Committee Meeting

of

NEW JERSEY
LEGISLATIVE SELECT OVERSIGHT COMMITTEE

“The Committee will meet to consider a Committee resolution regarding such action as is necessary to further the Committee’s responsibilities pursuant to SCR-148 (1R)”

LOCATION: Committee Room 4
State House Annex
Trenton, New Jersey

DATE: November 8, 2018
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Loretta Weinberg, Co-Chair
Assemblywoman Eliana Pintor Marin, Co-Chair
Senator Kristin M. Corrado, Co-Vice Chair
Assemblywoman Nancy F. Muñoz, Co-Vice Chair
Senator Sandra B. Cunningham
Senator Fred H. Madden, Jr.
Senator M. Teresa Ruiz
Senator Steven V. Oroho
Assemblyman Gordon M. Johnson
Assemblywoman Pamela R. Lampitt
Assemblywoman Angela V. McKnight
Assemblywoman Nancy J. Pinkin
Assemblywoman Verlina Reynolds-Jackson
Assemblywoman BettyLou DeCroce

ALSO PRESENT:

Rosemary Alito, Esq.
Michael Critchley, Sr., Esq.
Joseph A. Hayden, Jr., Esq.
Special Counsels

Stephanie M. Wozunk
Office of Legislative Services
Committee Aide

Alison Accettola
Senate Majority

Brian Quigley
Assembly Majority

Committee Aides

Michael R. Molimock
Senate Republican

Kevin Logan
Assembly Republican

Committee Aides

Hearing 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 OVERSIGHT COMMITTEE

FROM: SENATOR LORETTA WEINBERG, CO-CHAIRWOMAN
      ASSEMBLYWOMAN ELIANA PINTOR MARIN, CO-CHAIRWOMAN

SUBJECT: COMMITTEE MEETING - NOVEMBER 8, 2018

The public may address comments and questions to Stephanie M. Wozunk, David Lorette, Committee Aides, or make bill status and scheduling inquiries to Kristi L. Cannella, Secretary, at (609) 847-3890, fax (609) 777-2998, (609) 847-3853, fax (609) 292-0561 or e-mail: OLSAideLSO@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 Oversight Committee will meet on Thursday, November 8, 2018 at 10:00 AM in Committee Room 4, 1st Floor, State House Annex, Trenton, New Jersey.

The committee will meet to consider a committee resolution regarding such action as is necessary to further the committee’s responsibilities pursuant to SCR-148 (1R).

Issued 11/2/18

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SENATE CONCURRENT RESOLUTION No. 148

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED OCTOBER 29, 2018

Sponsored by:
Senator LORETTA WEINBERG
District 37 (Bergen)
Senator KRISTIN M. CORRADO
District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS
Constitutes special committee of Senate and General Assembly entitled "New Jersey Legislative Select Oversight Committee."

CURRENT VERSION OF TEXT
As introduced.
A Concurrent Resolution constituting a special committee of
the Senate and General Assembly entitled the "New Jersey
Legislative Select Oversight Committee."

WHEREAS, Gubernatorial transition office employees are, in fact,
employees of the State of New Jersey; and

WHEREAS, Recent newspaper accounts have given rise to
allegations of sexual misconduct by a government official who
was a member of the Governor's transition team and was
subsequently hired to serve in the Governor's administration (the
"Government Official"), and the review of the matter by the
Hudson County Prosecutor; and

WHEREAS, It has been asserted that other individuals who have held
positions with the Governor's transition team or administration
have previously engaged in conduct that may be unbecoming of
officials in the public sector; and

WHEREAS, The Legislature, as a co-equal branch of government, has
an oversight responsibility to undertake a review of the State's
policies and procedures that address these issues and to consider
improvements thereto; and

WHEREAS, A State legislative committee would be able to make
recommendations for stronger laws that have greater clarity and
provide for additional safeguards that ensure survivors are
treated with dignity and respect and that laws exist that properly
address labor, hiring recusal, and conflict issues; and

WHEREAS, It is fitting for the Legislature, through an appropriate
committee, to investigate and act upon all aspects of these matters;
now, therefore,

BE IT RESOLVED by the Senate of the State of New Jersey (the
General Assembly concurring):

1. There is constituted a special committee of the Senate and
General Assembly entitled the "New Jersey Legislative Select
Oversight Committee," comprised of 15 members. Six members
shall be appointed by the Senate President, not more than four of
whom shall be of the same political party. Nine members shall be
appointed by the Speaker of the General Assembly, not more than
six of whom shall be of the same political party. There shall be two
co-chairs of the special committee appointed jointly by the Senate
President and Assembly Speaker from among the appointed
members. There shall be two vice co-chairs of the special
committee, who shall not be members of the same political party as
the co-chairs, appointed jointly by the Senate President and
Assembly Speaker from among the appointed members.

