Chair of this Committee, Senator Loretta Weinberg.

And I see you are accompanied by counsel today.

MR. O’DOWD: That is correct.

ASSEMBLYMAN WISNIEWSKI: Could you have your counsel introduce himself?

PAUL H. ZOUBEK, ESQ.: Good morning. Paul Zoubek, Montgomery McCracken and Rhoads, on behalf of Kevin O’Dowd.

ASSEMBLYMAN WISNIEWSKI: Good morning; thank you.

Just logistics -- you have two sets of microphones in front of you. The ones that are illuminated are for amplification only. The ones that are not illuminated are the transcription recorders. And so if you wish...
to consult with your counsel, not only shut off the illuminated microphones, but I would suggest you place your hand or cover up the other microphone. Otherwise, what you tell your counsel will become part of the record -- which I'm not sure you would like to do.

MR. O'DOWD: Understood.

ASSEMBLYMAN WISNIEWSKI: Mr. O'Dowd, you understand that the statements you make today, if they are willfully false, or if you fail to answer a pertinent question, or commit perjury you may be subject to penalties under the law?

MR. O'DOWD: I understand that.

ASSEMBLYMAN WISNIEWSKI: Did you receive a subpoena from this Committee compelling your testimony this morning?

MR. O'DOWD: Yes.

ASSEMBLYMAN WISNIEWSKI: Did you receive with that subpoena a copy of the Code of Fair Procedure?

MR. O'DOWD: Yes.

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

MR. O'DOWD: I understand that.

ASSEMBLYMAN WISNIEWSKI: At this point in time, counsel, do you have any questions?

MR. ZOUBEK: I do not.

ASSEMBLYMAN WISNIEWSKI: Okay, thank you.
Mr. O'DOWD, as you can see, we have the Hearing Reporter seated to your side, and the transcript that will be prepared will be based on your responses made through the microphone. So it’s very important that your responses be verbal -- neither shakes of the head or phrases such as “uh-huh” or “uh-uh” -- because later on no one will understand them. Do you understand that?

MR. O'DOWD: I understand that, yes.

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

MR. O'DOWD: I do.

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

MR. O'DOWD: I do not.

ASSEMBLYMAN WISNIEWSKI: Mr. O'Dowd, would you please stand and raise your right hand?

(witness stands and raises right hand)

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

MR. O'DOWD: I do.

ASSEMBLYMAN WISNIEWSKI: Thank you; you may be seated, and you may provide your statement.

MR. O'DOWD: Thank you.

Co-Chair Wisniewski, Co-Chair Weinberg, and members of the Committee, thank you for the opportunity to be here today and for
allowing me to assist the Committee in its investigation of the George Washington Bridge lane closures.

I would like to start my appearance today by making very clear to the Committee that I had no prior knowledge of, or played no role in, the decision to close the lanes at the Bridge last September. I have great respect for this Committee and the work you are doing, and I look forward to fully cooperating with this Committee in answering your questions to the best of my ability.

Thank you for providing me an opportunity to address the Committee prior to the questioning.

ASSEMBLYMAN WISNIEWSKI: Thank you very much.

Okay, then we’ll proceed.

I’d like to draw your attention to our exhibit 19. Exhibit 19 is a call log, that was provided through counsel from Mr. Samson, that indicates that on the morning of December 12 there were two phone calls that he made to you -- one at 9:37 a.m., which was 1 minute, which might be a missed call; but then at 10:33 a.m. for 11 minutes. Could you share with the Committee what you discussed with Mr. Samson that morning?

MR. O’DOWD: I don’t remember specifically what I spoke with Mr. Samson about in that phone call. But I know generally that I spoke with Mr. Samson that day about a meeting that I was to have with Bill Baroni on the evening of December 12.

ASSEMBLYMAN WISNIEWSKI: Okay. That morning you were on your way to Drumthwacket, isn’t that correct?

MR. O’DOWD: I had an 11:00 a.m. meeting at Drumthwacket that morning; that’s correct.
ASSEMBLYMAN WISNIEWSKI: And the call that you had with Mr. Samson was at 10:33 a.m. that morning, is that correct?

MR. O’DOWD: According to this record, the phone call with Mr. Samson looks like it began at 10:33 a.m.

ASSEMBLYMAN WISNIEWSKI: And lasted 11 minutes. Is it possible that that call was about your upcoming meeting at Drumthwacket?

MR. O’DOWD: I don’t believe so.

ASSEMBLYMAN WISNIEWSKI: Okay. Were you on time for your 11:00 a.m. meeting at Drumthwacket?

MR. O’DOWD: I believe I ultimately made it on time, but I was rushing. I had a meeting-- It was my first day back in Trenton, I had been out of the office the previous six days or so. And I had a meeting in the State House that morning -- a personnel matter -- and then was on my way to the Drumthwacket for an 11:00 a.m.

ASSEMBLYMAN WISNIEWSKI: And so you said earlier, in answer to my first question, that you believed that it was about another matter -- the phone call with Mr. Samson.

MR. O’DOWD: I believe that -- I’m not certain what the phone call was about, but I know that I spoke with him that day about my meeting with Bill Baroni that evening. But I don’t know whether or not this particular phone call was about that.

ASSEMBLYMAN WISNIEWSKI: And then there were subsequent follow-up phone calls -- on that same exhibit -- later on that day, at 4:36 p.m., 5:36 p.m. -- one for 10 minutes and one for 5 minutes. Do you know what those calls were about?
MR. O’DOWD: I believe those phone calls were phone calls prior to my meeting with Bill Baroni and after my meeting with Bill Baroni on December 12.

ASSEMBLYMAN WISNIEWSKI: And what did you meet with Bill Baroni about on December 12?

MR. O’DOWD: I met with Bill Baroni on December 12 to inform him that his last day at the Port Authority was the next day, December 13.

ASSEMBLYMAN WISNIEWSKI: And why did you have that meeting on December 12?

MR. O’DOWD: I was directed to do so by the Governor.

ASSEMBLYMAN WISNIEWSKI: And when did the Governor direct you to have that meeting?

MR. O’DOWD: I believe it was on December 11.

ASSEMBLYMAN WISNIEWSKI: The day before?

MR. O’DOWD: That’s my best recollection, yes.

ASSEMBLYMAN WISNIEWSKI: Okay. I’d like to turn your attention now to Tab 33. Tab 33 is the Gibson Dunn and Crutcher interview memorandum of your interviews on January 19 and March 8. I believe it’s on the screen as well. I’d like to turn your attention to page 14 of that memo -- actually 13 going over to 14.

MR. O’DOWD: So the bottom of 13, Section U?

ASSEMBLYMAN WISNIEWSKI: It’s the Section U, concerning December 12, 2013, subsection 1, “Meeting with the Governor.”
On the morning of December 12, 2013, you had a meeting at Drumthwacket with the Governor?

MR. O’DOWD: That’s correct.

ASSEMBLYMAN WISNIEWSKI: And where did that meeting take place at Drumthwacket?

MR. O’DOWD: The 11:00 a.m. meeting, or the interaction I had with the Governor that’s referenced in here?

ASSEMBLYMAN WISNIEWSKI: I had asked you about your meeting with the Governor, and you said an 11:00 a.m. meeting at Drumthwacket. I’m assuming that when you said you had an 11:00 a.m. meeting, you were referring to the meeting with the Governor. Was there more than one meeting?

MR. O’DOWD: There was an encounter that I had, on the way to that meeting, with the Governor and Bill Stepien.

ASSEMBLYMAN WISNIEWSKI: Okay, so walk me through it. When you arrived at Drumthwacket, how did you enter Drumthwacket?

MR. O’DOWD: I believe I entered the normal way that I would enter; I don’t specifically recall, but through the side entrance at Drumthwacket, back through the kitchen, and into the dining room area.

ASSEMBLYMAN WISNIEWSKI: Okay. And when you walked into the dining room, you encountered people?

MR. O’DOWD: I did.

ASSEMBLYMAN WISNIEWSKI: And who did you encounter?

MR. O’DOWD: I encountered the Governor and I encountered Bill Stepien.
ASSEMBLYMAN WISNIEWSKI: Okay. Did you sit and participate in that meeting?

MR. O’DOWD: I do not believe I sat.

ASSEMBLYMAN WISNIEWSKI: Did you participate in that meeting?

MR. O’DOWD: It wasn’t a meeting.

ASSEMBLYMAN WISNIEWSKI: Okay. There was an encounter that you encountered, and the encounter that you encountered was Bill Stepien and the Governor speaking, correct?

MR. O’DOWD: Mr. Co-Chairman, if I could. Maybe I can explain what-- I walked in-- Maybe this will answer your question; I’m not trying to be difficult. I walked into the dining room area and the Governor was sitting with Bill Stepien. And the Governor looked up at me when I walked in and addressed me.

ASSEMBLYMAN WISNIEWSKI: So then you became part of a conversation.

MR. O’DOWD: The conversation between me and the Governor, yes.

ASSEMBLYMAN WISNIEWSKI: Okay. And what did the Governor say to you?

MR. O’DOWD: Something to the--

MR. ZOUBEK: If I can, Co-Chairman. You said part of a conversation; I think he’s identified -- I just want to make sure the record states clear that the conversation so far that he’s talked about doesn’t presume that it includes Mr. Stepien. I just want to make sure that he makes the record clear on that.
ASSEMBLYMAN WISNIEWSKI: All I asked him was what the Governor said to him.

MR. O’DOWD: The Governor said something to the effect of, “Kevin, this Bridge issue is still out there. All the noise about politics, local retribution -- this is a major distraction. I need you to talk to Bridget Kelly and ask her whether or not she had anything to do with closing the lanes at the Bridge.”

ASSEMBLYMAN WISNIEWSKI: Were you aware of this Bridge issue before December 12?

MR. O’DOWD: Yes.

ASSEMBLYMAN WISNIEWSKI: And when did you first become aware of it?

MR. O’DOWD: When you say this Bridge issue, can you clarify exactly what you mean by that?

ASSEMBLYMAN WISNIEWSKI: Well, I’m following the language you used in the description of the conversation with the Governor. So the Governor had mentioned to you -- I think the words you used -- “this Bridge issue.” So you have to tell me what you understood that to mean.

MR. O’DOWD: In that context I think what the Governor was -- what I understood he was focused on was allegations associated with the lane closures, political retribution allegations associated with the lane closures.

ASSEMBLYMAN WISNIEWSKI: And the Governor expressed concern to you about those allegations?
MR. O’DOWD: He expressed concern that those allegations were still out there and that this was a major distraction for the Administration.

ASSEMBLYMAN WISNIEWSKI: Did he explain to you why it was a major distraction for the Administration?

MR. O’DOWD: He did not.

ASSEMBLYMAN WISNIEWSKI: Did you ask him why it was a major distraction?

MR. O’DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Did you understand why it was a major distraction?

MR. O’DOWD: I had an understanding that it was a distraction -- something that he was being asked about. That’s my general understanding.

ASSEMBLYMAN WISNIEWSKI: Okay. So this distraction that you understood -- when did you first become aware of this distraction?

MR. O’DOWD: So the allegations that there were some politics associated with the lane closure -- I first became aware of that allegation, I believe, some time in late September; certainly by early October.

ASSEMBLYMAN WISNIEWSKI: And how did you become aware of it?

MR. O’DOWD: I became aware of it through either press accounts, or an interaction with Mike Drewniak from our staff, or both. I believe that was how I first learned of it.
ASSEMBLYMAN WISNIEWSKI: Okay. The Governor asked you specifically to inquire of Bridget Kelly whether she had any information?

MR. O'DOWD: He said, “Ask her whether she had anything to do with closing the lanes at the Bridge.”

ASSEMBLYMAN WISNIEWSKI: Did you ask him why?

MR. O'DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Why not?

MR. O'DOWD: I had a logical -- from my perspective -- understanding that what the concern here was, was that there was this noise, this distraction about potential political retribution involving a local official. And Ms. Kelly ran the shop in our office that interfaced with local officials.

ASSEMBLYMAN WISNIEWSKI: So you felt it was logical for the Governor to ask you to question Bridget Kelly about this matter?

MR. O'DOWD: I felt that it was logical that at that point, that if we were going to ask people inside the Administration about this, that she would be someone logical to ask. But all he indicated to me was what I indicated to you earlier.

ASSEMBLYMAN WISNIEWSKI: Did you ask the Governor if you should ask questions of anyone else?

MR. O'DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Why not?

MR. O'DOWD: I did not. It was a brief encounter, and then we moved on to our next meeting.
ASSEMBLYMAN WISNIEWSKI: Now, at that time, was that the first-- When the Governor asked you to inquire of Bridget Kelly whether she had anything to do with this issue, the lane closures -- was that the first time that you became aware that Bridget Kelly had any involvement or suspicion-- Let me rephrase that. Was that the first time that you had heard Bridget Kelly’s name mentioned as being involved in the lane closures?

MR. O’DOWD: When you say “involved in the lane closures,” what do you mean by that?

ASSEMBLYMAN WISNIEWSKI: Well, the Governor asks you to inquire of Bridget Kelly whether she had any involvement in the lane closures.

MR. O’DOWD: Anything to do with closing the lanes.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. O’DOWD: Prior to that, I had not -- I do not believe I heard an assertion or an allegation that she had anything to do with closing the lanes.

ASSEMBLYMAN WISNIEWSKI: Okay. So that’s the first time that someone had come to you with an allegation or assertion that Bridget Kelly might have had something to do with the lane closures?

MR. ZOUBEK: If I may, I think his testimony was, he was specifically asked by the Governor to find out--

SENATOR WEINBERG: Excuse me; put your microphone on, please.

ASSEMBLYMAN WISNIEWSKI: Excuse me, counsel. You have to press the red button.
MR. ZOUBEK: Oh, I’m sorry. I have a loud voice, but it helps with the magnification.

I think it’s critically important for this fact witness, with a number of matters going on at the same time, that this area is very clear. And he testified that he was asked to find out whether she had something to do with the lane closure. He has said that, and I think you asked him a different question. You asked him about general information that she might have had. So I just want to make sure the record’s clear.

ASSEMBLYMAN WISNIEWSKI: No, no. I first want to establish that this is the first time that he became aware or had any information that there was some connection between Bridget Kelly and the lane closures.

MR. ZOUBEK: If I may, Co-Chairman, that’s substantially different from finding out what his assignment was that day, and he’s testified to that -- as opposed to-- You want to ask him the question of whether he had heard rumors or something about what Bridget Kelly’s involvement was--

ASSEMBLYMAN WISNIEWSKI: I don’t want to ask him if he heard rumors. My question very simply, counsel, is this. Is this the first time that the name Bridget Kelly and the issue of the lane closures -- or whatever we want to call it -- the Bridge issue -- is that the first time that he heard Bridget Kelly’s name connected with the Bridge issue -- with the lane closures? A simple question.

MR. O’DOWD: Well, there was an interaction in my office in the first week of December, but there wasn’t an allegation that she was involved with the lane closures. If that’s what you’re referencing, that’s
something that’s documented in my report; I’d be happy to talk about that as well.

ASSEMBLYMAN WISNIEWSKI: What date was that?

MR. O’DOWD: That occurred-- I’m not certain of the date. My best recollection is that it was on December 2, but I’m not certain of that.

ASSEMBLYMAN WISNIEWSKI: And what happened on December 2?

MR. O’DOWD: Well, if it was December 2, there was-- Mike Drewniak came to see me in my office. And my recollection is that he came to see me to congratulate me about the press conference that had occurred earlier that day, where the Governor announced his intention to nominate me to be Attorney General. And Mike came down to see me to congratulate me -- congratulate me for that. That’s my recollection.

ASSEMBLYMAN WISNIEWSKI: Okay. And then how did Bridget Kelly’s name come up in that conversation where Mike Drewniak came to congratulate you?

MR. O’DOWD: So at some point the Governor enters the room -- my office. And Mike Drewniak then addresses the Governor. And I believe that the nexus, the reason he raised the issue, was, “I know what you said at the press conference about the lane closures, talking about the cones. You need to know that Wildstein is saying that -- or Wildstein has told me that he spoke with you, he mentioned to you something about the lane closures at the 9/11 memorial service in lower Manhattan earlier this year.”
ASSEMBLYMAN WISNIEWSKI: So just let me be clear. So you, the Governor, and Mike Drewniak are talking, correct?

MR. O’DOWD: In my office, correct.

ASSEMBLYMAN WISNIEWSKI: In your office. And at that meeting on December 2, Mike Drewniak says to you and the Governor that Wildstein made a mention about the lane closures. Is that correct?

MR. O’DOWD: Effectively. So Mike Drewniak indicated to the Governor that he had learned from Wildstein that Wildstein is maintaining that he spoke with you (sic), he mentioned you, he said something to you about the lane closures while he saw you at the 9/11 ceremony -- memorial.

ASSEMBLYMAN WISNIEWSKI: And that was after the Governor made his statement at the December 2 press conference about having moved the cones?

MR. O’DOWD: That’s the way I recall it.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. O’DOWD: Whether or not it’s December 2 or at some point that week, I’m not certain. But it’s my best recollection.

ASSEMBLYMAN WISNIEWSKI: So in that conversation, Mr. Drewniak says to the Governor, in your presence, that Wildstein had mentioned that he told the Governor at 9/11 about this Bridge lane closure.

MR. O’DOWD: That he mentioned something to him about the lane closure.

ASSEMBLYMAN WISNIEWSKI: How does Bridget Kelly’s name come in? Because that’s where we started.
MR. O'DOWD: Yes, so the Governor responded to that, “No, that didn’t happen. I was there that day with Wildstein -- David Wildstein -- with Samson” -- I don’t know if he used first names or last names -- “with Baroni. And I don’t remember him saying that to me. But even if he had, I don’t know that I would recall that.” And then Drewniak said, “Well, just so you know, he’s told -- Wildstein has told Kelly and Stepien the same thing.”

ASSEMBLYMAN WISNIEWSKI: So on December 2, the Governor knows that Wildstein’s claiming to have told him on September 11, and that Wildstein’s claiming to have told Kelly and Stepien the same thing?

MR. O’DOWD: Well, when you say “told them,” I believe what Mike Drewniak said was that Wildstein was alleging that he mentioned this to you, he talked to you about the lane closure, and that Drewniak indicated to the Governor -- Drewniak’s understanding is that Wildstein made the same claim to both Kelly and Stepien.

ASSEMBLYMAN WISNIEWSKI: Okay. So on December 2, at least what you knew was that Wildstein had made this claim about the lane closures, and that Wildstein had, through Drewniak -- you had learned that Wildstein was claiming to have told Kelly and Stepien the same thing.

MR. O’DOWD: That’s correct.

ASSEMBLYMAN WISNIEWSKI: Okay.

So let’s go back to Drumthwacket on December 12. You came in through the kitchen-- I’m just curious -- is that how you usually come in, you come in through the kitchen?
MR. O'DOWD: It is, yes. Or the room right next to it, and that enters into the dining room.

ASSEMBLYMAN WISNIEWSKI: You walked into the dining room; the Governor and Stepien were seated?

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: Okay. When you walked into the dining room did you hear any of that conversation?

MR. O'DOWD: I don’t remember hearing anything of that conversation.

ASSEMBLYMAN WISNIEWSKI: But at some point in time the Governor spoke to you as you were walking through?

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: Okay. And when the Governor spoke to you, he said what?

MR. O'DOWD: He said to me something to the effect of, “This bridge issue is still out there; the noise on the local retribution is still out there. This is a major distraction. I need you to talk to Bridget Kelly and ask her whether or not she had anything to do with closing the lanes at the Bridge.”

ASSEMBLYMAN WISNIEWSKI: Is it not true that the Governor, also, in that conversation relayed to you what Mr. Stepien had told him?

MR. O'DOWD: In that conversation? I don’t recall that.

ASSEMBLYMAN WISNIEWSKI: If you take a look, Tab 33, page 14.

MR. O'DOWD: Is Tab 33 mine?
ASSEMBLYMAN WISNIEWSKI: Tab 33-- So the Tab comes before the exhibit, not after.

MR. O’DOWD: Got it.

ASSEMBLYMAN WISNIEWSKI: So that’s your Gibson Dunn memo.

MR. O’DOWD: Page 14?

ASSEMBLYMAN WISNIEWSKI: That’s correct.

MR. ZOUBEK: Is there a specific--

ASSEMBLYMAN WISNIEWSKI: I’m getting to that. I wanted to draw his attention to the page of that.

In your Gibson Dunn memo, it says halfway through the first paragraph, “The Governor told O’Dowd that the Governor had been questioning Stepien about his knowledge of, or involvement in, the lane realignment. And that Stepien explicitly denied any such knowledge or information.” Do you see where I’m pointing to?

MR. ZOUBEK: If I could, I think there are a couple of words before that. It says, “Outside of Stepien’s presence.”

ASSEMBLYMAN WISNIEWSKI: He could tell me that.

MR. O’DOWD: So, I’m sorry--

ASSEMBLYMAN WISNIEWSKI: When did this exchange take place?

MR. O’DOWD: The exchange--?

ASSEMBLYMAN WISNIEWSKI: That I’m pointing to right now. This says, “The Governor told O’Dowd that the Governor had been questioning Stepien about his knowledge, and that Stepien explicitly denied any such knowledge or involvement.”
MR. ZOUBEK: And the only thing I’ll put on the record, which is in the interest of completeness -- it’s a sentence, and reading one-half of the sentence I don’t know is an appropriate record to set forth here. But I will let him answer the question.

ASSEMBLYMAN WISNIEWSKI: Well, just for the record as well, I’m asking him when that-- And this is a recollection printed by Gibson Dunn of his interview. And if this is in some way not reflective of what he heard, or did not take place, then the witness can tell me. But I’m trying to understand exactly when this particular interaction took place.

MR. O’DOWD: I believe it occurred upstairs prior to the 11:00 a.m. meeting. He asked me about the meeting that I had at the State House earlier that day, which I had briefed him on. And he indicated to me that he spoke with Stepien about the lane closures and Stepien didn’t have anything to do with it.

ASSEMBLYMAN WISNIEWSKI: So the dining room -- we’ll call it the dining room encounter -- when you first walked into Drumthwacket that morning, you are walking in, you go through the dining room to get into the main lobby area of Drumthwacket. You encounter the Governor and Stepien conversing; they’re both seated?

MR. O’DOWD: They’re both seated in the dining room. This encounter is in the dining room.

ASSEMBLYMAN WISNIEWSKI: You’re walking by, the Governor speaks to you, you stop.

MR. O’DOWD: I do.
ASSEMBLYMAN WISNIEWSKI: The Governor says to you that he would like you to follow up with Bridget Kelly to see if she knew anything, or knows anything about the lane closures.

MR. ZOUBEK: Objection, Co-Chairman. He’s answered this question directly three or four times. He testified what he said; you’ve now asked him whether she knew anything generally, whether -- find out if Bridget knew anything generally--

ASSEMBLYMAN WISNIEWSKI: No, I didn’t ask him whether Bridget Kelly-- I’m saying the Governor asked him-- Is this what the Governor asked him?

MR. O’DOWD: The Governor asked me whether or not Bridget Kelly had anything to do with closing the lanes. He asked me to ask her that question.

ASSEMBLYMAN WISNIEWSKI: And you didn’t ask why?

MR. O’DOWD: I did not ask why.

ASSEMBLYMAN WISNIEWSKI: You didn’t have any follow-up questions?

MR. O’DOWD: I didn’t. I didn’t. We moved on to the next meeting; before the next meeting he told me, in bottom-line terms, that it was -- after speaking with Stepien, that Stepien didn’t have anything to do with this; by this, I mean closing the lanes.

ASSEMBLYMAN WISNIEWSKI: Okay. So the only thing that happened in the dining room was this: You walked through and the Governor says this one thing to you. You say yes or something to that effect?
MR. O’DOWD: Something to that effect. It was a short encounter, and we both moved on to the next meeting.

ASSEMBLYMAN WISNIEWSKI: When you left the dining room, Stepien and the Governor were still seated?

MR. O’DOWD: My best recollection is that the Governor and I left to go upstairs to the next meeting together.

ASSEMBLYMAN WISNIEWSKI: Oh, so he got up and left when you were leaving at the same time.

MR. O’DOWD: I believe that’s right.

ASSEMBLYMAN WISNIEWSKI: Okay. And the next meeting -- what was that meeting for?

MR. O’DOWD: It was an unrelated meeting with an outside person.

ASSEMBLYMAN WISNIEWSKI: With someone outside of government, or with somebody else in State government?

MR. O’DOWD: Outside of government completely.

ASSEMBLYMAN WISNIEWSKI: Okay. And you and the Governor went to that meeting?

MR. O’DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: Okay. And that meeting lasted how long?

MR. O’DOWD: I don’t know exactly -- an hour-and-a-half, two hours. I’m just not certain.

ASSEMBLYMAN WISNIEWSKI: Okay. Was it during this meeting, that you and the Governor went to with this outside person, that
the Governor relayed to you what Mr. Stepien had said to him in the dining room?

MR. O’DOWD: I believe it was prior to this meeting.

ASSEMBLYMAN WISNIEWSKI: Did the Governor take you aside into a private room and tell you, or did he tell you as you were walking up the steps?

MR. O’DOWD: I don’t recall specifically. I recall learning that prior to the meeting, but I don’t recall exactly where we were.

ASSEMBLYMAN WISNIEWSKI: Now, the Governor did not ever say to you that Stepien had prior knowledge of the lane closure?

MR. O’DOWD: He did not.

ASSEMBLYMAN WISNIEWSKI: Okay. And the Governor never said to you that he had heard from Wildstein -- what Stepien had heard from Wildstein, and described Wildstein as having “50 crazy ideas a day” -- or a week?

MR. O’DOWD: I believe the first time I learned about the 50 crazy ideas a week terminology was on January at Drumthwacket.

ASSEMBLYMAN WISNIEWSKI: That was the first time you heard that phrase?

MR. O’DOWD: That’s the first time I remember hearing from the Governor that piece of his interaction with Stepien.

ASSEMBLYMAN WISNIEWSKI: So it’s still December 12; you’re on your way to your second meeting, and the Governor tells you that Stepien had denied having any involvement in the lane closures.
MR. O’DOWD: I think it was something more summary –
“Stepien had nothing to do with the closing of the lanes” -- something like that.

ASSEMBLYMAN WISNIEWSKI: Okay. And you went to
your secondary meeting, which you said lasted about an hour-and-a-half. What happened next at Drumthwacket?

MR. O’DOWD: After the second meeting -- the 11:00 a.m.
meeting concluded and I returned back to the State House.

ASSEMBLYMAN WISNIEWSKI: Okay. When you were
having this--

MR. ZOUBEK: May I have a moment?

ASSEMBLYMAN WISNIEWSKI: Yes.

(attorney/client confer)

MR. O’DOWD: We’re all set, Co-Chair.

ASSEMBLYMAN WISNIEWSKI: So the Governor speaks to
you on your way to this secondary meeting and relays to you what Stepien
had told him in the dining room. Did you raise with the Governor, at this
point in time, any question about his instructions to you to inquire of
Bridget Kelly?

MR. O’DOWD: I don’t believe so.

ASSEMBLYMAN WISNIEWSKI: At that point in time, did
you raise to the Governor any question about whether there were other
people who you should make inquiries of?

MR. O’DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Now, at this point in time,
Bridget Kelly was a Deputy Chief of Staff.
MR. O’DOWD: That’s exactly right, she was.

ASSEMBLYMAN WISNIEWSKI: And your role was Chief of Staff.

MR. O’DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: And so she was somebody who reported to you.

MR. O’DOWD: She did.

ASSEMBLYMAN WISNIEWSKI: Okay. Did you, at that point in time, raise any questions with the Governor whether you should ask anybody else?

MR. O’DOWD: I don’t believe so,

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. O’DOWD: At that point in time you knew -- at Drumthwacket that morning--

ASSEMBLYMAN WISNIEWSKI: This passing conversation with the Governor, that you recounted, on your way to the meeting you had scheduled at Drumthwacket -- you said the Governor took you aside, or said to you at some point in time what Stepien had told him. I’m just trying to understand fully the conversation between you and the Governor.

So the Governor tells you what Stepien told him in this meeting. And I’m trying to understand what you did as a follow-up to that. Did you have any inquiry to him about anything else you should do?

MR. O’DOWD: The Governor told me what his impression was -- his conclusion of his interaction with Stepien. That Stepien had nothing to do with the lane closures.
ASSEMBLYMAN WISNIEWSKI: Just so I’m clear -- was that his impression, or was he recounting what Stepien said?

MR. O’DOWD: It was his impression, it was his conclusion. He wasn’t quoting Stepien.

ASSEMBLYMAN WISNIEWSKI: Okay. And you didn’t follow up with him and ask him, “Did Stepien say that?”

MR. O’DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Okay. You didn’t have any curiosity?

MR. O’DOWD: When the Governor tells me a definitive statement, I respected his interactions with Bill Stepien. In that context I didn’t see any reason to question that.

ASSEMBLYMAN WISNIEWSKI: Okay. At this point in time, while you were having this brief conversation with the Governor, did you ask him whether he was concerned about there being any e-mails?

MR. O’DOWD: I don’t believe so.

ASSEMBLYMAN WISNIEWSKI: Did you ever ask the Governor whether he was concerned about any text messages?

MR. O’DOWD: I don’t believe so.

ASSEMBLYMAN WISNIEWSKI: So the Governor-- Just so I’m clear. At this point in time, the Governor asked you to speak with Kelly, and the Governor tells you -- or gives you his impression of what Stepien had said. And in so far as the lane closures are concerned, on December 12, while you were at Drumthwacket, those are the only two transactions that took place?
MR. O’DOWD: What transactions? What do you mean by that?

ASSEMBLYMAN WISNIEWSKI: First transaction being Governor says, “Go talk to Bridget Kelly.”

MR. O’DOWD: Conversation. I get an order from him to go do that.

ASSEMBLYMAN WISNIEWSKI: The second one being, “I spoke with Stepien and he had nothing to do with this.” Were there any other conversations, discussions you had at Drumthwacket that day about the lane closures?

MR. O’DOWD: I don’t believe so, until the very tail end of this 11:00 a.m. meeting -- and maybe you’re referring to some press communications that occurred while this meeting was going on.

ASSEMBLYMAN WISNIEWSKI: Okay. When you say this meeting, this is the meeting with the outsider at Drumthwacket that lasted an hour-and-a-half?

MR. O’DOWD: Correct -- an hour-and-a-half, two hours or so.

ASSEMBLYMAN WISNIEWSKI: And the press inquiries were about what?

MR. O’DOWD: There was a press story that broke while we were there in this meeting that, if I understood it and if I remember it correctly, the Wall Street Journal or another outfit had run a story indicating that Governor Christie had contacted Governor Cuomo with regard to the lane closure issue and asked him -- Governor Christie asked Governor Cuomo to back off, or have Foye back off -- something like this. I think
that the press account could tell the story better than I. But that came into play while that meeting was occurring.

ASSEMBLYMAN WISNIEWSKI: How did it come into play to you? Did somebody come to you with it?

MR. O’DOWD: I think it was either a text communication, an e-mail communication, or both. I can’t specifically recall, but it also could have been the clip service that comes through my office -- something like that.

ASSEMBLYMAN WISNIEWSKI: You get the clip service every day?

MR. O’DOWD: I believe every morning, yes, and sometimes during the day.

ASSEMBLYMAN WISNIEWSKI: Do you review those on a daily basis?

MR. O’DOWD: I couldn’t say that with any consistency; sometimes yes, sometimes no.

ASSEMBLYMAN WISNIEWSKI: Is there a reason on some days why you would look at them, and a reason on other days why you would not?

MR. O’DOWD: Not specifically; the volume of my day -- I would suspect the answer is no, no specific reason.

ASSEMBLYMAN WISNIEWSKI: So why on this day did you notice the clip service having this article and not noticing clip services on another day?

MR. O’DOWD: I believe that I was sent a text alerting me to this article. And I also -- distinguishable from articles that we get sent to us
in the morning, there are certain articles that we get in isolation during the day. And I believe this was one of those articles. I may be wrong about that, but that’s my recollection.

ASSEMBLYMAN WISNIEWSKI: Well, if your recollection is correct, you said that there are articles that are sent to you in isolation -- your words. Who would send them to you?

MR. O’DOWD: Our press shop.

ASSEMBLYMAN WISNIEWSKI: Is there a particular person at your press shop?

MR. O’DOWD: At different points in time, it has been different people.

ASSEMBLYMAN WISNIEWSKI: Is there a person in the press shop who makes the decision as to what to send to somebody like you, the Chief of Staff?

MR. O’DOWD: I don’t know the answer to that.

ASSEMBLYMAN WISNIEWSKI: Okay. And you had gotten this press clipping as a stand-alone, through some communication, correct?

MR. O’DOWD: I believe that’s correct. That’s the way I remember it.

ASSEMBLYMAN WISNIEWSKI: So you’re still at Drumthwacket; there’s an issue being raised about communication between the two states’ governors about the lane closures. Did you then go back and find the Governor and say, “What about this?”

MR. O’DOWD: I believe we talked about it as soon as that meeting -- that 11:00 a.m. meeting was over.
ASSEMBLYMAN WISNIEWSKI: Okay. And when you say we, who is--

MR. O’DOWD: I’m sorry, I apologize -- me and the Governor spoke about it.

ASSEMBLYMAN WISNIEWSKI: Okay. You and the Governor had spoken about this particular clip right after your 11:00 a.m. meeting ended?

MR. O’DOWD: I think that’s generally right.

ASSEMBLYMAN WISNIEWSKI: Okay. And did you ask the Governor a question about it?

MR. O’DOWD: I don’t know if he raised it, or if I raised it -- I don’t recall that specifically. But we spoke about it at the conclusion of that meeting. I don’t know who raised it first. He may have seen it as well.

ASSEMBLYMAN WISNIEWSKI: Okay. And what was said?

MR. O’DOWD: Whoever started the conversation -- but what I recall from the conversation -- whoever started it, I’m not certain -- but what I recall is him indicating that it wasn’t true and that he was going to call Cuomo on it directly.

ASSEMBLYMAN WISNIEWSKI: Okay. Did the fact that this had now been raised in a press article raise your curiosity about your mission to go see Bridget Kelly and ask her questions?

MR. O’DOWD: Well, what was raised in the article was that there was some interaction between the two governors concerning the lane closure. And the Governor indicated to me, as soon as we interacted on it, that it wasn’t the case.
ASSEMBLYMAN WISNIEWSKI: So at that point in time when Governor said it wasn’t the case, did you ask the Governor, “Now that we have this article, Governor, is there anybody else you want me to talk to?”

MR. O’DOWD: I don’t believe so.

ASSEMBLYMAN WISNIEWSKI: Did the Governor suggest to you that you talk to anybody else other than Bridget Kelly at that point in time?

MR. O’DOWD: I don’t believe so.

ASSEMBLYMAN WISNIEWSKI: Now, on Tab 33, page 14 in your Gibson Dunn memo, paraphrasing you, the memo states that you believe that the Governor stated that the announcement of Stepien’s appointment to lead the New Jersey Republican Party had been delayed. Are you familiar with that?

MR. ZOUBEK: My concern is that here we have a statement written by Gibson Dunn summarizing his interview; and now you’re trying to paraphrase; they’re paraphrasing his interview--

ASSEMBLYMAN WISNIEWSKI: I just want him to read it. I just wanted to call his attention to that section of the report and--

MR. ZOUBEK: And my request is, after he looks at it, is that he has questions that allow him to create a clear, factual record--

ASSEMBLYMAN WISNIEWSKI: That’s fine.

MR. ZOUBEK: --not necessarily through somebody else’s interpretation of what he might have said.

ASSEMBLYMAN WISNIEWSKI: Is what is written by the Gibson Dunn report, in which you believe that the Governor stated that the
announcement of Stepien’s appointment to lead the New Jersey Republican Party had been delayed -- is that correct?

MR. O’DOWD: My memory is that the Governor also informed me that that’s something that he had informed Bill Stepien of that day.

ASSEMBLYMAN WISNIEWSKI: Okay. When the Governor informed you of that, did you ask him why?

MR. O’DOWD: I don’t remember asking him that.

ASSEMBLYMAN WISNIEWSKI: Did the Governor tell you why?

MR. O’DOWD: He may have; I just don’t remember.

ASSEMBLYMAN WISNIEWSKI: Did the Governor tell you it was because of the lane closure?

MR. O’DOWD: Again, I don’t remember specifically what was proffered in connection with that; I just don’t remember.

ASSEMBLYMAN WISNIEWSKI: Okay. In your conversations with the Governor that day -- just so I can characterize what I understand -- there were essentially three: one in the dining room, in which he asked you to inquire of Bridget Kelly; one as you left to go to your next meeting, in which he recounted his impression of the conversation with Stepien; and the final one was about the press inquiry between the two states’ governors. In any of those three conversations, did the Governor discuss with you Mr. DuHaime’s involvement, with or connection to, any of these conversations concerning the lane closures?

MR. O’DOWD: I don’t remember that, no.
MR. ZOUBEK: If I can, just so the record is clear, so you can move this along and you don’t miss anything in getting a full factual record --

ASSEMBLYMAN WISNIEWSKI: I think the record’s clear, but go ahead. You can--

MR. ZOUBEK: No, no, no, but just bear with me for a second. You had said that in your final encounter with the Governor -- I want to make sure that we don’t finish at that point in the day; you continue the day so that--

ASSEMBLYMAN WISNIEWSKI: Are there more than three encounters with the Governor at Drumthwacket that day?

MR. O’DOWD: Not at Drumthwacket.

MR. ZOUBEK: Well, you hadn’t asked the question at Drumthwacket.

ASSEMBLYMAN WISNIEWSKI: No, I think I had, but--

MR. ZOUBEK: You said your final encounter with-- You said the “final encounter with the Governor that day.” I want to make sure the record just stays clear.

ASSEMBLYMAN WISNIEWSKI: At Drumthwacket. It started out by referencing Drumthwacket.

At Drumthwacket, three conversations, correct, with the Governor?

MR. O’DOWD: Three interactions that we referenced here.

ASSEMBLYMAN WISNIEWSKI: Three interactions with the Governor. I’ve thus far correctly characterized them: one in the dining room where the Governor talked about Kelly, one after the dining room
where the Governor mentioned Stepien-- Counselor, you’re going to have to let me finish my question, all right?

MR. ZOUBEK: I was just adjusting my seat.

ASSEMBLYMAN WISNIEWSKI: Yes, I know, I know. You’re reaching for the button.

And the final one where you discussed the press inquiry -- the press issue concerning the communications between the two governors. In none of those conversations did Mr. DuHaime’s name come up?

MR. O’DOWD: I do not remember his name coming up in any one of those three interactions.

ASSEMBLYMAN WISNIEWSKI: Is it possible his name came up and you don’t remember?

MR. O’DOWD: Anything’s possible, but I don’t remember it.

ASSEMBLYMAN WISNIEWSKI: Counsel, I think his answers can speak for themselves. But if we’re going to have an objection every time there’s a question asked-- It’s not a jury here.

MR. ZOUBEK: Well, no, but--

ASSEMBLYMAN WISNIEWSKI: Think of this as a bench trial.

