
Committee Meeting

of

ASSEMBLY SELECT COMMITTEE ON INVESTIGATION

"The Committee will meet to consider a Committee resolution regarding the issuance of subpoenas pursuant to AR-10"

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

DATE: January 16, 2014
1:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman John S. Wisniewski, Chair
Assemblywoman Marlene Caride, Vice Chair
Assemblyman Louis D. Greenwald
Assemblyman Gordon M. Johnson
Assemblyman Paul D. Moriarty
Assemblywoman Linda Stender
Assemblywoman Valerie Vainieri Huttle
Assemblywoman Bonnie Watson Coleman
Assemblyman Michael Patrick Carroll
Assemblywoman Bettylou DeCrocce
Assemblywoman Amy H. Handlin
Assemblywoman Holly T. Schepisi



ALSO PRESENT:

Charles A. Buono Jr.
Office of Legislative Services
Committee Aide

Aaron Binder
Assembly Majority
Committee Aide

Keith A. Loughlin
Assembly Republican
Committee Aide

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



NEW JERSEY GENERAL ASSEMBLY

HONORABLE
VINCENT PRIETO
SPEAKER

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STEVEN GARDNER
EXECUTIVE DIRECTOR

MEMORANDUM

FROM: Vincent Prieto

DATE: January 14, 2014

RE: Select Committee on Investigation, Thursday, January 16, 2014

The Committee will meet at 1:00 PM in Committee Room 11 on January 16, 2014.

The committee will meet to consider a committee resolution regarding the issuance of subpoenas pursuant to AR-10.

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ASSEMBLYMAN JOHN S. WISNIEWSKI (Chair): I'd like to call this meeting of the Assembly Select Committee on Investigation to order.

Mr. Buono, would you please call the roll?

MR. BUONO (Committee Aide): Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Here.

MR. BUONO: Assemblywoman DeCroce.

ASSEMBLYWOMAN DeCROCE: Here.

MR. BUONO: Assemblywoman Handlin.

ASSEMBLYWOMAN HANDLIN: Here.

MR. BUONO: Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: Here.

MR. BUONO: Assemblywoman Watson Coleman.

ASSEMBLYWOMAN WATSON COLEMAN: Here.

MR. BUONO: Assemblywoman Vainieri Huttle.

ASSEMBLYWOMAN VAINIERI HUTTLE: Here.

MR. BUONO: Assemblywoman Stender.

ASSEMBLYWOMAN STENDER: Here.

MR. BUONO: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Here.

MR. BUONO: Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Here.

MR. BUONO: Majority Leader Greenwald.

ASSEMBLYMAN GREENWALD: Here.

MR. BUONO: Vice Chair Caride.

ASSEMBLYWOMAN CARIDE: Here.

MR. BUONO: Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Present.

We have a quorum.

Ladies and gentlemen, we are here today to begin the process under the Assembly Select Committee that will continue the work that had been started by the Assembly Transportation and Independent Authorities Committee.

The resolution adopted today by the General Assembly invests in this Committee significant responsibility and authority. It is my goal, working with each of you, that we can exercise that authority fairly and answer the questions that we all have.

I know there were a lot of questions raised on the floor about the process, about special counsel, and I would like to make just a couple of opening remarks for the record.

The special counsel is being retained by the General Assembly. The special counsel will work and do its work for this Committee. I want to be clear, however, we have counsel in Charlie Buono of the Office of Legislative Services. There are many matters that will confront this Committee that are routine matters that OLS has always traditionally handled, and so the expectation is that on those very basic, normal New Jersey law -- routine issues -- that Office of Legislative Services counsel will handle those questions.

We also have a whole new area that we're embarking on that this Committee and, frankly, many -- no other legislative committee has embarked on. We are looking at why an employee of the Governor's Office sent that e-mail that closed lanes on the George Washington Bridge. We

want to get to the bottom of that, so we've now embarked on a whole new area of inquiry that is novel. And for that reason, we wanted to have the best advice that we could get in terms of carrying out this investigation, making sure that we are asking the right questions. There is the potential for other investigatory agencies to get involved on different issues or perhaps similar issues. We want to make sure we have the right type of legal counsel to guide us on those multiple jurisdictions to make sure that we respect those jurisdictional, lines and that we do things the right way and fairly.