2. The New Jersey Legislative Select Oversight Committee
shall review: a. the appropriateness of the Hudson County
Prosecutor’s actions to oversee the handling of the certain allegations of sexual assault by the Government Official and b. all aspects of the policies and procedures regarding the screening of prospective employees and continued employment in the public sector of persons with questionable backgrounds, including any operations or practices concerning the handling of claims of sexual assault, abuse, or harassment. The committee shall issue a report of its findings and make recommendations on potential improvements to create meaningful policy changes, including possible recommendations regarding eligibility and screening for public sector employees, including senior level employees.

3. For the purposes of carrying out its charge under this resolution, the New Jersey Legislative Select Oversight Committee shall have all the powers conferred under the laws and the Constitutions of the State of New Jersey and of the United States, including, but not limited to, the following powers, provided that no subpoena shall be issued by the committee without the written consent of both co-chairs, both vice co-chairs, the President of the Senate and the Speaker of the General Assembly:

   a. the powers conferred pursuant to chapter 13 of Title 52 of the Revised Statutes, including, but not limited to, the power to issue subpoenas to compel attendance and testimony of persons and the production of books, papers, correspondence, other documents and materials, and electronic records and data;

   b. to hold hearings, take testimony under oath, and receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study;

   c. to use any and all reasonable means of interviewing or fact gathering, including, but not limited to, preliminary conferences or interviews;

   d. to convene a meeting or hearing to determine the adequacy of the return and rule on the objection if a return on a subpoena or order for the production of documentary evidence is incomplete or accompanied by an objection;

   e. to utilize the powers provided under R.S.52:13-3 or hold individuals or entities in contempt of the committee;

   f. to make findings and reports to the Senate and General Assembly of any recommendations, including recommendations for enforcement, that the committee may consider appropriate with respect to the willful failure or refusal of any person to appear before it, to answer questions or give testimony during an appearance of that person as a witness, or to produce before the committee any books, papers, correspondence, other documents and materials, and electronic records and data that the committee may request.
g. to respond to any judicial or other process, or to make
application to the courts of this State, or any other state, or the
United States;
h. to report possible violations of any law, rule, regulation, or
code to appropriate federal, State, or local authorities; and
i. to adopt additional rules or procedures not inconsistent with
this resolution.

4. a. The New Jersey Legislative Select Oversight Committee
shall be entitled to call to its assistance and avail itself of the
services of the employees of the State of New Jersey, any political
subdivision of the State, and any agency thereof, as may be required
and as may be available for that purpose, and to employ any other
services as may be deemed necessary, in order to perform the duties
provided herein, and within the limits of funds appropriated or
otherwise made available for that purpose.
b. The New Jersey Legislative Select Oversight Committee,
upon the written approval of the President of the Senate and the
Speaker of the General Assembly, shall be entitled to call to its
assistance, employ, and avail itself of the services of one or more
special counsel retained to assist the New Jersey Legislative Select
Oversight Committee.

5. This concurrent resolution shall take effect immediately.

STATEMENT

This concurrent resolution constitutes a special committee of the
Legislature entitled the "New Jersey Legislative Select Oversight
Committee." The committee will investigate public sector
screening practices with respect to the employment of individuals
with a history of alleged criminal misconduct. The committee will
focus on how allegations of sexual assault, abuse, or harassment are
handled by the government. It will make recommendations on how
laws that address this subject may be improved.
SENATOR LORETTA WEINBERG (Co-Chair):  Good morning, everyone.

Can we have a roll call, please?

MS. WOZUNK (Committee Aide):  Assemblywoman Schepisi.

(no response)

Assemblywoman DeCroce.

ASSEMBLYWOMAN DeCROCE:  Here.

MS. WOZUNK:  Assemblywoman Verlina Reynolds-Jackson.

ASSEMBLYWOMAN REYNOLDS-JACKSON:  Here.

MS. WOZUNK:  Assemblywoman Pinkin.

ASSEMBLYWOMAN PINKIN:  Present.