MR. ZOUBEK: No, but it is clear as well, Co-Chairman, that there are other proceedings underway here. And it’s absolutely vitally important that the record is clear here. And all I’m trying to do is assist the Committee in a clear record, and asking him whether it’s possible that something could have possibly happened doesn’t make a clear record.

ASSEMBLYMAN WISNIEWSKI: It’s a yes or no question.
So I’ll just ask the question again. Is it possible that his name came up and you’re just not remembering?

MR. O’DOWD: I don’t remember him raising Mike DuHaime’s name in those three interactions.

ASSEMBLYMAN WISNIEWSKI: The Governor never said that Mr. DuHaime would be speaking with Mr. Stepien?

MR. O’DOWD: I don’t remember him saying that, no.

ASSEMBLYMAN WISNIEWSKI: Did the Governor ask you to coordinate with Mr. DuHaime in gathering further information on the lane closures?

MR. O’DOWD: I don’t remember that, no.

ASSEMBLYMAN WISNIEWSKI: Did you discuss with the Governor the need for Baroni to resign the next day?

MR. O’DOWD: I believe we discussed that the day before. It’s possible that it was discussed on December 12 in one of these three transactions, but I believe we discussed that on December 11.

ASSEMBLYMAN WISNIEWSKI: Okay. Now, with regard to the communication that you received—The press clipping -- the stand-alone press clipping, as you called it, concerning the press story on the New York governor’s office, or there being a source saying that there was a communication where one governor asked the other governor to do something: Did you receive that from Howard Glaser from Governor Cuomo’s office?

MR. O’DOWD: Did I receive the clipping from him?

ASSEMBLYMAN WISNIEWSKI: Or did you receive a text message from him in that regard?
MR. O'DOWD: I believe that I did.

ASSEMBLYMAN WISNIEWSKI: Okay. I’d just like to--
That’s shown in Tab 33, page 14, at the bottom of the page -- noting it’s in very fine print.

MR. O'DOWD: Okay, I found it.

ASSEMBLYMAN WISNIEWSKI: Okay. The text message from Glaser to you says, “Please call me. Time sensitive press inquiry.” Did you understand why it was time sensitive?

MR. O'DOWD: I don’t believe I responded to Mr. Glaser until much later in the day, when we did speak on the telephone.

ASSEMBLYMAN WISNIEWSKI: Right. But just when you received that text message which says, “Call me, please. Time sensitive press inquiry--” When you received it, did you have an understanding as to why it was time sensitive?

MR. O'DOWD: I don’t remember the order that I received these texts in. I mean, if someone is saying that something’s time sensitive, I assume that that’s the case, based on his representation. But I don’t know.

ASSEMBLYMAN WISNIEWSKI: Then later on you texted him saying, “What does it say?”

MR. O’DOWD: I don’t believe that’s right, Co-Chair. If these footnotes are, in fact, accurate, I would say -- I believe if you follow that thread through the, “What does it say?” it’s me responding to somebody in my office.

SENATOR O’TOOLE: Is that O'Dowd to Matey, Chair?

ASSEMBLYMAN WISNIEWSKI: Yes.
MR. O’DOWD: I’m sorry, Co-Chair. I thought you said did I respond that to Glaser?

ASSEMBLYMAN WISNIEWSKI: Well, I guess you’re getting e-mails from both of them -- or text messages from both of them. Is the “What does it say?” in reference to the Wall Street Journal article?

MR. O’DOWD: It appears that way, based on what’s here. And the rest of those communications appear to be between me and someone from our office.

ASSEMBLYMAN WISNIEWSKI: And then the final text and a note -- text from you to Matey, “With the Governor now,” on December 12. Does that mean you’re with the Governor now, or is it that the issue is with the Governor now?

MR. O’DOWD: I believe what I meant was, “I’m with the Governor right now.”

ASSEMBLYMAN WISNIEWSKI: Okay. And that’s when the Governor told you that that didn’t happen; that that conversation alleged to have happened between him and Governor Cuomo did not happen.

MR. O’DOWD: At the conclusion of that meeting. I believe these text communications are occurring while the meeting is happening. And I don’t speak with the Governor, I believe, until the end of that meeting.

ASSEMBLYMAN WISNIEWSKI: Now, these are texts that either you sent or received.

MR. O’DOWD: It seems that way, yes.

ASSEMBLYMAN WISNIEWSKI: Is there a reason why, in response to our subpoena, the Committee did not receive these texts?
MR. ZOUBEK: If I could speak to that, Co-Chairman.

They’re quoted verbatim in here; they were available, and up, and referenced as of April 14. We received this subpoena to appear last Tuesday, and did not receive any subsequent requests. Those are listed verbatim in there. I can represent to you, they’re listed verbatim in there.

ASSEMBLYMAN WISNIEWSKI: I’m sure they’re verbatim, counsel. I guess the question is, there had been a separate document subpoena; these were not supplied in response to that document subpoena which requested materials such as these. Is there a reason why, in response to the Committee’s document subpoena, these particular communications were not supplied?

MR. ZOUBEK: These communications were set forth here -- that was Office of the Governor; Gibson Dunn was handling that production. If I had known that you wanted these additional texts that are listed here, when we received the subpoena for Mr. O’Dowd’s testimony here today, last Tuesday-- And I reached out to counsel for the Committee, and I wasn’t aware that there was any issue with respect to that. If you want me to get you those texts, I’d be happy to get you those texts.

ASSEMBLYMAN WISNIEWSKI: We have them; I don’t need you to get them to me. The question is, there was a document subpoena, so let’s-- I just want to understand. Who handled Mr. O’Dowd’s production pursuant to that document subpoena?

MR. ZOUBEK: The Gibson Dunn firm, on behalf of the Office of the Governor. And we coordinated with that Office. And you have a number of documents that have been produced. And part of the limited production by Mr. O’Dowd -- on his behalf -- is his limited contact with the
issue. If there are any questions with respect to that, I’m happy to work with counsel for the Committee. It is our understanding you received a complete production, and we stand by that.

ASSEMBLYMAN WISNIEWSKI: Why is it your understanding we received a complete production when, in fact, these communications, which were asked for as part of our subpoena, were not supplied in the response?

MR. ZOUBEK: Well, in this context these--

ASSEMBLYMAN WISNIEWSKI: Let me help you out here just before you go any further.

All right, did you review or have an opportunity to review what was being provided to this Committee that was being produced by Gibson Dunn on your client’s behalf?

MR. ZOUBEK: I had an opportunity to review some of what was produced, and it was my understanding that the production was complete. If there were issues with respect to the production, instead of being asked that for the first time today when he was subpoenaed last Tuesday, I would have expected -- particularly with respect to texts that have been out in the public domain since April 14 -- if there was an issue with respect to that, I would have expected-- We’re here to cooperate and we’ll continue to cooperate. If there was an issue with respect to that I would have thought there would have been something we could have worked out in advance. And indeed--

ASSEMBLYMAN WISNIEWSKI: Well, we have them, so we don’t need to work out getting them; we have them.
MR. ZOUBEK: Well, and that’s why when I read the report and I saw the texts, and I saw that you had those -- and I saw that you had them from April 14 or-- I can tell you, they’re quoted verbatim, and they’re set forth there. So you’ve had them since April 14.

ASSEMBLYMAN WISNIEWSKI: The question is, is what other documents don’t we have?

MR. ZOUBEK: Well, I can’t answer that question because I don’t know what documents you’re referring to that you hypothetically don’t have. There’s been a production--

ASSEMBLYMAN WISNIEWSKI: Well, we didn’t know that we didn’t have these until we got the Gibson Dunn memos. Had we not gotten the Gibson Dunn memos we would have never seen these.

MR. ZOUBEK: The production was made as it relates to documents that relate specifically to the lane closures, and I’d be happy to work with the Committee. Mr. O’Dowd is here to fully and completely cooperate. These in this instance were, in effect, produced to the Committee by the issuance of the report.

ASSEMBLYMAN WISNIEWSKI: And just for the record, they weren’t produced pursuant to the subpoena that this Committee issued.

MR. ZOUBEK: I know you have valuable time here; I don’t want to spend additional time on this issue. In this instance, the issue -- the report was issued; they are listed specifically here. I can tell you they are absolutely verbatim. So you have those. And, again, I’ll be happy to work back with the Committee if there are any questions with respect to that. I reached out-- We received the subpoena on Tuesday evening, after
representations that there wouldn’t be any further -- let me just finish -- as it relates to Mr. O’Dowd testifying today. If there were any remaining questions you had with respect to the production, in an effort for us to work that out, all someone had to do was call me and identify that issue and I would have framed it for the Committee to make sure that you had what you needed, and we were cooperating fully.

ASSEMBLYMAN WISNIEWSKI: It just raises the question that if you relied on Gibson Dunn to do a full production of documents requested under the subpoena, clearly these were not submitted pursuant to that subpoena production. Are there other documents that we’re not aware of?

MR. ZOUBEK: I will work with the Committee; and, again, here I think we’re talking about angels dancing on the heads of pins with respect to these. I’m telling you, you have had these since April 14.

ASSEMBLYMAN WISNIEWSKI: What I would like you to do is, I’d like you to verify that we have all the documents that are responsive to the subpoena.

MR. ZOUBEK: I will work back with Mr. Schar, who I called on Friday and introduced myself to him, about the testimony that we were asked to give on three days’ business notice.

ASSEMBLYMAN WISNIEWSKI: We didn’t issue a document subpoena.

MR. ZOUBEK: No, but you did--

ASSEMBLYMAN WISNIEWSKI: We weren’t asking you to produce documents on three days’ notice.

But let’s move on.
MR. ZOUBEK: No, but you waited until this moment to raise that question, as opposed to my reaching out to the Committee and in pre-cooperation.

ASSEMBLYMAN WISNIEWSKI: Well, I think it’s a relevant question as to why we didn’t get these documents through the production.

MR. ZOUBEK: And I’ll stop at this point, as it relates to these; you’ve had them since April 14.

ASSEMBLYMAN WISNIEWSKI: Going back to the text communications that you had from Mr. Glaser. Did you phone Mr. Glaser in response to any of these text communications?

MR. O’DOWD: I believe I spoke with Mr. Glaser later on that afternoon, prior to meeting with Bill Baroni.

ASSEMBLYMAN WISNIEWSKI: And your reason for calling Mr. Glaser after meeting with Bill Baroni had nothing to do with your meeting with Bill Baroni?

MR. O’DOWD: I’m sorry, could--

ASSEMBLYMAN WISNIEWSKI: Your testimony was that you called Mr. Glaser back after you met with Bill Baroni.

MR. O’DOWD: No, no, on my way to the meeting.

ASSEMBLYMAN WISNIEWSKI: On your way to the meeting.

MR. O’DOWD: I’m sorry, on my way to the meeting with Mr. Baroni.

ASSEMBLYMAN WISNIEWSKI: Okay. And what did you say to him in that conversation?
MR. O'DOWD: I believe I said to Howard, “I’m going to meet with Bill Baroni now; I’m going to give you a head’s up. Tomorrow you’ll be hearing it’s his last at the Port Authority.” And then with respect to this, something to the effect of, “Our guys spoke earlier today.”

ASSEMBLYMAN WISNIEWSKI: Some of our guys--

MR. O'DOWD: No, no -- our guys.

SENATOR O'TOOLE: Chair, just a question.

Please establish who Glaser is for those of us who don’t know who Howard Glaser is.

ASSEMBLYMAN WISNIEWSKI: Sure. Who is Mr. Glaser?

MR. O'DOWD: Howard Glaser-- I’m not exactly sure of his title, because their structure in the governor’s office in New York is slightly different than ours. But he’s a principal advisor to Governor Cuomo. I don’t think they have a Chief of Staff title -- if they do, I’m not aware of it -- something akin to Chief of Staff who works for Governor Cuomo.

ASSEMBLYMAN WISNIEWSKI: Okay. And just going back -- so what did you ask Mr. Glaser when you called him back?

MR. O'DOWD: I don’t believe I asked him anything.

ASSEMBLYMAN WISNIEWSKI: You called him?

MR. O'DOWD: I did -- oh, so what did we talk about?

ASSEMBLYMAN WISNIEWSKI: So you called him and you said what?

MR. O’DOWD: I called him to give him a head’s up -- principally to give him a head’s up on the meeting that I was going to have a short time after that, with respect to Mr. Baroni.
ASSEMBLYMAN WISNIEWSKI: Okay. But his text communication to you earlier in the day was about this alleged communication between the governors, correct?

MR. O’DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: You did not address that with him at all?

MR. O’DOWD: I believe I did.

ASSEMBLYMAN WISNIEWSKI: Okay. So you first talked about Bill Baroni.

MR. O’DOWD: I don’t know the order.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. O’DOWD: The two things I remember from the conversation: I spoke with him about the Baroni meeting I was to have.

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. O’DOWD: And I believe something to the effect of “our guys,” meaning the two governors, “already spoke on the other issue.”

ASSEMBLYMAN WISNIEWSKI: Okay. And you said what to him back?

MR. O’DOWD: No, that’s what I said to him.

ASSEMBLYMAN WISNIEWSKI: And what was his response to you?

MR. O’DOWD: Thanks for the head’s up on the Baroni thing -- I don’t remember exactly.

ASSEMBLYMAN WISNIEWSKI: Okay. And that’s it? That’s the last time you talked to him about that two-governor communication?
MR. O’DOWD: That’s the last time I can remember speaking with him about that.

ASSEMBLYMAN WISNIEWSKI: Okay. Just before we go to your discussion with Bridget Kelly, I have just one last question concerning your communications with the Governor at Drumthwacket that day.

Did the Governor ever tell you that Stepien had told the Governor that Stepien told Wildstein to run his crazy ideas by Trenton?

MR. O’DOWD: The first time I remember hearing the crazy idea interaction -- the 50 crazy ideas a week, something like that -- was-- The first time I can remember hearing that was January 8.

ASSEMBLYMAN WISNIEWSKI: So the Governor did not say anything like that while you were at Drumthwacket with him that day, on December 12?

MR. O’DOWD: I don’t remember him saying that at Drumthwacket that day.

ASSEMBLYMAN WISNIEWSKI: Okay. In addition to talking with Mr. Glaser on your way to meet with Mr. Baroni, you also spoke with Bridget Kelly, I would assume, by phone that evening.

MR. O’DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: What did you say to Bridget Kelly?

MR. O’DOWD: I had tried to stop by the State House office and see her earlier that day, and learned that she was not in. She was out of the office that day. So while I was driving up to the Governor’s Newark office -- which is where the Baroni meeting occurred -- she sent me a text,
something to the effect of, “Heard you stopped by to see me. I’m on the cell,” or something like that.

ASSEMBLYMAN WISNIEWSKI: Okay, so did you then call her on the cell?

MR. O’DOWD: I called her a short time after that.

ASSEMBLYMAN WISNIEWSKI: And when you called her, what did you ask her?

MR. O’DOWD: We spoke-- The conversation started with her telling me about her daughter’s surgery. Her daughter had surgery that morning, or that afternoon, and they were home now. We spoke about my trip to Florida that I had just been with my family on for the previous five or six days or so. I believe we spoke about a conversation that I had had with an Assemblyman about getting a meeting with the Governor on a totally unrelated matter. And then I pivoted to the Bridge issue.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. O’DOWD: So I said--

ASSEMBLYMAN WISNIEWSKI: What did you say about the Bridge issue?

MR. O’DOWD: I said, “Bridget, I need to ask you about the lane closures.” And I think she said something like, “Sure, what about?” I said, “Did you have anything to do with closing the lanes at the George Washington Bridge?” She responded with, “Absolutely not. Why are you asking me that?” I said, “Well, I was at Drumthwacket today with the Governor and he asked me to ask you that. So I am.” I think she said something like, “Does he think I did?”

ASSEMBLYMAN WISNIEWSKI: Say that again?
MR. O’DOWD: I think she said something like, “Well, does he think I did?” I said, “He just told me to ask you that question directly, so I’m asking you directly: Did you have anything to do with closing the lanes at the Bridge?” And she said, “Absolutely not.” I believe I said, “Check your e-mails, check your texts. Make sure nobody sent you anything on this, and let me know if you find anything or if anything jogs your memory. Call me or see me tomorrow,” something like that.

ASSEMBLYMAN WISNIEWSKI: Did you find her denial credible?

MR. O’DOWD: I did.

ASSEMBLYMAN WISNIEWSKI: Why?

MR. O’DOWD: Bridget Kelly is someone who I have worked with and known for four years; someone who I thought very highly of; hardworking, energetic, loyal; someone who I believed and trusted.

ASSEMBLYMAN WISNIEWSKI: So in the conversation, you asked her if she had anything to do with the lane closures and she denied it. You believed her. Did you ask her specifically for any documents?

MR. O’DOWD: I believe I asked her to check her e-mails and texts to see if anyone had sent anything to her.

ASSEMBLYMAN WISNIEWSKI: At that point in time, when you asked her to check, was it just her texts or texts and e-mails?

MR. O’DOWD: I believe my best recollection is e-mails and texts.

ASSEMBLYMAN WISNIEWSKI: Okay. When you asked her that, did she have an immediate response?
MR. O’DOWD: I don’t remember if she did or she didn’t. She didn’t suggest that she had either one of those. What I remember was her direct response to my direct question.

ASSEMBLYMAN WISNIEWSKI: You had said earlier that she had told you she was on her cell; she was out of the office.

MR. O’DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: So she was not in the office, presumably, when you spoke with her?

MR. O’DOWD: I assume that’s the case, yes.

ASSEMBLYMAN WISNIEWSKI: Okay. What time of the day was the call?

MR. O’DOWD: I think it was around 4:00 p.m.

ASSEMBLYMAN WISNIEWSKI: Okay. So you asked her if she had any documents and she had no immediate response.

MR. O’DOWD: I asked her if she had anything to do with closing the lanes, and then I asked her to check her e-mails and texts to see if anyone sent her anything.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. O’DOWD: That’s what I remember.

ASSEMBLYMAN WISNIEWSKI: And did she ask specifically why the Governor wanted to know whether she had any texts or e-mails?

MR. O’DOWD: She didn’t ask that, and I don’t know that the Governor did. I’m the one who asked that.

ASSEMBLYMAN WISNIEWSKI: Yes, but I’m saying you’re calling on behalf of the Governor.
MR. O’DOWD: Oh, she asked me, “Why are you asking me this?”

ASSEMBLYMAN WISNIEWSKI: Right.

MR. O’DOWD: And I told her that I was at Drumthwacket that day -- earlier that day -- and the Governor asked me to ask her.

ASSEMBLYMAN WISNIEWSKI: Right. And then you asked her if she had any texts or e-mails.

MR. O’DOWD: I think it was something like “Check your e-mails, check your texts. Make sure no one sent you anything on this.”

ASSEMBLYMAN WISNIEWSKI: Right. And just with regard to that specific subsection of your conversation, did she then have any response along the lines of, “Why, does the Governor think there is one?” or “Why is the Governor asking that?”

MR. O’DOWD: With respect to a document?

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. O’DOWD: No, I don’t remember that.

ASSEMBLYMAN WISNIEWSKI: Okay. And your testimony is she had no immediate response to that, whether there were documents.

MR. O’DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: So did you set a time for the two of you to reconnect, talk again about whether there would be documents, or whether she checked for documents?

MR. O’DOWD: I don’t remember setting a time.

ASSEMBLYMAN WISNIEWSKI: Did you tell her to report to you by tomorrow?
MR. O’DOWD: I don’t remember that. I think I said something generally, “I’m on the cell. Call me.” I don’t remember setting a particular time for that.

ASSEMBLYMAN WISNIEWSKI: So it was basically an open ended, “Check your e-mails and get back to me”?

MR. O’DOWD: I think that’s probably what I said.

ASSEMBLYMAN WISNIEWSKI: Okay. Did she get back to you?

MR. O’DOWD: The next time I speak with Bridget Kelly is, I believe, some time in between 10:00 and 11:00 the next morning on December 13.

ASSEMBLYMAN WISNIEWSKI: Okay. When you-- Just going back to your request to her, when you asked her for any documents, texts or e-mails -- or however you may have phrased it -- were you specific to her, or were you asking her in general, are there any documents or e-mails that she knew of?

MR. O’DOWD: The way I remember it is I asked her to check to see if anyone sent you anything -- that’s my memory of it.

ASSEMBLYMAN WISNIEWSKI: You didn’t ask her to check with anybody else for documents?

MR. O’DOWD: I don’t remember that, no.

ASSEMBLYMAN WISNIEWSKI: Okay. At 4:30 that day on December 12, approximately, you and Mr. McKenna met with Mr. Baroni in Newark, correct?
MR. O'DOWD: I'm not sure; it may have been a little bit later than that, but in any event, late afternoon. Charlie McKenna and I met with Bill Baroni in the Governor’s Newark office that afternoon, correct.

ASSEMBLYMAN WISNIEWSKI: Okay. Again, referring to Tab 33, page 15 in your Gibson Dunn memo, you state that Baroni was surprised by the timing of his resignation. Do you see that?

MR. O'DOWD: Which paragraph are you in, Co-Chair? I'm sorry -- in Section 3?

ASSEMBLYMAN WISNIEWSKI: Give me a second. I think it’s in the first paragraph.

MR. ZOUBEK: Are you talking about the first paragraph?

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. ZOUBEK: First paragraph, about the fourth or fifth line down of Section 3?

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. O'DOWD: So what I remember from that interaction is, I believe that Bill Baroni knew he was not going to stay on as the Deputy Executive Director. And he may or may not have known at that time who his replacement was going to be, but I let him know that as well. But what he did not know, from my perspective, was that his last day was to be the next day, December 13.

ASSEMBLYMAN WISNIEWSKI: And in some fashion he expressed surprise to you?

MR. O'DOWD: I believe he was surprised about that he had 24 hours to no longer be an employee of the Port Authority.
ASSEMBLYMAN WISNIEWSKI: Now, you didn’t take it on your own initiative to go up and tell Bill Baroni that tomorrow would be his last day, correct?

MR. O’DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Somebody told you or asked you to go up and do that.

MR. O’DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: Who did?

MR. O’DOWD: The Governor.

ASSEMBLYMAN WISNIEWSKI: And when the Governor told you to do this, did he Governor explain to you why?

MR. O’DOWD: I don’t remember specifically; I know he had already named a replacement, internally. We have Deb Gramiccioni who had been offered the position a month earlier and had accepted it. I knew for some time prior to that, that Bill Baroni wouldn’t be staying on in the second term as the Deputy Executive Director.

ASSEMBLYMAN WISNIEWSKI: When the Governor asked you to go up and have this meeting with Bill Baroni, did the Governor mention the lane closures at all as a rationale for asking for Bill Baroni’s resignation?

MR. O’DOWD: It’s very logical that he did; I don’t remember specifically, but it’s very logical that he would have mentioned that as a part of the equation -- particularly the acceleration part of the equation, which is that tomorrow’s his last day.
ASSEMBLYMAN WISNIEWSKI: When you were asked to go up and tell Bill Baroni that he was going to be resigning the next day, did you ask the Governor why?

MR. O'DOWD: I may have; I think I got that phone call while I was in Florida. I was standing outside my hotel room; I just don’t remember the precise interaction as it relates to that issue.

ASSEMBLYMAN WISNIEWSKI: So you were going up-- You were having a meeting with Bill Baroni -- and I don’t want to mischaracterize; I want to understand whether you understood the reason why you were there.

MR. O’DOWD: I did. Oh, I’m sorry, Co-Chair. I just don’t remember exactly what he said. I understood that the acceleration component to this had something to do with the lane closures.

ASSEMBLYMAN WISNIEWSKI: And why did you understand that?

MR. O’DOWD: That’s what I don’t specifically know -- whether it was the Governor, or someone else -- but I had an understanding. It’s logical that it would be the Governor, but I just don’t remember the exact conversation.

ASSEMBLYMAN WISNIEWSKI: Did Mr. DuHaime say something to you about this -- about the rationale for having Bill Baroni depart early?

MR. O’DOWD: No.

ASSEMBLYMAN WISNIEWSKI: Did Mr. Stepien say something to you about this?

MR. O’DOWD: I do not believe so.
ASSEMBLYMAN WISNIEWSKI: You don’t recall if the Governor said something to you about it?

MR. ZOUBEK: If I can, his testimony was that it would be very logical for him to have that conversation with the Governor. And if he said he can’t specifically recall the conversation-- If we had a tape we could recall all the conversations--

ASSEMBLYMAN WISNIEWSKI: He can’t recall the conversation. I’m just asking specifically if the Governor had a conversation with him.

MR. O’DOWD: The Governor did have a conversation with me. The Governor is the one who told me to go meet with Bill Baroni. So that’s where I got that direction from.

ASSEMBLYMAN WISNIEWSKI: No, but the specific conversation that the Governor said to you that, because of the lane closures, Bill Baroni now needs to leave early.

MR. O’DOWD: I don’t remember that specifically, but I certainly knew that that was the factor driving -- a major factor driving the acceleration of being out in 24 hours. So I don’t-- I learned it from him; that’s logical. I don’t remember him actually using those words.

ASSEMBLYMAN WISNIEWSKI: When you met with Bill Baroni to discuss his resignation within 24 hours, did you discuss with Mr. Baroni the lane closures?

MR. O’DOWD: He discussed them with me.

ASSEMBLYMAN WISNIEWSKI: And what did he tell you?
MR. O’DOWD: Well, Bill Baroni said to me, without me prompting him -- after I went through the first part of the meeting which was saying something to the effect of, “I know that you know that you’re not likely to be here for the second term, and you may or may not know who your replacement is,” and I indicated who his replacement was. And then I indicated, “What I don’t think you do know is that tomorrow is your last day,” and then we talked about that.

And then the part of the conversation that concerns the lane closures: Bill Baroni looked at Charlie McKenna and me and said, “I’m sorry that this Bridge issue -- these lane closures -- have become such a distraction. But I want you guys to know that everything that I said before that Committee that day was truthful. I’m a former State Senator, I’m a former constitutional law professor, I’m a member of the bar. There was a traffic study, and there were notification problems associated with it,” something like that.

ASSEMBLYMAN WISNIEWSKI: So did you-- After he voluntarily told you that, in response to your telling him that tomorrow was his last day, did you inquire of Mr. Baroni on who authorized the traffic study?

MR. O’DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Did you ask Mr. Baroni whether Mr. Stepien knew about the traffic study?

MR. O’DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Did you ask Mr. Baroni whether Mr. Wildstein knew about the traffic study?
MR. O’DOWD: Mr. Baroni and I did -- other than what Mr. Baroni said to me, I don’t believe I asked him any questions. At that point, I have an understanding that approximately a week earlier, when Charlie McKenna met with David Wildstein, David Wildstein said to Charlie McKenna, “This was a traffic study, and this was my idea.” That was my understanding.

ASSEMBLYMAN WISNIEWSKI: And it was your understanding, was it not, that Mr. Wildstein reported to Mr. Baroni?

MR. O’DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: And Mr. Baroni is in front of you, and you’re telling him that tomorrow is his last day. Why didn’t you ask him, “Why did you let Wildstein do this?”

MR. O’DOWD: Well, Mr. Baroni’s indicating to me at this point that there was a traffic study, and that what he told your Committee was truthful.

ASSEMBLYMAN WISNIEWSKI: And would you agree, he also admitted, handled poorly?

MR. O’DOWD: Handled poorly.

ASSEMBLYMAN WISNIEWSKI: So again, my question is, you knew at that point in time that Mr. McKenna had had a conversation with Mr. Wildstein, correct?

MR. O’DOWD: Correct, on December 6.

ASSEMBLYMAN WISNIEWSKI: And that Mr. Wildstein had told Mr. McKenna that it was his idea.

MR. O’DOWD: Correct, according to McKenna.
ASSEMBLYMAN WISNIEWSKI: And now you’re in front of Bill Baroni, to whom Wildstein reports. And part of the reason for your having this -- or advising Mr. Baroni that the following day was his last day was, in part, because of the lane closures, correct?

MR. O’DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: So you’ve got the guy in front of you who is the boss of the person who poorly -- taking all of those things at face value -- poorly implemented the lane closures. You never once asked him, “Why didn’t you do this the right way?”

MR. O’DOWD: I did not ask him that. I was there to tell him that tomorrow was his last day, and a short time after that Charlie McKenna met with Mr. Wildstein and told him the same thing.

ASSEMBLYMAN WISNIEWSKI: So earlier that day the Governor had asked you to find out from Bridget Kelly whether she had any involvement. Did you ask Mr. Baroni -- since you were with him, and since part of why you were doing what you were doing involved the lane closures -- did you ask Mr. Baroni whether Ms. Kelly had any involvement in the lane closures?

MR. O’DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Why not?

MR. O’DOWD: I had asked Bridget Kelly probably about an hour earlier a very point-blank, direct question and got a direct answer. And I believed her.

ASSEMBLYMAN WISNIEWSKI: And you had no inclination to verify that by asking anybody else?
MR. O’DOWD: I did not feel the need to ask Bill Baroni that question. I felt comfortable with Bridget Kelly’s answer to me on the phone that day.

ASSEMBLYMAN WISNIEWSKI: At that point in time, did Mr. Baroni express to you -- and we’re talking about your meeting with Mr. Baroni at the office that evening with Mr. McKenna, and you’re telling him tomorrow is his last day -- did he express any frustration about the situation he had been put in?

MR. O’DOWD: I don’t remember that; I remember him expressing concern about, what I would call, some HR matters. He asked questions about severance, benefits, and things like that. And I said, “You’re going to need to talk to David Samson about that. I don’t know anything about that. I don’t know how all that comes together. And whatever Deputy Executive Directors get at the Port Authority, I’m sure you’ll get the same thing. I’m just not familiar with that, nor am I going to get that involved with that.”

ASSEMBLYMAN WISNIEWSKI: Did he express any animus or frustration towards anyone in particular?

MR. O’DOWD: I don’t remember that.

ASSEMBLYMAN WISNIEWSKI: Did he mention any involvement by Mr. DuHaime in the lane closures?

MR. O’DOWD: He did not.

ASSEMBLYMAN WISNIEWSKI: Did he mention any knowledge by Mr. Stepien of the lane closures?

MR. O’DOWD: He did not.
ASSEMBLYMAN WISNIEWSKI: Okay. Was there a discussion about finding Mr. Baroni post-Port Authority employment?

MR. O’DOWD: There was.

ASSEMBLYMAN WISNIEWSKI: Why?

MR. O’DOWD: I told Baroni that he should contact Mike DuHaime, because I understood that Mike DuHaime would be willing to offer him a job.

ASSEMBLYMAN WISNIEWSKI: How did you understand that Mike DuHaime would be willing to offer him a job?

MR. O’DOWD: The Governor told me that.

ASSEMBLYMAN WISNIEWSKI: And when did the Governor tell you that?

MR. O’DOWD: I don’t remember specifically; logically, it would have been when I spoke with him on December 11, but some time prior to December 12.

ASSEMBLYMAN WISNIEWSKI: Okay. And why would Mr. DuHaime want to offer Mr. Baroni post-Port Authority employment?

MR. O’DOWD: I don’t know the answer to that. I was told that he was willing, or that he would -- something to that effect. And what I told Baroni was, “You should call DuHaime.”

ASSEMBLYMAN WISNIEWSKI: Okay. And pursuant to what’s written in the Gibson Dunn memo, Tab 33 again, page 16 this time-

MR. O’DOWD: Page 16, Co-Chair?

ASSEMBLYMAN WISNIEWSKI: One-six, yes; 16.

After this meeting with Mr. Baroni, you called Mr. DuHaime?
MR. O'DOWD: I did. I made a few calls prior to that, but I did call DuHaime that evening as well.

ASSEMBLYMAN WISNIEWSKI: Okay. And what did you discuss with Mr. DuHaime?

MR. O'DOWD: I told him that, “I had the meeting with Baroni, and that you should expect a call from him.”

ASSEMBLYMAN WISNIEWSKI: And did you ask Mr. DuHaime why he would be hiring Mr. Baroni?

MR. O'DOWD: I don’t believe I did.

ASSEMBLYMAN WISNIEWSKI: Okay. All right then, also on page 16, Tab 33, after this meeting you made a call to Dave Samson.

MR. O'DOWD: After the Baroni meeting? Yes.

ASSEMBLYMAN WISNIEWSKI: And why did you call Mr. Samson?

MR. O’DOWD: To let him know that the Baroni meeting had just concluded, number one; and number two, to give him a head’s up that he should expect a phone call with respect to some of the issues -- some of the HR issues that Baroni had raised in the meeting.

ASSEMBLYMAN WISNIEWSKI: Did the issue of indemnification ever come up?

MR. O'DOWD: I believe it did.

ASSEMBLYMAN WISNIEWSKI: That came up in your meeting with Mr. Baroni?

MR. O’DOWD: I believe it did.

ASSEMBLYMAN WISNIEWSKI: Why did Mr. Baroni raise indemnification to you in his meeting?
MR. O’DOWD: I don’t remember specifically; he may have been subpoenaed that day. I can’t be sure if I learned that later in time. But in any event, I should have put that in the umbrella of an HR-related matter that he needed to speak with David Samson about.

ASSEMBLYMAN WISNIEWSKI: But you weren’t sure at that point in time what the indemnification referred to?

MR. O’DOWD: I can’t remember, specifically, if I knew that at that time.

ASSEMBLYMAN WISNIEWSKI: And what did you tell Mr. Baroni about indemnification?

MR. O’DOWD: That he would need to speak with Mr. Samson.

ASSEMBLYMAN WISNIEWSKI: And what did you tell Mr. Samson about indemnification?

MR. O’DOWD: That he should expect a call on a series of HR matters from Bill Baroni. I don’t know if I specifically mentioned indemnification to Samson or not, but I may have.

ASSEMBLYMAN WISNIEWSKI: Okay. Just going back, you had spoken to Mr. DuHaime after the Baroni meeting. When you spoke with Mr. DuHaime, you had said that Baroni might be calling him for a job, right?

MR. O’DOWD: I don’t know if I said, “You should call him,” or “He’s going to call you” -- but something to that effect.

ASSEMBLYMAN WISNIEWSKI: Now, did Mr. DuHaime mention, in that conversation, his conversations with Mr. Stepien earlier that day?
MR. O’DOWD: I don’t believe so.

ASSEMBLYMAN WISNIEWSKI: Okay. Did you mention your conversation with Kelly earlier that day?

MR. O’DOWD: It’s possible; I don’t remember specifically. I remember the point of me calling him, from my perspective, was to connect him with Baroni.

ASSEMBLYMAN WISNIEWSKI: Did you mention what the Governor had told you earlier that day about his own conversation with Stepien?

MR. O’DOWD: I don’t believe so.

ASSEMBLYMAN WISNIEWSKI: It’s 6:48; Mr. DuHaime called you, and I guess it’s a 1 minute call so you probably didn’t answer. But then at 7:02 you called DuHaime. Was that a subsequent call, or was that the call that you just testified to?

MR. O’DOWD: I’m not sure. Is there something I could look at it to refresh my recollection?

ASSEMBLYMAN WISNIEWSKI: Tab 19.

SENATOR O’TOOLE: Sorry, Chairman--

MR. O’DOWD: This is David Samson’s phone log.

ASSEMBLYMAN WISNIEWSKI: Sorry, wrong Tab. Tab 36 is the call log.

MR. O’DOWD: Okay.

MR. ZOUBEK: Mr. Co-Chair, you were referring to the calls on December 12?

ASSEMBLYMAN WISNIEWSKI: My Tabs are numbered incorrectly, so I think it’s Tab 36.
MR. O’DOWD: So you’re referring to what looks like--

MR. ZOUBEK: I think the Co-Chair needs to get his copy.

MR. O’DOWD: Oh, I’m sorry. I’m sorry.

MR. ZOUBEK: We have that; thank you, sir.

ASSEMBLYMAN WISNIEWSKI: My Tabs are numbered incorrectly.

So just going back to the question--

MR. ZOUBEK: I think you had been referring to the 6:48 and the 7:02 calls, Mr. Co-Chair?

ASSEMBLYMAN WISNIEWSKI: Yes, the 6:48, there’s a 1 minute call, which suggests to me it was -- it could not have been answered, possibly. So then there is a 7:02 call, in which you called DuHaime and you spoke for 6 minutes. Is that the call in which you relayed to Mr. DuHaime that you had informed Mr. Baroni that tomorrow was his last day, and that Baroni would be looking for work, and either he would call or you should call?

MR. O’DOWD: I believe, Mr. Co-Chair, that that’s the 5:41 call; I believe that’s a 3-minute call -- that’s a little bit up on the sheet, there. And I believe that when I first connected with DuHaime, he was on a train or something and couldn’t speak -- there was some connection problem. And then I believe he called me back, or I call him back -- it’d not clear to me who the originator is on these calls underneath -- the 7:02.

ASSEMBLYMAN WISNIEWSKI: Well, it looks like, from the logs, that at 6:48 DuHaime called you.

MR. O’DOWD: Okay.
ASSEMBLYMAN WISNIEWSKI: Then at 7:02 you called DuHaime. So my question -- a long way around it -- was you had a 5:41 call with Mr. DuHaime, and then there was a 7:02 call. Why the subsequent call?

MR. ZOUBEK: If I can, I think he just testified that there may have been a problem with the connection on the 5:41. If you look, it’s Philadelphia.

And where do you believe he was at the time you were talking to him?

MR. O’DOWD: He was on a train, I believe, when I first connected with him -- the first call after the Baroni meeting ended, the 5:41 call.

ASSEMBLYMAN WISNIEWSKI: So my question still stands.

MR. ZOUBEK: I was just trying to be helpful, Co-Chair.

ASSEMBLYMAN WISNIEWSKI: I appreciate your help.

MR. O’DOWD: Well, in any event, what I remember speaking to DuHaime about that day was letting him know about what had transpired in my Baroni meeting, and that Baroni would be calling him, or that he should call Baroni; something like that.

ASSEMBLYMAN WISNIEWSKI: Okay. In any way, did you discuss-- Strike that.

The next morning, on December 13, page 16 of Tab 33, which is your Gibson Dunn memo, the first thing you did -- or one of the first things you did -- was to meet with Deb Gramiccioni.

MR. ZOUBEK: If you could, Co-Chair, go back on--

ASSEMBLYMAN WISNIEWSKI: Tab 33.
MR. ZOUBEK: Thirty-three.

ASSEMBLYMAN WISNIEWSKI: His interview memo with Gibson Dunn, page 16.

MR. ZOUBEK: Okay, thank you.

ASSEMBLYMAN WISNIEWSKI: I only raised that as a point of reference, because this is allegedly your recollections of what took place. If it’s not correct, that’s fine, you can tell me that.

But according to this memo, on December 13, one of the first things you did was meet with Deb Gramiccioni. Is that correct?

MR. O’DOWD: That’s correct.

ASSEMBLYMAN WISNIEWSKI: And why did you meet with her?

MR. O’DOWD: On the way into work that day I walked past Deb Gramiccioni’s office and I recall that she kind of waved me into her office, or invited me into her office to have a conversation.

ASSEMBLYMAN WISNIEWSKI: And when she invited into her office, what did she tell you?

MR. O’DOWD: She indicated to me that she had communicated with Baroni -- and I don’t remember exactly when that was. What I mean by that is, her communication with Baroni -- she had communicated with Baroni, and Baroni had indicated to her that there was some document or some documents showing that Bridget Kelly knew something about the lane closures, but that Bill Baroni had not seen the document or documents in question.