Counsel will be available to all members of the Committee. If you have a question, what we're going to ask is that those questions be run through the Chair. If there is a question that is more appropriate for OLS, we'll hand it off to Charlie Buono and OLS. If it's a question that goes to Jenner & Block, we'll hand it off to them. I want to make sure that we're not all asking the same question 12 times. I want to try to be efficient and economical in how we use the resources. They will provide us with valuable guidance in how to ask the questions and do the inquiry that we need to do.

What I want to do at the end of this session is make both attorneys from Jenner & Block, who are here today, available to the Committee so that you can ask them any questions you'd like. You can talk to them about their experience and talk to them about their views of what we're about to embark on.

What we have to do today is our organizational resolution. For those of you who had the experience of serving with the Transportation Committee when we started this process-- According to the Office of Legislative Services, we need to adopt an organizational resolution that will

guide how we adopt -- how we issue our subpoenas and how we conduct our investigation. What you have in front of you is that organizational resolution.

I just want to emphasize, as I did on the floor, that our goal here is simply to follow the information that we already have, step by step, so that we can get a better understanding and conclusive answers as to why this happened. I don't have any predetermined destination. When I started this investigation I was convinced that we would be looking at the Port Authority and only the Port Authority, and so I'm as surprised as anybody that we're at the point we're at. And so we're going to not omit anything, and we're not going to exclude anything, and we're not going to have any prejudged decisions. We're going to follow the facts wherever they may lead us.

In order to do that, this Committee needs to continue its investigation work. That will involve issuing additional subpoenas. In order for us to issue those subpoenas, we will need to adopt this organizational resolution. And I would be happy to answer any questions that the members of the Committee have about this resolution after Mr. Buono explains exactly what's in it.

MR. BUONO: This Assembly Select Committee on Investigation resolution authorizes the issuance of subpoenas; such other action as is necessary to further the Committee's investigation of 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 reassigning of access lanes in Fort Lee, New Jersey, to the George Washington Bridge.

Specifically, this resolution authorizes Chairperson John S. Wisniewski to issue, in accordance with the Code of Fair Procedure, subpoenas under his signature to compel the production of relevant documents and other information, compel the attendance and testimony before the Committee of any individuals with information relevant to the investigation.

ASSEMBLYMAN WISNIEWSKI: As we do on the floor, before we begin discussion I'd entertain a motion.

ASSEMBLYWOMAN WATSON COLEMAN: So moved.

ASSEMBLYMAN WISNIEWSKI: Moved.

ASSEMBLYMAN JOHNSON: Second.

ASSEMBLYMAN WISNIEWSKI: Second.

Any discussion or comments?

Assemblyman Michael Patrick Carroll.

ASSEMBLYMAN CARROLL: Mr. Chairman, thank you very much.

Obviously, as your honor said, we haven't walked down this path too often together, let alone in this kind of arrangement. I'm concerned about the language of this particular resolution.

The first paragraph: 1. a. authorizes the Chairman to issue subpoenas. It doesn't say after we have authorized them. Now, I assume that the Chairman will not unilaterally issue subpoenas without coming before the Committee for a determination as to whether those subpoenas should be issued in the first instance. Is that accurate?

ASSEMBLYMAN WISNIEWSKI: I'm going to continue in the process that we've started, which is to follow the advice of counsel as we move through this investigation. We're not going to have a Committee meeting each time we issue subpoenas. We're going to follow the trail wherever it leads us. And that's the process that has led us to this point. It's worked very well. And so my intention under this resolution is to follow that same process.

ASSEMBLYMAN CARROLL: If I may, Mr. Chairman, that sort of constitutes a committee of one and, not to be disrespectful, but I object to that. It seems to me that the Committee ought to meet together to decide who should come before it, who should be subpoenaed, and the contents of those subpoenas.

I also note, under paragraph b it says, "Documents received by the Committee shall be in the custody and control of the Chairperson, and the Chairperson shall be authorized to determine access and the availability of those documents."

Now, I understood the Chairman, downstairs on the floor, to be saying that the documents would go to OLS and would be in their custody and subject to their control. And when the documents were, in fact, received by OLS and sorted, all of the members would have the opportunity to receive them at the same time.

