
Committee Meeting

of

NEW JERSEY LEGISLATIVE SELECT COMMITTEE ON INVESTIGATION

*"The Committee will meet to update members concerning the status of its investigation
and convene in closed session"*

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

DATE: February 10, 2014
2:00 p.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
Assemblywoman Bonnie Watson Coleman
Assemblyman Michael Patrick Carroll
Assemblyman Gregory P. McGuckin
Assemblywoman Holly T. Schepisi



ALSO PRESENT:

Charles A. Buono Jr.
Michael R. Molimock
*Office of Legislative Services
Committee Aides*

Francisco Maldonado
Senate Majority
Kate McDonnell
*Assembly Majority
Committee Aides*

Frank Dominguez
Senate Republican
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***

LORETTA WEINBERG
Co-Chair

JOHN S. WISNIEWSKI
Co-Chair

SENATE

NIA H. GILL
LINDA R. GREENSTEIN
KEVIN J. O'TOOLE

ASSEMBLY

MARLENE CARIDE
LOUIS D. GREENWALD
VALERIE VAINIERI HUTTLE
BONNIE WATSON COLEMAN
MICHAEL PATRICK CARROLL
AMY H. HANDLIN
HOLLY T. SCHEPISI



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REVISED
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 - FEBRUARY 10, 2014

The public may address comments and questions to Charles A. Buono, Jr., Michael R. Molimock, 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, February 10, 2014 at *2:00 PM in Committee Room 11, 4th Floor, State House Annex, Trenton, New Jersey.

The committee will meet to update members concerning the status of its investigation and convene in closed session.

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SENATOR LORETTA WEINBERG (Co-Chair): Roll call,
please.

MR. BUONO (Committee Aide): Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: Present.

MR. BUONO: Assemblyman McGuckin.

ASSEMBLYMAN MCGUCKIN: Here.

MR. BUONO: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Here.

MR. BUONO: Assemblywoman Watson Coleman.

ASSEMBLYWOMAN WATSON COLEMAN: Here.

MR. BUONO: Assemblywoman Vainieri Huttle.

ASSEMBLYWOMAN VAINIERI HUTTLE: Here.

MR. BUONO: Senator O'Toole.

SENATOR O'TOOLE: Here.

MR. BUONO: Majority Leader Greenwald.

ASSEMBLYMAN GREENWALD: Here.

MR. BUONO: Senator Greenstein.

SENATOR GREENSTEIN: Here.

MR. BUONO: Senator Gill.

SENATOR GILL: Here.

MR. BUONO: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Present.

MR. BUONO: Co-Chair Wisniewski.

ASSEMBLYMAN JOHN S. WISNIEWSKI (Co-Chair):
Present.

MR. BUONO: Co-Chair Weinberg.

SENATOR WEINBERG: Here.

All right; thank you very much.

Good afternoon, everybody. Welcome to, I guess, the second meeting of our Joint Select Committee.

We are going to be going into Executive Session. After Executive Session, we will come back out into public session to pass any motions that are deemed appropriate at that time. And before we go into Executive Session to discuss matters of attorney-client privilege, does anybody have any statements they'd like to make? (no response)

If not, can I have a motion to go into Executive Session?

ASSEMBLYMAN GREENWALD: So moved.

SENATOR WEINBERG: Second?

UNIDENTIFIED MEMBER OF COMMITTEE: Second.

SENATOR WEINBERG: Roll call, please.

MR. BUONO: A motion that the Committee convene in closed session to receive the advice of special counsel.

Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: Yes.

MR. BUONO: Assemblyman McGuckin.

ASSEMBLYMAN MCGUCKIN: Yes.

MR. BUONO: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Yes.

MR. BUONO: Senator O'Toole.

SENATOR O'TOOLE: Yes.

MR. BUONO: Assemblywoman Watson Coleman.

ASSEMBLYWOMAN WATSON COLEMAN: Yes.

MR. BUONO: Assemblywoman Vainieri Huttle.

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes.

MR. BUONO: Majority Leader Greenwald.

ASSEMBLYMAN GREENWALD: Yes.

MR. BUONO: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. BUONO: Senator Gill.

SENATOR GILL: Yes.

MR. BUONO: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BUONO: Co-Chair Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. BUONO: Co-Chair Weinberg.

SENATOR WEINBERG: Yes.

(Committee convenes in closed Executive Session)

(Committee reconvenes)

SENATOR WEINBERG: Will all the Committee members please take their seats?