ASSEMBLYMAN WISNIEWSKI: Did that surprise you?
MR. O'DOWD: It did surprise me, because I had just met with Bill Baroni the evening before and hadn’t heard anything like that.

ASSEMBLYMAN WISNIEWSKI: But you hadn’t asked him either, correct?

MR. O'DOWD: I’m sorry?

MR. ZOUBEK: Just a second.

(attorney/client confer)

MR. O'DOWD: I’m sorry, Co-Chair, could you ask that again? I apologize.

ASSEMBLYMAN WISNIEWSKI: You said that you were surprised because you had met with Bill Baroni the evening before, and he hadn’t said anything about that.

MR. O'DOWD: I did say that, yes.

ASSEMBLYMAN WISNIEWSKI: But you also hadn’t specifically asked him that question, correct?

MR. O'DOWD: That’s correct. I was also surprised because I had had a conversation with Bridget Kelly at 4:00 or so in the afternoon the day before.

ASSEMBLYMAN WISNIEWSKI: So when you heard this from Deb Gramiccioni that -- she was recounting to you what Mr. Baroni had said to her, did you call Baroni to find out more information?

MR. O'DOWD: I did not.

ASSEMBLYMAN WISNIEWSKI: Why not?

MR. O'DOWD: Well, two things: one, if I understood O'Dowd correctly, she indicated that Baroni had not seen the documents,
he had just heard of them; but more importantly, I was going to speak with Bridget Kelly again that day, directly.

ASSEMBLYMAN WISNIEWSKI: You weren’t curious as to whether Deb Gramiccioni had gotten the story correct?

MR. O’DOWD: I assumed O’Dowd passed along to me what she knew, and I was going to approach -- which I later did -- Bridget Kelly, directly.

ASSEMBLYMAN WISNIEWSKI: So when you later went to see Bridget Kelly, you never spoke with Baroni before you went to see Bridget Kelly?

MR. O’DOWD: I don’t believe so.

ASSEMBLYMAN WISNIEWSKI: Okay. And before you went in to see Bridget Kelly -- now that you have this information, with these allegations -- did you do any other due diligence -- call anybody, ask anybody whether they knew anything about this allegation that Deb Gramiccioni had just relayed to you that morning?

MR. O’DOWD: Well Deb’s allegations, or Deb’s information was that Baroni is indicating that there is some e-mail or some documents that Bridget Kelly knows something about the lane closures; that’s what I learned from Deb.

ASSEMBLYMAN WISNIEWSKI: Understood. And you said you were surprised to hear that.

MR. O’DOWD: I was.

ASSEMBLYMAN WISNIEWSKI: So being surprised, you didn’t call Mr. Baroni?

MR. O’DOWD: Correct.
ASSEMBLYMAN WISNIEWSKI: You didn’t call Mr. Stepien?

MR. O’DOWD: I have a call with Bill Stepien, but I don’t believe it’s on this. I was to address Bridget Kelly; and I do, ultimately, address Bridget Kelly directly on what I’ve heard from Deb that morning -- Deb Gramiccioni that morning.

ASSEMBLYMAN WISNIEWSKI: You don’t call Mr. DuHaime?

MR. O’DOWD: I have a conversation with Mr. Duhaime that morning, but I believe that was concerning Baroni’s issues that he was still raising on indemnification and other HR matters.

ASSEMBLYMAN WISNIEWSKI: You don’t call Mr. Wildstein?

MR. O’DOWD: I do not.

ASSEMBLYMAN WISNIEWSKI: Do you call anybody about this information that Deb Gramiccioni gave you?

MR. O’DOWD: I don’t believe so.

ASSEMBLYMAN WISNIEWSKI: So after that conversation, was it immediately after that that you went to see Bridget Kelly?

MR. O’DOWD: No.

ASSEMBLYMAN WISNIEWSKI: Okay, why not?

MR. O’DOWD: Because we had a staff meeting with the Governor a short time after that.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. O’DOWD: When I say that, after the interaction with Deb Gramiccioni.
ASSEMBLYMAN WISNIEWSKI: Did you tell the Governor at any point before, during, or after this staff meeting about the information that Deb Gramiccioni had just given you?

MR. O'DOWD: Yes.

ASSEMBLYMAN WISNIEWSKI: When did you tell him?

MR. O'DOWD: I believe after the staff meeting, and after I had interacted with Bridget Kelly.

ASSEMBLYMAN WISNIEWSKI: Okay -- immediately after the staff meeting, and before you went in to meet with Bridget Kelly.

MR. O'DOWD: No, no, I’m sorry. So staff meeting ends--

ASSEMBLYMAN WISNIEWSKI: Right.

MR. O’DOWD: I have some interactions with Ms. Kelly. Somewhere in that one-hour window before his press conference I speak with him about the Baroni information, if you will, as passed through Deb Gramiccioni.

ASSEMBLYMAN WISNIEWSKI: Were you concerned that now a high-ranking member of the Office of the Governor, who had given you one set of facts, was being contradicted by somebody else in the Office of the Governor?

MR. O’DOWD: I’m not sure I’m following you.

ASSEMBLYMAN WISNIEWSKI: Deb Gramiccioni suggested to you that Bill Baroni had said that Bridget Kelly has more information; that there may be e-mails.

MR. O’DOWD: Something to the effect of Bridget Kelly -- there’s some documents or some e-mails saying Bridget Kelly knew
something about this -- something like that. So was I concerned to learn that from Deb Gramiccioni?

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. O'DOWD: Yes.

ASSEMBLYMAN WISNIEWSKI: At that staff meeting, the Governor had specifically asked members of his staff whether they had any information or knowledge about the lane closures?

MR. O’DOWD: I think the direct question was, “whether or not anyone in this room had anything to do with closing the lanes,” and looking around at all of us. That’s the way I recall that piece of it.

ASSEMBLYMAN WISNIEWSKI: Okay. Mr. DuHaime’s call log -- that’s Tab 36 again -- indicates that he called you at 9:05 that morning and you spoke for 5 minutes. What was the purpose of Mr. DuHaime calling you that morning?

MR. O’DOWD: What I remember from that call was DuHaime passing along information about Baroni being concerned about not having some of the HR issues resolved.

ASSEMBLYMAN WISNIEWSKI: Tab 36 indicates that the prior night Mr. DuHaime had several lengthy conversations with Mr. Wildstein -- one for 12 minutes and one for 73 minutes. Did Mr. DuHaime talk to you at all about those conversations?

MR. O’DOWD: I don’t remember that, no.

ASSEMBLYMAN WISNIEWSKI: Okay. Did he relay anything concerning Mr. Wildstein having information about Bridget Kelly having e-mails that related to the lane closures?
MR. O'DOWD: What I remember Mike bringing up to me was issues and concerns that Baroni was raising with respect to the fact that that was his last day, and the HR issues that he had raised with me the day before.

ASSEMBLYMAN WISNIEWSKI: Okay. And at that point in time, this is now post -- so we’re going back to where we were before -- the Governor had his staff meeting, directed people to reveal whether they knew anything about the lane closures and, if I’m not mistaken, it was either you or McKenna who people were told to go see about whether they had any information about the lane closures?

MR. O’DOWD: The way I recall it was the Governor said that if anyone had any information to bring forward, or something that they wanted to say that was different than the fact that no one had responded in that meeting, they could come see either me, McKenna, or himself. But, essentially, I agree with what you’re saying.

ASSEMBLYMAN WISNIEWSKI: Okay. So after that staff meeting, you then go to see Ms. Kelly.

MR. O’DOWD: I do.

ASSEMBLYMAN WISNIEWSKI: Okay. Where did that meeting take place?

MR. O’DOWD: Well, I had a few interactions with Ms. Kelly during the one-hour window, if you will, between the conclusion of the senior staff meeting and the start of the press conference.

ASSEMBLYMAN WISNIEWSKI: Okay. So let’s walk through the first, the second, or however many there may have been.
So the staff meeting ends; you then immediately go to see Ms. Kelly?

MR. O’DOWD: I believe I did.

ASSEMBLYMAN WISNIEWSKI: Okay. And the purpose of you immediately going to see Ms. Kelly was--?

MR. O’DOWD: To ask her if she has any idea what Baroni is talking about -- with Baroni saying that there’s an e-mail or there’s e-mails that indicate that “you knew something about this” -- so confronting her with the Baroni information.

ASSEMBLYMAN WISNIEWSKI: And what did she say?

MR. O’DOWD: She didn’t know what he was talking about.

ASSEMBLYMAN WISNIEWSKI: Okay. She did mention, in that meeting, the September 12 e-mail.

MR. O’DOWD: She does. Whether it’s in that interaction or a subsequent interaction in her office, she does hand me a document that I believe is a September 12 e-mail.

ASSEMBLYMAN WISNIEWSKI: And she hands you the September 12 e-mail -- it’s a printout?

MR. O’DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: And did she describe it to you before you read it, or did you just read it?

MR. O’DOWD: I don’t remember what order it occurred in.

ASSEMBLYMAN WISNIEWSKI: Did you read it?

MR. O’DOWD: I did.

ASSEMBLYMAN WISNIEWSKI: Okay. Did you ask her about it?
MR. O’DOWD: I did.

ASSEMBLYMAN WISNIEWSKI: What did you ask her?

MR. O’DOWD: I asked her why, when she received this, she didn’t say anything to anyone, or to me -- is probably what I said.

ASSEMBLYMAN WISNIEWSKI: Back in September?

MR. O’DOWD: Oh, I’m sorry -- back in September. So this is 90 days after she’s received this. She’s showing me something that she’s received 90-or-so days earlier.

ASSEMBLYMAN WISNIEWSKI: Was this the first time you had any communication with her about whether she had any information about the lane closures?

MR. O’DOWD: Between December 12 and December 13, over those two days; other than that, no other time.

ASSEMBLYMAN WISNIEWSKI: But the day before you had a conversation with her--

MR. O’DOWD: December 12.

ASSEMBLYMAN WISNIEWSKI: --and she essentially said she had no information.

MR. O’DOWD: Correct. She said she had nothing to do with closing the lanes.

ASSEMBLYMAN WISNIEWSKI: Okay. Well, let’s be clear. Let’s take “nothing to do with closing the lanes” as a separate issue. Did she know anything about the lane closures?

MR. O’DOWD: What I asked her was, “Did you have anything to do with closing the lanes?” That’s the question I asked here.

ASSEMBLYMAN WISNIEWSKI: On December 12?
MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: Okay. And she said no.

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: So then she shows you this e-mail on December 13.

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: And do you in any way believe this e-mail contradicts what she said the day before?

MR. O'DOWD: I don’t. May I look at a copy of it; is that possible?

ASSEMBLYMAN WISNIEWSKI: It’s Tab 1.

MR. O'DOWD: Well, this actually isn’t the e-mail that she handed me.

ASSEMBLYMAN WISNIEWSKI: Give me one second.

MR. ZOUBEK: Mr. Co-Chair, having been quite familiar with Mr. O'Dowd’s testimony, it may be helpful if you ask him to describe the e-mail that he saw, because that will help put it in context and, I think, make this go more efficiently.

ASSEMBLYMAN WISNIEWSKI: Okay, I think what Tab 1 is, is a forward of the e-mail we’re talking about. So--

MR. ZOUBEK: But if I can, the phrasing in this is incredibly important -- that e-mail we’re talking about. And since there could be a lot of versions of this e-mail--

ASSEMBLYMAN WISNIEWSKI: Understood, understood. So what we’re looking at in Tab 1 is an e-mail from Davis Wildstein to Bridget Kelly. If you scroll down through the e-mail--
MR. ZOUBEK: I know exactly where you’re going, Co-Chair. I’m only suggesting -- and you don’t have to follow the suggestion -- is to ask Mr. O’Dowd what he recalled seeing that day. It will then put this into context.

ASSEMBLYMAN WISNIEWSKI: Going about it a different way but, essentially, getting to the same point.

Halfway through this page it says, “Begin forwarded message.” And there’s a message from Christina Genovese Renna to Bridget Kelly, with the area below, “begin forwarded message.” Is that the e-mail that you were shown that day?

MR. O’DOWD: I believe so. That’s the base e-mail of what I saw.

ASSEMBLYMAN WISNIEWSKI: Okay. And did this e-mail surprise you?

MR. O’DOWD: It did.

ASSEMBLYMAN WISNIEWSKI: Why?

MR. O’DOWD: It surprised me that I had not heard about this sooner.

ASSEMBLYMAN WISNIEWSKI: And that’s all?

MR. O’DOWD: That’s what I recall being my initial reaction to it.

ASSEMBLYMAN WISNIEWSKI: Now, at that point in time you had been made aware that Bill Baroni had said to Deb Gramiccioni that there was an e-mail out there about the lane closures, correct?

MR. O’DOWD: Correct.
ASSEMBLYMAN WISNIEWSKI: Did you think that this was the e-mail?

MR. O’DOWD: I ultimately conclude that, yes.

ASSEMBLYMAN WISNIEWSKI: Well, before you get to the ultimate conclusion, you’re in this meeting with Bridget Kelly, all right? Did you conclude that while you were in the meeting with Bridget Kelly?

MR. O’DOWD: I don’t remember exactly when I concluded it.

ASSEMBLYMAN WISNIEWSKI: Okay. Did it—Strike that. Who else was in this meeting with Bridget Kelly when you were handed this e-mail?

MR. O’DOWD: I recall the interaction between just Bridget and myself, but I know Bill Stepien was around that day. He may have been present for this; I know he was there in a good part of that one-hour window.

ASSEMBLYMAN WISNIEWSKI: He was in the meeting with you and Bridget Kelly?

MR. O’DOWD: I don’t know that it was a meeting. He may have been; he was definitely there that day. I don’t know whether or not he was specifically in this interaction.

ASSEMBLYMAN WISNIEWSKI: Was he in any of your interactions with Bridget Kelly?

MR. O’DOWD: Again, he was present -- he was in and around, by her office. I can’t specifically put him in the room, but I’m not precluding it, either.

ASSEMBLYMAN WISNIEWSKI: This is an important point, so I’m just trying to understand. Because you said he was “present,” but he
was “in and around.” And that says yes and no to me. So I’m trying to understand.

MR. O’DOWD: I recall him, at some point, being in the doorway right outside in the outer office. Bridget’s desk is very close to the outer office -- 3 or 4 feet connects the outer office from her desk.

ASSEMBLYMAN WISNIEWSKI: Right.

MR. O’DOWD: So he may well have been right there for this.

MR. ZOUBEK: If I can, Co-Chair. I think his distinction is, in the office you can be around an office and still be able to hear, as opposed to being in the office. That’s the distinction he’s making.

ASSEMBLYMAN WISNIEWSKI: But what I’m trying to understand is did Mr. Stepien participate in any way in your conversation with Bridget Kelly?

MR. O’DOWD: I don’t remember him participating in any way.

ASSEMBLYMAN WISNIEWSKI: Was there a point in time where you were looking at her computer trying to help locate an e-mail?

MR. O’DOWD: I was standing over her desk -- in front of her desk -- and I recall her looking through e-mails, making some reference to the fact that she deletes e-mails on occasion. Mr. Stepien may have been present for that, but I don’t remember him being part of it in any way. I was interacting with her, is the way I remember it.

ASSEMBLYMAN WISNIEWSKI: It was at this point in time where Ms. Kelly said that she deletes e-mails?

MR. O’DOWD: She referenced the fact that sometimes she deletes e-mails.
ASSEMBLYMAN WISNIEWSKI: Did that concern you?
MR. O’DOWD: It did, but I said, “You need to check your deleted files; you can still retrieve e-mails that have been deleted.”

ASSEMBLYMAN WISNIEWSKI: Did you give her any instructions about the propriety of deleting e-mails related to government business?

MR. O’DOWD: I know that she’s been present for training on this, and there is very clear training on this from the Office of the Governor with respect to not doing that. But I don’t know-- She didn’t reference what type of e-mails she had deleted; it was just a general reference to that.

ASSEMBLYMAN WISNIEWSKI: Right, but you now have somebody who reports to you, as Chief of Staff, saying, “I delete e-mails.”
MR. O’DOWD: “Sometimes I delete e-mails,” I believe is what she said.

ASSEMBLYMAN WISNIEWSKI: Okay. Were you concerned that she had deleted e-mails about this lane closure?
MR. O’DOWD: I wasn’t, because she wasn’t concerned. And nothing in this interaction changed her very, very clear indication to me that she didn’t have anything to do with the lane closures. So she was concerned, I think, maybe someone sent her something -- which is what I indicated the day before. “Check your texts, check your e-mails, see if someone sent you something,” some kind of a notification, or something like that. That’s what I was thinking of.

ASSEMBLYMAN WISNIEWSKI: But it didn’t rise to a level of concern that, at a point in time when there was a legislative Committee conducting a formal investigation into this issue, somebody who reports to
you said, in the context of you looking for e-mails -- she said to you, “Sometimes I delete e-mails.” That didn’t--

MR. O’DOWD: She didn’t say that she deleted any e-mail associated with this.

ASSEMBLYMAN WISNIEWSKI: Well, why would she tell you that if it didn’t have some-- I mean, I’m trying to understand the context. She tells you, “I sometimes delete e-mails.” Why would she say to you, “Sometimes I delete e-mails,” when you’re asking her for e-mails about the lane closure?

MR. O’DOWD: I’m not sure.

MR. ZOUBEK: If I could -- your question was, “Why does she,” do the following, and so he can’t answer that question.

MR. O’DOWD: Yes.

ASSEMBLYMAN WISNIEWSKI: And it didn’t pique your curiosity, as her boss, as to why your employee might, in the context of you asking her for e-mails on this topic, say to you, “Oh, and I sometime delete e-mails.”

MR. O’DOWD: I don’t remember it being, “Oh, and by the way.” This was-- I’m trying to focus on the particulars of the transaction. She provided this e-mail, and indicated to me that she does not believe there are any other e-mails on the topic.

ASSEMBLYMAN WISNIEWSKI: On Tab 39, page 9 -- I’m sorry, is that right? Hold on one second.

Yes, Tab 39--

MR. ZOUBEK: If I can, Mr. Co-Chair, and, obviously, it’s your proceeding. I would just like--
ASSEMBLYMAN WISNIEWSKI: We’re going to take a break.

MR. ZOUBEK: No, no. My client has not read these other reports. I’ve instructed him not to read the other reports. I would ask that you, perhaps, you not ask him to read somebody else’s statement, but just ask him a factual question.

ASSEMBLYMAN WISNIEWSKI: I’m going to ask him a factual question, but I want him to know from where I am basing my question.

MR. ZOUBEK: I understand that. But particularly in the context with all the proceedings going on here, I think the instruction that I’ve given my client not to read anyone else’s statements is appropriate. And so I would hope that we could ask the question without referring him to a page of somebody else’s report.

ASSEMBLYMAN WISNIEWSKI: I’m not going to question your legal advice to him; that’s your business. I just wanted him to understand why I’m asking the question. If he would just listen to the question -- I mean, it makes it easier if he read it, but he can listen and he can answer the question, if possible.

MR. ZOUBEK: That sounds like a perfect approach.

ASSEMBLYMAN WISNIEWSKI: So according to the memo prepared by Gibson Dunn of the interview with Mike DuHaime on page 9, “Mr. Stepien called DuHaime from the State House before the Governor’s press conference asking Mr. DuHaime to confirm that Mr. Wildstein had said that Kelly had knowledge of the lane realignment beforehand. Stepien
asked DuHaime to determine if Wildstein had proof of Kelly’s knowledge beforehand.”

My question for you, based on that, is did you ever ask Mr. Stepien to call Mr. Duhaime that morning, and ask DuHaime to call Mr. Wildstein?

MR. O'DOWD: I don’t remember that -- making that call.

ASSEMBLYMAN WISNIEWSKI: It didn’t happen, or you don’t remember?

MR. O'DOWD: I don’t remember my interactions with Mr. Stepien that day regarding -- having regard to the lane closures.

ASSEMBLYMAN WISNIEWSKI: Did you have interactions with Mr. Stepien that day?

MR. O'DOWD: I did.

MR. ZOUBEK: If I may just have a moment.

(attorney/client confer)

MR. O'DOWD: I don’t remember the substance of that call. I did have a telephone conversation with Bill Stepien that day, and I also saw him in person that day.

ASSEMBLYMAN WISNIEWSKI: Okay. At that point in time, Bill Stepien was working for the campaign, correct?

MR. O'DOWD: I think--

ASSEMBLYMAN WISNIEWSKI: Or it was actually after the campaign.

MR. O'DOWD: I think the campaign was over.

ASSEMBLYMAN WISNIEWSKI: Well, he was no longer an Office of the Governor employee.
MR. O’DOWD: He was no longer an Office of Governor employee; that’s correct.

ASSEMBLYMAN WISNIEWSKI: Okay. So what would you be calling Mr. Stepien about?

MR. O’DOWD: I had just seen Bill Stepien that day before; I was having conversations with Bill Stepien, generally, about the future. We had been in Arizona together for a week in November. So I don’t remember specifically, is my answer.

ASSEMBLYMAN WISNIEWSKI: But that call to Mr. Stepien is not mentioned in your Gibson Dunn memo.

MR. O’DOWD: Is that the case?

ASSEMBLYMAN WISNIEWSKI: Is there a reason why it wouldn’t -- why you wouldn’t have mentioned that in your interview to Gibson Dunn?

MR. O’DOWD: I don’t know. They are not my notes, they are not my statements. I’m telling you that I don’t remember the substance of that call. I know I spoke with Bill, no question. I know I saw Bill at the State House that day, no question. I just don’t remember the substance of those interactions.

ASSEMBLYMAN WISNIEWSKI: Okay. According to your memo, on page 18--

MR. O’DOWD: What Tab is that, again?

ASSEMBLYMAN WISNIEWSKI: You memo is--

MR. ZOUBEK: It’s 33.

ASSEMBLYMAN WISNIEWSKI: Yes, 33. I just want to understand the process while you went to Bridget Kelly’s office. And I
know you said it was more than one occasion that morning -- or that day, correct -- on December 13?

MR. O’DOWD: Correct. Prior to the press conference, I believe I was in her office a couple of times, and she was in my office once.

ASSEMBLYMAN WISNIEWSKI: Okay. Were you and Bridget Kelly trying to go through her e-mails before the Governor’s press conference?

MR. O’DOWD: I don’t remember doing that, no.

ASSEMBLYMAN WISNIEWSKI: Were you trying to go through her e-mails?

MR. O’DOWD: I don’t remember me-- I was not trying to go through her e-mails.

ASSEMBLYMAN WISNIEWSKI: Were you standing over her desk while she went through them, and you were observing from behind?

MR. O’DOWD: It’s possible that she accessed her computer while I was there, but I don’t remember it that way.

ASSEMBLYMAN WISNIEWSKI: Okay. When you were in Bridget Kelly’s office, didn’t Bridget Kelly tell you that Wildstein had called her at one point, prior to the lane closures, and told her that the lane closures had been given the green light from Trenton?

MR. O’DOWD: No.

ASSEMBLYMAN WISNIEWSKI: That never happened?

MR. O’DOWD: No.

ASSEMBLYMAN WISNIEWSKI: No words to that effect?

MR. O’DOWD: No words to that effect.
ASSEMBLYMAN WISNIEWSKI: Was there any indication that Bridget Kelly, at that point in time, had prior knowledge of the lane closures?

MR. O’DOWD: Not that I was aware of. The e-mail that I had been given from her was, I think, three days or four days into the lane closures.

ASSEMBLYMAN WISNIEWSKI: While they were occurring?
MR. O’DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: Okay. Did you tell the Governor before his press conference that Bridget Kelly had a contemporaneous e-mail while the lane closures were going on?

MR. O’DOWD: I did.

ASSEMBLYMAN WISNIEWSKI: You told the Governor that one of his staff members knew about the lane closures while they were going on?

MR. O’DOWD: I showed him the e-mail.

ASSEMBLYMAN WISNIEWSKI: Okay.

I have no further questions at this point in time.
We’re going to take a lunch break, and then we’re going to resume questioning with Co-Chair Weinberg.

MR. O’DOWD: What time, sir?

ASSEMBLYMAN WISNIEWSKI: We’re going to take a half-hour, so that would take us to 1:05 p.m.

MR. ZOUBEK: Thank you.
MR. O’DOWD: Thank you.
ASSEMBLYMAN WISNIEWSKI: I’d like to bring the meeting of the Select Investigative Committee back to order.

Mr. O’DOWD, thank you for your testimony this morning. We’re going to continue with the questioning now, led by the Co-Chair of the Committee, Senator Loretta Weinberg.

SENATOR WEINBERG: Good afternoon.

MR. O’DOWD: Good afternoon, Co-Chair.

SENATOR WEINBERG: I’m going to go back a little further in the chronology than my Co-Chair. Assemblyman Wisniewski kind of concentrated on those first couple of weeks in December.

Okay, and let me start off with a reference, it’s in Tab 5, and it talks about a weekly conference call -- September 19 plan to call, but it was put off to a new date. And I’m curious as to why that group of people participate in a weekly conference call -- particularly why is Mr. Bill Palatucci involved in those weekly conference calls.

MR. O’DOWD: Well, Senator, I don’t know about this particular call on Friday, the 20th, but as a general matter we had a Friday call -- a scheduling and logistics call -- between the Governor’s Office employees and members of the campaign.

SENATOR WEINBERG: Okay. So that was done weekly.

MR. O’DOWD: I believe it was done weekly.

SENATOR WEINBERG: And Mr. Palatucci, I guess, and Mr. DuHaime represented the campaign, or strategists--
MR. O’DOWD: And Mr. Stepien as well. I think Mr. Palatucci was the Chairman of the campaign; I think that was his title.

SENATOR WEINBERG: I’m sorry?

MR. O’DOWD: Mr. Palatucci was the Chairman of the campaign; I think that was his title.

SENATOR WEINBERG: Okay, now we fast— Well, I’m going to skip back-and-forth in the timeline.

But on October 2 -- this is Tab 33 -- and this pertains to Pat Foye’s e-mail.

MR. O’DOWD: I’m sorry, Senator, which Tab, Tab 33?

SENATOR WEINBERG: Tab 33.

MR. ZOUBEK: It’s your statement.

MR. O’DOWD: Oh, okay.

SENATOR WEINBERG: And that’s the “Pat Foye is a bad guy” e-mail.

ASSEMBLYMAN WISNIEWSKI: Tab 33 is his statement.

SENATOR WEINBERG: We’ll hold that while we look.

Let me move forward.

On page 5--

MR. O’DOWD: Page 5 of the memorandum of interview?

SENATOR WEINBERG: Okay, it’s on page 9 -- the Pat Foye e-mail issue that I just raised is on page 9 of Tab 33, the top paragraph. It talks about, “The relationship between Wildstein and Baroni on the one hand, and Foye on the other had never been great and that there was a tension between them. As such, O’Dowd discounted information. O’Dowd viewed the fact that the Foye e-mail was leaked as evidence of the tension.
O'Dowd believes then, on October 2, a text that he received from Stepien stating, ‘Pat Foye is a bad guy’ was sent in the context of this historical tension.”

So you got a text, perhaps on or about October 2, from Mr. Stepien?

MR. O’DOWD: That’s correct.

SENATOR WEINBERG: Okay. And everything that Pat Foye said in that e-mail -- didn’t follow any of our processes, laws were probably broken, both Federal and State laws -- were all kind of dismissed -- dismissed is my word -- because of this so-called tension between some of the New York and New Jersey employees.

MR. O’DOWD: Which e-mail are you referring to, Senator?

SENATOR WEINBERG: The e-mail that -- pardon me. The original e-mail that Pat Foye sent, that talked about the fact that the lane closures did not follow any of the Port Authority process and, in fact, Federal and State laws probably were broken.

MR. O’DOWD: I don’t believe that I saw that e-mail until much later in time -- after January 8. But the article that makes some of the assertions in there I am familiar with -- which I think is what you’re asking me.

SENATOR WEINBERG: Okay. That article appeared around October 1 or 2.

MR. O’DOWD: That’s my understanding.

SENATOR WEINBERG: And you received it-- According to this, that on October 2 a text that you received from Stepien stated, “Pat
Foye is a bad guy” -- and that text was sent in context of this tension, correct? Or that’s how you--

MR. O’DOWD: I believe it was.

SENATOR WEINBERG: Okay. So the fact that the Executive Director of the Port Authority of New York and New Jersey reversed these lane closures, stated in an e-mail that was, by that time, published in the newspaper -- again, I'll repeat, “the processes have not been followed. The lane closures were reversed. And State and Federal laws were probably broken.” That was just dismissed as a result of the tension between the New York and New Jersey sides -- and dismissed is my word, but I wanted to perhaps help put a more direct question to you, Mr. O’Dowd. When you saw that e-mail, did you feel any responsibility to look into this a little more closely, or to speak to anyone at the Port Authority?

MR. O’DOWD: I don’t believe I saw the e-mail, but, again, the article -- the October 1 article, the Wall Street Journal article, I’m familiar with that and I did not dismiss that article.

SENATOR WEINBERG: So what was your reaction when you read about the e-mail?

MR. O’DOWD: The article which references the e-mail?

SENATOR WEINBERG: Yes, when you read the article.

MR. O’DOWD: I’m just trying to be clear; I’m not trying to be cute with that. So I had an understanding that the article makes references to laws were broken, Pat Foye was going to investigate what had happened, there may have been reference to political overtones -- so I am familiar with that article. And I, a short time after that article is published, I’m present
for a meeting with the Governor and Charlie McKenna concerning the matter.

SENATOR WEINBERG: Okay. After you read the article, you didn’t ask to see the e-mail, or you didn’t speak with anybody at the Port Authority?

MR. O’DOWD: I did not. I don’t recall speaking with anybody at the Port Authority, and I don’t think I saw the e-mail itself until much later. But again, I did see-- I’m familiar with the article and the allegations, generally.

SENATOR WEINBERG: Okay. On page -- I’m still in Tab 33 -- on page 5, and it’s the first full paragraph, the last sentence. I’m sorry -- go down to the Roman numeral II, paragraph A. “O’Dowd did not know about an attempt in the spring of 2013 to get the Fort Lee Mayor to endorse the Governor. O’Dowd was not involved, did not know about the process of getting endorsements from local elected officials, but would learn about the endorsements either right before or as they were announced.” Do you recall who generally told you about some potential endorsement of the Governor during the campaign before they were announced?

MR. O’DOWD: Do I recall who would have told me that?

SENATOR WEINBERG: Yes, who would have told you about endorsements that were about to happen of the Governor prior--

MR. O’DOWD: Most likely it would be Bill Stepien; but I don’t recall specifically. But when we had those Friday calls, if we talked about scheduling for the week that would follow, there would be time blocks on the schedule for -- I think they were blocked as CCFG. That meant Chris Christie for Governor, and that was the opportunity for them
to tell us -- the campaign -- where they wanted him to be for that -- say, from 3:00 to 5:00 p.m. he needs to be in South Orange on Thursday. And at that time we may learn what the purpose of that meeting -- event was to be. And that’s what I meant by that, I believe.

SENATOR WEINBERG: Okay, on page 10, also Tab 33 -- “He indicates that Bill Baroni was going to be replaced in the new term prior to his testimony, prior to more information about the lane closures. That, in fact, his replacement was told on or about November 13 that she was going to replace Mr. Baroni at the Port Authority.”

Is that so?

MR. O’DOWD: I think this date is inaccurate. I think it was earlier than that. It was some time after the reelection and before Ms. Gramiccioni went away to Hawaii -- that she was, as I understood it, offered the job from the Governor and had accepted it. But there had been discussions even prior to the election with me and Deb Gramiccioni about her interest level in taking the position.

SENATOR WEINBERG: Did Mr. Baroni know at that time that he was going to be replaced?

MR. O’DOWD: Not from me.

SENATOR WEINBERG: Do you know whether he knew or not at all, through somebody?

MR. O’DOWD: I don’t -- not from me, and I don’t know-- I don’t know when he knew he was going to be replaced, other than when I told him about -- on December 12 --

SENATOR WEINBERG: That he was going to be replaced the next day.
MR. O'DOWD: --that tomorrow was his last day. Yes, but if he knew prior to that -- which is likely in the space between O'Dowd accepting the position and the meeting on December 12 -- I never communicated that with him directly.

SENATOR WEINBERG: Do you have any idea why Mr. Baroni was going to be replaced in the second Administration?

MR. O'DOWD: Generally, I think there were some frustrations, and a notion that he may be burned out. If I understood it correctly, he had the position for almost four years and no one prior to -- if I understood it correctly -- no one prior to that had held that position for more than two years, or something like that. So as I understood it, he was burned out. That is what I understood to be the case.

SENATOR WEINBERG: So it’s just a question of the fact that he had some term of office there that was over?

MR. O'DOWD: No, I mean, it was performance-based. I mean, it was a decision to move on. I think part of it was that he’s burned out, he’s been there for too long. There is lots of tension, which I think is natural in certain positions. So there were conversations months and months and months earlier that I was present for about Bill not being there in the second term -- Bill Baroni not being there in the second term.

SENATOR WEINBERG: Did-- At any time during this period of time did Mr. Baroni announce that he wanted to resign, or did he ask to be replaced or transferred into another position?

MR. O'DOWD: I don’t believe directly to me, and I don’t know if he communicated that to other folks.
SENATOR WEINBERG: So as far as you know, as of several months before November 13, there were plans to replace Mr. Baroni, but chances were Mr. Baroni was not aware of that.

MR. O’DOWD: I don’t know what he was aware of, but I’m certain of the fact that there were conversations several months, at least, prior to that about him not being around in the second term.

SENATOR WEINBERG: Was Mr. Samson aware of that?

MR. O’DOWD: Yes. Those were some of the conversations I had with David Samson about that.

SENATOR WEINBERG: But nobody ever asked whether anybody had a discussion with Mr. Baroni about it?

MR. O’DOWD: Well, I didn’t ask that.

SENATOR WEINBERG: Okay. Now, on page 15, also Tab 33-- Okay, we’re going back to, I guess, it’s that same dining room meeting -- for want of a better title for it. And it was during that meeting that the Governor asked you to talk to Kelly to determine whether she had any knowledge of the lane closures.

MR. O’DOWD: Anything to do with closing the lanes -- that’s exactly right.

SENATOR WEINBERG: That’s on page 14, I’m sorry.

MR. O’DOWD: Page 14, Senator? I’m sorry.

SENATOR WEINBERG: Yes. And the report goes on to say, when asked why the Governor would be discussing-- Well, let me read the prior sentence. “O’Dowd also believed that the Governor told him at this time that the announcement of Stepien as the head of the New Jersey Republican Party had been delayed. When asked why the Governor would
be discussing the Fort Lee issue with Stepien, O'Dowd thought by this point Drewniak had already told O'Dowd and the Governor about Wildstein’s claims.” Correct?

MR. O'DOWD: It’s correct that that’s what the report says.

SENATOR WEINBERG: I’m sorry?

MR. O’DOWD: What you just read is here; I’m not sure what you’re asking about it, though.

SENATOR WEINBERG: Okay, all right.

Now, go to the next page, page 15 -- and you testified to this a little earlier. “During that meeting, Baroni said that everything he said in his testimony was true, and reiterated that the traffic study was legitimate, and the only mistakes made were that they didn’t inform local officials. Mr. O'Dowd found Baroni credible and did not consider this meeting to be the proper forum to further discuss the lane realignment.”

Did anybody ever think to check Mr. Baroni’s testimony? Did you think that after that testimony was delivered on November 25, in which it was claimed that a traffic study was being done because there were these dedicated roads that only Fort Lee residents could use, did anybody ever check that little basic statement in Mr. Baroni’s testimony? Did you ever-- You said that you considered him credible. Did you check anything about the basics of his testimony before the Assembly Transportation Committee?

MR. O'DOWD: I never watched his testimony.

SENATOR WEINBERG: I think I read that you were on vacation.
MR. O'DOWD: No, I wasn’t. I was just in the office that day, but I didn’t watch it.

SENATOR WEINBERG: Well, you read about it? There were oped pieces written subsequent -- soon after the testimony. I assume you read something about what the story was: that a traffic study was needed because there were private, resident-only roads from Fort Lee over the George Washington Bridge. Do you remember reading about that from Mr. Baroni’s testimony?

MR. O'DOWD: I don’t know if it’s specifically from Mr. Baroni’s testimony, but I knew generally -- and had learned, at some point, generally -- that there was some issue with dedicated lanes. But I don’t know if it was directly connected to Baroni’s testimony.

SENATOR WEINBERG: Okay, now, you testified a little earlier to Assemblyman Wisniewski’s questions that you were standing-- There was a press conference that was going to be held -- and I am fast-forwarding to December, the Governor’s early December press conference. You actually-- An hour, an hour-and-a-half before the press conference you were searching with Ms. Kelly her e-mails to see if anything else was going to show up.

MR. O'DOWD: I didn’t search Ms. Kelly’s e-mails.

SENATOR WEINBERG: Well, you were standing over her, or next to her desk as she was looking?

MR. O'DOWD: I never stood over her, I didn’t stand-- I stood in front of her desk. So I came into the room from the outer office--

SENATOR WEINBERG: You were kind of watching what she was doing.
MR. O’DOWD: I don’t remember standing there specifically with her searching her e-mails or being a part of searching her e-mails. She may have searched them; she may have accessed them while I was there. But that’s where I was standing any time I was in her office.

SENATOR WEINBERG: Okay, let’s go to Tab 12, dated October 16, from Regina Egea. What was Ms. Egea’s title at that point?

MR. O’DOWD: Was, and still is, the Director of the Authorities Unit in the Governor’s Office.

SENATOR WEINBERG: Okay. At 2:34 p.m. that Wednesday, she forwards to you an e-mail in which she tells you that, “I attended a Board meeting. I did not speak at that Board meeting. I had a hallway conference with Steve Strunsky and Ted Mann. And then I was admitted into the anteroom where the press gaggle is held, typically. Questions ensued on Fort Lee, but holding to the script of ‘all under review’” And might I tell you, by the way, just an editorial comment, they did hold to that script through October, November, and December quite well.

So what did that mean, “holding to the script”? She sent that e-mail to you. Who, as far as you know, orchestrated that script, and why was the Governor’s Office involved with a script of “all under review”? Or what was referred to by Ms. Egea as a script?

MR. O’DOWD: I’m not aware of any script, Senator. My understanding is that what was announced at that day at the Port Authority was that they had launched a review -- an internal review, of some type, of the lane closure matter. I don’t know what Ms. Egea is referring to by saying, “a script.” That’s not a question I can answer.
SENATOR WEINBERG: So you didn’t ask her what she was referring to, or what that meant in terms of the Port Authority and its reaction?

MR. O’DOWD: I don’t remember getting this specifically; but what my reaction is -- I would get this sent to me for two reasons: one, and principally, letting me know about a matter that involves legislative leadership -- someone like yourself, who I interact with frequently; and second, indicating -- which I believe I know prior to this -- that there was going to be an announcement of a review that day. They were going to be formally announcing a review of some type.

So to be clear, I’m not aware of any script; I don’t know what she was referring to when she says “script.”