ASSEMBLYMAN WISNIEWSKI: That's exactly how I intend to use that power.

ASSEMBLYMAN CARROLL: Would it be possible then, Mr. Chairman, to suggest an amendment that actually says that?

ASSEMBLYMAN WISNIEWSKI: I'm not going to go through this line by line, so you continue to make your comments. And I'm sure you'll probably have a motion at some point after you make those comments.

ASSEMBLYMAN CARROLL: I'm sure some of us will, yes, sir.

With respect to outside counsel, again, we have yet to see the retainer agreement. Does that exist?

ASSEMBLYMAN WISNIEWSKI: It does exist. The Majority Leader, on the floor, said it's going to be made public. I don't believe I have it here, but before the end of this day you will have it.

ASSEMBLYMAN CARROLL: And, again, he will be representing the entire General Assembly? Is that true?

ASSEMBLYMAN WISNIEWSKI: Well, I want to be clear. He's going to be-- He works for the General Assembly to represent this Committee. The members of this Committee will have access to special counsel. But I also don't want to create a circus atmosphere where 80 people are running to him asking questions. The inquiries to special counsel will come through this Committee. If any of your colleagues have a question for special counsel, they know they can go to you and say, "Assemblyman Carroll, I'd like to have this answered." Those questions will be filtered through the Chair. I want to make sure this is operated efficiently and not waste resources.

ASSEMBLYMAN CARROLL: And, again, this is Illinois counsel. Is the Illinois counsel admitted to the Bar of New Jersey?

ASSEMBLYMAN WISNIEWSKI: He's not practicing in front of any courts right now in New Jersey. And if he needed to appear in front of any courts, I'm sure he could be admitted pro hac.

ASSEMBLYMAN CARROLL: Again, it was my understanding specifically that he was authorized -- the Chair has authorized, as well -- to appear or to have him appear before a court or answer judicial inquiries.

Not to put too fine a point on this, John, you and I both-- Mr. Chairman, you and I both practice law, as do some other people. There are 56,000 lawyers in the State of New Jersey. Couldn't you find one who would be able to represent us here? You say two lawyers are here today. I'm assuming that the people are going to be paying for their airfare to come out here. And it just seems to me that that's a -- despite Mr. Greenwald's statement to the contrary downstairs -- that it would be, in the interest of economy, to find a local attorney to do that.

ASSEMBLYMAN WISNIEWSKI: We wanted to find the best counsel that we could find who has the experience in complicated investigations such as this, and this is where our search has taken us. And we are very comfortable with the special counsel that is selected and are prepared to move forward with special counsel.

ASSEMBLYMAN CARROLL: Okay. Mr. Chairman, I have no further questions on that, and I defer to my colleagues.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman.

ASSEMBLYWOMAN SCHEPISI: Mr. Chairman, not to reiterate everything that my colleague just said, but I, too, have concerns about specific language in this. And, unfortunately, I only had an

opportunity to review it when we came in. I would have preferred to have been able to have provided some of these comments.

But with 1. a. -- the issuing of the subpoenas-- It is our understanding, from receiving text messages and press stuff, that there have been discussions of up to, potentially, 20 different subpoenas that are going to go out immediately. If we know that there is a universe of people of up to 20 people that we are going to -- or Mr. Chairman is going to be issuing subpoenas to, can't we amend it and just say the Committee authorizes its Chairperson to issue the following subpoenas under his signature of the following individuals, and additional subpoenas may be issued upon consultation and approval by the Committee? If we're sending out that number, we're not going to have to make another determination for probably quite a while. So maybe we can spell out a universe of people we're looking to do this with.

ASSEMBLYMAN WISNIEWSKI: I understand your concern -- the healthy suspicion that I will somehow abuse the power of subpoena. And certainly that's your prerogative to raise that issue in this Committee meeting.

What our plan is, when we're done with this resolution, is to resolve this Committee into executive session so that we can meet with counsel, and all of us can discuss the names of the people who will be served subpoenas.