Do we need a motion to go back into open session?

MR. BUONO: Yes.

SENATOR WEINBERG: May I have a motion to go back into open session?

ASSEMBLYWOMAN VAINIERI HUTTLE: So moved.

ASSEMBLYWOMAN CARIDE: Second.

SENATOR WEINBERG: Roll call, please.

MR. BUONO: On the motion to go back into open session,
Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: Yes.

MR. BUONO: Assemblyman McGuckin.

ASSEMBLYMAN MCGUCKIN: Yes.

MR. BUONO: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Absolutely.

MR. BUONO: Senator O'Toole.

SENATOR O'TOOLE: Yes.

MR. BUONO: Assemblywoman Watson Coleman.

ASSEMBLYWOMAN WATSON COLEMAN: Yes.

MR. BUONO: Assemblywoman Vainieri Huttle.

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes.

MR. BUONO: Majority Leader Greenwald.

ASSEMBLYMAN GREENWALD: Yes.

MR. BUONO: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. BUONO: Senator Gill.

SENATOR GILL: Yes.

MR. BUONO: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BUONO: Co-Chair Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. BUONO: Co-Chair Weinberg.

SENATOR WEINBERG: Yes.

Okay, we have business to conduct here in our open session. And we have an equivalent of six motions in front of us -- three that pertain to the Bridget Anne Kelly Fifth Amendment rights on her documents, and three that pertain to William Stepien on the same subject.

So may I have a motion on the first?

Senator Gill.

SENATOR GILL: Yes. I move that books, papers, correspondence, and other documents and materials, and electronic records and data requested by the Committee pursuant to the Committee's January 27, 2014 subpoena *duces tecum* to Bridget Anne Kelly, as modified on February 4, 2014, are necessary, proper, and relevant to the matter under investigation by the Committee.

ASSEMBLYWOMAN VAINIERI HUTTLE: Second.

SENATOR WEINBERG: Seconded by Assemblywoman Vainieri Huttle.

Any discussion on the motion? (no response)

Roll call, please.

MR. BUONO: On the motion, Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: Real quickly, Mr. Chairman; I just want to put this on the record.

I am very happy that we just had the meeting that we had with respect to these motions. I understand a lot about it. I only received the motion as we were in the room, and so I have some questions. I'm not quite sure-- I haven't had the opportunity to digest a lot of this. And so for the moment I am abstaining on all six of the motions.

Thank you.

MR. BUONO: Assemblyman McGuckin.

ASSEMBLYMAN MCGUCKIN: I, too, had the chance, and received the motions in Executive Session. And I want to thank our attorney, Mr. Schar, for his explanation of the very detailed constitutional arguments that are in play here. There are some very, very critical issues that, quite frankly, we have now had three legal opinions on: we have his, and we have two attorneys -- one representing each of the individuals who are the targets of the subpoenas. But realistically, in the limited timeframe that we've had on very complicated constitutional issues, I'm just not prepared at this point to make that determination. Although I may, at some point reach it, certainly not in the limited timeframe we've had to review this -- again, a very, very complicated constitutional issue and Fifth Amendment privileges. Quite frankly, it reads like a textbook -- in a very well done brief -- but for those reasons I must abstain also on each of the six motions.

MR. BUONO: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Abstain.

Senator O'Toole.

SENATOR O'TOOLE: Abstain.

MR. BUONO: Assemblywoman Watson Coleman.

ASSEMBLYWOMAN WATSON COLEMAN: Yes.

MR. BUONO: Assemblywoman Vainieri Huttle.

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes.

MR. BUONO: Majority Leader Greenwald.

ASSEMBLYMAN GREENWALD: Yes.

MR. BUONO: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. BUONO: Senator Gill.

SENATOR GILL: Yes.

MR. BUONO: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BUONO: Co-Chair Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. BUONO: Co-Chair Weinberg.

SENATOR WEINBERG: Yes.

I just want to point something out. I believe the constitutional issues that were outlined by our attorney were sent, in writing, to all members of this Committee prior to the meeting today.

SENATOR O'TOOLE: Chair, I think that the point that Assembly members Schepisi and McGuckin raised--

SENATOR WEINBERG: The motions--

SENATOR O'TOOLE: The motions that were handed out and, on top of that, the additional material that was handed out -- was literally as we walked in, and, frankly, some of us felt that we have to talk to our counsel before we can weigh in with a yes or no.