SENATOR WEINBERG: Okay. Let me review with you, if you don’t mind, Mr. O’Dowd -- because I’ve used this expression many times in summing up what I think this -- at least one thing that this Committee has learned about this whole issue: is that there was a, what I dubbed, curious lack of curiosity about what was going on here, in terms of the Governor’s Office.

And I’m going to review some dates with you. On September 26 you met with David Samson. By that date-- Now, everybody gets these clips -- the Governor’s Office clips -- which came to us as a result of the subpoenas that we issued to the Governor’s Office. By September 26 there were three stories about the lane closures that actually appeared in the Governor’s clips. And by that date, I assume you received a copy of the letter I sent to the Governor -- pardon me, that I sent to Commissioner
Schuber, with a copy to the Governor, asking questions about the lane closures.

MR. O’DOWD: I did not see that letter until much later in time.

SENATOR WEINBERG: Until when?

MR. O’DOWD: Much later in time.

SENATOR WEINBERG: Okay. All right, October 17, Michael Drewniak texts you, “A new high-level of shit is hitting the fan tonight on the Fort Lee-George Washington Bridge issue. Maybe you should know about it.” Did you ask any questions after receiving that e-mail (sic) from Mike Drewniak?

MR. O’DOWD: My understanding of what Mike was referring to in that text was a press inquiry concerning-- Someone had reached out indicating that Wildstein was the one who actually did something with the cones, or was on the Bridge that day; that’s my understanding. But, ultimately, a story never ran like that because it wasn’t the case. That’s what Drewniak explained to me.

SENATOR WEINBERG: Okay. By that date, by the way, Pat Foye’s e-mail had appeared in the Wall Street Journal; the Governor was asked about the lane closures during a Bergen Record editorial board meeting; I have attempted two meetings at the Port Authority by that point; gubernatorial debate was held where the lane closures, as an act of political retribution, was raised; and according to Mike Drewniak’s testimony, Mr. McKenna is aware of the allegations and is looking into it.

So now we’ve got 15 stories about the lane closures. You’ve-- well, you didn’t receive a copy of my letter, at that point, but Pat Foye’s e-
mail had appeared in the Wall Street Journal; the Governor was asked about this at an editorial board interview; and, in fact, it was actually raised in the context of a gubernatorial debate.

You didn’t think about -- or did you think about asking anybody anything, by that date, about these lane closures?

MR. O’DOWD: In early October, I was present for a meeting between Charlie McKenna and the Governor, where Charlie McKenna -- the Chief Counsel who oversees the Authorities Unit, which interfaces with the Port Authority -- briefed the Governor about his interactions with the Port Authority concerning the lane closures.

SENATOR WEINBERG: And that was the extent of your involvement at that point?

MR. O’DOWD: In and around early October, Charlie McKenna indicated to me and the Governor that he had conferred with the Port Authority and that this was, in fact, a lane closure, a traffic study, and that mistakes were made with respect to notifications. So I was present for that briefing to the Governor.

SENATOR WEINBERG: Okay. On October 22 you had dinner with David Samson. And by October 22, a story about the lane closings had appeared on the first page (indiscernible) of the Governor’s Office. There were 18 stories about the lane closures. I don’t know whether you might have received a copy of my letter by then; Pat Foye’s e-mail appeared in the Wall Street Journal. And again, the editorial board interview, the debate, etc.

Any questions asked beyond your inquiry with Mr. McKenna at that point?
MR. O'DOWD: I relied on Mr. McKenna; Mr. McKenna’s interface with the Port Authority -- it’s part of his jurisdiction and his job, so I relied on Mr McKenna. Everything I had learned at that point--

SENATOR WEINBERG: Well, did you-- Were you getting any answers? Did you ask Mr. McKenna about what was going on with his inquiry?

MR. O'DOWD: I don’t remember specifically what we talked about other than what he had briefed the Governor out of my presence. And nothing changed, from my understanding, as to what Charlie McKenna knew from that point -- throughout all these time periods that you are referring to.

SENATOR WEINBERG: You know, I bring this up because I just want to set the stage. This is not an issue that was kind of happening someplace else; that people directly involved with the Governor’s Office should have, perhaps, taken note of. And I’m trying to find out if, in fact, anybody took note. Did they ask any questions to actually get to the bottom of this?

On November 18 -- and I know you referred to it in your Gibson Dunn transcript -- you and I had a meeting about issues other than the lane closures. And I did bring this up at the end of that meeting. What I recall saying to you is, “Please tell the Governor that I’m not letting this issue drop.” I thought I was kind of sending a message. So we have a direct meeting on November 18, which I thought I was expressing to you the seriousness that I thought this issue warranted.
MR. O’DOWD: I also recall in that meeting, Senator, that you indicated to me that you didn’t think the Governor’s Office had any involvement.

SENATOR WEINBERG: And I’m not sure-- I doubt I said the Governor’s Office wasn’t involved. I think that I have said publicly -- certainly, at that point, that I did not believe the Governor called somebody and told them to close the lanes to the George Washington Bridge. I said that publicly, as well as privately to you.

November 25 is the time that Bill Baroni testifies before the Assembly Transportation Committee. And by that time there were 24 stories about the lane closures that appeared in the Governor’s Office clips -- those clips that go to you once, and sometimes twice a day, as you said. Reporters from the Wall Street Journal, the Bergen Record, and the Star-Ledger were making inquiries; they were filing OPRA requests; and at that point, I believe, Assemblyman Wisniewski, and Assemblyman Gordon Johnson, and I had attempted another Port Authority meeting where, by the way, the script was carried quite well. We were told the matter is under review.

Now, we were told-- Are you aware of anybody who helped prepare Bill Baroni for his testimony before the Transportation Committee?

MR. O’DOWD: I’m not certain who prepared it; I did not. I was not involved, and I learned about his appearance during interactions with Charlie McKenna. But I can’t say with any specificity, because I don’t know who prepared the testimony.

SENATOR WEINBERG: What did you hear about his preparation?
MR. O’DOWD: I didn’t. Charlie McKenna just called me to talk about Bill Baroni going to testify. But the preparation associated -- we did not discuss that at all.

ASSEMBLYMAN WISNIEWSKI: Did Charlie McKenna tell you what the subject of his testimony would--

MR. O’DOWD: Oh, absolutely.

SENATOR WEINBERG: Yes. And what did Charlie McKenna tell you, do you recall?

MR. O’DOWD: He was going to testify about the traffic study.

SENATOR WEINBERG: What was the subject of the traffic study that he was going to testify to?

MR. O’DOWD: I don’t remember it being that precise. I was out-of-town; he called me while I was out-of-town to talk about Bill Baroni testifying, and I thought it was a great idea.

SENATOR WEINBERG: All right. Now we move to December 5, when Mr. Drewniak apparently told you and the Governor about David Wildstein’s claims that Bridget Kelly and Bill Stepien knew about the plan to close the lanes ahead of time.

MR. O’DOWD: That’s not what happened. That’s not my recollection, no.

SENATOR WEINBERG: What is your recollection?

MR. O’DOWD: My recollection is that that interaction occurred -- I believe it was December 2, but in any event, in that first week of December. And that what Drewniak told the Governor is that Wildstein is saying that he spoke with you (sic), talked to you, about the lane closures
at 9/11 when he saw you there -- the 9/11 memorial service. And that he’s made the same claim to both Kelly and Stepien.

SENATOR WEINBERG: Did he make that same claim about Mr. Stepien, or just about Ms. Kelly?

MR. O’DOWD: Both. In other words--

SENATOR WEINBERG: Both.

MR. O’DOWD: --Wildstein is saying he told you this. And Wildstein’s also saying that he told this same story -- that he talked to you about the lane closures on 9/11; he told the same thing, according to what Drewniak’s saying, to Kelly and Stepien.

SENATOR WEINBERG: Okay. And by that date -- whether it’s December 3 or December 5 -- there were 39 stories that appeared in the clips that were sent to the Governor’s Office.

Did you mention earlier that you, and the Governor, and Mr. McKenna met some time earlier in October to talk about the lane closures?

MR. O’DOWD: I believe that’s correct.

SENATOR WEINBERG: Do you recall what that conversation was?

MR. O’DOWD: It was Charlie McKenna briefing the Governor, in my presence, about his interactions with the Port Authority concerning the lane closures.

SENATOR WEINBERG: And the substance of that -- do you recall that?

MR. O’DOWD: That it was a traffic study, but that mistakes had been made -- notification mistakes had been made.
SENATOR WEINBERG: Did anybody ever ask to see the traffic study?

MR. O’DOWD: I did not; I don’t know if others did.

SENATOR WEINBERG: You don’t know if anybody else did? Okay.

By the way, there was no mention in the Gibson Dunn report about Mr. McKenna having that meeting. Just to comment; you don’t have to answer that.

December 13 is the day that the Governor held the senior staff meeting to interrogate the staff about the knowledge of the lane closures. He held a press conference in which he said no one on his staff had any involvement in the lane closings. Bridget Kelly had shown O’Dowd Christine Renna’s e-mail relaying the Sokolich consternation over the lane closures.

Okay, so now we have a Mayor, who the Governor says never showed up on his radar screen, claiming that this was carried out as an act of retribution. Did anybody check that out?

MR. O’DOWD: Well, this-- The e-mail that you’re referring to, that I saw for the first time on December 13, referenced something that had happened three months earlier. And what I did when I received the e-mail was express concern and frustration that this was not brought to my attention when Ms. Kelly had received it. So that was my interaction with her. And I took a copy of that e-mail and showed it to the Governor prior to the press conference.

SENATOR WEINBERG: Did you take seriously, in any way, shape, or form, Mayor Sokolich’s allegations?
MR. O’DOWD: Well, I think we generally knew at that point -- or there was a general allegation about politics or political retribution -- so that wasn’t the first time that concept had been raised in some of the news articles that you’re referring to.

SENATOR WEINBERG: Well, whenever it was raised, did you feel it necessary in any way, shape, or form to look into it? It’s a pretty serious allegation.

MR. O’DOWD: Sure. When the Foye article comes out that has references to the e-mail in it; and in, again, around early October I’m present for what I think is -- it’s in a briefing setting -- what I think is a follow-up where the Governor must have asked Charlie McKenna to look into this. Because Charlie, without provocation, briefed out to the Governor in my presence that he’s communicated, he’s connected with the Port Authority on this and that this was a traffic study but they made mistakes in its execution. And I believe that’s after the Foye article that embeds the e-mail is out.

SENATOR WEINBERG: Did you ever actually see Pat Foye’s e-mail?

MR. O’DOWD: I believe the first time that is saw that e-mail was when it was displayed on Meet the Press a short time after January 8.

SENATOR WEINBERG: Okay. And so what did you consider that the mistakes were made -- what mistakes were made, here? We have innumerable articles; it has become somewhat of a campaign issue; it’s brought up in an debate; it was the subject of an editorial board interview with the Governor. And all this time everybody accepted -- or you accepted that this was a traffic study.
MR. O’DOWD: I did accept that.

SENATOR WEINBERG: And what mistakes did you consider were made?

MR. O’DOWD: What I was told -- the mistakes that were made were notification mistakes -- failure to notify local police or local officials, or both; I don’t recall.

SENATOR WEINBERG: Did you or anybody in your office reach out to the Mayor to find out why he felt this way?

MR. O’DOWD: I did not.

SENATOR WEINBERG: Did anybody in your office?

MR. O’DOWD: I don’t know.

SENATOR WEINBERG: Did you ask anybody to reach out to the Mayor and find out?

MR. O’DOWD: You mean upon receipt of the e-mails?

SENATOR WEINBERG: Well, once the e-mail had been publicized, once the allegations started to appear in the press -- all the other things that I outlined -- did you or anybody in your office-- Did you direct anybody to reach out to Mayor Sokolich and ask him directly, “Why are you under the impression that this was done for some political retribution?”

MR. O’DOWD: I did not do that myself, and I didn’t direct anyone to do that.

SENATOR WEINBERG: And you didn’t ask anybody else to do it?

MR. O’DOWD: I did not; that’s correct.

SENATOR WEINBERG: Are you aware, or-- And this is just apparently press reports that appeared that claimed that Governor Christie
had actually spoken to Governor Cuomo about getting Pat Foye or anybody else to back off the lane closures.

MR. O’DOWD: I am aware of that.

SENATOR WEINBERG: And do you know about any such conversations that took place?

MR. O’DOWD: A conversation asking him to back off?

SENATOR WEINBERG: Yes.

MR. O’DOWD: No, I’m not aware of that.

SENATOR WEINBERG: Conversations between the two governors.

MR. O’DOWD: I’m aware of a conversation between the two governors on December 12 where that issue is addressed -- where the Governor, as I understand it, calls Governor Cuomo and says, “There’s this article alleging this. This isn’t true, this never happened;” and that Governor Cuomo -- although I didn’t hear what Governor Cuomo said -- indicated that, in fact, it had not happened.

SENATOR WEINBERG: Okay. On December 14, did Mr. Stepien tell you that Assemblyman Wisniewski stated, at some kind of a social affair, I guess, or some political affair that he had proof that someone in the Office of the Governor had knowledge of the lane closures?

MR. O’DOWD: That wasn’t the terminology. What I understood from Mr. Stepien on December 14 was that he had received a phone call from Mayor McCormick from Woodbridge who had been attending -- if I understood it right -- a holiday party. And I don’t know if it was the night before or some time thereabouts. I think it was in Middlesex County somewhere, where Assemblyman Wisniewski was
present, indicating that he was aware of some document that shows the Governor’s Office knew something about the lane closures.

SENATOR WEINBERG: So did you take that information seriously enough to check anything out after that?

MR. O’DOWD: I believed what they were referring to was the e-mail that I had been handed the day before -- on December 13.

SENATOR WEINBERG: So that was the earlier e-mail -- the Renna e-mail?

MR. O’DOWD: Correct, the Renna to Kelly e-mail.

SENATOR WEINBERG: And is that the e-mail where Ms. Renna is explaining why Evan Ridley took the call from Mayor Sokolich?

MR. O’DOWD: Correct.

SENATOR WEINBERG: Did you think that it was a little strange that somebody in the Office of Intergovernmental Affairs, the office which we have received much testimony that their function was to help municipalities get through the bureaucracy or whatever--

MR. O’DOWD: Customer service-type function.

SENATOR WEINBERG: --else they needed to do -- that in that e-mail there seemed to be an excuse as to why, by accident -- they don’t use the words by accident, those are my words -- that why Mayor Sokolich’s call actually got through to somebody? Did you think there was anything strange about that little interchange?

MR. O’DOWD: When I received this e-mail on December 13, I was concerned that when my office received this three months earlier that I wasn’t made aware of it.
SENATOR WEINBERG: So did you, perhaps, check with Evan Ridley as to why he had to explain that he took a call from a Mayor by accident?

MR. O'DOWD: I didn’t.

SENATOR WEINBERG: Okay. And if you attributed that story that you heard -- that one from Mayor McCormac (sic) to Mr. Stepien, to you--

MR. O'DOWD: Correct -- on December 14?

SENATOR WEINBERG: --from Assemblyman Wisniewski. Did you wonder how he might have gotten hold of Christine Renna’s e-mail, if that’s the e-mail he was referring to?

MR. O'DOWD: I wasn’t sure what he was referring to.

SENATOR WEINBERG: And you were informed of the Renna e-mail just, what, about an hour before the press conference, or do I have that timeline confused?

MR. O'DOWD: Maybe less, but within that one-hour window.

SENATOR WEINBERG: All right. Now, back to-- I want to go back to Tab 33, page 22 I think I want.

MR. O'DOWD: Okay, I’m there, Senator.

SENATOR WEINBERG: Yes, I’m sorry -- page 22.

MR. O'DOWD: Page 22.

SENATOR WEINBERG: On January 8 you had the discussion with the Governor over severing ties with Stepien. That was where the Governor instructed Mr. DuHaime to go and talk to Mr. Stepien, who was also at Drumthwacket. And there was some discussion about -- I think it
was in this discussion about lawyers for people who were being terminated or being asked for their resignations.

In fact, there were names mentioned. Why were-- If these folks were being terminated, would it not have been appropriate for them to get their own lawyers? Why was there a discussion about your -- at this meeting, about recommending attorneys for these folks, or actually bringing in attorneys to-- The way it reads is, “Whether Kelly and Stepien should have attorneys to help them navigate the media onslaught that has already begun in connection with the so-called lane realignment. Walter Timpone and Kevin Marino were mentioned as potential lawyers for Kelly and Stepien.” Why was that a topic of conversation for you at that particular meeting?

MR. O’DOWD: Well, just as you cited, what I remember specifically was the notion that -- and I believe we knew from Maria Comella that Bridget Kelly had already had media camped outside of her house -- was that they’ll need people to interface with the media on. This wasn’t a meeting around a table; there were lots of moving pieces at Drumthwacket that day. There were several people there. I remember hearing that, but it wasn’t as though we sat around and had a very specific conversation on this that I was present for.

SENATOR WEINBERG: Okay, I don’t have any further-- I have no further questions at this time.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman Schepisi, do you have any questions?

ASSEMBLYWOMAN SCHEPISI: I don’t know if Senator O’Toole wants to go first?
SENATOR O'TOOLE: No, I'll defer to you, Holly.

ASSEMBLYWOMAN SCHEPISI: Okay.

I have a couple of quick questions. One, just from a clarification perspective, because I was a little confused myself.

Would you go to Tab 1?

MR. O'DOWD: Okay.

ASSEMBLYWOMAN SCHEPISI: And this was not the entire Tab 1, but just the bottom portion of Tab 1 is what Bridget Kelly provided to you, correct?

MR. O'DOWD: She showed me an e-mail which included the base e-mail, if you will, which is the Renna-to-Kelly.

ASSEMBLYWOMAN SCHEPISI: Okay.

MR. O'DOWD: And then she showed me that she had sent it off to Wildstein.

ASSEMBLYWOMAN SCHEPISI: Okay.

MR. O'DOWD: But not -- I’m sorry, Assemblywoman -- but not the response, the “Call me when you have a moment.” Just the one sent out to Wildstein.

ASSEMBLYWOMAN SCHEPISI: And with respect to this e-mail itself, there are just a couple of questions that were posed. If you can read the portion that you saw. Is there any reference in here to the Mayor not receiving calls back, or somebody trying to ignore his calls, or anything else?

MR. O'DOWD: I don’t believe so.

ASSEMBLYWOMAN SCHEPISI: At any time when you saw this e-mails, did anybody ever discuss with you that the Mayor was not
receiving phone calls, or that there had been instructions not to get in touch with the Mayor?

   MR. O’DOWD: No.

   ASSEMBLYWOMAN SCHEPISI: Okay. So you had no reason to believe that people were not corresponding back, and doing their jobs, and speaking to the Mayor on this issue themselves?

   MR. O’DOWD: I didn’t know either way.

   ASSEMBLYWOMAN SCHEPISI: Okay. I’m going to kind of bring you to a total different line now. We are all here to try to understand what took place with the lane realignments, as well as what reforms we can put forth as a result of the testimony that we elicit. We’ve had quite a few people in from the Governor’s Office now -- yourself included -- who have all indicated, “We had absolutely no knowledge of this prior to it taking place. We found out in varying degrees through press reports after the fact,” and the like. From what you’ve been able to garner, sitting in the position that you are in, is there any reason that you believe that if we put forth reform legislation that the Governor would veto it, or that the Administration would be against it?

   MR. O’DOWD: I have no reason to believe that. Obviously, that’s the Governor’s decision, but I think he’s expressed, publicly and privately, that he’s open minded and very much interested in reforming, and moving forward with legislative reforms concerning the Port Authority -- and other Authorities as well.

   ASSEMBLYWOMAN SCHEPISI: Are there any specific items that you would like to see reformed, based upon what has transpired, what we are attempting to do here? I mean, are there any things that you think
that we need to -- or that you would like to see changed in the Port Authority?

MR. O’DOWD: It’s not a question that I’ve focused a great deal on. I know that there’s -- as I understand it, generally -- there’s recommendations in this report that I have not read. I’ve tried to keep my perspective and what I knew at the time -- focused on what I knew at the time. So I haven’t, as my counsel indicated, I haven’t read the Mastro report; I haven’t read the interview reports of others. So my understanding generally is that there have been suggestions for reforms put out, or that there are folks looking at it. But it’s not something that I spend a lot of time on.

ASSEMBLYWOMAN SCHEPISI: This is going to be a hard one. I mean, you personally looking back-- And I know it’s very difficult to look back over the past six, seven, eight months and try to go back in time. But is there anything that you believe you could have done differently that would have prevented what transpired here?

MR. O’DOWD: If you mean by “what transpired” -- if you mean the lanes being closed--

ASSEMBLYWOMAN SCHEPISI: Right.

MR. O’DOWD: --I don’t know what I could have done different to stop that.

ASSEMBLYWOMAN SCHEPISI: Okay. Do you have any specific recommendations that you can think of as to how to avoid a problem like this from arising again in the future?

MR. O’DOWD: I don’t. I’m sorry, Assemblywoman. It’s not something that I focused on.
ASSEMBLYWOMAN SCHEPISI: Okay. And is there anything that you think that throughout this process the Office of the Governor should have or could have done differently during the process?

MR. O’DOWD: That’s a really difficult question to answer. A central issue here is that -- as it relates to, obviously, e-mails that came out later in time with Ms. Kelly -- you work together in a close environment, you trust people, you work with people. It’s difficult to divorce that when you’re inquiring of people. You have a certain perspective of who it is who you’re dealing with. You know, I had a very high opinion of Ms Kelly throughout the time of us working together. So it’s that perspective that I brought with me that day to interacting with her over December 12 and 13.

ASSEMBLYWOMAN SCHEPISI: So it’s fair to say that when you had the direct communications with Bridget, with other people, you took them at their word.

MR. O’DOWD: There’s no question -- and gave them the benefit of the doubt.

ASSEMBLYWOMAN SCHEPISI: And based upon your years of working with them you thought that that was fair to do.

MR. O’DOWD: With Ms. Kelly, absolutely.

ASSEMBLYWOMAN SCHEPISI: Okay.

I have no further questions at this point.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblywoman.

Senator Nia Gill will be next.

Senator Gill.

SENATOR GILL: Thank you, and good afternoon.
MR. O’DOWD: Good afternoon, Senator.

SENATOR GILL: Nice of you to be here.

I guess I, in part, have the first question for some clarification with respect to your attorney’s position that he’s advised you not to read any other interviews except your own in the Mastro report, correct?

MR. O’DOWD: That’s correct.

SENATOR GILL: And is that because there are ongoing investigations?

MR. ZOUBEK: Assemblywoman -- Senator--

SENATOR GILL: No, I don’t blame-- (laughter)

MR. ZOUBEK: Sorry about that.

Based upon the fact that there are ongoing investigations, and it’s based upon my experience both in the U.S. Attorney’s Office and the Attorney General’s Office. I thought it was prudent to advise my client to focus on what his personal knowledge is, and to not look at what the conclusions of others were, or what the statements of others were.

SENATOR GILL: And when did you advise him of that?

MR. ZOUBEK: When the report came out, and the interview memos were released.

SENATOR GILL: Okay. So that there may be other investigations -- or there are other investigations going on.

MR. ZOUBEK: I’m not going to comment on that. I’m just saying that that’s what my instruction was.

SENATOR GILL: Okay. And the reason I want to know about the other investigations that are going on, or that may be going on -- is it
your position that your client may either be called to testify, or that his testimony may be important?

MR. ZOUBEK: I don’t believe that’s an appropriate question for me to answer, Senator, respectfully.

SENATOR GILL: It’s not appropriate?

MR. ZOUBEK: No, it’s not an appropriate question for me to answer.

SENATOR GILL: Can you answer it?

MR. ZOUBEK: I will not--

SENATOR GILL: I wanted to know the basis upon which--

Because I was--

MR. ZOUBEK: It’s a general instruction based upon my experience in my practice, which I think is prudent; and I wanted to just advise, before people started asking questions, about that. But asking me the question as to anything with respect to any ongoing investigations, I don’t think is appropriate and I won’t respond.

SENATOR GILL: And I’m not-- And this is why I’m asking the question -- is because there are certain questions that I’m going to ask Mr. O’Dowd that are based on testimony of information provided by others in the Mastro report. And as you say, in order to make the record clear, I intend to read those statements so now he’ll know; or have him read them, if it’s appropriate, in order to question him today.

So I’m-- You can object each time, but I wanted to lay out to you what would happen (indiscernible).

MR. ZOUBEK: Senator, I think that process can work. If you direct him to a particular, factual issue he’ll certainly respond.
SENATOR GILL: All right, thanks.

So I just first want to talk a little bit about your background and previous experience. You served as the Deputy Attorney General in the Attorney General’s Office, correct?

MR. O’DOWD: I served as a, singular, Deputy Attorney General, not the; but a Deputy Attorney General. In the Federal system there’s a singular Deputy Attorney General; it’s very high up. I was a lone DAG.

SENATOR GILL: Yes, I understand; yes, yes. I practice in both the Federal and State, so yes.

You served as-- And who was the Attorney General who you worked under when you were a Deputy Attorney General?

MR. O’DOWD: Verniero, Farmer, and I think Samson as well.

SENATOR GILL: Right. And for how long did you work as a -- under, he would have been then, General Samson at the AG’s Office?

MR. O’DOWD: I think that I was in the Division of Law -- it was 2000 -- in 2002. I think it was roughly January 2002 to November 2002.

SENATOR GILL: And then you worked in the Governor’s Counsel Office. Did you go from the Attorney General’s Office, where you worked under Mr. Samson -- did you then go to the Governor’s Counsel Office as an Assistant Counsel?

MR. O’DOWD: No, when I left the AG’s Office -- the Division of Law in 2002, I then started in the U.S. Attorney’s Office in January 2003.
SENATOR GILL: Okay. And you did, at some point, work in the Governor’s Counsel Office as Assistant Counsel.

MR. O’DOWD: That’s correct, Senator.

SENATOR GILL: And for what Governor?

MR. O’DOWD: Whitman and DeFrancesco.

SENATOR GILL: Okay, so Whitman, DeFrancesco; and then ultimately Samson as the Attorney General; and then you went to work for Governor Chris Christie when he was the United States Attorney.

MR. O’DOWD: Correct.

SENATOR GILL: All right. Now, during your time at the United States Attorney’s Office, you were Assistant U.S. Attorney in the Criminal Division?

MR. O’DOWD: I was an Assistant U.S. Attorney in the Criminal Division.

SENATOR GILL: And you prosecuted various crimes?

MR. O’DOWD: I did.

SENATOR GILL: And you received awards from the FBI, Immigration, Customs Enforcement, and the United States Secret Service, correct?

MR. O’DOWD: I think that’s-- I think that’s right.

SENATOR GILL: Okay.

MR. O’DOWD: Generally some accolades or award; I don’t know if awards is the right word -- but yes.

SENATOR GILL: So you would agree with me that you are a skilled prosecutor. Would you agree with the people who gave you awards that you are a skilled prosecutor?
MR. O'DOWD: I'll agree with them, yes. I don't want to characterize myself that way. That's what I meant, Senator.

SENATOR GILL: I will, okay? I will.

MR. O'DOWD: I'll agree with you and I'll agree with them. I don’t want to call myself a skilled prosecutor.

SENATOR GILL: Okay. I will say you are a highly skilled prosecutor.

And then after seven years in the U.S. Attorney’s Office you came to the State House with the Governor.

MR. O'DOWD: That’s correct.

SENATOR GILL: And there you served as Deputy Chief Counsel?

MR. O'DOWD: That’s correct.

SENATOR GILL: And now as Chief of Staff.

MR. O'DOWD: Correct.

SENATOR GILL: And not only are you a skilled prosecutor -- highly skilled -- but Governor Christie, when he nominated you to be the next Attorney General, said that you were both “loyal and smart.” Did you know he made those comments about you?

MR. O'DOWD: I don’t remember exactly what he said that day.

SENATOR GILL: But you are both loyal and smart. I will agree with the Governor. We don’t agree on many things, but I’ll agree with that. (laughter)

So given your background; and the knowledge that you had as outlined -- or the knowledge that was there -- by Senator Weinberg; and the
Governor already had regarding the lane closures, it would come as no surprise to you that on December 12, only 10 days after you were chosen to be the next Attorney General, that the Governor would order you to speak to Ms. Kelly and the rest of the senior staff for an internal investigation to get to the bottom of the lane closures. Would that come as a surprise to you?

MR. O’DOWD: I was a little surprised that day that I got that assignment, yes.

SENATOR GILL: And would you agree that the assign-- Why were you surprised? You had a vast amount of experience, you had served both as Deputy Chief Counsel for the Governor, served with him in the AG’s Office -- I mean, in the U.S. Attorney’s Office, and as Chief of Staff. Why did that come to you as a surprise that he would look to you and ask you to undertake the investigation with respect to Kelly and the--

MR. O’DOWD: It was a surprise that it happened that day as I walked into that room and got the assignment. That’s what I meant by that, Senator.

SENATOR GILL: Okay. But it’s not surprising that he would assign it to you.

MR. O’DOWD: It’s not surprising that he would ask me to ask someone who works for me if he wanted to know something -- to use me as a vehicle to ask something of someone who works for me.

SENATOR GILL: And now, you were aware that the lane closures happened on September 11, correct?

MR. O’DOWD: That’s, at least, part of the time they were closed.
SENATOR GILL: And we know that on September 11 there was a heightened level of concern and security in the United States, correct?

MR. O’DOWD: I believe that’s generally correct, yes.

SENATOR GILL: And you were at the U.S. Attorney’s Office on 9/11.

MR. O’DOWD: I was not.

SENATOR GILL: You were still at the AG?

MR. O’DOWD: I was in the Governor’s Office, working for Governor DeFrancesco.

SENATOR GILL: Okay. And so at any point did you ever ask anyone--

MR. O’DOWD: I’m sorry, Senator. Is there any way we can slow down with the flashes in my eyes? That’s not directed towards you; it’s just the person back there, and that one was a flash. I’m sorry.

SENATOR GILL: Oh, are we-- Are you comfortable? You okay now?

MR. O’DOWD: Yes, I just--

SENATOR GILL: Okay.

MR. O’DOWD: Just the constant flashes in the eyes; that’s all. I’m just trying to focus on you, Senator.

SENATOR GILL: Okay.

At any point in your inquiry as to what took place, did anyone ever-- Did you ever ask, “Why did you close the lanes on September 11?”

MR. O’DOWD: I did not ask that, Senator, no.

SENATOR GILL: And do you feel that that was an important issue -- a lane closure on September 11? Just to ask, generally.
MR. O’DOWD: I didn’t ask the question. That’s the best answer I can give you. I never asked anyone why that date was chosen, or why that week was chosen.

SENATOR GILL: Now, when you met with the Governor at Drumthwacket on December 12--

MR. O’DOWD: Correct.

SENATOR GILL: --did you take any notes?

MR. O’DOWD: I don’t believe so, no.

SENATOR GILL: When you spoke to Ms. Kelly on December 12 at the Governor’s directive, did you take any notes?

MR. O’DOWD: No.

SENATOR GILL: When you spoke to Ms. Gramiccioni on December 12 and December 13 about her knowledge of the lane closures, did you take any notes?

MR. O’DOWD: I didn’t take any notes at any conversation with Gramiccioni or with Ms. Kelly on December 12 or the 13.

SENATOR GILL: When you spoke to Mr. Stepien on December 13 about the lane closure, did you take any notes?

MR. O’DOWD: I’m not sure if I spoke with Mr. Stepien on December 13 about the lane closures; but, in any event, any conversations that I can recall that I would have had with Mr. Stepien I would not have taken notes.

SENATOR GILL: When you met with Mr. Wildstein -- or talked to him on the night of December 12, did you take any notes?

MR. O’DOWD: No, it was a very, very brief interaction.

SENATOR GILL: But you did meet with him, or--
MR. O'DOWD: I think I met him that night, but I didn’t speak with him that night, yes.

SENATOR GILL: And you didn’t take any notes.

MR. O'DOWD: I did not, correct.

SENATOR GILL: When you met with Mr. Baroni on the night of December 12, did you take any notes?

MR. O'DOWD: I did not.

SENATOR GILL: Throughout this procedure -- a process -- when you had conversations with Mr. Stepien, Ms. Kelly -- did you take any notes at all?

MR. O'DOWD: I don’t believe so.

SENATOR GILL: Now, while you were doing this investigation and talking to people, you were aware at that point, were you not, that the Legislature -- the Assembly, in particular -- had issued subpoenas?

MR. O'DOWD: Well, just, if I could clarify one point. I never did an investigation, Senator, but at certain points in time I am aware of the fact that there are subpoenas issued.

SENATOR GILL: Well, the Governor asked you to undertake an inquiry.

MR. O'DOWD: He asked me to ask Bridget Kelly a direct question.

SENATOR GILL: Did he ask you to speak to senior staff members?

MR. O'DOWD: No.
SENATOR GILL: Did you speak to senior staff members at any time?

MR. O’DOWD: There was a senior staff meeting the next morning, on the 13th, with the Governor. One of them may have mentioned something to me on the way out of that about, “Obviously I had no involvement,” something like that. But, no, I didn’t independently -- other than speaking with Ms. Kelly.

SENATOR GILL: So you didn’t take any notes because you didn’t think it was an investigation?

MR. O’DOWD: I didn’t take any notes.

SENATOR GILL: And at the time that you didn’t take any notes, you were aware, were you not, that the Legislature was undertaking an investigation of the lane closures?

MR. O’DOWD: I was aware. I don’t know exactly when I became aware of what steps, but I was aware, generally, that Co-Chair Wisniewski and his Committee were looking at this issue.

SENATOR GILL: And you were aware, were you not, that Pat Foye said that “State and Federal laws were violated”?

MR. O’DOWD: I believe what I learned from that article was just generally laws were violated. I don’t know if it was that precise. But I was aware of Pat Foye’s assertion -- allegation -- that laws had been violated.

SENATOR GILL: And you are a former prosecutor?

MR. O’DOWD: I am.

SENATOR GILL: And there’s one thing-- And lawyers, particularly as prosecutors, you take notes, correct?

MR. O’DOWD: As prosecutors?
SENATOR GILL: Yes.
MR. O’DOWD: Sometimes.
SENATOR GILL: And the value of taking them is, when you take them it’s so that you can memorialize the conversations, or the investigation, or the questions you asked and answered at a particular time, with respect to a particular person.
MR. O’DOWD: If you’re conducting an investigation, that’s exactly right.
SENATOR GILL: Or even if you’re just talking to someone with respect to issues that may be vitally important. You had to report back to the Governor, correct, as to what Kelly said or didn’t say?
MR. O’DOWD: That’s correct, Senator.
SENATOR GILL: And that was very important, because the Governor was depending on you, in part, to make decisions, going forward, with respect to those personnel matters.
MR. O’DOWD: With respect to my interactions with Ms. Kelly, yes.
SENATOR GILL: And the Governor was depending on you and, Mr., I think, McKenna--
MR. O’DOWD: McKenna.
SENATOR GILL: --to question senior staff members -- you were charged with that -- to see who was involved, or if anyone was involved, correct?
MR. O’DOWD: Not correct.
SENATOR GILL: Okay, correct me.
MR. O'DOWD: I wasn’t charged with that. The charge that I received from the Governor was to speak with Ms. Kelly.

SENATOR GILL: So you did-- We know for Ms. Kelly -- and if we narrow it to Ms. Kelly, we know for that one you never took notes.

MR. O'DOWD: Correct.

SENATOR GILL: Okay. Now, did the Governor ever say, on December 13, after his press conference or before his press conference for you and Mr. McKenna to -- you would speak to the senior staff members?

MR. O'DOWD: That’s not what I remember. What I remember -- I’m sorry.

SENATOR GILL: No, tell me what you remember; let’s go with that.

MR. O'DOWD: What I remember was the Governor asking the senior staff, plus Mike Drewniak, the direct question about -- as part of a larger meeting -- whether anyone in the room had anything to do with closing the lanes; and then saying that in one hour’s time he was going to be going out and having a press conference and indicating that no one in the room had anything to do with closing the lanes. If anybody had anything different to say on that, they should come see either me, McKenna, or him in the next hour.

SENATOR GILL: So you knew that that was important to the Governor.

MR. O'DOWD: Sure.

SENATOR GILL: Okay. Now, you say closing the lanes. Was that a specific quote from the Governor? Was that what he asked people, “closing the lanes?” Did they have anything to do with “closing the lanes?”
MR. O’DOWD: That’s the way I remember it.

SENATOR GILL: Only because there’s a difference, I would assume, between closing the lanes -- which would be a very narrow question -- and knowledge of the closure of the lanes, which would be a broader question in investigating this matter. Would you agree?

MR. O’DOWD: I would agree with your characterization, yes.

SENATOR GILL: And, in fact, we know that sometimes for taking notes -- it’s not just because it’s an investigation, but you knew that this issue was serious -- the issue of the lane closure.

MR. O’DOWD: Yes.

SENATOR GILL: And you knew it was something very serious with the Governor, because I think in some testimony they said the Governor teared up at the staff meeting and was very emotional about getting to the bottom of the issue, correct?

MR. O’DOWD: Well, I don’t remember him tearing up in that senior staff meeting. Where I remember him tearing up was on January 8 at Drumthwacket. But he was very emotional and agitated about the senior staff’s performance -- and that was expressed in the December 13 meeting. But I don’t remember him being sad and emotional.

SENATOR GILL: Okay.

MR. O’DOWD: There was that-- That emotion was displayed on December 8.

SENATOR GILL: But we will agree that this was extremely important to the Governor.

MR. O’DOWD: This was an important issue.
SENATOR GILL: This was an important issue. So when you -- you did have-- I’ll withdraw that.

There are some times when you don’t take notes because, if you don’t take notes, there’s nothing to refresh your recollection with respect to either conversations or information gathered, correct?

MR. O’DOWD: It was not my practice as a Chief of Staff to take notes on my interactions with my co-workers.

SENATOR GILL: Well, this was an unusual situation, correct? You were sent to get information, by the Governor, with respect to the senior staff.

MR. O’DOWD: I was sent to get information from Ms. Kelly in a very direct way, and was able to do that with a very direct question.

SENATOR GILL: And you never even took notes on the question that you asked her, nor did you take notes on the answer that she gave.

MR. O’DOWD: You’re right about that.

SENATOR GILL: So what you are here talking about now may simply be based on a recollection that has not been memorialized or documented previously.

MR. O’DOWD: It is, in fact, based on recollection that has not been memorialized.

SENATOR GILL: And you, at the point you were sent to interview -- and we’ll just keep it with Ms. Kelly, now, but we’ll get to generally with respect to other people you talked to -- you had already been nominated to be the Attorney General.
MR. O’DOWD: As a practical matter, yes -- announced his intention to nominate; but, yes.

SENATOR GILL: And not only the nomination of Attorney General, but given your previous experience as a prosecutor, you understood the importance of taking notes when you question an individual about an event that was an issue, or of importance, correct?

MR. O’DOWD: Senator, I asked her a very direct question and got a direct answer.

SENATOR GILL: No, I’m not asking you what question you asked her; I’m asking you the question, that as a prosecutor, and the fact that you were nominated a couple of days before that to be the Attorney General, given the fact that the Governor, in a very emotionally charged meeting, tasked you with talking to someone who may or may not been involved in a lane closure on 9/11 -- that given those facts, it was not important to take notes?