I want to be very clear though. Those people who will receive them -- some of them may expect them, some of them may not. I would hate for them to be watching one of the media outlets that are here and find out on national TV that they're going to be receiving a subpoena. I would

rather have them receive it in the appropriate fashion through a process server, or if they have counsel who has agreed to accept service. And once that takes place then that becomes public.

And so I appreciate your skepticism. We're going to resolve into executive session so that you can be made aware of all of the individuals who will be served subpoenas. And I also want to stress that I would expect that all of the members of the Committee would protect the privacy of those individuals until they are served and have an opportunity to receive them.

ASSEMBLYWOMAN SCHEPISI: That gives me a level of comfort with respect to that provision.

With provision b, once again, to reiterate what Michael Patrick Carroll said -- would feel much more comfortable with having OLS be the keeper of the documents, with the provision that all appointed members of the Committee shall have equal access to books, papers, correspondence, other documents and materials, and the like received by OLS, after OLS has had an opportunity to do whatever it needs to do, and that all of us have the same timely review of Committee documents by all Committee members.

Going to the next page with respect to section 3 (*sic*)-- If we could put in a proviso on subsection (*b*) that all appointed members of the Committee shall have equal ability to call to the member's assistance, and to avail to the member, the services of the special counsel retained with respect to some of the powers that we're granting to the Chairman under this -- such as (*c*) pursue any legal redress, (*g*) report possible violations, (*h*) report possible violations (*sic*) -- that those occur only after consultation

with and recommendation of the legal counsel who is representing all of us. And that way I think it protects all of us, including yourself, Mr. Chairman, to have a proviso such as that in there.

And then my last comment is just that any action that is taken -- that we are giving you and granting you the power to do -- that it's just promptly provided to the members of the Committee; that we are aware of what's taking place real-time; and if there are any pertinent or relevant documents or otherwise pertaining to the action being taken, that we all receive them.

ASSEMBLYMAN WISNIEWSKI: I appreciate your comments, and I understand your skepticism. I'm very comfortable with the process the Committee has had up to this point, and I think it works very well. It is my goal, and I said it on the floor and I will say it here again, to keep all of the minority members apprised as to what we are doing and if we're issuing subpoenas. I'm not sure I can commit to real-time. I'm not sure the technology exists to do that. But as soon as possible, we will keep you apprised of everything that happens and every decision that is made.

ASSEMBLYWOMAN SCHEPISI: Last question, and then I promise I am done.

ASSEMBLYMAN WISNIEWSKI: Yes.

ASSEMBLYWOMAN SCHEPISI: Will we have the opportunity, after today, to participate in any decision?

ASSEMBLYMAN WISNIEWSKI: Absolutely. That's why we have the Committee.

Assemblywoman Handlin.

ASSEMBLYWOMAN HANDLIN: Yes, thank you, Mr. Chairman.

ASSEMBLYMAN WISNIEWSKI: I think we may have too many mikes on. (referring to PA microphone)

ASSEMBLYWOMAN HANDLIN: We have been reading the various sections and subsections of this resolution which, again, we just saw a few moments ago. But it appears to me that all of the procedural sections -- 1, 2, and 3 -- are basically organized around the principle of authorizing the Chairperson to do this, and that, and the other thing. And with the greatest respect, Mr. Chairman, it seems to me that's not a democratic process; that's a series of decisions by fiat. May we know what decisions will, in fact, be made democratically and collectively on this Committee?

ASSEMBLYMAN WISNIEWSKI: We're going to follow the process we've used in the past.

Look, it's not possible to have public deliberations about an investigation, and I think that's essentially what you're suggesting. The process that we've used thus far was greeted with a great deal of skepticism. Many of the questions that you're asking now, your colleagues who served on the Assembly Transportation Committee asked the very same questions. And when we voted on this resolution, many of them did not agree with adopting this resolution. And then when we got to the hearing where Mr. Wildstein would not provide the testimony that we wanted, and there was a question asked to the authenticity of the subpoenas and a question of the scope of the subpoenas -- by the time we got to that point, we had a unanimous vote.

I think the actions of the Committee thus far speak volumes. I would ask for your confidence going forward so that we can continue this investigation. I think that while I understand your skepticism, I think what you're suggesting is a process that will slow down the investigation. That will make it harder to get the work done, and I'm not supportive of doing that.