MS. WOZUNK:  Assemblywoman McKnight.

ASSEMBLYWOMAN McKNIGHT:  Here.

MS. WOZUNK:  Assemblywoman Lampitt.

ASSEMBLYWOMAN LAMPITT:  Here.

MS. WOZUNK:  Assemblyman Johnson. (no response)

Senator Oroho.

SENATOR OROHO:  Here.

MS. WOZUNK:  Senator Ruiz.

SENATOR RUIZ:  Here.

MS. WOZUNK:  Senator Madden.

SENATOR MADDEN:  Here.

MS. WOZUNK:  Senator Cunningham.

SENATOR CUNNINGHAM:  Here.

MS. WOZUNK:  Vice Chair Muñoz.
ASSEMBLYWOMAN NANCY F. MUÑOZ (Co-Vice Chair): Here.

MS. WOZUNK: Vice Chair Corrado.

SENATOR KRISTIN M. CORRADO (Co-Vice Chair): Here.

MS. WOZUNK: Co-Chairwoman Pintor Marin.

ASSEMBLYWOMAN ELIANA PINTOR MARIN (Co-Chair): Here.

MS. WOZUNK: Co-Chair Weinberg.

SENATOR WEINBERG: Here.

MS. WOZUNK: We have a quorum.

SENATOR WEINBERG: Can I ask the two (sic) attorneys to please introduce themselves?

MICHAEL CRITCHLEY, Sr., Esq. (Special Counsel): Good morning; Michael Critchley, from the law firm of Critchley, Kinum, and Denoia.

JOSEPH A. HAYDEN, Jr., Esq. (Special Counsel): Good morning; Joe Hayden, from the law firm Pashman Stein Walder Hayden, in Hackensack.

ROSEMARY ALITO, Esq. (Special Counsel): Rosemary Alito, from K&L Gates.

SENATOR WEINBERG: Good morning, everybody, to the first meeting of the New Jersey Legislative Select Oversight Committee.

This is the organizational meeting; and today, the Committee will formally adopt the Resolution that sets forth the procedures that will guide us, moving forward.
This is a special Committee; and I know, we all know, with weighty responsibilities that we all take very seriously.

The Committee is bipartisan and bicameral. Our membership includes both houses of the Legislature and both parties.

We are responsible for undertaking a review of the handling of certain allegations of sexual assault by government officials; as well as all aspects of the policies and procedures regarding the screening and continued employment, in the public sector, of persons with questionable backgrounds, including practices concerning the handling of claims of sexual assault, abuse, or harassment.

Obviously, this is a serious issue; and it is also a sensitive issue. And we fully intend to have this Committee do its work in a very serious way.

This is not a partisan issue, it’s not a political issue, and it’s not an issue that is confined to any one government entity, or to any branch of government, or to the public sector. As we have all learned during what is now called the me too era, the problem of sexual assault, harassment, and abuse is a problem that is pervasive and has been with us for a long time. Many of us have experienced it firsthand. There are survivors in this room today, there are survivors sitting on this Committee.

I am glad that Governor Murphy is having his Administration conduct its own investigation. And I know that he recognizes the importance of addressing this and, hopefully, he will be a full partner in this undertaking.

We will be respectful of the Attorney General’s investigation. We will be careful to avoid any interference with their work, which is why
we amended the enabling Resolution to avoid a review of the Hudson County Prosecutor’s Office, so that the AG can do his work.

But the Legislature has a role, too. In fact, we have a responsibility to provide independent oversight, and we have the ability to make changes that may be needed to address these issues.

We also have a shared responsibility to treat this issue with seriousness and the sensitivity it demands. This is a fact-finding Committee that will work to get a full and fair accounting of what happened, or what didn’t happen, in the hiring practices that allowed government employees, accused of sexual assault and other alleged misconduct, to evade accountability.

Our focus will be on the hiring practices of public sector government entities. It will include the screening of high-level officials and what practices and procedures need to be improved.

We need to determine what can be done to screen out those who pose a threat, and what can be done to assure that sexual assault survivors are treated with respect and compassion so that they -- and the rest of us -- can trust our government. We will use this opportunity to bring an end to the types of abuse and misconduct that have plagued society for much too long.

And with that, I would like to turn the microphone over to my Co-Chair, Eliana -- Assemblywoman, pardon me -- Eliana Pintor Marin.