MR. O’DOWD: I didn’t take notes.

SENATOR GILL: Now, there is also a strategy -- and we know the strategy, as lawyers, even in terms of investigation -- that if you don’t take notes, then nothing-- If subpoenas are issued, then no notes have to be turned over.

MR. ZOUBEK: Objection; is there a question there?

SENATOR GILL: Let me do this as a statement so we won’t have to have the objection.

We know as lawyers you can take notes, and that then preserves and memorializes what happened at a given time. Or we understand there’s a strategy when you don’t take notes so that the events
are not memorialized, so that in the future when you’re asked about the events you could say, “I don’t recall.” We know that that’s a strategy.

And when you knew that Pat Foye said that the lane closures violated Federal laws and laws of both states, did you ever refer Pat Foye’s concerns to the Attorney General?

MR. O’DOWD: Did I? No.

SENATOR GILL: There was nothing prohibiting you from referring the information to the Attorney General, correct?

MR. O’DOWD: There would have been nothing prohibiting me from referring that allegation, which was in the press, to the -- correct.

SENATOR GILL: And it would be nothing for you -- to prohibit you from referring that allegation to the United States Attorney’s Office.

MR. O’DOWD: Nothing prohibiting me from referring that article to them.

SENATOR GILL: And it would not have been anything to prohibit you from referring this to the New York District Attorney’s Office.

MR. O’DOWD: Correct; nothing prohibiting me from doing that.

SENATOR GILL: Now, I would like to go to Tab 33, page 9. Now, Counsel, I don’t know if this is someone else’s -- this is--

MR. ZOUBEK: I think this is Mr. O’Dowd’s.

MR. O’DOWD: Yes, this is mine.

SENATOR GILL: This is Mr. O’Dowd’s. So you are allowed to look. (laughter)

MR. ZOUBEK: This is Mr. O’Dowd’s. Go for it.
SENATOR GILL: Okay. (laughter)

Tab 33, page 9 -- and we’ll go--

When you were in the meeting, and you discussed-- And in that meeting was Mr. McKenna and the Governor. That was at some point in October 2013?

MR. O’DOWD: Correct.

SENATOR GILL: Okay. And it was you, the Governor, and Mr. McKenna.

MR. O’DOWD: That’s correct.

SENATOR GILL: And Mr. McKenna was a former U.S. Attorney.

MR. O’DOWD: He was a former Assistant U.S. Attorney for 20-some-odd years; 20-year Federal prosecutor. He is a very skilled prosecutor.

SENATOR GILL: Now, he is a very skilled--

MR. O’DOWD: And he’s very well decorated.

SENATOR GILL: You’re highly skilled; he’s very skilled. And he was in charge of the criminal -- at some point, all the criminal and civil investigations.

MR. O’DOWD: You’re exactly right, Senator.

SENATOR GILL: And in that meeting, did you or Mr. McKenna advise the Governor that Mr. Foye stated that the lane closures violated Federal, and laws of both states?

MR. O’DOWD: I did not in that meeting. My impression of that meeting -- that briefing was that Charlie McKenna was following up to an inquiry from the Governor because we were going through a session, and
then Charlie addressed this issue unprompted. So that was my impression. But the answer to your question is, I didn’t raise that issue.

SENATOR GILL: And you know why I asked that question is because -- once either the Governor knows, you know, and Mr. McKenna knows that Mr. Foye made allegations of violations of State and Federal laws -- in that room, all combined, there was 31 years of United States Attorney’s experience: McKenna was 18, you’re about 7; Governor Christie was United States Attorney for 6 -- that’s about 31 years combined of United States Attorney experience. And no one raised the issue of whether State or Federal laws were violated?

MR. O’DOWD: I believe it was after that issue was raised in the media accounts that McKenna was indicating to the Governor and me that he had conferred and interacted with the Port Authority, and they had advised him -- and he accepted that -- this was a traffic study where mistakes were made.

SENATOR GILL: Did he state to the Governor that he had investigated, and there were no Federal or State laws that were violated?

MR. O’DOWD: He did not say that in my presence.

SENATOR GILL: And did the Governor ask you or Mr. McKenna to pursue the issue of whether State or Federal laws had been violated?

MR. O’DOWD: He didn’t ask me that.

SENATOR GILL: Now, you say generally -- that it’s a general view -- your view -- that the Port Authority, as a structural matter, is a dysfunctional entity. You remember? And that would be--

MR. O’DOWD: Generally, yes.
SENATOR GILL: Okay. And we know that when an institution is dysfunctional, that is when there’s a breakdown in governance, a breakdown in policy or procedure, and a breakdown in oversight that could, in fact, have resulted in a violation of State and Federal laws. It appears that when you talk about dysfunctional, when you say it’s structurally dysfunctional, that that is one of the reasons you did not take the concerns of Mr. Foye as legitimate concerns.

MR. O’DOWD: I don’t know whether-- Let me back up a step.

After the concerns are alleged through that article, in and around October 1, after that period of time Charlie McKenna -- on our staff, on our team -- has interactions with the Port Authority and makes clear to the Governor and myself, based on those interactions, that it’s his understanding that this was a legitimate traffic study.

SENATOR GILL: If you give me just one moment here.

MR. O’DOWD: Sure.

SENATOR GILL: I wanted to make-- And I’m trying to make sure I direct you not to anyone else’s--

MR. O’DOWD: I appreciate that.

SENATOR GILL: And I’m taking this time because I don’t want to direct you to someone else’s interview.

MR. O’DOWD: Thank you.

SENATOR GILL: Okay. So we’ll go directly to your interview, and that will be page 8--

SENATOR O’TOOLE: Senator, I’m sorry, I couldn’t hear. What page is that?
SENATOR GILL: That will begin on page 8, under G, and will continue on page 9.

Could you read into the record -- we’ll start where it says, “O'Dowd explained.”

MR. O’DOWD: Okay, so I’m reading page 8, section G, Mastro report. “O’Dowd explained his general view that the Port Authority, as a structural matter, is a dysfunctional entity and probably has been for years.”

SENATOR GILL: Continue.

MR. O’DOWD: “In addition, it was O'Dowd’s understanding that the relationship between Wildstein and Baroni, on the one hand, and Foye on the other, had never been great and that there was a lot of tension between them.”

SENATOR GILL: Continue.

MR. O’DOWD: “As such, O’Dowd generally discounted information coming out of the Port Authority and explained that his focus instead was generally on the Executive Branch, including the Office’s Cabinet members and various departments.”

SENATOR GILL: Thank you.

Did the Governor, if you know, feel that the Port Authority was a dysfunctional institution?

MR. O’DOWD: I don’t know that specifically.

SENATOR GILL: And you know my question was because oversight, when an institution is perceived to be dysfunctional -- that’s when oversight is really crucial in order to carry out the fiduciary responsibilities of an institution.
I’d like to put up the diagram of the Governor’s Office.

MR. O’DOWD: Is that an exhibit, Senator?

SENATOR GILL: I don’t know. It wasn’t—I supplied it to everyone.

MR. ZOUBEK: Is it a Tab in this binder?

SENATOR GILL: No, it isn’t. That’s why I want to put it up. I don’t know if it’s a Tab.

ASSEMBLYMAN WISNIEWSKI: It’s in the *New York Times* article.

MR. ZOUBEK: Does someone have a copy of that we could put in front of the witness?

SENATOR GILL: Yes.

MR. ZOUBEK: Particularly for his older counsel?

MR. O’DOWD: I can’t see it, either.

SENATOR GILL: That includes both of us.

Now, you do have that?

MR. O’DOWD: I do, Senator.

SENATOR GILL: Okay. And before I question you on that, you consider indemnification to be a Human Resource issue? Isn’t indemnification a legal issue?

MR. O’DOWD: A human resources issue, just very generically. In other words, it’s an issue that I don’t know what the Port Authority’s practices and procedures are with who gets indemnified and who doesn’t. The Governor’s Office has no role in that, and I was directing him back to the Port.
SENATOR GILL: Okay. Now, we see that in this diagram — is the diagram accurate?

MR. ZOUBEK: If I can, Senator. This is something that’s pulled from the *New York Times*; it includes a description, “Inner Sanctum.” I don’t know if asking him to look through this chart and adopting a whole chart is going to be efficient.

SENATOR GILL: It may not— You may not think it’s efficient, but it’s going to be determined if it’s accurate. And my question to him is, was it -- is it accurate? That’s what I was-- Is this an accurate diagram of the position of the offices that are labeled?

MR. ZOUBEK: So your question goes to the geography of the office, not with respect to the comments on the document.

SENATOR GILL: Just the locations.

MR. O’DOWD: So for certain my office is on one side of the Governor’s Office, and Charlie McKenna’s -- or the Office of the Chief Counsel is on the other side. Then there’s an office next to Charlie McKenna -- it’s not clear whether they’re showing that, but throughout 2012 and 2013 it was occupied by a woman named Rosemary Iannacone. Then there is a ceremonial -- there’s an outer office that has four or five staff who sit out there. And then out to the left, if you are standing with the Governor’s Office to your back, out to the left would be Bridget Kelly’s office at the time, in 2013. There is an office to your right if you’re standing there; that would be Lou Goetting -- then Maria Comella would sit there. So not to scale, but--

SENATOR GILL: But to location.

MR. O’DOWD: Generally, yes.
SENATOR GILL: And there’s one thing we know about the Governor’s Office -- it’s small. You’re pretty close together.

MR. O’DOWD: My office is definitely small; that’s true.

(laughter)

SENATOR GILL: And Mr. McKenna’s office is small. You’re all in a pretty confined area. It’s almost like if somebody takes the wrapping off their bubble gum, the other person can hear it.

MR. O’DOWD: I hope that’s not true. I don’t think that’s true. Hopefully, nobody can hear anything in each other’s offices. I don’t hear-- When I’m back in my office, I’m pretty tucked away.

SENATOR GILL: Okay.

MR. ZOUBEK: To use a phrase, I think the map speaks for itself.

SENATOR GILL: Well, no, you didn’t want the map to speak for itself.

MR. ZOUBEK: No, I didn’t want the comments. The map is fine.

SENATOR GILL: So then it doesn’t speak for itself. I’m letting him speak with respect to location because, in fact, I was taking your considerations in the question.

MR. ZOUBEK: I appreciate that.

SENATOR GILL: So now, as Deputy Chief of Staff, Bridget Kelly reported directly to you, correct?

MR. O’DOWD: She did, yes.

SENATOR GILL: And you reported directly to the Governor.

MR. O’DOWD: That’s right.
SENATOR GILL: So the chain of command was Deputy Chief of Staff, Ms. Kelly; Chief of Staff, you; and then the Governor.

MR. O’DOWD: In that context, yes. There are other Deputy Chiefs of Staff. But in that context, you’re exactly right.

SENATOR GILL: And on Tab 33, page 14--

MR. O’DOWD: Okay.

SENATOR GILL: Well, we already know that on December 12 asked you to speak to Mr. Stepien. I’ll withdraw that, and rephrase it.

Did the Governor ask you to speak to Mr. Stepien or Ms. Kelly? Just Ms. Kelly, correct?

MR. O’DOWD: Ms. Kelly.

SENATOR GILL: Okay. And that evening you spoke to her on the phone.

MR. O’DOWD: It was the afternoon.

SENATOR GILL: Afternoon. In your conversation did you ever tell her that other people said she had knowledge and e-mails about the lane closures?

MR. O’DOWD: I did not say that to her.

SENATOR GILL: I don’t know if you’re aware of Mr. Drewniak’s testimony where he said that the issue of -- knowledge on Ms. Kelly’s part, and Wildstein, was in the bloodstream. Was it the bloodstream of the front office -- they knew about it?

MR. O’DOWD: My counsel has tried to shield me from watching other testimonies or reading them, for the same purposes as he set forth before.
SENATOR GILL: Okay, so you-- You don’t read anything about the lane closure?

MR. O’DOWD: Sometimes it’s inevitable; I try not to, but it’s inevitable that at some point you’re going to see coverage of it.

SENATOR GILL: Okay. So did you tell the Governor, following your conversation with Ms. Kelly, that Ms. Kelly had no knowledge of the lane closure?

MR. O’DOWD: When I spoke with the Governor that evening -- an hour-and-a-half or so after I spoke with Ms. Kelly -- I told him that I spoke with Bridget and she said she had nothing to do with closing the lanes.

SENATOR GILL: And you told the Governor that?

MR. O’DOWD: That’s exactly right.

SENATOR GILL: Then later that night you and Mr. McKenna met with Mr. Baroni, I think--

MR. O’DOWD: Actually, the Baroni meeting was prior to that, Senator. I called the Governor after the Baroni meeting to inform the Governor of both the Baroni meeting and the Kelly conversation.

SENATOR GILL: So did either of them tell you that-- Did Mr. McKenna say to you that he knew Kelly had -- or heard that Kelly had knowledge of the lane closings?

MR. O’DOWD: He did not.

SENATOR GILL: Okay. After your meeting in Newark, you spoke with Ms. Gramiccioni?

MR. O’DOWD: Gramiccioni. (indicating pronunciation) I spoke with her that night.
SENATOR GILL: Okay. Now, I am going to -- don’t you turn to this, because-- Let me see -- I’m going to turn to Tab 35.
MR. O’DOWD: I won’t.
SENATOR GILL: And page 7. And don’t look at the screen, either.
MR. O’DOWD: I will look straight ahead, Senator.
SENATOR GILL: You look straight ahead.
MR. O’DOWD: I’ll look at you. I’m sorry, that’s what I meant.
SENATOR GILL: Oh, look at the Co-Chairs.
MR. O’DOWD: No, I’ll look at you. (laughter)
SENATOR GILL: Now, after you speak with Ms. Gramiccioni, there’s a difference in her understanding of the meeting than what you had testified to here or that’s in the report. And so her interview memo states that she told you, that Mr. Baroni told her, that Ms. Kelly had e-mails showing knowledge of the traffic study. Do you remember Ms. Gramiccioni telling you that?
MR. O’DOWD: On the morning of December 13, something to that effect, yes.
SENATOR GILL: Her interview states that she told you, on December 12, that Mr. Baroni told her that Ms. Kelly had e-mails showing knowledge of the traffic study. Not December 13, but December 12. Do you have any independent recollection of the day that Ms. Gramiccioni told you?
MR. O’DOWD: I do. I remember it being December 12. I don’t have it memorialized in any capacity, though.
SENATOR GILL: And that’s why notes are important, correct?
MR. O’DOWD: In this context, if I had a note to show that I met with her, obviously, you’d have it; but I don’t.

SENATOR GILL: And so Ms. Gramiccioni continues that on December 12 she met with the Governor to relay the substance of the conversation with Baroni. She also states that she told the Governor that there was a hum that Kelly was on the e-mails about the lane closures. She said that the Governor was visibly upset and that the source of the information was Mr. Baroni. She then says right after that meeting, or soon thereafter, that she had with the Governor, she called you to fill you in on her meeting with the Governor.

Do you remember if that, in fact, happened?

MR. O’DOWD: I don’t believe it did. I did speak with her on the way to Newark on December 12 -- a brief conversation -- to let her know what I was about to do with Baroni and that I was going to be telling Baroni that she was the replacement. And I speak with her again that evening on the phone. I do not believe and do not remember having a face-to-face meeting with her on December 12. I spoke with her on the phone before the Baroni meeting, and later that evening.

SENATOR GILL: And this is where the notes become extremely important, because Ms. Gramiccioni says that she told the Governor, and that she told you that she told the Governor. And what independent-- Do you have an independent recollection that what Ms. Gramiccioni stated is incorrect?

MR. O’DOWD: I only recall what my interaction was with her, in her office, on the morning of December 13.
SENATOR GILL: So when you say you *only recall*, that doesn’t mean that it didn’t happen, but simply that you can’t recall if it did happen? Would that be fair?

MR. ZOUBEK: Just-- I want to clarify. I think you had read a part; I just want to make sure the questions -- that I understand the question. You had read a part where you talked about Ms. Gramiccioni talking to the Governor, so that’s something between the Governor and Gramiccioni. If you’re asking whether that’s correct--

SENATOR GILL: No, because this is why I’m asking the witness the question. Because what I asked him was-- She said after-- I read him what she said to the Governor, so that we are in-- And then I asked him-- Then she said, after she met with the Governor she called Mr. O'Dowd to tell him what she said to the Governor.

MR. ZOUBEK: I just want it broken out that way, and that’s fine. Thank you.

SENATOR GILL: That’s the way it was broken out.

MR. O'DOWD: So Senator, I don’t remember that interaction. The interaction I remember, with respect to what she had learned from Baroni, was in her office the next morning.

SENATOR GILL: And so my question to you is this. It’s not that it may not have happened the way Ms. Gramiccioni states, but it’s just that you don’t recall if it happened that way or not.

MR. O'DOWD: Right. I’m just testifying to what I remember.


MR. O'DOWD: Page 19, Senator?
SENATOR GILL: Yes, page 19. And the reason we’re taking this in detail is because we don’t have any notes -- independent notes, so that I want to make sure that we establish any foundation from which I ask the question.

So on page 16, and -- in page 19, second paragraph. This is-- Do you have that, sir? Page 19?

MR. O’DOWD: Yes, Senator, page 19 -- I’m on it.

SENATOR GILL: You’re on it? Okay. The second paragraph. And this is after the senior staff meeting on December 13, and then it’s after Ms. Kelly gives you Ms. Renna’s e-mail, but before the press conference. Is that a correct? Take your time.

MR. O’DOWD: I just want to buzz back to make sure I’m understanding the context of that paragraph.

SENATOR GILL: Okay.

MR. O’DOWD: Okay, so the first-- You’re asking where the first full paragraph--

SENATOR GILL: Yes, it’s--

MR. O’DOWD: “A short while--”

SENATOR GILL: “A short while.”

MR. O’DOWD: Yes, okay, I’m there.

SENATOR GILL: Okay, all right.

Now, in that meeting-- Yes, can you read that into the record, please.

MR. ZOUBEK: If I can -- as a basis for a question, but just so the record isn’t suggesting that he’s adopting that as his words.
SENATOR GILL: Let’s do it this way. I’m going to give you an opportunity to read that paragraph. And this is from the Gibson Dunn report. I’m going to ask you if this paragraph is accurate in terms of what you told Dunn and what they reported.

MR. O’DOWD: I would say this, Senator, if I could. The line that jumps out at me, is that I would submit to the Committee is not a line that I would adopt, is the line that indicates the -- one, two, three, four -- I guess the fifth line down, beginning with “Kelly.” “Kelly was habitually concerned--” Am I reading the correct paragraph?

SENATOR GILL: Yes.

MR. O’DOWD: So that’s-- “Kelly was habitually concerned about how she was perceived by the Governor.” That’s not a characterization that I would offer.

SENATOR GILL: Okay. And so other than that, “Habitually concerned” -- other than that, the paragraph is, in sum and substance, correct?

MR. O’DOWD: Yes.

SENATOR GILL: Okay. So with that caveat, could you please read the paragraph that begins at “A short--”

MR. O’DOWD: So page 19, first full paragraph, and I quote, “A short while after this meeting, Kelly came to O'Dowd’s office. Kelly said she was concerned about what the Governor thought of her and asked O'Dowd whether the Governor had lost confidence in her. She asked O'Dowd if she needed to talk to the Governor. O'Dowd responded that it was her decision -- a response prompted, in part” -- this is the part I disagree with --
SENATOR GILL: Right.

MR. O’DOWD: “--by the fact that” -- so I will omit that -- “and Mr. O’Dowd was anticipating soon leaving the Governor’s Office.”

SENATOR GILL: And where were you going to-- You were anticipating going to the Attorney General’s at that time?

MR. O’DOWD: I was. So at this point, within a matter of weeks.

SENATOR GILL: So you told her, “Well, if you want to talk to the Governor, you can go to the Governor.”

MR. O’DOWD: Yes, absolutely.

SENATOR GILL: Did you ever take any notes as to what she -- what concerns she had with respect to going to the Governor?

MR. O’DOWD: I didn’t take any notes.

SENATOR GILL: Did you ask her, “Why do you want to see the Governor?”

MR. O’DOWD: My impression was that she was concerned over the questioning of two days -- the questioning of December 12, and then on December 13 as well. And also, in part, my reaction to her not handing over the September 12 e-mail earlier.

SENATOR GILL: But did you ask her -- not what did you assume -- did you ask Ms. Kelly, “What do you want to see the Governor about, and is it with respect to the lane closures, and what is it?” Why didn’t you just ask her?

MR. O’DOWD: I don’t recall asking that question, no.
SENATOR GILL: Because you were tasked already with trying to find out from Ms. Kelly, it would not have been outside the ground of what the Governor had already assigned you to do, correct?

MR. O'DOWD: I had already asked her that question, correct.

SENATOR GILL: And so did you tell the Governor, “Governor, Ms. Kelly wants to talk to you”?

MR. O'DOWD: I believe later that day or the next day, I said, “You should anticipate her coming to see you. I think she’s going to come see you.”

SENATOR GILL: Now, during the press conference -- because Ms. Kelly obviously is-- She comes to you and says she wants to talk to the Governor. Now, during the press conference, Ms. Kelly, who was standing about 15 feet from you, texts you and says-- Again, she asks you -- because you’re the person interfacing with her, with respect to the Governor -- whether or not she should speak to the Governor. Again, she’s asking you. Did you respond to her texts?

MR. O'DOWD: I don’t believe so.

SENATOR GILL: Did you ever ask her right after the meeting what she wanted to talk about to the Governor?

MR. O'DOWD: I do speak with her again after the press conference, a short time later -- later that afternoon.

SENATOR GILL: Did you ask her what she wanted to talk about with the Governor?

MR. O'DOWD: I don’t think she was asking me for permission. I think what she was expressing was, does she need to talk to the Governor.
SENATOR GILL: And you knew the Governor needed to know everything, correct?

MR. O’DOWD: He did.

SENATOR GILL: And we have already seen the diagram and, I guess, Bridget’s office, and going over to your office or the Governor’s, is about 30 feet, maybe, correct?

MR. O’DOWD: How many feet?

SENATOR GILL: About 30, maybe?

MR. O’DOWD: Less.

SENATOR GILL: Less than 30?

MR. O’DOWD: Less than 30?

MR. O’DOWD: Less than 30 feet, I think.

SENATOR GILL: Less than 30.

MR. O’DOWD: I think so.

SENATOR GILL: And you were even closer to the Governor than Ms. Kelly’s office.

MR. O’DOWD: That’s right.

SENATOR GILL: And nobody went to the Governor-- Oh, I’ll ask this.

Was there ever a decision made for the Governor not to speak to Ms. Kelly?

MR. O’DOWD: He addressed his entire team, including Ms. Kelly, that morning.

SENATOR GILL: Addressed the entire team -- but was there ever a decision-- And you can say yes or no.

MR. O’DOWD: Not that I’m aware of. He sent me to do it.
SENATOR GILL: Okay, all right.
MR. ZOUBEK: You’re talking about on that date, correct, Senator?

SENATOR GILL: On that date?
MR. ZOUBEK: Yes.
SENATOR GILL: On that date.
MR. O’DOWD: On that date, yes.
SENATOR GILL: Or any date thereafter.
MR. O’DOWD: I’m not aware of any decision prior to January 8 of anyone suggesting anyone shouldn’t talk to Bridget Kelly.

SENATOR GILL: Well, my anyone is the Governor.
MR. O’DOWD: --or the Governor.

SENATOR GILL: Now, the Governor, we know, spoke to Mr. Stepien, but he did not speak to Ms. Kelly. Do you know why?
MR. O’DOWD: I don’t.

SENATOR GILL: Just a couple more questions on this.
Now, the deleted e-mails-- Because when Bridget Kelly tells you that she deletes e-mails, we know there’s an ongoing investigation by the Assembly Transportation Committee. And we also know you are her direct supervisor, correct?

MR. O’DOWD: I was her direct supervisor, that’s correct.

SENATOR GILL: And we also know that there’s an NJSA -- states that “No person shall destroy, sell or otherwise dispose of any public record, archives, or printed public documents which are under his or her control or his care or custody, whether or not they are in current use.” And the Destruction of Public Records Act states that “The person must receive
prior written authorization from the Division of Revenue and Enterprise Services of the Department of the Treasury, the State’s Record Management program, to dispose of their public records regardless of the medium in which the information is maintained.” And you were aware of that, correct?

MR. O’DOWD: I’m not aware of that particular statute verbatim; but I’m generally aware of the obligation to retain records.

SENATOR GILL: Well, not only were you just announced as the Attorney General, you also previously today indicated that the front office -- the Governor’s staff -- you received training on the issue of destruction of public records -- maintaining public records.

MR. O’DOWD: And OPRA applying to things like that, exactly.

SENATOR GILL: Okay, so-- And in your prior role as United States Attorney, you know of the issue of destruction of public records.

MR. O’DOWD: I’m not sure what the question is; I’m sorry, Senator.

SENATOR GILL: With respect to deleting e-mails that are public records -- you know that it shouldn’t be done.

MR. O’DOWD: Yes. I’m sorry, I do know that.

SENATOR GILL: Okay.

MR. O’DOWD: There are rules governing when it can be done, but--

SENATOR GILL: But -- yes.
So when Ms. Kelly tells you that she deletes e-mails, did she tell you that she had received prior written notice and approval to delete the e-mails?

MR. O'DOWD: She did not.

SENATOR GILL: Did you tell her to stop deleting e-mails?

MR. O'DOWD: I don’t recall saying that specifically. And just to put some context in this: What I think she was pursuing -- and the reason that she offered that to me -- was, “What if somebody sent me something, and I deleted it?” -- something that would indicate that she knew something about it. That’s, I think, what her focus was.

SENATOR GILL: But you didn’t ask her?

MR. O'DOWD: Ask her what?

SENATOR GILL: You didn’t tell her to stop deleting e-mails. Whatever her focus was, did you tell her to stop deleting e-mails because it was in violation of the law?

MR. O'DOWD: Well, it depends what e-mails that she deleted. She didn’t tell me that she deleted a relevant e-mail. If it was an e-mail about what time she was going to dinner, I think she can delete that.

SENATOR GILL: We know that you were not there to talk to her about what time she went to dinner.

MR. O'DOWD: Well, absolutely; absolutely, Senator.

SENATOR GILL: And we know you were there having a conversation with her, and she was having a conversation with you, with respect to e-mails as it relates to the lane closures.

MR. O'DOWD: Correct.

SENATOR GILL: Correct?
MR. O’DOWD: Correct.

SENATOR GILL: So that when she tells you that she deletes e-mails, did you tell her to stop deleting e-mails?

MR. O’DOWD: I don’t remember saying that, no.

SENATOR GILL: And did you ask her how often she deletes e-mails?

MR. O’DOWD: I believe she said, “Sometimes I delete e-mails.”

SENATOR GILL: Did you ask her--

MR. O’DOWD: No, I did not ask her that.

SENATOR GILL: Did you ask her, “Did you delete any e-mails with respect to the lane closures?”

MR. O’DOWD: Yes.

SENATOR GILL: And what did she say?

MR. O’DOWD: She did not believe so.

SENATOR GILL: Now, that was another conversation you had with her, but we don’t have any notes for that.

MR. O’DOWD: There are no notes of any conversation that I had with her.

SENATOR GILL: Just a couple more questions.

Did you ever tell the Governor, prior to the press conference on December 12, or anytime before January 8, that Bridget Kelly told you that she deleted e-mails and that Deborah Gramiccioni told you that Ms. Kelly told her that she deleted e-mails? Did you tell the Governor?

MR. ZOUBEK: If I can, Senator, I think you used December 12; we’ll accept the question, but it’s December 13.
MR. O’DOWD: So there were two pieces in there. So if the question is--

SENATOR GILL: Thank you very much, Counsel. See, two heads are better than one.

MR. ZOUBEK: I’m here to work two-headed monsters -- one or the other, right?

SENATOR GILL: So December 13, or anytime before January 8, did you go to the Governor and say, “Governor, Bridget Kelly told me she deletes e-mails. Deborah Gramiccioni told me that Ms. Kelly told her that she deleted e-mails.” Did you ever tell that to the Governor?

MR. O’DOWD: I don’t think Deborah Gramiccioni ever said that to me. But with respect to whether or not I passed that information along, based on my interactions with Ms. Kelly, I don’t believe I passed that on to the Governor, but I’m not certain either way.

SENATOR GILL: Okay. And I want to just-- I’m not referring you to the document, but Ms. Gramiccioni states--

MR. ZOUBEK: I have looked at the reports; could you tell me what Tab and page you’re looking at?

SENATOR GILL: Page 9.

MR. ZOUBEK: Of which Tab?

SENATOR GILL: We’re going to get it. Page 9, Tab 35.

MR. ZOUBEK: Thank you.

SENATOR GILL: And Counsel, it’s the second paragraph, and I will read it.

“Gramiccioni then told Kelly to go talk to O’DOWD again. Gramiccioni sensed that Kelly got the message. After Gramiccioni left
Kelly’s office, she went to O’Dowd’s office and told him that she had told Kelly to talk to O’Dowd again. Gramiccioni relayed to Mr. O’Dowd that Kelly looked really upset, but had also denied having any e-mails showing knowledge of the traffic problems when Gramiccioni talked to her. Gramiccioni also told O’Dowd that Kelly said she deleted most of her e-mails because of a bad relationship with her ex-husband. Gramiccioni left the office after she spoke with Mr. O’Dowd.”

Did you ever ask Gramiccioni what e-mails--

MR. O’DOWD: I don’t know what you’re referring to, Senator. That’s not a meeting that I recall ever having occurred.

SENATOR GILL: Okay, okay.

As a former-- When you received what was marked Tab 1-- And I only have two more questions--

MR. O’DOWD: The portion of 1 that I saw.

SENATOR GILL: The portion of 1 that you saw. And there’s still-- In the portion that you did see-- And this came -- at least it was given to you by Ms. Kelly, right, Bridget Kelly?

MR. O’DOWD: That’s correct.

SENATOR GILL: Okay. And when Bridget Kelly gave it to you, did you ever simply either go upstairs or across the hall and ask Mr. Ridley about the information contained in the e-mail?

MR. O’DOWD: I didn’t; I’m not even sure if I ever met Mr. Ridley. But in any event, I didn’t go speak to him.

SENATOR GILL: Well, you could always find him, though. You’re the Governor’s Chief of Staff.
MR. O’DOWD: If he works there, then I could have found him. But the answer is I didn’t; I did not.

SENATOR GILL: Okay. And did you ever bother to— And you received this e-mail before the Governor had his press conference -- or after?

MR. O’DOWD: Before the press conference on December 13.

SENATOR GILL: So you knew the Governor was going to have that press conference, and the e-mail indicated at least something with respect to someone -- like a Mayor of Teaneck (sic) thought it was a political retribution.

MR. O’DOWD: That’s what this e-mail indicates.

SENATOR GILL: Fort Lee -- of Fort Lee. He thought it was political retribution.

MR. O’DOWD: Yes, the notion -- the allegation of political retribution had been out there prior to this, but that’s what this e-mail says.

SENATOR GILL: And this was the first time you saw it in an e-mail, or written document by someone on the staff with respect to an allegation of political retribution?

MR. O’DOWD: That the allegation came into our office-- This is the first time that I saw that.

SENATOR GILL: First time you saw it. Did you go to Mr. Ridley and ask Mr. Ridley, “Look, I have this e-mail; the Governor’s about to have a press conference in an hour. I’ve been tasked with talking to Bridget Kelly. I want to know, Mr. Ridley -- I want you to tell me about the issues surrounding this e-mail, and anything else you may know about the
lane closing. Because the Governor is about to have a press conference, and I want to know everything with respect to this.”

Did you just go to Mr. Ridley and do that?

MR. O'DOWD: I did not do that, Senator, no.

SENATOR GILL: And did you go to-- And is Ms. Renna involved in this e-mail?

MR. O'DOWD: Yes, she sent it.

SENATOR GILL: She sent it, correct? Somebody thought this e-mail was important enough to forward to someone else. Am I correct?

MR. O'DOWD: I’m not sure what Ms. Renna thought, but she did forward this to Ms. Kelly -- absolutely.

SENATOR GILL: But you could have found out what Ms. Renna thought in forwarding the e-mail, correct? You could have spoken-- You could have gone to Ms. Renna. And how far is Ms. Renna’s office from yours?

MR. O'DOWD: I don’t know. I’m not sure where her office is.

SENATOR GILL: But you could have found out where her office was and gone to Ms. Renna and said, “I have this e-mail. The Governor is going to, in one hour, have a press conference. Tell me what this e-mail was about, when did you receive it, and what do you know about the lane closings.” Did you go to her and say that?

MR. O'DOWD: I did not.

SENATOR GILL: Did you call her up on the telephone and at least ask her?

MR. O'DOWD: I did not.
SENATOR GILL: Did you text her and say, “What’s with this e-mail I have?”

MR. O’DOWD: I didn’t communicate in any capacity with either Renna or Ridley concerning this document -- this e-mail.

SENATOR GILL: Okay. Now on January 8, when you were at Drumthwacket, you say in your interview -- and that would be -- Tab 33 is yours, page 21.

MR. O’DOWD: Okay, I’m there.

SENATOR GILL: Now, this is where you say you first-- Is this where you first read Ms. Kelly’s e-mail, “Time for some traffic problems”? 

MR. O’DOWD: That day.

SENATOR GILL: That day. But you also indicated that on that day you were effected on a personal level because you were concerned that your confirmation to become Attorney General might be postponed, correct?

MR. O’DOWD: I was in conversations with folks on that issue, as well as pending legislation. It was the end of lame duck, so there was a lot going on that day.

SENATOR GILL: Okay. So after you read the e-mail, you spoke to the Governor, who instructed you to convene a meeting that day at Drumthwacket, right?

MR. O’DOWD: He did.

SENATOR GILL: And he also told you who to invite, didn’t he?
MR. O’DOWD: We had some back-and-forth on it, but ultimately he signed off on folks and I made the invitations to a number of them.

SENATOR GILL: Okay. But according to your memo, even though you organized the meeting, and the Governor told you who to invite, you couldn’t even recall who was there, correct?

MR. ZOUBEK: Ask him the question if he recalls who was there; the question of whether they recorded it is a different issue.

MR. O’DOWD: Yes, I can--

SENATOR GILL: No, I’m going to ask him the question I want to ask him.

MR. ZOUBEK: Well, I think in fairness, Senator--

SENATOR GILL: And I will then--

MR. ZOUBEK: --that presumes this takes all of the information that he said that day, and I think--

SENATOR GILL: And the record will maintain that you have an objection; but I am going to ask him this question.

MR. ZOUBEK: That’s fine.

SENATOR GILL: And this is the--

MR. ZOUBEK: If you want to ask him an unfair question, go ahead and ask him an unfair question.

SENATOR GILL: Then you’re--

ASSEMBLYMAN WISNIEWSKI: Counsel, let Senator Gill finish.

SENATOR GILL: As long as there’s no privilege you are invoking, he is required to answer it.
Now, you were told by the Governor who to invite, correct?
MR. O’DOWD: The Governor and I discussed who should be there, and I made a number of calls to ask people to go to Drumthwacket that day

SENATOR GILL: Okay. But when you were asked about who was at the meeting -- when you were asked by Gibson Dunn who was at the meeting, you indicated that you couldn’t remember, correct?
MR. O’DOWD: I don’t know that I indicated-- I do remember who was there, so I don’t know what they memorialized with respect to that or not.

SENATOR GILL: Okay. Well, why don’t we look at page 21.
MR. O’DOWD: Okay, I’m on it.
SENATOR GILL: And does it indicate--
MR. O’DOWD: The second paragraph up from the bottom, the second line, “But he did not specifically recall who was there.”

SENATOR GILL: Okay.
MR. O’DOWD: I don’t know what their impressions were; maybe I didn’t know all 12, but I certainly remember-- I don’t know if I remember everybody who was there.

SENATOR GILL: Well, and I’m just-- And my question went to what was in this particular report.
MR. O’DOWD: Oh, okay.
SENATOR GILL: Okay, and in this report it says that you did not remember who was at the meeting, correct?
MR. O’DOWD: That’s what the report says, correct.
SENATOR GILL: Okay. Now, let me refresh your recollection -- I don’t know if you know now. It would be the Governor, or do you--

The Governor, Chris Porrino -- is that correct?

MR. O’DOWD: Porrino, yes.

SENATOR GILL: Porrino. Regina Egea?

MR. O’DOWD: She was there.

SENATOR GILL: Michele Brown?

MR. O’DOWD: Correct.

SENATOR GILL: Paul Matey?

MR. O’DOWD: Correct.

SENATOR GILL: The Governor’s brother?

MR. O’DOWD: At some point he was there, correct.

SENATOR GILL: Mike DuHaime?

MR. O’DOWD: Yes.

SENATOR GILL: Bill Palatucci?

MR. O’DOWD: Yes.

SENATOR GILL: And Davis Samson?

MR. O’DOWD: Correct.

SENATOR GILL: Okay. And at some point, Senator Jeff Chiesa.

MR. O’DOWD: Correct.

SENATOR GILL: And, of course, Michael -- Mr. Drewniak.

MR. O’DOWD: Drewniak was there at some point.

SENATOR GILL: Did I miss anyone?

MR. O’DOWD: Let me see. I don’t think so, but it’s possible.
SENATOR GILL: Now, you indicated that it was a quick--
You stated there was a quick consensus.

One question before I get there: Why didn’t you speak to Ms.
Renna or Mr. Ridley between December 13 and January 8 about the e-mail?
MR. O’DOWD: Why did I not do that?
SENATOR GILL: Yes.

MR. O’DOWD: I didn’t. The allegations contained in that e-
mail about political retribution were already allegations that were out in the
public space. And I was focused on Ms. Kelly that morning of December
13, and I never followed up with Renna or Ridley.

SENATOR GILL: Okay. And did you know if anyone spoke to
Mr. Ridley or Ms. Renna about this e-mail?

MR. O’DOWD: I don’t know that.

SENATOR GILL: Okay. A couple more questions.

You stated that there was a quick consensus among the group --
not you -- the Dunn--

MR. O’DOWD: Oh, the report.

SENATOR GILL: Gibson Dunn report--

MR. O’DOWD: No, I understood what you meant, Senator.

SENATOR GILL: --states, on page 33, that there was a quick
consensus among the group that it would not be appropriate for the Office
of the Governor to have dialogue with Ms. Kelly because those involved--

SENATOR O’TOOLE: Chair, she’s referencing page 33? Is
that a mistake?

SENATOR GILL: Yes, page 33.

MR. O’DOWD: Tab 33.
SENATOR GILL: You stated that, “There was a quick consensus among the group that it would not be appropriate for the Office of Governor to have dialogue with Ms. Kelly because those involved did not want to allow for any suggestion that the Office was trying to coach or influence Kelly.” Is that a correct statement of what you told them -- Gibson Dunn?

MR. O’DOWD: I don’t know exactly what I told them. But if you’re asking me, generally, if that was a consensus of people who were there that day, then that’s accurate.

SENATOR GILL: Okay. Because the Governor says that he concluded that he wasn’t going to talk to her because she had a potential legal problem. Were you aware of that?

MR. O’DOWD: I don’t remember him using those words, but he would have been part of these conversations and would have signed off on this direction, if you will -- or non-direction -- with respect to speaking with her.