ASSEMBLYWOMAN HANDLIN: Again, with all due respect, Mr. Chairman, it's not a matter of skepticism, and I haven't suggested anything yet. I would just-- I'm not a lawyer, but I assume that when there exists a legal team which is pursuing an investigation, the members of that legal team confer amongst themselves before taking action. And what I see in this resolution is essentially no structure that would support that. The structure supports the appropriation of authority to you so that you can take a series of actions on behalf of all of the rest of us. And I'm simply asking for you to tell us when we can expect to be consulted or if we can expect to be consulted, and in what form. I'm not saying it has to be before the public.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman.

ASSEMBLYWOMAN HANDLIN: I would just like to know when, as Committee members, we will be able to weigh in.

ASSEMBLYMAN WISNIEWSKI: You will be consulted, and you will be able to weigh in. But I am not a seer and I can't predict exactly when we will meet again, but you will be kept advised and consulted as you request. This Committee will meet periodically to review where we are and to have discussions about where we should go. But I'm not going to give

you a hard schedule because I would not be totally candid with you if I gave you one today; I'd be guessing.

ASSEMBLYWOMAN HANDLIN: Okay, just one more.

ASSEMBLYMAN WISNIEWSKI: Sure -- as many as you have.

ASSEMBLYWOMAN HANDLIN: I didn't ask for a schedule, either. But what I'm concerned about is a situation developing where we have meetings of the Committee after various actions have been taken, and where certain of us are put in a position of being solely reactive, and where our discussions take place in the media. And that certainly is not fair to the public.

ASSEMBLYMAN WISNIEWSKI: I understand your concern. I'm not sure--

ASSEMBLYWOMAN HANDLIN: And you'll address it how?

ASSEMBLYMAN WISNIEWSKI: I'm not sure I can give you a better answer than I already have. You're asking to fundamentally change the process that has worked for the Transportation Committee--

ASSEMBLYWOMAN HANDLIN: But this Committee--

ASSEMBLYMAN WISNIEWSKI: Let me finish. Assemblywoman.

ASSEMBLYWOMAN HANDLIN: This is a brand-new Committee. It doesn't--

ASSEMBLYMAN WISNIEWSKI: Assemblywoman, Assemblywoman, Assemblywoman--

ASSEMBLYWOMAN HANDLIN: This Committee hasn't existed, so you don't know how -- what functions--

ASSEMBLYMAN WISNIEWSKI: Assemblywoman, you've asked me a question. Assemblywoman, you've asked me a question; may I have the opportunity to respond to your question?

ASSEMBLYWOMAN HANDLIN: Yes.

ASSEMBLYMAN WISNIEWSKI: I understand your question, okay? We've had a process that the Assemblyman Transportation Committee has used under my chairmanship, and that process will continue. This is an identical resolution to the resolution we adopted in the Assembly Transportation Committee. I believe that process worked very well. We were able to move very far and uncover information that we were not expecting to find. And so I'm very comfortable with that process. I know you're not. I'm going to ask you to judge me by my actions as we move forward.

ASSEMBLYWOMAN HANDLIN: That's fine, except that, again, this isn't about you, Mr. Chairman. Again, with the greatest respect, it's about--

ASSEMBLYMAN WISNIEWSKI: I understand.

ASSEMBLYWOMAN HANDLIN: It's about us, on both sides, and each of us sitting in each one of these seats, and giving us an opportunity to participate.

ASSEMBLYMAN WISNIEWSKI: And you will have an opportunity to participate, and you will have an opportunity to be advised, and you will have the opportunity to be consulted and be part of the decision making as we move forward.

ASSEMBLYWOMAN HANDLIN: Thank you.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman DeCroce.

ASSEMBLYWOMAN DeCROCE: Thank you, Mr. Chairman.

Just to be very specific, and Assemblyman Carroll did touch on the issue earlier about subpoenas being issued. And if I understand correctly from you, today we'll go into executive session and, as a Committee, discuss specific subpoenas that will be issued calling individuals in.

Outside of that parameter, when this Committee is not meeting it's my understanding, from what you've said, there may be an occasion where you have to -- or you feel, in the best interest of the entire Committee, that a subpoena be issued prior to us meeting as a whole. If in that case that situation should arise, may I ask that, in the form of confidentiality, you advise each individual member of the subpoenas that will be issued -- in confidentiality?