ASSEMBLYWOMAN PINTOR MARIN: Thank you, Senator; and thank you, everyone, for being here today.
I think that one of the most important things that Senator Weinberg touched upon is the fact that this Committee was put together in order to be a fact-finding Committee.

I’m pleased to have been selected by the Speaker as Co-Chairperson of the New Jersey Legislative Select Oversight Committee, and I would like to take this opportunity to set forth my views as to the mission of our Committee.

We are brought together by a serious allegation of sexual assault against a man who was subsequently hired into a high-level position in State government. According to media reports, this charge has been denied.

Although sexual assault is a heinous crime, it is for the criminal justice system, and not our Committee, to determine if the allegations are true. It is the mission of our Committee to examine all aspects of the screening of perspective employees in State government, and continued employment in the public sector by persons with questionable backgrounds or pending allegations; including allegations or claims of sexual offenses.

After public hearings, where we will take testimony, our Joint Committee will make recommendations to create improvements in screening and hiring practices.

We anticipate that our Joint Committee will embark upon a rigorous examination of the facts; but we will do so consistent with fundamental fairness and due process of law. To accomplish this, we have engaged experienced attorneys who will ensure that our hearings are handled with professionalism and fairness.
We intend to conduct our hearings as promptly as possible and deliver a report in an expeditious fashion.

Thank you all for all the time that you will be spending with us, and I appreciate everyone’s input.

Thank you.

SENATOR WEINBERG: Thank you.

We do have some housekeeping issues to take care of this morning -- the adoption of the rules and regulations. I know that you have -- some of you -- well, all of us have gotten them a little bit on the late side; but they’re quite consistent with the Joint Resolution that created this Committee.

And just to clear up any misunderstanding, all of the documents that we receive, as a Committee, will be on a secure website platform -- whatever the technology might be -- to which every single member of the Committee will have access.

My Co-Chair, Assemblywoman Pintor Marin, and I will have custody of those documents. As we know, some of them must be kept confidential; they will be dealing with sensitive, personal issues, we think. And so we are all going to be respectful of that. But everybody on this Committee will have access to those documents.

In addition, you have all received a list of those people to whom our two attorneys -- three attorneys addressed a memo to; just the ordinary preservation of document request.

We will-- Our next meeting will be on December 4, where we have invited Katie Brennan to appear there to give her statement. And as far as I know, she has agreed to that appearance.
So with that, can we have a motion to adopt the rules and regulations?

SENATOR RUIZ: So moved.
ASSEMBLYMAN JOHNSON: Second.
SENATOR WEINBERG: Roll call.
MS. WOZUNK: On the motion to adopt the Committee Resolution, Assemblywoman Schepisi. (no response)
Assemblywoman DeCroce.
ASSEMBLYWOMAN DeCROCE: Yes.
MS. WOZUNK: Assemblywoman Reynolds-Jackson.
ASSEMBLYWOMAN REYNOLDS-JACKSON: Yes.
MS. WOZUNK: Assemblywoman Pinkin.
ASSEMBLYWOMAN PINKIN: Yes.
MS. WOZUNK: Assemblywoman McKnight.
ASSEMBLYWOMAN McKNIGHT: Yes.
MS. WOZUNK: Assemblywoman Lampitt.
ASSEMBLYWOMAN LAMPITT: Yes.
MS. WOZUNK: Assemblyman Johnson.
ASSEMBLYMAN JOHNSON: Yes.
MS. WOZUNK: Senator Oroho.
SENATOR OROHO: Yes.
MS. WOZUNK: Senator Ruiz.
SENATOR RUIZ: Yes.
MS. WOZUNK: Senator Madden.
SENATOR MADDEN: Yes.
MS. WOZUNK: Senator Cunningham.
SENATOR CUNNINGHAM: Yes.
MS. WOZUNK: Vice Chair Muñoz.
ASSEMBLYWOMAN MUÑOZ: Yes.
MS. WOZUNK: Vice Chair Corrado.
Senator Corrado: Yes.
MS. WOZUNK: Co-Chairwoman Pintor Marin.
ASSEMBLYWOMAN PINTOR MARIN: Yes.
MS. WOZUNK: Co-Chairwoman Weinberg.
SENATOR WEINBERG: Yes.
MS. WOZUNK: The Resolution is adopted.
SENATOR WEINBERG: Thank you.
If there is no other business before the Committee, we can adjourn.

Thank you.

ASSEMBLYWOMAN PINTOR MARIN: Thank you, everyone.

(MEETING CONCLUDED)