SENATOR GILL: Okay. And this is the last question I have. We know that your wife is the Commissioner of Health -- Commissioner O’Dowd. The Gibson Dunn attorney’s interview an Anthony -- I think it’s Marchetta--

MR. O’DOWD: Marchetta.

SENATOR GILL: Marchetta (indicating pronunciation). And he is the Executive Director of HMFA, which is the State agency
responsible for administering part of the Sandy disaster recovery. Is the Mr. Marchetta who was interviewed by the attorneys -- is he your father-in-law?

MR. O’DOWD: He is. He’s my wife’s father.

SENATOR GILL: I have no further questions at this time.

ASSEMBLYMAN WISNIEWSKI: Thank you, Senator Gill.

Majority Leader Greenwald.

Majority Leader, please.

ASSEMBLYMAN GREENWALD: Mr. O’Dowd, thank you.

Mr. O’Dowd, since these hearings have started, what has troubled me is -- and what I’m trying to get to the bottom of -- is who ordered the closure of the lanes and why.

I think it has been stated by the Governor’s Office, as well as by the Legislature, as well as people, really, across the state -- even around the country -- that there was an abuse of power. And it really comes down to those two questions for me: Who ordered the closure and why?

And I understand your attorney’s indication that you have not been watching these hearings, necessarily, or that you have not read the Gibson Dunn reports. So I’m going to summarize for you things that have come to light through these hearings, assuming that people are under oath and everything that they’re saying is true. And then I’m going to give you a synopsis of where I think we are, and I’m just going to ask you some pointed questions about what your role was in trying to discover those questions; because I think that’s where the Governor really had instructed you, as his Chief of Staff, along with Charlie McKenna, his Chief Counsel.

So we had Christina Genovese -- her maiden name -- came in to testify-- Oh, I’m sorry, what is Christina’s married name?
SENATOR WEINBERG:  Renna.

ASSEMBLYMAN GREENWALD:  Renna, I apologize. Christina Renna comes in and testifies. And she testifies, point blank, that in her dealings with Bridget Kelly -- while she may have been involved with this, she would not have orchestrated or ordered the closure of the lanes.

And that has been pretty much universal from the people who have come in and testified, and what we’ve seen.

We have now seen, through a number of testimonies -- including some of the statements in the Gibson Dunn report -- whether it was to Mr. Stepien, or whether it was to Mr. Drewniak, that Mr. Wildstein stated specifically that it was his idea to close the lanes. Now, Mr. Wildstein hasn’t testified, so we don’t know that he would confer with that, but we have now heard through a number of different people, in different channels, and through a number of different documents, that Mr. Wildstein ordered the closure of the lanes.

It also was indicated that Mr. Stepien, at that time, recommended to Mr. Wildstein that, “You ought to probably bring that up with the Governor’s Office” -- and I’m paraphrasing, but to get to the point here.

Are you aware of Mr. Wildstein, prior to the closing of the lanes, ever coming to anybody in the Governor’s Office and recommending that he had this idea? Did he talk to anybody? And I think from what we’ve heard you testify today, that you were not involved with it at that point. But when you were assigned to look into this, and you were asking questions, and you were interviewing staff, did anybody at any time say to you, “Yes, Mr. Wildstein came to me and said he had this crazy idea.”
MR. O'DOWD: So if the question is what did I ever learn with respect to representations made by Wildstein--

ASSEMBLYMAN GREENWALD: Yes.

MR. O'DOWD: --in connection to the lane closures, two things: My understanding from Charlie McKenna is that when Charlie McKenna met with David Wildstein on December 6, to tell him that he was no longer going to be a Port Authority employee, at that point -- it was at the end of the year, so December 31, 2013 -- that in that meeting Wildstein told McKenna that, “It was a traffic study; it was a legitimate traffic study and it was my idea.” So I learned that from Charlie.

And then on December 14 I have a conversation with Mike DuHaime, who had had a conversation with David Wildstein prior to that; I don’t know exactly when. But my impression is that it was after the Governor’s December 13 press conference, where Wildstein -- again, through another party, Mike DuHaime to me -- indicated, again, that, “This was a traffic study, we made some mistakes; this was a traffic study, this was my idea,” something to that effect.

ASSEMBLYMAN GREENWALD: And Mr. Wildstein -- we also learned through testimony through Mr. Drewniak -- that Mr. Wildstein met Mr. Drewniak for dinner in New Brunswick and actually brought a file with him to say, “Here is the study,” and he had it with him. Mr. Drewniak chose not to look at it. Are you aware, because you and Mr. McKenna had been assigned to kind of find out why this lane -- why these lanes had been closed, and who had ordered it. Did you interview Mr. Wildstein at all?

MR. O'DOWD: No.
ASSEMBLYMAN GREENWALD: Okay. So Charlie McKenna interviews Mr. Wildstein. Are you aware, when Mr. Wildstein makes the statement, “There was a legitimate traffic study; maybe it could have been done better, but there was a traffic study,” did Mr. McKenna ask for the documents around the traffic study?

MR. O’DOWD: I don’t know the answer to that.

ASSEMBLYMAN GREENWALD: Okay. So you have never seen any documents of the traffic study?

MR. O’DOWD: I’ve never seen any documents associated with a traffic study, or whatever you want to--

ASSEMBLYMAN GREENWALD: In your investigation at the request of the Governor to find out what happened and why -- in the conversation, as now -- it’s been all over the map, somewhat, of whether or not there’s a traffic study. Have you made a determination or made a recommendation to the Governor that there was just no traffic study?

MR. O’DOWD: So just to be clear, Assemblyman. I did not conduct an investigation into whether or not there was a traffic study. I was never assigned to do it, never initiated one on my own. I was directed to talk to Ms. Kelly on December 12, and I did, but I never conducted my own investigation to figure out what went on here. I didn’t engage in that.

ASSEMBLYMAN GREENWALD: Did Mr. McKenna?

MR. O’DOWD: I don’t know what Mr. McKenna did or didn’t do. I referred earlier to the conversation that I was present for between McKenna, and the Governor, and myself. I know that McKenna -- because he reached out to me in connection with the testimony of Baroni in November -- I know McKenna deals with Port Authority issues, generally; it
goes through the Authorities unit, and through McKenna, on that side of the house. But I don’t know specifically what Charlie did to offer that conclusion that it was a traffic study.

ASSEMBLYMAN GREENWALD: Mr. Drewniak testified that there was a meeting at Drumthwacket, up on the residence level, where there were interviews of the Governor’s Office employees. Are you familiar with that day?

MR. O’DOWD: January 8; I am familiar with that. My understanding is that Mike Drewniak was interviewed that day, but not by me.

ASSEMBLYMAN GREENWALD: And you were not in that group, that was doing the interview process, as Mr. Drewniak walked past the table of senior advisors to the Governor; he was interviewed by people, and then was allowed to take a chair in the main office as Mr. Drewniak testified.

MR. O’DOWD: Yes, I don’t know whether or not Mr. Drewniak came back into the room; that may well be the case. But--

ASSEMBLYMAN GREENWALD: He testified that he did. He somehow got clearance from this submeeting and was brought back.

MR. O’DOWD: Yes, I’m not quibbling with that, but the question of whether or not I interviewed Mike or talked to Mike at all -- I know what you’re speaking about; I wasn’t a party to that.

ASSEMBLYMAN GREENWALD: Okay. Who was doing those interviews?
MR. O’DOWD: My understanding is that they were conducted by Paul Matey and Chris Porrino from the Governor’s Counsel Office.

ASSEMBLYMAN GREENWALD: And do you know what was the purpose of those interviews?

MR. O’DOWD: Generally, to find out whether or not Mike Drewniak was involved with the lane closures; was there something more; did Mike not reveal something prior? Something like that -- but I wasn’t there when they got their charge, and I wasn’t part of the interactions with Drewniak.

ASSEMBLYMAN GREENWALD: Were there other people, other than Mr. Drewniak, interviewed that day--

MR. O’DOWD: At Drumthwacket?

ASSEMBLYMAN GREENWALD: --who then became a part of the larger senior staff meeting?

MR. O’DOWD: I don’t believe so.

ASSEMBLYMAN GREENWALD: Okay. So Kevin, I have to tell you. What amazes me, and I find somewhat appalling through this whole process, is the absolute lack of curiosity of why this was done. And you have reports coming left and right, calls from reporters going through the Port Authority, and now to the Governor’s Office and to the Governor’s campaign, that there was lane closures for political retribution. And even in some of the e-mails and piecing together the reports, it seems to suggest that that was a crazy idea -- that it was closed for political retribution.

I don’t know if it was or it wasn’t; but it seems that in the guise of these e-mails, people are suggesting that was crazy. But you’re such an
attention-to-detail -- and I’ve known this from you, Kevin, in dealing with you over your time. But even today in testifying, after you got done telling Mr. Baroni that he going to be let go -- you’re such attention to detail -- you call DuHaime to say, “Look, you’re going to get a phone call from Baroni about Human Resources.”

MR. O’DOWD: No, about a job.

ASSEMBLYMAN GREENWALD: About a job.

MR. O’DOWD: The DuHaime conversation was about getting a job with DuHaime.

ASSEMBLYMAN GREENWALD: About a job.

You get done talking to Kelly and you go in -- at some point later in the day, you walk in the Governor’s Office and you let him know, “You should be aware that Kelly’s probably going to reach out to talk to you.” I’m struggling to understand how this-- You’ve got one of your key communications people in the office, Michael Drewniak, who originally starts to get phone calls -- and this is around September -- and goes in to meet Maria Comella who, I think at the time, gave the absolute right answer: “This is a Port Authority issue. Let them handle it.”

And then they keep getting phone-- Drewniak keeps getting phone calls. And I said to Michael when he was here, “Michael, there was something in your gut that something wasn’t right here -- because Wildstein kept talking to you, Baroni kept talking to you, you kept getting these phone calls. And after your immediate supervisor, Maria Comella, said to you, ‘It’s a Port Authority issue,’ that was the right advice.”

He then goes to McKenna. He has conversations with Bridget Kelly, and then goes to McKenna. McKenna says, “We’re looking into
this.” This is some time around October -- the middle of October. But he keeps getting these phone calls, and I said to Michael, “Michael, at some time during the course of these months this went from being a Port Authority issue to damage control within the Governor’s Office. And he got so concerned about it he was sitting in your office. And the Governor walks in” -- and we’ve all been in meetings like this; we’re having a conversation, someone else walks in, and Michael turns to get the Governor caught up to speed on what’s going on. And the Governor dismisses it. He says, “Yeah, he talked to me about some study -- like I’m supposed to know about some study.”

We’ve all been in conversations like that. I can picture that.

But at that point, you said today, the Governor says to you -- right near or around that time, on December 12 -- “This is becoming a major distraction.” And at some point the Governor’s Office went into hypergear to find out, to really -- I don’t know to do what, to be honest with you. And I guess that’s what I’m turning to you to find out. It became a major distraction. And the Governor’s Office went to do damage control around this because it was starting to hurt the Governor, when I think what should have happened is-- There was a significant abuse of power, because now you’re starting to see the e-mails that first responders couldn’t get to where they had to go. The overall lack of curiosity as to what happened and why -- I just cannot get my arms around. Can you explain what was going on at that period of December 12? What was the major distraction? And what was the goal, what was the mission at that point, in the Governor’s Office?
MR. O'DOWD: So the distraction on December 12 was, I understood from the Governor, was the allegations -- the political retribution allegations -- the Bridge issue. That was the distraction that he was referring to on December 12 when he gave me the assignment to talk to Ms. Kelly.

ASSEMBLYMAN GREENWALD: And Ms. Kelly was the only one who you were assigned to talk to? Because--

MR. O'DOWD: Yes. I'm sorry, yes.

ASSEMBLYMAN GREENWALD: No, it’s a one-word answer. And you know, Kevin, we’ve all dealt-- I’ve said this a lot of times, and a lot of people are watching these hearings. But this is a small building and we all interact with each other all the time. Whether it’s Kevin O'Dowd, whether it’s Jamie Fox, whether it’s Gary Taffet -- when you’re the Chief of Staff to the Governor, the buck kind of stops with you. It comes to your desk; you’re the one who, kind of, at the end of the day has to parse through these things.

At some point, when this was blowing up, you weren’t assigned to talk to anyone else other than Bridget Kelly?

MR. O’DOWD: I wasn’t. And I would just point to one, maybe, structural difference; and it may not change the mix from your perspective, but you referred to prior Administrations where the Chief of Staff oversees everything. We have a model in our office where we have two, co-equal Chiefs that report directly to the Governor. That’s how we’re structured. And Charlie McKenna oversees the Authorities Unit, which interfaces with the Port Authority, and I relied on him for that.
ASSEMBLYMAN GREENWALD: And that’s a fair point. And so these questions may be more appropriately directed to Mr. McKenna. Is that what you’re saying? Because this would be an Authority--

MR. O’DOWD: The Authorities Unit answers to McKenna, and then reports to the Governor. But I can only answer what I know, and what I did.

ASSEMBLYMAN GREENWALD: So when Charlie McKenna-- and you weren’t there for the conversation when Charlie McKenna says to Mr. Drewniak-- When Mr. Drewniak is concerned that these questions keep coming up and reporters keep calling, and he goes to Mr. McKenna, and Mr. McKenna says, “We’re looking into it,” is there any meeting where you’re present where Mr. McKenna brings this up with you or with the Governor’s Office to say, “There’s something boiling over there. We have to take a deeper look at this.” Are you a part of any of those conversations?

MR. O’DOWD: Not that I remember.

ASSEMBLYMAN GREENWALD: If you can’t answer this question, just say so. But based on not what you necessarily knew at the time, but what you’ve learned as you’ve gone through this process, is it your belief that Mr. Wildstein ordered the closures?

MR. O’DOWD: I think out of respect to this Committee and the multiple, ongoing inquiries, I don’t think I should venture a guess. I don’t know the answer and I don’t think I should venture a guess into that space.
ASSEMBLYMAN GREENWALD: Okay. So if you don’t know if Mr. Wildstein closed them, you probably don’t -- but if you do, I’d like you to answer the question. Do you know why these lanes were closed?

MR. O’DOWD: I don’t.

ASSEMBLYMAN GREENWALD: I’m going to probably not pronounce her name correctly, but Deborah Gramiccioni (indicating pronunciation) --

MR. O’DOWD: Gramiccioni.

ASSEMBLYMAN GREENWALD: Gramiccioni. You stated here today that she had actually-- It had actually been determined by the Governor that she was going to replace Mr. Baroni 30 days before you had notified him.

MR. O’DOWD: That’s about right.

ASSEMBLYMAN GREENWALD: Okay. Why was Mr. Baroni being replaced?

MR. O’DOWD: Mr. Baroni was being replaced, generally, for performance-based issues. The Governor and David Samson wanted Mr. Baroni to move on in the second term. So that discussion had occurred months and months prior. But with respect to Deb in particular, those conversations heated up before the election -- about a specific candidate.

ASSEMBLYMAN GREENWALD: Now, were you a part of those conversations on replacing Mr. Baroni?

MR. O’DOWD: I was present for some of them, sure.

ASSEMBLYMAN GREENWALD: Were you part of a decision-making process on -- that Ms. Gramiccioni would be the replacement?
MR. O'DOWD: I was. I actually talked to Deb about whether or not she would be interested in the job. So yes, I think I may have started that dialogue.

ASSEMBLYMAN GREENWALD: What were the performance issues that led to Mr. Baroni’s being replaced?

MR. O'DOWD: As I understood it, generally, David Samson had expressed concerns about him having to be pulled into day-to-day matters that he thought Bill Baroni should be able to handle, and that he wouldn’t have to handle -- things like that, generally.

ASSEMBLYMAN GREENWALD: Okay. And what would Ms. Gramiccioni’s background-- What’s her background that she would have been better suited to handle those than Mr. Baroni -- as a lawyer and a former member of the legislature -- that Mr. Samson didn’t think he was qualified to-- Did you take that into consideration when you hired his replacement?

MR. O'DOWD: Did I take what into consideration?

ASSEMBLYMAN GREENWALD: Deborah’s background and ability.

MR. O'DOWD: Sure. Deborah ran the Authorities Unit for two years -- the first two years of the Administration. She was the Director of the Division of Criminal Justice in the Corzine Administration, and a former AUSA.

ASSEMBLYMAN GREENWALD: Okay.

MR. O'DOWD: So I thought, and still think, Deb is very highly qualified in that position.
ASSEMBLYMAN GREENWALD: But the lane closure issue was not part of the performance issue that led, 30 days prior, to the change to go to Deborah.

MR. O'DOWD: I think the lane closure issue was part of the acceleration.

ASSEMBLYMAN GREENWALD: Accelerated. But it wasn’t part of the decision 30 days earlier.

MR. O'DOWD: Not that I’m aware of.

ASSEMBLYMAN GREENWALD: Did you talk to Mr. Kwon at all -- who is a former colleague of yours -- prior to his prepping Mr. Baroni to come before the Transportation Committee?

MR. O'DOWD: No.

ASSEMBLYMAN GREENWALD: Did you talk to Mr. Kwon after he prepped Mr. Baroni?

MR. O'DOWD: No.

ASSEMBLYMAN GREENWALD: Did you talk to Mr. Kwon after Mr. Baroni testified?

MR. O'DOWD: No.

ASSEMBLYMAN GREENWALD: Did you talk to Mr. Kwon after it was determined that there may not have been a study at all?

MR. O'DOWD: I don’t think I’ve spoken to Mr. Kwon for some time -- maybe not since he left the AG’s Office after his Supreme Court nomination. But it’s possible that I ran into him some place, but it would not have been a substantive interaction, that I can recall.

ASSEMBLYMAN GREENWALD: Mr. Drewniak testified that he had become aware about Mr. Wildstein’s activities; he had numerous
conversations with Mr. Wildstein. At any time after he was having those conversations, before the one meeting when the Governor came in, did Mr. Drewniak ever come in and talk to you about those concerns -- the questions from the reporters?

MR. O’DOWD: Sure, I interacted with Mike during that process -- not with respect to Wildstein, in particular, though.

ASSEMBLYMAN GREENWALD: But about the calls from the reporters coming in?

MR. O’DOWD: Generally, that there was press issues; Mike had sent me some e-mails, sent me some communications on that -- some we went through earlier today.

ASSEMBLYMAN GREENWALD: Did he ask you-- Were the context of those conversations, “How should we respond to this?” Was he looking for insight, or was he just keeping you abreast?

MR. O’DOWD: Keeping me abreast -- that’s how I interpreted it.

ASSEMBLYMAN GREENWALD: He was also receiving phone calls from Mr. Baroni -- same question -- about press calling in, and Mr. Baroni referring press calls over to Mr. Drewniak. Did he ever talk to you about that?

MR. O’DOWD: I don’t believe so.

ASSEMBLYMAN GREENWALD: Okay. And also from Mr. Stepien, at that point in time -- Mr. Stepien was calling Mr. Drewniak to help deal with some of the press calls and funnel some of those. That was Mr. Drewniak’s testimony. Again, I don’t know if any of that is accurate;
he was testifying under oath. Did he talk you to about any of that interaction?

MR. O’DOWD: I don’t remember those types of interactions.

ASSEMBLYMAN GREENWALD: The Governor said that Mr. Samson did not have an operational role at the Port Authority. Was Mr. Baroni’s performance making Mr. Samson take more of an operational role? Was that part of the concern?

MR. O’DOWD: I don’t know if I’d use those words, but maybe what I said earlier is effectively the same thing. I mean, there was some—Samson’s perspective was that he was getting pulled into some day-to-day things, over his time as Chairman, that led him to conclude, from his perspective, that we needed somebody else at the Port Authority.

ASSEMBLYMAN GREENWALD: So Mr. O’Dowd, now that there’s been a statement by Mr. Foye that there was both State and Federal crimes committed, in his opinion, has anyone at the State Attorney General’s Office—Are you aware or have you had any meetings with the Governor—-is there anyone at the State Attorney General’s Office looking into this at all?

MR. O’DOWD: I have no idea.

ASSEMBLYMAN GREENWALD: Okay. You are all-- It’s not your role anymore, but you are all former U.S. Attorneys.

MR. O’DOWD: Well, the Governor is a former U.S. Attorney; the rest of us are former AUSAs. But we all worked in the U.S. Attorney’s Office, that’s correct.

ASSEMBLYMAN GREENWALD: I apologize for the-- Yes.
I can’t imagine this isn’t the topic of lunchtime conversation as to what happened there. Has anybody indicated, “maybe we should look into this from a State crimes base”?

MR. O’DOWD: I was never present for a conversation like that.

ASSEMBLYMAN GREENWALD: Do you believe that there could be State crimes and worthy of an investigation?

MR. O’DOWD: I think that gets, with all due respect, into another area where I don’t think I should venture a guess. I’m not familiar enough with the facts, particularly in light of the ongoing inquiries.

ASSEMBLYMAN GREENWALD: Thank you.
I have no further questions at this time.

ASSEMBLYMAN WISNIEWSKI: Thank you, Majority Leader Greenwald.

Assemblywoman Handlin.

And then just before we do that, Assemblywoman -- we’re going to take a short break after Assemblywoman Handlin’s questioning so that everybody can grab a drink or use the restroom.

ASSEMBLYWOMAN HANDLIN: Thank you, Mr. Chairman.

Mr. O’DOWD, I wanted to revisit the saga of what happened to Bill Baroni. I was actually looking for documentation related to that, and I don’t see any. So what I-- Part of what I had in my mind, at this point, must be as a result of testimony alone.

We may have heard of this from other witnesses; I don’t think so. I think you were the first one to address the question of why it was that
he was being *let go* -- is the proper term. He was being encouraged to move on at the end of the first term.

MR. O’DOWD: I told him, point blank, that tomorrow is your last day. So it wasn’t encouragement; it was a direct statement.

ASSEMBLYWOMAN HANDLIN: Okay. Here’s the question I wanted to ask: We all are aware of what his job was at the Port Authority -- at least what his title was. I don’t think anyone is completely clear about what his job responsibilities were. But we know he held that title and that others had held it before him. There’s a new person who holds that same title. And what I want to explore with you just a little bit is the following: I am making the assumption -- and correct me if I’m wrong -- that to the extent he was viewed as being *burned out* -- I think was the word that you used?

MR. O’DOWD: I did use that, yes.

ASSEMBLYWOMAN HANDLIN: Okay. And to the extent there were *performance issues* -- I think that was your term as well?

MR. O’DOWD: Correct.

ASSEMBLYWOMAN HANDLIN: Okay. That the likelihood is it wasn’t entirely about him; that I think all of us here had encounters with him and/or worked side-by-side with him while he was in the Legislature. We all know he’s very smart.

MR. O’DOWD: No question.

ASSEMBLYWOMAN HANDLIN: In a number of ways, very talented. So I am thinking that what -- much of what went wrong might well have been due to the fact that he was given a job that either was very, very fuzzy in terms of the nature of the responsibilities; or carried within its
structure and within that set of responsibilities a lot of, kind of, inherent conflict.

And I wanted to ask you, number one, if you could-- Based on your knowledge, your interactions with him, your understanding of what it was he was supposed to deliver, do you think, in fact, that the job is problematic? So that’s my first question; and that also is connected to your comments about the Port Authority being a dysfunctional agency. So honing in on his job within that dysfunctional agency, are there certain things, again, about the job that you think are problematic and could well have caused similar issues for many other people?

And number two -- if you can hone in on that, what about the job would need to be changed so that someone, going forward, could do it in a way that would be viewed, generally, as a responsible, accountable, top notch performance?

MR. O’DOWD: Unfortunately, I don’t know much about what his day in and day out job responsibilities or obligations were, so I won’t be very helpful in that regard.

And then related to that, I won’t be very helpful in offering suggestions to the Committee as to how things may change in order to address maybe what happened here and other instances. So I don’t have a lot of insight as to what Bill Baroni’s day-to-day tasks were. I didn’t interface with the Port Authority frequently.

ASSEMBLYWOMAN HANDLIN: Okay. I think at some point you did make a comment along the lines of there being a lot of tensions; that he was reflecting -- reflecting, or had been worn down by, or whatever.
MR. O'DOWD: Yes, the tensions are the New York/New Jersey tensions.

ASSEMBLYWOMAN HANDLIN: Okay.

MR. O'DOWD: It’s an institution that, unlike our Executive Branch departments that we all think of around here and that are my primary focus -- you have a Commissioner with his or her team below them and a clear sort of chain of command -- this is an entity that has -- is controlled by Commissioners from other states that are appointed from other governors. Deputy Executive Director -- I’m not even sure if Bill Baroni reports to the Board, or does he report to Pat Foye, or, at the time--

So it’s not set up in a way that is similar to what our traditional Executive Branch departments are like.

ASSEMBLYWOMAN HANDLIN: Okay. So in other words, you’re not really sure what it was about the job that wore him down, if you want to put it that way, or that caused him insurmountable problems-.

MR. O'DOWD: I don’t, because I’m not familiar enough with what he would do, day in and day out. So I’m sorry -- I don’t have much insight on that.

ASSEMBLYWOMAN HANDLIN: Okay.

Thank you, Mr. Chairman.

ASSEMBLYMAN WISNIEWSKI: Thank you, Assemblywoman.

We’re going to take a 10-minute recess. We’ll reconvene here at, let’s say, 4:00 p.m.
ASSEMBLYMAN WISNIEWSKI: I’d like to begin the meeting. Would our members kindly take your seats.

We’re going to resume our questioning, Mr. O’Dowd, with Senator Linda Greenstein.

Senator.

SENATOR GREENSTEIN: Okay, thank you very much.

ASSEMBLYMAN WISNIEWSKI: Please turn your microphone on.

SENATOR GREENSTEIN: Good afternoon.

MR. O’DOWD: Good afternoon, Senator; good afternoon.

SENATOR GREENSTEIN: I wanted to talk a little bit about the relationship between the Governor’s Office and the Port Authority. And I was wondering if you could describe the manner in which the front office communicated the Governor’s “clear vision and strong leadership” -- tucking that one in quotes -- to the Port Authority on policy matters. How did the Governor get across what he was looking for to the Port Authority?

MR. O’DOWD: Well, the way the Office is set up is, there’s an Authorities Unit that is headed by a Director of Authorities. And that particular person has four or five Assistant Counsels who work for her. One of those Assistant Counsels has, as part of their portfolio, the Port Authority and interfacing with the Port Authority. So through the Authorities Unit, I think, is probably the best answer that I can give you.
SENATOR GREENSTEIN: What person in the front office identified policy priorities for the Port Authority to pursue on the Administration’s behalf?

MR. O’DOWD: I don’t know that it’s one, singular person. But in general, the Authorities Unit is the interface and the go-between between the Governor’s Office and all the Authorities -- but Port Authority New York/New Jersey in particular.

SENATOR GREENSTEIN: And I know you mentioned before Regina Egea--

MR. O’DOWD: Regina Egea, correct.

SENATOR GREENSTEIN: --was the person.

MR. O’DOWD: She was.

SENATOR GREENSTEIN: Would she be the Administration’s point person at the Port Authority for ensuring that the priorities of the Administration were executed? Would she have been that person?

MR. O’DOWD: Depending upon what the issue is, but Regina Egea, Assistant Counsel who worked for her -- either/or, depending upon the issue.

SENATOR GREENSTEIN: And what’s the relationship of your office, or yourself as Chief of Staff, with that Authorities Unit? I mean, do you oversee it, or are you on equal level in some way? I guess you wouldn’t be on equal level.

MR. O’DOWD: Well, no, it’s in the Counsel’s Office. So there’s a Chief Counsel, who reports to the Governor, who oversees the Authorities Unit and a few other components, structurally.
SENATOR GREENSTEIN: So you wouldn’t have a position of, sort of, evaluating how that unit did? That would be under the Counsel’s Office? You, yourself, as Chief of Staff, wouldn’t do that sort of evaluation?

MR. O’DOWD: I did not; I do not.

SENATOR GREENSTEIN: Okay. What role did David Samson play in communicating the Governor’s vision to the Port Authority? What would his role have been?

MR. O’DOWD: Well, he was Chairman of the Port Authority. I would imagine that, as Chairman, he conducted meetings and sessions in a way that was consistent with his philosophies and the Governor’s philosophies.

SENATOR GREENSTEIN: Okay. Did the Administration come into this office -- into their (indiscernible) -- with a concrete plan to get the Port Authority to take over the payment of transportation infrastructure projects that had traditionally been financed through the Transportation Trust Fund?

MR. O’DOWD: It’s possible; I’m not familiar with that plan if there is one.

SENATOR GREENSTEIN: Okay. What alternatives, if any, other than diverting Port Authority funding to New Jersey transportation projects, did the Administration consider as a means of addressing the Transportation Trust Fund’s insolvency? Is that something you would know anything about?

MR. O’DOWD: The Transportation Trust Fund issue is an issue that, I think, people are starting to look at now, again, as it recycles
through every couple of years. But specifically, I don’t remember being involved in any of that at the outset of the Administration.

SENATOR GREENSTEIN: Okay. What person in the Administration was in charge of coordinating between the front office and the Port Authority on the issue of toll hikes?

MR. O’DOWD: I don’t know the answer to that. If you’re referring to the toll hikes of the summer of 2011 -- which I think you probably are -- that’s generally what people refer to--

SENATOR GREENSTEIN: Yes.

MR. O’DOWD: I think at the time Deb Gramiccioni was the Director of the Authorities Unit; Rich Bagger was the Chief of Staff; I was Deputy Chief Counsel.

SENATOR GREENSTEIN: Okay. Were you involved in the decision to raise Port Authority tolls?

MR. O’DOWD: I don’t believe so, no.

SENATOR GREENSTEIN: Okay. Did you direct Drewniak to make that request?

MR. O’DOWD: Which--

SENATOR GREENSTEIN: The request about Port Authority tolls.

MR. O’DOWD: I’m not sure I’m following you, Senator. I don’t know what request you’re referring to.

SENATOR GREENSTEIN: I don’t know if it was a specific date of a request, but I guess there was some place in which he was involved in that decision. I was just trying to figure out if you would have directed him. But it sounds like you wouldn’t, since you’re--
MR. O'DOWD: Yes, I’m not sure what you are referring to.

SENATOR GREENSTEIN: Okay. Let me just see here.

Well, you know what? There’s a line of questioning here that I’m not going to go through because it sounds like you weren’t involved. So I’m not going to continue going through it.

But for now, thank you; thank you very much.

MR. O'DOWD: Thank you, Senator.

ASSEMBLYMAN WISNIEWSKI: Thank you, Senator.

And I know Assemblywoman Caride was next, but she has stepped out to take a phone call.

Senator O'Toole.

SENATOR O’TOOLE: Thank you, Chair.

Good afternoon, Kevin and Paul. Through the Chair, I just have some follow-up questions. And I don’t mean to be repetitive, I don’t mean to have questions re-asked and re-answered, but there are some points of clarity that I need. And I know we’ve been at this for six hours, or so -- so if you would indulge me.

And just a note: I never really heard that before -- the advice that Paul Zoubek gave Kevin about not reading the other reports. I found it to be interesting and fascinating, and I’m not asking about or intruding upon the attorney/client privilege and asking about the wisdom of that. But I will tell you, as someone who has been involved in these type -- from the private sector-- That’s a really interesting tool, because as we have seen -- we’ve seen a number of them. We’ve read so many Gibson Dunn reports and other reports. At some point in time you start to lose the compartmentalized versions of one or another, and sometimes what you
read in one report may lend itself to the vision of another report. So I will tell you -- attorney to attorney -- that I find that to be a very interesting tool that you’ve employed.

Having said that, I want to go back and step back a little bit. You know, Kevin, through the Chair, when you got sworn in it was just an interesting and odd place for you to be for a person who has been in the background for many years. And I’ve kind of felt that it was like that movie *The Truman Show*, where we’re trying to slow down the tape and look at every moment in really, really short time and just pull out every second of every meeting that occurred in August, September, October, November, December, and January. And that, to me, personally and professionally, would be very hard to do. I see that you’re doing the challenge, but it’s--

With an apology, I’m going to have to ask you to continue with that just so I can try to follow up with some of the conversations and testimony you’ve given here today.

With regard to the Chief of Staff role -- these are, first, more general questions I’ve asked Michael Drewniak and others -- just, on a given day, how many e-mails would you get on any subject on any given day? And after you answer that, how many phone calls do you have, do you receive on any given day as the Chief of Staff?

MR. O’DOWD: Significant volume; it’s the most difficult job I’ve ever had. The volume is intense and nonstop. I deal with a lot of legislators and legislative matters; folks would reach out to me frequently. So I don’t know if I could quantify a particular number of e-mails or calls or meetings a day, but it’s usually a seven-day-a-week job and a high-volume job.
SENATOR O'TOOLE: And on every phone call that you get, do you take notes?

MR. O’DOWD: No.

SENATOR O’TOOLE: Okay. Every e-mail or text message that you receive, do you take notes?

MR. O’DOWD: No.

SENATOR O’TOOLE: Okay. And that’s been your practice as the Chief of Staff, I suspect; and was it your practice as Deputy Counsel as well?

MR. O’DOWD: I think that’s right, yes -- not taking notes for those interactions.

SENATOR O’TOOLE: And when you served as Deputy Counsel to Whitman and DeFrancesco, did you have that same model -- that you didn’t take notes on every phone call or e-mail or text message you received?

MR. O’DOWD: I don’t know that we had e-mails or texts back then. (laughter)

SENATOR O’TOOLE: I don’t know when that started, actually.

MR. O’DOWD: But your general question is -- I believe, the answer is yes.

SENATOR O’TOOLE: And with regard to every meeting you have, with every constituent, every Commissioner, every legislator, every Chief of Staff, is it your practice to sit there and take notes during those meetings?

MR. O’DOWD: Not generally, no.
SENATOR O’TOOLE: And so I understand, through the Chair, your role -- and I don’t think everyone really-- It’s the day-in-the-life video, when if somebody had to peer into your life -- *The Truman Show* -- and say, “What’s a day in the life like for you?”-- Let’s put this aside and talk about generalities. You get to work. How many employees? What are you doing? How many Commissioners are you interacting with? How many Legislators? What types of processes are going through your office on any given day?

MR. O’DOWD: Every day is different. It depends what’s going to happen that day with respect to legislative outreach, in particular; that’s frequent and voluminous. Every day presents a different challenge.

SENATOR O’TOOLE: Let’s talk specifically about your testimony regarding the December 12 meeting -- where you came in the kitchen, some side door, some fascination on how you get into Drumthwacket, about how you ran into the Governor and Bill Stepien and, at some point, the Governor pointed to you and says, “I want you to talk to Bridget Kelly and find out if she was involved.” I think that was your -- you were told something like that.

MR. O’DOWD: Anything to do with the lane closures; that’s exactly right.

SENATOR O’TOOLE: Were you asked, as an investigator, to investigate that, or as a Chief of Staff?

MR. O’DOWD: As a Chief of Staff -- I wasn’t an investigator at the time -- as a Chief of Staff to ask someone who works for me a question.
SENATOR O’TOOLE: So she was a subordinate. You were asked as the boss or one of the superiors to that particular employee.

MR. O’DOWD: Yes.

SENATOR O’TOOLE: Okay. And I suspect as the Chief of Staff your role would not be to launch a criminal investigation and you be a fact witness. I suspect that there are other processes that would take place if, in fact, we had all this information -- in the abstract, whether it would rise to that level, so to speak.

MR. O’DOWD: Yes, as a Chief of Staff I have no ability to conduct a criminal investigation.

SENATOR O’TOOLE: Okay. And on the Chief of Staff side-- You said it was broken down, you have two equal Chiefs. Just describe that, the two Chief system, that may be separate and apart from what McGreevey did or, say, Corzine, or others.

MR. O’DOWD: Well, it’s similar to the structure of the office that existed under Governor Whitman, which was retained by Governor DeFrancesco; which was similar to the model that, when I worked in Counsel’s Office, I was familiar with -- which is that you have a Chief Counsel and a Chief of Staff who are co-equals -- one does not work for the other -- who report directly to the Governor. And that was the change that, if you will, that Governor Christie implemented to sort of revert back to the Whitman-DeFrancesco era in that structural sense. And also to physically move the Chief Counsel’s Office back over to be right next to the Governor’s Office, as opposed to being across the hall from the Governor’s Office -- which is where I understood it to be for at least part, if not all of, the eight years in between DeFrancesco and Christie.
So within those two Chiefs there’s a part of the office that answers to me. So you have Communications through Maria Comella -- if you’re talking about the 2013 time period--

SENATOR O’TOOLE: I should have said that.

MR. O’DOWD: The back end of 2013. Maria Comella, who answers to me; Deputy Chief of Staff Bridget Kelly; Deputy Chief of Staff for IGA; Rosemary Iannacone, who was Director of Operations; Deb Gramiccioni, who was Deputy Chief of Staff for Policy and Executive Branch Liaison; and then Lou Goetting, Deputy Chief of Staff, kind of catch-all -- a little bit of everything, but principally Budget.

The other side of the office -- the Chief Counsel side of the Office -- there’s Counsel’s Office, overseen by the Deputy Chief Counsel, which the legislative body would have -- does interact with frequently in terms of legislative matters; there’s an Appointments Office that’s run by a Director of Appointments; and there’s an Authorities Unit that’s run by Director of Authorities. Those three offices answer to the Chief Counsel.

SENATOR O’TOOLE: There was some issue about the proximity of each other -- the offices. I think there was a New York Times article that came out that had the layout, and there was a comment as to whether you’re kind of in close proximity to each person or each fellow staffer. Having seen that through McGreevey, or Corzine and others, and Christie it appears to me that-- Well, let me ask you this question. What goes on in one office -- are you privy to what goes on in McKenna’s office, or the four staffers out in the general -- as they call it -- the ceremonial office, or the Governor’s Office, for that matter, in your current office?
MR. O’DOWD: No, back where I sit I’m not aware of -- unless 
I leave my office, I’m not aware of what’s going on in other people’s offices. 
I can’t hear what’s going on in other offices.

SENATOR O’TOOLE: There was some discussion that you’ve 
had -- we’ve had here today about -- I think you used the word tension with 
regard to the Foye e-mail. And I think that there was some sense that I got, 
Kevin, through the Chair, that it had come into, I guess, into your mind at 
some point that there-- Was it a natural tension between New York and 
New Jersey, or was it a personality tension that occurred between Baroni 
and Foye?

MR. O’DOWD: I don’t know the answer to that because I 
don’t have a point of reference from their predecessors -- Pat Foye’s 
predecessor, necessarily. But there was tension between Foye and Baroni; I 
did become aware of that. So I don’t know if it’s something that always 
exists at the Deputy ED and the ED level; it may. It may have existed for 
all time; I just don’t know.

SENATOR O’TOOLE: See, part of, I think, this examination is 
the obvious. And I think the first part as to -- as Assemblyman Greenwald 
asked the question, we want to find out who’s responsible for the closure 
and why. I think in your opening you said, “Let me be clear,” to the 
Committee. “I had no prior knowledge of, or played no role in the decision 
to close the lanes at the Bridge last September.” I think you were pretty 
clear about that. The second part, I think, of this Committee -- I think 
some of us believe -- is to find out what’s the root of the label 
dysfunctionality that the Port-- There was an expert report at the Port 
Authority -- a consultant report -- that talked about some real issues. And I
don’t know if you’re familiar with, I think, the Navigant consulting report. And to me, having been here for a little bit, it seems like there’s been, historically speaking, natural tensions between New York and New Jersey.