Thank you.

ASSEMBLYMAN WISNIEWSKI: Assemblywoman, thank you for that question.

I thought I'd made that clear, but if I did not I apologize. And yes, the intention is-- There may be occasion, there may be facts and circumstances that arise that require the issuance of a subpoena in between the occasion of Committee meetings. I can't predict whether that will happen, but we can all anticipate that that could be a possibility, and members will be advised in a format similar to what we will do after this meeting in executive session. Obviously we may not all be in the same room, but the intent will be similar -- to make sure that the members are aware of what is about to go out so that you are apprised. But obviously, again, we'd always like to make sure that the folks receiving those

subpoenas are finding out through the process server or through their counsel, and not through the media.

ASSEMBLYWOMAN DeCROCE: I agree with that, and I do appreciate the cooperation.

Thank you.

ASSEMBLYMAN WISNIEWSKI: Thank you.

ASSEMBLYWOMAN SCHEPISI: Mr. Chairman.

Assemblywoman, yes.

ASSEMBLYWOMAN SCHEPISI: I apologize.

Just listening to my colleagues and the responses, I think the crux of the issue and the concern is-- I keep going back to how the process worked with the Transportation Committee. And, well, the process may have worked in the Transportation Committee for yourself, Mr. Chairman, and some of my colleagues on the Democratic side. There were several instances where it really, really did not work for some of my colleagues on the Republican side. And all we're seeking is a very firm assurance that those types of things will not occur on a going-forward basis in this Committee. And I know that this question has been asked 52 different ways today -- whether or not it was on the floor or here -- all we want is a firm yes that we, indeed, as members of this Committee, will receive anything and everything that my friends on that side receive at exactly the same time, or within a window-- Again, I'm not saying if you guys get something an hour before us everybody is going to jump up and down. But if it's the morning of, if we walk in and we receive something and everybody else has had it two days prior, that is not doing justice to this process whatsoever. And I apologize for my skepticism, and I apologize if there's

any sort of implied -- that you're not going to do the right thing, because I don't mean that. But even the amendment that I have here, I want to move it just so that we can ensure that the process that we're looking to do is, in fact, fair.

ASSEMBLYMAN WISNIEWSKI: Are you making a motion?

ASSEMBLYWOMAN SCHEPISI: Yes.

ASSEMBLYMAN WISNIEWSKI: Okay. You've made a motion; have the amendments been submitted?

ASSEMBLYWOMAN SCHEPISI: I will submit them.

ASSEMBLYMAN WISNIEWSKI: Is there a second to that motion?

UNIDENTIFIED MEMBER OF COMMITTEE: Second.

ASSEMBLYMAN WISNIEWSKI: There is a motion made and seconded to do some unspecified amendments. There they are -- being handed up.

ASSEMBLYWOMAN SCHEPISI: I apologize. I did walk through most of the amendments. I have additional handwritten amendments because I received them here.

ASSEMBLYMAN WISNIEWSKI: Vice Chair Caride.

ASSEMBLYWOMAN CARIDE: Mr. Chairman, I would like to move to table this motion.

ASSEMBLYMAN WISNIEWSKI: A motion to table the motion, which is non-debatable.

Is there a second?

ASSEMBLYMAN GREENWALD: Second.

ASSEMBLYMAN WISNIEWSKI: The motion is seconded by Majority Leader Greenwald.

On the motion to table, may we have a roll call?

MR. BUONO: On the motion to table--
Assemblyman Carroll.

ASSEMBLYMAN CARROLL: No.

MR. BUONO: Assemblywoman DeCroce.

ASSEMBLYWOMAN DeCROCE: Abstain.

MR. BUONO: Assemblywoman Handlin.

ASSEMBLYWOMAN HANDLIN: No.

MR. BUONO: Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: No.

MR. BUONO: Assemblywoman Watson Coleman.

ASSEMBLYWOMAN WATSON COLEMAN: No.

ASSEMBLYMAN GREENWALD: Really?