SENATOR WEINBERG: I agree that the motions were just handed out. But the Assemblyman did talk about the constitutional issues, and they were supplied to each and every member of this Committee prior to the meeting -- just a point of clarification.

SENATOR GILL: The second motion: I move that the objections raised by Bridget Anne Kelley in response to the Committee's

January 27, 2014 subpoena *duces tecum*, and in response to the modifications to the subpoena of February 4, 2014, have been considered by the Committee and are hereby held to be invalid.

SENATOR WEINBERG: Second?

ASSEMBLYWOMAN VAINIERI HUTTLE: Second.

SENATOR WEINBERG: Second by Assemblywoman Huttle.

Roll call, please.

MR. BUONO: Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: Abstain.

MR. BUONO: Assemblyman McGuckin.

ASSEMBLYMAN MCGUCKIN: Abstain.

MR. BUONO: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Abstain.

MR. BUONO: Senator O'Toole.

SENATOR O'TOOLE: Abstain.

MR. BUONO: Assemblywoman Watson Coleman.

ASSEMBLYWOMAN WATSON COLEMAN: Yes.

MR. BUONO: Assemblywoman Vainieri Huttle.

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes.

MR. BUONO: Majority Leader Greenwald.

ASSEMBLYMAN GREENWALD: Yes.

MR. BUONO: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. BUONO: Senator Gill.

SENATOR GILL: Yes.

MR. BUONO: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BUONO: Co-Chair Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. BUONO: Co-Chair Weinberg.

SENATOR WEINBERG: Yes.

Senator Gill.

SENATOR GILL: Third motion: I make the motion that having deemed the books, papers, correspondence, and other documents and material, and electronic records and data requested by the Committee, pursuant to the Committee's January 27, 2014 subpoena *duces tecum* to Bridget Anne Kelly, as modified on February 4, 2014, are necessary, proper, and relevant to the matter under investigation by the Committee, and the objections raised by Bridget Anne Kelly are invalid, the Committee compels the production of those same books, records, correspondence, and other documents and materials, and electronic records and data to the Committee on a date to be determined by a special counsel. And if those same books, papers, correspondence, and other documents and materials, and electronic records and data are not received by the Committee by the date determined by special counsel, the Committee authorizes special counsel to take all necessary steps to enforce the Committee's January 27, 2014 subpoena *duces tecum*, as modified on February 4, 2014.

ASSEMBLYWOMAN VAINIERI HUTTLE: Second.

SENATOR WEINBERG: Assemblywoman Huttle seconded.

Any discussion on the motion? (no response)

MR. BUONO: Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: Abstain.

MR. BUONO: Assemblyman McGuckin.

ASSEMBLYMAN MCGUCKIN: Abstain.

MR. BUONO: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Abstain.

MR. BUONO: Senator O'Toole.

SENATOR O'TOOLE: Abstain.

MR. BUONO: Assemblywoman Watson Coleman.

ASSEMBLYWOMAN WATSON COLEMAN: Yes.

MR. BUONO: Assemblywoman Vainieri Huttle.

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes.

MR. BUONO: Majority Leader Greenwald.

ASSEMBLYMAN GREENWALD: Yes.

MR. BUONO: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. BUONO: Senator Gill.

SENATOR GILL: Yes.

MR. BUONO: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BUONO: Co-Chair Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. BUONO: Co-Chair Weinberg.

SENATOR WEINBERG: Yes.

Motion number four.

ASSEMBLYWOMAN VAINIERI HUTTLE: I make a motion that the books, papers, correspondence, other documents and materials, and electronic records and data requested by the Committee pursuant to the

Committee's January 27, 2014 subpoena *duces tecum* to William Stepien, as modified on February 4, 2014, are necessary, proper, and relevant to the matter under investigation by the Committee.

SENATOR WEINBERG: Second?

ASSEMBLYWOMAN CARIDE: Second.

SENATOR WEINBERG: Assemblywoman Caride.

Any discussion? (no response)

Roll call, please.

MR. BUONO: Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: Abstain.

MR. BUONO: Assemblyman McGuckin.

ASSEMBLYMAN MCGUCKIN: Abstain.

MR. BUONO: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Abstain.

MR. BUONO: Senator O'Toole.

SENATOR O'TOOLE: Abstain.

MR. BUONO: Assemblywoman Watson Coleman.

ASSEMBLYWOMAN WATSON COLEMAN: Yes.

MR. BUONO: Assemblywoman Vainieri Huttle.

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes.

MR. BUONO: Majority Leader Greenwald.