From my standpoint -- and I’m going to ask it as a question at the end of this -- it seems like the New York Commissioners would have their issues, the New Jersey Commissioners would have their issues. It seems -- the Executive Director from New York appointed by the governor and the Deputy appointed from the New Jersey side, and the Counsel -- I’m not so sure how that gets -- whether one gets a general Counsel and one gets Assistant Counsel -- it seems kind of confusing.

But from my vantage point, having had conversations over the past few years with some of the folks who work there, there seems to be--Inherently, New York wants to get what’s theirs, and New Jersey wants to get what’s ours, so to speak. Has that been your-- Have you come to appreciate or accept that, that the dysfunctionality may rest on your having two states clamoring for the same revenue, the same staff, the same policies? That they’re both trying get more, or get more than the other side, so to speak?

MR. O’DOWD: That’s part of the structural dysfunction that I referred to. And again, I compare it to-- I understand that you can’t directly do this, but I compare it to the way the Executive Branch departments run. It’s clear; there’s one Commissioner -- it’s clear who’s in charge -- who reports to one governor. And things -- obviously, things don’t always go perfectly in those departments, but there’s a clear chain of command. And while I don’t have vast experience in interfacing with the Port, the structural setup that you just outlined -- with the New York and
New Jersey sort of co-oversight of things -- I think lends itself to this friction and tension. And it may well be the case that it’s always been the case; I just don’t know that.

SENATOR O’TOOLE: If I can refer you to Tab 33, which is a summary of your interviews -- the Gibson report. There have been a couple of times today, Kevin, through the Chair, that you’ve either taken exception or qualified a line or two in some of the paragraphs. With those noted exceptions, the 24-page summary of the interviews that you have -- would you agree with the body of what has been included as an accurate depiction of what you have relayed to the attorneys?

MR. ZOUBEK: With all due respect, Senator, I don’t think that’s a fair question for him. I mean, everybody had an opportunity to go through and ask him specific questions on specific facts.

SENATOR O’TOOLE: Well, let me ask it this way. I’m sorry I’m not being as artful as you’d like, Paul, and probably not as I should.

Is there anything, as you’ve reviewed your Tab 33 -- I know you didn’t review the other ones -- is there anything in there that stands out that either you don’t recall saying or that gives you pause to say it’s in -- probably in contrast to what you may have related to the attorneys? Is there anything that you just say, “That doesn’t sound like me”?

MR. O’DOWD: We referenced a couple of those points today. I think Senator Gill asked me about a particular paragraph concerning a characterization of Ms. Kelly, and certainly, as I--

SENATOR O’TOOLE: Habitually concerns about how you and-- Right.
MR. O’DOWD: Certainly; right. I object to that; I don’t want to adopt that.

Senator, I didn’t review it that carefully to go through and try to adopt it. I think I’ve read through it twice, and didn’t go through it with respect to trying to identify what I agree with and what I don’t.

SENATOR O’TOOLE: Okay.

MR. O’DOWD: It’s their impressions -- it’s Gibson Dunn’s impressions of having sat with me twice. And I figured this Committee will ask me whatever they want, and I’ll answer any question--

SENATOR O’TOOLE: Okay.

MR. O’DOWD: --whether it’s to find out if a particular line I agree with or not. But I guess the short answer is, I didn’t go through that exercise of identifying what I agree with and what I don’t -- or, in your case, what I don’t agree with.

SENATOR O’TOOLE: If I could turn your attention to page 21, Tab 33. The topic is the meeting at Drumthwacket. I’ll give you a minute to get there.

MR. O’DOWD: I’m there. Section 2, page 21?

SENATOR O’TOOLE: Yes.

MR. O’DOWD: I’m there, Senator.

SENATOR O’TOOLE: Great. The second paragraph, through the Chair, starts, “O’Dowd explained that everyone at the meeting at Drumthwacket was there in shock and spinning--” If you could just read through that one paragraph, I’m going to have a couple of specific questions for you.

MR. O’DOWD: Okay, I’ve read it, Senator.
SENATOR O’TOOLE: Great. Did you use the word *shock and spinning* to describe either the atmosphere or the reaction from anyone at Drumthwacket that day, if you recall?

MR. O’DOWD: I don’t. If they’re quoting me--

SENATOR O’TOOLE: Okay, let’s--

MR. O’DOWD: --I may have, but I don’t remember.

SENATOR O’TOOLE: Okay. Tell me what was the atmosphere then, that day--

MR. O’DOWD: Shock.

SENATOR O’TOOLE: Tell me; I wasn’t there. Tell me what was the shock about? What was everyone shocked about?

MR. O’DOWD: Shocked to see the e-mail, “Time for traffic in Fort Lee,” and principally, that’s what led. And then reviewing some of the other documents. But my focus was on, and my shock, my feeling, was on seeing that e-mail.

SENATOR O’TOOLE: And there’s a word in here — *surreal*. Would you have described that environment then as surreal?

MR. O’DOWD: It’s not a word that I use, so I don’t know that I would have used that word.

SENATOR O’TOOLE: What word would you say to describe the environment? I know you were shocked, others were shocked because of the revelation of that e-mail. Others have testified that they had never seen the Governor as emotional as he was that particular day. And they said all eyes — I’ve heard from a series of other witnesses, which you’re probably not aware of — they’ve testified that they were — they couldn’t
keep their eyes off the Governor because of what he said and how he said it. And can you relate your reaction to what the Governor was saying?

MR. O’DOWD: I do recall that when I walked in he was very emotional, and this characterization, “welled up in tears” -- I believe that’s accurate. I did see tears in his eyes.

SENATOR O’TOOLE: Is that a normal reaction you get -- that you’ve seen from this Governor in the last five years?

MR. O’DOWD: I don’t believe that I had seen him welled up in tears prior to that. I can’t recall an instance prior to that time where I would have seen him welled up in tears.

SENATOR O’TOOLE: And you personally, you were shocked?

MR. O’DOWD: Yes.

SENATOR O’TOOLE: Was your breath taken away?

MR. O’DOWD: I was blown away when I saw that e-mail.

SENATOR O’TOOLE: Because it was news to you?

MR. O’DOWD: One hundred percent.

SENATOR O’TOOLE: And would you say that was the reaction -- that there was an emotional component to the Governor because, I assume -- was there a newness to that? Is that what shocked everybody?

MR. O’DOWD: Newness to that e-mail communication becoming -- exposed to this group, yes.

SENATOR O’TOOLE: So the group, as far as you knew, in your observations, they were not aware of the existence of that e-mail prior to the morning newspaper.

MR. O’DOWD: I don’t believe so.
SENATOR O’TOOLE: As far as you knew.

MR. O’DOWD: As far as I know, and I certainly was not.

SENATOR O’TOOLE: If you could just give me a second, Kevin. I’m one of the few who takes a lot of notes, and I want to go through all my notes to make sure I have all the follow-ups; if you could just give me a second.

MR. O’DOWD: By all means.

SENATOR O’TOOLE: Tab 12, you were asked about an e-mail -- I’ll give you a second to get there -- from Regina Egea. The subject matter is PANYNJFYI -- Port Authority of New York/New Jersey FYI. Now, we talked about the “all under review,” the “script holding,” and all this. And we never discussed the subject matter; it was an FYI. That was not an action for you; it didn’t require a response; it was, it seems to me, in the subject matter it was an FYI. Is that accurate?

MR. O’DOWD: That’s what it appears to be, yes.

SENATOR O’TOOLE: You referenced a meeting that you had with Senator Weinberg on November 18, and you said that a number of issues were discussed at that meeting. Is that accurate?

MR. O’DOWD: Yes, there was sort of two parts. There was a meeting where we talked about a number of issues and legislative matters; and I think she had some staff with her. And then when that meeting concluded, the staff left and the interaction I described was a one-on-one interaction. That’s the way I remember it.

SENATOR O’TOOLE: And it was your recollection -- not Senator Weinberg’s -- your recollection that Senator Weinberg said that she
didn’t believe that either -- the front office had anything to do with the closing of the lanes. Is that what your testimony was?

MR. O’DOWD: The Governor’s Office. I don’t think it was front office -- Governor’s Office, this office.

SENATOR O’TOOLE: --had anything to do with it; okay. Those are all the questions that I have for now, Chair. Thank you; thank you, Kevin, for your testimony.

ASSEMBLYMAN WISNIEWSKI: Thank you, Senator.

MR. O’DOWD: Thank you, Senator.

ASSEMBLYMAN WISNIEWSKI: We’re going to Assemblywoman Caride; but first we have a housekeeping issue with a motion.

SENATOR GILL: Yes. I make a motion that all exhibits provided to the Committee here today be made part of the official public record and attached to the official transcript of today’s meeting.

ASSEMBLYMAN WISNIEWSKI: Do we have a second?

ASSEMBLYWOMAN SCHEPISI: Mr. Chairman, real quick.

ASSEMBLYMAN WISNIEWSKI: Yes, Assemblywoman

ASSEMBLYWOMAN SCHEPISI: The same issue that has been brought up in prior sessions. There are documents in here that were not produced by this witness. And the witnesses that have produced them have not been called, have not authenticated them. And just with respect to the propriety of releasing some of those documents-- I know in a prior session our Counsel had indicated that we should amend to only release the documents that were either produced by this witness or have been produced by a witness who had already come and testified before us.
ASSEMBLYMAN WISNIEWSKI: Well, I think what we’ve done in the past is anything witnesses testified with regard to anything referred to in the testimony. Otherwise, the transcript is incomplete. So if you’re amending the motion to that--

ASSEMBLYWOMAN SCHEPISI: Is that what we did last time?

SENATOR O’TOOLE: I think that’s what we-- Can we just repeat the motion so we’re clear on exactly the documents--

ASSEMBLYMAN WISNIEWSKI: The motion that was made was to release all of the documents that are part of the exhibit binder today. Assemblywoman Schepisi had asked about not releasing those that were not produced by this witness; we’ve asked this witness questions about a variety of documents that have been produced, largely, by the Office of the Governor. And so that’s the questions on the floor.

Do we have a second for the motion?

SENATOR O’TOOLE: I think that’s consistent, I believe.

ASSEMBLYWOMAN CARIDE: I’ll second it.

ASSEMBLYMAN WISNIEWSKI: Motion made and seconded.

SENATOR O’TOOLE: No, I think what they’re saying is to release all the documents--

ASSEMBLYMAN WISNIEWSKI: That are part of the binder.

SENATOR O’TOOLE: --that are part of the binder.

ASSEMBLYMAN WISNIEWSKI: Which are all released as part of the Office of the Governor.
ASSEMBLYWOMAN SCHEPISI: But not all of the documents that are in the binder were either discussed today-- And some of them, I don’t believe -- may have come -- from the Office of the Governor. Like we have stuff in there pertaining to Michael DuHaime’s phone records; we have items in there--

ASSEMBLYMAN WISNIEWSKI: Well, actually, we did have testimony about Michael Duhaime’s phone records -- phone calls that were made to and from him.

We have a motion on the floor; if there is no other discussion we’ll have a roll call.

SENATOR O’TOOLE: One other question, Chair.

ASSEMBLYMAN WISNIEWSKI: Sure. Senator.

SENATOR O’TOOLE: The issue we dealt with in the past--

ASSEMBLYMAN WISNIEWSKI: Redactions.

SENATOR O’TOOLE: The redaction issue -- have we dealt with the redaction issue?

ASSEMBLYMAN WISNIEWSKI: That’s what we did last time. Personal identifying-- I mean, there’s no Social Security numbers in here, but there are e-mail addresses.

SENATOR O’TOOLE: Right. Has either OLS or Counsel gone through them?

ASSEMBLYMAN WISNIEWSKI: I think those were -- I think what we released--

OLS is in the process of doing the redactions on the personal e-mail addresses from our last meeting. That hasn’t been completed yet; so they would do the same process on this.
SENATOR O’TOOLE: And will we get a final copy of the produced exhibits, minus redactions?

ASSEMBLYMAN WISNIEWSKI: Say that again?

SENATOR O’TOOLE: The end product that OLS--

ASSEMBLYMAN WISNIEWSKI: Of whatever gets released, yes.

SENATOR O’TOOLE: Yes. So will we be able to go over that to make sure it’s consistent; or will it just be released and if there’s an issue we’ll take that up at the next meeting?

ASSEMBLYMAN WISNIEWSKI: We’ve already released that for prior hearings.

SENATOR O’TOOLE: Okay, all right.

ASSEMBLYMAN WISNIEWSKI: All right, so the motion--

The only the amendment is that personal identifying material, such as personal e-mail addresses and personal phone numbers, would be redacted.

SENATOR WEINBERG: I’ll second that amendment.

ASSEMBLYMAN WISNIEWSKI: Okay; roll call.

MR. MOLIMOCK: On the motion, as amended.

Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: Yes.

MR. MOLIMOCK: Senator O’Toole.

SENATOR O’TOOLE: Yes.

MR. MOLIMOCK: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. MOLIMOCK: Senator Gill.
SENATOR GILL: Yes.
MR. MOLIMOCK: Assemblywoman Caride.
ASSEMBLYWOMAN CARIDE: Yes.
MR. MOLIMOCK: Co-Chair Wisniewski.
ASSEMBLYMAN WISNIEWSKI: Yes.
MR. MOLIMOCK: Co-Chair Weinberg.
SENATOR WEINBERG: Yes.
ASSEMBLYMAN WISNIEWSKI: Thank you, all.
Now, Assemblywoman Caride.
ASSEMBLYWOMAN CARIDE: Thank you.
Good afternoon.
MR. O’DOWD: Good afternoon, Assemblywoman.
ASSEMBLYWOMAN CARIDE: In the Gibson Dunn report, which would be Tab 33 -- that’s your report. On page 4, the Attorney’s Office had written in here -- I don’t know if it was a direct quote from you or a summary of what you had said -- that Ms. Kelly used to go to your office more often than Stepien used to, I guess on matters of IGA. That would be in the second paragraph, second line.
MR. O’DOWD: Second paragraph--
MR. ZOUBEK: Is that under F or E?
ASSEMBLYWOMAN CARIDE: It would be under E; I’m sorry.

MR. ZOUBEK: Thank you very much.
ASSEMBLYWOMAN CARIDE: It would be under E. The sentence starts on the first line; it says, “O’Dowd said that Kelly, in her role as Deputy Chief of Staff--”
MR. O’DOWD: Yes, I’m familiar with this line, Assemblywoman.

ASSEMBLYWOMAN CARIDE: Okay. Was that an accurate statement?

MR. O’DOWD: Yes.

ASSEMBLYWOMAN CARIDE: And I don’t know if it was asked -- it might have been asked when I had stepped out. I know that Christina Renna, when she was present here before us -- and I know that you’ve been instructed by your attorney not to read other statements or anything that’s been going on with the other witnesses -- but she had testified that Ms. Kelly was not someone who could make decisions on her own; would look for guidance and counseling. Would it be fair to say that that was an accurate statement of Ms. Kelly?

MR. O’DOWD: That that was accurate or inaccurate?

ASSEMBLYWOMAN CARIDE: Accurate.

MR. O’DOWD: That she couldn’t make decisions on her own?

ASSEMBLYWOMAN CARIDE: Right.

MR. O’DOWD: Inaccurate.

ASSEMBLYWOMAN CARIDE: Inaccurate; okay. Do you think that Ms. Kelly could have made the decision with regards to that text message, “Traffic in Fort Lee -- time for traffic in Fort Lee”?

MR. O’DOWD: As I alluded to earlier, Assemblywoman, with all due respect to the Committee and the ongoing investigations, I don’t think I should speculate on that. I don’t have anything to help the Committee advance its investigation in that regard.

ASSEMBLYWOMAN CARIDE: Okay, fair enough.
Now, another report -- which I am sure you have not read --
would have been Mr. McKenna’s--

MR. O’DOWD: Correct.

ASSEMBLYWOMAN CARIDE: --interview. And something that he stated in his interview was that you and he were more focused, at the time, on making sure that campaign stuff was kept separate from office work. Is that correct?

MR. O’DOWD: During the campaign, during the election cycle, that’s something that Charlie McKenna and I focused on.

ASSEMBLYWOMAN CARIDE: What exactly did you do to ensure that the two were kept separate?

MR. O’DOWD: Have conversations directly with people who we worked for about, also them, speaking with their staff to make the lines clear, in simple terms.

ASSEMBLYWOMAN CARIDE: Would this include IGA?

MR. O’DOWD: Sure, I had conversations with Ms. Kelly about this.

ASSEMBLYWOMAN CARIDE: And if an employee from that office would send a memo during work hours that not only outlined what he had done for that office, but also put in there information concerning the political atmosphere of a particular town, the possibility of a mayor -- being able to turn to endorse the Governor -- would that be mixing the two?

MR. O’DOWD: I’m not familiar with the exact memo that you’re referring to, but it sounds like, if it’s not exactly mixing the two, it’s certainly on point. I mean, general common speak -- you can’t use
government resources to advance a particular campaign or a particular candidate.

ASSEMBLYWOMAN CARIDE: So those were the kinds of examples that you might have given the staff about not doing?

MR. O’DOWD: Don’t use government resources to advance a campaign, yes.

ASSEMBLYWOMAN CARIDE: Okay, but then -- I understand about the government resources. But with the memos -- if the memos incorporated Moonachie, with the flooding and Sandy, “needs all this help; and, by the way, I spoke with the Mayor of Fort Lee and we might be able to turn him to endorse the Governor.” Combining the two -- was that what you and Mr. McKenna were trying to make sure that they didn’t do?

MR. ZOUBEK: If I could -- you’re referring to memos that have come up with other witnesses in this?

ASSEMBLYWOMAN CARIDE: Yes.

MR. ZOUBEK: With all-- I don’t think that’s fair to ask him a question on something that he hasn’t seen.

ASSEMBLYWOMAN CARIDE: All right. Well, I’m just asking then for an example.

MR. O’DOWD: But if the question is, Assemblywoman, using government resources to secure an endorsement, that’s unacceptable, period.

ASSEMBLYWOMAN CARIDE: Okay.

MR. O’DOWD: So I don’t know this particular instance, but generally that’s unacceptable, period.
ASSEMBLYWOMAN CARIDE: But if the memos that came in during the work hours included political information from the campaign, would that be something that you and Mr. McKenna were stressing not to do?

MR. O’DOWD: Again, we stressed it in very simple terms. You cannot use government resources in connection with the campaign.

ASSEMBLYWOMAN CARIDE: Did you ever go further into, maybe, reviewing documents coming into the office during the election period time, or did you rely on the individual supervising of that department?

MR. O’DOWD: I relied on individuals. So the answer to your question is, no, I never sought to review documents that may or may not have been coming in from the campaign. I never did that.

ASSEMBLYWOMAN CARIDE: The reason I’m asking this is because there were numerous memos that we had reviewed from Matt Mowers and others in IGA that combined the two. And I was wondering if that was something that you had addressed with the staff about not doing, or doing.

MR. O’DOWD: Other than generally, as I indicated earlier -- that’s how I addressed staff. Again, just in plain English, “You can’t use government resources to advance the campaign,”

ASSEMBLYWOMAN CARIDE: Would you be surprised if they had been doing that?

MR. O’DOWD: Would I be surprised if people--

ASSEMBLYWOMAN CARIDE: If members in IGA were doing that -- employees of IGA.
MR. O’DOWD: If they were using government resources to advance the campaign? Yes.

ASSEMBLYWOMAN CARIDE: You would be surprised?
MR. O’DOWD: I would.

ASSEMBLYWOMAN CARIDE: Okay. You’re an attorney for how many years now?
MR. O’DOWD: Let’s see -- 1997.

ASSEMBLYWOMAN CARIDE: Most folks have that internal bell that tells them when someone is not being truthful or exaggerating. As an attorney, I assume you tend to, like, tune it up a little bit more than most average folks, correct?
MR. O’DOWD: I don’t know. I only have one tune. I am a lawyer, so I don’t have the ability to-- (laughter)

ASSEMBLYWOMAN CARIDE: Well, let’s say your gut. Have you ever used-- Has your gut ever kicked in when you were an attorney, especially in a criminal case, and said, “That guy’s not telling me the truth,” or “there’s something hinky here”?
MR. O’DOWD: Sure. If I ever had a reaction to an interaction where I thought the person who I was interacting with wasn’t telling me the truth -- yes.

ASSEMBLYWOMAN CARIDE: When you interviewed Bridget Ann Kelly -- on December 13, was it?
MR. O’DOWD: I spoke with her on the phone on December 12, and in person on December 13.

ASSEMBLYWOMAN CARIDE: Was there anything there that seemed hinky to you? Did your gut react, I mean, kind of odd?
MR. O’DOWD: I believed what Ms. Kelly told me those two days.

ASSEMBLYWOMAN CARIDE: And when she produced that one e-mail to you on December 13, correct?

MR. O’DOWD: December 13, correct.

ASSEMBLYWOMAN CARIDE: Anything come-- Like any internal bells ring to you that maybe she wasn’t being on the up-and-up with you?

MR. O’DOWD: Again, my conclusion coming out of December 13 is, with respect to whether or not she had anything to with closing the lanes, I did not think she did and I believed what she indicated to me.

ASSEMBLYWOMAN CARIDE: And was it on December 13 after the press conference that she came up with the second e-mail that she found?

MR. O’DOWD: That’s correct.

ASSEMBLYWOMAN CARIDE: Did that annoy you?

MR. O’DOWD: It did.

ASSEMBLYWOMAN CARIDE: Anything hinky, any bells ring, any bells and whistle ring in your gut telling you that maybe something was off on this?

MR. O’DOWD: I was concerned that it had not been uncovered in the prior -- in the hour prior to the press conference, but not by the substance of it, not by the content of it, with respect to whether she had anything to do with closing the lanes. I wasn’t-- It didn’t cause any concern in that regard.
ASSEMBLYWOMAN CARIDE: But the fact that she had not produced it prior, when she supposedly had done a thorough check of her e-mails -- that didn’t ring untrue to you then?

MR. O’DOWD: What would be untrue?

ASSEMBLYWOMAN CARIDE: Well, it didn’t ring to you that it was kind of odd that also now she’s finding a second one, when you had specifically asked her the night before to look for it? You had been with her on December 13; she had only found the one. After the press conference she finds a second one. I mean, I know you told me that you were annoyed; but didn’t it seem off as far as, maybe, she was trying to, like, not give you all the information that you were asking for?

MR. O’DOWD: I did not believe that she was being dishonest. I did not believe that.

ASSEMBLYWOMAN CARIDE: You continued to give her the benefit of the doubt.

MR. O’DOWD: No question.

ASSEMBLYWOMAN CARIDE: Now, when you went to see Mr. Baroni on December 12 --

MR. O’DOWD: December 12, yes.

ASSEMBLYWOMAN CARIDE: And I know he regaled you with all his accomplishments. And then he told you that he had been truthful here before the Committee -- when he appeared before the Transportation Committee. And then shortly thereafter that conversation he then asks you about indemnification, correct?

MR. O’DOWD: I don’t know if indemnification came before or after that piece -- but in that same conversation.
ASSEMBLYWOMAN CARIDE: Anything ring untrue to you, or did anything go off, any internal alarm, your gut saying, “Something’s not right”? Here he is telling me he’s truthful, and then by the same token in the second breath he’s asking about indemnification?

MR. O’DOWD: Well, indemnification-- I think what he meant was attorney’s fees associated with investigations. I don’t know, as I said before, I don’t know whether or not I knew that he had been subpoenaed by the predecessor Committee at that point in time, so I’m not certain of that.

ASSEMBLYWOMAN CARIDE: Okay. Did he seem to be truthful to you on December 12?

MR. O’DOWD: He did.

ASSEMBLYWOMAN CARIDE: Were you giving him the benefit of the doubt, or you just believed that he was being truthful to you?

MR. O’DOWD: Well, both. I believed him to be truthful, and I did give him the benefit of the doubt. In fact, I didn’t ask him about the lane closures. What I spoke about earlier, he offered to that-- He offered that to Charlie McKenna and I in an unsolicited way.

ASSEMBLYWOMAN CARIDE: Well, let me ask you this -- and I know it’s hindsight now -- but knowing what you know now, do you still believe that Mr. Baroni was truthful?

MR. O’DOWD: Again, as I stated to you, those kinds of guesses or conjecture don’t do anything to advance this Committee. But I don’t want to -- with respect to the ongoing investigations that are out there -- jump into a place where I’m guessing or hindsighting. I didn’t watch or
observe, still to this day, Baroni’s testimony before Co-Chair Wisniewski, so I can’t really speak to that.

ASSEMBLYWOMAN CARIDE: Okay. With regard to December 13, prior to the press conference, did anyone-- Were you involved with helping the Governor prepare for that press conference on December 13?

MR. O’DOWD: I don’t believe so, but I may have been present for that. I just don’t recall specifically.

ASSEMBLYWOMAN CARIDE: And he had the information that Ms. Kelly had provided you that e-mail, and was aware at the time that there was something going on back in September, correct?

MR. O’DOWD: The e-mail that -- the sort of modified or the shortened version of Exhibit 1, that we talked about earlier, he had -- I gave him that before the press conference, correct.

ASSEMBLYWOMAN CARIDE: So would it be fair to say that on that particular day he knew that someone in his office had knowledge of what had happened that week.

MR. O’DOWD: During that week.

ASSEMBLYWOMAN CARIDE: During that week.

MR. O’DOWD: That would be fair to say.

ASSEMBLYWOMAN CARIDE: But yet he said that no one on his staff had any knowledge, correct?

MR. O’DOWD: I don’t know exactly what he said. I’m sure there’s a transcript of that. The inquiry that I was engaged in, and the questions that he asked of his staff was whether or not anyone had anything
to do with closing the lanes. And that document did not suggest that anyone in the e-mail or Ms. Kelly had anything to do with closing the lanes.

ASSEMBLYWOMAN CARIDE: Just that she had knowledge that something had happened.

MR. O’DOWD: She had knowledge of the lanes being closed after whatever -- the traffic study -- whatever it was, after that had already occurred. This is midway -- the 12th -- I believe it was September 12.

ASSEMBLYWOMAN CARIDE: Okay. Going back to that impromptu meeting on December 2 that was in your office with Mr. Drewniak and the Governor -- is that correct?

MR. O’DOWD: Correct. It’s the first week in December; I think it’s December 2, for the reasons I articulated before. But nevertheless, it’s just Drewniak, O’Dowd, and the Governor.

ASSEMBLYWOMAN CARIDE: Right. I mean, the dates are a little off between you and Mr. Drewniak’s memory, but pretty much just the three of you in the office.

MR. O’DOWD: That’s right.

ASSEMBLYWOMAN CARIDE: Okay. Now, when Mr. Drewniak tells the Governor and you about his dinner with Mr. Wildstein and the allegations that Mr. Wildstein made, I know that the Governor pretty much, basically -- based on what you stated here earlier and what Mr. Drewniak stated -- was that he wasn’t familiar with any conversation on 9/11.

MR. O’DOWD: I don’t believe that Mr. Drewniak talked about his dinner with Wildstein in that interaction. I don’t believe I learned about that dinner until after January 8.
ASSEMBLYWOMAN CARIDE: So he just brought up a conversation about a conversation that he had with Mr. Wildstein?

MR. O’DOWD: I believe he brought it up in response to the comments the Governor made at the December 2 press conference about the lane closures. I believe that was the nexus, just so you know, in response to what the Governor had said at the December 2 press conference. That’s the way I remember it.

ASSEMBLYWOMAN CARIDE: Now, when Mr. Drewniak appeared before us -- and, again, I’m sure you’re not familiar with it, based on counsel’s instructions to you -- he stated that after he explained to the Governor what Mr. Wildstein had said, that the Governor had made a statement as to, he “always wondered if Stepien had any knowledge of what had happened.” Do you recall that?

MR. O’DOWD: I do not remember that occurring.

ASSEMBLYWOMAN CARIDE: You came into the Governor’s Administration as a Chief Counsel, correct, back in 2010?

MR. O’DOWD: That’s incorrect.

ASSEMBLYWOMAN CARIDE: Okay. When you first came in, you came in as the Chief of Staff?

MR. O’DOWD: Deputy Chief Counsel.

ASSEMBLYWOMAN CARIDE: Deputy Chief Counsel, all right. So then when you came in as a Deputy Chief Counsel, it’s the Chief Counsel that deals with the Authorities, correct?

MR. O’DOWD: Well, there’s an Authorities Unit, run by a Director of the Authorities Unit, who answers to the Chief Counsel.
ASSEMBLYWOMAN CARIDE: Okay. Did you have anything to do back then with the Port Authority?

MR. O’DOWD: Very, very limited interactions, and I can’t recall one in particular; but as a general matter, no. I dealt with legislative matters and dealt with the Legislature almost exclusively during that two-year period.

ASSEMBLYWOMAN CARIDE: Before I ask you some stuff about the Port Authority, let me ask you a quick question. One of the things that I learned from the hearings that we’ve had here is that numerous members of the Administration have a tendency of sending e-mails from the government office e-mail to themselves, to their personal e-mails, and then they get e-mails to their personal e-mails -- it just goes up and down the line. They kind of interchange the two. Is there a policy that you might have in place here with regards to your e-mails?

MR. O’DOWD: There is a policy now that it is generally prohibited to use private e-mail accounts.

ASSEMBLYWOMAN CARIDE: Was this policy in place back in September 2013?

MR. O’DOWD: It was not.

ASSEMBLYWOMAN CARIDE: Okay. And back then, did you get your e-mails, like, on your personal e-mail or on the governmental e-mail if it had to do with government information?

MR. O’DOWD: I would--

ASSEMBLYWOMAN CARIDE: Or was it interchangeable. I’m sorry.
MR. O’DOWD: I wouldn’t use interchangeable, but if your question is if I used my personal e-mail account in connection with -- has government work gone through my personal e-mail account? Yes, and I can think of a very specific example, which is, any document that you want to print from your home printer you forward from your dot-gov to whatever your private is so that you can print it out at home. And I’ve done that any number of times. There’s no other way to print a document from your home computer unless you do that.

ASSEMBLYWOMAN CARIDE: Right. Many of the folks who have been here complained about the system not being good. Okay.

Now, back in 2011 you were still a Deputy Chief Counsel, correct?

MR. O’DOWD: Yes.

ASSEMBLYWOMAN CARIDE: Okay. And at that time we had the toll hike, correct, if you recall?

MR. O’DOWD: Right. The Senator had asked me about that earlier. I do generally recall that.

ASSEMBLYWOMAN CARIDE: Were you aware of an article that came out, about May 14, from the New York Times concerning Michael Drewniak requesting from Wildstein the toll hike schedule for you?

MR. O’DOWD: I am aware of that article.

ASSEMBLYWOMAN CARIDE: So you did read it, the article?

MR. O’DOWD: I’m familiar with that article, yes.

ASSEMBLYWOMAN CARIDE: Okay; any truth to that?

MR. O’DOWD: Any truth to what?
ASSEMBLYWOMAN CARIDE: Any truth to the-- Well, was there an e-mail where Drewniak requests the toll hike schedule for you, to be sent to your private e-mail?

MR. O'DOWD: I don’t know whether or not Drewniak sent that e-mail. I’ll look at the article real quick.

MR. ZOUBEK: There’s a reference on the second page of the article; he has it in front of him.

ASSEMBLYWOMAN CARIDE: Yes, if-- I don’t have the article in front of me. I’m looking at it on the screen.

MR. O'DOWD: Yes, I think it was one of the supplemental exhibits--

ASSEMBLYWOMAN CARIDE: Right, correct.

MR. O'DOWD: --today.

ASSEMBLYWOMAN CARIDE: Correct.

MR. O’DOWD: So generally, when the tolls were increased in the summer of 2011, I wasn’t the Chief of Staff. I didn’t become the Chief of Staff until February of 2012 --- so about seven months later. So this article says, “He instructed Mr. Wildstein to share the e-mail -- Gmail only--” I don’t have, nor have I ever had a Gmail.

ASSEMBLYWOMAN CARIDE: Okay.

MR. O’DOWD: “--with Kevin O’Dowd, Mr. Christie’s Chief of Staff.”

ASSEMBLYWOMAN CARIDE: And then where it says that, “I told him what your CFO was putting together, which he thought was a good idea.” I assume that’s the conversation with Wildstein and has to do with the toll hike schedule. Is that correct?
MR. O’DOWD: I have no idea what this is. I’m completely unfamiliar with this.

ASSEMBLYWOMAN CARIDE: Did you ever discuss with Drewniak getting the toll hike schedule?

MR. O’DOWD: I don’t remember that. What the only thing I thought was possible is maybe there was a legislative hearing, and it was about providing something to the Legislature. But I have no independent recollection; I wasn’t the Chief of Staff when the tolls were increased.

ASSEMBLYWOMAN CARIDE: Let me ask you this. I mean, I know you don’t recall on this specific matter, but have you ever made any request of Mr. Drewniak to get information for you from the Port Authority?

MR. O’DOWD: I can’t recall an instance when I did.

ASSEMBLYWOMAN CARIDE: Okay. Have you ever used your private e-mails for any -- with regards to anything that had to -- any e-mails that you might have sent to Mr. Drewniak, any communication with Mr. Drewniak, was it through your private e-mails or through the government e-mails?

MR. O’DOWD: It’s possible; I don’t -- I’m not ruling it out. It’s possible that I would have sent him an e-mail on one occasion. I just don’t know.

ASSEMBLYWOMAN CARIDE: So as far as your concerned, this article -- the information may not be so truthful?

MR. O’DOWD: Well, I’m not familiar with what the e-mail is; the e-mail itself is not published; I don’t know what the date of it is. If it’s referring to the toll hikes, and it’s referring to me as Chief of Staff, I don’t
become Chief of Staff until seven months later, so that’s puzzling to me. But without seeing the document-- But what I read here, I’m not familiar with.

ASSEMBLYWOMAN CARIDE: And you never received any toll hike schedule?

MR. O’DOWD: I don’t believe so. When I read this I wasn’t sure what this was referring to. That’s probably the plainest language I can use.

ASSEMBLYWOMAN CARIDE: Well, let me ask you this. When you read that, did you go back and check into your e-mails to see if you had gotten anything back in 2011?

MR. O’DOWD: I did not. I didn’t do any--

ASSEMBLYWOMAN CARIDE: Research.

MR. O’DOWD: --research. I didn’t talk to anybody; I didn’t talk to Drewniak; I didn’t do any research in response.

MR. ZOUBEK: If I can, just for the record. If you’re referring to this article -- what was the date of the article?

MR. O’DOWD: I think May 14 -- I think.

MR. ZOUBEK: May 13, 2014. So this is an article now--

ASSEMBLYWOMAN CARIDE: Yes.

MR. ZOUBEK: --during a period of time when he’s instructed not to be taking any actions with respect to the investigation of this matter by his counsel. So he wouldn’t have done anything.

MR. O’DOWD: So I didn’t.

ASSEMBLYWOMAN CARIDE: Oh, even if he was curious you would have instructed him not to go back into his e-mails?
MR. ZOUBEK: No. In this instance, what you’re asking him about is a May 13 article in the New York Times and pulling out a reference to an e-mail, and you’re asking whether or not he took some steps to go find that e-mail after the article came out -- I’m just saying that he wouldn’t have done that.

ASSEMBLYWOMAN CARIDE: No, no, I understand what you’re saying. But what I’m asking is, that even if he had been curious enough to go back to see if there was any truth to it, you would have instructed him not to?

MR. ZOUBEK: No, but at some point it’s like if I had hair I’d be more handsome.

ASSEMBLYWOMAN CARIDE: Well, that’s a matter of opinion.

MR. ZOUBEK: But it doesn’t matter, because he wasn’t asked and he didn’t do it. And I appreciate your question, but it’s been a long day.

ASSEMBLYWOMAN CARIDE: Okay. All right, I think that’s it for me.

MR. O’DOWD: Thank you, Assemblywoman.

SENATOR WEINBERG: Senator Weinberg has some follow-up questions.

SENATOR WEINBERG: Yes, thank you.

On page 13 -- the famous Tab 33.

MR. O’DOWD: Page 13, Senator?

SENATOR WEINBERG: Page 13, right -- in the second paragraph. We’re referring to, “Wildstein and Baroni failed to properly
communicate to relevant parties the implementation of the traffic study.” This is as a result of a meeting with Wildstein about his pending resignation. “O’Dowd added that, at that point, it had already been decided that Baroni would resign,” and O’Dowd knew who Baroni’s replacement was. And the failure “that Baroni testified to -- that this failure was viewed as the final straw.” What is-- The final straw to what?

MR. O’DOWD: I’m just taking a quick look if you don’t mind, Senator, just to review this paragraph.

Okay, I see what you’re referring to. I don’t recall using that language -- final straw -- so I’m not sure what they’re referring to.

SENATOR WEINBERG: Did you look upon this incident as part of a string of inappropriate incidents?

MR. O’DOWD: On which--

SENATOR WEINBERG: In other words, does the use of the words, “The failure was viewed as the final straw” -- had there been a string of failures prior to this that you were aware of?

MR. O’DOWD: A string of failures by whom?

SENATOR WEINBERG: On the part of either Mr. Wildstein or Mr. Baroni, who I am assuming are the people referred to in the Gibson Dunn report.

MR. O’DOWD: So generally, as I alluded to earlier, I don’t know with respect to Mr. Wildstein; but with respect to Mr. Baroni there were conversations for several months preceding the fall of 2013 -- performance-related conversations about moving on and moving forward without Bill Baroni in the second term.
SENATOR WEINBERG: Okay. Do you recall when you might have first heard the comment, attributed to Mr. Stepies, referring to Mr. Wildstein -- something that went something like, “He came to me with a hundred crazy ideas a day”?

MR. O’DOWD: What I remember is the 50 crazy ideas a week -- something like that.

SENATOR WEINBERG: Or 50; maybe I exaggerated the number.

MR. O’DOWD: The gist of that-- I recall hearing that, I believe, for the first time on January 8, 2014.

SENATOR WEINBERG: So we had somebody who was -- on whose testimony we were depending; the Governor’s Office was depending upon the truthfulness and the appropriateness of Mr. Baroni’s testimony of November 25. Somebody who -- it had already been decided -- was going to be replaced because he was burned out; he had a series of whatever the incidents were that led to the idea that the Governor, and you, and one or two other people knew -- although it’s unclear that Mr. Baroni himself knew -- knew that Mr. Baroni was going to be replaced.

So there are a number of conversations about Mr. Baroni’s performance at the time that this second term was beginning. It was clear to you and one or two others -- and, in fact, to his replacement -- that his performance was not up to whatever standards that had been set for him. Is that correct?

MR. O’DOWD: Correct. There was no -- that I was aware of -- criticism on whether or not he was truthful or honest. It was about
making a change and moving on, but not whether he was someone who was truthful or honest.

SENATOR WEINBERG: Well, I thought you told me earlier that it was decided you were going to make that change because he can’t stay in that position--

MR. O’DOWD: Yes.

SENATOR WEINBERG: -- and he was burned out, or his performance wasn’t up to some standard.