ASSEMBLYWOMAN WATSON COLEMAN: Yes. (laughter)

No to this -- that I'm reading for the first time.

MR. BUONO: Assemblywoman Watson Coleman indicates
yes.

Assemblywoman Vainieri Huttle.

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes.

MR. BUONO: Assemblywoman Stender.

ASSEMBLYWOMAN STENDER: Yes.

MR. BUONO: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BUONO: Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Yes.

MR. BUONO: Majority Leader Greenwald.

ASSEMBLYMAN GREENWALD: Yes.

MR. BUONO: Vice Chair Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BUONO: Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

The motion is tabled. Thank you.

We have a motion on the floor to adopt the Committee Resolution. Is there any further discussion?

Assemblyman Greenwald, did you wish to add anything?

ASSEMBLYMAN GREENWALD: Chairman, Thank you.

I'm just trying to listen to all this and take it in. We have a Committee to investigate the abuse of power, and we're worried that the Committee will abuse its power. And there's no evidence to that; there's been no evidence to that from the Chairman as he chaired the Transportation Committee. And I understand the concern -- this is not Transportation Committee, this is a new Committee. But we adopt rules all the time that have worked in previous settings. And the rules that we have applied have worked. And the Speaker and I, in forming this Committee, believed that these rules were appropriate.

The Chairman, who I have the greatest confidence in, as does the Speaker who is sitting here in the room with us today -- have reappointed John because of the work that he has done on this. But John serves at the leisure of the Speaker and myself, and this Committee. If there was an abuse of power just as we're investigating abuse of power

elsewhere, any Chairman would be removed. This Committee does not have to worry about that. John has not shown any indication of that at any time in any previous setting. In fact, we are where we are today because of the work that he has done. So I think a lot of the concerns that I heard on the floor was about protecting the rights of innocent citizens. To make sure that this is funneled properly through an individual, to make sure that those subpoenas that go out are done not just to anyone under the sun who anyone on this Committee might want to choose, it's an appropriate function to have one person oversee that.

There is no intent for John or anyone on this Committee from our side to send subpoenas out without having consultation with the group. We've said this a number of times: The decision to send subpoenas are going to be done with the advice of counsel. There are names that have been suggested by counsel for subpoenas that are going to be shared, before the subpoenas go out, with this Committee in closed session. There will probably be, and I think-- You know, John's a 100 percent-- It's very hard to say, "Well, we're going to have this type of timeframe," because we don't know how evidence is going to present itself, we don't know how evidence has to be protected. We don't know what people may do with evidence. But the truth of the matter is, our goal will be that if counsel recommends subpoenas we will gather the group -- either by phone or in person -- to say, "Okay. Here's what counsel has recommended."

And as I said downstairs and I say again, everyone on this Committee -- the counsel represents you. You have a right to pick up the phone and call counsel. We would want you to call the Chairman first so that, you know, Assemblywoman DeCroce, you're not asking the same

question that I asked, right? Because you may call John and John may say, “Assemblywoman, that’s a great question. The Majority Leader asked the same question.” You may want to call him and discuss it, as members of the Committee, before I go to counsel, because together you may evolve this more. That’s how this will work; that’s how our intention is for this to work, okay?

So this is about trying to be all the things that you referenced downstairs: make sure we’re streamlining costs; make sure we have the absolute best counsel available; make sure that we’re protecting rights of the innocent; make sure that we’re looking to find out where the abuse started, where it led, and how deep it goes.

And just the last point that I would make: There are over 50-some thousand counsel in the State of New Jersey. And, obviously, a very reasonable question is, “There’s no one here who is available?” Jeff Chiesa is someone who I’ve worked very closely with, and I have the greatest respect for Jeff Chiesa. I think we can all understand why Jeff Chiesa would have a conflict of interest. Kevin O’Dowd is a remarkable attorney, someone I’ve worked very closely with on lots of public policy. I think we can all understand why Kevin O’Dowd would have a conflict of interest. We don’t just want competent counsel; we want the best counsel available.

Now, there is tremendous counsel in New Jersey, but I would tell you that in starting to look at this process -- lots of conflicts because they have to do work with the State, they’ve made a contribution -- there are all kinds of different theories of where there would be a conflict. This is the best counsel available in the country for the needs that we have today, who have a track record of success that can do what we need them to do

with the protection to the citizens of this State, and help us find out where the abuse of power began and how deep it went.