ASSEMBLYMAN GREENWALD: Yes.

MR. BUONO: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. BUONO: Senator Gill.

SENATOR GILL: Yes.

MR. BUONO: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BUONO: Co-Chair Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. BUONO: Co-Chair Weinberg.

SENATOR WEINBERG: Yes.

Motion number five.

ASSEMBLYWOMAN VAINIERI HUTTLE: I make a motion that the objections raised by William Stepien in response to the Committee's January 27, 2014 subpoena *duces tecum*, and in response to the modifications to the subpoena of February 4, 2014, have been considered by the Committee and are hereby held to be invalid.

ASSEMBLYWOMAN CARIDE: Second.

SENATOR WEINBERG: Second by Assemblywoman Caride.

Roll call, please.

MR. BUONO: Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: Abstain.

MR. BUONO: Assemblyman McGuckin.

ASSEMBLYMAN MCGUCKIN: Abstain.

MR. BUONO: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Abstain.

MR. BUONO: Senator O'Toole.

SENATOR O'TOOLE: Abstain.

MR. BUONO: Assemblywoman Watson Coleman.

ASSEMBLYWOMAN WATSON COLEMAN: Yes.

MR. BUONO: Assemblywoman Vainieri Huttle.

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes.

MR. BUONO: Majority Leader Greenwald.

ASSEMBLYMAN GREENWALD: Yes.

MR. BUONO: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. BUONO: Senator Gill.

SENATOR GILL: Yes.

MR. BUONO: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BUONO: Co-Chair Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. BUONO: Co-Chair Weinberg.

SENATOR WEINBERG: Yes.

Motion number six, Assemblywoman Huttle.

ASSEMBLYWOMAN VAINIERI HUTTLE: I make a motion that having deemed the books, papers, correspondence, other documents and materials, and electronic records and data requested by the Committee, pursuant to the Committee January 27, 2014 subpoena *duces tecum* to William Stepien, as modified on February 4, 2014, are necessary, proper, and relevant to the matter under investigation by the Committee, and the objections raised by William Stepien are invalid, the Committee compels the production of those same books, papers, correspondence, other documents and materials, and electronic records and data to the Committee on a date to be determined by special counsel. And if those same books, papers, correspondence, other documents, and materials, and electronic records and data are not received by the Committee by that date

determined by special counsel, the Committee authorizes special counsel to take all necessary steps to enforce the Committee's January 27, 2014 subpoena *duces tecum*, as modified on February 4, 2014.

SENATOR WEINBERG: Second?

ASSEMBLYWOMAN CARIDE: Second.

SENATOR WEINBERG: Assemblywoman Caride.

Discussion? (no response)

Roll call.

MR. BUONO: Assemblywoman Schepisi.

ASSEMBLYWOMAN SCHEPISI: Abstain.

MR. BUONO: Assemblyman McGuckin.

ASSEMBLYMAN MCGUCKIN: Abstain.

MR. BUONO: Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Abstain.

MR. BUONO: Senator O'Toole.

SENATOR O'TOOLE: Abstain.

MR. BUONO: Assemblywoman Watson Coleman.

ASSEMBLYWOMAN WATSON COLEMAN: Yes.

MR. BUONO: Assemblywoman Vainieri Huttle.

ASSEMBLYWOMAN VAINIERI HUTTLE: Yes.

MR. BUONO: Majority Leader Greenwald.

ASSEMBLYMAN GREENWALD: Yes.

MR. BUONO: Senator Greenstein.

SENATOR GREENSTEIN: Yes.

MR. BUONO: Senator Gill.

SENATOR GILL: Yes.

MR. BUONO: Assemblywoman Caride.

ASSEMBLYWOMAN CARIDE: Yes.

MR. BUONO: Co-Chair Wisniewski.

ASSEMBLYMAN WISNIEWSKI: Yes.

MR. BUONO: Co-Chair Weinberg.

SENATOR WEINBERG: Yes.

Any other business to be brought before the Committee? (no response)

May I have a motion to close the meeting?

SENATOR GILL: So moved.

SENATOR WEINBERG: Second?

UNIDENTIFIED MEMBER OF COMMITTEE: Second.

SENATOR WEINBERG: Do we need a roll call on that?

ASSEMBLYMAN WISNIEWSKI: No, we don't need to.

SENATOR WEINBERG: All those in favor?

ALL: Aye.

SENATOR WEINBERG: The meeting is over. (laughter)

(MEETING CONCLUDED)