MR. O’DOWD: That’s right.

SENATOR WEINBERG: Okay. And then we talked-- There’s been a lot of talk about this so-called natural tension between New York and New Jersey. Had that natural tension, in your mind, risen to such a level that the Executive Director of the Port Authority of New York and New Jersey would have accused someone -- who had been described in press reports as the Governor’s eyes and ears at the Port Authority -- would have accused someone of breaking laws because there was this tension between the two sides? Is that how Pat Foye’s e-mail was looked at?

MR. O’DOWD: I don’t think he accused any particular person of breaking laws. I may be wrong about that, but that’s not the way I remember it. It was laws may have been broken, or laws were broken. In any event, as I alluded to earlier, after that and in response to that, Charlie McKenna had interactions with the Port Authority and indicated to the Governor and myself that it was his understanding that this was a traffic study.

SENATOR WEINBERG: Okay, you know-- Senator O’Toole, I know, talks about hindsight -- to which I agree, it’s a much clearer vision --
and that a lot of this was made up of various moments. But I would suggest that certainly by mid-November -- November 25 -- that those moments should have come together into some kind of a, “We in the Governor’s Office really need to get to the bottom of this.”

And as a former prosecutor -- which I know Senator Gill spent a little time on -- are you satisfied, as you sit here today, that the Administration’s effort to get to the bottom of this -- as Pat Foye wrote, that “laws were broken” -- are you satisfied that the Administration made every appropriate move to get to the bottom of what took place here?

MR. O’DOWD: It’s hard for me to answer that question with respect to the entire Administration. But if you focus on me, I interacted directly with Bridget Kelly, asked her direct questions, and did not get what I believe to be a truthful response. So perhaps I could have done things differently, or better, but I can only focus on myself.

SENATOR WEINBERG: And I appreciate that, Mr. O’Dowd. I know you work very hard in your job, and you have been open to -- certainly to me on a legislative level whenever I’ve come to you, which hasn’t been often. But you’ve always been courteous.

But I’m dealing here with -- or we’re dealing here with Mr. Baroni, who was on his way out, whether he knew it or not prior to this, because of whatever unspecified reasons he wasn’t performing well. We’re dealing with Mr. Wildstein, who came to Mr. Stepien with whatever -- 20, 50, or 100 crazy ideas every single day. And then we have Ms. Kelly who worked for you who, according to what came through in the Gibson Dunn report, was a slightly off-balanced woman because she was going through...
some alleged personal problems. So that’s not my depiction; that’s what came through in the Gibson Dunn report about Bridget Kelly.

So you have these three people who were kind of in charge of executing this plan. And it wasn’t until January 8 that anybody discovered that there could be something amiss here.

MR. ZOUBEK: Could I have a moment?

(attorney/client confer)

MR. O’DOWD: Well, if I could point to one thing in particular, Senator, as it follows up to maybe a combination of the questions from Senator O’Toole and from Senator Gill. But where I took exception to that report is in some of the characterization --- the characterization here about Bridget Kelly. The Bridget Kelly who I knew was, again, honest, hard working, forthright -- someone who had been in this building for 20 years and interacted with many of the members on this Committee and the staff. So characterizations about her -- I know they’re not yours--

SENATOR WEINBERG: Yes; hardly.

MR. O’DOWD: --are not characterizations that I adopt; and that’s not the Bridget Kelly who I interacted with on December 12 and December 13.

SENATOR WEINBERG: So you would say that you don’t agree with the Gibson Dunn characterization of Bridget Kelly?

MR. O’DOWD: Based on the way you just described here.

SENATOR WEINBERG: Or with what I said was the Gibson Dunn characterization.
MR. O’DOWD: Right, and in the particular characterization that was in my report that Senator Gill asked me about -- I directly objected to that.

SENATOR WEINBERG: Okay. All right, I appreciate your being here. It’s been a long day, and I thank you for your patience.

MR. O’DOWD: Thank you, Senator.

SENATOR WEINBERG: Thank you, Senator Weinberg.

Senator O’Toole.

SENATOR O’TOOLE: Again, Chair, as of this moment I don’t have any additional. But if you have-- If you raise any issues-- I know you want the last word, and that’s the prerogative, but if there are any issues that come up that spur me for additional questions in my second round, I’m entitled to ask them and, obviously, you can finish and have your third round after I’m finished. But as of this moment, I’m okay. (laughter)

ASSEMBLYMAN WISNIEWSKI: We’ll wait and see, I guess.

SENATOR O’TOOLE: Okay.

ASSEMBLYMAN WISNIEWSKI: Mr. O’Dowd, just a couple of follow-up questions on the testimony that you’ve already given.

You testified that you took Bridget Kelly at her word.

MR. O’DOWD: Words to that effect, but yes.

ASSEMBLYMAN WISNIEWSKI: Okay. Yet when you were asked about Mr. Foye’s allegation that laws had been broken, you dismissed his words.

MR. O’DOWD: I didn’t dismiss his words.

ASSEMBLYMAN WISNIEWSKI: You didn’t act upon them.
MR. O'DOWD: I didn’t do anything to investigate Mr. Foye’s claims. I believe Charlie McKenna, subsequent to the article, interacted with the Port Authority and then briefed the Governor in my presence on that.

ASSEMBLYMAN WISNIEWSKI: Now, let’s talk about what you understand Mr. McKenna to have done. What is your understanding of when Mr. McKenna first became aware of this issue, the lane closures?

MR. O'DOWD: I don’t have an understanding of that; I’m not sure.

ASSEMBLYMAN WISNIEWSKI: Well, then, how do you have an understanding of what Charlie McKenna did?

MR. O'DOWD: Well, I have an understanding of the meeting that I attended in early October where he briefed the Governor. But I don’t know what steps he took prior to that meeting to interact with the Port Authority.

ASSEMBLYMAN WISNIEWSKI: So your testimony -- and I think it’s reflected in your Gibson Dunn report -- is that at some point in October, Charlie McKenna, in your presence, briefed the Governor about this issue?

MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: And what did Charlie McKenna tell the Governor?

MR. O'DOWD: Charlie McKenna told the Governor that he had been in contact or had contacted Port Authority, Port Authority officials -- I don’t recall how he characterized that -- but had learned that this was a traffic study; however, that mistakes had been made ---
notification mistakes had been made. They had screwed some things up, but that this was a legitimate traffic study.

ASSEMBLYMAN WISNIEWSKI: Now, I know you haven’t read other summary memos prepared by Gibson Dunn for other people. But for the record, on Tab 34, page 7 -- which is Mr. McKenna’s interview-- Page 5.

MR. O’DOWD: Is it okay, Co-Chair, if I don’t turn to that?

ASSEMBLYMAN WISNIEWSKI: That’s fine, but I know your counsel probably would want to.

MR. ZOUBEK: Thank you, Co-Chair.

ASSEMBLYMAN WISNIEWSKI: I don’t want to make him feel left out.

I’m sorry -- page 7. Just, for the record, on page 7 it says that, “McKenna’s first recollection of talking to someone about the lane realignment as a traffic study was when he talked to Baroni, shortly before Baroni testified before the Assembly Transportation Committee on November 25.” Do you have any understanding as to why there is such a discrepancy between what Mr. McKenna recalls and what you recall?

MR. O’DOWD: I don’t.

ASSEMBLYMAN WISNIEWSKI: Do you think your recollection is incorrect?

MR. O’DOWD: Do I think my recollection is incorrect? I do not.

ASSEMBLYMAN WISNIEWSKI: Okay. Do you think Mr. McKenna’s recollection is incorrect?
MR. O’DOWD: I don’t know what questions Mr. McKenna was asked. I understand what you’re saying; but, respectfully, I can only testify to what I remember, and I’ve done so.

ASSEMBLYMAN WISNIEWSKI: Okay. Further, on page 5 of that, Mr. McKenna states for Gibson Dunn, says -- McKenna states, “McKenna did not recall ever reading Foye’s e-mail. This e-mail was not on his radar until Foye’s December 9, 2013, testimony.”

Did you actually discuss the Foye e-mail with McKenna and the Governor in October?

MR. O’DOWD: The Foye e-mail?

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. O’DOWD: No.

ASSEMBLYMAN WISNIEWSKI: Okay. So your discussion with McKenna and the Governor were that McKenna briefed the Governor and that Foye e-mail never came up?

MR. O’DOWD: I don’t recall it coming up, no.

ASSEMBLYMAN WISNIEWSKI: Okay. So in what context, did you observe or listen to McKenna brief the Governor in that October conversation?

MR. O’DOWD: My impression was that it was a follow-up. So Charlie McKenna and I will meet with the Governor -- Charlie was the Chief Counsel -- on occasion and discuss certain matters with him. And then in certain instances we might get an assignment to follow up with, to come back to the Governor on. So the impression I got was that Charlie was briefing him on some sort of a follow-up, but I don’t know.
ASSEMBLYMAN WISNIEWSKI: Did you ever have a conversation with Mr. McKenna on whether he was following up on Foye’s allegations that laws had been broken?

MR. O’DOWD: I don’t remember having that conversation with him.

ASSEMBLYMAN WISNIEWSKI: Did you ever ask him to follow up on that issue?

MR. O’DOWD: The way I remember, the briefing with the Governor occurred, I believe, after the Wall Street Journal article came out with the allegations in it. But the specific nexus to the e-mail -- I don’t remember. As I said earlier, I don’t remember seeing the Foye e-mail until some time after January 8.

ASSEMBLYMAN WISNIEWSKI: Okay. You had a conference call with David Samson on September 18, and then, I think, on September 26 you may have had lunch with him. Do you recall that? You had testimony earlier, and I could refer you to-- One second and I’ll give you the Tab.

MR. ZOUBEK: Tab 14?

ASSEMBLYMAN WISNIEWSKI: Yes, Tab 14. Do you recall having a conference call with Dave Samson on September 18?

MR. O’DOWD: I’m sorry -- Tab 14 appears to be a calendar entry -- at least in my book.

ASSEMBLYMAN WISNIEWSKI: Right; just give me one second.

Okay, let’s, instead, direct your attention to Tab 33, which is your interview memorandum, page 8, F. “Mid to late September 2013.”
MR. O'DOWD: Okay, yes, Co-Chair, I’m there. I’m following you.

ASSEMBLYMAN WISNIEWSKI: So you recall having a call with David Samson about that time?

MR. O’DOWD: As I think I alluded to here, I don’t specifically recall that.

ASSEMBLYMAN WISNIEWSKI: And then subsequent to that, later in the month, you had a lunch meeting with Samson?

MR. O'DOWD: I can’t attest to the actual date, but I believe that’s right.

ASSEMBLYMAN WISNIEWSKI: Okay. Would you agree that at some point in September you had a conference call with Samson, and then subsequently had a lunch meeting with him, based on what’s written here?

MR. O'DOWD: I don’t recall -- as it even says here, assuming it occurred -- that I spoke with him on September 18 or not. It may have been calendared and didn’t occur. But I believe we had lunch together at some point in September. So that very well may be accurate -- September 26.

ASSEMBLYMAN WISNIEWSKI: And so when you met him on September 26, the memo says that you discussed second term personnel decisions and transition to the second term, including your potential nomination as Attorney General, correct?

MR. O’DOWD: Correct.
ASSEMBLYMAN WISNIEWSKI: Okay. In terms of planning for the second term, did any discussion about Bill Baroni come up at that meeting?

MR. O’DOWD: I don’t remember, specifically. It’s possible; I don’t remember.

ASSEMBLYMAN WISNIEWSKI: Okay. Now, at that point in time, this is late September 2013, it’s after the lane closures, correct?

MR. O’DOWD: Yes.

ASSEMBLYMAN WISNIEWSKI: Okay. Pat Foye had sent out an e-mail on September 13 raising allegations of law breaking -- that’s been discussed here before; you recall that e-mail being discussed, correct?

MR. O’DOWD: Right, the one that appeared in the October 1 article.

ASSEMBLYMAN WISNIEWSKI: Correct, correct. Separately, there were e-mails in which Mr. Samson -- you didn’t receive this, and it’s part of somebody else’s interview, so I’m not going to ask you to look at it -- where Mr. Samson says that, “Mr. Foye is playing in traffic,” with regard to the e-mail he sent.

My question to you is: With all of this going on, at this point in time, you’re having lunch or dinner with David Samson and he never once mentioned anything to you about what was happening at the George Washington Bridge -- in so far as the lane closures, Pat Foye’s e-mail, his apparent angst about it? He had no discussion with you at that time?

MR. O’DOWD: He may have; it’s certainly logical that he would have. I don’t remember, specifically, but it’s logical and likely that
he would have. But at no time did I ever learn anything in my interactions with David Samson that would suggest that it wasn’t a traffic study.

ASSEMBLYMAN WISNIEWSKI: I’m not sure I understand your answer. So it’s possible he did discuss it; you’re just saying you don’t recall it?

MR. O’DOWD: I don’t remember specifically. It’s logical that it would’ve come up in our interactions, but I don’t remember it specifically.

ASSEMBLYMAN WISNIEWSKI: But then you said -- and I don’t want to put words in your mouth -- you said something to the effect that it was nothing other than a traffic study.

MR. O’DOWD: Correct. I would have-- That I would remember. What I’m saying is, if I had learned that it was not a traffic study, I would have remembered that.

ASSEMBLYMAN WISNIEWSKI: But you don’t remember the conversation?

MR. O’DOWD: Specifically -- specifically conversations with him, I do not.

ASSEMBLYMAN WISNIEWSKI: Okay. Bridget Kelly was somebody under your direction or supervision as Chief of Staff?

MR. O’DOWD: That’s correct.

ASSEMBLYMAN WISNIEWSKI: What type of decision-making powers did she have?

MR. O’DOWD: Well, I can give you some examples -- maybe that will be helpful. I don’t know how to quantify it. But Bridget Kelly, while she served in that role, would be responsible for and overseeing the
apparatus; setting up public bill signings -- if the Governor was going to sign a bill at a particular location; of going to tour a boardwalk stop, public events, town halls; things like that. She also oversaw briefings apparatus -- she prepared the briefings for the Governor’s events.

ASSEMBLYMAN WISNIEWSKI: Did all of her interactions with the Governor run through you?

MR. O’DOWD: No.

ASSEMBLYMAN WISNIEWSKI: Were there things that she directly dealt with the Governor on?

MR. O’DOWD: Yes.

ASSEMBLYMAN WISNIEWSKI: Like -- can you give me an example?

MR. O’DOWD: I can. With respect to the Governor’s boxes at stadiums and sporting events, who would sit in those boxes with him, who would be asked or invited to sit with him -- that’s something that she would deal with him directly on.

ASSEMBLYMAN WISNIEWSKI: She would directly deal with him person-to-person?

MR. O’DOWD: I don’t know how they did it -- e-mail, text -- I have no idea. I wasn’t involved in that process.

ASSEMBLYMAN WISNIEWSKI: But for at least part of the time when she worked for the Office of the Governor, her office was on the same first floor that yours and the Governor’s was, as shown on that New York Times’ map.

MR. O’DOWD: Right. The entire time that she was Deputy Chief of Staff for IGA that’s where her office was.
ASSEMBLYMAN WISNIEWSKI: Right. So she could just walk across that outer office if she chose to. You don’t know, though.

MR. O’DOWD: Correct. I don’t know, but she absolutely could. It’s less than 30 feet that we talked about before. But yes, that’s right.

ASSEMBLYMAN WISNIEWSKI: Is it possible that she had conversations with the Governor that you don’t know about?

MR. O’DOWD: That’s possible.

ASSEMBLYMAN WISNIEWSKI: Is it possible that she had conversations with the Governor about the lane closures that you’re not aware about?

MR. O’DOWD: It’s possible. If I’m not aware of them, then it’s possible. I can’t exclude things that I’m not aware of.

ASSEMBLYMAN WISNIEWSKI: Okay. You had a conversation with Bridget Kelly on December 12, and that’s when you learned -- I think I have the timeline correctly -- you learned of the first e-mail from Christina Renna. Is that correct?

MR. O’DOWD: December 13.

ASSEMBLYMAN WISNIEWSKI: On December 13 -- that’s correct. And you learned about that e-mail December 13 before the Governor went out for his press conference on December 13.

MR. O’DOWD: That is correct.

ASSEMBLYMAN WISNIEWSKI: And that e-mail on December 13 shows that Bridget Kelly had some knowledge about the lane closures, correct?
MR. O’DOWD: It shows that she had some knowledge about the lane closures while they were occurring; it does show that.

ASSEMBLYMAN WISNIEWSKI: Okay. And after you learned about that e-mail you went to the Governor and said, “Bridget Kelly has this e-mail.”

MR. O’DOWD: I showed him the e-mail.

SENATOR WEINBERG: Right, you showed it to him, you gave him a copy.

MR. O’DOWD: I only think I had a singular copy, but I showed him the copy that I had.

ASSEMBLYMAN WISNIEWSKI: Okay.

MR. ZOUBEK: Just if I can, for the record, so that whenever we refer to this e-mail, we’re always adopting the fact that he showed the partial e-mail to the Governor.

ASSEMBLYMAN WISNIEWSKI: Partial e-mail, meaning not the response.

MR. ZOUBEK: Right, and certainly we want to not leave this proceeding without it being absolutely clear as to which portion of this he did. And I think he’s already stated -- and I just, when we refer to this e-mail, I don’t want it to be out there that he handed this e-mail to the Governor. He handed the part that began underneath the “begin forwarded message.”

ASSEMBLYMAN WISNIEWSKI: Correct. And that e-mail does not have Bridget Kelly’s response as part of it.

MR. ZOUBEK: Correct. I just wanted to make sure the record is clear. Thank you.
ASSEMBLYMAN WISNIEWSKI: Did you, at any point in time, ask Bridget Kelly what was her response to that e-mail?

MR. O’DOWD: So what Bridget Kelly handed me was this, sort of, base e-mail, and then Bridget Kelly forwarding it on to Wildstein at the Port Authority.

ASSEMBLYMAN WISNIEWSKI: Right. But that e-mail does not have Bridget Kelly’s response to the e-mail that she received. There’s no--

MR. O’DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: --response back to the sender.

MR. O’DOWD: Not what I saw, no.

ASSEMBLYMAN WISNIEWSKI: Did you ask her at that point in time, “Where’s the response? Did you respond to this?”

MR. O’DOWD: She characterized what she had done is received this e-mail, and sent it on to the Port Authority in a way that she would if she was sending a complaint about a pothole somewhere in New Jersey that they had gotten from a local mayor -- they would send it out to DOT so it could be dealt with.

ASSEMBLYMAN WISNIEWSKI: Right.

MR. O’DOWD: Customer service-type complaint.

ASSEMBLYMAN WISNIEWSKI: Just a simple question: Did you ask her if she responded to the sender?

MR. O’DOWD: I don’t believe I did.

ASSEMBLYMAN WISNIEWSKI: Okay. And she never volunteered that?
MR. O'DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: So then the Governor goes out and has a press conference. And just quoting from the transcript, he says, “Yes, I have absolutely no reason to believe that, Angie. I’ve made it very clear to everybody on my senior staff that if anybody had any knowledge about this, that they needed to come forward to me and tell me about it. And they’ve all assured me that they don’t.” Isn’t that statement contradicted by this e-mail?

MR. O’DOWD: The focus that morning was -- as it was the day before -- was anything to do with closing the lanes. So I don’t know exactly what he said; I’m sure if you are reading a transcript, it’s accurate. But that’s what the focus was on.

ASSEMBLYMAN WISNIEWSKI: She had knowledge about the lane closures.

MR. O’DOWD: She knew about the lane closures while they were closed, based on this e-mail.

ASSEMBLYMAN WISNIEWSKI: And the Governor said, “Everybody’s assured me that they don’t have any knowledge.”

MR. ZOUBEK: If you could, read exactly what was said just for the record.

ASSEMBLYMAN WISNIEWSKI: Yes. “I have absolutely no reason to believe that, Angie. I’ve made it very clear to everybody on my senior staff that if anybody had any knowledge about this, that they needed to come forward to me and tell me about it. And they’ve all assured me that they don’t.”
SENATOR O’TOOLE: Chair, just for a clarification, because I don’t have that in front of me. Is there a question that he was -- the Governor was responding to?

ASSEMBLYMAN WISNIEWSKI: The question was, “Governor, can you say with certainty that someone else didn’t -- on your staff or in your Administration -- act on your behalf for the lane closures for political retribution?” That’s a question from Angie at the AP.

MR. ZOUBEK: And if I can, the reason I was asking the question is because the word this is used and the question denominates what this refers to.

ASSEMBLYMAN WISNIEWSKI: The lane closures.

MR. ZOUBEK: Right -- the lane closures, not knowledge of the lane closures.

ASSEMBLYMAN WISNIEWSKI: Are you sure? The Governor’s statement says that, “If anyone had any knowledge,” this is his response to the question. So Angie asks, “Can you say with certainty that someone else didn’t act on your behalf?” And he says, “I’ve asked everybody on my senior staff if they had any knowledge” -- any knowledge about this, about the lane closures -- “any knowledge about the lane closures.”

MR. ZOUBEK: No, and I don’t have it in front of me, and I know we’ll try to work hard together today to get a record--

ASSEMBLYMAN WISNIEWSKI: Okay. Your microphone’s not on so nobody hears what you’re saying.

MR. ZOUBEK: Right, I’m sorry. There we go.
I thought that the question included “act on,” and then there was more to that question. If you don’t mind--

ASSEMBLYMAN WISNIEWSKI: The question again, “Governor, can you say with certainty that someone else didn’t -- on your staff, or in your Administration -- act on your behalf for the lane closures for political retribution?” And the Governor, in responding to that question -- so we’re clear -- “I’ve made it clear to everybody on my senior staff that if anyone had any knowledge” -- any knowledge -- “about this,” referring back to the question that was asked -- any knowledge about the lane closures -- “that they needed to come forward to me and tell me about it. And they’ve all assured me that they don’t.”

MR. ZOUBEK: Right. And my only--

ASSEMBLYMAN WISNIEWSKI: And so my question--

MR. ZOUBEK: For the record, it says, “Act on the lane closures for political retribution.”

ASSEMBLYMAN WISNIEWSKI: Do we have a copy that we can put up?

SENATOR O’TOOLE: It would be helpful if we can give the counsel a copy as well. Because I think there’s confusion, Chair, as to what the question is, and whether it’s responsive to the e-mail.

ASSEMBLYMAN WISNIEWSKI: It’s up; it’s up right there, Senator.

SENATOR O’TOOLE: Wow, I can barely read that one.

ASSEMBLYMAN WISNIEWSKI: We’ll get you glasses.

MR. ZOUBEK: Do you mind if I stretch?
ASSEMBLYMAN WISNIEWSKI: You can do whatever you like.

MR. ZOUBEK: I would submit that the phrase “this” is framed by the question. The question refers to political retribution.

ASSEMBLYMAN WISNIEWSKI: Okay. Now that you have suggested the answer to Mr. O’Dowd -- Mr. O’Dowd, prior to the Governor stating that he made it “clear to everybody on my senior staff that if anyone had any knowledge about this, that they need to come forward to me and tell me about it. And they’ve all assured me that they don’t.” Isn’t that statement contradicted by the e-mail that Bridget Kelly received?

MR. O’DOWD: I can’t, respectfully, Co-Chair, testify to what the Governor thought or what he was trying to communicate.

ASSEMBLYMAN WISNIEWSKI: I’m not asking you what he thought. He made a statement. You have it in front of you now; it’s up on the board. He’s asked everybody on his senior staff, “and they assured me that they don’t.” At that point in time, when the Governor made this statement, you were aware and Bridget Kelly was aware of an e-mail from Christine Renna. Isn’t that contradictory?

MR. ZOUBEK: If we could, for a second -- he doesn’t have it right in front of him yet. So which page is it on? It doesn’t say up there what page it is; I’m sorry.

MR. O’DOWD: Page 32.

MR. ZOUBEK: Thank you. It’s this one right there.

MR. O’DOWD: Okay, I’ve read it.

ASSEMBLYMAN WISNIEWSKI: You recall my question?

MR. O’DOWD: I don’t, I’m sorry.
ASSEMBLYMAN WISNIEWSKI: Okay. At the point in time that the Governor makes this statement, there is an e-mail that a member of his senior staff, Bridget Kelly, is aware of that discusses the lane closures, and that she received it contemporaneous with the lane closures.

MR. O’DOWD: That’s correct.

ASSEMBLYMAN WISNIEWSKI: Doesn’t that fact contradict his statement?

MR. O’DOWD: A plain read of this, it seems to be inconsistent. And the Governor was aware, as I testified to earlier -- I handed him that document prior to that press conference.

ASSEMBLYMAN WISNIEWSKI: Okay. So then going forward, the Governor goes out on the podium and says a lot of things, including this two-sentence exchange that we’re talking about. After he says this, do you go back to the Governor and say, “Governor, you might have forgotten, you might have misspoken, but there was this Renna e-mail that we talked about.” Did you do that?

MR. O’DOWD: I did not. My impression of what occurred that morning, and from the day before, the focus was on whether or not anyone from our team had anything to do with closing the lanes. And the distinction that you’re making now is not one that jumped out at me at the time.

ASSEMBLYMAN WISNIEWSKI: So even though she had this e-mail and it implicitly, if not explicitly, contradicted the Governor’s statement, you did not go back and say, “Hey, I just want to make sure you’re aware of this,” for purposes of correcting the record?
MR. O'DOWD: I don’t remember hearing this and having that reaction or having that follow-up with him.

ASSEMBLYMAN WISNIEWSKI: Okay. So then after this point in time, the Governor has made his press statement and everybody has left the outer office. Subsequent to that, you then speak with Bridget Kelly again.

MR. O'DOWD: I do.

ASSEMBLYMAN WISNIEWSKI: And she reveals to you an Ashmore e-mail, correct?

MR. O'DOWD: Correct, an e-mail that she received from Jeanne Ashmore that I believe contained Senator Weinberg’s letter to Pat Schuber.

ASSEMBLYMAN WISNIEWSKI: Now at that point in time, does the thought cross your mind, “Geez, now we’ve got another e-mail. I’ve got to go back and see the boss and tell him that we’ve got two e-mails now.” Did you?

MR. O'DOWD: I did tell him about that.

ASSEMBLYMAN WISNIEWSKI: Okay. And did you, at that point in time, say, “And you might want to think about correcting the record on what you said earlier, because Bridget did have an e-mail, contemporaneous, from Mayor Sokolich or through Christine Renna about Mayor Sokolich’s complaint”?

MR. O’DOWD: I don’t believe I did that. Again, my focus and my impression and understanding of what that press conference was about was focusing on whether or not people on the senior team had
anything to do with closing the lanes. But the answer to your question, Co-Chair, is I didn’t do it.

ASSEMBLYMAN WISNIEWSKI: And now that you have these two e-mails -- and I think Senator Gill had asked this question, but I just want to make sure -- you didn’t go to anybody else in the Governor’s Office, up a flight of stairs or two, to ask anybody else who was involved either with Fort Lee, or with Mayor Sokolich, or with the George Washington Bridge -- anybody else -- “Do you know anything else about this?”

MR. O’DOWD: I did not; I did not ask Jeanne Ashmore, for example.

ASSEMBLYMAN WISNIEWSKI: Why not?

MR. O’DOWD: I didn’t-- At that point, I did not see the need to. This was not an e-mail-- Jeanne Ashmore runs the Office of Constituent Relations; she was simply forwarding on a communication from Senator Weinberg. I didn’t believe that that would be inconsistent with no one on the senior staff having any involvement in closing the lanes.

ASSEMBLYMAN WISNIEWSKI: Are you aware that later that evening Bridget Kelly called her assistant, Christine Renna, and asked her to delete that e-mail -- the Renna e-mail -- that relayed the conversation or the complaint from Mayor Sokolich? Are you aware of that fact? It doesn’t call for an objection; I’m asking him--

MR. ZOUBEK: I’m trying to help the record.

ASSEMBLYMAN WISNIEWSKI: Counsel--

MR. ZOUBEK: You said that evening; you’re in the wrong evening.
ASSEMBLYMAN WISNIEWSKI: Well, the discussion of the e-mails was on-- She gave the e-mail to Mr. O'Dowd on December 13.

MR. ZOUBEK: Right, but he hasn’t read that testimony. But I think what you’re talking about -- Renna -- occurred at approximately 8:00-something on the evening of December 12, after he spoke to Ms. Kelly around 4:00 p.m. or so.

ASSEMBLYMAN WISNIEWSKI: You’re right. Okay, going back.

MR. ZOUBEK: I’m just trying to help.

ASSEMBLYMAN WISNIEWSKI: Did you know that Bridget Kelly had called and asked Christina Renna to delete that e-mail?

MR. O’DOWD: To delete this e-mail?

ASSEMBLYMAN WISNIEWSKI: The e-mail that Kelly received from Renna outlining Mayor Sokolich’s complaint.

MR. ZOUBEK: For the record, I don’t think it’s possible for him to know what e-mail Bridget Kelly might have been referring to on the evening of December 12.

SENATOR WEINBERG: I just described it. The e-mail--

MR. ZOUBEK: And I think-- Do you know which e-mail that is?

ASSEMBLYMAN WISNIEWSKI: It’s the e-mail that we’re talking about. The one that is in Tab 1, that starts halfway down the page.

MR. ZOUBEK: Do we know if that’s the e-mail that was deleted that day?

ASSEMBLYMAN WISNIEWSKI: Yes.
MR. ZOUBEK: All right, if you make that representation to him -- he doesn’t know that, but if you make the representation he’ll try to answer the question.

ASSEMBLYMAN WISNIEWSKI: My question is, are you aware that Bridget Kelly called her assistant to ask to have an e-mail deleted?

MR. O’DOWD: I believe that I became aware of something to that effect in and around January 10.

ASSEMBLYMAN WISNIEWSKI: But not before then?

MR. O’DOWD: No.

ASSEMBLYMAN WISNIEWSKI: Had you ever dealt with anyone in the Office of the Governor who had deleted an official e-mail? Did you have any experience in that regard?

MR. O’DOWD: Deleted an official e-mail?

ASSEMBLYMAN WISNIEWSKI: Yes, part of the Governor’s communications -- such as this.

MR. O’DOWD: I don’t believe so.

ASSEMBLYMAN WISNIEWSKI: It never came up to you before?

MR. O’DOWD: I don’t believe so.

ASSEMBLYMAN WISNIEWSKI: Okay. I have no further questions.

SENATOR O’TOOLE: I’d like to ask two questions, if it doesn’t offend you, Chair.

ASSEMBLYMAN WISNIEWSKI: You can ask away.

SENATOR O’TOOLE: Great, thanks.
Through the Chair, I know it’s been a long-- Kevin, I just have, literally, two questions--

MR. O’DOWD: Sure.

SENATOR O’TOOLE: --that I want to follow up, that came up during the Co-Chair’s questioning with regard to Mr. Foye’s e-mail that you came into, at some point -- I think January 8, or whatnot.

Your testimony was that Mr. McKenna, in fact, handled communication or a query with the Port Authority after Mr. Foye’s e-mail became public.

MR. O’DOWD: Correct.

SENATOR O’TOOLE: Okay. Did Mr. McKenna ever relate back to you, or did you ever become aware, that Mr. Foye had to report to either the Federal or State authorities or Inspector General -- any of the authorities -- given the fact that he made the claim that laws had been broken -- New York and New Jersey, and Federal? Did Mr. McKenna ever come back to you and say that Mr. Foye had, in fact, reported his claim to either the Inspector General, the U.S. Attorney’s Office, or some law enforcement agent?

MR. O’DOWD: I don’t ever remember learning that, no.

SENATOR O’TOOLE: Okay, great. Thank you.

That’s all the questions I have.

Madam Co-Chair.

SENATOR WEINBERG: Senator Gill.

SENATOR GILL: I have just one question for clarification.
On October 1 or 2, when you had the meeting with the Governor and Mr. McKenna, you discussed the *Wall Street Journal* article that referenced Foye’s e-mail. Is that correct?

MR. O'DOWD: That’s not correct.

SENATOR GILL: So in the *Wall Street Journal* article, did it reference--

MR. O'DOWD: I don’t remember him referencing the article, specifically. I’m sorry; that’s what I thought you meant. I don’t remember a specific reference to the article in that meeting, but it was Charlie McKenna’s brief-out on his interactions with the Port Authority --- the way I remember it -- after that article came out.

SENATOR GILL: At the meeting with you, Mr. McKenna, and the Governor, was there any discussion that Pat Foye said laws had been broken.

MR. O'DOWD: I don’t remember that, no.

SENATOR GILL: And I want that clear, because my understanding -- I’m giving you opportunity to clarify. Because when I first questioned you, it was my understanding that that, in fact, was discussed -- when I referenced 31 years of United States Attorneys’ experience in the room. But you’re saying no one raised the issue of the violation of any State or Federal laws.

MR. O'DOWD: I don’t remember that coming up in that meeting.

SENATOR GILL: Okay. So that we’re also clear, you don’t recall, but that does not mean that it could not have taken place.

MR. O'DOWD: Correct.
SENATOR GILL: Because you have no notes to reference at all.

MR. O’DOWD: I do not, Senator; that’s correct.

SENATOR GILL: Thank you.

ASSEMBLYMAN WISNIEWSKI: Senator.

SENATOR O’TOOLE: Chair, at some point, can we talk about— If this is concluded, can we talk about the schedule, going forward, either here or at the next executive meeting?

ASSEMBLYMAN WISNIEWSKI: Yes.

Just one final question, Mr. O’Dowd; and I promise, this is the final question.

Going to your interview, page 21, top of the page. It actually starts carrying over from 20 to 21.

MR. O’DOWD: Okay, the bottom of 20, top of 21.

ASSEMBLYMAN WISNIEWSKI: “Later that day, December 14, 2013,” you see that paragraph that carries now over to 21?

MR. O’DOWD: I’m just reading it.

ASSEMBLYMAN WISNIEWSKI: That’s fine, that’s fine. I want you to be familiar with it.

MR. O’DOWD: Okay, I’ve read it, Co-Chair.

ASSEMBLYMAN WISNIEWSKI: Okay, so the question I have is, you came to the conclusion, after hearing directly from Bridget Kelly, that she had this one e-mail from Christine Renna, and then subsequently the e-mail from Jeanne Ashmore. And then there were conversations, that you were made aware of, that Baroni had said he was aware of there being an e-mail out there. You had come to the conclusion
that what Baroni was talking about was the same thing that Bridget Kelly had shown you -- because it says here, “O’Dowd came away from this call with the understanding that he had finally gotten to the bottom of the issue, and the issue was whether there was other communications.” Correct?

MR. O’DOWD: I don’t know what they’re referring to there with “gotten to the bottom of the issue.” But I think you’re asking me whether or not I concluded that what Baroni had referenced to Gramiccioni, and Gramiccioni had passed on to me, was the e-mail that I was handed on December 13.

ASSEMBLYMAN WISNIEWSKI: The Renna e-mail?

MR. O’DOWD: Yes. I did reach that conclusion.

ASSEMBLYMAN WISNIEWSKI: You came to the conclusion that they were talking about the same thing?

MR. O’DOWD: I did.

ASSEMBLYMAN WISNIEWSKI: But you never had a conversation with Bill Baroni about it.

MR. O’DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: And you never had a conversation with Christine Renna about it.

MR. O’DOWD: Correct.

ASSEMBLYMAN WISNIEWSKI: So you basically just -- you made an assumption?

MR. O’DOWD: It was the position that I reached. It was the conclusion that I formed.

ASSEMBLYMAN WISNIEWSKI: Okay.
Senator Gill, did you have a question?

SENATOR GILL: Yes, please -- just one last question, so I’m not confused.

On your Tab 33, on page 9 -- and, you know, I’ll also read it. It’s the H -- Post October 1, 2013. And this is what Gibson Dunn wrote, based upon what you were supposed to have said to them. So first I’d like you to read it and tell me if there is anything you either disagree with or would like to amend in any way.

MR. O’DOWD: So I don’t specifically remember the Governor asking about the article and what this realignment was about -- that one, two, three, I guess, four lines in.

SENATOR GILL: Okay. So you-- And let’s read it -- I’ll read it, and you can tell me what part that you don’t agree with.

“O’Dowd was asked if he discussed the October 1, 2013, Wall Street Journal article and/or the September 13, 2013, Foye e-mail published in that article. At some point, in October 2013, during one of O’Dowd’s and McKenna’s meetings with the Governor, the Governor asked about the article and what this lane realignment was all about.”

Are you saying that you never -- you did not state, in sum and substance, to Gibson Dunn that the Governor at the meeting asked what the realignment was about?

MR. O’DOWD: What I remember, as I’m sitting here before you, is that that didn’t happen.

SENATOR GILL: That it did not happen.

MR. O’DOWD: It did not -- did not.
SENATOR GILL: And so that this reference to the Governor in the Gibson Dunn report is totally inaccurate based upon what you recall that you told Gibson and Dunn.

MR. O'DOWD: Well, as it relates to that meeting, the notion of McKenna explaining to the -- the rest of that, those three lines there -- are consistent with what I remember. But I don’t remember the Governor, in one of those meetings, asking specifically. I get the impression that there may have been a conversation prior to the meeting, but I don’t recall that specifically.

SENATOR GILL: Okay. So that-- And I’m going to be very clear. In this Gibson Dunn report, the line that they say, “The Governor asked about the article,” this is in H, “and what this lane realignment was all about.” You did not state that to the interviewers for Gibson and Dunn?

MR. O'DOWD: I don’t believe so.

SENATOR GILL: At any time, on any date, did you state to Gibson and Dunn that the Governor asked about the realignment in relationship to the Wall Street Journal article?

MR. O'DOWD: I don’t remember that, no.

SENATOR GILL: Do you know-- And you have no idea why the interviewer from Gibson and Dunn would include such a factual statement that was untrue with respect to you stating it to the interviewer?

MR. O'DOWD: I don’t, Senator. I’m just testifying to what I remember sitting here before you today.

SENATOR GILL: I have no further questions. Thank you.

ASSEMBLYMAN WISNIEWSKI: Mr. O'Dowd, thank you for your patience today in providing the testimony that you have. I don’t
believe any other members have any other questions. As always, we reserve the right to call you again should facts or information become known to the Committee that was not present or available to us today.

With that, I know that there was a question by Senator O’Toole on a future schedule for the Committee. I know that there are some documentary subpoenas that we’ve internally discussed at the last executive session; but in terms of testimony I don’t believe we have anything scheduled through the end of June. We’ve got staff involved in the budget, so my understanding is that we would not be taking testimony until after we get done with the budget and, obviously, the first week of July is the Fourth of July holiday -- probably not until that second week.

What we will do is, between now and the middle part of this week, get to everybody a tentative schedule of when we would be looking to meet again, to look at everyone’s summer schedules to make sure that we have as many members present as possible.

SENATOR O’TOOLE: That was in my request and I appreciate that, Chair. I know for a fact that I’m going to be out looking at colleges with my son in the second week of July. And if we could just have a little head’s up as to when we think the next couple of Committees, where we’re going to have live testimony -- I’ll plan accordingly. But there are one or two things that are just unavoidable.

ASSEMBLYMAN WISNIEWSKI: Understood

Anybody have anything else? (no response)

This meeting stands adjourned.

(MEETING CONCLUDED)