So Mr. Chairman, there has been a motion and a second on the bill, but I'm anxious to vote for this and get started.

ASSEMBLYMAN WISNIEWSKI: Thank you, Majority Leader Greenwald.

Can we have a roll call, please?

MR. BUONO: To adopt and release a select Committee on Investigation -- Committee resolution.

ASSEMBLYMAN CARROLL: No.

ASSEMBLYMAN GREENWALD: Was there a motion?

ASSEMBLYMAN WISNIEWSKI: It was moved -- it was moved before we began.

ASSEMBLYMAN GREENWALD: Okay, sorry.

ASSEMBLYMAN WISNIEWSKI: Try to pay attention if you're going to be on the Committee, will you? (laughter)

MR. BUONO: Assemblywoman DeCroce.

ASSEMBLYWOMAN DeCROCE: Abstain.

MR. BUONO: Assemblywoman Handlin.

ASSEMBLYWOMAN HANDLIN: Abstain.

MR. BUONO: Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: No.

MR. BUONO: Assemblywoman Watson Coleman.

ASSEMBLYWOMAN WATSON COLEMAN: Yes.

MR. BUONO: Assemblywoman Vainieri Huttle.

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes. And if I may, through the Chairman, I would like to make one comment, or some remarks.

I, along with my colleague, represent Fort Lee. And we serve our constituents. I know Assemblywoman Schepisi represents parts of Bergen County that -- not only Fort Lee was affected, but obviously the roadways of much of our district.

So on behalf of the constituents we serve, they are imploring us to get the information and to make sure that this never happens again.

So I want to thank you, Chairman, for conducting a fair and open process and continuing to get the information. So with that, I vote yes.

MR. BUONO: Assemblywoman Stender.

ASSEMBLYWOMAN STENDER: Yes.

MR. BUONO: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BUONO: Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Yes.

MR. BUONO: Majority Leader Greenwald.

ASSEMBLYMAN GREENWALD: Yes.

MR. BUONO: Vice Chair Caride.

ASSEMBLYWOMAN CARIDE: Through the Chair, Mr. Speaker, I -- I'm sorry. Mr. Chairman, I have the pleasure of serving with you on the Transportation Committee. You have held hearings that have been fair and objective, and you've provided all of us with information and

kept us in the loop. I know that this will be the same situation here on this Committee, so I vote yes.

MR. BUONO: Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

The resolution is adopted.

ASSEMBLYWOMAN CARIDE: Mr. Chairman.

ASSEMBLYMAN WISNIEWSKI: Vice Chair Caride.

ASSEMBLYWOMAN CARIDE: Yes, Chairman, I move that the Committee go into closed session for the purpose of receiving advice from counsel concerning the investigation, as set forth in this resolution.

ASSEMBLYMAN WISNIEWSKI: Second?

ASSEMBLYMAN GREENWALD: Second.

ASSEMBLYMAN WISNIEWSKI: The motion is for the Committee to resolve into executive session to receive advice from counsel. The Committee will not return into public session at the conclusion of that meeting.

May we have a roll call on that motion?

MR. BUONO: On the motion, Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Yes.

MR. BUONO: Assemblywoman DeCroce.

ASSEMBLYWOMAN DeCROCE: Yes.

MR. BUONO: Assemblywoman Handlin.

ASSEMBLYWOMAN HANDLIN: Yes.

MR. BUONO: Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: Yes.

MR. BUONO: Assemblywoman Watson Coleman.

ASSEMBLYWOMAN WATSON COLEMAN: Yes.

MR. BUONO: Assemblywoman Vainieri Huttle.

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes.

MR. BUONO: Assemblywoman Stender.

ASSEMBLYWOMAN STENDER: Yes.

MR. BUONO: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BUONO: Assemblyman Johnson.

ASSEMBLYMAN JOHNSON: Yes.

MR. BUONO: Majority Leader Greenwald.

ASSEMBLYMAN GREENWALD: Yes.

MR. BUONO: Vice Chair Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BUONO: Chairman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

The resolution is adopted.

(MEETING CONCLUDED)